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

SECTION 1. SHORT TITLE.

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

(b) REFERENCES.—Any reference in this or any other Act to the “National Defense Authorization Act for Fiscal Year 2021” shall be deemed to refer to the “Wil-
liam M. (Mac) Thornberry National Defense Authoriza-
tion Act for Fiscal Year 2021”.

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

(a) DIVISIONS.—This Act is organized into 16 divi-
sions as follows:

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thorizations.

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

(3) Division C—Department of Energy Na-
tional Security Authorizations and Other Authoriza-
tions.

(4) Division D—Funding Tables.


(9) Division I—Department of State Authorities and Activities.

(10) Division J—Combating Russian Money Laundering.


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

(13) Division M—Improving Corporate Governance Through Diversity.


(15) Division O—Public Lands.

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

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

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Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

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Sec. 101. Authorization of appropriations.

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Sec. 125. Inventory requirements for certain air refueling tanker aircraft.
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Sec. 216. Modification of pilot program on enhanced civics education.
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Sec. 226. Program Executive Officer for Autonomy.

Sec. 227. Accountability measures relating to the Advanced Battle Management System.

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TITLE IV—CURECANTI NATIONAL RECREATION AREA
SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization Of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Navy Programs

SEC. 111. INDEPENDENT COST ESTIMATE OF FFG(X) FRIGATE PROGRAM.

In accordance with section 2334(b) of title 10, United States Code, the Secretary of Defense shall ensure that an independent cost estimate of the full life-cycle cost of the FFG(X) frigate program of the Navy has been completed before the conclusion of milestone B of such program.
SEC. 112. LIQUIFIED NATURAL GAS PILOT PROGRAM.

The Secretary of the Navy shall carry out a pilot program under which the Secretary shall experiment and innovate within the fleet using liquified natural gas technology to retrofit, modify, or build vessels capable of dual fueling (diesel and liquified natural gas) or powered by liquified natural gas alone.

Subtitle C—Air Force Programs

SEC. 121. MODIFICATION OF FORCE STRUCTURE OBJECTIVES FOR B–1 BOMBER AIRCRAFT.

(a) Modification of Minimum Inventory Requirement.—Section 9062(h)(2) of title 10, United States Code, is amended by striking “36” and inserting “24”.

(b) Temporary Authority To Retire Aircraft.—

(1) In general.—Notwithstanding section 9062(h)(1) of title 10, United States Code, the Secretary of the Air Force may retire up to seventeen B–1 aircraft.

(2) Termination of authority.—The authority of the Secretary of the Air Force to retire aircraft under paragraph (1) shall terminate on January 1, 2023.

(c) Preservation of Certain Aircraft and Maintenance Personnel.—Until the date on which the
Secretary of the Air Force determines that the B–21 aircraft has attained initial operating capability, the Secretary—

(1) shall preserve each B–1 aircraft that is retired under subsection (b), in a manner that ensures the components and parts of such aircraft are maintained in reclaimable condition that is consistent with type 2000 recallable storage, or better; and

(2) may not reduce the number of billets assigned to maintenance of B–1 aircraft in effect on January 1, 2020.

SEC. 122. EXTENSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF RC–135 AIRCRAFT.

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

SEC. 123. MODIFICATION OF LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF E–8 JSTARS AIRCRAFT.

Section 147(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1669) is amended by striking “certifies to the congressional defense committees that Inere-
ment 2 of the Advanced Battle-Management System of the Air Force has declared initial operational capability as defined in the Capability Development Document for the System” and inserting “certifies to the congressional defense committees that—

“(1) the Secretary has identified a replacement capability and capacity for the current fleet of 16 E–8 Joint Surveillance Target Attack Radar System aircraft to meet global combatant command requirements; and

“(2) such replacement delivers capabilities that are comparable or superior to the capabilities delivered by such aircraft.”.

SEC. 124. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ADVANCED BATTLE MANAGEMENT SYSTEM PENDING CERTIFICATION RELATING TO RQ–4 AIRCRAFT.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Department of the Air Force for the Advanced Battle Management System, not more than 50 percent may be obligated or expended until—

(1) the Secretary of the Air Force certifies, in writing, to the Committees on Armed Services of the Senate and the House of Representatives that the
Secretary will not retire, or prepare to retire, any RQ–4 aircraft during fiscal year 2021;

(2)(A) the Under Secretary of Defense for Acquisition and Sustainment certifies, in writing, to such Committees that, with respect to the RQ–4 aircraft, the validated operating and sustainment costs of any capability developed to replace the RQ–4 aircraft are less than the validated operating and sustainment costs for the RQ–4 aircraft on a comparable flight-hour cost basis; and

(B) the Chairman of the Joint Requirements Oversight Council certifies, in writing, to such Committees that any such capability to be fielded at the same time or before the retirement of the RQ–4 aircraft would result in equal or greater capability available to the commanders of the combatant commands and would not result in less capacity available to the commanders of the combatant commands; or

(3) the Secretary of Defense—

(A) certifies, in writing, to such Committees that the Secretary has determined, after analyzing sufficient and relevant data, that a capability superior to the RQ–4 aircraft is
worth increased operating and sustainment costs; and

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

(b) Consultation Requirement.—Before issuing a certification under subsection (a), the official responsible for issuing such certification shall consult with the combatant commanders on the matters covered by the certification.

(c) Advanced Battle Management System Defined.—In this section, the term “Advanced Battle Management System” has the meaning given that term in section 236(c) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1281).

SEC. 125. INVENTORY REQUIREMENTS FOR CERTAIN AIR REFUELING TANKER AIRCRAFT.

(a) Minimum Inventory Requirements for KC–10A Aircraft.—

(1) Fiscal Year 2021.—During the period beginning on the date of the enactment of this Act and ending on October 1, 2021, the Secretary of the Air Force shall maintain a minimum of 50 KC–10A aircraft designated as primary mission aircraft inventory.
(2) **FISCAL YEAR 2022.**—During the period beginning on October 1, 2021, and ending on October 1, 2022, the Secretary of the Air Force shall maintain a minimum of 38 KC–10A aircraft designated as primary mission aircraft inventory.

(3) **FISCAL YEAR 2023.**—During the period beginning on October 1, 2022, and ending on October 1, 2023, the Secretary of the Air Force shall maintain a minimum of 26 KC–10A aircraft designated as primary mission aircraft inventory.

(b) **PROHIBITION ON RETIREMENT OF KC–135 AIRCRAFT.**—

(1) **PROHIBITION.**—Except as provided in paragraph (2), during the period beginning on the date of the enactment of this Act and ending on October 1, 2023, the Secretary of the Air Force may not retire, or prepare to retire, any KC–135 aircraft.

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

(c) **KC–135 AIRCRAFT FLEET MANAGEMENT.**—

None of the funds authorized to be appropriated by this
Act or otherwise made available for fiscal year 2021 for the Air Force may be obligated or expended to reduce the number of KC–135 aircraft designated as primary mission aircraft inventory.

(d) Primary Mission Aircraft Inventory Defined.—In this section, the term “primary mission aircraft inventory” has the meaning given that term in section 9062(i)(2)(B) of title 10, United States Code.

SEC. 126. LIMITATION ON PRODUCTION OF KC–46A AIRCRAFT.

(a) Limitation.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Air Force may be used to approve the full-rate production of KC–46A aircraft or enter into a contract for the production of more than twelve KC–46A aircraft until the date on which the Secretary of the Air Force certifies to the congressional defense committees that all category-one deficiencies in the systems of the aircraft have been corrected, including the deficiencies affecting the aircraft’s remote visioning system, telescoping actuator in the boom system, and primary fuel containment system.

(b) Report.—Not later than February 1, 2021, the Secretary of the Air Force shall submit to the congres-
ional defense committees a report on the KC–46A air-
craft. The report shall include—

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

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

(3) an acquisition strategy for the aircraft
that—

(A) identifies principal acquisition mile-
stones; and

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

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

(1) death or severe injury to personnel; or

(2) major loss or damage to critical aircraft ca-
pabilities.
SEC. 127. ASSESSMENT AND CERTIFICATION RELATING TO OC–135 AIRCRAFT.

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

(1) the report required under subsection (c); and

(2) the certification required under subsection (d).

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

(1) individual OC–135 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of mishaps or other damage; or

(2) funds obligated or expended—

(A) for the preparation of the report required under subsection (c); or
(B) for the Air Force to assess options to repurpose the OC–135 aircraft to support other mission requirements.

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

(1) Identification of any unclassified aerial imagery requirements that the Air Force or Air National Guard can meet using the OC–135 aircraft, a version of the aircraft that is expected to replace the OC–135, or similar aerial imagery collection and processing capabilities.

(2) An assessment of the extent to which it is more appropriate for the Air Force or the Air National Guard to fulfill such requirements.

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

(4) An assessment of the utility and cost differential of performing international treaty monitoring missions such as Olive Harvest with the OC–135 aircraft, a version of the aircraft that is expected to replace the OC–135, or similar aerial imagery collection and processing capabilities.
(d) **Certification Required.**—Together with the report required under subsection (e), the Secretary of the Air Force shall certify to the congressional defense committees—

(1) whether there are unclassified aerial imagery requirements that the Air Force can meet with the OC–135 aircraft or a version of the aircraft that is expected to replace the OC–135; and

(2) whether the Secretary has identified methods of meeting such requirements that are more effective and more efficient than meeting such requirements through the use of the OC–135 aircraft or a version of the aircraft that is expected to replace the OC–135.

(e) **Unclassified Aerial Imagery Requirements Defined.**—In this section, the term “unclassified aerial imagery requirements” means requirements for the Air Force to provide responsive unclassified aerial imagery support to military forces, domestic civil authorities, other departments and agencies of the Federal Government, and foreign partners of the United States, including any requirements to provide unclassified aerial imagery in support of overseas contingency operations, humanitarian assistance and disaster relief missions, defense support to
domestic civil authorities, and international treaty monitoring missions.

SEC. 128. MODERNIZATION PLAN FOR AIRBORNE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE.

(a) Modernization Plan.—

(1) In general.—The Secretary of the Air Force shall develop a comprehensive plan for the modernization of airborne intelligence, surveillance, and reconnaissance, which shall—

(A) ensure the alignment between requirements, both current and future, and Air Force budget submissions to meet such requirements; and

(B) inform the preparation of future defense program and budget requests by the Secretary, and the consideration of such requests by Congress.

(2) Elements.—The plan required by paragraph (1) shall include the following:

(A) An assessment of all airborne intelligence, surveillance, and reconnaissance missions, both current missions and those missions necessary to support the national defense strategy.
(B) An analysis of platforms, capabilities, and capacities necessary to fulfill such current and future missions.

(C) The anticipated life-cycle budget associated with each platform, capability, and capacity requirement for both current and future requirements.

(D) An analysis showing operational, budget, and schedule trade-offs between sustainment of currently fielded capabilities, modernization of currently fielded capabilities, and development and production of new capabilities.

(b) REPORT TO CONGRESS.—

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

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

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

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.
SEC. 129. MINIMUM BOMBER AIRCRAFT FORCE LEVEL.

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

(b) ELEMENTS.—The report required under subsection (a) shall include each of the following elements:

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

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

(B) the minimum number of primary mission aircraft.

(2) The penetrating bomber force structure necessary to meet the requirements of the Air Force’s long-range strike mission in contested or denied environments under the National Defense Strategy, to include—

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

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

(e) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) PUBLICATION.—The Secretary shall make available to the public the unclassified form of the report submitted under subsection (a).

(e) BOMBER AIRCRAFT.—In this section, the term “bomber aircraft” includes penetrating bombers in addition to B–52H aircraft.

SEC. 130. PROVISIONS RELATING TO RC–26B MANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Air Force may be obligated or expended to retire, divest, realign, or placed in storage or on backup aircraft inventory status, or prepare to retire, divest, realign, or place in storage or on backup aircraft inventory status, any RC–26B aircraft.
(b) Exception.—The limitation in subsection (a) shall not apply to individual RC–26B aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of mishaps or other damage.

(c) Funding for RC–26B Manned Intelligence, Surveillance, and Reconnaissance Platform.—

(1) Of the amount authorized to be appropriated in section 301 for operation and maintenance, as specified in the corresponding funding table in 4301, for operation and maintenance, Air National Guard, the Secretary of the Air Force may transfer up to $18,500,000 to be used in support of the RC–26B manned intelligence, surveillance, and reconnaissance platform.

(2) Of the amount authorized to be appropriated in section 421 for military personnel, as specified in the corresponding funding table in section 4401, the Secretary of the Air Force may transfer up to $13,000,000 from military personnel, Air National Guard to be used in support of personnel who operate and maintain the RC–26B manned intelligence, surveillance, and reconnaissance platform.

(d) Memoranda of Agreement.—Notwithstanding any other provision of law, the Secretary of Defense may
enter into one or more memoranda of agreement or cost
sharing agreements with other departments and agencies
of the Federal Government under which the RC–26B air-
craft may be used to assist with the missions and activities
of such departments and agencies.

SEC. 130A. BRIEFING ON PAYLOAD HOSTING ON MODULAR
SUPersonic AIRCRAFT.

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

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

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

(2) As a host for a multi-mission directed en-
ergie system.

(3) As an embedded or separated electronic
warfare escort.
(4) As a quick-response vehicle for missions necessitating large and diverse payloads that preclude fighter aircraft due to size, range or altitude.

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

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

SEC. 131. DOCUMENTATION RELATING TO THE F–35 AIRCRAFT PROGRAM.

(a) LIMITATION.—The Secretary of Defense may not grant Milestone C approval for the F–35 aircraft program pursuant to section 2366c of title 10, United States Code, or enter into a contract for the full-rate production of F–35 aircraft, until a period of 30 days has elapsed following the date on which the Secretary has submitted to the congressional defense committees all of the documentation required under subsection (b).

(b) DOCUMENTATION REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees the following documentation with respect to the F–35 aircraft program:
(1) A certification from the Under Secretary of Defense for Acquisition and Sustainment that all alternative supply contractors for parts, required for the airframe and propulsion prime contractors of the F–35 program as a result of the removal of the Republic of Turkey from the program—

(A) have been identified and all related undefinitized contract actions have been definitized (as described in section 7401 of part 217 of the Defense Federal Acquisition Regulation Supplement);

(B) the parts produced by each such contractor have been qualified and certified as meeting applicable technical design and use specifications; and

(C) each such contractor has reached the required rate of production to meet supply requirements for parts under the F–35 aircraft program.

(2) A cost analysis, prepared by the joint program office for the F–35 aircraft program, that assesses and defines—

(A) how the full integration of Block 4 and Technical Refresh 3 capabilities for each lot of Block 4 production aircraft beginning after lot
14 will affect the average procurement unit cost
of United States variants of the F–35A, F–
35B, and F–35C aircraft; and

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

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

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

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

(A) that may cause death, severe injury or
occupational illness, or major loss or damage to
equipment or a system, and for which there is
no identified workaround (commonly known as a “category 1A deficiency’’); or

(B) that critically restricts combat readiness capabilities or results in the inability to attain adequate performance to accomplish mission requirements (commonly known as a “category 1B deficiency’’).

(6) A software and hardware capability, upgrade, and aircraft modification plan that defines the cost and schedule for retrofitting F–35 aircraft that currently have Technical Refresh 2 capabilities installed to ensure compatibility with Block 4 and Technical Refresh 3 aircraft capabilities.

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

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

(B) A report on the results of the initial operational test and evaluation conducted for program, as described in section 2399(b)(2) of such title.
(8) A mitigation strategy and implementation plan to address each critical deficiency in the F–35 autonomic logistics information system that has been identified as of the date of enactment of this Act.

(9) A certification that the F–35A meets the required mission reliability performance using an average sortie duration of 2 and one-half hours.

(10) A certification that the Secretary has developed and validated a fully integrated and realistic schedule for the development, production and integration of Block 4 Technical Refresh 3 capabilities, that includes a strategy for resolving all software technical debt that has accumulated within the F–35 operational flight program source code during development, production, and integration of Technical Refresh 1 and Technical Refresh 2 capabilities.

(11)(A) A complete list of hardware modifications that will be required to integrate Block 4 capabilities into lot 16 and lot 17 production aircraft.

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

(C) A comparison of those engineering changes and costs with the engineering changes and costs for lot 15 production aircraft.
SEC. 132. NOTIFICATION ON SOFTWARE REGRESSION TESTING FOR F–35 AIRCRAFT.

(a) Notification Required.—The Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Director of Operational Test and Evaluation, shall notify the congressional defense committees, in writing, not later than 30 days after the date on which mission systems production software for the F–35 aircraft is released to units operating such aircraft under the F–35 continuous capability development and delivery program.

(b) Elements.—The notification required under subsection (a) shall include, with respect to the mission systems production software for the F–35 aircraft, the following:

(1) An explanation of the types and methods of regression testing that were completed for the production release of the software to ensure compatibility and proper functionality with—

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

(B) all weapons certified for carriage and employment on each variant of the F–35 aircraft.

(2) Identification of any entities that conducted regression testing of the software, including any de-
development facilities of the Federal Government or
collectors that conducted such testing.

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

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

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

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

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

(ii) in cases in which the deficiencies
resulted in additional, unplanned, software
releases, any effects on the ongoing testing
of software capability releases.
SEC. 133. NOTIFICATION ON EFFORTS TO REPLACE INOPERABLE EJECTION SEAT AIRCRAFT LOCATOR BEACONS.

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

(1) the efforts of the service acquisition executives of the Department of the Air Force and the Department of the Navy to replace ejection seat aircraft locator beacons that are—

(A) installed on covered aircraft; and

(B) inoperable in water or in wet conditions; and

(2) the funding allocated for such efforts.

(b) Date Specified.—The date specified in this subsection is the earlier of—

(1) the date on which the Under Secretary of Defense for Acquisition and Sustainment determines that all ejection seat aircraft locator beacons installed on covered aircraft are operable in water and wet conditions; or
(2) the date that is 5 years after the date of the
enactment of this Act.

(c) DEFINITIONS.—In this section:

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

(2) The term “service acquisition executive of
the Department of the Air Force” does not include
the Service Acquisition Executive of the Department
of the Air Force for Space Systems and Programs
described in section 957 of the National Defense Au-
thorization Act for Fiscal Year 2020 (Public Law

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

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

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

(A) the Secretary has completed a require-
ments review of the Armed Overwatch Pro-
gram; and
(B) the Secretary has conducted a review of the roles and responsibilities of the United States Air Force and the United States Special Operations Command with respect to close air support and armed intelligence, surveillance, and reconnaissance and, as a result of such review, the Secretary has identified the Armed Overwatch Program as a special operations forces-peculiar requirement; and

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

(A) certification that the Commander or Deputy Commander has approved the documentation of the Special Operations Command Requirements Evaluation Board; and

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

(i) an analysis of alternatives;

(ii) a procurement plan over the period covered by the most recent future-years defense program submitted under section 221 of title 10, United States Code;
(iii) a sustainment plan with projected costs;

(iv) a phase out plan of existing armed intelligence, surveillance, and reconnaissance platforms;

(v) a manpower and training analysis, and;

(vi) doctrinal considerations for employment; and

(C) a roadmap analyzing whether the near-term to mid-term multi-mission responsibilities of the Armed Overwatch Program are consistent with the intelligence, surveillance, and reconnaissance requirements of the various special operations forces units and missions, and the geographic combatant commands.

SEC. 135. INVESTMENT AND SUSTAINMENT PLAN FOR PROCUREMENT OF CANNON TUBES.

(a) Strategy Required.—The Secretary of the Army shall develop a comprehensive, long-term strategy, which shall include a risk assessment, gap analysis, proposed courses of action, investment options, and a sustainment plan, for the development, production, procurement and modernization of cannon and large caliber
weapons tubes that mitigates identified risks and gaps to the Army and the defense industrial base.

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

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

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

(3) A detailed analysis and explanation of the courses of action necessary to mitigate any existing or projected future capability gaps and deficiencies, including the establishment of a permanent or temporary second source for cannon and large caliber weapons tubes if advisable, feasible, suitable, and affordable.

(4) Funding and timelines associated with the identification, qualification and sustainment of a permanent or temporary second source for cannon and large caliber weapons tubes through full and open competition that would be required to mitigate
significant development, production, procurement, and modernization risk in the cannon tube industrial base.

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

(c) Submittal to Congress.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a copy of the strategy developed under subsection (a).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201.
Subtitle B—Program Requirements, Restrictions, and Limitations

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

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

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

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

“(b) REQUIREMENT FOR PILOT SUBPROGRAM.—

“(1) IN GENERAL.—As a subprogram of the program under subsection (a), the Secretary of Defense shall carry out a pilot program to be known as the ‘National Security Pipeline Pilot Program’ (referred to in this section as the ‘Pilot Program’) under which the Secretary shall seek to enter into partnerships with minority institutions to diversify the participants in the program under subsection (a).

“(2) ELEMENTS.—Under the Pilot Program, the Secretary of Defense shall—
“(A) provide an appropriate amount of financial assistance under subsection (c) to an individual who is pursuing an associate’s degree, undergraduate degree, or advanced degree at a minority institution;

“(B) provide such financial assistance to recipients in conjunction with summer internship opportunities or other meaningful temporary appointments within the Department; and

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

“(3) REPORTS.—

“(A) INITIAL REPORT.—Not later than December 31, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the establishment of the Pilot Program. At a minimum, the report shall identify the number of students participating in the pilot program as of the date of the report, the fields of study pursued by such students, and the minority institutions at which such students are enrolled.
“(B) Final report.—Not later than September 30, 2024, the Secretary of Defense shall submit to the congressional defense committees a report that evaluates the success of the pilot program in recruiting individuals for scholarships under this section and hiring and retaining those individuals in the public sector workforce.

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

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

(A) in subparagraph (A), by striking “subsection (g)” and inserting “subsection (h)”; and

(B) in subparagraph (C), by striking “subsection (e)” and inserting “subsection (d)”; (4) in subsection (d), as so redesignated—

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

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

“(3) Pursuant to regulations prescribed by the Secretary of Defense for such purpose, a scholarship recipient who is not serving in the Armed Forces at the time the scholarship is received may fulfill the
condition described in paragraph (1) by serving on
active duty in the Armed Forces.”; and

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

“(i) DEFINITIONS.—In this section:

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

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

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

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

“(5) In employing participants during the pe-
period of obligated service, the Secretary shall ensure
that participants are compensated at a rate that is
comparable to the rate of compensation for employ-
ment in a similar position in the private sector.”.
(2) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively;

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

“(e) INTERNSHIP REQUIREMENT.—In addition to the period of obligated service required under subsection (d), before completing a degree program for which a scholarship was awarded under this section, each participant shall participate in a paid internship for a period of not less than eight weeks with a defense industry sponsor. The Secretary shall work with each defense industry sponsor to ensure there are sufficient paid internships available for all participants, and that each such defense industry sponsor—

“(1)(A) may be a potential employer for purpose of the participant’s period of obligated service as described subsection (d)(1)(B)(ii); or

“(B) may offer full time employment for a participant’s last year of obligated service after the participant completes remaining years owed; and

“(2) has agreed to be a defense industry sponsor making a minimum contribution for each participant who receives an internship, which shall be a minimum amount determined by the Secretary, but
not less than an amount equal to 50 percent of the
cost of an average scholarship under this section.”;

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

(A) by striking “The Secretary of Defense
shall’’ and inserting:

“(1) The Secretary of Defense shall’’; and

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

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

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

“(i) establish an interconnected network
and database across the scholarship and em-
ployment programs of the Department, includ-
ing, at a minimum the SMART Defense Edu-
cation Program, the Defense Civilian Training
Corps, the National Defense Science and Engi-
neering Graduate Fellowship, the Army AEOP
apprenticeship program, and the Consortium
Research Fellows Program;
“(ii) aid in matching scholarships to individuals pursuing courses of study in in-demand skill areas; and

“(iii) build a network of program participants, past, present, and future whom DOD departments can draw on to fill skills gaps.

“(C) On an annual basis, the organization described in subparagraph (A) shall publish, on a publicly accessible website of the Department of Defense, an annual report on the workforce requirements and expected future needs of the civilian workforce of the Department of Defense.”;

(5) by redesignating subsection (j), as so redesignated, as subsection (k);

(6) by inserting after subsection (i) the following new subsection:

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

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

“(3) The term ‘defense industry sponsor’ means—
“(A) a defense contractor with an active
government contract that makes the required
minimum contribution described in subsection
(e)(2); or
“(B) a company deemed critical to the na-
tional security infrastructure that makes such a
contribution.”.

SEC. 212. ENHANCED PARTICIPATION OF DEPARTMENT OF
DEFENSE CONTRACTORS IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS
ACTIVITIES.

(a) IN GENERAL.—

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

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

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

“(b) OBJECTIVES.—The objectives of the program
under subsection (a) are—
“(1) to maximize strategic partnerships between institutions of higher education and private sector organizations to build and strengthen communities involved in STEM disciplines;

“(2) to increase diversity, equity, and inclusion by providing access to career paths in STEM in historically underserved and underrepresented communities;

“(3) to encourage employers in STEM disciplines to establish work-based learning experiences such as internships and apprenticeships; and

“(4) to build partnerships with minority and woman-owned Department of Defense contractors to establish work-based learning experiences such as internships and apprenticeships.

“(c) ACTIVITIES.—As part of the program under subsection (a), the Secretary of Defense shall seek to encourage and provide support to Department of Defense contractors to enable such contractors to carry out activities to promote interest in careers in STEM disciplines. Such activities may include—

“(1) aiding in the development of educational programs and curriculum in STEM disciplines for students of elementary schools and secondary schools;
“(2) establishing volunteer programs in elementary schools and secondary schools receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to enhance education in STEM disciplines;

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

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

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

“(C) establishing cooperative work-education programs in STEM disciplines for students; or

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

“(A) establishing partnerships between offerors and such institutions for the purpose of training students in STEM disciplines;
“(B) conducting recruitment activities at such institutions; or

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

“(d) ALLOWABILITY OF COSTS.—Activities described in subsection (c) shall be considered as allowable community service activities for the purposes of determining allowability of cost on a government contract.

“(e) DEFINITIONS.—In this section:


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

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

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

“(B) any other institution of higher education (as that term is defined in section 101 of such Act (20 U.S.C. 1001)) at which not less than 50 percent of the total student enrollment
consists of students from ethnic groups that are underrepresented in the fields of science and engineering.

“(4) The term ‘STEM disciplines’ means disciplines relating to science, technology, engineering and mathematics, including disciplines that are critical to the national security functions of the Department of Defense and that are needed in the Department of Defense workforce (as determined by the Secretary of Defense under section 2192a(a)).”.

(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2192b the following new item:

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

(b) Conforming Repeal.—Section 862 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. note prec. 2191) is repealed.

SEC. 213. MODIFICATION OF REQUIREMENTS RELATING TO CERTAIN COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 2350a of title 10, United States Code, is amended—
(1) in subsection (b)(2), by striking “and the Under Secretary” and inserting “or the Under Secretary”;

(2) in subsection (c)—

(A) by striking “Each cooperative” and inserting “(1) Except as provided in paragraph (2), each cooperative”; and

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

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

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

(3) in subsection (d)—

(A) in paragraph (1), by striking “In order to” and inserting “Except as provided in paragraph (2), in order to”;
(B) by redesignating paragraph (2) as paragraph (3); and

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

“(2)(A) The Secretary of Defense, or an official specified in subsection (b)(2) to whom the Secretary delegates authority under this paragraph, may waive the prohibition under paragraph (1) to allow the procurement of qualified services from a foreign government, foreign research organization, or other foreign entity on a case-by-case basis.

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

“(C) For purposes of this paragraph, the term ‘qualified services’ means engineering support services and local management services, including launch support services, test configuration support services, test range support services, and development support services, that are not covered by a memorandum of understanding (or other for-
mal agreement) to conduct a cooperative research and de-
velopment 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 sub-
section:

“(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 mili-
tary 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 pro-
gram, 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 re-
serve components who have the qualifica-
tions necessary to meet certain require-
ments applicable to the units;

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

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

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

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

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

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

SEC. 215. CODIFICATION OF THE NATIONAL SECURITY IN-

NOVATION NETWORK.

(a) Codification.—
(1) In general.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2358b the following new section:

“§2358c. National Security Innovation Network

“(a) Establishment.—The Secretary of Defense shall establish a program office to be known as the ‘National Security Innovation Network’ (referred to in this section as the ‘Network’). The Secretary shall establish the Network within the Office of the Under Secretary of Defense for Research and Engineering or within the office of another principal staff assistant to the Secretary.

“(b) Responsibilities.—The responsibilities of the Network shall be—

“(1) to create a network throughout the United States that connects the Department of Defense to academic institutions, commercial accelerators and incubators, commercial innovation hubs, and non-profit entities with missions relating to national security innovation;

“(2) to expand the national security innovation base through integrated, project-based problem solving that leads to novel concept and solution development for the Department and facilitates dual-use venture creation;
“(3) to accelerate the adoption of novel concepts and solutions by facilitating dual-use technology advancement to improve acquisition and procurement outcomes;

“(4) to work in coordination with the Under Secretary of Defense for Personnel and Readiness, other principal staff assistants within the Office of the Secretary, and the Armed Forces to create new pathways and models of national security service that facilitate term, temporary, and permanent employment within the Department for—

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

“(B) early-career and mid-career technologists; and

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

“(5) to generate novel concepts and solutions to problems and requirements articulated by entities within the Department through programs, such as the Hacking for Defense program, that combine end users from the Department, students and faculty from academic institutions, and the early-stage dual-use venture community;
“(6) to establish physical locations throughout the United States through which the Network will connect with academic and private sector partners for the purposes of carrying the responsibilities described in paragraphs (1) through (5);

“(7) to leverage commercial software platforms and databases that enable the Department of Defense to—

“(A) source and map user problems to markets and suppliers across venture capital, government innovation, and technology portfolios;

“(B) collaboratively identify potential companies and technologies that can solve unclassified and classified Department of Defense user problems;

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

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

“(E) access commercial technologies through an accredited and cloud-based develop-
ment environment, consistent with Department standards; and

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

“(c) AUTHORITIES.—In addition to the authorities provided under this section, in carrying out this section, the Secretary of Defense may use the following authorities:

“(1) Section 1599g of this title relating to public-private talent exchanges.

“(2) Section 2368 of this title, relating to Centers for Science, Technology, and Engineering Partnerships.

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

“(4) Section 2474 of this title, relating to Centers of Industrial and Technical Excellence.

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

“(6) Subchapter VI of chapter 33 of title 5, relating to assignments to and from States.
“(7) Chapter 47 of such title, relating to personnel research programs and demonstration projects.


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

“(d) DEFINITIONS.—In this section:

“(1) The term ‘dual-use venture’ means a business that provides products or services that are capable of meeting requirements for military and non-military applications.

“(2) The term ‘early-stage dual-use venture’ means a business that provides products or services that are capable of meeting requirements for military and nonmilitary applications that has raised not more than $20,000,000 in private venture capital, and whose principal product or service does not support, either directly or indirectly, a current Department of Defense program of record.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended
by inserting after the item relating to section 2358b
the following new item:

"2358c. National Security Innovation Network.".

(b) Implementation.—

(1) Transfers from other DOD elements.—The Secretary of Defense may transfer to
the National Security Innovation Network established under section 2358c of title 10, United States
Code (as added by subsection (a)) such personnel,
resources, and functions of other organizations and
elements of the Department of Defense as the Sec-
retary considers appropriate to carry out such sec-
tion.

(2) Integration with existing NSIN.—Ef-
fective on the date of the enactment of this Act, the
National Security Innovation Network of the De-
partment of Defense (as in existence on the day be-
fore such date of enactment) shall be transferred to
and merged with the National Security Innovation
Network established under section 2358c of title 10,
United States Code (as added by subsection (a)).

(3) Implementation plan.—

(A) In general.—Not later than 180
days after the date of the enactment of this
Act, the Secretary of Defense shall submit to
the congressional defense committees a plan for
implementing the National Security Innovation Network under section 2358c of title 10, United States Code (as added by subsection (a)).

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

(i) Plans for any transfers the Secretary intends to carry out under paragraph (1).

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

(I) future funding and administrative support of the Network;

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

(III) integration of the Network with the other programs and initiatives within the Department that have missions relating to innovation and outreach to the academic and the private sector early-stage dual-use venture community (as defined in section
2358c of title 10, United States Code
(as added by subsection (a)); and

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

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

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

(1) Review and report on implementation
plan.—Not later than 180 days after the date on
which the implementation plan is submitted under
subsection (b)(3), the Comptroller General of the
United States shall—

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

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

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

(i) complete an evaluation of the National Security Innovation Network under section 2358c of title 10, United States Code (as added by subsection (a)); and

(ii) submit to the appropriate congressional committees a report on the results of the evaluation.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term “appropriate congressional committees” means—

(i) the congressional defense committees;

(ii) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(iii) the Committee on Oversight and Reform of the House of Representatives.
SEC. 216. MODIFICATION OF PILOT PROGRAM ON ENHANCED CIVICS EDUCATION.

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

(1) in subsection (e)(1)—

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

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

“(J) the improvement of critical thinking and media literacy among students, including the improvement of students’ abilities with respect to—

“(i) research and information fluency;

“(ii) critical thinking and problem solving skills;

“(iii) technology operations and concepts;

“(iv) information and technological literacy;

“(v) understanding of the importance of obtaining information from multiple media sources and evaluating sources for quality; and
“(vi) understanding how information
on digital platforms can be altered through
algorithms, editing, and augmented reality;
and”; and

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

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

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

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

“(C) evaluate the comprehensiveness, rele-
vance, credibility, authority, and accuracy of
information;

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

(b) DEADLINE FOR IMPLEMENTATION.—Not later
than 90 days after the date of the enactment of this Act,
the Secretary of Defense shall implement the pilot pro-
gram under section 234 of the National Defense Author-
ization Act for Fiscal Year 2020 (Public Law 116–92; 10
U.S.C. 2164 note), as amended by subsection (a).
(c) PROGRESS REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the efforts of Secretary to implement the pilot program under section 234 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2164 note), as amended by subsection (a).

SEC. 217. MODIFICATION OF JOINT ARTIFICIAL INTELLIGENCE RESEARCH, DEVELOPMENT, AND TRANSITION ACTIVITIES.


(1) in the section heading, by inserting “AND IMPROVEMENT OF THE JOINT ARTIFICIAL INTELLIGENCE CENTER” before the period at the end;

(2) in subsection (a)—

(A) in paragraph (1), by inserting “acquire,” before “develop”; and

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

“(2) EMPHASIS.—The set of activities established under paragraph (1) shall include—
“(A) acquisition and development of mature artificial intelligence technology;

“(B) applying artificial intelligence and machine learning solutions to operational problems by directly delivering artificial intelligence capabilities to the Armed Forces and other organizations and elements of the Department;

“(C) accelerating the development, testing, and fielding of new artificial intelligence and artificial intelligence-enabling capabilities; and

“(D) coordinating and deconflicting activities involving artificial intelligence and artificial intelligence-enabled capabilities within the Department.”;

(3) by amending subsection (b) to read as follows:

“(b) RESPONSIBLE OFFICIAL.—The Deputy Secretary of Defense shall be the official within the Department of Defense with principal responsibility for the coordination of activities relating to the acquisition, development, and demonstration of artificial intelligence and machine learning for the Department.”;

(4) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively;
(5) by inserting after subsection (b) the following new subsection:

"(c) Organization.—

"(1) Role of Joint Artificial Intelligence Center.—The set of activities established under subsection (a)(1) shall be established within the Joint Artificial Intelligence Center.

"(2) Authority of Deputy Secretary of Defense.—The Deputy Secretary of Defense shall exercise authority and direction over the Joint Artificial Intelligence Center.

"(3) Authority of Director.—The Director of the Joint Artificial Intelligence Center shall report directly to the Deputy Secretary of Defense.

"(4) Delegation.—In exercising authority and direction over the Joint Artificial Intelligence Center under subsection (a), the Deputy Secretary of Defense may delegate administrative and ancillary management duties to the Chief Information Officer of the Department of Defense, as needed, to effectively and efficiently execute the mission of the Center."

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

(A) in the matter preceding paragraph (1), by striking "official designated under sub-
section (b)” and inserting “Deputy Secretary of Defense”;

(B) in paragraph (1), in the matter preceding subparagraph (A), by inserting “acquire,” before “develop”; 

(C) in the heading of paragraph (2), by striking “DEVELOPMENT” and inserting “ACQUISITION, DEVELOPMENT,”; and

(D) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “To the degree practicable, the designated official” and inserting “The Deputy Secretary of Defense”;

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

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

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

“(H) develop standard data formats for the Department that—
“(i) aid in defining the relative maturity of datasets; and

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

“(I) establish data and model usage agreements and collaborative partnership agreements for artificial intelligence product development with each organization and element of the Department, including each of the Armed Forces;”;

(7) in subsection (c), as so redesignated—

(A) by striking “the official designated under subsection (b)” and inserting “the Director of the Joint Artificial Intelligence Center”; (B) by striking “subsection (c)” and inserting “subsection (d)”; and

(C) by adding at the end the following: “At a minimum, such access shall ensure that the Director has the ability to discover, access, share, and reuse data and models of the Armed Forces and other organizations and elements of the Department of Defense and to build and maintain data for the Department.”;
(8) in subsection (f), as so redesignated—

(A) in paragraph (1)—

(i) in the matter preceding subpara-

graph (A), by striking “official designated

under subsection (b)” and inserting “De-

uty Secretary of Defense”; and

(ii) in subparagraph (B), by striking

“designated official” and inserting “De-

uty Secretary of defense”; and

(B) in paragraph (2), by striking “des-

ignated official” and inserting “Deputy Sec-

etary of Defense”; and

(9) by adding at the end the following new sub-

section:

“(i) JOINT ARTIFICIAL INTELLIGENCE CENTER DE-

FINED.—The term ‘Joint Artificial Intelligence Center’

means the Joint Artificial Intelligence Center of the De-

partment of Defense established pursuant to the memo-

randum of the Secretary of Defense dated June 27, 2018,

and titled ‘Establishment of the Joint Artificial Intel-

ligence Center’, or any successor to such Center.”.
SEC. 218. MODIFICATION OF NATIONAL SECURITY INNOVA-
TION ACTIVITIES AND MANUFACTURING PILOT PROGRAM.

(a) National Security Innovation Activities.—

Section 230 of the John S. McCain National Defense Au-

thorization Act for Fiscal Year 2019 (10 U.S.C. 2358

note) is amended—

(1) in subsection (a), by striking “The Under

Secretary of Defense for Research and Engineering

shall establish” and inserting “The Under Secretary

of Defense for Research and Engineering, acting

through the Director of the Defense Innovation

Unit, shall establish”;

(2) by redesignating subsections (e) through (h)

as subsections (f) through (i), respectively;

(3) by inserting after subsection (d) the fol-

lowing new subsection:

“(e) Establishment of Advisory Board.—

“(1) In general.—Not earlier than the date

specified in paragraph (5), but no later than 180
days after such date, the Under Secretary shall es-

establish an advisory board within the Defense Innova-

tion Unit to advise the Under Secretary and the Di-

rector of the Unit with respect to the establishment

and prioritization of activities under such subsection

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

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

“(B) not less frequently that semiannually, reevaluate and update such priorities; and

“(C) ensure continuing alignment of the activities established under subsection (a), including all elements of such activities described in subsection (b), with the overall technology strategy of the Department of Defense.

“(3) MEMBERSHIP.—The advisory board established under paragraph (1) shall be composed of one or more representatives from each of the following:

“(A) Each science and technology reinvention laboratory of the Department of Defense.

“(B) The primary procurement organization of each Armed Force.

“(C) The Defense Innovation Board.

“(D) Such other organizations and elements of the Department of Defense as the Under Secretary, in consultation with the Director of the Defense Innovation Unit, determines appropriate.
“(4) PLAN.—Not later than 90 days before the date on which the advisory board is established under paragraph (1), the Under Secretary shall submit to the congressional defense committees a plan for establishing the advisory board, including a description of the expected roles, responsibilities, and membership of the advisory board.

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

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

(b) PILOT PROGRAM ON DEFENSE MANUFACTURING.—Section 1711 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2505 note) is amended—

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

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

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SEC. 219. EXTENSION OF PILOT PROGRAM FOR THE ENHANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

(a) In General.—Section 233 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2358 note) is amended—

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

(2) in subsection (f)—

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

“(1) IN GENERAL.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the pilot program.”; and

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

“(F) With respect to any military department not participating in the pilot program, an explanation for such nonparticipation, including identification of—

“(i) any issues that may be preventing such participation; and
“(ii) any offices or other elements of the department that may be responsible for the delay in participation.”.

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

SEC. 220. DIGITAL DATA MANAGEMENT AND ANALYTICS CAPABILITY.

(a) Digital Data Management and Analytics Capability.—

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

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

(B) to digitally record and track all relevant data generated during the research, development, testing, and evaluation of systems; and
(C) to maximize the use of such data to inform—

(i) the further development and improvement of such systems; and

(ii) the acquisition process for such systems.

(2) REQUIREMENTS.—The capability developed under paragraph (1) shall meet the following requirements:

(A) The capability will be accessible to, and useable by, individuals throughout the Department of Defense who have responsibilities relating to capability requirements, research, design, development, testing, evaluation, acquisition, management, operations, and sustainment of systems.

(B) The capability will provide for the development, use, curation, and maintenance of authoritative and technically accurate digital systems—

(i) to reduce the burden of reporting by officials responsible for executing programs;

(ii) to ensure shared access to data within the Department;
(iii) to supply data to digital engineering models for use in the defense acquisition process;

(iv) to supply data to testing infrastructure and software to support automated approaches for testing, evaluation, and deployment throughout the defense acquisition process; and

(v) to provide timely analyses to Department leadership.

(C) The capability will be designed—

(i) to improve data management processes in the research, development, acquisition, and sustainment activities of the Department;

(ii) to provide decision makers in the Department with timely, high-quality, transparent, and actionable analyses for optimal development, acquisition, and sustainment decision making and execution;

(iii) to facilitate productivity, discovery, access, knowledge sharing, and analysis of acquisition-related data across organizational boundaries at all levels of
the Department, including through the development of acquisition documentation; and

(iv) to build and improve analytical models and simulations to enhance the development, test, and use of weapon systems.

(3) SOFTWARE REQUIREMENT.—

(A) IN GENERAL.—The capability developed under paragraph (1) shall include software to collect, organize, manage, make available, and analyze relevant data throughout the life cycle of defense acquisition programs, including any data needed to satisfy milestone requirements and reviews.

(B) PROCUREMENT AUTHORITY.—The software described in subparagraph (A) may be developed or procured using the authorities provided under section 800 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1478).

(4) REVIEW.—In developing the capability required under paragraph (1) the Secretary of Defense shall—
(A) review data content and requirements
to support planning and reporting of functions
and remove redundant data requests across
functions; and

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

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

(ii) making new data active through
digitalization;

(iii) making legacy data, including
data currently residing in program docu-
mentation, active through digitalization;

and

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

(b) DEMONSTRATION ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Defense
shall carry out demonstration activities to test var-
rious approaches to building the capability required under subsection (a).

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

(A) one or more acquisition data management test cases; and

(B) one or more development and test modeling and simulation test cases to demonstrate the ability to collect data from tests and operations in the field, and feed the data back into models and simulations for better software development and testing.

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

(A) conduct a comparative analysis that assesses the risks and benefits of the digital management and analytics capability used in each of the programs participating in the demonstration activities relative to the Depart-
ment’s traditional data collection, reporting, expos- 

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

(C) develop a workforce and infrastructure plan to support any new policies and guidance implemented in connection with the demonstration activities, including any policies and guidance implemented after the completion of such activities.

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

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

(2) address roles, responsibilities, and procedures relating to such capabilities.

(d) STEERING COMMITTEE.—

(1) IN GENERAL.—The Secretary of Defense shall establish a steering committee to assist the
Secretary in carrying out subsections (a) through (e).

(2) Membership.—The steering committee shall be composed of the following members or their designees:

(A) The Chief Management Officer.

(B) The Chief Information Officer.

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

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

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

(F) The Director of Operational Test and Evaluation.

(G) The Service Acquisition Executives.

(H) The Director for Force Structure, Resources, and Assessment of the Joint Staff.

(I) The Director of the Defense Digital Service.

(e) Independent Assessments.—

(1) Initial Assessment.—

(A) In general.—The Defense Innovation Board, in consultation with the Defense Digital Service, shall conduct an independent
assessment to identify recommended approaches
for the implementation of subsections (a) through (c).

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

(i) A plan for the development and
implementation of the capability required
under subsection (a), including a plan for
any procurement that may be required as
part of such development and implementa-

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

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

(iv) A recommendation identifying the
office or other organization of the Depart-
ment of Defense that would be most ap-
propriate to manage and execute the capability.

(C) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Defense Innovation Board, in consultation with the Defense Digital Service, shall submit to the Secretary of Defense and the congressional defense committees a report on the findings of the assessment under subparagraph (A), including the findings of the assessment with respect to each element specified in subparagraph (B).

(2) FINAL ASSESSMENT.—

(A) IN GENERAL.—Not later than March 15, 2022, the Defense Innovation Board and the Defense Science Board shall jointly complete an independent assessment of the progress of the Secretary in implementing subsections (a) through (c). The Secretary of Defense shall ensure that the Defense Innovation Board and the Defense Science Board have access to the resources, data, and information necessary to complete the assessment.

(B) INFORMATION TO CONGRESS.—Not later than 30 days after the date on which the assessment under subparagraph (A) is com-
pleted, the Defense Innovation Board and the Defense Science Board shall jointly provide to the congressional defense committees—

(i) a report summarizing the assessment; and

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

(f) REPORT AND BRIEFING.—

(1) REPORT ON IMPLEMENTATION.—Not later than 90 days after the date on which the report described in subsection (e)(1)(C) is submitted to the congressional defense committees, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Secretary in implementing subsections (a) through (e). The report shall include an explanation of how the results of the demonstration activities carried out under subsection (b) will be incorporated into the policy and guidance required under subsection (e), particularly the policy and guidance of the members of the steering committee established under subsection (d).

(2) BRIEFING ON LEGISLATIVE RECOMMENDATIONS.—Not later than October 15, 2021, the Secretary of Defense shall provide to the Committee on Armed Services of the House of Representatives a
briefing that identifies any changes to existing law that may be necessary to facilitate the implementa-
tion of subsections (a) through (c).

SEC. 221. SOCIAL SCIENCE, MANAGEMENT SCIENCE, AND INFORMATION SCIENCE RESEARCH ACTIVITIES.

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

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

(1) To ensure that the Department of Defense has access to innovation and expertise in social science, management science, and information science to enable the Department to improve the ef-
fectiveness and efficiency of the Department’s oper-
tional and management activities.

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

(3) To enhance cooperation and collaboration on research and development in the fields of social science, management science, and information science.
science among the Department of Defense and appropriate private sector and international entities that are involved in such research and development.

(4) To develop and manage a portfolio of research initiatives in fundamental and applied social science, management science, and information science that is stable, consistent, and balanced across relevant disciplines.

(5) To accelerate efforts to transition and deploy technologies and concepts derived from research and development in the fields of social science, management science, and information science into the Department of Defense, and to establish policies, procedures, and standards for measuring the success of such efforts.

(6) To collect, synthesize, and disseminate critical information on research and development in the fields of social science, management science, and information science.

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

(A) appropriate research and innovation in such fields; and
(B) the development of an industrial base in such fields, including development of the facilities, workforce, and infrastructure that comprise such industrial base.

(c) Administration.—The Under Secretary of Defense for Research and Engineering shall supervise the planning, management, and coordination of the program under subsection (a).

(d) Activities.—The Under Secretary of Defense for Research and Engineering, in consultation with the Under Secretary of Defense for Policy, the Secretaries of the military departments, and the heads of relevant Defense Agencies, shall—

1. prescribe a set of long-term challenges and a set of specific technical goals for the program, including—

   (A) optimization of analysis of national security data sets;

   (B) development of defense-related management innovation activities;

   (C) improving the operational use of social science, management science, and information science innovations by military commanders and civilian leaders;
(D) improving understanding of the fundamental social, cultural, and behavioral forces that shape the strategic interests of the United States; and

(E) developing a Department of Defense workforce capable of developing and leveraging innovations and best practices in the fields of social science, management science, and information science to support defense missions;

(2) develop a coordinated and integrated research and investment plan for meeting near-term, mid-term, and long-term national security, defense-related, and Department management challenges that—

(A) includes definitive milestones;

(B) provides for achieving specific technical goals; and

(C) builds upon the investments of the Department, other departments and agencies of the Federal Government, and the commercial sector in the fields of social science, management science, and information science;

(3) develop plans for—
(A) the development of the Department’s workforce in social science, management science, and information science; and

(B) enhancing awareness of social science, management science, and information science within the Department; and

(4) develop memoranda of agreement, joint funding agreements, and such other cooperative arrangements as the Under Secretary determines necessary for carrying out the program under subsection (a).

(e) GUIDANCE REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Research and Engineering shall develop and issue guidance for defense-related social science, management science, and information science activities, including—

(A) classification and data management plans for such activities;

(B) policies for control of personnel participating in such activities to minimize the effects of the loss of intellectual property in social science, management science, and information science,
science considered sensitive to the Federal Government; and

(C) ensuring transition of social science, management science, and information science research findings into Department strategic documents.

(2) UPDATES.—Under Secretary of Defense for Research and Engineering shall regularly update the guidance issued under paragraph (4).

(f) RESEARCH CENTERS.—

(1) IN GENERAL.—The Secretary of each military department may establish or designate an entity or activity under the jurisdiction of such Secretary, which may include a Department of Defense Laboratory, to serve as a research center in the fields of social science, management science, and information science. Each such research center shall engage with appropriate public sector and private sector organizations, including academic institutions, to enhance and accelerate the research, development, and deployment of social science, management science, and information science within the Department.

(2) MINIMUM NUMBER.—The Secretary of Defense 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;
(B) enable the identification of members of the Armed Forces and civilian employees of the Department of Defense who have varying levels of quantified coding comprehension and skills and a propensity to learn new programming paradigms, algorithms, and data analytics; and

(C) include hands-on coding demonstrations and challenges.

(2) Update existing record keeping systems to track artificial intelligence and programming certification testing results in a manner that is comparable to the system used for tracking and documenting foreign language competency, and use that record keeping system to ensure that workforce coding and artificial intelligence comprehension and skills are taken into consideration when making assignments.

(3) Implement a system of rewards, including appropriate incentive pay and retention incentives, for members of the Armed Forces and civilian employees of the Department of Defense who perform successfully on specific language coding proficiency and artificial intelligence competency tests and make their skills available to the Department.
(b) INFORMATION SHARING WITH OTHER FEDERAL AGENCIES.—The Secretary of Defense shall share information on the activities carried out under subsection (a) with the Secretary of Homeland Security, the Attorney General, the Director of National Intelligence, and the heads of such other organizations of the intelligence community as the Secretary determines appropriate, for purposes of—

(1) making information about the coding language proficiency and artificial intelligence competency tests developed under such subsection available to other Federal national security agencies; and

(2) encouraging the heads of such agencies to implement tracking and reward systems that are comparable to those implemented by the Department of Defense pursuant to such subsection.

SEC. 223. INFORMATION TECHNOLOGY MODERNIZATION AND SECURITY EFFORTS.

(a) MODERNIZATION EFFORT.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information;

(B) the term “covered agency”—
(i) means any Federal entity that the
Assistant Secretary determines is appro-
priate; and

(ii) includes the Department of De-
fense;

(C) the term “Federal entity” has the
meaning given the term in section 113(l) of the
National Telecommunications and Information
Administration Organization Act (47 U.S.C.
923(l));

(D) the term “Federal spectrum” means
frequencies assigned on a primary basis to a
covered agency;

(E) the term “infrastructure” means infor-
mation technology systems and information
technologies, tools, and databases; and

(F) the term “NTIA” means the National
Telecommunications and Information Adminis-
tration.

(2) Initial Interagency Spectrum Informa-
tion Technology Coordination.—Not later than
90 days after the date of enactment of this Act, the
Assistant Secretary, in consultation with the Policy
and Plans Steering Group, shall identify a process to
establish goals, including parameters to measure the
achievement of those goals, for the modernization of
the infrastructure of covered agencies relating to
managing the use of Federal spectrum by those
agencies, which shall include—

(A) the standardization of data inputs,
modeling algorithms, modeling and simulation
processes, analysis tools with respect to Federal
spectrum, assumptions, and any other tool to
ensure interoperability and functionality with
respect to that infrastructure;

(B) other potential innovative technological
capabilities with respect to that infrastructure,
including cloud-based databases, artificial intel-
ligence technologies, automation, and improved
modeling and simulation capabilities;

(C) ways to improve the management of
covered agencies’ use of Federal spectrum
through that infrastructure, including by—

(i) increasing the efficiency of that in-
frastucture;

(ii) addressing validation of usage
with respect to that infrastructure;

(iii) increasing the accuracy of that
infrastructure;
(iv) validating models used by that infra-structure; and

(v) monitoring and enforcing require-
ments that are imposed on covered agen-
cies with respect to the use of Federal spectrum by covered agencies;

(D) ways to improve the ability of covered agencies to meet mission requirements in congested environments with respect to Federal spectrum, including as part of automated ad-
justments to operations based on changing condi-
tions in those environments;

(E) the creation of a time-based automated mechanism—

(i) to share Federal spectrum between covered agencies to collaboratively and dy-
amically increase access to Federal spec-
trum by those agencies; and

(ii) that could be scaled across Fed-
eral spectrum; and

(F) the collaboration between covered agencies necessary to ensure the interoperability of Federal spectrum.

(3) SPECTRUM INFORMATION TECHNOLOGY MODERNIZATION.—
(A) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Assistant Secretary shall submit to Congress a report that contains the plan of the NTIA to modernize and automate the infrastructure of the NTIA relating to managing the use of Federal spectrum by covered agencies so as to more efficiently manage that use.

(B) CONTENTS.—The report required under subparagraph (A) shall include—

(i) an assessment of the current, as of the date on which the report is submitted, infrastructure of the NTIA described in that paragraph;

(ii) an acquisition strategy for the modernized infrastructure of the NTIA described in that paragraph, including how that modernized infrastructure will enable covered agencies to be more efficient and effective in the use of Federal spectrum;

(iii) a timeline for the implementation of the modernization efforts described in that paragraph;
(iv) plans detailing how the modernized infrastructure of the NTIA described in that paragraph will—

(I) enhance the security and reliability of that infrastructure so that such infrastructure satisfies the requirements of the Federal Information Security Management Act of 2002 (Public Law 107–296; 116 Stat. 2135);

(II) improve data models and analysis tools to increase the efficiency of the spectrum use described in that paragraph;

(III) enhance automation and workflows, and reduce the scope and level of manual effort, in order to—

(aa) administer the management of the spectrum use described in that paragraph; and

(bb) improve data quality and processing time; and

(IV) improve the timeliness of spectrum analyses and requests for information, including requests sub-
mitted pursuant to section 552 of title 5, United States Code;

(v) an operations and maintenance plan with respect to the modernized infrastructure of the NTIA described in that paragraph;

(vi) a strategy for coordination between the covered agencies within the Policy and Plans Steering Group, which shall include—

(I) a description of—

(aa) those coordination efforts, as in effect on the date on which the report is submitted; and

(bb) a plan for coordination of those efforts after the date on which the report is submitted, including with respect to the efforts described in paragraph (4);

(II) a plan for standardizing—

(aa) electromagnetic spectrum analysis tools;
(bb) modeling and simulation processes and technologies; and

(cc) databases to provide technical interference assessments that are usable across the Federal Government as part of a common spectrum management infrastructure for covered agencies;

(III) a plan for each covered agency to implement a modernization plan described in paragraph (4)(A) that is tailored to the particular timeline of the agency;

(vii) identification of manually intensive processes involved in managing Federal spectrum and proposed enhancements to those processes;

(viii) metrics to evaluate the success of the modernization efforts described in that paragraph and any similar future efforts; and

(ix) an estimate of the cost of the modernization efforts described in that
paragraph and any future maintenance
with respect to the modernized infrastruc-
ture of the NTIA described in that para-
graph, including the cost of any personnel
and equipment relating to that mainte-
nance.

(4) INTERAGENCY INPUTS.—

(A) IN GENERAL.—Not later than 1 year
after the date of enactment of this Act, the
head of each covered agency shall submit to the
Assistant Secretary and the Policy and Plans
Steering Group a report that describes the plan
of the agency to modernize the infrastructure of
the agency with respect to the use of Federal
spectrum by the agency so that such modern-
ized infrastructure of the agency is interopera-
table with the modernized infrastructure of the
NTIA, as described in paragraph (3).

(B) CONTENTS.—Each report submitted
by the head of a covered agency under subpara-
graph (A) shall—

(i) include—

(I) an assessment of the current,
as of the date on which the report is
submitted, management capabilities of
the agency with respect to the use of frequencies that are assigned to the agency, which shall include a description of any challenges faced by the agency with respect to that management;

(II) a timeline for completion of the modernization efforts described in that paragraph; and

(III) a description of potential innovative technological capabilities for the management of frequencies that are assigned to the agency, as determined under paragraph (2);

(IV) identification of agency-specific requirements or constraints relating to the infrastructure of the agency;

(V) identification of any existing, as of the date on which the report is submitted, systems of the agency that are duplicative of the modernized infrastructure of the NTIA, as proposed under paragraph (3); and
(VI) with respect to the report submitted by the Secretary of Defense—

(aa) a strategy for the integration of systems or the flow of data among the Armed Forces, the military departments, the Defense Agencies and Department of Defense Field Activities, and other components of the Department of Defense;

(bb) a plan for the implementation of solutions to the use of Federal spectrum by the Department of Defense involving information at multiple levels of classification; and

(cc) a strategy for addressing, within the modernized infrastructure of the Department of Defense described in that paragraph, the exchange of information between the Department of Defense and the NTIA in order to accomplish required processing
of all Department of Defense domestic spectrum coordination and management activities; and

(ii) be submitted in an unclassified format, with a classified annex, as appropriate.

(C) NOTIFICATION OF CONGRESS.—Upon submission of the report required under subparagraph (A), the head of each covered agency shall notify Congress that the head of the covered agency has submitted the report.

(5) GAO OVERSIGHT.—The Comptroller General of the United States shall—

(A) not later than 90 days after the date of enactment of this Act, conduct a review of the infrastructure of covered agencies, as that infrastructure exists on the date of enactment of this Act;

(B) after all of the reports required under paragraph (4) have been submitted, conduct oversight of the implementation of the modernization plans submitted by the NTIA and covered agencies under paragraphs (3) and (4), respectively;
(C) not later than 1 year after the date on which the Comptroller General begins conducting oversight under subparagraph (B), and annually thereafter, submit a report regarding that oversight to—

(i) with respect to the implementation of the modernization plan of the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

(ii) with respect to the implementation of the modernization plans of all covered agencies, including the Department of Defense, the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(D) provide regular briefings to—

(i) with respect to the application of this section to the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and
(ii) with respect to the application of this section to all covered agencies, including the Department of Defense, the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(b) TELECOMMUNICATIONS SECURITY PROGRAM.—

(1) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to identify and mitigate vulnerabilities in the telecommunications infrastructure of the Department of Defense.

(2) ELEMENTS.—In carrying out the program under paragraph (1), the Secretary shall—

(A) develop a capability to communicate clearly and authoritatively about threats by foreign adversaries;

(B) conduct independent red-team security analysis of Department of Defense systems, subsystems, devices, and components including no-knowledge testing and testing with limited or full knowledge of expected functionalities;

(C) verify the integrity of personnel who are tasked with design fabrication, integration, configuration, storage, test, and documentation
of noncommercial 5G technology to be used by
the Department of Defense;

(D) verify the efficacy of the physical secu-
rity measures used at Department of Defense
locations where system design, fabrication, inte-
gration, configuration, storage, test, and docu-
mentation of 5G technology occurs;

(E) direct the Chief Information Officer of
the Department of Defense to use the Federal
Risk and Authorization Management Program
(commonly known as “FedRAMP”) moderate
or high cloud standard baselines, supplemented
with the Department’s FedRAMP cloud stand-
ard controls and control enhancements, to as-
sess 5G core service providers whose services
will be used by the Department of Defense
through the Department’s provisional author-
ization process; and

(F) direct the Defense Information Sys-
tems Agency and the United States Cyber Com-
mand to Develop a capability for continuous,
independent monitoring of packet streams for
5G data on frequencies assigned to the Depart-
ment of Defense to validate availability, con-
fidentiality, and integrity of Department of De-

fense communications systems.

(3) IMPLEMENTATION PLAN.—Not later than
90 days after the date of the enactment of this Act,
the Secretary of Defense shall submit to Congress a
plan for the implementation of the program under
paragraph (1).

(4) REPORT REQUIRED.—Not later than 270
days after submitting the plan under paragraph (3),
the Secretary of Defense shall submit to Congress a
report that includes—

(A) a comprehensive assessment of the
findings and conclusions of the program under
paragraph (1);

(B) recommendations on how to mitigate
vulnerabilities in the Department of Defense
telecommunications infrastructure; and

(C) an explanation of how the Department
of Defense plans to implement such rec-
ommendations.

SEC. 224. BOARD OF DIRECTORS FOR THE JOINT ARTIFI-
CIAL INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense
shall establish a Board of Directors for the Joint Artificial
Intelligence Center.
(b) DUTIES.—The duties of the Board of Directors shall be the following:

(1) Provide strategic guidance to the Director of the Joint Artificial Intelligence Center.

(2) Advise the Secretary on matters relating to the development and use of artificial intelligence by the Department of Defense.

(3) Evaluate and advise the Secretary on ethical matters relating to the development and use of artificial intelligence by the Department.

(4) Conduct long-term and long-range studies on matters relating to artificial intelligence.

(5) Evaluate and provide recommendations to the Secretary regarding the Department’s development of a robust workforce proficient in artificial intelligence.

(6) Assist the Secretary in developing strategic level guidance on artificial intelligence-related hardware procurement and supply-chain matters.

(7) Monitor and provide recommendations to the Secretary on computing power, usage, storage, and other technical matters relating to artificial intelligence.

(c) MEMBERSHIP.—The Board of Directors shall be composed of the following members:
(1) The official within the Department of Defense to whom the Director of the Joint Artificial Intelligence center directly reports.

(2) The Under Secretary of Defense for Policy.

(3) The Under Secretary of Defense for Research and Engineering.

(4) The Under Secretary of Defense for Acquisition and Sustainment.

(5) The Under Secretary of Defense for Intelligence and Security.

(6) The Under Secretary of Defense for Personnel and Readiness.

(7) Not more than five members from academic or private sector organizations outside the Department of Defense, who shall be appointed by the Secretary.

(d) CHAIRPERSON.—The chairperson of the Board of Directors shall be the official described in subsection (c)(1).

(e) MEETINGS.—The Board of Directors shall meet not less than once each fiscal quarter and may meet at other times at the call of the chairperson or a majority of the Board’s members.

(f) REPORTS.—Not later than September 30 of each year through September 30, 2024, the Board of Directors
shall submit to the congressional defense committees a report that summarizes the activities of the Board over the preceding year.

(g) DEFINITIONS.—In this section:

(1) The term “artificial intelligence” has the meaning given that term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note).

(2) The term “Board of Directors” means the Board of Directors established under subsection (a).

(3) The term “Joint Artificial Intelligence Center” means the Joint Artificial Intelligence Center of the Department of Defense established pursuant to the memorandum of the Secretary of Defense dated June 27, 2018, and titled “Establishment of the Joint Artificial Intelligence Center”, or any successor to such Center.

(4) The term “Secretary” means the Secretary of Defense.

SEC. 225. DIRECTED ENERGY WORKING GROUP.

(a) IN GENERAL.—The Secretary of Defense shall establish a working group, to be known as the “Directed Energy Working Group”.

(b) RESPONSIBILITIES.—The working group shall—
(1) discuss the current and planned directed energy programs of each of the military departments;

(2) make recommendations to the Secretary of Defense about establishing memoranda of understanding among the organizations and elements of the Department of Defense to coordinate directed energy activities using amounts authorized to be appropriated for research, development, test, and evaluation;

(3) identify methods of quickly fielding directed energy capabilities and programs; and

(4) develop a compendium on the effectiveness of directed energy weapon systems and integrate the compendium into an overall Joint Effectiveness Manual under the guidance from the Joint Technical Coordination Group for Munitions Effectiveness.

(c) HEAD OF WORKING GROUP.—The head of the working group shall be the Assistant Director of Directed Energy of the Office of the Under Secretary of Defense for Research and Engineering.

(d) MEMBERSHIP.—The members of the working group shall be appointed by not later than 60 days after the date of the enactment of this Act, as follows:
(1) One member from each military department, appointed by the Secretary of the military department concerned.

(2) One member appointed by the Under Secretary of Defense for Research and Engineering.

(3) One member appointed by the Under Secretary of Defense for Acquisition and Sustainment.

(4) One member appointed by the Director of the Strategic Capabilities Office of the Department of Defense.

(5) One member appointed by the Director of the Defense Advanced Research Projects Agency.

(e) Reports to Congress.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter, the working group shall submit to the congressional defense committees a report on the progress of each directed energy program being developed or fielded by the Department of Defense.

(f) Termination.—The working group under this section shall terminate 4 years after the date of the enactment of this Act.

SEC. 226. PROGRAM EXECUTIVE OFFICER FOR AUTONOMY.

(a) In General.—Not later than February 1, 2022, the Secretary of the Navy shall designate a program exec-
utive officer for autonomy who shall be the official within
the Department of the Navy with primary responsibility
for the development and integration of autonomous tech-
nology into weapon systems.

(b) Program Executive Officer Defined.—In this section, the term “program executive officer” has the
meaning given that term in section 1737(a)(4) of title 10,
United States Code.

SEC. 227. ACCOUNTABILITY MEASURES RELATING TO THE
ADVANCED BATTLE MANAGEMENT SYSTEM.

(a) Independent Cost Estimate.—

(1) In general.—The Director of Cost Assessment
and Program Evaluation shall—

(A) review any cost estimate of the Ad-
vanced Battle Management System prepared by
the Department of the Air Force; and

(B) conduct an independent cost estimate
of the full life-cycle cost of the Advanced Battle
Management System.

(2) Submittal to Congress.—At the same
time as the budget of the President for fiscal year
2022 is submitted to Congress pursuant to section
1105(a) of title 31, United States Code, the Director
of Cost Assessment and Program Evaluation shall
submit to the congressional defense committees a re-
port on the results of the review and independent
cost estimate conducted under paragraph (1).

(b) AIR FORCE BRIEFING REQUIREMENT.—Section
147(g) of the John S. McCain National Defense Author-
ization Act for Fiscal Year 2019 (Public Law 115–232;
132 Stat. 1670) is amended by adding at the end the fol-
lowing: “Each briefing shall include a detailed explanation
of any on-ramp exercise of the Advanced Battle Manage-
ment System conducted during the quarter covered by the
report, including an explanation of—

“(1) the objectives achieved by the exercise;

“(2) the realism of the exercise, including iden-
tification of the portions of the exercise that were
scripted and unscripted and any technical
workarounds or substitutes used for purposes of the
exercise;

“(3) the interim capabilities provided to com-
batant commanders after the conclusion of the exer-
cise (commonly known as ‘leave behind’ capabilities)
and a plan for the sustainment or upgrade of such
capabilities; and

“(4) the total cost of the exercise and a break-
down of the costs with respect to technology, range
and demonstration resources, personnel, and logis-
tics.”.
(c) REPORTS.—Not later than December 20, 2020, the Secretary of the Air Force shall submit to the congres-sional defense committees the following reports on the Ad-\nvanced Battle Management System:

(1) REPORT ON PLANNED CAPABILITIES.—A report on the planned product line capabilities of the Advanced Battle Management System, including—

(A) a description of the technologies needed to implement and achieve such product line capabilities;

(B) a timeline for the technical maturation of such product line capabilities; and

(C) a notional schedule for fielding such product line capabilities over the period covered by the current future-years defense program under section 221 of title 10, United States Code.

(2) REPORT ON ACQUISITION AUTHORITIES.—A report on the allocation of responsibilities among the individuals and entities responsible for acquisition for the Advanced Battle Management System, in-\ncluding an explanation of how decision-making and governance of the acquisition process is allocated among the Chief Architect Integration Office and
other entities that are expected provide capabilities
for the System.

(3) Report on Alignment with Common
Mission Control Center.—A report, which may
be submitted in classified or unclassified form, that
explains how, and to what extent, the Advanced Bat-
tle Management System will be aligned and coordi-
nated with the Common Mission Control Center of
the Air Force.

(d) Report on Security Measures.—At the same
time as the budget of the President for fiscal year 2022
is submitted to Congress pursuant to section 1105(a) of
title 31, United States Code, the Secretary of the Air
Force shall submit to the congressional defense commit-
tees a report that describes how the Secretary plans to
ensure the security of the Advanced Battle Management
System, including a description of any information assur-
ance and anti-tamper requirements for the System.

(e) Advanced Battle Management System De-

In this section, the term “Advanced Battle Man-
agement System” has the meaning given that term in sec-
tion 236(c) of the National Defense Authorization Act for
Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1281).
SEC. 228. MEASURES TO ADDRESS FOREIGN TALENT PROGRAMS.

(a) List of Programs.—The Secretary of Defense shall develop and maintain a list of foreign talent programs that pose a threat to the national security interests of the United States, as determined by the Secretary.

(b) Criteria.—In developing the list under subsection (a), the Secretary of Defense shall consider—

(1) the extent to which a foreign talent program—

(A) poses a threat to research funded by the Department of Defense; and

(B) engages in, or facilitates, cyber attacks, theft, espionage, or otherwise interferes in the affairs of the United States; and

(2) any other factors the Secretary determines appropriate.

(c) Information to Congress.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a copy of the list developed under subsection (a).

(d) Publication in Federal Register.—Not later than 30 days after making the submission required under subsection (c), the Secretary of Defense shall pub-
lish the list developed under subsection (a) in the Federal
Register.

(c) 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
disclose all current and pending support and the
sources of such support at the time of the applica-
tion for funds; and

(2) any institution of higher education applying
for funds from that agency to certify that every
principal investigator or co-principal investigator
who is employed by the institution of higher edu-
cation and is applying for such funds has been made
aware of the requirement under paragraph (1).

(b) CONSISTENCY.—The Director of the Office of
Science and Technology Policy, acting through the Na-
tional Science and Technology Council and in accordance
with the authority provided under section 1746 of the Na-
tional Defense Authorization Act for Fiscal Year 2020
(Public Law 116–92; 42 U.S.C. 6601 note) shall ensure
that the requirements issued by Federal research agencies
under subsection (a) are consistent.

(c) ENFORCEMENT.—

(1) IN GENERAL.—In the event that an indi-
vidual or entity violates the disclosure requirements
under subsection (a), a Federal research agency may
take one or more of the following actions against
such individual or entity:

(A) Reject an application for a grant or co-
operative agreement because the disclosed cur-
rent and pending support violates agency terms and conditions.

(B) Reject an application for a grant or cooperative agreement because current and pending support have not been disclosed as required under subsection (a).

(C) Temporarily or permanently discontinue any or all funding from that agency for any principal investigator or co-principal investigator who has failed to properly disclose current and pending support pursuant to subsection (a).

(D) Temporarily or permanently suspend or debar a researcher, in accordance with part 180 of title 2, Code of Federal Regulations, from receiving funding from that agency when failure to disclose current and pending support pursuant to subsection (a) as done knowingly and willfully.

(E) Refer a failure to disclose under subsection (a) to Federal law enforcement authorities to determine whether any criminal statutes have been violated.

(2) NOTICE.—A Federal research agency intending to take action under any of subparagraph
(A), (B), (C), or (D) of paragraph (1) shall notify the institution of higher education, principal investigator and any co-principal investigators subject to such action about the specific reason for the action, and shall provide the institution, principal investigator, and co-principal investigator, as applicable, with the opportunity and a process by which to contest the proposed action.

(3) EVIDENTIARY STANDARDS.—A Federal research agency seeking suspension or debarment under paragraph (1)(D) shall abide by the procedures and evidentiary standards set forth in part 180 of title 2, Code of Federal Regulations.

(d) DEFINITIONS.—In this section:

(1) CURRENT AND PENDING SUPPORT.—The term “current and pending support” means all resources made available to an individual in direct support of the individual’s research efforts, regardless of whether such resources have monetary value, and includes in-kind contributions requiring a commitment of time and directly supporting the individual’s research efforts, such as the provision of office or laboratory space, equipment, supplies, employees, and students.
(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) FEDERAL RESEARCH AGENCY.—The term “Federal research agency” includes the following and any organizations and elements thereof:

(A) The Department of Agriculture.

(B) The Department of Commerce.

(C) The Department of Defense.

(D) The Department of Education.

(E) The Department of Energy.

(F) The Department of Health and Human Services.

(G) The Department of Homeland Security.

(H) The Department of Transportation.

(I) The Environmental Protection Agency.

(J) The National Aeronautics and Space Administration.

(K) The National Science Foundation.
SEC. 230. LIMITATIONS RELATING TO LARGE UNMANNED SURFACE VESSELS AND ASSOCIATED OFFENSIVE WEAPON SYSTEMS.

(a) LIMITATION ON AVAILABILITY OF FUNDS FOR LUSV.—

(1) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Department of the Navy for the procurement of a large unmanned surface vessel may be obligated or expended until a period of 60 days has elapsed following the date on which the Secretary of the Navy submits to the congressional defense committees the certification described in paragraph (2).

(2) CERTIFICATION DESCRIBED.—The certification described in this paragraph is a written statement of the Secretary of the Navy certifying, with respect to any large unmanned surface vessel to be procured by the Secretary, the following:

(A) A hull system, a mechanical system, and an electrical system have been developed for the vessel and each system—

(i) has attained a technology readiness level of seven or greater; and

(ii) can be operated autonomously for a minimum of 30 days.
(B) A command control system has been developed for the vessel and the system—

(i) can be operated autonomously;

(ii) includes autonomous detection;

and

(iii) has attained a technology readiness level of seven or greater.

(C) A detailed plan has been developed for measuring and demonstrating the reliability of the vessel.

(D) All payloads expected to be carried on the vessel have attained a technology readiness level of seven or greater.

(b) LIMITATION ON LUSV WEAPON INTEGRATION.—The Secretary of the Navy may not integrate any offensive weapon system into a large unmanned surface vessel until the date on which the Secretary of the Defense certifies to the congressional defense committees that any large unmanned surface vessel that employs offensive weapons will comply with the law of armed conflict. Such certification shall include a detailed explanation of how such compliance will be achieved.
SEC. 231. LIMITATION ON AVAILABILITY OF FUNDS PENDING REVIEW AND REPORT ON NEXT GENERATION AIR DOMINANCE CAPABILITIES.

(a) LIMITATION ON AIR FORCE FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the next generation air dominance initiative of the Air Force, not more than 85 percent may be obligated or expended until the date on which the Director of Cost Assessment and Program Evaluation submits the report required under subsection (d)(1).

(b) LIMITATION ON NAVY FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the next generation air dominance initiative of the Navy, not more than 85 percent may be obligated or expended until the date on which the Director of Cost Assessment and Program Evaluation submits the report required under subsection (d)(2).

(c) REVIEWS.—

(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall conduct—

(A) a non-advocate review of the next generation air dominance initiative of the Air Force; and

(B) a non-advocate review of the next generation air dominance initiative of the Navy.
(2) ELEMENTS.—Each review under paragraph (1) shall include an assessment of—

   (A) all risks associated with cost, schedule, development, integration, production, fielding, and sustainment of next generation air dominance capabilities;

   (B) the technological maturity of significant hardware and software efforts planned or carried out as part of the development of such capabilities; and

   (C) affordability goals that the Air Force and the Navy (as the case may be) will be required to achieve during development, production, and sustainment activities for such capabilities that will not jeopardize or otherwise be detrimental to other high-priority future capabilities being developed and procured to support and execute other primary core competencies and missions.

(d) REPORTS.—The Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees—

   (1) a report on the results of the review conducted under subsection (c)(1)(A) with respect to the Air Force; and
(2) a report on the results of the review conducted under subsection (c)(1)(B) with respect to the Navy.

SEC. 232. MODIFICATION OF MECHANISMS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS.

Section 217 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a)(2), by inserting “training,” after “management,”;

(2) in subsection (e)—

(A) in paragraph (28) by striking “Infrastructure resilience” and inserting “Additive manufacturing”;

(B) by redesignating paragraph (30) as paragraph (33); and

(C) by inserting after paragraph (29) the following new paragraphs:

“(30) Corrosion prevention and control.

“(31) Advanced manufacturing for metal casting.

“(32) 3D and virtual technology training platforms.”;
(3) by redesignating subsections (f) and (g) as subsection (g) and (h), respectively;

(4) by inserting after subsection (e) the following new subsection:

“(f) **Requirement To Establish Consortia.**—

“(1) **In General.**—In carrying out subsection (a)(1)—

“(A) the Secretary of Defense shall seek to establish at least one multi-institution consortium through the Office of the Secretary of Defense;

“(B) the Secretary of the Army shall seek to establish at least one multi-institution consortium through the Army;

“(C) the Secretary of the Navy shall seek to establish at least one multi-institution consortium through the Navy; and

“(D) the Secretary of the Air Force shall seek to establish at least one multi-institution consortium through the Air Force.

“(2) **Report Required.**—Not later than September 30, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the efforts to establish consortia under paragraph (1).”; and
(5) in subsection (g), as so redesignated, by striking “2022” and inserting “2026”.

SEC. 233. DESIGNATION OF ACADEMIC LIAISON TO PROTECT AGAINST EMERGING THREATS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall do the following:

(1) Designate an official serving within the Office of the Under Secretary of Defense for Research and Engineering to work with the academic and research communities to protect academic research funded by the Department of Defense from undue foreign influences and threats.

(2) Set forth the responsibilities of the official designated under paragraph (1), including—

(A) serving as the liaison of the Department of Defense with the academic and research communities;

(B) carrying out initiatives of the Department related to the protection of academic research funded by the Department from undue foreign influences and threats, including the initiatives established under section 1286 of the

(C) not less frequently than once a year, conducting outreach and education activities for the academic and research community about undue foreign influences and threats to academic research that is funded by the Department;

(D) coordinating and aligning the policies relating to academic research security of—

(i) the elements of the Department specified in section 111(b) of title 10, United States Code;

(ii) the intelligence community;

(iii) Federal science agencies;

(iv) the Office of Science and Technology Policy; and

(v) Federal regulatory agencies; and

(E) working with the intelligence community to the maximum extent practicable to share with the academic and research communities, at least annually, unclassified information, including counterintelligence information, on threats from undue foreign influences.
(b) **Rule of Construction.**—Nothing in this section shall be construed as authorizing the official designated under subsection (a)(1) to classify academic research in a manner that is inconsistent with the policies of the Department of Defense or the National Security Decision Directive Numbered 189 of September 21, 1985, titled “National Policy on the Transfer of Scientific, Technical and Engineering Information”, or any successor directive.

(c) **Definitions.**—In this section:

(1) **Federal Regulatory Agencies.**—The term “Federal regulatory agencies” means the Department of Defense, the Department of Commerce, the Department of State, the Department of Justice, the Department of Energy, the Department of the Treasury, the Department of Homeland Security, and the National Archives and Records Administration.

(2) **Federal Science Agencies.**—The term “Federal science agencies” means each agency (as such term is defined in section 551 of title 5, United States Code) that obligated or expended not less than $100,000,000 in the previous fiscal year for research and development.
(3) *Intelligence Community.*—the term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

**Subtitle C—Emerging Technology and Artificial Intelligence Matters**

**SEC. 241. STEERING COMMITTEE ON EMERGING TECHNOLOGY.**

(a) **Establishment.**—There is established in the executive branch a steering committee on emerging technology and national security threats (referred to in this section as the “Steering Committee”).

(b) **Membership.**—The Steering Committee shall be composed of the following:

1. The Deputy Secretary of Defense.
2. The Vice Chairman of the Joint Chiefs of Staff.
3. The Under Secretary of Defense for Intelligence and Security.
4. Such other officials of the Department of Defense as are jointly appointed to Steering Committee by the officials specified in paragraphs (1) through (3).
(c) **Co-Chairs.**—The officials specified in paragraphs (1) through (3) of subsection (b) shall serve as co-chairs of the Steering Committee.

(d) **Staff and Support Services.**—Upon request of the co-chairs, the Department of Defense shall provide to the Steering Committee, on a reimbursable basis, such staff and administrative support services as are necessary for the Committee to carry out its responsibilities under this section.

(e) **Responsibilities.**—The Steering Committee shall be responsible for—

1. developing a strategic vision for the organizational change, concept and capability development, and technology investments in emerging technologies that are needed to maintain the technological edge of the military and intelligence community of the United States;

2. providing credible assessments of emerging threats and identifying investments and advances in emerging technology undertaken by adversaries of the United States;

3. making recommendations to the Secretary of Defense on—

   (A) the implementation of the strategy developed under to paragraph (1); and
(B) steps that may be taken to address the threats identified under to paragraph (2);

(4) coordinating with the Joint Committee on Research Environments of the National Science and Technology Council;

(5) ensuring emerging technologies procured and used by the military will be tested for algorithmic bias and discriminatory outcomes; and

(6) carrying out such other activities as are assigned to the Steering Committee by the Secretary of Defense.

(f) COORDINATION WITH JAIC.—The co-chairs shall coordinate the activities of the Steering Committee with the activities of the Board of Directors of the Joint Artificial Intelligence Center established under section 224, as appropriate.

(g) DEEPAKE WORKING GROUP.—

(1) IN GENERAL.—The co-chairs shall establish a working group, in coordination with the Defense Advanced Research Project Agency and such other departments and agencies of the Federal Government as the co-chairs deem appropriate, to—

(A) inform the Steering Committee’s activities with respect to the national security im-
plications of machine-manipulated media (commonly known as “deepfakes”);

(B) assess the Federal Government’s capabilities with respect to technologies to detect, or otherwise counter and combat, machine-manipulated media and other advanced image manipulation methods;

(C) assess the machine-manipulated media capabilities of foreign countries and non-state actors, with particular emphasis on the People’s Republic of China and the Russian Federation; and

(D) provide recommendations to the Steering Committee on the matters described in subparagraphs (A) through (C).

(2) MACHINE-MANIPULATED MEDIA DEFINED.—In this subsection, the term “machine-manipulated media” has the meaning given that term in section 5724(d) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(h) EMERGING TECHNOLOGY DEFINED.—In this section, the term “emerging technology” means technology determined to be in an emerging phase of development by the Secretary of Defense, including quantum computing,
technology for the analysis of large and diverse sets of
data (commonly known as “big data analytics”), artificial
intelligence (including deepfake videos and related tech-
nologies), autonomous technology, robotics, directed en-
ergy, hypersonics, biotechnology, distributed ledger tech-
nology, and such other technology as may be identified by
the Secretary.

SEC. 242. TRAINING FOR HUMAN RESOURCES PERSONNEL
IN ARTIFICIAL INTELLIGENCE AND RELATED
TOPICS.

(a) DEPARTMENT OF DEFENSE.—

(1) TRAINING PROGRAM.—Not later than 1
year after the date of the enactment of this Act, the
Secretary of Defense shall develop and implement a
program to provide covered human resources per-
sonnel with training in the fields of software devel-
opment, data science, and artificial intelligence, as
such fields related to the duties of such personnel.

(2) ELEMENTS.—The training provided under
paragraph (1) shall include—

(A) a generalist’s introduction to—

(i) software development and business
processes;

(ii) data management practices re-
lated to machine learning;
(iii) machine learning, deep learning, and artificial intelligence;  

(iv) artificial intelligence workforce roles; and  

(v) cybersecurity and secure software development; and  

(B) training in the authorities and procedures that may be used to recruit software developers, data scientists, and artificial intelligence professionals, including direct hiring authorities, excepted service authorities, the Inter-governmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.), and authorities for hiring special government employees and highly qualified experts.  

(3) Certificate of Completion.—The Secretary of Defense shall issue a certificate of completion to each individual who successfully completes the training provided under paragraph (1), as determined by the Secretary.  

(4) Implementation.—The Secretary of Defense shall implement the training program under paragraph (1) as follows:  

(A) In the first year in which the training program is carried out, the Secretary shall en-
sure that not less than 20 percent of covered human resource personnel complete the program.

(B) In each year of the training program after the first year, the Secretary shall ensure that not less than an additional 10 percent of covered human resources personnel complete the program until 80 percent of such personnel have completed the program.

(C) After achieving the 80 percent completion rate specified in subparagraph (B), the Secretary shall ensure, in each year, that not less than 80 percent of covered human resources personnel have completed the training program.

(b) COVERED HUMAN RESOURCES PERSONNEL DEFINED.—In this section, the term “covered human resources personnel” means members of the Armed Forces and civilian employees of the Department of Defense, including human resources professionals, hiring managers, and recruiters, who are responsible for hiring software developers, data scientists, or artificial intelligence professionals for the Department.
SEC. 243. UNCLASSIFIED WORKSPACES FOR PERSONNEL WITH PENDING SECURITY CLEARANCES.

(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to ensure, to the extent practicable, that all facilities the Department of Defense at which covered personnel perform work functions have unclassified workspaces.

(b) USE OF WORKSPACES BY OTHER PERSONNEL.—The guidance issued under subsection (a) shall include guidelines under which appropriately screened individuals other than covered personnel, such as interns and visiting experts, may use unclassified workspaces on a space-available basis.

(c) REPORT REQUIRED.—Not later than 90 days after the issuance of the guidance under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(1) a plan for implementing the guidance;

(2) a description of how existing facilities may be modified to accommodate unclassified workspaces;

and

(3) identification of any impediments to making unclassified workspace available as described in subsection (a).

(d) DEFINITIONS.—
(1) In this section, the term “unclassified workspace” means a workspace at which unclassified work may be performed.

(2) The term “covered personnel” means a member of the Armed Forces or a civilian employee of the Department of Defense who has applied for, but who has not yet received, a security clearance.

SEC. 244. PILOT PROGRAM ON THE USE OF ELECTRONIC PORTFOLIOS TO EVALUATE APPLICANTS FOR CERTAIN TECHNICAL POSITIONS.

(a) PILOT PROGRAM.—Beginning not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program under which applicants for technical positions within the Department of Defense will be evaluated, in part, based on electronic portfolios of the applicant’s work, as described in subsection (b).

(b) ACTIVITIES.—Under the pilot program, the human resources manager of an organization of the Department of Defense participating in the program, in consultation with relevant subject matter experts, shall assess each applicant for a technical position in the organization by reviewing an electronic portfolio of the applicant’s best work, as selected by the applicant.
(c) **Scope of Program.**—The Secretary of Defense shall carry out the pilot program under subsection (a) in at least one major command of each military department.

(d) **Report.**—Not later than 2 years after the commencement of the pilot program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on the results of the program. At a minimum, the report shall describe—

(1) how the use of electronic portfolios in the hiring process affected the timeliness of the hiring process for technical positions in organizations of the Department of Defense participating in the program; and

(2) the level of satisfaction of organization leaders, hiring authorities, and subject matter experts with the quality of applicants that were hired based on evaluations of electronic portfolios.

(e) **Technical Position Defined.**—In this section, the term “technical position” means a position in the Department of Defense requiring expertise in artificial intelligence, data science, or software development.

(f) **Termination.**—The authority to carry out the pilot program under subsection (a) shall terminate 5 years after the date of the enactment of this Act.
SEC. 245. SELF-DIRECTED TRAINING IN ARTIFICIAL INTELLIGENCE.

(a) Online Artificial Intelligence Courses.—The Secretary of Defense shall make available a list of approved online courses relating to artificial intelligence that may be taken by civilian employees of the Department of Defense and members of the Armed Forces on a voluntary basis while not engaged in the performance of their duties.

(b) Documentation of Completion.—The Secretary of Defense shall develop and implement a system—

(1) to confirm whether a civilian employee of the Department of Defense or member of the Armed Forces has completed an online course approved by the Secretary under paragraph (1); and

(2) to document the completion of such course in the personnel file of such employee or member.

(c) Reward System.—The Secretary of Defense shall develop and implement a system to reward civilian employees of the Department of Defense and members of the Armed Forces who complete an online course approved by the Secretary under paragraph (1), which may include—

(1) for a member of the Armed Forces, a 24-hour pass which may be used on a stand-alone basis
or in conjunction with other leave, holiday, or weekend periods; and

(2) for a civilian employees of the Department, up to 8 hours of additional leave.

(d) DEADLINE.—The Secretary of Defense shall carry out the activities described in subparagraphs (a) through (c) not later than 180 days after the date of the enactment of this Act.

SEC. 246. PART-TIME AND TERM EMPLOYMENT OF UNIVERSITY PROFESSORS AND STUDENTS IN THE DEFENSE SCIENCE AND TECHNOLOGY ENTERPRISE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, jointly with the Secretaries of the military departments, and in consultation with the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Personnel and Readiness, shall establish a program under which qualified professors and students may be employed on a part-time or term basis in an organization of the Defense science and technology enterprise for the purpose of conducting a research project.

(b) SELECTION.—
(1) Selection and hiring.—The head of an organization in the Defense science and technology enterprise at which positions are made available under subsection (a) shall be responsible for selecting qualified professors and students to fill such positions.

(2) Selection criteria.—A qualified professor or student shall be selected for participation in the program under subsection (a) based on the following criteria:

(A) In the case of a qualified professor—

(i) the academic credentials and research experience of the professor; and

(ii) the extent to which the research proposed to be carried out by the professor will contribute to the objectives of the Department of Defense.

(B) In the case of qualified student assisting a professor with a research project under the program—

(i) the academic credentials and other qualifications of the student; and

(ii) the ability of the student to carry out the responsibilities assigned to the student as part of the project.
(c) Implementation.—

(1) Minimum number of positions.—In the first year of the program under subsection (a), the Secretary of Defense shall establish not fewer than 10 positions for qualified professors. Not fewer than five of such positions shall be reserved for qualified professors to conduct research in the fields of artificial intelligence and machine learning.

(2) Authorities.—In carrying out the program under subsection (a), the Secretary of Defense and the heads of organizations in the Defense science and technology enterprise may—

(A) use any hiring authority available to the Secretary or the head of such an organization;

(B) enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); and

(C) pay referral bonuses to professors or students participating in the program who identify—

(i) students to assist in a research project under the program; or
(ii) students or recent graduates to participate in other programs in the Defense science and technology enterprise, including internships at Department of Defense Laboratories and in the Pathways Program of the Department.

(d) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 30 days after the conclusion of the first year of the program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on the status of the program. The report shall include—

(A) identification of the number of qualified professors and students employed under the program;

(B) identification of the organizations in the Defense science and technology enterprise that employed such individuals; and

(C) a description of the types of research conducted by such individuals.

(2) SUBSEQUENT REPORTS.—Not later than 30 days after the conclusion of the second and third years of the program under subsection (a), the Secretary of Defense shall submit to the congressional
defense committees a report on the progress of the program. Each report shall include—

(A) the information described in subparagraphs (A) through (C) of paragraph (1);

(B) the results of any research projects conducted under the program; and

(C) the number of students and recent graduates who, pursuant to a reference from a professor or student participating in the program as described in subsection (c)(2)(C), were hired by the Department of Defense or selected for participation in another program in the Defense science and technology enterprise.

(e) DEFINITIONS.—In this section:

(1) The term “Defense science and technology enterprise” means—

(A) the research organizations of the military departments;

(B) the science and technology reinvention laboratories (as designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note));
(C) the facilities of the Major Range and
Test Facility Base (as defined in section
2358a(f)(3) of title 10, United States Code);
(D) the Defense Advanced Research
Projects Agency; and
(E) such other organizations as the Sec-
retary of Defense determines appropriate for in-
clusion in the enterprise.

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

(3) The term “qualified professor” means a
professor of an institution of higher education who
has expertise in science, technology, engineering, and
mathematics.

(4) The term “qualified student” means a stu-
dent of an institution of higher education selected by
a qualified professor to assist the professor in con-
ducting research.

SEC. 247. MICROELECTRONICS AND NATIONAL SECURITY.

(a) MODIFICATION OF STRATEGY FOR ASSURED AC-
CESS TO TRUSTED MICROELECTRONICS.—Section 231 of
the National Defense Authorization Act for Fiscal Year
2017 (Public Law 114–328; 10 U.S.C. 2302 note) is amended—

(1) in subsection (a), by striking “September 30, 2019” and inserting “December 30, 2020”;

(2) in subsection (b), by adding at the end the following new paragraphs:

“(10) An approach to ensuring the continuing production of cutting-edge microelectronics for national security needs, including state-of-the-art node sizes, heterogeneous integration, advantaged sensor manufacturing, boutique chip designs, and variable volume production capabilities.

“(11) An assessment of current microelectronics supply chain management practices, existing risks, and actions that may be carried out to mitigate such risks by organizations in the defense industrial base.

“(12) A plan for increasing commercialization of intellectual property developed by the Department of Defense for commercial microelectronics research and development.

“(13) An assessment of the feasibility, usefulness, efficacy, and cost of—

“(A) developing a national laboratory exclusively 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-
Office of Science and Technology Policy, shall establish an advisory panel on microelectronics leadership and competitiveness (referred to in this subsection as the “Advisory Panel”).

(2) MEMBERSHIP.—The Advisory Panel shall be composed of the following members:

(A) The Secretary of Defense.

(B) The Secretary of Energy.

(C) The Director of the National Science Foundation.

(D) The Director of the National Institute of Standards and Technology.

(E) The heads of such other departments and agencies of the Federal Government as the President, in consultation with the National Security Council, determines appropriate.

(3) NATIONAL STRATEGY.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Advisory Panel is established, the Panel shall develop a national strategy to—

(i) accelerate the development and deployment of state-of-the-art microelectronics; and
(ii) ensure that the United States is a
global leader in the field of microelec-
tronics.

(B) ELEMENTS.—The strategy developed
under subparagraph (A) shall address the fol-
lowing:

(i) Activities that may be carried out
to strengthen engagement and outreach be-
tween the Department of Defense and in-
dustry, academia, international partners of
the United States, and other departments
and agencies of the Federal Government
on issues relating to microelectronics.

(ii) Science, technology, research, and
development efforts to facilitate the ad-
vancement and adoption of microelec-
tronics and new uses of microelectronics
and components, including efforts to—

(I) accelerate leap-ahead re-
search, development, and innovation
in microelectronics; and

(II) deploy heterogeneously inte-
grated microelectronics for machine
learning and other applications.
(iii) The role of diplomacy and trade
in maintaining the position of the United
States as a global leader in the field of
microelectronics, including the feasibility
and advisability of—

(I) implementing multilateral ex-
port controls tailored through direct
coordination with key allies of the
United States, including through the
Wassenaar Arrangement and other
multilateral fora, for specific semicon-
ductor manufacturing equipment such
as extreme ultraviolet photolithog-
raphy equipment and argon fluoride
immersion photolithography equip-
ment;

(II) additional trade enforcement
actions that may be initiated by the
United States to address any unfair
or excessive foreign semiconductor
subsidy programs or other unfair
microelectronics trade practices; and

(III) the elimination of any trade
barriers or unilateral export controls
that harm United States companies
without producing a substantial benefit to the competitiveness or national security of the United States.

(iv) The potential role of a national laboratory and incubator exclusively focused on the research and development of microelectronics, as described in section 231(b)(13) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note) (as added by subsection (a)) in carrying out the strategy and plan required subparagraph (A).

(v) Such other activities as the Panel determines may be appropriate to overcome looming challenges to the innovation, competitiveness, and supply chain integrity of the United States in the area of microelectronics.

(c) BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act—

(1) the Secretary of Defense shall provide to the congressional defense committees a briefing on the progress of the Secretary in developing the strategy and implementation plan required under section
231(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note); and

(2) the Assistant to the President for National Security Affairs shall provide to the congressional defense committees a briefing on the progress of the Advisory Panel in developing the strategy required under subsection (b)(3).

(d) ADVANCED MANUFACTURING INCENTIVES.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Commerce, the Secretary of Homeland Security, and the Director of National Intelligence, work with the private sector through a public-private partnership, including by incentivizing the formation of a consortium of United States companies, to ensure the development and production of advanced, measurably secure microelectronics. Such work may include providing incentives for the creation, expansion, or modernization of one or more commercially competitive and sustainable semiconductors manufacturing or advanced research and development facilities.

(2) RISK MITIGATION REQUIREMENTS.—A participant in a consortium formed with incentives under paragraph (1) shall—
(A) have the potential to perform fabrication, assembly, package, or test functions for semiconductors deemed critical to national security as defined by export control regulatory agencies in consultation with the National Security Adviser and the Secretary of Defense;

(B) demonstrate management processes to identify and mitigate supply chain security risks; and

(C) be able to produce semiconductors consistent with applicable measurably secure supply chain and operational security standards established under section 224(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(3) NATIONAL SECURITY CONSIDERATIONS.—The Secretary of Defense and the Director of National Intelligence shall select participants for the consortium formed with incentives under paragraph (1). In selecting such participants, the Secretary and the Director may jointly consider whether the United States companies—

(A) have participated in previous programs and projects of the Department of Defense, De-
partment of Energy, or the intelligence commu-
nity, including—

(i) the Trusted Integrated Circuit pro-
gram of the Intelligence Advanced Re-
search Projects Activity;

(ii) trusted and assured semiconduc-
tors projects, as administered by the De-
partment of Defense;

(iii) the Electronics Resurgence Initiative
(ERI) program of the Defense Ad-
vanced Research Projects Agency; or

(iv) relevant semiconductor research
programs of Advanced Research Projects
Agency–Energy;

(B) have demonstrated an ongoing com-
mitment to performing contracts for the De-
partment of Defense and the intelligence com-
munity;

(C) are approved by the Defense Counter-
intelligence and Security Agency or the Office
of the Director of National Intelligence as pre-
senting an acceptable security risk, taking into
account supply chain assurance vulnerabilities,
counterintelligence risks, and any risks pre-
presented by companies whose owners are located outside the United States; and

(D) are evaluated periodically for foreign ownership, control, or influence by foreign entities of concern.

(4) NONTRADITIONAL DEFENSE CONTRACTORS AND COMMERCIAL ENTITIES.—Arrangements entered into to carry out paragraph (1) shall be in such form as the Secretary of Defense determines appropriate to encourage industry participation of nontraditional defense contractors or commercial entities and may include a contract, a grant, a cooperative agreement, a commercial agreement, the use of other transaction authority under section 2371 of title 10, United States Code, or another such arrangement.

(5) DISCHARGE.—The Secretary of Defense shall carry out paragraph (1) jointly through the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment, or such other component of the Department of Defense as the Secretary considers appropriate.

(6) OTHER INITIATIVES.—The Secretary of Defense shall dedicate initiatives within the Depart-
ment of Defense to advance radio frequency, mixed
signal, radiation tolerant, and radiation hardened
semiconductors that support national security and
dual-use applications.

(7) REPORTS.—

(A) REPORT BY SECRETARY OF DE-
FENSE.—Not later than 90 days after the date
of the enactment of this Act, the Secretary of
Defense shall submit to Congress a report on
the plans of the Secretary to carry out para-
graph (1).

(B) BIENNIAL REPORTS BY COMPTROLLER
GENERAL OF THE UNITED STATES.—Not later
than 1 year after the date on which the Sec-
retary submits the report required by subpara-
graph (A) and not less frequently than once
every 2 years thereafter for a period of 10
years, the Comptroller General of the United
States shall submit to Congress a report on the
activities carried out under this subsection.

(e) REPORT UNDER THE DEFENSE PRODUCTION
ACT OF 1950.—

(1) IN GENERAL.—Not later than 120 days
after the date of the enactment of this Act, the
President shall submit to Congress a report on a
plan for any use of authorities available in title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) to establish or enhance a domestic production capability for microelectronic technologies and related technologies, subject to—

(A) the availability of appropriations for that purpose; and

(B) a determination made under the plan pursuant to such title III that such technologies are essential to the national defense.

(2) CONSULTATION.—The President shall develop the plan required by paragraph (1) in consultation with any relevant head of a Federal agency, any advisory committee established under section 708(a) of the Defense Production Act of 1950 (50 U.S.C. 4558), and appropriate stakeholders in the private sector.

SEC. 248. ACQUISITION OF ETHICALLY AND RESPONSIBLY DEVELOPED ARTIFICIAL INTELLIGENCE TECHNOLOGY.

(a) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Board of Directors of the Joint Artificial Intelligence Center established under section 224, shall conduct an assessment to deter-
mine whether the Department of Defense has the ability
to ensure that any artificial intelligence technology ac-
quired by the Department is ethically and responsibly de-
veloped.

(b) ELEMENTS.—The assessment conducted under
subsection (a) shall address the following:

(1) Whether the Department of Defense has
personnel with sufficient expertise, across multiple
disciplines, to ensure the acquisition of ethically and
responsibly developed artificial intelligence tech-
nology, including personnel with sufficient ethical,
legal, and technical expertise to advise on the acqui-
sition of such technology.

(2) The feasibility and advisability of retaining
outside experts as consultants to assist the Depart-
ment in filling any gaps in expertise identified under
paragraph (1).

(3) The extent to which existing acquisition
processes encourage or require consultation with rel-
evant experts across multiple disciplines within the
Department to ensure that artificial intelligence
technology acquired by the Department is ethically
and responsibly developed.

(4) Quantitative and qualitative standards for
assessing the extent to which experts across multiple
disciplines are engaged in the acquisition of artificial intelligence technology by the Department.

(c) Report.—

(1) In general.—Not later than 30 days after the date on which the Secretary completes the assessment under subsection (a), the Secretary shall submit to the congressional defense committees a report on the results of the assessment.

(2) Elements.—The report under paragraph (1) shall include, based on the results of the assessment—

(A) an explanation of whether the Department of Defense has personnel with sufficient expertise, across multiple disciplines, to ensure the acquisition of ethically and responsibly developed artificial intelligence technology;

(B) an explanation of whether the Department has adequate procedures to encourage or require the consultation of such experts as part of the acquisition process for artificial intelligence technology; and

(C) with respect to any deficiencies identified under subparagraph (A) or subparagraph (B), a description of any measures that have
been taken, and any additional resources that may be needed, to mitigate such deficiencies.

SEC. 249. ENHANCEMENT OF PUBLIC-PRIVATE TALENT EXCHANGE PROGRAMS IN THE DEPARTMENT OF DEFENSE.

(a) Public-Private Talent Exchange.—Section 1599g of title 10, United States Code is amended—

(1) in subsection (b)(1), by amending subparagraph (C) to read as follows:

“(C) shall contain language ensuring that such employee of the Department does not improperly use information that such employee knows relates to a Department acquisition, or procurement for the benefit or advantage of the private-sector organization.”.

(2) in subsection (f)—

(A) in paragraph (2)—

(i) by striking “is deemed to be an employee of the Department of Defense for the purposes of” and inserting “is subject to”;

(ii) by striking subparagraph (D); and

(iii) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively;
(B) by striking paragraph (4);

(C) by redesignating paragraph (5) as paragraph (4); and

(D) by adding at the end the following new paragraph:

“(5) shall be required to file a Public Financial Disclosure Report (OGE Form 278) and the Public Financial Disclosure Report for a such a person and a description of any waivers provided to such person shall be made available on a publicly accessible website of the Department of Defense.”.

(b) APPLICATION OF EXCHANGE AUTHORITY TO ARTIFICIAL INTELLIGENCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall take steps to ensure that the authority for the Department of Defense to operate a public-private talent exchange program pursuant to section 1599g of title 10, United States Code, is used to exchange personnel with private sector entities working on artificial intelligence applications. Such application of the authority of section 1599g shall be in addition to, not in lieu of, any other application of such authority by the Department of Defense.
(c) Goals for Program Participation.—In carrying out the requirement of subsection (b), the Secretary shall seek to achieve the following objectives:

(1) In the Secretary of Defense Executive Fellows program, the nomination of an additional five uniformed service members and three government civilians by each service and by the Office of the Secretary of Defense, for sponsorship by private sector entities working on artificial intelligence applications.

(2) For the public-private talent exchange program of the Under Secretary of Defense for Acquisition and Sustainment—

(A) an additional ten government employees to work with private sector entities working on artificial intelligence applications; and

(B) an additional ten employees of private sector entities working on artificial intelligence applications to work in the Department.

(3) The establishment of the following new public-private talent exchange programs in the Office of the Secretary of Defense, comparable to the program referred to in paragraph (2)—

(A) in the office of the Undersecretary of Defense for Research and Engineering, a pro-
gram with twenty participants, focused on exchanges with private sector entities working on artificial intelligence applications.

(B) in the office of the Chief Information Officer of the Department of Defense, a program with twenty participants, focused on exchanges with private sector entities working on artificial intelligence applications.

(4) In the Army, Navy, and Marine Corps, the establishment of new public-private exchange programs, comparable to the Air Force Education with Industry Program, each with twenty program participants, focused on private sector entities working on artificial intelligence applications.

(d) TREATMENT OF PROGRAM PARTICIPANTS.—

(1) The Army, Navy, and Marine Corps shall take steps to ensure that participation by a service member in a program described in subsection (c)(4) is treated, for purposes of promotion boards and subsequent assignments, as equivalent to attending resident professional military education.

(2) The Secretary of Defense shall establish a public-private exchange program billet office to temporarily hold billets for civilian employees who participate in programs described in subsection (b), to
ensure that participating Department of Defense offices are able to retain their staffing levels during the period of participation.

(e) Briefing on Expansion of Existing Exchange Programs.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the efforts undertaken to expand existing public-private exchange programs of the Department of Defense and to ensure that such programs seek opportunities for exchanges with private sector entities working on artificial intelligence applications, in accordance with the requirements of this section.

SEC. 250. REPORTING ON CONTRIBUTION OF DEVELOPMENT OF ARTIFICIAL INTELLIGENCE STANDARDS.

Subsection (b) of section 260 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following paragraph:

“(11) A description of efforts of the Center and the Department of Defense to develop or contribute to the development of artificial intelligence standards, including—
“(A) the participation of the Center and the Department of Defense in international and multistakeholder standard-setting bodies; and

“(B) collaboration between the Center and Department of Defense and—

“(i) other organizations and elements of the Department of Defense (including the Defense Agencies and the military departments);

“(ii) agencies of the Federal Government; and

“(iii) private industry (including the defense industrial base).”.

Subtitle D—Sustainable Chemistry Research and Development

SEC. 251. SHORT TITLE.

This subtitle may be cited as the “Sustainable Chemistry Research and Development Act of 2020”.

SEC. 252. FINDINGS.

Congress finds that—

(1) Congress recognized the importance and value of sustainable chemistry in section 114 of the American Innovation and Competitiveness Act (Public Law 114–329);
(2) sustainable chemistry and materials transformation is a key value contributor to business competitiveness across many industrial and consumer sectors;

(3) companies across hundreds of supply chains critical to the American economy are seeking to reduce costs and open new markets through innovations in manufacturing and materials, and are in need of new innovations in chemistry, including sustainable chemistry;

(4) sustainable chemistry can improve the efficiency with which natural resources are used to meet human needs for chemical products while avoiding environmental harm, reduce or eliminate the emissions of and exposures to hazardous substances, minimize the use of resources, and benefit the economy, people, and the environment; and

(5) a recent report by the Government Accountability Office (GAO–18–307) found that the Federal Government could play an important role in helping realize the full innovation and market potential of sustainable chemistry technologies, including through a coordinated national effort on sustainable chemistry and standardized tools and definitions to
support sustainable chemistry research, development, demonstration, and commercialization.

SEC. 253. NATIONAL COORDINATING ENTITY FOR SUSTAINABLE CHEMISTRY.

(a) Establishment.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall convene an interagency entity (referred to in this subtitle as the “Entity”) under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of sustainable chemistry, including those described in sections 255 and 256.

(b) Coordination With Existing Groups.—In convening the Entity, the Director of the Office of Science and Technology Policy shall consider overlap and possible coordination with existing committees, subcommittees, or other groups of the National Science and Technology Council, such as—

(1) the Committee on Environment;
(2) the Committee on Technology;
(3) the Committee on Science; or
(4) related groups or subcommittees.

(e) Co-Chairs.—The Entity shall be co-chaired by the Director of the Office of Science and Technology Policy and a representative from the Environmental Protec-
tion Agency, the National Institute of Standards and
Technology, the National Science Foundation, or the De-
partment of Energy, as selected by the Director of the
Office of Science and Technology Policy.

(d) AGENCY PARTICIPATION.—The Entity shall in-
clude 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 De-
partment of Agriculture, the Department of Defense, the
National Institutes of Health, the Centers for Disease
Control and Prevention, the Food and Drug Administra-
tion, 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 en-
tities, to develop and update, as needed, a consensus
definition of “sustainable chemistry” to guide the
activities under this subtitle;
(2) develop a working framework of attributes characterizing and metrics for assessing sustainable chemistry, as described in subsection (b);

(3) assess the state of sustainable chemistry in the United States as a key benchmark from which progress under the activities described in this subtitle can be measured, including assessing key sectors of the United States economy, key technology platforms, commercial priorities, and barriers to innovation;

(4) coordinate and support Federal research, development, demonstration, technology transfer, commercialization, education, and training efforts in sustainable chemistry, including budget coordination and support for public-private partnerships, as appropriate;

(5) identify any Federal regulatory barriers to, and opportunities for, Federal agencies facilitating the development of incentives for development, consideration, and use of sustainable chemistry processes and products;

(6) identify major scientific challenges, roadblocks, or hurdles to transformational progress in improving the sustainability of the chemical sciences;
(7) identify other opportunities for expanding Federal efforts in support of sustainable chemistry; and

(8) review, identify, and make efforts to eliminate duplicative Federal funding and duplicative Federal research in sustainable chemistry.

(b) CHARACTERIZING AND ASSESSING SUSTAINABLE CHEMISTRY.—The Entity shall develop a working framework of attributes characterizing and metrics for assessing sustainable chemistry for the purposes of carrying out the Act. In developing this framework, the Entity shall—

(1) seek advice and input from stakeholders as described in subsection (c);

(2) consider existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry already in use at Federal agencies;

(3) consider existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry already in use by international organizations of which the United States is a member, such as the Organisation for Economic Co-operation and Development; and
(4) consider any other appropriate existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry.

(c) Consultation.—In carrying out the duties described in subsections (a) and (b), the Entity shall consult with stakeholders qualified to provide advice and information to guide Federal activities related to sustainable chemistry through workshops, requests for information, or other mechanisms as necessary. The stakeholders shall include representatives from—

(1) business and industry (including trade associations and small- and medium-sized enterprises from across the value chain);

(2) the scientific community (including the National Academies of Sciences, Engineering, and Medicine, scientific professional societies, national labs, and academia);

(3) the defense community;

(4) State, Tribal, and local governments, including nonregulatory State or regional sustainable chemistry programs, as appropriate;

(5) nongovernmental organizations; and

(6) other appropriate organizations.

(d) Report to Congress.—
(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subtitle, the Entity shall submit a report to the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate, and the Committee on Science, Space, and Technology, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Represent-atives. In addition to the elements described in sub-sections (a) and (b), the report shall include—

(A) a summary of federally funded, sus-tainable chemistry research, development, demon-stration, technology transfer, commercializa-tion, education, and training activities;

(B) a summary of the financial resources allocated to sustainable chemistry initiatives by each participating agency;

(C) an assessment of the current state of sustainable chemistry in the United States, in-cluding the role that Federal agencies are play-ing in supporting it;

(D) an analysis of the progress made to-ward achieving the goals and priorities of this
subtitle, and recommendations for future pro-
gram activities;

(E) an evaluation of steps taken and fu-
ture strategies to avoid duplication of efforts,
streamline interagency coordination, facilitate
information sharing, and spread best practices
among participating agencies; and

(F) an evaluation of duplicative Federal
funding and duplicative Federal research in
sustainable chemistry, efforts undertaken by the
Entity to eliminate duplicative funding and re-
search, and recommendations on how to achieve
these goals.

(2) Submission to GAO.—The Entity shall
also submit the report described in paragraph (1) to
the Comptroller General of the United States for
consideration in future Congressional inquiries.

(3) Additional reports.—The Entity shall
submit a report to Congress and the Comptroller
General of the United States that incorporates the
information described in subparagraphs (a), (b), (d),
(c), and (f) every 3 years, commencing after the ini-
tial report is submitted until the Entity terminates.
SEC. 255. AGENCY ACTIVITIES IN SUPPORT OF SUSTAINABLE CHEMISTRY.

(a) IN GENERAL.—The agencies participating in the Entity shall carry out activities in support of sustainable chemistry, as appropriate to the specific mission and programs of each agency.

(b) ACTIVITIES.—The activities described in subsection (a) shall—

(1) incorporate sustainable chemistry into existing research, development, demonstration, technology transfer, commercialization, education, and training programs, that the agency determines to be relevant, including consideration of—

(A) merit-based competitive grants to individual investigators and teams of investigators, including, to the extent practicable, early career investigators for research and development;

(B) grants to fund collaborative research and development partnerships among universities, industry, and nonprofit organizations;

(C) coordination of sustainable chemistry research, development, demonstration, and technology transfer conducted at Federal laboratories and agencies;
(D) incentive prize competitions and challenges in coordination with such existing Federal agency programs; and

(E) grants, loans, and loan guarantees to aid in the technology transfer and commercialization of sustainable chemicals, materials, processes, and products;

(2) collect and disseminate information on sustainable chemistry research, development, technology transfer, and commercialization, including information on accomplishments and best practices;

(3) expand the education and training of students at appropriate levels of education, professional scientists and engineers, and other professionals involved in all aspects of sustainable chemistry and engineering appropriate to that level of education and training, including through—

(A) partnerships with industry as described in section 256;

(B) support for the integration of sustainable chemistry principles into chemistry and chemical engineering curriculum and research training, as appropriate to that level of education and training; and
(C) support for integration of sustainable chemistry principles into existing or new professional development opportunities for professionals including teachers, faculty, and individuals involved in laboratory research (product development, materials specification and testing, life cycle analysis, and management);

(4) as relevant to an agency’s programs, examine methods by which the Federal agencies, in collaboration and consultation with the National Institute of Standards and Technology, may facilitate the development or recognition of validated, standardized tools for performing sustainability assessments of chemistry processes or products;

(5) through programs identified by an agency, support (including through technical assistance, participation, financial support, communications tools, awards, or other forms of support) outreach and dissemination of sustainable chemistry advances such as non-Federal symposia, forums, conferences, and publications in collaboration with, as appropriate, industry, academia, scientific and professional societies, and other relevant groups;

(6) provide for public input and outreach to be integrated into the activities described in this section
by the convening of public discussions, through mechanisms such as public meetings, consensus conferences, and educational events, as appropriate;

(7) within each agency, develop or adapt metrics to track the outputs and outcomes of the programs supported by that agency; and

(8) incentivize or recognize actions that advance sustainable chemistry products, processes, or initiatives, including through the establishment of a nationally recognized awards program through the Environmental Protection Agency to identify, publicize, and celebrate innovations in sustainable chemistry and chemical technologies.

(d) LIMITATIONS.—Financial support provided under this section shall—

(1) be available only for pre-competitive activities; and

(2) not be used to promote the sale of a specific product, process, or technology, or to disparage a specific product, process, or technology.

SEC. 256. PARTNERSHIPS IN SUSTAINABLE CHEMISTRY.

(a) IN GENERAL.—The agencies participating in the Entity may facilitate and support, through financial, technical, or other assistance, the creation of partnerships between institutions of higher education, nongovernmental
organizations, consortia, or companies across the value chain in the chemical industry, including small- and medium-sized enterprises, to—

(1) create collaborative sustainable chemistry research, development, demonstration, technology transfer, and commercialization programs; and

(2) train students and retrain professional scientists, engineers, and others involved in materials specification on the use of sustainable chemistry concepts and strategies by methods, including—

(A) developing or recognizing curricular materials and courses for undergraduate and graduate levels and for the professional development of scientists, engineers, and others involved in materials specification; and

(B) publicizing the availability of professional development courses in sustainable chemistry and recruiting professionals to pursue such courses.

(b) PRIVATE SECTOR PARTICIPATION.—To be eligible for support under this section, a partnership in sustainable chemistry shall include at least one private sector organization.

(c) SELECTION OF PARTNERSHIPS.—In selecting partnerships for support under this section, the agencies
participating in the Entity shall also consider the extent
to which the applicants are willing and able to dem-
onstrate evidence of support for, and commitment to, the
goals outlined in the strategic plan and report described
in section 254.

(d) PROHIBITED USE OF FUNDS.—Financial support
provided under this section may not be used—

(1) to support or expand a regulatory chemical
management program at an implementing agency
under a State law;

(2) to construct or renovate a building or struc-
ture; or

(3) to promote the sale of a specific product,
process, or technology, or to disparage a specific
product, process, or technology.

SEC. 257. PRIORITIZATION.

In carrying out this subtitle, the Entity shall focus
its support for sustainable chemistry activities on those
that achieve, to the highest extent practicable, the goals
outlined in the Act.

SEC. 258. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to alter
or amend any State law or action with regard to sustain-
able chemistry, as defined by the State.
SEC. 259. MAJOR MULTI-USER RESEARCH FACILITY PROJECT.

Section 110 of the American Innovation and Competitiveness Act (42 U.S.C. 1862s–2) is amended by striking (g)(2) and inserting the following:

“(2) MAJOR MULTI-USER RESEARCH FACILITY PROJECT.—The term ‘major multi-user research facility project’ means a science and engineering facility project that exceeds $100,000,000 in total construction, acquisition, or upgrade costs to the Foundation.”.

Subtitle E—Plans, Reports, and Other Matters

SEC. 261. MODIFICATION TO ANNUAL REPORT OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Section 139(h)(2) of title 10, United States Code, is amended—

(1) by striking “Engineering,” and inserting “Engineering;” and

(2) by striking “, through January 31, 2025”.

•HR 6395 EH
SEC. 262. REPEAL OF QUARTERLY UPDATES ON THE OPERATIONALLY MANNED FIGHTING VEHICLE PROGRAM.

Section 261 of the National Defense Authorization Act for Fiscal Year 2020 (Public law 116–92; 133 Stat. 1294) is repealed.

SEC. 263. INDEPENDENT EVALUATION OF PERSONAL PROTECTIVE AND DIAGNOSTIC TESTING EQUIPMENT.

(a) INDEPENDENT EVALUATION REQUIRED.—The Director of Operational Test and Evaluation shall conduct an independent evaluation of—

(1) any processes used to test the effectiveness of covered personal protective and diagnostic testing equipment; and

(2) the results of such tests.

(b) AVAILABILITY OF INFORMATION.—The Secretary of Defense shall provide the Director of Operational Test and Evaluation with such information as may be necessary for the Director to conduct the evaluations required under subsection (a), including any relevant documentation relating to testing processes and test results for covered personal protective and diagnostic testing equipment.

(c) REPORT TO CONGRESS.—Not later than 30 days after the completion of each evaluation under subsection (a), the Director of Operational Test and Evaluation shall
submit to the congressional defense committees a report
on the results of the evaluation.

(d) COVERED PERSONAL PROTECTIVE AND DIAG-
NOSTIC TESTING EQUIPMENT DEFINED.—In this section,
the term “covered personal protective and diagnostic test-
ing equipment” means any personal protective equipment
or diagnostic testing equipment developed, acquired, or
used by the Department of Defense—

(1) in response to COVID–19; or

(2) as part of any follow-on, long-term acquisi-
tion and distribution program for such equipment.

SEC. 264. REPORTS ON F–35 PHYSIOLOGICAL EPISODES
AND MITIGATION EFFORTS.

(a) STUDY AND REPORT.—

(1) IN GENERAL.—The Under Secretary of De-
fense for Acquisition and Sustainment shall conduct
a study to determine the underlying causes of phys-
iological episodes affecting crewmembers of F–35
aircraft.

(2) ELEMENTS.—The study under subsection
(a) shall include—

(A) an examination of each physiological
episode reported by a crewmember of an F–35
aircraft as of the date of the enactment of this
Act.
(B) a determination as to the underlying cause of the episode; and

(C) an examination of—

(i) any long-term effects, including potential long-term effects, of the episode; and

(ii) any additional care an affected crewmember may need.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report that includes—

(A) the results the study conducted under subsection (a), including a description of each physiological episode examined under the study and an explanation of the underlying cause of the episode;

(B) a description of any actions that may be taken to address the underlying causes of such episodes, including any resources that may be required to carry out such actions; and

(C) any other findings and recommendations of the study.
(b) **ANNUAL REPORTS ON MITIGATION EFFORTS.**—

The Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition and Sustainment, shall include with the annual report required by section 224(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2059), a detailed description of—

(1) the efforts of the Department of Defense to address physiological episodes affecting crew-members of F–35 aircraft; and

(2) the funding allocated for such efforts.

**SEC. 265. STUDY ON MECHANISMS FOR ATTRACTING AND RETAINING HIGH QUALITY TALENT IN THE NATIONAL SECURITY INNOVATION BASE.**

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study to determine the feasibility of establishing a program to attract and retain covered individuals for employment in the national security innovation base.

(b) **ELEMENTS.**—The study required under subsection (a) shall include an analysis of—

(1) mechanisms the Department of Defense may use to engage institutions of higher education to assist in the identification and recruitment of covered individuals for employment in the national security innovation base;
(2) monetary and nonmonetary incentives that may be provided to retain covered individuals in positions in the national security innovation base;

(3) methods that may be implemented to ensure the proper vetting of covered individuals;

(4) the number of covered individuals needed to advance the competitiveness of the research, development, test, and evaluation efforts of the Department of Defense in the critical technologies identified in the National Defense Strategy; and

(5) the type and amount of resources required to implement the program described in subsection (a).

(e) REPORT.—Not later than February 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term “national security innovation base” means the network of persons and organizations, including Federal agencies, institutions of higher education, federally funded research and development centers, defense industrial base entities, nonprofit organizations, commercial entities, and venture capital firms that are engaged in the mili-
tary and nonmilitary research, development, funding, and production of innovative technologies that sup-
port the national security of the United States.

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

(3) The term “covered individual” means an indi-
vidual who—

(A) is employed by a United States em-
ployer and engaged in work to promote and protect the national security innovation base;

(B) is engaged in basic or applied re-
search, funded by the Department of Defense, through an institution of higher education in the United States; and

(C) possesses scientific or technical exper-
tise that will advance the development of crit-
ical technologies identified in the National De-
SEC. 266. FUNDING FOR FORCE PROTECTION APPLIED RESEARCH.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, as specified in the corresponding funding table in section 4201, for research, development, test, and evaluation, Navy, applied research, force protection applied research, line 005 (PE 0602123N) is hereby increased by $9,000,000 (to be used in support of the Direct Air Capture and Blue Carbon Removal Technology Program authorized under section 223 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2358 note)).

(b) OFFSETS.—

(1) Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, as specified in the corresponding funding table in section 4301, for operation and maintenance, Air Force, admin & servicewide activities, servicewide communications, line 410 is hereby reduced by $4,000,000.

(2) Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation
and maintenance, as specified in the corresponding funding table in section 4301, for operation and maintenance, Army, admin & servicewide activities, servicewide communications, line 440 is hereby reduced by $5,000,000.

SEC. 267. FUNDING FOR HYPERSONICS PROTOTYPING.

(a) Increase.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, as specified in the corresponding funding table in section 4201, for research, development, test, and evaluation, Air Force, advanced component development & prototypes, line 048, hypersonics prototyping (PE 0604033F) is hereby increased by $5,000,000 (to be used in support of the Air-launched Rapid Response Weapon Program).

(b) Offset.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, as specified in the corresponding funding table in section 4301, for operation and maintenance, Space Force, operating forces, contractor logistics & system support, line 080 is hereby reduced by $5,000,000.
SEC. 268. FUNDING FOR UNIDIRECTIONAL BODY ARMOR.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, as specified in the corresponding funding table in section 4201, for research, development, test, and evaluation, Army, advanced component development & prototypes, line 093, soldier systems—advanced development (PE 0603827A) is hereby increased by $7,000,000 (to be used for the development of lightweight body armor fabrics).

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, as specified in the corresponding funding table in section 4201, for research, development, test, and evaluation, Army, advanced component development & prototypes, line 102, technology maturation initiatives (PE 0604115A) is hereby reduced by $7,000,000.

SEC. 269. ASSESSMENTS OF INTELLIGENCE, DEFENSE, AND MILITARY IMPLICATIONS OF DEEPFAKE VIDEOS AND RELATED TECHNOLOGIES.

(a) INTELLIGENCE THREAT ASSESSMENT.—

(1) IN GENERAL.—In conjunction with each annual report required under section 5709(d) of the
National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) (relating to deepfake technology and the foreign weaponization of deepfakes), the Director of National Intelligence shall submit to the Secretary of Defense and the appropriate congressional committees a supplemental report on the intelligence, defense, and military implications of deepfake videos and related technologies.

(2) ELEMENTS.—Each supplemental report under paragraph (1) shall include—

(A) a description of new developments with respect to the national security implications of machine-manipulated media, and intelligence community responses to such developments, as it pertains to those matters described in section 5709(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92);

(B) a description of any known efforts by the militaries of the People’s Republic of China or the Russian Federation or any governmental elements that provide intelligence support to such militaries, to deploy machine-manipulated media in the context of any ongoing geopolitical
disputes, armed conflicts, or related operations;
and

(C) an assessment of additional future security risks posed by artificial intelligence technologies that facilitate the creation of machine-manipulated media, including security risks in contexts other than influence or information operations (including the potential subversion of biometric authentication systems).

(3) INTERIM REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Secretary of Defense and the appropriate congressional committees a report on the preliminary findings of the Director with respect to each element described in subsection (2).

(4) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Select Committee on Intelligence of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives.

(b) MILITARY RISK ASSESSMENT.—
(1) In general.—Not later than 180 days after date on which the report under subsection (a)(3) is submitted to the Secretary of Defense, the Secretary shall submit to the congressional defense committees an assessment, based on the results of such report, of the risks posed by machine-manipulated media to the operations, personnel, and activities of the Department of Defense and the Armed Forces.

(2) Elements.—The report under paragraph (1) shall include the following:

(A) An assessment of the risks posed by machine-manipulated media in the contexts of military planning, defense intelligence collection, operational decision-making, and such other contexts as the Secretary of Defense deems appropriate.

(B) A description of how the Department of Defense would assess, particularly under limited time constraints, the legitimacy of machine-manipulated media purporting to depict activities relevant to ongoing military operations (such as a deepfake video purporting to depict a foreign government official announcing an im-
pending military strike, retreat, or other tactical action).

(C) A description of any efforts of the Department of Defense to combat the actual or potential creation of machine-manipulated media that falsely depicts or replicates biometric identifiers of Federal Government officials, and an assessment of the feasibility of adopting or developing technologies to reduce the likelihood of video, audio, or visual content produced or distributed by the Department of Defense from being manipulated or exploited in such manner.

(D) An assessment of the Department of Defense’s current machine-manipulated media detection capabilities, and recommendations with respect to improving such capabilities.

(e) FORM.—The reports required under subsections (a) and (b) may be submitted in classified form, but if so submitted, shall be accompanied by unclassified annexes.

(d) MACHINE-MANIPULATED MEDIA DEFINED.—In this section, the term “machine-manipulated media” has the meaning given that term in section 5724(d) of the Na-
SEC. 270. FUNDING FOR AIR FORCE UNIVERSITY RESEARCH INITIATIVES.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, as specified in the corresponding funding table in section 4201, for research, development, test, and evaluation, Air Force, basic research, university research initiatives (PE 0601103F), line 002 is hereby increased by $5,000,000.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, as specified in the corresponding funding table in section 4301, for operation and maintenance, Army, admin & servicewide activities, servicewide communications, line 440 is hereby reduced by $5,000,000.

SEC. 271. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 PROJECTS.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Defense is encouraging the liberal use of fifth generation (commonly known as “5G”) information and communications tech-
ology testbeds to develop useful, mission-oriented applications for 5G technology.

(2) Barksdale Air Force Base, Louisiana, has the ability to serve as a large-scale test facility to enable rapid experimentation and dual-use application prototyping.

(3) Barksdale Air Force Base, Louisiana, has streamlined access to spectrum bands, mature fiber and wireless infrastructure, and prototyping and test area range access, all of which are ideal characteristics for use as a 5G test bed location.

(b) CONSIDERATION REQUIRED.—The Secretary of Defense shall consider using Barksdale Air Force Base, Louisiana, as 5G test bed installation for purposes of the activities carried out under section 254(b)(2)(A) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2223 note).

SEC. 272. SENSE OF CONGRESS ON THE ROLE OF THE NATIONAL SCIENCE FOUNDATION.

It is the sense of Congress that the National Science Foundation is critical to the expansion of the frontiers of scientific knowledge and advancing American technological leadership in key technologies, and that in order to continue to achieve its mission in the face of rising challenges from strategic competitors, the National Science
Foundation should receive a significant increase in funding, expand its use of its existing authorities to carry out new and innovative types of activities, consider new authorities that it may need, and increase existing activities such as the convergence accelerators aimed at accelerating the translation of fundamental research for the economic and national security benefit of the United States.

SEC. 273. FUNDING FOR NAVY UNIVERSITY RESEARCH INITIATIVES.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, as specified in the corresponding funding table in section 4201, for research, development, test, and evaluation, Navy, basic research, university research initiatives (PE 0601103N), line 001 is hereby increased by $5,000,000.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, as specified in the corresponding funding table in section 4301, for operation and maintenance, Army, admin & servicewide activities, servicewide communications, line 440 is hereby reduced by $5,000,000.
SEC. 274. FUNDING FOR ARMY UNIVERSITY RESEARCH INITIATIVES.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, as specified in the corresponding funding table in section 4201, for research, development, test, and evaluation, Army, basic research, university research initiatives (PE 0601103A), line 003 is hereby increased by $5,000,000.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, as specified in the corresponding funding table in section 4301, for operation and maintenance, Army, admin & servicewide activities, servicewide communications, line 440 is hereby reduced by $5,000,000.

SEC. 275. REPORT ON CERTAIN AWARDS BY THE AIR FORCE UNDER THE SMALL BUSINESS INNOVATION RESEARCH PROGRAM AND THE SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

The Assistant Secretary of the Air Force for Acquisition Technology and Logistics shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing a list of all selections made by the Assistant Secretary during the preceding 5-
year period under the Small Business Innovation Research Program or the Small Business Technology Transfer Program (as defined under section 9(e) of the Small Business Act (15 U.S.C. 638(e)) that were not followed with funding awards. The report shall include, for each such selection—

(1) the name and contact information of the company selected; and

(2) the reason the funding award did not follow the selection.

SEC. 276. FUNDING FOR BACKPACKABLE COMMUNICATIONS INTELLIGENCE SYSTEM.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Army, as specified in the corresponding funding table in section 4201, Network C3I Technology, Line 17, for the Backpackable Communications Intelligence System is hereby increased by $5,000,000.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, Defense-wide, as specified in the corresponding funding table in section 4301, for Admin & Srvwide Activi-
ties, Line 360, Defense Personnel Accounting Agency is hereby reduced by $5,000,000.

SEC. 277. FUNDING FOR ARMY UNIVERSITY AND INDUSTRY RESEARCH CENTERS.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, as specified in the corresponding funding table in section 4201, for research, development, test, and evaluation, Army, basic research, university and industry research centers (PE 0601104A), line 004 is hereby increased by $5,000,000.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, as specified in the corresponding funding table in section 4301, for operation and maintenance, Army, admin & servicewide activities, servicewide communications, line 440 is hereby reduced by $5,000,000.

SEC. 278. SENSE OF CONGRESS ON THE ADDITIVE MANUFACTURING AND MACHINE LEARNING INITIATIVE OF THE ARMY.

It is the sense of Congress that—

(1) the additive manufacturing and machine learning initiative of the Army has the potential to
accelerate the ability to deploy additive manufac-
turing capabilities in expeditionary settings and
strengthen the United States defense industrial sup-
ply chain; and

(2) Congress and the Department of Defense
should continue to support the additive manufac-
turing and machine learning initiative of the Army.

SEC. 279. TRAINEESHIPS FOR AMERICAN LEADERS TO
EXCEL IN NATIONAL TECHNOLOGY AND
SCIENCE.

(a) IN GENERAL.—The Secretary of Defense, acting
through the Under Secretary of Defense for Research and
Engineering, shall establish a traineeship program to ex-
pand Department of Defense access to domestic scientific
and technological talent in areas of strategic importance
to national security.

(b) DESIGNATION.—The traineeship program estab-
lished under subsection (a) shall be known as the
“Traineeships for American Leaders to Excel in National
Technology and Science” or “TALENTS program” (re-
ferred to in this section as the “traineeship program”).

(c) PROGRAM PRIORITIES.—The Secretary, in con-
sultation with the Defense Science Board and the Defense
Innovation Board, shall determine the multidisciplinary
fields of study on which the traineeship program will focus
and, in making such determination, shall consider the core
modernization priorities derived from the most recent na-
tional defense strategy provided under section 113(g) of
title 10, United States Code.

(d) Participating Institutions.—The Secretary
shall establish partnerships with not fewer than ten eligi-
bble institutions selected by the Secretary for the purposes
of the program under subsection (a).

(e) Partnership Activities.—The activities con-
ducted under the partnerships under subsection (d) be-
tween an eligible institution and the Department of De-
fense shall include—

(1) providing traineeships led by faculty for eli-
gible students described in subsection (h); and

(2) establishing scientific or technical internship
programs for such students.

(f) Preference in Selection of Institutions.—
In establishing partnerships under subsection (d), the Sec-
retary shall consider—

(1) the relevance of the eligible institution’s
proposed partnership to existing and anticipated
strategic national needs, as determined under sub-
section (e);

(2) the ability of the eligible institution to effec-
tively carry out the proposed partnership;
(3) the geographic location of an eligible institution as it relates to the need of the Department of Defense to develop specific workforce capacity and skills within a particular region of the country;

(4) whether the eligible institution is a covered minority institution;

(5) the extent to which the eligible institution’s proposal would—

   (A) include students underrepresented in the fields of science, technology, engineering, and mathematics; or

   (B) involve partnering with one or more covered minority institutions; and

(6) the integration of internship opportunities into the program provided by the eligible institution, including internships with government laboratories, non-profit research organizations, and for-profit commercial entities.

(g) GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants to individuals who are eligible students described in subsection (h) to—

   (A) participate in activities under subsection (e);
(B) pay tuition, fees, and other costs associated with participating in such activities;

(C) pay other costs associated with participating in the traineeship program; and

(D) pay costs associated with other scientific or technical internship or fellowship programs.

(2) AWARD TOTALS.—The total amount of grants awarded to individuals at an eligible institution under this section in each fiscal year shall not exceed $1,000,000.

(3) DURATION.—The duration of each grant under this section shall not exceed 4 years.

(h) ELIGIBLE STUDENTS.—In order to receive any grant under this section, a student shall—

(1) be a citizen or national of the United States or a permanent resident of the United States;

(2) be enrolled or accepted for enrollment at an eligible institution in a masters or doctoral degree program in a field of study determined under subsection (c); and

(3) if the student is presently enrolled at an institution, be maintaining satisfactory progress in the course of study the student is pursuing in accord-
ance section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(e)).

(i) Preferential Federal Government Hiring.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall develop and implement a process by which traineeship program participants shall receive preferred consideration in hiring activities conducted by the Department of Defense and each Department of Defense Laboratory.

(j) Definitions.—In this section:

(1) The term “eligible institution” means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(2) The term “covered minority institution” has the meaning given the term “covered institution” in section 262(g)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2362 note).

(3) The term “Department of Defense Laboratory” means—

(A) a laboratory operated by the Department of Defense or owned by the Department of Defense and operated by a contractor; or
(B) a facility of a Defense Agency (as defined in section 101(a) of title 10, United States Code) at which research and development activities are conducted.

SEC. 280. BRIEFING AND REPORT ON USE OF DISTRIBUTED LEDGER TECHNOLOGY FOR DEFENSE PURPOSES.

(a) BRIEFING REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, Under Secretary of Defense for Research and Engineering shall provide to the congressional defense committees a briefing on the potential use of distributed ledger technology for defense purposes.

(2) ELEMENTS.—This briefing under paragraph (1) shall include—

(A) an explanation of how distributed ledger technology may be used by the Department of Defense to—

(i) improve cybersecurity, beginning at the hardware level, of vulnerable assets such as energy, water, and transport grids through distributed versus centralized computing;
(ii) reduce single points of failure in
emergency and catastrophe decision-mak-
ing by subjecting decisions to consensus
validation through distributed ledger tech-
nologies;

(iii) improve the efficiency of defense
logistics and supply chain operations;

(iv) enhance the transparency of proc-
curement auditing; and

(v) allow innovations to be adapted by
the private sector for ancillary uses; and

(B) any other information that the Under
Secretary of Defense for Research and Engi-
neering determines to be appropriate.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, the
Under Secretary of Defense for Research and Engi-
neering shall submit to the congressional defense
committees a report on the research, development,
and use of distributed ledger technologies for de-
fense purposes.

(2) ELEMENTS.—The report under paragraph
(1) shall include—
(A) a summary of the key points from the briefing provided under subsection (a);

(B) an analysis of activities that other countries, including the People’s Republic of China and the Russian Federation, are carrying out with respect to the research and development of distributed ledger technologies, including estimates of the types and amounts of resources directed by such countries to such activities;

(C) recommendations identifying additional research and development activities relating to distributed ledger technologies that should be carried out by the Department of Defense and cost estimates for such activities; and

(D) an analysis of the potential benefits of—

(i) consolidating research on distributed ledger technologies within the Department; and

(ii) developing within the Department a single hub or center of excellence for research on distributed ledger technologies; and
(E) any other information that the Under Secretary of Defense for Research and Engineering determines to be appropriate.

SEC. 281. ADMISSION OF ESSENTIAL SCIENTISTS AND TECHNICAL EXPERTS TO PROMOTE AND PROTECT THE NATIONAL SECURITY INNOVATION BASE.

(a) Special Immigrant Status.—In accordance with the procedures established under subsection (f)(1), and subject to subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) (and the spouse and children of the alien if accompanying or following to join the alien) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) submits a classification petition under section 204(a)(1)(G)(i) of such Act (8 U.S.C. 1154(a)(1)(G)(i)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence.

(b) Aliens Described.—An alien is described in this subsection if—

(1) the alien—
(A) is employed by a United States employer and engaged in work to promote and protect the National Security Innovation Base;

(B) is engaged in basic or applied research, funded by the Department of Defense, through a United States institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

(C) possesses scientific or technical expertise that will advance the development of critical technologies identified in the National Defense Strategy or the National Defense Science and Technology Strategy, required by section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679 ); and

(2) the Secretary of Defense issues a written statement to the Secretary of Homeland Security confirming that the admission of the alien is essential to advancing the research, development, testing, or evaluation of critical technologies described in paragraph (1)(C) or otherwise serves national security interests.

(e) NUMERICAL LIMITATIONS.—
(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed—

(A) 10 in each of fiscal years 2021 through 2030; and

(B) 100 in fiscal year 2031 and each fiscal year thereafter.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(d) DEFENSE COMPETITION FOR SCIENTISTS AND TECHNICAL EXPERTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a process to select, on a competitive basis from among individuals described in section (b), individuals for recommendation to the Secretary of Homeland Security for special immigrant status described in subsection (a).

(e) AUTHORITIES.—In carrying out this section, the Secretary of Defense shall authorize appropriate personnel of the Department of Defense to use all personnel and management authorities available to the Department, in-
including the personnel and management authorities provided to the science and technology reinvention laboratories, the Major Range and Test Facility Base (as defined in 196(i) of title 10, United States Code), and the Defense Advanced Research Projects Agency.

(f) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and Secretary of Defense shall jointly establish policies and procedures implementing the provisions in this section, which shall include procedures for—

(1) processing of petitions for classification submitted under subsection (a)(1) and applications for an immigrant visa or adjustment of status, as applicable; and

(2) thorough processing of any required security clearances.

(g) FEES.—The Secretary of Homeland Security shall establish a fee to—

(1) be charged and collected to process an application filed under this section; and

(2) that is set at a level that will ensure recovery of the full costs of such processing and any additional costs associated with the administration of the fees collected.
(h) Implementation Report Required.—Not later than 360 days after the date of the enactment of this Act, the Secretary of Homeland Security and Secretary of Defense shall jointly submit to the appropriate congressional committees a report that includes—

(1) a plan for implementing the authorities provided under this section; and

(2) identification of any additional authorities that may be required to assist the Secretaries in fully implementing section.

(i) Program Evaluation and Report.—

(1) Evaluation.—The Comptroller General of the United States shall conduct an evaluation of the competitive program and special immigrant program described in subsections (a) through (g).

(2) Report.—Not later than October 1, 2025, the Comptroller General shall submit to the appropriate congressional committees a report on the results of the evaluation conducted under paragraph (1).

(j) Definitions.—In this section:

(1) The term “appropriate congressional committees” means—
(A) the Committee on Armed Services and
the Committee on the Judiciary of the House of
Representatives; and

(B) the Committee on Armed Services and
the Committee on the Judiciary of the Senate.

(2) The term “National Security Innovation
Base” means the network of persons and organiza-
tions, including Federal agencies, institutions of
higher education, federally funded research and de-
development centers, defense industrial base entities,
nonprofit organizations, commercial entities, and
venture capital firms that are engaged in the mili-
tary and non-military research, development, fund-
ing, and production of innovative technologies that
support the national security of the United States.

TITLE III—OPERATION AND
MAINTENANCE
Subtitle A—Authorization of
Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for
fiscal year 2021 for the use of the Armed Forces and other
activities and agencies of the Department of Defense for
expenses, not otherwise provided for, for operation and
maintenance, as specified in the funding table in section 4301.

SEC. 302. FUNDING FOR ARMY COMMUNITY SERVICES.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance for Army base operations support, line 100, as specified in the corresponding funding table in section 4301, for Army Community Services is hereby increased by $30,000,000.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, for Army Force Readiness Operations Support, line 070, as specified in the corresponding funding table in section 4301, is hereby reduced by $15,000,000.

(c) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, for Army Land Forces Operations Support, as specified in the corresponding funding table in section 4301, line 050, is hereby reduced by $15,000,000.
SEC. 303. INCREASE IN FUNDING FOR AIR FORCE RESERVE

CONTRACTOR SYSTEMS SUPPORT.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated for operation and maintenance, Defense-wide Operating Forces, as specified in the corresponding funding table in section 4301, for Special Operations Command maintenance, Line 70, is hereby increased by $22,000,000.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated for operation and maintenance, Air Force Operating Forces, as specified in the corresponding funding table in section 4301, Administration and Service-Wide Activities, Line 400, is hereby reduced by $22,000,000.

Subtitle B—Energy and Environment

SEC. 311. MILITARY AVIATION AND INSTALLATION ASSURANCE CLEARINGHOUSE FOR REVIEW OF MISSION OBSTRUCTIONS.

Section 183a(c) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;
(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) If, after issuing the notices of presumed risk required by paragraphs (2) and (3), the Secretary of Defense later concludes for any reason that the energy project will not have an adverse impact on military readiness, the Clearinghouse shall notify the applicant and the governor in writing of that conclusion.”; and

(3) in paragraph (7), as so redesignated, by striking “Any setback for a project pursuant to the previous sentence shall not be more than what is determined to be necessary by a technical analysis conducted by the Lincoln Laboratory at the Massachusetts Institute of Technology or any successor entity.”.

SEC. 312. MILITARY AVIATION AND INSTALLATION ASSURANCE CLEARINGHOUSE FOR REVIEW OF MISSION OBSTRUCTIONS.

Section 183a(c) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

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

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“(4) If, after issuing the notices of presumed risk re-
quired by paragraphs (2) and (3), the Secretary of De-
fense later concludes for any reason that the energy
project will not have an adverse impact on military readi-
ness, the Clearinghouse shall notify the applicant and the
governor in writing of that conclusion.”.

SEC. 313. AGREEMENTS TO LIMIT ENCROACHMENTS AND
OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

Section 2684a of title 10, United States Code, is
amended—

(1) in subsection (b), by striking “An agree-
ment under this section may be entered into with”
and inserting “For purposes of this section, the term
‘eligible entity’ means”; and

(2) in subsection (d)(1)(A), by striking “the en-
tity” and inserting “the eligible entity”.

SEC. 314. MODIFICATION OF DEPARTMENT OF DEFENSE
ENVIRONMENTAL RESTORATION AUTHORI-
TIES TO INCLUDE FEDERAL GOVERNMENT
FACILITIES USED BY NATIONAL GUARD.

Section 2707(e) of title 10, United States Code, as
added by section 316 of the National Defense Authoriza-
tion Act for Fiscal Year 2020 (Public Law 116–92, is
amended—
(1) by inserting “where military activities are conducted by the state National Guard under title 32,” after “facility”; and

(2) by adding at the end the following new sentence: “The Secretary concerned may also utilize the authority in section 2701(d) of this title for these environmental restoration projects.”.

SEC. 315. INCREASED TRANSPARENCY THROUGH REPORTING ON USAGE AND SPILLS OF AQUEOUS FILM-FORMING FOAM AT MILITARY INSTALLATIONS.

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

“§2712. Reporting on usage and spills of aqueous film-forming foam

“(a) IN GENERAL.—Not later than 48 hours after the Deputy Assistant Secretary of Defense for Environment receives notice of the usage or spill of aqueous film-forming foam, either as concentrate or mixed foam, at any military installation, the Deputy Assistant Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives notice of such usage or spill. Each such notice shall include each of the following:
“(1) The name of the installation where the usage or spill occurred.

“(2) The date on which the usage or spill occurred.

“(3) The amount, type, and specified concentration of aqueous film-forming foam that was used or spilled.

“(4) The cause of the usage or spill.

“(5) A summary narrative of the usage or spill.

“(6) A description of what actions have been taken to arrest and clean up the spill.

“(7) A description of coordination with relevant local and State authorities and environmental protection agencies.

“(b) ACTION PLAN.—Not later than 30 days after submitting notice of a usage or spill under subsection (a), the Deputy Assistant Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives an action plan for addressing such usage or spill.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2712. Reporting on usage and spills of aqueous film-forming foam.”.
SEC. 316. REPLACEMENT OF NON-TACTICAL MOTOR VEHICLES AT THE END OF SERVICE LIFE WITH ELECTRIC OR HYBRID MOTOR VEHICLES.

Section 2922g of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

“(b) END OF LIFE REPLACEMENT.—Upon the end of the lease or service life of a motor vehicle, the Secretary of the military department or the head of the Defense Agency shall, to the maximum extent possible, replace such motor vehicle with a motor vehicle that uses an electric or hybrid propulsion system, including a plug-in hybrid system.”;

(3) in subsection (e), as so redesignated, by striking “Subsection (a) does not” and inserting “Subsections (a) and (b) do not”;

(4) in subsection (d), as so redesignated, by striking “The preference required by subsection (a) does not” and inserting “The preference under subsection (a) and the requirement under subsection (b) do not”; and

(5) by inserting after subsection (d) the following new subsection:
“(e) Inclusion of Off-Road Vehicles.—In this section, the term ‘motor vehicle’ includes off-road vehicles, including construction or agricultural equipment.”.

SEC. 317. BUDGETING OF DEPARTMENT OF DEFENSE RELATING TO OPERATIONAL ENERGY IMPROVEMENT.

The Secretary of Defense shall include in the annual budget submission of the President under section 1105(a) of title 31, United States Code, a dedicated budget line item for fielding operational energy improvements, including such improvements for which funds from the Operational Energy Capability Improvement Fund have been expended to create the operational and business case for broader employment.

SEC. 318. ASSESSMENT OF DEPARTMENT OF DEFENSE OPERATIONAL ENERGY USAGE.

(a) In General.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with a federally funded research and development center with relevant expertise under which such center shall conduct an assessment of Department of Defense operational energy usage, including an agency-wide view and breakdowns of progress by service branch.
(b) **ELEMENTS.**—The assessment required under subsection (a) shall include—

(1) an analysis of the extent to which the Department of Defense developed an integrated operational energy strategy and the extent to which each of the military departments has implemented such strategy;

(2) an analysis of the viability of implementing net zero initiatives or meeting net zero goals within the operational energy enterprise without negatively impacting mission capability;

(3) an analysis of fossil fuel reduction regimes that may maximize reduction of reliance on fossil fuels, including impacts of lowering the reliance on fossil fuels, decreasing the need for refueling convoys, overcoming the tyranny of distance within United States Indo-Pacific Command through hybrid or other fuel efficient propulsion systems, and energy production, storage, and distribution systems that enhance logistics supply chain resiliency;

(4) a description of the options for achieving fossil fuel reduction benchmarks with respect to operational energy of 25 percent, 50 percent, 75 percent, and 100 percent, using fiscal year 2020 as the benchmark, including anticipated funding require-
ments, statutory requirements, infrastructure needs, and timeframes; and

(5) an analysis of the integration between energy offices with program offices, budget, and operational planners within the Department of Defense and military departments, and recommendations for improving coordination.

(c) Form of Report.—The report required under this section shall be submitted in unclassified form, but may contain a classified annex.

SEC. 319. IMPROVEMENT OF THE OPERATIONAL ENERGY CAPABILITY IMPROVEMENT FUND OF THE DEPARTMENT OF DEFENSE.

(a) Management of the Operational Energy Capability Improvement Fund.—The Under Secretary of Defense for Acquisition and Sustainment shall exercise authority, direction, and control over the Operational Energy Capability Improvement Fund of the Department of Defense (in this section referred to as the “OECIF”).

(b) Alignment and Coordination With Related Programs.—

(1) Realignment of OECIF.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall realign the OECIF under the Assistant Secretary of Defense for
Sustainment, with such realignment to include personnel positions adequate for the mission of the OECIF.

(2) Better Coordination with Related Programs.—The Assistant Secretary shall ensure that this placement facilitates better alignment between OECIF, the Strategic Environmental Research Program, the Environmental Security Technology Certification Program, and the Operational Energy Prototyping Program is utilized to advance common goals of the Department, promote organizational synergies, and avoid unnecessary duplication of effort.

(c) Program for Operational Energy Prototyping.—

(1) In General.—Commencing not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, through the Under Secretary of Defense for Acquisition and Sustainment, shall carry out a program for the demonstration of technologies related to operational energy prototyping, including demonstration of operational energy technology and validation prototyping.

(2) Operation of Program.—The Secretary shall ensure that the program under paragraph (1)
operates in conjunction with the OECIF to promote
the transfer of innovative technologies that have suc-
cessfully established proof of concept for use in pro-
duction 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 tech-
ologies and methods that address high-priority
operational energy requirements of the Depart-
ment 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 De-
partment have time to establish new re-
quirements where necessary and plan, pro-
gram, and budget for technology transition
to programs of record;

(C) utilize project structures similar to
those of the OECIF to ensure transparency and
accountability throughout the efforts conducted
under the program; and

(D) give priority, in conjunction with the
OECIF, to the development and fielding of
clean technologies that reduce reliance on fossil
fuels.

(4) TOOL FOR ACCOUNTABILITY AND TRANSI-
TION.—

(A) IN GENERAL.—In carrying out the
program under paragraph (1), the Secretary
shall develop and utilize a tool to track relevant
investments in operational energy from applied
research to transition to use to ensure user or-
ganizations have the full picture of technology
maturation and development.

(B) TRANSITION.—The tool developed and
utilized under subparagraph (A) shall be de-
dsigned to overcome transition challenges with
rigorous and well-documented demonstrations
that provide the information needed by all
stakeholders for acceptance of the technology.

SEC. 320. FIVE-YEAR REVIEWS OF CONTAINMENT TECH-
NOLOGIES RELATING TO RED HILL BULK
FUEL STORAGE FACILITY.

(a) Reviews.—
(1) **Reviews Required.**—At least once every 5 years, the Secretary of the Navy shall conduct a review of available technologies relating to the containment of fuel to determine whether any such technology may be used to improve the containment of fuel with respect to storage tanks located at the Red Hill Bulk Fuel Storage Facility, Hawaii.

(2) **Deadline for Initial Review.**—The Secretary shall begin the first review under paragraph (1) by not later than the date that is 1 year after the date of the enactment of this Act.

(b) **Briefings.**—Not later than 60 days after the date on which a review conducted under subsection (a) is completed, the Secretary shall provide to the congressional defense committees a briefing on—

(1) any technology identified in such review that the Secretary determines may be used to improve the containment of fuel with respect to storage tanks located at the Red Hill Bulk Fuel Storage Facility; and

(2) the feasibility and cost of implementing any such technology at the Red Hill Bulk Fuel Storage Facility.

(c) **Termination.**—The requirements to conduct reviews under subsection (a) and provide briefings under
subsection (b) shall terminate on the date on which the
Red Hill Bulk Fuel Storage Facility ceases operation, as
determined by the Secretary of the Navy.

SEC. 321. LIMITATION ON USE OF FUNDS FOR ACQUISITION
OF FURNISHED ENERGY FOR RHINE ORDNANCE BARRACKS ARMY MEDICAL CENTER.

None of the funds authorized to be appropriated by
this Act or otherwise made available for the Department
of Defense for fiscal year 2021 may be used to enter into
a contract for the acquisition of furnished energy for the
new Rhine Ordnance Barracks Army Medical Center
(hereafter referred to as the “Medical Center”) before the
date on which Secretary of Defense submits to the con-
gressional defense committees a written certification that
the Medical Center does not use any energy sourced from
inside the Russian Federation as a means of generating
the furnished energy.

SEC. 322. REQUIREMENT TO UPDATE DEPARTMENT OF DEFENSE CLIMATE CHANGE ROADMAP.

(a) In General.—Not later than February 1, 2022,
the Secretary of Defense shall submit to the Committees
on Armed Services of the Senate and House of Represent-
atives an update to the Department of Defense 2014 Cli-
mate Change Adaptation Roadmap. Such update shall in-
clude an outline of the strategy and implementation plan
of the Department to address the current and foreseeable
effects of climate change on the mission of the Depart-
ment of Defense.

(b) Elements of Strategy and Implementation

Plan.—The strategy and implementation plan required to
be included in the update under subsection (a) shall in-
clude—

(1) a description of the overarching approach of
the Department to climate adaptation and climate
mitigation measures;

(2) a discussion of the current and foreseeable
effects of climate change on—

(A) plans and operations, including—

(i) military readiness;

(ii) increased frequency of extreme
weather events, including flooding,
drought, desertification, wildfires, thawing
permafrost, hurricanes, and extreme heat;

(iii) conflicts or disputes, emerging
threats, and instability caused or exacer-
bated by climate change, including tensions
related to drought, famine, infectious dis-
 ease, geoengineering, energy transitions,
 extreme weather, migration, and competi-
tion for scarce resources;
(iv) increased demand for Defense Support for Civil Authorities and disaster or humanitarian relief operations;

(v) the operating environment of the Arctic and of the strategic and geopolitical implications of a progressively more ice-free Arctic Ocean; and

(vi) alteration or limitation on operation environments;

(B) training and testing, including—

(i) changes in land carrying capacity;

(ii) increased maintenance and repair requirements for equipment and infrastructure;

(iii) health of military personnel, including mitigation of infectious diseases, heat stress and heat-related illnesses resulting from increasing temperatures;

(iv) increased dust generation, air pollution, and fire hazards; and

(v) maintaining testing and training capacity to support increased operations and civil support missions;

(C) built and natural infrastructure, including—
(i) military installation resilience, as such term is defined in section 101(e)(8) of title 10, United States Code, of installations both within and outside the United States and its possessions and territories and of the State-owned National Guard installations of the several States;

(ii) resilience of the air and sea ports of our allies and partners that are critical to the training, deployment, and operations of the armed forces of the United States and its allies and partners;

(iii) resilience of the deployment system and structure of the Department of Defense and of the United States, including the strategic highway network, the strategic rail network, and designated strategic air and sea ports;

(iv) best practices for modeling and mitigating risks posed to military installations by increased inundation, erosion, flood, wind, and fire damage;

(v) changing energy demand at military installations to include heating and
cooling, particularly in communities experiencing grid stress;

(vi) disruption and competition for reliable energy and water resources;

(vii) geoengineering and energy transitions;

(viii) increased maintenance and sustainment costs;

(ix) damage to natural and constructed infrastructure from thawing permafrost and sea ice; and

(x) the effects of climate stress on community support infrastructure, including roads, transportation hubs, and medical facilities;

(D) acquisition and supply chain, including—

(i) measures to ensure that the current and projected future scale and impacts of climate change are fully considered in the research, development, testing, and acquisition of major weapon systems and of associated supplies and equipment;

(ii) required alterations of stockpiles;
(iii) reduced or changed availability and access to materials, equipment, and supplies, including water and food sources;
(iv) disruptions in fuel availability and distribution;
(v) estimated climate security investments required to address foreseeable costs incurred or influenced by climate change for each of the lines of effort in this report, including extreme weather response, over the next 5, 10, and 20 years, with topline estimates and a qualitative discussion of cost drivers for each; and
(vi) equipment and infrastructure investments required to address a changing Arctic environment; and
(E) such other matters as the Secretary determines appropriate; and
(3) a list of the ten most concerning existing or emerging conflicts or threats that pose a risk to the security of the United States that may be exacerbated by climate change.
(e) Assessments and Projections of the Scope and Scale of Climate Change.—In preparing the upd-
date to the climate change roadmap as required under subsection (a), the Secretary shall consider—

(1) climate projections from the Global Change Research Office, National Climate Assessment, the National Oceanic and Atmospheric Administration, and other Federal agencies; and

(2) data on, and analysis of, the national security effects of climate prepared by the Climate Security Advisory Council of the Office of the Director of National Intelligence established pursuant to section 120 of the National Security Act of 1947 (50 U.S.C. 3060) and by other elements of the intelligence community.

(d) FORM.—The update to the climate change roadmap required under subsection (a) shall be submitted in an unclassified form, but may contain a classified annex. If the Secretary determines that the inclusion of a classified annex is necessary, the Secretary shall conduct an in-person briefing for Members of the Committees on Armed Services of the Senate and House of Representatives by not later than 90 days after date of the submission of the update.
SEC. 323. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE INSTALLATION ENERGY.

(a) GAO REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the progress of the Department of Defense toward reaching net zero goals, including an agency-wide view and breakdowns of progress by service branch.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include—

(1) an analysis of the extent to which the Department of Defense has implemented net zero initiatives to date and developed a forward-looking integrated net zero strategy for energy, emissions, water, and waste management and the extent to which each of the military departments has implemented such strategy;

(2) a description of the current challenges to implementing net zero initiatives or meeting net zero goals and the degree to which the Department of Defense and the military departments have addressed applied lessons learned;

(3) a cost-benefit analysis of net zero initiatives, including a description of how such costs and benefits are identified, tracked, and validated;
(4) a description of the feasibility of achieving net zero benchmarks of 25 percent, 50 percent, 75 percent, and 100 percent of the energy, emissions, water, and waste management levels for 2020, including anticipated funding requirements, statutory requirements, infrastructure needs, and timeframes; and

(5) an analysis of the integration between energy offices with program offices, budget, and operational planners within the Department of Defense and military departments across the enterprise, and recommendations for improving coordination.

(c) Form of Report.—The report required under this section shall be submitted in unclassified form, but may contain a classified annex.

SEC. 324. DEPARTMENT OF DEFENSE REPORT ON EMISSIONS LEVELS.

(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-
downs by military department, and delineations between
installation and operational emissions.

(b) **FORM OF REPORT.**—The report required under
this section shall be submitted in unclassified form, but
may contain a classified annex.

**SEC. 325. OBJECTIVES, PERFORMANCE STANDARDS, AND**
**CRITERIA FOR USE OF WILDLIFE CONSERVA-
**
**TION BANKING PROGRAMS.**

(a) **IN GENERAL.**—To ensure opportunities for De-
partment of Defense participation in wildlife conservation
banking programs pursuant to section 2694e of title 10,
United States Code, the Secretary of the Interior, acting
through the Director of the United States Fish and Wild-
life Service, shall issue regulations of general applicability
establishing objectives, measurable performance stand-
dards, and criteria for use, consistent with the Endangered
Species Act (16 U.S.C. 1531 et seq.), for mitigation bank-
ing offsetting effects on a species, or habitat of such spe-
cies, that is endangered, threatened, a candidate for list-
ing, or otherwise at risk under such Act. To the maximum
extent practicable, the regulatory standards and criteria
shall maximize available credits and opportunities for miti-
gation, provide flexibility for characteristics of various spe-
cies, and apply equivalent standards and criteria to all
mitigation banks.
(b) **DEADLINE FOR REGULATIONS.**—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall publish an advance notice of proposed rulemaking for the regulations required by subsection (a) by not later than 1 year after the date of the enactment of this Act.

**SEC. 326. OFFSHORE WIND ENERGY DEVELOPMENT, MORRO BAY, CALIFORNIA.**

(a) **FINDINGS.**—Congress makes the following findings:

1. Since 2016, the Department of Defense and Department of the Navy have been working with State and Federal stakeholders to determine whether a commercial lease for the development of renewable energy off the coast of Morro Bay, California could be developed in a manner that is compatible with the training and readiness requirements of the Department of Defense.

2. Military readiness and the ability to conduct realistic training are critical to our national security; however, energy security and other ocean uses are also important. These interests should be balanced to the extent practicable when analyzing offshore energy proposals.
(3) In August 2019, Members of Congress, the Assistant Secretary of Defense for Sustainment, senior officials from other Federal agencies, and state and local elected representatives met to discuss a path forward to accommodate wind energy development off the Central Coast of California while ensuring the Department of Defense was able to continue meeting its testing, training, and operational requirements.

(4) Following the initial meeting in August 2019, the stakeholder group continued meeting at roughly monthly intervals through 2019 and into 2020 to discuss options and work towards a mutually agreeable solution for renewable energy development and continued military testing, training, and operational requirements off the Central Coast of California.

(5) In May 2020, the Assistant Secretary of the Navy for Energy, Installations, and Environment notified stakeholders that despite the previous year of negotiations, it was his view any wind energy developments off the Central Coast of California may not be viewed as being compatible with military activities. This unilateral decision was made abruptly, without providing any supporting analysis or ac-
knowledge of the progress and commitments made during previous negotiations, and was not in the spirit of cooperation and collaboration that had driven the previous 9 months of stakeholder engagements.

(6) Stakeholder confidence in the Department of Defense review process is paramount. Abrupt and unilateral changes of course erode confidence and undermine the State, local, and industry trust in a fair, transparent, and predictable adjudication of potential conflicts.

(7) In early 2019, in order to create continuity between the offshore and terrestrial processes, the Department of Defense consolidated its review of proposed energy development projects so that offshore energy proposals were now included in the Military Aviation and Installation Assurance Clearinghouse (the Clearinghouse). The Clearinghouse has a proven record for reviewing proposed energy development projects through a fair and transparent process. The Morro Bay proposal pre-dates this consolidation but underwent a similar Department of Defense led compatibility review.

(8) Congress has generally supported the transparent and fair Clearinghouse review process, as well
as all efforts between the Department of Defense and other stakeholders to reach solutions that allow for the development of energy projects in a manner that is compatible with military testing, training, and operational requirements.

(9) Legislating a solution to a specific energy development proposal should only be reserved for rare occasions. Due to Navy’s abrupt and unilateral decision to walk away from productive negotiations, after months of good-faith efforts by other stakeholders and public engagement, the threshold for congressional intervention has been reached.

(b) RESPONSIBILITY.—All interaction on behalf of the Department of the Navy with the California Energy Commission, Federal agencies, State and local governments, and potential energy developers regarding proposed offshore wind energy off the central coast of California shall be performed through the Office of the Under Secretary of Defense for Acquisition and Sustainment.

(e) BRIEFING REQUIREMENT; LIMITATION.—

(1) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services and the Committee on Natural Resources of the House of Representatives a briefing
on status of the review by the Offshore Energy
Working Group of the request to locate at least two
offshore wind lease areas proximate to and within
the Morro Bay Call Area. Such briefing shall in-
clude—

(A) a detailed map that shows any areas
identified;

(B) proposed mitigations that would enable
compatible development in the areas identified;

(C) any unresolved issues; and

(D) any other terms of the agreement
reached with the California Energy Commiss-
ion, other Federal agencies, State and local
governments, and potential energy developers.

(2) LIMITATION.—The Secretary of Defense
may not issue a final offshore wind assessment that
proposes wind exclusion areas and may not object to
an offshore energy project in the Central Coast of
California that has filed for review by the Military
Aviation and Installation Assurance Clearinghouse
until the Secretary provides the briefing required
under paragraph (1).

(d) LIMITATION ON USE OF FUNDS.—Of the
amounts authorized to be appropriated by this Act or oth-
erwise made available for the Department of Defense for
fiscal year 2021, not more than 75 percent may be obligated or expended for the Office of the Assistant Secretary of the Navy for Energy, Installations, and Environment until the date that is 30 days after the date on which the briefing required under subsection (c)(1) is provided.

SEC. 327. LONG-DURATION DEMONSTRATION INITIATIVE AND JOINT PROGRAM.

(a) Establishment of Initiative.—Not later than January 15, 2021, the Director of the Environmental Security Technology Certification Program of the Department of Defense (hereinafter in this section referred to as the “Director”) may establish a demonstration initiative composed of demonstration projects focused on the development of long-duration energy storage technologies.

(b) Selection of Projects.—To the maximum extent practicable, in selecting demonstration projects to participate in the demonstration initiative under subsection (a), the Director may—

(1) ensure a range of technology types;

(2) ensure regional diversity among projects;

and

(3) consider bulk power level, distribution power level, behind-the-meter, microgrid (grid-connected or islanded mode), and off-grid applications.

(c) Joint Program.—
(1) Establishment.—As part of the demonstration initiative under subsection (a), the Director, in consultation with the Secretary of Energy, may establish within the Department of Defense a joint program to carry out projects—

(A) to demonstrate promising long-duration energy storage technologies at different scales to promote energy resiliency; and

(B) to help new, innovative long-duration energy storage technologies become commercially viable.

(2) Memorandum of Understanding.—Not later than 200 days after the date of enactment of this Act, the Director may enter into a memorandum of understanding with the Secretary of Energy to administer the joint program.

(3) Infrastructure.—In carrying out the joint program, the Director and the Secretary of Energy may—

(A) use existing test-bed infrastructure at—

(i) installations of the Department of Defense; and

(ii) facilities of the Department of Energy; and
(B) develop new infrastructure for identified projects, if appropriate.

(4) GOALS AND METRICS.—The Director and the Secretary of Energy may develop goals and metrics for technological progress under the joint program consistent with energy resilience and energy security policies.

(5) SELECTION OF PROJECTS.—

(A) IN GENERAL.—To the maximum extent practicable, in selecting projects to participate in the joint program, the Director and the Secretary of Energy may—

(i) ensure that projects are carried out under conditions that represent a variety of environments with different physical conditions and market constraints; and

(ii) ensure an appropriate balance of—

(I) larger, operationally-scaled projects, adapting commercially-proven technology that meets military service defined requirements; and

(II) smaller, lower-cost projects.

(B) PRIORITY.—In carrying out the joint 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 resilience; 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
the selection of recipients of cash prizes. The process shall
include the widely-advertised solicitation of submissions of
research results, technology developments, and prototypes.

(c) LIMITATIONS.—The following limitations shall
apply to a program under subsection (a):

(1) No prize competition may result in the
award of a prize with a fair market value of more
than $5,000,000.

(2) No prize competition may result in the
award of more than $1,000,000 in cash prizes with-
out the approval of the Assistant Secretary of De-
fense for Sustainment.

(3) No prize competition may result in the
award of a solely nonmonetary prize with a fair mar-
ket value of more than $10,000 without the approval
of the Assistant Secretary of Defense for
Sustainment.

(d) RELATIONSHIP TO OTHER AUTHORITY.—A pro-
gram under subsection (a) may be carried out in conjunc-
tion with or in addition to the exercise of any other author-
ity of the Department of Defense.

(e) USE OF PRIZE AUTHORITY.—Use of prize author-
ity under this section shall be considered the use of com-
petitive procedures for the purposes of section 2304 of
title 10, United States Code.
(f) PFAS.—In this section, the term “PFAS” means—

(1) man-made chemicals of which all of the carbon atoms are fully fluorinated carbon atoms; and

(2) man-made chemicals containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

(g) Termination.—The authority to carry out a program under this section shall terminate on October 1, 2024.

SEC. 329. SURVEY OF TECHNOLOGIES FOR DEPARTMENT OF DEFENSE APPLICATION IN PHASING OUT THE USE OF FLUORINATED AQUEOUS FILM-FORMING FOAM.

(a) Survey of Technologies.—The Secretary of Defense shall conduct a survey of relevant technologies, other than fire-fighting agent solutions, to determine whether any such technologies are available and can be adapted for use by the Department of Defense to facilitate the phase-out of fluorinated aqueous film-forming foam. The technologies surveyed under this subsection shall include hangar flooring systems, fire-fighting agent delivery systems, containment systems, and other relevant technologies the Secretary determines appropriate.
(b) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the survey conducted under subsection (a). Such report shall include—

(1) a description of the technologies included in the survey;

(2) a list of the technologies that were considered for further testing or analysis; and

(3) any technologies that are undergoing additional analysis for possible application within the Department.

SEC. 330. INTERAGENCY BODY ON RESEARCH RELATED TO PER- AND POLYFLUOROALKYL SUBSTANCES.

(a) Establishment.—The Director of the Office of Science and Technology Policy, acting through the National Science and Technology Council, shall establish an interagency working group to coordinate Federal activities to advance research and development needed to address PFAS.

(b) Agency Participation.—The interagency working group shall include a representative of each—

(1) the Environmental Protection Agency;

(2) the National Institute of Environmental Health Sciences;
(3) the Agency for Toxic Substances and Disease Registry;
(4) the National Science Foundation;
(5) the Department of Defense;
(6) the National Institutes of Health;
(7) the National Institute of Standards and Technology;
(8) the National Oceanic and Atmospheric Administration;
(9) the Department of the Interior;
(10) the Department of Transportation;
(11) the Department of Homeland Security;
(12) the National Aeronautics and Space Administration;
(13) the National Toxicology Program;
(14) the Department of Agriculture;
(15) the Geological Survey;
(16) the Department of Commerce;
(17) the Department of Energy;
(18) the Office of Information and Regulatory Affairs;
(19) the Office of Management and Budget;
and
(20) any such other Federal department or agency as the President considers appropriate.
(c) Co-Chairs.—The Interagency working group shall be co-chaired by the Director of the Office of Science and Technology Policy and, on an annual rotating basis, a representative from a Member agency, as selected by the Director of the Office of Science and Technology Policy.

(d) Responsibilities of the Working Group.—

The interagency working group established under subsection (a) shall—

(1) provide for interagency coordination of Federally funded PFAS research and development; and

(2) not later than 12 months after the date of enactment of this Act, develop a strategic plan for Federal support for PFAS research and development (to be updated not less than every 2 years) that—

(A) identifies all current Federally funded PFAS research and development, including the nature and scope of such research and development and the amount of funding associated with such research and development during the current fiscal year, disaggregated by agency;

(B) identifies scientific and technological challenges that must be addressed to understand and to significantly reduce the environmental and human health impacts of PFAS and to identify cost-effective—
(i) alternatives to PFAS that are designed to be safer and more environmentally friendly;

(ii) methods for removal of PFAS from the environment; and

(iii) methods to safely destroy or degrade PFAS;

(C) establishes goals, priorities, and metrics for Federally funded PFAS research and development that takes into account the current state of research and development identified in paragraph (A) and the challenges identified in paragraph (B); and

(D) an implementation plan for Federal agencies.

(e) CONSULTATION.—In developing the strategic plan under subsection (d), the interagency working group shall consult with states, tribes, territories, local governments, appropriate industries, academic institutions and non-governmental organizations with expertise in PFAS research and development, treatment, management, and alternative development.

(f) ANNUAL REPORT.—For each fiscal year beginning with fiscal year 2022, not later than 90 days after submission of the President’s annual budget request for
such fiscal year, the Interagency working group shall prepare and submit to Congress a report that includes—

(1) a summary of Federally funded PFAS research and development for such fiscal year and the preceding fiscal year, including a disaggregation of spending for each participating Federal agency; and

(2) a description of how Federal agencies are implementing the strategic plan described in subsection (d).

(g) PFAS RESEARCH AND DEVELOPMENT.—The term “PFAS research and development” includes any research or project that has the goal of accomplishing the following:

(1) The removal of PFAS from the environment.

(2) The safe destruction or degradation of PFAS.

(3) The development and deployment of safer and more environmentally friendly alternative substances that are functionally similar to those made with PFAS.

(4) The understanding of sources of environmental PFAS contamination and pathways to exposure for the public.
(5) The understanding of the toxicity of PFAS to humans and animals.

SEC. 331. RESTRICTION ON PROCUREMENT BY DEFENSE LOGISTICS AGENCY OF CERTAIN ITEMS CONTAINING PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES.

(a) PROHIBITION.—The Director of the Defense Logistics Agency may not procure any covered item containing a perfluoroalkyl substance or polyfluoroalkyl substance.

(b) DEFINITIONS.—In this section:

(1) The term “covered item” means—

(A) non-stick cookware or food service ware for use in galleys or dining facilities;

(B) food packaging materials;

(C) furniture or floor waxes;

(D) carpeting, rugs, or upholstered furniture;

(E) personal care items;

(F) dental floss; and

(G) sunscreen.

(2) The term “perfluoroalkyl substance” means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.
(3) The term "polyfluoroalkyl substance" means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

c) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 332. STANDARDS FOR REMOVAL OR REMEDIAL ACTIONS WITH RESPECT TO PFOS OR PFOA CONTAMINATION.

(a) IN GENERAL.—In conducting removal or remedial actions pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or section 332 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) of PFOS or PFOA contamination from Department of Defense or National Guard activities found in drinking water or in groundwater that is not currently used for drinking water, the Secretary of Defense shall ensure that such actions result in a level that meets or exceeds the most stringent of the following standards for PFOS or PFOA in any environmental media:

(1) An enforceable State standard, in effect in that State, for drinking, surface, or ground water, as described in section 121(d)(2)(A)(ii) of the Com-


(3) A health advisory under section 1412(b)(1)(F) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(1)(F)).

(b) DEFINITIONS.—In this section:

(1) The term “PFOA” means perfluorooctanoic acid.

(2) The term “PFOS” means perfluorooctane sulfonate.

(3) The terms “removal” and “remedial action” have the meanings given those terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(c) SAVINGS CLAUSE.—Except with respect to the specific level required to be met under subsection (a), nothing in this section affects the application of the Com-
prehensive Environmental Response, Compensation, and

SEC. 333. RESEARCH AND DEVELOPMENT OF ALTERNATIVE
TO AQUEOUS FILM-FORMING FOAM.
(a) IN GENERAL.—The Secretary of Defense, acting
through the National Institute of Standards and Tech-
nology and in consultation with appropriate stakeholders
and manufactures, research institutions, and other Fed-
eral agencies shall award grants and carry out other ac-
tivities to—

(1) promote and advance the research and de-
velopment of additional alternatives to aqueous film-
forming foam (in this section referred to as
“AFFF”) containing per- and polyfluoroalkyl sub-
stances (in this section referred to as “PFAS”) to
facilitate the development of a military specification
and subsequent fielding of a PFAS-free fire-fighting
foam;

(2) advance the use of green and sustainable
chemistry for a fluorine-free alternative to AFFF;

(3) increase opportunities for sharing best prac-
tices within the research and development sector
with respect to AFFF;

(4) assist in the testing of potential alternatives
to AFFF; and
(5) provide guidelines on priorities with respect to an alternative to AFFF.

(b) ADDITIONAL REQUIREMENTS.—In carrying out the program required under subsection (a), the Secretary shall—

(1) take into consideration the different uses of AFFF and the priorities of the Department of Defense in finding an alternative;

(2) prioritize green and sustainable chemicals that do not pose a threat to public health or the environment; and

(3) use and leverage research from existing Department of Defense programs.

(c) REPORT.—The Secretary shall submit to Congress a report on—

(1) the priorities and actions taken with respect to finding an alternative to AFFF and the implementation of such priorities; and

(2) any alternatives the Secretary has denied, and the reason for any such denial.

(d) USE OF FUNDS.—This section shall be carried out using amounts authorized to be available for the Strategic Environmental Research and Development Program.
SEC. 334. NOTIFICATION TO AGRICULTURAL OPERATIONS LOCATED IN AREAS EXPOSED TO DEPARTMENT OF DEFENSE PFAS USE.

(a) Notification Required.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall provide a notification described in subsection (b) to any agricultural operation located within 10 square miles of a location where covered PFAS—

(1) has been detected in groundwater;

(2) has been hydrologically linked to a local water source, including a water well; and

(3) is suspected to be, or due to a positive test known to be, the result of the use of PFAS at any installation of the Department of Defense located in the United States or any State-owned facility of the National Guard.

(b) Notification Requirements.—The notification required under subparagraph (a) shall include:

(1) The name of the Department of Defense or National Guard installation from which the PFAS contamination in groundwater originated.

(2) The specific type of PFAS detected in groundwater.

(3) The detection levels of PFAS detected.
(4) Relevant governmental information regarding the health and safety of the covered PFAS detected, including relevant Federal or State standards for PFAS in groundwater, livestock, food commodities and drinking water, and any known restrictions for sale of agricultural products that have been irrigated or watered with water containing PFAS.

(c) ADDITIONAL TESTING RESULTS.—The Secretary of Defense shall provide to an agricultural operation that receives a notice under subsection (a) any pertinent updated information, including any results of new elevated testing, by not later than 15 days after receiving such information.

(d) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report on the status of providing notice under subsection (a). Such report shall include, for the period covered by the report—

(1) the approximate locations of such operations relative to installations of the Department of Defense located in the United States and State-owned facilities of the National Guard;
(2) the PFAS substances detected in groundwater; and

(3) the levels of PFAS detected.

(e) DEFINITIONS.—In this section:

(1) The term “covered PFAS” means each of the following:

(A) Perfluorooctanoic acid (commonly referred to as “PFOA”) (Chemical Abstracts Service No. 335–67–1).

(B) Perfluorooctane sulfonic acid (commonly referred to as “PFOS”) (Chemical Abstracts Service No. 1763–23–1).

(C) Perfluorobutanesulfonic acid (commonly referred to as “PFBS”) (Chemical Abstracts Service No. 375–73–5).

(D) Perfluorohexane sulfonate (commonly referred to as “PFHxs”) (Chemical Abstracts Service No. 108427–53–8).

(E) Perfluoroheptanoic acid (commonly referred to as “PFHpA”) (Chemical Abstracts Service No. 375–85–9).

(F) Perfluorohexanoic acid (commonly referred to as “PFHxA”) (Chemical Abstracts Service No. 307–24–4).
(G) Perfluorodecanoic acid (commonly referred to as “PFDA”) (Chemical Abstracts Service No. 335–76–2).

(H) Perfluorononanoic acid (commonly referred to as “PFNA”) (Chemical Abstracts Service No. 375–95–1).

(2) The term “PFAS” means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom, including the chemical GenX.

SEC. 335. PUBLIC DISCLOSURE OF RESULTS OF DEPARTMENT OF DEFENSE TESTING FOR PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.

(a) Public Disclosure of PFAS Testing.—The Secretary of Defense shall publicly disclose the results of any testing for perfluoroalkyl or polyfluoroalkyl substances (commonly referred to as “PFAS”) conducted on military installations or formerly used defense sites, and any testing for lead or copper at a Department education activity facility, including—

(1) all such testing results conducted by the Department of Defense; and

(2) all such testing results conducted by a non-Danish entity (including any Federal agency
and any public or private entity) under contract by
or pursuant to an agreement with the Department
of Defense.

(b) NATURE OF DISCLOSURE.—The Secretary of De-
fense may satisfy the disclosure requirement under sub-
section (a) by publishing the information, datasets, and
results relating to the testing referred to in such sub-
section—

(1) on the publicly available website established
under section 331(b) of the National Defense Au-
thorization Act of 2020 (Public Law 116–92) by not
later than 7 days after such information, datasets,
and results become available;

(2) on another publicly available website of the
Department of Defense by not later than 7 days
after such information, datasets, and results become
available; or

(3) in the Federal Register by not later than 30
days after such information, datasets, and results
become available.

(c) REQUIREMENTS.—The information required to be
disclosed by the Secretary of Defense under subsection (a)
and published under subsection (b) shall—
(1) constitute a record for the purposes of chapters 21, 29, 31, and 33 of title 44, United States Code; and

(2) include any underlying datasets or additional information of interest to the public, as determined by the Secretary of Defense.

(d) LOCAL NOTIFICATION.—Prior to conducting any testing for perfluoroalkyl or polyfluoroalkyl substances, the Secretary of Defense shall provide to the managers of the public water system and the publicly owned treatment works serving the areas located immediately adjacent to the military installation where such testing is to occur notice in writing of the testing.

(e) DEFINITIONS.—In this section:

(1) The term “formerly used defense site” means any site formerly used by the Department of Defense or National Guard eligible for environmental restoration by the Secretary of Defense funded under the “Environmental Restoration Account, Formerly Used Defense Sites” account established under section 2703(a)(5) of title 10, United States Code.

(2) The term “military installation” has the meaning given such term in section 2801(c)(4) of title 10, United States Code.
(3) The term “perfluoroalkyl or polyfluoroalkyl substance” means any per or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

(4) The term “public water system” has the meaning given such term under section 1401(4) of the Safe Drinking Water Act (42 U.S.C. 300f(4)).

(5) The term “treatment works” has the meaning given such term in section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

SEC. 336. BIOLOGICAL THREATS REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report on efforts to prevent, detect, and respond to biological threats, including through cooperation with bilateral and multilateral partners.

(b) ELEMENTS.—The report shall include the following:

(1) A description of actions taken by the Department of Defense to improve proliferation prevention regarding, detection of, and response to biological threats of natural, accidental, or deliberate origin, including the following:
(A) Department of Defense policy guidance to address the threat of naturally and accidentally occurring diseases in addition to potential deliberate biological events.

(B) Organizational chart describing those responsible in each Department for coordinating these activities, in accordance with the report required by section 745 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(C) A description of efforts to integrate Department of Defense infectious disease research, cooperative threat reduction programs, and other activities designed to protect Department of Defense personnel against infectious disease threats.

(2) Programs and policies to address the threat of accidental or deliberate misuse of emerging biological technologies, including synthetic biology, including Cooperative Threat Reduction, efforts to cooperate with other partners to establish international norms and standards, consideration of new technologies in the Biological Threat Reduction Program, and efforts to develop countermeasures.
SEC. 337. REPORT ON ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the use of energy savings performance contracts (in this section referred to as “ESPCs”) by the Department of Defense. Such report shall include—

(1) the total investment value of the total number of ESPCs per service for fiscal years 2016 through 2020;

(2) the location of facilities with ESPCs for fiscal years 2016 through 2020;

(3) any limitations on expanding ESPCs throughout the Department of Defense;

(4) the effect ESPCs have on military readiness; and

(5) any additional information the Secretary determines relevant.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the appropriate congressional committees are—

(1) the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives; and
(2) the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate.

SEC. 338. SENSE OF CONGRESS REGARDING AN INTEGRATED MASTER PLAN TOWARDS ACHIEVING NET ZERO.

It is the sense of Congress that the Department of Defense should develop an integrated master plan for pursuing Net Zero initiatives and reductions in fossil fuels using the findings of—

(1) the assessment of Department of Defense operational energy usage required under section 318;

(2) the Comptroller General report on Department of Defense installation energy required under section 323; and

(3) the Department of Defense report on emissions required under section 324.

SEC. 339. INCREASE IN FUNDING FOR CENTERS FOR DISEASE CONTROL STUDY ON 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.

(a) IN GENERAL.—Beginning on the date of the enactment of this Act, the Secretary of Defense shall prohibit the incineration of materials containing per- and polyfluoroalkyl substances or aqueous film forming foam until regulations have been prescribed by the Secretary that—

(1) implement the requirements of section 330 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92); and

(2) take into consideration the interim guidance published by the Administrator of the Environmental Protection Agency under section 7361 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(b) REPORT.—Not later than 1 year after the publication of the final regulations described in subsection (a), and annually thereafter, the Secretary shall submit to the Administrator of the Environmental Protection Agency a
report on all incineration by the Department of Defense of materials containing perfluoroalkyl substances, polyfluoroalkyl substances, or aqueous film forming foam during the year covered by the report, including—

(1) the total amount of such materials incinerated;

(2) the temperature range at which such materials were incinerated; and

(3) the locations and facilities where such materials were incinerated.

SEC. 341. GUARANTEEING EQUIPMENT SAFETY FOR FIREFIGHTERS ACT OF 2020.

(a) SHORT TITLE.—This section may be cited as the “Guaranteeing Equipment Safety for Firefighters Act of 2020”.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY STUDY ON PER- AND POLYFLUOROALKYL SUBSTANCES IN PERSONAL PROTECTIVE EQUIPMENT WORN BY FIREFIGHTERS.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall, subject to availability of appropriations, in consultation with the Director of the National Institute for Occupational Safety and Health, complete
a study of the contents and composition of new and
unused personal protective equipment worn by fire-
fighters.

(2) CONTENTS OF STUDY.—In carrying out the
study required by paragraph (1), the Director of the
National Institute of Standards and Technology
shall examine—

(A) the identity, prevalence, and concentra-
tion of per- and polyfluoroalkyl substances
(commonly known as “PFAS”) in the personal
protective equipment worn by firefighters;

(B) the conditions and extent to which per-
and polyfluoroalkyl substances are released into
the environment over time from the degradation
of personal protective equipment from normal
use by firefighters; and

(C) the relative risk of exposure to per-
and polyfluoroalkyl substances faced by fire-
fighters from—

(i) their use of personal protective
equipment; and

(ii) degradation of personal protective
equipment from normal use by firefighters.

(3) REPORTS.—
(A) **PROGRESS REPORTS.**—Not less frequently than once each year for the duration of the study conducted under paragraph (1), the Director shall submit to Congress a report on the progress of the Director in conducting such study.

(B) **FINAL REPORT.**—Not later than 90 days after the date on which the Director completes the study required by paragraph (1), the Director shall submit to Congress a report describing—

(i) the findings of the Director with respect to the study; and

(ii) recommendations on what additional research or technical improvements to personal protective equipment materials or components should be pursued to avoid unnecessary occupational exposure among firefighters to per- and polyfluoroalkyl substances through personal protective equipment.

(c) **RESEARCH ON PER- AND POLYFLUOROALKYL SUBSTANCES IN PERSONAL PROTECTIVE EQUIPMENT WORN BY FIREFIGHTERS.**—
(1) IN GENERAL.—Not later than 180 days after the date of the submittal of the report required by subsection (b)(3)(B), the Director of the National Institute of Standards and Technology shall—

(A) issue a solicitation for research proposals to carry out the research recommendations identified in the report submitted under subsection (b)(3); and

(B) award grants to applicants that submit research proposals to develop safe alternatives to per- and polyfluoroalkyl substances in personal protective equipment.

(2) CRITERIA.—The Director shall select research proposals to receive a grant under paragraph (1) on the basis of merit, using criteria identified by the Director, including the likelihood that the research results will address the findings of the Director with respect to the study conducted under subsection (b)(1).

(3) ELIGIBLE ENTITIES.—Any entity or group of 2 or more entities may submit to the Director a research proposal in response to the solicitation for research proposals under paragraph (1), including—

(A) State and local agencies;
(B) public institutions, including public institutions of higher education;

(C) private corporations; and

(D) nonprofit organizations.

(d) Authority for Director of the National Institute of Standards and Technology to Consult With Experts on Matters Relating to Per- and Polyfluoroalkyl Substances.—In carrying out this section, the Director of the National Institute of Standards and Technology may consult with Federal agencies, nongovernmental organizations, State and local governments, and science and research institutions determined by the Director to have scientific or material interest in reducing unnecessary occupational exposure to per- and polyfluoroalkyl substances by firefighters.

(e) Authorization of Appropriations.—

(1) In General.—There are authorized to be appropriated to the Director $2,500,000 to carry out this section.

(2) Supplement Not Supplant.—Funds made available to carry out this section shall supplement and not supplant funds made available to the Director for other purposes.
SEC. 342. ASSESSMENT OF DEPARTMENT OF DEFENSE EXCESS PROPERTY PROGRAMS WITH RESPECT TO NEED AND WILDFIRE RISK.

(a) ASSESSMENT OF PROGRAMS.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Director of the Defense Logistics Agency, jointly with the Secretary of Agriculture, acting through the Chief of the Forest Service, shall assess the Firefighter Property Program (FFP) and the Federal Excess Personal Property Program (FEPP) implementation and best practices, taking into account community need and risk, including whether a community is an at-risk community (as defined in section 101(1) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(1)).

(2) COLLABORATION.—In carrying out the assessment required under paragraph (1), the Secretary of Defense, acting through the Director of the Defense Logistics Agency, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall consult with State foresters and participants in the programs described in such paragraph.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Director of the Defense Logistics
Agency, jointly with the Secretary of Agriculture, acting through the Chief of the Forest Service, shall submit to the Committee on Armed Services and the Committee on Agriculture of the House of Representatives and the Committee on Armed Services and the Committee on Agriculture, Forestry, and Nutrition of the Senate a report on the assessment required under paragraph (1) of subsection (a) and any findings and recommendations with respect to the programs described in such paragraph.

Subtitle C—Logistics and Sustainment

SEC. 351. NATIONAL DEFENSE SUSTAINMENT AND LOGISTICS REVIEW.

(a) In general.—Chapter 2 of title 10, United States Code, is amended by inserting after section 118 the following new section:

“§ 118a. National Defense Sustainment and Logistics Review

“(a) Quadrennial Review Required.—Two years after the submittal of each national defense strategy under section 113(g) of this title, the Secretary of Defense shall conduct a comprehensive review of the sustainment and logistics requirements necessary to support the force structure, force modernization, infrastructure, and other elements of the defense program and policies of the United States.
States during the subsequent 5-, 10-, and 25-year periods.

Each such review shall be known as the ‘National Defense Sustainment and Logistics Review’. Each such review shall be conducted in consultation with the Secretaries of the military departments, the chief of the armed services, the Commander of United States Transportation Command, and the Commander of the Defense Logistics Agency.

“(b) REPORT TO CONGRESS.—(1) Not later than the first Monday in February of the year following the fiscal year during which the review required by subsection (a) is submitted, the Secretary shall submit to the congressional defense committees a report on the review. Each such report shall include each of the following:

“(A) An assessment of the strategic and tactical maritime logistics force (including non-military assets provided by Military Sealift Command and through the Voluntary Intermodal Sealift Agreement) required to support sealift and at sea logistics requirements of forces to meet steady state and contingency requirements.

“(B) An assessment of the strategic and tactical airlift and tankers (including non-military assets provided by the Civil Reserve Air Fleet and through the Voluntary Tanker Agreement) required
to support movement of forces to meet steady state
and contingency requirements.

“(C) An assessment of the location, configuration, and inventory of prepositioned materiel and
equipment programs required to meet steady state
and contingency requirements.

“(D) An assessment of the location, infrastructure, and storage capacity for petroleum, oil, and lubricant products, as well as the ability to distribute such products from storage supply points to deployed military forces, required to meet steady state
and contingency requirements.

“(E) An assessment of the capabilities, capacity, and infrastructure of the Department of Defense organic industrial base and private sector industrial base required to meet steady-state and surge software and depot maintenance requirements.

“(F) An assessment of the production capability, capacity, and infrastructure, of the Department of Defense organic industrial base and private sector industrial base required to meet steady-state
and surge production requirements for ammunition
and other military munitions.

“(G) An assessment of the condition, capacity,
and location of military infrastructure required to
project military forces to meet steady-state and contingency requirements.

“(H) An assessment of the cybersecurity risks to military and commercial logistics networks and information technology systems.

“(I) An assessment of the gaps between the requirements identified under subparagraphs (A) through (H) compared to the actual force structure and infrastructure capabilities, capacity, and posture and the risks associated with each gap as it relates to the ability to meet the national defense strategy.

“(J) A discussion of the identified mitigations being pursued to address each gap and risk identified under subparagraph (I) as well as the initiatives and resources planned to address such gaps, as included in the Department of Defense budget request submitted during the same year as the report and the applicable future-years defense program.

“(K) An assessment of the extent to which wargames conducted by the Department of Defense, Joint Staff, geographic combatant commands, and military departments incorporate logistics capabilities and threats and a description of the logistics constraints to operations identified through such wargames.
“(L) Such other matters the Secretary of Defense considers appropriate.

“(2) The report required under this subsection shall be submitted in classified form and shall include an unclassified summary.

“(c) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which Secretary submits each report required under subsection (b), the Comptroller General shall submit to the congressional defense committees a report that includes an assessment of each of the following:

“(1) Whether the report includes each of the elements referred to in subsection (b).

“(2) The strengths and weaknesses of the approach and methodology used in conducting the review required under subsection (a) that is covered by the report.

“(3) Any other matters relating to sustainment that may arise from the report, as the Comptroller General considers appropriate.

“(d) RELATIONSHIP TO BUDGET.—Nothing in this section shall be construed to affect section 1105(a) of title 31.

“(e) TERMINATION.—The requirement to submit a report under this section shall terminate on the date that
is 10 years after the date of the enactment of this section.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 118 the following new item:


(c) Deadline for Submittal of First Report.—Notwithstanding the deadline in subsection (b)(1) of section 118a of title 10, United States Code, the Secretary of Defense shall submit the first report under such section by no later than the date that is 18 months after the date of the enactment of this Act.


Section 9515(k) of title 10, United States Code, is amended by striking “2020” and inserting “2025”.


Section 363(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following new paragraphs:

“(6) The execution of the planned schedule, categorized by class of ship, for each of the three preceding fiscal years, including—
“(A) the actual contract award compared to the milestone;

“(B) the planned completion date compared to the actual completion date; and

“(C) each regional maintenance center’s availability schedule performance for on-time availability completion.

“(7) In accordance with the findings of the Government Accountability Office (GAO 20–370)—

“(A) in 2021, an analysis plan for the evaluation of pilot program availabilities funded by the Other Procurement, Navy account; and

“(B) in 2022, a report on the Navy’s progress implementing such analysis plan.”.

SEC. 354. MODIFICATION TO LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT OF NAVAL VESSELS.

Section 323(b) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 8690 note) is amended by striking “In the case of any naval vessel” and inserting “In the case of any aircraft carrier, amphibious ship, cruiser, destroyer, frigate, or littoral combat ship”.

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SEC. 355. INDEPENDENT ADVISORY PANEL ON WEAPON SYSTEM SUSTAINMENT.

(a) Establishment.—The Secretary of Defense shall establish an independent advisory panel (in this section referred to as the “panel”) on the weapon system sustainment ecosystem. The National Defense University and the Defense Acquisition University shall sponsor the panel, including by providing administrative support.

(b) Membership.—

(1) Composition.—The panel shall be comprised of nine members, of whom—

(A) five shall be appointed by the Secretary of Defense;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.
(2) EXPERTISE.—In making appointments under this subsection, consideration should be given to individuals with expertise in public and private-sector acquisition, sustainment, and logistics policy in aviation, ground, maritime systems, and space systems and their related components.

(3) APPOINTMENT DATE.—The appointment of the members of the panel shall be made not later than 120 days after the date of the enactment of this Act.

(c) DUTIES.—The panel shall—

(1) review the weapon system sustainment ecosystem from development, production, and sustainment of the weapon system through use in the field, depot and field-level maintenance, modification, and disposal with a goal of—

(A) maximizing the availability and mission capabilities of weapon systems;

(B) reducing overall life-cycle costs of weapon systems during fielding, operation and sustainment; and

(C) aligning weapon system sustainment functions to the most recent national defense strategy submitted pursuant to section 113 of title 10, United States Code; and
(2) using information from the review of the
weapon system sustainment ecosystem, make rec-
ommendations related to statutory, regulatory, pol-
icy, or operational best practices the panel considers
necessary.

(d) Report.—

(1) Interim report.—Not later than 1 year
after the date on which all members of the panel
have been appointed, the panel shall provide to the
Secretary of Defense and the Committees on Armed
Services of the Senate and House of Representatives
a briefing on the interim findings and recommenda-
tions of the panel.

(2) Final report.—Not later than 2 years
after the date on which all members of the panel
have been appointed, the panel shall submit to the
Secretary of Defense and the Committees on Armed
Services of the Senate and House of Representatives
a report setting for a detailed statement of the find-
ings and conclusions the panel as a result of the re-
view described in subsection (e), together with such
recommendations related to statutory, regulatory,
policy, or operational practices as the panel con-
siders appropriate in light of the results of the re-
view.
(e) Administrative Matters.—

(1) In General.—The Secretary of Defense shall provide the panel with timely access to appropriate information, data, resources, analysis, and logistics support so that the panel may conduct a thorough and independent assessment as required under this section.

(2) Effect of Lack of Appointment by Appointment Date.—If any member has not been appointed by the date specified in subsection (b)(3), the authority to appoint such member under subsection (b)(1) shall expire, and the number of members of the panel shall be reduced by the number equal to the number of appointments so not made.

(3) Period of Appointment; Vacancies.—Members of the panel shall be appointed for the duration of the panel. Any vacancy in the panel shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) Chair.—The panel shall select a Chair from among its members. The Chair may not be a Federal officer or employee.

(f) Termination.—The panel shall terminate 90 days after the date on which the panel submits the report required under subsection (d)(2).
SEC. 356. BIENNIAL BRIEFINGS ON STATUS OF SHIPYARD INFRASTRUCTURE OPTIMIZATION PLAN.

(a) Briefings Required.—During the period beginning on July 1, 2020, and ending on July 1, 2025, the Secretary of the Navy shall provide to the congressional defense committees biannual briefings on the status of the Shipyard Infrastructure Optimization Plan.

(b) Elements of Briefings.—Each briefing under subsection (a) shall include a discussion of the status of each of the following elements:

1. A master plan for infrastructure development, including projected military construction and capital equipment projects.

2. A planning and design update for military construction, minor military construction, and facility sustainment projects over the subsequent five-year period.

3. A human capital management and development plan.

4. A workload management plan that includes synchronization requirements for each shipyard and ship class.

5. Performance metrics and an assessment plan.
(6) A funding and authority plan that includes funding lines across the future years defense program.

SEC. 357. MATERIEL READINESS METRICS AND OBJECTIVES FOR MAJOR WEAPON SYSTEMS.

(a) In General.—Section 118 of title 10, United States Code is amended—

(1) by amending the section heading to read as follows: “Materiel readiness metrics and objectives for major weapon systems”;

(2) by striking “Not later than five days” and inserting the following:

“(d) Budget Justification.—Not later than five days”;

(3) by inserting before subsection (d) (as designated by paragraph (2)) the following new subsections:

“(a) Materiel Readiness Metrics.—Each head of an element of the Department specified in paragraphs (1) through (10) of section 111(b) of this title shall establish and maintain materiel readiness metrics to enable assessment of the readiness of members of the armed forces to carry out—

“(1) the strategic framework required by section 113(g)(1)(B)(vii) of this title; and
“(2) guidance issued by the Secretary of Defense pursuant to section 113(g)(1)(B) of this title.

“(b) REQUIRED METRICS.—At a minimum, the materiel readiness metrics required by subsection (a) shall address the materiel availability, operational availability, operational capability, and materiel reliability of each major weapon system by designated mission, design series, variant, or class.

“(c) MATERIEL READINESS OBJECTIVES.—(1) Not later than one year after the date of the enactment of this Act, each head of an element described in subsection (a) shall establish the metrics required by subsection (b) necessary to support the strategic framework and guidance referred to in paragraph (1) and (2) of subsection (a).

“(2) Annually, each head of an element described in subsection (a) shall review and revise the metrics required by subsection (b) and include any such revisions in the materials submitted to Congress in support of the budget of the President under section 1105 of title 31.”;

(4) in subsection (d) (as designated by paragraph (2))—

(A) in paragraph (1)—

(i) by striking “materiel reliability, and mean down time metrics for each major weapons system” and inserting
“operational availability, and materiel reliability for each major weapon system’’;
and
(ii) by inserting ‘‘and’’ at the end;
(B) in paragraph (2), by striking ‘‘; and’’
and inserting a period at the end; and
(C) by striking paragraph (3); and
(5) by adding at the end the following new subsection:
‘‘(e) DEFINITIONS.—In this section:
‘‘(1) The term ‘major weapon system’ has the
meaning given in section 2379(f) of this title.
‘‘(2) The term ‘materiel availability’ means a
measure of the percentage of the total inventory of
a major weapon system that is operationally capable
of performing an assigned mission.
‘‘(3) The term ‘materiel reliability’ means the
probability that a major weapon system will perform
without failure over a specified interval.
‘‘(4) The term ‘operational availability’ means a
measure of the percentage of time a major weapon
system is operationally capable.
‘‘(5) The term ‘operationally capable’ means a
materiel condition indicating that a major weapon
system is capable of performing its assigned mission
and has no discrepancies with a subsystem of a major weapon system.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by striking the item relating to section 118 and inserting the following new item:

“118. Materiel readiness metrics and objectives for major defense acquisition programs.”.

(c) Briefing.—Not later than October 1, 2021, the Secretary of Defense shall brief the congressional defense committees regarding the implementation of the materiel readiness metrics required under section 118 of title 10, United States Code, as amended by subsection (a).

Subtitle D—Munitions Safety and Oversight

SEC. 361. CHAIR OF DEPARTMENT OF DEFENSE EXPLOSIVE SAFETY BOARD.

(a) Responsibilities.—Section 172 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(c) Responsibilities of Chair.—The chair of the explosive safety board shall carry out the following responsibilities:

“(1) To act as the principal executive representative and advisor of the Secretary on explosive and
chemical agent safety matters related to Department of Defense military munitions.

“(2) To perform the hazard classification approval duties assigned to the chair.

“(3) To preside over meetings of the explosive safety board.

“(4) To direct the staff of the explosive safety board.

“(5) To performs other functions relating to explosives safety management, as directed by the Assistant Secretary of Defense for Sustainment.

“(6) To provide impartial and objective advice related to explosives safety management to the Secretary of Defense and the heads of the military departments.

“(7) To serve as the principal representative and advisor of the Department of Defense on matters relating to explosives safety management.

“(8) To provide assistance and advice to the Under Secretary of Defense for Acquisition and Sustainment and the Deputy Director of Land Warfare and Munitions in munitions acquisition oversight and technology advancement for Department of Defense military munitions, especially in the areas
of explosives and chemical agent safety and demili-
tarization.

“(9) To provide assistance and advice to the
Assistant Secretary of Defense for Logistics and
Material Readiness in sustainment oversight of De-
partment of Defense military munitions, especially in
the areas of explosives and chemical agent safety,
storage, transportation, and demilitarization.

“(10) To develop and recommend issuances to
define the functions of the explosive safety board.

“(11) To establishes joint hazard classification
procedures with covered components of the Depart-
ment.

“(12) To make recommendations to the Under
Secretary of Defense for Acquisition and
Sustainment with respect to explosives and chemical
agent safety tenets and requirements.

“(13) To conducts oversight of Department of
Defense explosive safety management programs.

“(14) To carry out such other responsibilities
as the Secretary of Defense determines appropriate.

“(d) Responsibilities of Executive Director
and Civilian Members.—The executive director and ci-
vilian members of the explosive safety board shall—
“(1) provide assistance to the chair in carrying out the responsibilities specified in subsection (e); and

“(2) carry out such other responsibilities as the chair determines appropriate.

“(e) MEETINGS.—(1) The explosive safety board shall meet not less frequently than quarterly.

“(2) The chair shall submit to the congressional defense committees an annual report describing the activities conducted at the meetings of the board.

“(f) EXCLUSIVE RESPONSIBILITIES.—The explosive safety board shall have exclusive responsibility within the Department of Defense for—

“(1) recommending new and updated explosive and chemical agent safety regulations and standards to the Assistant Secretary of Defense for Energy Installations and Environment for submittal to the Under Secretary of Defense for Acquisition and Sustainment; and

“(2) acting as the primary forum for coordination among covered components of the Department on all matters related to explosive safety management.
“(g) COVERED COMPONENTS.—In this section, the covered components of the Department are each of the following:

“(1) The Office of the Secretary of Defense.

“(2) The military departments.

“(3) The Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands.


“(5) The Defense Agencies.

“(6) The Department of Defense field activities.

“(7) All other organizational entities within the Department.”.

(b) DEADLINE FOR APPOINTMENT.—By not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall take such steps as may be necessary to ensure that the explosive safety board of the Department of Defense, as authorized under section 172 of title 10, United States Code, has a chair who is a military officer and whose responsibilities include the day-to-day management of the explosive safety board and the responsibilities provided in subsection (c) of such section.

(c) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated or otherwise made
available in this Act for the Office of the Under Secretary of Defense for Acquisition and Sustainment for fiscal year 2021, not more than 75 percent may be obligated or expended until the date on which the Under Secretary of Defense certifies to the congressional defense committees that all board member positions, including the chair, of the Department of Defense explosive safety board, as authorized under section 172 of title 10, United States Code, as amended by this section, have been filled by military officers as required by such section.

SEC. 362. EXPLOSIVE ORDNANCE DISPOSAL DEFENSE PROGRAM.

(a) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

Section 2284(b) of title 10, United States Code, as amended by section 1052 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in paragraph (1)(A)—

(A) by inserting “and” before “integration”; and

(B) by striking “an Assistant Secretary of Defense” and inserting “the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict”;
(2) in paragraph (2), by striking “to whom re-
sponsibility is assigned under paragraph (1)(A)” and
inserting “for Special Operations and Low Intensity
Conflict”;

(3) by redesignating paragraphs (3) and (4) as
paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (2) the fol-
lowing new paragraph (3):

“(3) the Assistant Secretary of Defense for
Special Operations and Low Intensity Conflict shall
coordinate with—

“(A) the Under Secretary of Defense for
Intelligence on explosive ordnance technical in-
telligence;

“(B) the Under Secretary of Defense for
Acquisition and Sustainment on explosive ord-
nance disposal research, development, acquisi-
tion, and sustainment;

“(C) the Under Secretary of Defense for
Research and Engineering on explosive ord-
nance disposal research, development, test, and
evaluation;

“(D) the Assistant Secretary of Defense
for Homeland Security and Global Security on
explosive ordnance disposal on defense support
of civil authorities; and

“(E) the Assistant Secretary of Defense
for Nuclear, Chemical, and Biological Defense
programs on explosive ordnance disposal for
combating weapons of mass destruction;”.

(b) REPORT.—Not later than 180 days after the date
of the enactment of this Act, the Secretary of Defense
shall submit to the Committees on Armed Services of the
Senate and House of Representatives a report of the Ex-
plosive Ordnance Disposal Defense Program under section
2284 of title 10, United States Code. Such report shall
include each of the following:

(1) The status of the establishment and organi-
zation of the Program and the compliance with the
requirements of such section, as amended by section
1052 of the National Defense Authorization Act for
Fiscal Year 2020.

(2) An assessment of the feasibility and advis-
ability of designating the Joint Program Executive
Officer for Armaments and Ammunition as the joint
program executive officer for the explosive ordnance
disposal program or establishing a rotation of the
role between an Army, Navy, and Air Force entity
on a periodic basis.
(3) An assessment of the feasibility and advisability of designating the Director of the Defense Threat Reduction Agency with management responsibility for a Defense-wide program element for explosive ordnance disposal research, development, test, and evaluation transactions other than contracts, cooperative agreements, and grants related to section 2371 of title 10, United States Code, during research projects including rapid prototyping and limited procurement urgent activities and acquisition.

SEC. 363. ASSESSMENT OF RESILIENCE OF DEPARTMENT OF DEFENSE MUNITIONS ENTERPRISE.

(a) Assessment.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with a federally-funded research and development center with relevant expertise under which such center shall conduct an assessment of the resilience of the Department of Defense munitions enterprise.

(b) Elements.—The assessment required under subsection (a) shall include the following elements:

(1) An identification of the points of failure with respect to the munitions enterprise, including physical locations, materials, suppliers, contractors,
and other relevant elements, that, if failure occurs, would have the largest negative impact on the capacity, resiliency, and safety of the enterprise.

(2) An evaluation of the efforts of the Department of Defense to address the points of failure identified under paragraph (1).

(3) Recommendation with respect to any additional efforts or actions that could be taken to provide for mitigation or solutions with respect to such points of failure.

(4) An evaluation of the capacity of the munitions enterprise to support a sudden surge in demand to support a contingency.

(5) An evaluation of the capacity of the munitions enterprise to withstand intentional disruption during a conflict.

(c) REPORT AND BRIEFINGS.—The Secretary shall—

(1) submit to the congressional defense committees a report on the results of assessment conducted under this section by not later than December 31, 2021; and

(2) provide for such committees interim briefings on such assessment upon request.

(d) POINT OF FAILURE.—In this section, the term “point of failure” means, with respect to the munitions
enterprise, an aspect of the enterprise, that, if it were to fail or be significantly negatively impacted would cause the portion of the enterprise it supports to either fail or be significantly negatively impacted.

SEC. 364. REPORT ON SAFETY WAIVERS AND MISHAPS IN DEPARTMENT OF DEFENSE MUNITIONS ENTERPRISE.

(a) Report Required.—The Secretary shall include with the Department of Defense materials submitted to Congress with the budget of the President for each of fiscal years 2022 through 2025 (as submitted to Congress pursuant to section 1105 of title 31, United States Code), a report on safety waivers provided in the Department of Defense munitions enterprise. Each such report shall include each of the following for the year covered by the report and each of the preceding 3 years:

(1) A list of each waiver, exemption, and secretarial exemption or certification provided with respect to any Department of Defense munitions safety standard.

(2) For each such waiver, exemption, or certification provided—

(A) the location where the waiver, exemption, or certification was provided;
(B) a summary of the justification used for providing the waiver, exemption, or certification;

(C) the time period during which the waiver, exemption, or certification applies and the number of times such a waiver, exemption, or certification has been provided at that location; and

(D) a list of all safety-related mishaps that occurred at locations where waivers, exemptions, or certifications were in place, and for each such mishap, whether or not a subsequent investigation determined the waiver, exemption, or certification was related or may have been related to the mishap.

(3) A list and summary of all class A through class E mishaps related to the construction, storage, transportation, usage, and demilitarization of munitions.

(4) Any mitigation efforts in place at any location where a waiver, exemption, or certification has been provided or where a safety-related mishap has occurred.

(5) Such other matters as the Secretary determines appropriate.
(b) Munitions Defined.—In this section, the term “munitions” includes ammunition, explosives, and chemical agents.

Subtitle E—Other Matters

SEC. 371. PILOT PROGRAM FOR TEMPORARY ISSUANCE OF MATERNITY-RELATED UNIFORM ITEMS.

(a) Pilot Program.—The Director of the Defense Logistics Agency, in coordination with the Secretaries concerned, shall carry out a pilot program under which each Secretary concerned shall establish an office for issuing maternity-related uniform items to pregnant members of the Armed Forces, on a temporary basis and at no cost to such member. In carrying out the pilot program, the Director shall take the following actions:

(1) The Director shall ensure that such offices maintain a stock of each type of maternity-related uniform item determined necessary by the Secretary concerned, including service uniforms items, utility uniform items, and other items relating to the command and duty assignment of the member requiring issuance.

(2) The Director shall ensure that such items have not been treated with the chemical permethrin.

(3) The Director, in coordination with the Secretary concerned, shall determine a standard number
of maternity-related uniform items that may be issued per member.

(4) The Secretary concerned shall ensure that any member receiving a maternity-related uniform item returns such item to the relevant office established under paragraph (1) on the date on which the Secretary concerned determines the member no longer requires such item.

(5) The Secretary concerned shall inspect, process, repair, clean, and re-stock items returned by a member pursuant to paragraph (4) for re-issuance from such relevant office.

(6) The Director, in coordination with the Secretaries concerned, may issue such guidance and regulations as necessary to carry out the pilot program.

(b) TERMINATION.—No maternity-related uniform items may be issued to a member of the Armed Forces under the pilot program after September 30, 2026.

(c) REPORT.—Not later than September 30, 2025, the Director of the Defense Logistics Agency, in coordination with the Secretaries concerned, shall submit to the congressional defense committees a report on the pilot program. Such report shall include each of the following:
(1) For each year during which the pilot program was carried out, the number of members of the Armed Forces who received a maternity-related uniform item under the pilot program.

(2) An overview of the costs associated with, and any savings realized by, the pilot program, including a comparison of the cost of maintaining a stock of maternity-related uniform items for issuance under the pilot program versus the cost of providing allowances to members for purchasing such items.

(3) A recommendation on whether the pilot program should be extended after the date of termination under subsection (b) and whether legislation is necessary for such extension.

(4) Any other matters that the Secretary of Defense determines appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for operation and maintenance, Defense-wide, for fiscal year 2021, as specified in the funding table in section 4301, $10,000,000 shall be available for implementation of the pilot program.
SEC. 372. SERVICEWOMEN’S COMMEMORATIVE PARTNER-
SHIPS.

(a) IN GENERAL.—The Secretary of the Army may
enter into a contract, partnership, or grant with a non-
profit organization for the purpose of providing financial
support for the maintenance and sustainment of infra-
structure and facilities at military service memorials and
museums that highlight the role of women in the military.
Such a contract, partnership, or grant shall be referred
to as a “Servicewomen’s Commemorative Partnership”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the
amounts authorized to be appropriated for fiscal year
2021, as identified in division D of this Act, $3,000,000
shall be available for Servicewomen’s Commemorative
Partnerships under subsection (a).

SEC. 373. BIODEFENSE ANALYSIS AND BUDGET SUBMIS-
SION.

(a) ANNUAL ANALYSIS.—For each fiscal year, the
Director of the Office of Management and Budget shall—
(1) conduct a detailed and comprehensive anal-
ysis of Federal biodefense programs; and
(2) develop an integrated biodefense budget
submission.

(b) DEFINITION OF BIODEFENSE.—In accordance
with the National Biodefense Strategy, the Director shall
develop and disseminate to all Federal departments and
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agencies a unified definition of the term “biodefense” to identify which programs and activities are included in annual budget submission referred to in subsection (a).

(c) REQUIREMENTS FOR ANALYSIS.—The analysis required under subsection (a) shall include—

(1) the display of all funds requested for biodefense activities, both mandatory and discretionary, by agency and categorized by biodefense enterprise element, including threat awareness, prevention, deterrence, preparedness, surveillance and detection, response, attribution (including bioforensic capabilities), recovery, and mitigation; and

(2) detailed explanations of how each program and activity included aligns with biodefense goals.

(d) SUBMITTAL TO CONGRESS.—The Director shall submit to Congress the analysis required under subsection (a) for a fiscal year concurrently with the President’s annual budget request for that fiscal year.

SEC. 374. CLARIFICATION OF NATIONAL BIODEFENSE STRATEGY.

(a) IN GENERAL.—The Secretary of Health and Human Services, in cooperation with the Biodefense Steering Committee, shall clarify the national biodefense strategy and associated implementation plan developed under section 1086 of the National Defense Authorization
Act for Fiscal Year 2017 (6 U.S.C. 104) to clearly docu-
ment agreed-upon processes, roles, and responsibilities for
making and enforcing enterprise-wide decisions.

(b) SPECIFIC CLARIFICATIONS.—In carrying out sub-
section (a), the Secretary of Health and Human Services
shall work with the head of each agency participating in
the Biodefense Steering Committee, including the Admin-
istrator of the Federal Emergency Management Agency,
to—

(1) enter into a memorandum of understanding,
or take such other action as is necessary, to describe
the roles and responsibilities of the Federal depart-
ments and agencies, including internal and external
coordination procedures, in identifying and sharing
information, as described in section 1086(b)(4) of
the National Defense Authorization Act for Fiscal
Year 2017 (6 U.S.C. 104(b)(4));

(2) clarify roles, responsibilities, and processes
for decisionmaking that involves shifting resources
across agency boundaries to more effectively or effi-
ciently address enterprise-wide risk;

(3) prepare an inventory and assessment of all
existing strategies, plans, policies, laws, and inter-
agency agreements with respect to biodefense;
(4) establish a resource plan to staff, support, and sustain the efforts of the Biodefense Coordination Team;

(5) clearly document guidance and methods for analyzing the data collected from agencies to include non-Federal resources and capabilities; and

(6) not later than 90 days after the date of enactment of this Act, report to the appropriate congressional committees on possible implementation strategies, that will effectively and efficiently enhance information-sharing activities on biosurveillance data integration as identified in the national biodefense strategy and associated implementation plan described in subsection (a).

(c) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means the following:

(1) The Committees on Armed Services of the House of Representatives and the Senate.

(2) The Committees on Appropriations of the House of Representatives and the Senate.

(4) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 375. REPORT ON BIODEFENSE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(1) a description of the roles and responsibilities of Department of Defense entities with responsibility for biodefense or pandemic preparedness and response, including logistical support;

(2) an updated Department of Defense implementation plan for biodefense and pandemic response operations that includes a separation of activities conducted under title 10, United States Code, and activities conducted under title 32, United States Code; and

(3) recommendations for solving gaps in authorities or organizational structures that have inhibited COVID–19 response efforts.
SEC. 376. FACILITATING AGREEMENTS WITH OTHER FEDERAL AGENCIES TO LIMIT ENCROACHMENTS.

Section 2684a(d)(5) of title 10, United States Code, is amended—

(1) in the second sentence of subparagraph (A), by inserting “or another Federal agency” after “to a State” both places it appears; and

(2) by striking subparagraph (B) and inserting the following:

“(B) Notwithstanding subparagraph (A), if all or a portion of the property or interest acquired under the agreement is initially or subsequently transferred to a State or another Federal agency, before that State or other Federal agency may declare the property or interest in excess to its needs or propose to exchange the property or interest, the State or other Federal agency shall give the Secretary concerned reasonable advance notice of its intent. If the Secretary concerned determines it necessary to preserve the purposes of this section, the Secretary concerned may request that administrative jurisdiction over the property be transferred to the Secretary concerned at no cost, and, upon such a request being made, the administrative jurisdiction over the property shall be transferred accordingly. If the Secretary concerned does not make such a request within a reasonable time period, all such rights of the Secretary concerned to request transfer of
the property or interest shall remain available to the Sec-
retary concerned with respect to future transfers or ex-
changes of the property or interest and shall bind all sub-
sequent transferees.”.

TITLE IV—MILITARY
PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.
The Armed Forces are authorized strengths for active
duty personnel as of September 30, 2021, as follows:

(1) The Army, 485,900.
(2) The Navy, 347,800.
(3) The Marine Corps, 184,100.
(4) The Air Force, 327,266.
(5) The Space Force, 6,434.

SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END
STRENGTH MINIMUM LEVELS.
Section 691(b) of title 10, United States Code, is
amended by striking paragraphs (1) through (4) and in-
serting the following new paragraphs:

“(1) For the Army, 485,900.
“(2) For the Navy, 347,800.
“(3) For the Marine Corps, 184,100.
“(4) For the Air Force, 327,266.
“(5) For the Space Force, 6,434.”.
SEC. 403. MODIFICATION OF THE AUTHORIZED NUMBER
AND ACCOUNTING METHOD FOR SENIOR ENLISTED PERSONNEL.

(a) In General.—Section 517 of title 10, United States Code, is amended—

(1) in the section heading, by striking “daily average” and inserting “enlisted end strength”; and

(2) in subsection (a)—

(A) by striking “daily average number of” and inserting “end strength for”;

(B) by striking “in a fiscal year” and inserting “as of the last day of a fiscal year”;

(C) by striking “2.5 percent” and inserting “3.0 percent”; and

(D) by striking “on the first day of that fiscal year”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 31 of such title is amended by striking the item relating to section 517 and inserting the following new item:

“517. Authorized enlisted end strength: members in pay grades E–8 and E–9.”.
Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) In General.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2021, as follows:

(1) The Army National Guard of the United States, 336,500.

(2) The Army Reserve, 189,800.

(3) The Navy Reserve, 58,800.

(4) The Marine Corps Reserve, 38,500.


(6) The Air Force Reserve, 70,300.

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

(b) End Strength Reductions.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty.
(other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **End Strength Increases.**—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

**SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2021, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

1. The Army National Guard of the United States, 30,595.
2. The Army Reserve, 16,511.
4. The Marine Corps Reserve, 2,386.

(6) The Air Force Reserve, 5,256.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2021 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

(2) For the Army Reserve, 6,492.

(3) For the Air National Guard of the United States, 10,994.

(4) For the Air Force Reserve, 7,947.

SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2021, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:
(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) Construction of Authorization.—The authorization of appropriations in the subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2021.
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.

Section 526a of title 10, United States Code, is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

``(c) EXCLUSION OF CERTAIN OFFICERS OF THE RESERVE COMPONENTS.—The limitations of this section do not apply to the following:

“(1) A general or flag officer of a reserve component who is on active duty—

“(A) for training; or

“(B) under a call or order specifying a period of less than 180 days.

“(2)(A) A general or flag officer of a reserve component who is authorized by the Secretary of the military department concerned to serve on active duty—

""
duty for a period of at least 180 days and not longer
than 365 days.

“(B) The Secretary of the military department
concerned may authorize a number, determined
under subparagraph (C), of officers in the reserve
component of each armed force under the jurisdic-
tion of that Secretary to serve as described in sub-
paragraph (A).

“(C) Each number described in subparagraph
(B) may not exceed 10 percent of the number of
general or flag officers, as the case may be, author-
ized to serve in the armed force concerned under
section 12004 of this title. In determining a number
under this subparagraph, any fraction shall be
rounded down to the next whole number that is
greater than zero.

“(3)(A) A general or flag officer of a reserve
component who is on active duty for a period longer
than 365 days and not longer than three years.

“(B) The number of officers described in sub-
paragraph (A) who do not serve in a position that
is a joint duty assignment for purposes of chapter
38 of this title may not exceed five per armed force,
unless authorized by the Secretary of Defense.”.
SEC. 502. DIVERSITY IN SELECTION BOARDS.

(a) Requirement for Diverse Membership of Active Duty Selection Boards.—

(1) Officers.—Section 612(a)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: “The members of a selection board shall represent the diversity of the armed forces to the extent practicable.”.

(2) Warrant Officers.—Section 573(b) of title 10, United States Code, is amended by adding at the end the following new sentence: “The members of a selection board shall represent the diversity of the armed forces to the extent practicable.”.

(b) Requirement for Diverse Membership of Reserve Components Selection Boards.—Section 14102(b) of title 10, United States Code, is amended by adding at the end the following new sentence: “The members of a selection board shall represent the diversity of the armed forces to the extent practicable.”.

(c) Other Selection Boards.—

(1) In general.—The Secretary of Defense shall ensure that the members of each selection board described in paragraph (2) represent the diversity of the armed forces to the extent practicable.

(2) Selection board described.—A selection board described in this paragraph (1) is any se-
lection board used with respect to the promotion, education, or command assignments of members of the Armed Forces that is not covered by the amendments made by this section.

SEC. 503. REDACTION OF PERSONALLY IDENTIFIABLE INFORMATION FROM RECORDS FURNISHED TO A PROMOTION BOARD.

(a) ACTIVE-DUTY OFFICERS.—Section 615(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively;

(2) in the matter preceding subparagraph (A), as redesignated, by inserting “(1)” before “The Secretary’’;

(3) in subparagraph (C), as redesignated, by striking “whose name is furnished to the board” and inserting “under consideration by the board for promotion”;

(4) by striking subparagraph (B), as redesignated, and redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively; and

(5) by adding at the end the following new paragraph:
“(2) The Secretary of the military department concerned shall redact any personally identifiable information from the information furnished to a selection board under this section.”.

(b) **RESERVE OFFICERS.**—Section 14107(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) in the matter preceding subparagraph (A), as redesignated, by inserting “(1)” before “The Secretary”;

(3) in subparagraph (C), as redesignated, by striking “whose name is furnished to the board” and inserting “under consideration by the board for promotion”;

(4) by striking subparagraph (B), as redesignated, and redesignating subparagraphs (C) through (E) as subparagraphs (B) through (D), respectively; and

(5) by adding at the end the following new paragraph:

“(2) The Secretary of the military department concerned shall redact any personally identifiable information from the information furnished to a promotion board under this section.”.
(c) ENLISTED MEMBERS.—Each Secretary of a military department shall prescribe regulations that require the redaction of any personally identifiable information from the information furnished to a board that considers for promotion an enlisted member of an Armed Force under the jurisdiction of that Secretary.

SEC. 504. TEMPORARY EXPANSION OF AVAILABILITY OF ENHANCED CONSTRUCTIVE SERVICE CREDIT IN A PARTICULAR CAREER FIELD UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.

(a) REGULAR OFFICERS.—Subparagraph (D) of section 533(b)(1) of title 10, United States Code, is amended to read as follows:

“(D) Additional credit as follows:

“(i) For special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned.

“(ii) During fiscal years 2021 through 2025, for advanced education in an officer field so designated, if such education is directly related to the operational needs of the armed force concerned.”.
(b) Reserve Officers.—Section 12207(b)(1) of such title is amended—

(1) in the matter preceding subparagraph (A), “or a designation in” and all that follows through “education or training,” and inserting “and who has special training or experience, or advanced education (if applicable),”; and

(2) by striking subparagraph (D) and inserting the following new subparagraph:

“(D) Additional credit as follows:

“(i) For special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned.

“(ii) During fiscal years 2021 through 2025, for advanced education in an officer field so designated, if such education is directly related to the operational needs of the armed force concerned.”.

(c) Annual Report.—

(1) In general.—Not later than February 1, 2022, and every 4 years thereafter, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the
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House of Representatives a report on the use of the authorities in subparagraph (D) of section 553(b)(1) of title 10, United States Code (as amended by subsection (a)), and subparagraph (D) of section 12207(b)(1) of such title (as amended by subsection (b)) (each referred to in this subsection as a “constructive credit authority”) during the preceding fiscal year for the Armed Forces under the jurisdiction of such Secretary.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year and Armed Forces covered by such report, the following:

(A) The manner in which constructive service credit was calculated under each constructive credit authority.

(B) The number of officers credited constructive service credit under each constructive credit authority.

(C) A description and assessment of the utility of the constructive credit authorities in meeting the operational needs of the Armed Force concerned.

(D) Such other matters in connection with the constructive credit authorities as the Sec-
retary of the military department concerned
considers appropriate.

SEC. 505. PERMANENT PROGRAMS ON DIRECT COMMISSIONS TO CYBER POSITIONS.

Section 509 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 503 note) is amended—

(1) by striking “pilot” each place it appears;

and

(2) by striking subsections (d) and (e).

Subtitle B—Reserve Component Management

SEC. 511. GRANTS TO SUPPORT STEM EDUCATION IN THE JUNIOR RESERVE OFFICERS’ TRAINING CORPS.

(a) Program Authority.—

(1) In general.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2036. Grants to support science, technology, engineering, and mathematics education

“(a) Authority.—The Secretary, in consultation with the Secretary of Education, may carry out a program to make grants to eligible entities to assist such entities
in providing education in covered subjects to students in
the Junior Reserve Officers’ Training Corps.

“(b) COORDINATION.—In carrying out a program
under subsection (a), the Secretary may coordinate with
the following:

“(1) The Secretaries of the military depart-
ments.

“(2) The Secretary of Education.

“(3) The Director of the National Science
Foundation.

“(4) The Administrator of the National Aero-
nautics and Space Administration.

“(5) The heads of such other Federal, State,
and local government entities the Secretary of De-
fense determines to be appropriate.

“(6) Private sector organizations as the Sec-
retary of Defense determines appropriate.

“(c) ACTIVITIES.—Activities funded with grants
under this section may include the following:

“(1) Training and other support for instructors
to teach courses in covered subjects to students.

“(2) The acquisition of materials, hardware,
and software necessary for the instruction of covered
subjects.
“(3) Activities that improve the quality of educational materials, training opportunities, and curricula available to students and instructors in covered subjects.

“(4) Development of travel opportunities, demonstrations, mentoring programs, and informal education in covered subjects for students and instructors.

“(5) Students’ pursuit of certifications in covered subjects.

“(d) PREFERENCE.—In making any grants under this section, the Secretary shall give preference to eligible entities that are eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

“(e) EVALUATIONS.—In carrying out a program under this section, the Secretary shall establish outcome-based metrics and internal and external assessments to evaluate the merits and benefits of the activities funded with grants under this section with respect to the needs of the Department of Defense.

“(f) AUTHORITIES.—In carrying out a program under this section, the Secretary shall, to the extent practicable, make use of the authorities under chapter 111 and
sections 2601 and 2605 of this title, and other authorities
the Secretary determines appropriate.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘eligible entity’ means a local
education agency that hosts a unit of the Junior Re-
serve Officers’ Training Corps.

“(2) The term ‘covered subjects’ means—

“(A) science;
“(B) technology;
“(C) engineering;
“(D) mathematics;
“(E) computer science;
“(F) computational thinking;
“(G) artificial intelligence;
“(H) machine learning;
“(I) data science;
“(J) cybersecurity;
“(K) robotics;
“(L) health sciences; and
“(M) other subjects determined by the Sec-
retary of Defense to be related to science, tech-
ology, engineering, and mathematics.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of chapter 102 of such title
is amended by adding at the end the following new item:

“2036. Grants to support science, technology, engineering, and mathematics education.”.

(b) **Report.**—

(1) **In general.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on any activities carried out under section 2036 of title 10, United States Code (as added by subsection (a)).

(2) **Congressional defense committees defined.**—In this subsection, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 512. MODIFICATION OF EDUCATION LOAN REPAYMENT PROGRAM FOR MEMBERS OF SELECTED RESERVE.

(a) **Modification of maximum repayment amount.**—Section 16301(b) of title 10, United States Code, is amended by striking “15 percent or $500” and inserting “20 percent or $1,000”.

(b) **Effective date and applicability.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with
respect to loan repayment under section 16301 of title 10, United States Code, for eligible years of service completed on or after the date of the enactment of this Act.

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.

Section 502(f)(2)(A) of title 32, United States Code, is amended by inserting “and performed inside the United States with the consent of the chief executive officer of the State (as that term is defined in section 901 of this title)” after “Defense”.

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.

(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary, in computing retired pay pursuant to section 12733 of title 10, United States Code, may approve constructive credit, in addition to points earned under section 12732(a)(2) of such title, for a member of the reserve components of the Armed Forces who cannot complete minimum annual training re-
requirements due to cancellation or other extenuating circumstance arising from the covered national emergency.

(b) REPORTING.—

(1) REPORT REQUIRED.—Not later than 1 year after the date on which the covered national emergency ends, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a).

(2) ELEMENTS.—The report under this subsection shall include, with respect to each reserve component, the following:

(A) The number of individuals granted constructive credit as a result of a training cancellation.

(B) The number of individuals granted constructive credit as a result of another extenuating circumstance.

(C) Recommendations of the Secretary whether the authority under subsection (a) should be made permanent and under what circumstances such permanent authority should apply.

(3) PUBLICATION.—Not later than 30 days after submitting the report under paragraph (1), the Secretary shall—
(A) publish the report on a publicly accessible website of the Department of Defense; and
(B) ensure that any data in the report is made available in a machine-readable format that is downloadable, searchable, and sortable.

c Covered National Emergency Defined.—In this section, the term “covered national emergency” means the national emergency declared on March 13, 2020, by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to COVID–19.

SEC. 515. GUIDANCE FOR USE OF UNMANNED AIRCRAFT SYSTEMS BY THE NATIONAL GUARD.

(a) New Guidance.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue new guidance that provides for the expedited review of requests for the use of unmanned aircraft systems by the National Guard for covered activities within the United States.

(b) Covered Activities Defined.—In this section, “covered activities” means the following:

(1) Emergency operations.
(2) Search and rescue operations.
(3) Defense support to civil authorities.
(4) Support under section 502(f) of title 32,
SEC. 516. DIRECT EMPLOYMENT PILOT PROGRAM FOR CERTAIN MEMBERS OF THE RESERVE COMPONENTS.

(a) In General.—The Secretary of Defense may carry out a pilot program to enhance the efforts of the Department of Defense to provide job placement assistance and related employment services directly to members of the National Guard and Reserves in reserve active-status.

(b) Administration.—Any such pilot program shall be offered to, and administered by, the adjutants general appointed under section 314 of title 32, United States Code, or other officials in the States concerned designated by the Secretary for purposes of the pilot program.

(c) Cost-Sharing Requirement.—As a condition on the provision of funds under this section to a State to support the operation of the pilot program in that State, the State must agree to contribute an amount, derived from non-Federal sources, equal to at least 50 percent of the funds provided by the Secretary to the State under this section.

(d) Development.—In developing any such pilot program, the Secretary shall—

(1) incorporate elements of State direct employment programs for members of the reserve components; and
(2) use resources provided to members of the Armed Forces with civilian training opportunities through the SkillBridge transition training program administered by the Department of Defense.

(e) DIRECT EMPLOYMENT PROGRAM MODEL.—Any such pilot program shall use a job placement program model that focuses on working one-on-one with eligible members to cost-effectively provide job placement services, including—

(1) identifying unemployed and underemployed individuals;

(2) job matching services;

(3) resume editing;

(4) interview preparation; and

(5) post-employment follow up.

(f) EVALUATION.—The Secretary shall develop outcome metrics to evaluate the success of any such pilot program.

(g) REPORTING.—

(1) REPORT REQUIRED.—If the Secretary carries out the pilot Program, the Secretary of Defense shall submit to the congressional defense committees a report describing the results of the pilot program not later than March 1, 2022. The Secretary shall
prepare the report in coordination with the Chief of
the National Guard Bureau.

(2) ELEMENTS.—A report under paragraph (1)
shall include the following:

(A) A description and assessment of the ef-
ficiveness and achievements of the pilot pro-
gram, including the number of members of the
reserve components of the Armed Forces hired
and the cost-per-placement of participating
members.

(B) An assessment of the effects of the
pilot program and increased reserve component
employment on the readiness of members of the
reserve components and on the retention of
members.

(C) A comparison of the pilot program to
other programs conducted by the Department
of Defense to provide unemployment or under-
employment support to members of the reserve
components of the Armed Forces, including the
best practices developed through and used in
such programs.

(D) Any other matters the Secretary of
Defense determines appropriate.

(h) DURATION; EXTENSION.—
(1) Subject to paragraph (2), the authority to carry out the pilot program expires on September 30, 2024.

(2) The Secretary may elect to extend the pilot program for not more than two additional fiscal years.

SEC. 517. TEMPORARY LIMITATION ON AUTHORITY TO TRANSFER, RELOCATE, OR DISSOLVE ELEMENTS OF THE RESERVE COMPONENTS OF THE AIR FORCE.

(a) LIMITATION.—The Secretary of the Air Force may not transfer or relocate any personnel or asset, or dissolve any unit, of the Air National Guard or Air Force Reserve until the latter of the following occurs:

(1) The day that is 180 days after the date on which the Secretary of the Air Force submits the report under subsection (b).

(2) The Chief of Space Operations certifies in writing to the Secretary of the Air Force that plans of the Secretary to establish the reserve components of the Space Force shall not diminish space capability of the Department of the Air Force.

(b) REPORT REQUIRED.—Not later than January 31, 2021, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House
of Representatives a report regarding the plan of the Sec-
retary to establish the reserve components of the Space
Force. The report shall identify the following:

(1) The assumptions and factors used to de-
develop the plan.

(2) The members of the team that issued rec-
ommendations regarding the organization of such re-
serve components.

(3) The recommendations of the Secretary re-
garding the mission, organization, and unit retention
of such reserve components.

(4) The final organizational and integration
recommendations regarding such reserve compo-
nents.

(5) The proposed staffing and operational orga-
nization for such reserve components.

(6) The estimated date of implementation of
the plan.

(7) Any savings or costs arising from the pres-
ervation of existing space-related force structures in
the Air National Guard.
SEC. 518. PILOT PROGRAMS IN CONNECTION WITH SROTC UNITS AND CSPI PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS.

(a) PILOT PROGRAMS REQUIRED.—The Secretary of Defense may carry out two pilot programs as follows:

(1) A pilot program, with elements as provided for in subsection (c), at covered institutions in order to assess the feasibility and advisability of mechanisms to reduce barriers to participation in the Senior Reserve Officers’ Training Corps at such institutions by creating partnerships between satellite or extension Senior Reserve Officers’ Training Corps units at such institutions and military installations.

(2) In consultation with the Secretary of Homeland Security, a pilot program, with elements as provided for in subsection (d), in order to assess the feasibility and advisability of the provision of financial assistance to members of the Senior Reserve Officers’ Training Corps, and members of the Coast Guard College Student Pre-Commissioning Initiative, at covered institutions for participation in flight training.

(b) DURATION.—The duration of each pilot program under subsection (a) may not exceed 5 years.
(c) PILOT PROGRAM ON PARTNERSHIPS BETWEEN
SATellite OR EXTension SROTC UNITS AND MILITARY
INSTALLATIONS.—

(1) PARTICIPATING INSTITUTIONS.—The Sec-
retary of Defense shall carry out the pilot program
required by subsection (a)(1) at not fewer than five
covered institutions selected by the Secretary for
purposes of the pilot program.

(2) REQUIREMENTS FOR SELECTION.—Each
covered institution selected by the Secretary for pur-
poses of the pilot program under subsection (a)(1)
shall—

(A) currently maintain a satellite or exten-
sion Senior Reserve Officers’ Training Corps
unit under chapter 103 of title 10, United
States Code, that is located more than 20 miles
from the host unit of such unit; or

(B) establish and maintain a satellite or
extension Senior Reserve Officers’ Training
Corps unit that meets the requirements in sub-
paragraph (A).

(3) PREFERENCE IN SELECTION OF INSTITU-
TIONS.—In selecting covered institutions under this
subsection for participation in the pilot program
under subsection (a)(1), the Secretary shall give
preference to covered institutions that are located within 20 miles of a military installation of the same Armed Force as the host unit of the Senior Reserve Officers’ Training Corps of the covered institution concerned.

(4) Partnership activities.—The activities conducted under the pilot program under subsection (a)(1) between a satellite or extension Senior Reserve Officers’ Training Corps unit and the military installation concerned shall include such activities designed to reduce barriers to participation in the Senior Reserve Officers’ Training Corps at the covered institution concerned as the Secretary considers appropriate, including measures to mitigate travel time and expenses in connection with receipt of Senior Reserve Officers’ Training Corps instruction.

(d) Pilot Program on Financial Assistance for SROTC and CSPI Members for Flight Training.—

(1) Eligibility for participation by SROTC and CSPI members.—A member of a Senior Reserve Officers’ Training Corps unit, or a member of a Coast Guard College Student Pre-Commissioning Initiative program, at a covered institution may participate in the pilot program under subsection (a)(2) if the member meets such academic requirements at
the covered institution, and such other requirements, as the Secretary shall establish for purposes of the pilot program.

(2) Preference in selection of participants.—In selecting members under this subsection for participation in the pilot program under subsection (a)(2), the Secretary shall give a preference to members who will pursue flight training under the pilot program at a covered institution.

(3) Financial assistance for flight training.—

(A) In general.—The Secretary may provide any member of a Senior Reserve Officers’ Training Corps unit or a College Student Pre-Commissioning Initiative program who participates in the pilot program under subsection (a)(2) financial assistance to defray, whether in whole or in part, the charges and fees imposed on the member for flight training.

(B) Flight training.—Financial assistance may be used under subparagraph (A) for a course of flight training only if the course meets Federal Aviation Administration standards and is approved by the Federal Aviation
Administration and the applicable State approving agency.

(C) Use.—Financial assistance received by a member under subparagraph (A) may be used only to defray the charges and fees imposed on the member as described in that subparagraph.

(D) Cessation of Eligibility.—Financial assistance may not be provided to a member under subparagraph (A) as follows:

(i) If the member ceases to meet the academic and other requirements established pursuant to paragraph (1).

(ii) If the member ceases to be a member of the Senior Reserve Officers’ Training Corps or the College Student Pre-Commissioning Initiative, as applicable.

(e) Evaluation Metrics.—The Secretary of Defense shall establish metrics to evaluate the effectiveness of the pilot programs under subsection (a).

(f) Reports.—

(1) Initial Report.—Not later than 180 days after the commencement of the pilot programs under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate...
and the House of Representatives a report on the pilot programs. The report shall include the following:

(A) A description of each pilot program, including in the case of the pilot program under subsection (a)(2) the requirements established pursuant to subsection (d)(1).

(B) The evaluation metrics established under subsection (e).

(C) Such other matters relating to the pilot programs as the Secretary considers appropriate.

(2) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year in which the Secretary carries out the pilot programs, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) In the case of the pilot program required by subsection (a)(1), a description of the partnerships between satellite or extension Senior Reserve Officers’ Training Corps units and military installations under the pilot program.
(B) In the case of the pilot program required by subsection (a)(2), the following:

(i) The number of members of Senior Reserve Officers’ Training Corps units, and the number of members of Coast Guard College Student Pre-Commissioning Initiative programs, at covered institutions selected for purposes of the pilot program, including the number of such members participating in the pilot program.

(ii) The number of recipients of financial assistance provided under the pilot program, including the number who—

(I) completed a ground school course of instruction in connection with obtaining a private pilot’s certificate;

(II) completed flight training, and the type of training, certificate, or both received;

(III) were selected for a pilot training slot in the Armed Forces;

(IV) initiated pilot training in the Armed Forces; or
(V) successfully completed pilot
training in the Armed Forces.

(iii) The amount of financial assist-
ance provided under the pilot program,
broken out by covered institution, course of
study, and such other measures as the Sec-
retary considers appropriate.

(C) Data collected in accordance with the
evaluation metrics established under subsection
(e).

(3) Final report.—Not later than 180 days
prior to the completion of the pilot programs, the
Secretary shall submit to the Committees on Armed
Services of the Senate and the House of Representa-
tives a report on the pilot programs. The report
shall include the following:

(A) A description of the pilot programs.

(B) An assessment of the effectiveness of
each pilot program.

(C) A description of the cost of each pilot
program, and an estimate of the cost of making
each pilot program permanent.

(D) An estimate of the cost of expanding
each pilot program throughout all eligible Sen-
ior Reserve Officers’ Training Corps units and
College Student Pre-Commissioning Initiative programs.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot programs, including recommendations for extending or making permanent the authority for each pilot program.

(g) DEFINITIONS.—In this section:

(1) The term “covered institution” has the meaning given that term in section 262(g)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) The term “flight training” means a course of instruction toward obtaining any of the following:

(A) A private pilot’s certificate.

(B) A commercial pilot certificate.

(C) A certified flight instructor certificate.

(D) A multi-crew pilot’s license.

(E) A flight instrument rating.

(F) Any other certificate, rating, or pilot privilege the Secretary considers appropriate for purposes of this section.
(3) The term “military installation” means an installation of the Department of Defense for the regular components of the Armed Forces.

SEC. 519. REPORT REGARDING FULL-TIME NATIONAL GUARD DUTY IN RESPONSE TO THE COVID–19 PANDEMIC.

(a) Report Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report regarding how the Secretary determined whether to authorize full-time National Guard duty in response to the covered national emergency.

(b) Elements.—The report under this section shall include the following:

(1) The number of requests described in subsection (a).

(2) The number of such requests approved and the number of requests denied.

(3) For each such request—

(A) the time elapsed from receipt of request to disposition of request; and

(B) whether costs (including pay and benefits for members of the National Guard) were a factor in determining whether to grant or deny the request.
(4) For each such request approved, the time elapsed from approval to when the first such member of the National Guard was placed on full-time National Guard duty in response to such request.

(5) For each such request denied, the reason for denial and how such denial was explained to the requestor.

(6) A description of how the process of review for such requests differed from previous requests for full-time National Guard duty under section 502(f) of title 32, United States Code.

(7) Recommendations of the Secretary to improve the review of such requests in order to better respond to such requests.

(c) DEFINITIONS.—In this section:

(1) The term “covered national emergency” means the national emergency declared on March 13, 2020, by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to COVID–19.

(2) The term “full-time National Guard duty” has the meaning given that term in section 101 of title 10, United States Code.
SEC. 520. STUDY AND REPORT ON ROTC RECRUITMENT.

(a) STUDY.—The Secretary of Defense shall conduct a study that assesses—

(1) the efforts of the Department of Defense to recruit individuals to serve in the Junior Reserve Officers’ Training Corps and the Senior Reserve Officers’ Training Corps over the period of 10 years preceding the date of the study;

(2) whether members of the Armed Forces who served in the Junior Reserve Officers’ Training Corps are more or less likely than members who served in the Senior Reserve Officers’ Training Corps to achieve or receive recommendations for higher ranks;

(3) whether there is a correlation between race or ethnicity and the rank ultimately achieved by such members; and

(4) the feasibility of establishing a program to create a pathway for minorities into higher ranks within the military.

(b) REPORT.—Not later than December 31, 2022, the Secretary of Defense shall submit to the congressional defense committee a report on the results of the study conducted under subsection (a).
SEC. 520A. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN MEMBERS OF THE NATIONAL GUARD SERVING UNDER ORDERS IN RESPONSE TO THE CORONAVIRUS (COVID–19).

(a) In General.—The Secretary of Defense shall provide to a member of the National Guard separating from active service after serving on full-time National Guard duty pursuant to section 502(f) of title 32, United States Code, the health benefits authorized under section 1145 of title 10, United States Code, for a member of a reserve component separating from active duty, as referred to in subsection (a)(2)(B) of such section 1145, if the active service from which the member of the National Guard is separating was in support of the whole of government response to the coronavirus (COVID–19).

(b) Definitions.—In this section, the terms “active duty”, “active service”, and “full-time National Guard duty” have the meanings given those terms in section 101(d) of title 10, United States Code.

SEC. 520B. QUARANTINE HOUSING FOR MEMBERS OF THE NATIONAL GUARD WHO PERFORM CERTAIN DUTY IN RESPONSE TO THE COVID–19 EMERGENCY.

(a) In General.—The Secretary of Defense shall provide, to a member of the National Guard who performs a period of covered duty, housing for not fewer than 14
days immediately after the end of such period of covered duty.

(b) DEFINITIONS.—In this section:

(1) The term “covered duty” means full-time National Guard duty performed in response to the covered national emergency.

(2) The term “covered national emergency” means the national emergency declared on March 13, 2020, by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to COVID-19.

(3) The term “full-time National Guard duty” has the meaning given that term in section 101 of title 10, United States Code.

SEC. 520C. NATIONAL GUARD SUPPORT TO MAJOR DISASTERS.

(a) IN GENERAL.—Section 502(f) of title 32, United States Code, is amended—

(1) in paragraph (2), by adding at the end the following:

“(C) Operations or missions authorized by the President or the Secretary of Defense to support large scale, complex, catastrophic disasters, as defined by section 311(3) of title 6, United States Code, at the request of a State governor.”; and
(2) by adding at the end the following:

“(4) With respect to operations or missions described under paragraph (2)(C), there is authorized to be appropriated to the Secretary of Defense such sums as may be necessary to carry out such operations and missions, but only if—

“(A) an emergency has been declared by the governor of the applicable State; and

“(B) the President has declared the emergency to be a major disaster for the purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.”.

(b) Report on Methods To Enhance Domestic Response to Large Scale, Complex and Catastrophic Disasters.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation and coordination with the Federal Emergency Management Agency, the National Security Council, the Council of Governors, and the National Governors Association, shall submit to the congressional defense, the Committee on Transportation and Infrastructure and Homeland Security of the House of Representatives, and the Committee on Homeland Security and Gov-
ernmental Affairs of the Senate a report on their
plan to establish policy and processes to implement
the authority provided by the amendments made by
section 520. The report shall include a detailed ex-
amination of the policy framework consistent with
existing authorities, identify major statutory or pol-
icy impediments to implementation, and make re-
ommendations for legislation as appropriate.

(2) CONTENTS.—The report submitted under
paragraph (1) shall include a description of—

(A) the current policy and processes where-
by governors can request activation of the Na-
tional Guard under title 32, United States
Code, as part of the response to large scale,
complex, catastrophic disasters that are sup-
ported by the Federal Government and, if no
formal process exists in policy, the Secretary of
Defense shall provide a timeline and plan to es-
establish such a policy, including consultation
with the Council of Governors and the National
Governors Association;

(B) the Secretary of Defense’s assessment,
informed by consultation with the Federal
Emergency Management Agency, the National
Security Council, the Council of Governors, and
the National Governors Association, regarding
the sufficiency of current authorities for the re-
imbursement of National Guard and Reserve
manpower during large scale, complex, cata-
strophic disasters under title 10 and title 32,
United States Code, and specifically whether re-
imbursement authorities are sufficient to ensure
that military training and readiness are not de-
graded to fund disaster response, or invoking
them degrades the effectiveness of the Disaster
Relief Fund;
(C) the Department of Defense’s plan to
ensure there is parallel and consistent policy in
the application of the authorities granted under
section 12304a of title 10, United States Code,
and section 502(f) of title 32, United States
Code, including—
(i) a description of the disparities be-
tween benefits and protections under Fed-
eral law versus State active duty;
(ii) recommended solutions to achieve
parity at the Federal level; and
(iii) recommended changes at the
State level, if appropriate;
(D) the Department of Defense’s plan to ensure there is parity of benefits and protections for military members employed as part of the response to large scale, complex, catastrophic disasters under title 32 or title 10, United States Code, and recommendations for addressing shortfalls; and

(E) a review, by the Federal Emergency Management Agency, of the current policy for, and an assessment of the sufficiency of, reimbursement authority for the use of all National Guard and Reserve, both to the Department of Defense and to the States, during large scale, complex, catastrophic disasters, including any policy and legal limitations, and cost assessment impact on Federal funding.

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.

(a) In general.—Section 14703(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

and
(2) by adding at the end the following new paragraph:

“(3) In the case of an officer in a medical specialty described in subsection (a) who was previously retired honorably or under honorable conditions beyond the date described in paragraph (1)—

“(A) if the Secretary concerned determines it necessary, the Secretary concerned may, with the consent of the officer, reinstate the officer to an active status for such period as the Secretary concerned determines appropriate; or

“(B) the officer may be transferred under section 716 of this title to another armed force and reinstated to an active status for such period as the Secretary concerned determines appropriate.”.

(b) Clerical Amendments.—

(1) Section heading.—The heading for section 14703 of title 10, United States Code, is amended to read as follows:
§ 14703. Retention of chaplains and officers in medical specialties until specified age; retention, reinstatement, and transfer of officers in medical specialties beyond specified age.

(2) Table of sections.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 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 medical specialties beyond specified age.”

SEC. 520E. REPORT REGARDING NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

Not later than December 31, 2021, the Secretary of Defense shall submit a report to the congressional defense committees regarding the resources and authorities the Secretary determines necessary to identify the effects of the National Guard Youth Challenge Program on graduates of that program during the 5 years immediately preceding the date of the report. Such resources shall include the costs of identifying such effects beyond the 12-month, post-residential mentoring period of that program.
SEC. 520F. PERMANENT SUICIDE PREVENTION AND RESILIENCE PROGRAM FOR THE RESERVE COMPONENTS.

Section 10219 of title 10, United States Code, is amended by striking subsection (h).

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.

Section 688a of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

“(g) EXCEPTION DURING PERIOD OF WAR OR NATIONAL EMERGENCY.—The limitations in subsections (c) and (f) shall not apply during time of war declared by Congress or of national emergency declared by the President.”.
SEC. 522. REENLISTMENT WAIVERS FOR PERSONS SEPARATED FROM THE ARMED FORCES WHO COMMIT ONE MISDEMEANOR CANNABIS OFFENSE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations that permit any Secretary of a military department to grant a reenlistment waiver to a covered person if the Secretary determines that the reenlistment of that covered person is vital to the national interest.

(b) DEFINITIONS.—In this section:

(1) The term “covered person” means an individual—

(A) who has been separated, discharged, dismissed, or released from the Armed Forces; and

(B) who has admitted to or been convicted by a court of competent jurisdiction of a single violation—

(i) of any law of a State or the United States relating to the use or possession of cannabis;

(ii) that constitutes a misdemeanor; and

(iii) that occurred while that individual was not performing active service.
(2) The terms “active service” and “military department” have the meanings given such terms in section 101 of title 10, United States Code.

SEC. 523. REVIEW OF SEAMAN TO ADMIRAL-21 PROGRAM; CREDIT TOWARDS RETIREMENT.

(a) Review.—The Secretary of the Navy shall review personnel records of all participants in the Seaman to Admiral-21 program during fiscal years 2010 through 2014 to determine whether each participant acknowledged, before entering a baccalaureate degree program, that service during the baccalaureate degree program would not be included when computing years of service for retirement.

(b) Credit.—For each participant described in subsection (a) for whom the Secretary cannot find evidence of an acknowledgment described in that subsection, the Secretary shall include service during the baccalaureate degree program when computing—

(1) years of service; and

(2) retired or retainer pay.

(c) Report Required.—The Secretary shall submit a report to the Committees on Armed Services of the Senate and House of Representatives regarding the results of the review under subsection (a) and the number of participants credited with service under subsection (b).
(d) **DEADLINE.**—The Secretary of the Navy shall carry out this section not later than 180 days after the date of the enactment of this Act.

**SEC. 524. REPORT REGARDING REVIEWS OF DISCHARGES AND DISMISSALS BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY.**

(a) **REPORT REQUIRED.**—Not later than September 30, 2021, the Secretaries of Defense and Veterans Affairs shall jointly submit to Congress a report regarding former members of the Armed Forces who—

1. were discharged or dismissed from the Armed Forces;
2. have applied to either Secretary for an upgrade in the characterization of discharge or dismissal; and
3. allege in such applications that such discharges or dismissals arose from a policy of the Department of Defense regarding the sexual orientation or gender identity of a member.

(b) **ELEMENTS.**—The report under this section shall include the number of applications described in subsection (a) and the percentages of such applications granted and denied, disaggregated by—

1. Armed Force;
2. grade;
(3) race;
(4) ethnicity;
(5) gender;
(6) characterization of discharge or dismissal;
and
(7) upgraded characterization of discharge or dismissal, if applicable.

(c) Publication.—The Secretaries each shall publish the report under this section on a publicly accessible website of the respective department.

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.

(1) in the section heading, by inserting “AND BENEFITS” after “DECORATIONS”;
(2) in subsection (a)—
(A) by inserting “and the Secretary of Veterans Affairs” after “military departments”; and

(B) by inserting “and benefits” after “decorations”; 

(3) by redesignating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following new subsection:

“(b) Consultation.—The Secretary of Defense shall prepare the guidelines in consultation with the Secretary of Veterans Affairs, with respect to veterans benefits under title 38, United States Code, whose eligibility determinations depend on the use of service records maintained by the Department of Defense.”.

SEC. 526. REPORT ON BAD PAPER.

(a) Report Required.—Not later than September 1, 2021, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report regarding bad paper issued by the Department of Defense during the 20 years preceding the date of the report.

(b) Elements.—The report shall include, with regards to members who received bad paper, the following, if known:
(1) Sex.

(2) Age.

(3) Religion.

(4) Race.

(5) Ethnicity.

(6) Tribal affiliation.

(7) Sexual orientation.

(8) Reasons for discharge or dismissal.

(9) In a case of a bad conduct or medical discharge, whether there is evidence the member suffered symptoms of sexual trauma, including—

(A) post-traumatic stress disorder;

(B) going absent without leave or on unauthorized absence;

(C) inability to complete duties or carry out orders;

(D) insubordination;

(E) substance abuse;

(F) or substance addiction;

(10) Whether the member had filed a complaint within the chain of command regarding—

(A) fraud, waste, or abuse of Federal funds;

(B) a violation of military or Federal law;
(C) a violation of the Uniform Code of Military Justice;

(D) sexual assault;

(E) sexual harassment;

(F) sexual abuse;

(G) sexual trauma; or

(H) discrimination on the basis of sex, age, religion, race, ethnicity, Tribal affiliation, or sexual orientation.

(11) Armed Force.

(12) Any other information the Inspector General determines appropriate.

(e) INTERVIEWS.—To prepare report under this section, the Inspector General may interview veterans or other former members of the Armed Forces.

(d) BAD PAPER DEFINED.—In this section, “bad paper” means a discharge or dismissal from the Armed Forces characterized as—

(1) dishonorable;

(2) bad conduct; or

(3) other than honorable.

Subtitle D—Military Justice and Other Legal Matters

SEC. 531. PUNITIVE ARTICLE ON VIOLENT EXTREMISM.

(a) VIOLENT EXTREMISM.—
(1) IN GENERAL.—Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 916 (article 116 of the Uniform Code of Military Justice) the following new section (article):

§ 916a. Art. 116a. Violent extremism

(a) PROHIBITION.—Any person subject to this chapter who—

(1) knowingly commits a covered offense against—

(A) the Government of the United States; or

(B) any person or class of people;

(2)(A) with the intent to intimidate or coerce any person or class of people; or

(B) with the intent to influence, affect, or retaliate against the policy or conduct of the Government of the United States or any State; and

(3) does so—

(A) to achieve political, ideological, religious, social, or economic goals; or

(B) in the case of an act against a person or class of people, for reasons relating to the race, religion, color, ethnicity, sex, age, disability status, national origin, sexual orienta-
tion, or gender identity of the person or class of people concerned;
is guilty of violent extremism and shall be punished as a court-martial may direct.

“(b) ATTEMPTS, SOLICITATION, AND CONSPIRACY.—Any person who attempts, solicits, or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

“(c) DEFINITIONS.—In this section:

“(1) COVERED OFFENSE.—The term ‘covered offense’ means—

“(A) loss, damage, destruction, or wrongful disposition of military property of the United States, in violation of section 908 of this title (article 108);

“(B) waste, spoilage, or destruction of property other than military property of the United States, in violation of section 909 of this title (article 109);

“(C) communicating threats, in violation of section 915 of this title (article 115);

“(D) riot or breach of peace, in violation of section 916 of this title (article 116);

“(E) provoking speech or gestures, in violation of section 917 of this title (article 117);
“(F) murder, in violation of section 918 of this title (article 118);

“(G) manslaughter, in violation of section 919 of this title (article 119);

“(H) larceny or wrongful appropriation, in violation of section 921 of this title (article 121);

“(I) robbery, in violation of section 922 of this title (article 122);

“(J) kidnapping, in violation of section 925 of this title (article 125);

“(K) assault, in violation of section 928 of this title (article 128);

“(L) conspiracy to commit an offense specified in any of subparagraphs (A) through (K), as punishable under section 881 of this title (article 81);

“(M) solicitation to commit an offense specified in any of subparagraphs (A) through (K), as punishable under section 882 of this title (article 82); or

“(N) an attempt to commit an offense specified in any of subparagraphs (A) through (K), as punishable under section 880 of this title (article 80).
“(2) STATE.—The term ‘State’ includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 916 (article 116) the following new item:

“916a. 116a. Violent extremism.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to offenses committed on or after such date.

SEC. 532. PRESERVATION OF COURT-MARTIAL RECORDS.

Section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(d) PRESERVATION OF COURT-MARTIAL RECORDS WITHOUT REGARD TO OUTCOME.—The standards and criteria prescribed by the Secretary of Defense under subsection (a) shall provide for the preservation of general and special court-martial records, without regard to the outcome of the proceeding concerned, for not fewer than 15 years.”.
SEC. 533. ELECTRONIC NOTARIZATION FOR MEMBERS OF THE ARMED FORCES.

Section 1044a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) A person named in subsection (b) may exercise the powers described in subsection (a) through electronic means, including under circumstances where the individual with respect to whom such person is performing the notarial act is not physically present in the same location as such person.

“(2) A determination of the authenticity of a notarial act authorized in this section shall be made without regard to whether the notarial act was performed through electronic means.

“(3) A log or journal of a notarial act authorized in this section shall be considered for evidentiary purposes without regard to whether the log or journal is in electronic form.”.

SEC. 534. CLARIFICATIONS REGARDING SCOPE OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) CLARIFICATION REGARDING DEFINITION OF RIGHTS AND BENEFITS.—Section 4303(2) of title 38, United States Code, is amended—

(1) by inserting “(A)” before “The term”; and
(2) by adding at the end the following new sub-
paragraph:

“(B) Any procedural protections or provisions
set forth in this chapter shall also be considered a
right or benefit subject to the protection of this
chapter.”.

(b) CLARIFICATION REGARDING RELATION TO
OTHER LAW AND PLANS FOR AGREEMENTS.—Section
4302 of such title is amended by adding at the end the
following:

“(c)(1) Pursuant to this section and the procedural
rights afforded by subchapter III of this chapter, any
agreement to arbitrate a claim under this chapter is unen-
forceable, unless all parties consent to arbitration after a
complaint on the specific claim has been filed in court or
with the Merit Systems Protection Board and all parties
knowingly and voluntarily consent to have that particular
claim subjected to arbitration.

“(2) For purposes of this subsection, consent shall
not be considered voluntary when a person is required to
agree to arbitrate an action, complaint, or claim alleging
a violation of this chapter as a condition of future or con-
tinued employment, advancement in employment, or re-
ceipt of any right or benefit of employment.”.
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.

(a) In general.—Section 305A(a)(1) of the Servicemembers Civil Relief Act (50 U.S.C. 3956) is amended—

(1) by striking “after the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract.” and inserting “after—”; and

(2) by adding at the end the following new subparagraphs:

“(A) the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract; or

“(B) the date the servicemember, while in military service, receives military orders for a permanent change of station, thereafter enters into the contract, and then after entering into the contract receives a stop movement order
issued by the Secretary of Defense in response
to a local, national, or global emergency, effec-
tive for an indefinite period or for a period of
not less than 30 days, which prevents the serv-
icemember from using the services provided
under the contract.”.

(b) RETROACTIVE APPLICATION.—The amendments
made by this section shall apply to stop movement orders
issued on or after March 1, 2020.

SEC. 536. ABSENTEE BALLOT TRACKING PROGRAM.

(a) ESTABLISHMENT AND OPERATION OF PRO-
GRAM.—Section 102(h) of the Uniformed and Overseas
Citizens Absentee Voting Act (52 U.S.C. 20302(h)) is
amended to read as follows:

“(h) ABSENTEE BALLOT TRACKING PROGRAM.—

“(1) REQUIRING ESTABLISHMENT AND OPER-
ATION OF PROGRAM.—The chief State election offi-
cial, in coordination with local election jurisdictions,
shall establish and operate an absentee ballot track-
ing program described in paragraph (2) for the use
of absent uniformed services voters and overseas vot-
ers.

“(2) PROGRAM DESCRIBED.—

“(A) INFORMATION ON TRANSMISSION AND
RECEIPT OF ABSENTEE BALLOTS.—An absentee
ballot tracking program described in this paragraph is a program under which—

“(i) the State or local election official responsible for the transmission of absentee ballots in an election for Federal office operates procedures to track and confirm the transmission of such ballots and to make information on the transmission of such a ballot available by means of online access using the Internet site of the official’s office; and

“(ii) the State or local election official responsible for the receipt of absentee ballots in an election for Federal office operates procedures to track and confirm the receipt of such ballots and (subject to subparagraph (B)) to make information on the receipt of such a ballot available by means of online access using the Internet site of the official’s office.

“(B) SPECIFIC INFORMATION ON RECEIPT OF VOTED ABSENTEE BALLOTS.—The information required to be made available under clause (ii) of subparagraph (A) with respect to the receipt of a voted absentee ballot in an election
for Federal office shall include information regard-
ing whether the vote cast on the ballot was
counted, and, in the case of a vote which was
not counted, the reasons therefor. The appro-
priate State or local election official shall make
the information described in the previous sen-
tence available during the 30-day period that
begins on the date on which the results of the
election are certified, or during such earlier 30-
day period as the official may provide.

“(3) Use of toll-free telephone number
by officials without internet site.—A pro-
gram established and operated by a State or local
election official whose office does not have an Inter-
net site may meet the requirements of paragraph (2)
if the official has established and operates a toll-free
telephone number that may be used to obtain the in-
formation on the transmission or receipt of the ab-
sentee ballot which is required under such para-
graph.”.

(b) Effective Date.—The amendment made by
subsection (a) shall apply with respect to an election held
during 2022 or any succeeding year.
SEC. 537. TRACKING MECHANISM AND REPORTING REQUIREMENTS FOR SUPREMACIST, EXTREMIST, AND CRIMINAL GANG ACTIVITY IN THE ARMED FORCES.

(a) PROCESS REQUIRED.—The Secretary of Defense shall develop and implement a process to track investigations, criminal and administrative actions, and final determinations with respect to conduct of members of the covered Armed Forces that is prohibited under Department of Defense Instruction 1325.06, titled "Handling Dissident and Protest Activities Among Members of the Armed Forces", or any successor instruction.

(b) ELEMENTS.—The process under subsection (a) shall include the following:

(1) A mechanism that military criminal investigative organizations may use—

   (A) to track criminal investigations into the prohibited conduct described in subsection (a), including a mechanism to track those investigations that are forwarded to commanders for administrative action;

   (B) to provide relevant information from criminal investigations and administrative actions to civilian law enforcement agencies; and
(C) to track final administrative actions taken with respect to investigations that are referred to commanders.

(2) A mechanism commanders may use to provide information to military criminal investigative organizations on any serious conduct under consideration for administrative action or any final administrative actions taken with respect to the prohibited conduct described in subsection (a).

(3) A standardized database, shared among the covered Armed Forces, to ensure that the tracking required under subsection (a) is carried out in the same manner across such Armed Forces.

(e) REPORT.—Not later than December 1 of each year beginning after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the process implemented under subsection (a). Each report shall include—

(1) the number of investigations, criminal and administrative actions, and final determinations tracked over the preceding year;

(2) the number of individuals discharged from the covered Armed Forces due to activities prohibited under Department of Defense Instruction
1325.06 and a description of the circumstances that led to such discharges; and

(3) of the actions enumerated under paragraph (1), the number of instances in which information on the conduct of a member of the covered Armed Forces was referred to civilian law enforcement agencies as a result of the investigation or action.

(d) DEFINITIONS.—In this section:

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

(A) the Committee on the Judiciary and the Committee on Armed Services of the Senate; and

(B) the Committee on the Judiciary and the Committee on Armed Services of the House of Representatives.

(2) The term “covered Armed Forces” means the Army, the Navy, the Air Force, and the Marine Corps.

SEC. 538. MILITARY-CIVILIAN TASK FORCE ON DOMESTIC VIOLENCE AND RELATED INFORMATION COLLECTION ACTIVITIES.

(a) MILITARY-CIVILIAN TASK FORCE ON DOMESTIC VIOLENCE.—
(1) Establishment.—The Secretary of Defense shall establish a military-civilian task force on domestic violence (in this section, referred to as the “Task Force”).

(2) Duties.—The duties of the Task Force shall be to analyze and develop recommendations, for implementation by the Secretary, with respect to each of the following:

(A) The risk of domestic violence at various stages of military service, including identification of—

(i) stages at which there is a higher than average risk of domestic violence; and

(ii) stages at which the implementation of domestic violence prevention strategies may have the greatest preventive effect.

(B) The use and dissemination of domestic violence prevention resources throughout the stages of military service including providing new service members with training in domestic violence prevention.

(C) How to best target prevention resources to address those with a higher risk of domestic violence.
(D) The implementation of strategies to prevent domestic violence by training, educating, and assigning prevention-related responsibilities to—

(i) commanders;

(ii) medical, behavioral, and mental health service providers;

(iii) family advocacy representatives;

(iv) Military Family Life Consultants;

and

(v) other individuals and entities with responsibilities that may be relevant to addressing domestic violence.

(E) The efficacy of providing survivors of domestic violence with the option to request expedited transfers, and the effects of such transfers.

(F) Improvements to procedures for reporting appropriate legal actions to the National Crime Information Center and the efficacy of such procedures.

(G) The effects of domestic violence on—

(i) housing for military families;

(ii) the education of military dependent children;
(iii) servicemember work assignments and careers; and

(iv) the health of servicemembers and their families, including short-term and long-term health effects and effects on mental health.

(H) Age-appropriate training and education programs for students attending schools operated by the Department of Defense Education Activity that are designed to assist such students in learning positive relationship behaviors in families and with intimate partners.

(I) The potential effects of requiring military protective orders to be issued by a military judge and whether such a requirement would increase the enforcement of military protective orders by civilian law enforcement agencies outside the boundaries of military installations.

(J) Whether prevention of domestic violence would be enhanced by raising the disposition authority for offenses of domestic violence to an officer who is—

(i) in the grade of 0–6 or above;

(ii) in the chain of command of the accused; and
(iii) authorized by chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) to convene special courts martial.

(K) How to improve access to resources for survivors of domestic violence throughout the stages of military service.

(L) Consideration of any other matters that the Task Force determines to be relevant to—

(i) decreasing the frequency of domestic violence committed by or upon members of the covered Armed Forces and their dependents; and

(ii) reducing the severity of such violence.

(3) MEMBERSHIP.—The Task Force shall be composed of the following members:

(A) One or more representatives of family advocacy programs of the Department of Defense.

(B) One or more representatives of the Defense Advisory Committee on Women in the Services.
(C) One or more medical personnel of the Department of Defense.

(D) One or more Judge Advocates General.

(E) One or more military police or other law enforcement personnel of the covered Armed Forces.

(F) One or more military commanders.

(G) One or more individuals whose duties include planning, executing, and evaluating training of the covered Armed Forces.

(H) Civilians who are experts on domestic violence or who provide services relating to domestic violence, including—

   (i) not fewer than two representatives from the national domestic violence resource center and the special issue resource centers referred to in section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10410);

   (ii) not fewer than two representatives from national domestic violence organizations;
(iii) not fewer than two representatives from State domestic violence and sexual assault coalitions; and

(iv) not fewer than two domestic violence service providers who provide services in communities located near military installations.

(I) One or more representatives who are subject matter experts on—

(i) scientific and other research relating to domestic violence; and

(ii) science-based strategies for the prevention, intervention, and response to domestic violence.

(J) Civilian law enforcement personnel.

(K) One or more representatives from the Office on Violence Against Women of the Department of Justice.

(L) One or more representatives of the Family Violence Prevention and Services Program of the Department of Health and Human Services.

(M) One or more representatives from the Centers for Disease Control and Prevention.
(4) APPOINTMENT BY SECRETARY OF DEFENSE.—

(A) IN GENERAL.—The Secretary of Defense shall appoint the members of the Task Force specified in subparagraphs (A) through (M) of paragraph (3).

(B) CONSULTATION.—

(i) CONSULTATION WITH ATTORNEY GENERAL.—In appointing members under subparagraph (K) of paragraph 3, the Secretary of Defense shall consult with the Attorney General.

(ii) CONSULTATION WITH SECRETARY OF HHS.—In appointing members under subparagraphs (L) and (M) of such paragraph, the Secretary shall consult with the Secretary of Health and Human Services.

(C) INCLUSION OF CERTAIN PERSONNEL.—The Secretary shall ensure that the members appointed by the Secretary under this subparagraph include—

(i) representatives of the Office of the Secretary of Defense;

(ii) general and flag officers;

(iii) noncommissioned officers; and
(iv) other enlisted personnel of the covered Armed Forces.

(5) **TOTAL NUMBER OF MEMBERS.**—The total number of members appointed to the Task Force shall be not more than 25.

(6) **CHAIRPERSON.**—

(A) **Nominee List.**—On an annual basis, the Task Force shall submit to the Secretary a list of members of the Task Force who may be considered for the position of chairperson of the Task Force.

(B) **Selection.**—From the list submitted to the Secretary under subparagraph (A) for each year, the Secretary of Defense shall designate one member of the Task Force to serve as the chairperson of the Task Force.

(C) **Term.**—The chairperson designated by the Secretary under subparagraph (B) shall serve for a term of 1 year and may serve for additional terms of 1 year if redesignated as the chairperson by the Secretary under such subparagraph.

(7) **Meetings.**—The first meeting of the Task Force shall convene not later than 180 days after the date of the enactment of this Act. Thereafter,
the task Force shall meet in plenary session not less frequently than once annually.

(8) COMPENSATION AND TRAVEL EXPENSES.— Each member of the Task Force shall serve without compensation (other than the compensation to which such member may be entitled as a member of the covered Armed Forces or an officer or employee of the United States, as the case may be), but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member’s home or regular places of business in the performance of services for the Task Force.

(9) SITE VISITS.—In the carrying out the duties described in paragraph (2), members of the Task Force shall—

(A) on an annual basis, visit one or more military installations outside the United States; and

(B) on a semianual basis, visit one or more military installations within the United States.

(10) OVERSIGHT AND ADMINISTRATION.—The Secretary of Defense shall designate an appropriate
organization within the Office of the Secretary of
Defense to—

(A) provide oversight of the Task Force;

(B) provide the Task Force with the per-
sonnel, facilities, and other administrative sup-
port that is necessary for the performance of
the Task Force’s duties; and

(C) on a rotating basis, direct the Sec-
retary of each military department to—

(i) coordinate visits of the Task Force
to military installations; and

(ii) provide administrative, logistical,
and other support for the meetings of the
Task Force.

(11) REPORTS.—

(A) REPORTS TO SECRETARY.—

(i) Initial report.—Not later than
1 year after the date on which the mem-
ers of the Task Force are appointed
under paragraph (3), the Task Force shall
submit to the Secretary of Defense rec-
ommendations with respect to each matter
described in paragraph (2).

(ii) Subsequent reports.—After
submitting the initial report under sub-
paragraph (A), the Task Force shall, from
time to time, submit to the Secretary of
Defense such analyses and recommenda-
tions as the Task Force considers appro-
priate to improve the effectiveness of the
covered Armed Forces in responding to
and preventing domestic violence.

(B) REPORTS TO CONGRESS.—On an an-
nual basis until the date on which the Task
Force terminates under paragraph (12), the
Task Force shall submit to Congress a report
that includes—

(i) a description of any improvements
in the response of the covered Armed
Forces to domestic violence over the pre-
ceding year;

(ii) an explanation of any pending re-
search on domestic violence that may be
relevant to domestic violence involving
members of the covered Armed Forces;
and

(iii) such analyses and recommenda-
tions as the Task Force considers appro-
priate to improve the effectiveness of the
covered Armed Forces in responding to and preventing domestic violence.

(12) TERMINATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Task Force shall termi-

nate on the date that is 5 years after the date of the first meeting of the Task Force.

(B) CONTINUATION.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary of Defense may continue the Task Force for a period of up to 2 years after the termination date applicable under subparagraph (A) if the Secretary determines that continuation of the Task Force is advisable and appropriate.

(ii) NOTICE TO CONGRESS.—If the Secretary determines to continue the Task Force under clause (i), not later than 90 days before the termination date applicable under subparagraph (A) and annually thereafter until the new date of the termin-

ation of the Task Force, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice describing the
reasons for the continuation and confirming the new termination date.

(13) **IMPLEMENTATION OF RECOMMENDATIONS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), not later than 180 days after the date on which the Secretary of Defense receives the initial report of the Task Force under paragraph (11)(A)(i), the Secretary shall, in consultation with the Task Force, implement the recommendations of the Task Force with respect to each matter described in paragraph (2).

(B) **WAIVER.**—The Secretary of Defense may waive the requirement under subparagraph (A) with respect to a recommendation of the Task force by submitting to the Committees on Armed Services of the Senate and the House of Representatives a written notification setting forth the reasons for the Secretary’s decision not to implement the recommendation.

(b) **INFORMATION COLLECTION AND REPORTING.**—

(1) **INFORMATION COLLECTION.**—

(A) **REGULAR INFORMATION COLLECTION.**—Using the mechanism developed under
subsection (B), the Secretary of Defense shall regularly collect information to measure the prevalence of domestic violence involving members of the covered Armed Forces, their intimate partners, and immediate family members.

(B) MECHANISM TO MEASURE DOMESTIC VIOLENCE.—The Secretary of Defense, in coordination with the Centers for Disease Control and civilian organizations with expertise in conducting informational surveys, shall develop a mechanism to carry out the information collection required under subparagraph (A).

(2) ANNUAL REPORT ON DOMESTIC VIOLENCE.—

(A) REPORT REQUIRED.—On an annual basis, the Secretary of Defense shall submit to the congressional defense committees a report on domestic violence in the covered Armed Forces.

(B) ELEMENTS.—The report required under subparagraph (A) shall include, with respect to the year covered by the report, the following:
(i) Based on the information collected under paragraph (1), an assessment of the prevalence of domestic violence involving members of the covered Armed Forces, their intimate partners, and immediate family members.

(ii) The number of convictions under section 928b of title 10, United States Code (article 128b of the Uniform Code of Military Justice).

(iii) The recidivism rate for members of the covered Armed Forces convicted of domestic violence offenses.

(iv) The number instances in which a member of the covered Armed Forces received an administrative discharge as a result of the member’s involvement in a domestic violence incident.

(v) The number of instances in which a member of the covered Armed Forces was prohibited from possessing firearms as a result of the member’s conviction for a domestic violence offense.

(vi) Of the incidents described in clause (v), the number of instances in
which the member received a waiver of such prohibition or was otherwise allowed to access firearms for duty purposes.

(vii) An explanation of the status of data sharing between the Department of Defense and civilian law enforcement agencies on matters relating to domestic violence.

(e) COVERED ARMED FORCES DEFINED.—In this section, the term “covered Armed Forces” means the Army, the Navy, the Air Force, and the Marine Corps.

SEC. 539. ACTIONS TO ADDRESS MILITARY-CONNECTED CHILD ABUSE.

(a) IN GENERAL.—Consistent with the recommendations of the Government Accountability Office in the report titled “Increased Guidance and Collaboration Needed to Improve DOD’s Tracking and Response to Child Abuse” (GAO–20–110), the Secretary of Defense shall carry out activities to improve the ability of the Department of Defense to effectively prevent, track, and respond to military-connected child abuse.

(b) ACTIVITIES REQUIRED.—The activities carried out under subsection (a) shall include the following:

(1) The Secretary of Defense shall expand the scope of the Department of Defense’s centralized
database on problematic sexual behavior in children
and youth to track information on all incidents in-
volving child abuse reported to a Family Advocacy
Program or investigated by a military law enforce-
ment organization, regardless of whether the perpe-
trator of the abuse is another child, an adult, or a
person in a nonecaring role at the time of the in-
cident.

(2) The Secretary of Defense, in consultation
with the Secretary of each military department, shall
ensure—

(A) that each Family Advocacy Program
records, in a database of the Program, the date
on which the Program notified a military law
enforcement organization of a reported incident
of child abuse; and

(B) that each military law enforcement or-
ganization records, in a database of the organi-
zation, the date on which the organization noti-
fied a Family Advocacy Program of a reported
incident of child abuse.

(3) The Secretary of Defense, in consultation
with the Secretary of each military department, shall
issue guidance that clarifies the process through
which the Family Advocacy Program of a covered
Armed Force will receive, and incorporate into the Program’s central registry, information regarding child abuse allegations involving members of that a covered Armed Force and dependents of such mem-
bers in cases in which such allegations were pre-
viously recorded by the Family Advocacy Program of another covered Armed Force. Such guidance shall include a mechanism for monitoring the process to ensure that the process is carried out consistently.

(4) Each covered Armed Force shall develop a process to monitor how reported incidents of child abuse are screened at military installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee are consistently presented and tracked.

(5) The Secretary of Defense shall ensure that the Under Secretary of Defense for Personnel and Readiness, in consultation with the Director of the Department of Defense Education Activity, clarifies Department of Defense Education Activity guidance to define what types of child abuse incidents must be reported as serious incidents to help ensure that all serious incidents of which Department of Defense Education Activity leadership needs to be informed
are accurately and consistently reported by school administrators.

(6) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall—

(A) expand the voting membership of each Incident Determination Committee to include medical personnel with requisite knowledge and experience; and

(B) ensure, to the extent practicable, that voting membership of a Committee includes medical personnel with expertise in pediatric medicine in cases in which a reported incident of child abuse is under review by the Committee.

(7) Each covered Armed Force shall implement procedures to provide the families of child abuse victims with comprehensive information on how reported incidents of child abuse will be addressed. Such practices may include the development of a guide that—

(A) explains the processes the Family Advocacy Program and military law enforcement organizations will follow to address the report; and
(B) identifies services and other resources available to victims and their families.

(8) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall issue guidance to clarify the circumstances under which military commanders may exercise the authority to remove a child from a potentially unsafe home on a military installation outside the United States.

(9) The Secretary of Defense shall ensure that the Under Secretary of Defense for Personnel and Readiness, in consultation with the Director of the Defense Health Agency, establishes processes that help ensure children who are sexually abused outside the United States have timely access to a certified pediatric sexual assault forensic examiner to conduct an examination. Such processes may include certifying pediatricians, or adult sexual assault forensic examiners who have pediatric sexual assault nurse examiner training in a multidisciplinary team setting, as pediatric examiners during mandatory training or establishing shared regional assets.

(10) The Secretary of Defense, in consultation with the Deputy Attorney General, shall establish procedures for military criminal investigative organi-
izations to communicate with United States Attorneys, State Attorneys General, and local prosecutors for relevant cases involving child victims, including establishing protocols that—

(A) ensure that military investigators are notified when a prosecution is declined;

(B) provide notice to victims of the status of prosecutions and, as applicable, the reasons for the declination to prosecute;

(C) arrange for specialized victim services outside of the Department of Defense to be provided to juvenile victims to the extent possible;

(D) facilitate legal assistance or other civil legal aid services to juvenile victims; and

(E) ensure that juveniles accused of crimes are, to the extent possible, provided defense counsel who are trained in representing juveniles.

(11) The Secretary of each military department shall seek to develop a memorandum of understanding with the National Children’s Alliance that makes children’s advocacy center services and protocols available to all military installations of the department and increases awareness of those services across the department.
(c) **DEADLINE.**—The Secretary of Defense shall carry out the activities described in subsection (b) not later than 1 year after the date of the enactment of this Act.

(d) **DEFINITONS.**—In this section:

(1) The term “child abuse” means any abuse of a child (including physical abuse, sexual abuse, emotional abuse, and neglect) regardless of whether the perpetrator of the abuse is another child, an adult, or a person in a noncaregiving role.

(2) The term “covered Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Space Force.

(3) The term “Incident Determination Committee” means a committee established at a military installation that is responsible for reviewing reported incidents of child abuse and determining whether such incidents constitute child abuse according to the applicable criteria of the Department of Defense.

(4) The term “military-connected”, when used with respect to child abuse, means child abuse occurring on a military installation or involving a depend-
SEC. 540. MULTIDISCIPLINARY BOARD TO EVALUATE SUICIDE EVENTS.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall issue guidance that requires each suicide event involving a member of a covered Armed Force to be reviewed by a multidisciplinary board established at the command or installation level. Such guidance shall require that, for each suicide event reviewed by such a board, the board will—

(1) clearly define the objective, purpose, and outcome of the review;

(2) take a multidisciplinary approach to the review and include, as part of the review process, leaders of military units, medical and mental health professionals, and representatives of military criminal investigative organizations;

(3) obtain the data necessary to make a comprehensive Department of Defense suicide event report submission; and

(4) take appropriate steps to protect and share information obtained from ongoing investigations into the event (such as medical and law enforcement reports).

(b) IMPLEMENTATION BY COVERED ARMED FORCES.—Not later than 90 days after the date on which...
the guidance is issued under subsection (a), the chiefs of
the covered Armed Forces shall implement the guidance.
(c) PROGRESS REPORT.—Not later than 180 days
after the date of the enactment of this Act, the Secretary
of Defense shall submit to the congressional defense com-
mittees a report on the progress of the Secretary in imple-
menting the guidance required under subsection (a).
(d) COVERED ARMED FORCES DEFINED.—In this
section, the term “covered Armed Forces” means the

SEC. 540A. TO RESOLVE CONTROVERSIES UNDER
SERVICEMEMBERS CIVIL RELIEF ACT.
(a) IN GENERAL.—Section 102 of the
Servicemembers Civil Relief Act (50 U.S.C. 3912) is
amended by adding at the end the following new sub-
section:
“(d) WRITTEN CONSENT REQUIRED FOR ARBITRA-
TION.—Notwithstanding any other provision of law, when-
ever a contract with a servicemember, or a servicemember
and the servicemember’s spouse jointly, provides for the
use of arbitration to resolve a controversy subject to a pro-
vision of this Act and arising out of or relating to such
contract, arbitration may be used to settle such con-
troversy only if, after such controversy arises, all parties
to such controversy consent in writing to use arbitration to settle such controversy.”

(b) APPLICABILITY.—Subsection (d) of such section, as added by subsection (a), shall apply with respect to contracts entered into, amended, altered, modified, renewed, or extended after the date of the enactment of this Act.

SEC. 540B. LIMITATION ON WAIVER OF RIGHTS AND PROTECTIONS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

(a) IN GENERAL.—Section 107(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3918(a)) is amended—

(1) in the second sentence, by inserting “and if it is made after a specific dispute has arisen and the dispute is identified in the waiver” after “to which it applies”; and

(2) in the third sentence, by inserting “and if it is made after a specific dispute has arisen and the dispute is identified in the waiver” after “period of military service”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to waivers made on or after the date of the enactment of this Act.
SEC. 540C. CLARIFICATION OF PRIVATE RIGHT OF ACTION UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

Section 802(a) of the Servicemembers Civil Relief Act (50 U.S.C. 4042(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting “, notwithstanding any previous agreement to the contrary,” after “may”; and

(2) in paragraph (3), by striking “, notwithstanding any previous agreement to the contrary”.

SEC. 540D. REQUIREMENT OF CERTAIN CERTIFICATION BEFORE DEPORTATION OF A SPOUSE OF A MEMBER OF THE ARMED FORCES.

(a) IN GENERAL.—A spouse of a member of the Armed Forces may not be removed from the United States until the Secretary concerned certifies to the congressional defense committees that—

(1) the Secretary concerned has determined that such removal shall not negatively affect the morale, welfare, or well-being of that member;

(2) the Secretary concerned has reviewed all information, including extenuating circumstances, relating to such removal; and

(3) the Secretary concerned has assisted the member and spouse to the greatest extent practicable.
(b) Secretary Concerned Defined.—In this section, the term “Secretary concerned” has the meaning given that term in section 101 of title 10, United States Code.

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.

(a) Catastrophic Injuries and Illnesses.—

Paragraph (4) of section 305(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3955(a)), as added by section 545 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is amended to read as follows:

“(4) Catastrophic injury or illness of lessee.—

“(A) Termination.—If the lessee on a lease described in subsection (b) incurs a catastrophic injury or illness during a period of military service or while performing covered service, during the one-year period beginning on the date on which the lessee incurs such injury or illness—
“(i) the lessee may terminate the lease; or

“(ii) in the case of a lessee who lacks the mental capacity to contract or to manage his or her own affairs (including disbursement of funds without limitation) due to such injury or illness, the spouse or dependent of the lessee may terminate the lease.

“(B) DEFINITIONS.—In this paragraph:

“(i) The term ‘catastrophic injury or illness’ has the meaning given that term in section 439(g) of title 37, United States Code.

“(ii) The term ‘covered service’ means full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).”.

(b) DEATHS.—Paragraph (3) of such section is amended by striking “The spouse of the lessee” and inserting “The spouse or dependent of the lessee”.

SEC. 540F. AVAILABILITY OF RECORDS FOR NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 101(b) of the NICS Improvement Amendments Act of 2007 (34 U.S.C. 40911(b)) is amended—

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

(2) by inserting after paragraph (1), the following new paragraph (2):

“(2) DEPARTMENT OF DEFENSE.—Not later than 3 business days after the final disposition of a judicial proceeding conducted within the Department of Defense, the Secretary of Defense shall make available to the Attorney General records which are relevant to a determination of whether a member of the Armed Forces involved in such proceeding is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, for use in background checks performed by the National Instant Criminal Background Check System.”.

SEC. 540G. PROHIBITION ON CERTAIN COMMUNICATIONS REGARDING COURTS-MARTIAL.

Section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice) is amended by adding at the end the following new subsection:
“(g) No individual may provide a briefing concerning a potential or pending court-martial to a member of the armed forces who may be selected to serve on the court-martial.”.

SEC. 540H. TERMINATION OF CONTRACTS FOR TELEPHONE, MULTICHANNEL VIDEO PROGRAMMING, OR INTERNET ACCESS SERVICE BY CERTAIN INDIVIDUALS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

Section 305A(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3956(a)) is amended by adding at the end the following new paragraph:

“(4) ADDITIONAL INDIVIDUALS COVERED.—For purposes of this section, the following individuals shall be treated as a servicemember covered by paragraph (1):

“(A) A spouse or dependent of a servicemember who dies while in military service or a spouse or dependent of a member of the reserve components who dies while performing duty described in subparagraph (C).

“(B) A spouse or dependent of a servicemember who incurs a catastrophic injury or illness (as that term is defined in section 439(g) of title 37, United States Code), if the service-
member incurs the catastrophic injury or illness while performing duty described in subpara-
graph (C).

“(C) A member of the reserve components performing military service or performing full-
time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).”.

SEC. 540I. REPORT ON DRUG DEMAND REDUCTION PROGRAM MODERNIZATION.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall de-
deliver a report to the Committees on Armed Services of the Senate and House of Representatives regarding the effi-
cacy of using point of collection testing (in this section referred to as “POCT”) devices to modernize the drug de-
mand reduction program (in this section referred to as “DDRP”) random urinalysis testing.

(b) EVALUATION CRITERIA.—The report shall in-
clude the following:

(1) The extent to which use of POCT devices streamline current urinalysis testing processes and communications, while maintaining specimen chain
of custody for use in associated administrative and
military justice activities if needed.

(2) An assessment of the effectiveness of the
POCT devices for DDRP random urinalysis testing
while ensuring specimen chain of custody.

(3) A 10-year projection and assessment of the
cost savings associated with the use of POCT de-
vices in the DDRP random urinalysis testing.

(4) The methodology for calculating the 10-year
cost projection.

(5) An assessment of any other suggested
changes to modernize the DDRP program.

(6) A summary of any programmatic or
logistical barriers to effectively carrying out the use
of POCT devices in the DDRP testing.

SEC. 540J. QUALIFICATIONS OF JUDGES AND STANDARD OF
REVIEW FOR COURTS OF CRIMINAL APPEALS.

(a) Qualifications of Certain Judges.—Section
866(a) of title 10, United States Code (article 66(a) of
the Uniform Code of Military Justice), is amended—

(1) by striking “Each Judge” and inserting:
“(1) IN GENERAL.—Each Judge”; and

(2) by adding at the end the following new
paragraph:
“(2) ADDITIONAL QUALIFICATIONS.—In addition to any other qualifications specified in paragraph (1), any commissioned officer or civilian assigned as an appellate military judge to a Court of Criminal Appeals shall have not fewer than 12 years of experience in the practice of law before such assignment.”.

(b) STANDARD OF REVIEW.—Paragraph (1) of section 866(d) of title 10, United States Code (article 66(d) of the Uniform Code of Military Justice), is amended to read as follows:

“(1) CASES APPEALED BY ACCUSED.—

“(A) IN GENERAL.—In any case before the Court of Criminal Appeals under subsection (b), the Court may act only with respect to the findings and sentence as entered into the record under section 860c of this title (article 60c). The Court may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as the Court finds correct in law, and in fact in accordance with subparagraph (B), and determines, on the basis of the entire record, should be approved.

“(B) FACTUAL SUFFICIENCY REVIEW.—
“(i) In an appeal of a finding of guilty or sentence under paragraph (1)(A), (1)(B), or (2) of subsection (b), the Court may consider whether the finding is correct in fact upon request of the accused if the accused makes a specific showing of a deficiency in proof.

“(ii) After an accused has made such a showing, the Court may weigh the evidence and determine controverted questions of fact subject to—

“(I) appropriate deference to the fact that the trial court saw and heard the witnesses and other evidence; and

“(II) appropriate deference to findings of fact entered into the record by the military judge.

“(iii) If, as a result of the review conducted under clause (ii), the Court is clearly convinced that the finding of guilty or sentence was against the weight of the evidence, the Court may dismiss or set aside the finding, or affirm a lesser finding.
“(C) REVIEW BY FULL COURT.—Any determination by the Court that a finding was clearly against the weight of the evidence under subparagraph (B) shall be reviewed by the Court sitting as a whole.”.

(e) INCLUSION OF ADDITIONAL INFORMATION IN ANNUAL REPORTS.—Section 946a(b)(2) of title 10, United States Code (article 146a(b)(2) of the Uniform Code of Military Justice), is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) An analysis of each case in which a Court of Criminal Appeals made a final determination that a finding of a court-martial was clearly against the weight of the evidence, including an explanation of the standard of appellate review applied in such case.”.
SEC. 540K. RIGHT TO NOTICE OF VICTIMS OF OFFENSES
UNDER THE UNIFORM CODE OF MILITARY
JUSTICE REGARDING CERTAIN POST-TRIAL
MOTIONS, FILINGS, AND HEARINGS.

Section 806b(a)(2) of title 10, United States Code (article 6b(a)(2)) of the Uniform Code of Military Justice, is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) A post-trial motion, filing, or hearing that may address the finding or sentence of a court-martial with respect to the accused, unseal privileged or private information of the victim, or result in the release of the accused.”.

Subtitle E—Sexual Assault

SEC. 541. PROTECTION OF ATTORNEY-CLIENT PRIVILEGE BETWEEN VICTIMS AND SPECIAL VICTIMS’ COUNSEL.

(a) SPECIAL VICTIMS’ COUNSEL.—Subsection (c) of section 1044e of title 10, United States Code, is amended to read as follows:

“(c) NATURE OF RELATIONSHIP.—

“(1) ATTORNEY-CLIENT RELATIONSHIP. — The relationship between a Special Victims’ Counsel and
a victim in the provision of legal advice and assistance shall be the relationship between an attorney and client.

“(2) **Testimony in legal proceedings.**—

During any criminal legal proceeding in which a Special Victims’ Counsel is asked to testify or give evidence, the Special Victims’ Counsel shall be given the same consideration as counsel for the Government and counsel for the accused.”.

(b) **Revision to Military Rules of Evidence.**—

Not later than 180 days after the date of the enactment of this Act, Rule 502 of the Military Rules of Evidence shall be modified to provide that the privilege between a Special Victims’ Counsel and a client shall be the same as lawyer-client privilege.

**SEC. 542. AUTHORITY OF MILITARY JUDGES AND MILITARY MAGISTRATES TO ISSUE MILITARY COURT PROTECTIVE ORDERS.**

(a) **Judge-Issued Military Court Protective Orders.**—Chapter 80 of title 10, United Stated Code, is amended by adding at the end the following new section:
§ 1567b. Authority of military judges and military magistrates to issue military court protective orders

(a) Authority To Issue Military Court Protective Orders.—The President shall prescribe regulations authorizing military judges and military magistrates to issue protective orders in accordance with this section. A protective order issued in accordance with this section shall be known as a ‘military court protective order’. Under the regulations prescribed by the President, military judges and military magistrates shall have exclusive jurisdiction over the issuance, appeal, renewal, and termination of military court protective orders and such orders may not be issued, appealed, renewed, or terminated by State, local, territorial, or tribal courts.

(b) Enforcement by Civilian Authorities.—

(1) In General.—In prescribing regulations for military court protective orders, the President shall seek to ensure that the protective orders are issued in a form and manner that is enforceable by State, local, territorial, and tribal civilian law enforcement authorities.

(2) Full Faith and Credit.—Any military court protective order, should be accorded full faith and credit by the court of a State, local, territorial, or tribal jurisdiction (the enforcing jurisdiction) and
enforced by the court and law enforcement personnel
of that jurisdiction as if it were the order of the en-
forcing jurisdiction.

“(3) Reciprocity agreements.—Consistent
with paragraphs (1) and (2), the Secretary of De-
fense shall seek to enter into reciprocity agreements
with State, local, territorial, and tribal civilian law
enforcement authorities under which—

“(A) such authorities agree to enforce mili-
tary court protective orders; and

“(B) the Secretary agrees to enforce pro-
tective orders issued by such authorities that
are consistent with section 2265(b) of title 18.

“(c) Purpose and form of issuance.—A military
court protective order may be issued for the purpose of
protecting a victim of an alleged sex or domestic violence
offense, or a family member or associate of the victim,
from a person subject to chapter 47 of this title (the Uni-
form Code of Military Justice) who is alleged to have com-
mitted such an offense.

“(d) Timing and manner of issuance.—A mili-
tary court protective order may be issued—

“(1) by a military magistrate, before referral of
charges and specifications to court-martial for trial,
at the request of—
“(A) a victim of an alleged sex or domestic violence offense; or

“(B) a Special Victims’ Counsel or other qualified counsel acting on behalf of the victim; or

“(2) by a military judge, after referral of charges and specifications to court-martial for trial, at the request of qualified counsel, which may include a Special Victims’ Counsel acting on behalf of the victim or trial counsel acting on behalf of the prosecution.

“(e) DURATION AND RENEWAL OF PROTECTIVE ORDER.—

“(1) DURATION.—A military court protective order shall be issued for an initial period of thirty days and may be reissued for one or more additional periods of 30 days in accordance with paragraph (2).

“(2) EXPIRATION AND RENEWAL.—Before the expiration of any 30-day period during which a military court protective order is in effect, a military judge or military magistrate shall review the order to determine whether the order will terminate at the expiration of such period or be reissued for an additional period of 30 days.
“(3) Notice to Protected Persons.—If a military judge or military magistrate determines under paragraph (2) that a military court protective order will terminate, the judge or magistrate concerned shall provide to each person protected by the order reasonable, timely, and accurate notification of the termination.

“(f) Review of Magistrate-Issued Orders.—

“(1) Review.—A military judge, at the request of the person subject to a military court protective order that was issued by a military magistrate, may review the order to determine if the order was properly issued by the magistrate.

“(2) Standards of Review.—A military judge who reviews an order under paragraph (1) shall terminate the order if the judge determines that—

“(A) the military magistrate’s decision to issue the order was an abuse of discretion, and there is not sufficient information presented to the military judge to justify the order; or

“(B) information not presented to the military magistrate establishes that the military court protective order should be terminated.

“(g) Due Process.—
“(1) PROTECTION OF DUE PROCESS.—Except as provided in paragraph (2), a protective order authorized under subsection (a) may be issued only after reasonable notice and opportunity to be heard, directly or through counsel, is given to the person against whom the order is sought sufficient to protect that person’s right to due process.

“(2) EMERGENCY ORDERS.—A protective order on an emergency basis may be issued on an ex parte basis under such rules and limitations as the President shall prescribe. In the case of ex parte orders, notice and opportunity to be heard must be provided within a reasonable time after the order is issued, sufficient to protect the respondent’s due process rights.

“(h) RIGHTS OF VICTIM.—The victim of an alleged sex or domestic violence offense who seeks a military court protective order has, in addition to any rights provided under section 806b (article 6b), the following rights with respect to any proceeding involving the protective order:

“(1) The right to reasonable, accurate, and timely notice of the proceeding and of any change in the status of the protective order resulting from the proceeding.
“(2) The right to be reasonably heard at the proceeding.

“(3) The right to appear in person, with or without counsel, at the proceeding.

“(4) The right be represented by qualified counsel in connection with the proceeding, which may include a Special Victims’ Counsel.

“(5) The reasonable right to confer with a representative of the command of the accused and counsel representing the government at the proceeding, as applicable.

“(6) The right to submit a written statement, directly or through counsel, for consideration by the military judge or military magistrate presiding over the proceeding.

“(i) Restrictions on Access to Firearms.—

“(1) In General.—Notwithstanding any other provision of law—

“(A) a military court protective order issued on an ex parte basis shall restrain a person from possessing, receiving, or otherwise accessing a firearm; and

“(B) a military court protective order issued after the person to be subject to the order has received notice and opportunity to be
heard on the order, shall restrain such person from possessing, receiving, or otherwise access-
ing a firearm in accordance with section 922 of title 18.

“(2) NOTICE TO ATTORNEY GENERAL.—Not later than 72 hours after the issuance of an order described in paragraph (1), the Secretary of Defense shall submit to the Attorney General a record of the order.

“(j) TREATMENT AS LAWFUL ORDER.—A military court protective order shall be treated as a lawful order for purposes of the application of section 892 (article 92) and a violation of such an order shall be punishable under such section (article).

“(k) COMMAND MATTERS.—

“(1) INCLUSION IN PERSONNEL FILE.—Any military court protective order against a member shall be placed and retained in the military personnel file of the member.

“(2) NOTICE TO CIVILIAN LAW ENFORCEMENT OF ISSUANCE.—Any military court protective order against a member shall be treated as a military protective order for purposes of section 1567a including for purposes of mandatory notification of issuance to civilian law enforcement as required by that section.
“(l) RELATIONSHIP TO OTHER AUTHORITIES.—

Nothing in this section may be construed as prohibiting—

“(1) a commanding officer from issuing or enforcing any otherwise lawful order in the nature of a protective order to or against members of the officer’s command;

“(2) pretrial restraint in accordance with Rule for Courts-Martial 304 (as set forth in the Manual for Courts-Martial, 2019 edition, or any successor rule); or


“(m) DELIVERY TO CERTAIN PERSONS.—A physical and electronic copy of any military court protective order shall be provided, as soon as practicable after issuance, to the following:

“(1) The person or persons protected by the protective order or to the guardian of such a person if such person is under the age of 18 years.

“(2) The person subject to the protective order.

“(3) To such commanding officer in the chain of command of the person subject to the protective
order as the President shall prescribe for purposes
of this section.

“(n) DEFINITIONS.—In this section:

“(1) CONTACT.—The term ‘contact’ includes
contact in person or through a third party, or
through gifts.

“(2) COMMUNICATION.—The term ‘communica-
tion’ includes communication in person or through a
third party, and by telephone or in writing by letter,
data fax, or other electronic means.

“(3) COVERED SEX OR DOMESTIC VIOLENCE
OFFENSE.—The term ‘covered sex or domestic vio-
lence offense’ means—

“(A) an alleged sex-related offense (as de-
fining in section 1044e(h)); or

“(B) an alleged offense of domestic vio-
lence under section 928b of this title (article
128b of the Uniform Code of Military Justice)
or an attempt to commit such an offense that
is punishable under section 880 of this title (ar-
ticle 80 of the Uniform Code of Military Jus-
tice).

“(4) MILITARY JUDGE AND MILITARY MAG-
ISTRATE.—The terms ‘military judge’ and ‘military
magistrate’ mean a commissioned officer of the
armed forces who is a member of the bar of a Federal court or a member of the bar of the highest court of a State and who is certified to be qualified, by reason of education, training, experience, and judicial temperament, for duty as a military judge or magistrate by the Judge Advocate General of the armed force of which the officer is a member.

“(5) PROTECTIVE ORDER.—The term ‘protective order’ means an order that—

“(A) restrains a person from harassing, stalking, threatening, or otherwise contacting or communicating with a victim of an alleged sex or domestic violence offense, or a family member or associate of the victim, or engaging in other conduct that would place such other person in reasonable fear of bodily injury to any such other person;

“(B) by its terms, explicitly prohibits—

“(i) the use, attempted use, or threatened use of physical force by the person against a victim of an alleged sex or domestic violence offense, or a family member or associate of the victim, that would reasonably be expected to cause bodily injury;
“(ii) the initiation by the person restrained of any contact or communication with such other person; or

“(iii) actions described by both clauses (i) and (ii).

“(6) SPECIAL VICTIMS’ COUNSEL.—The term ‘Special Victims Counsel’ means a Special Victims’ Counsel described in section 1044e and includes a Victims’ Legal Counsel of the Navy.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1567b. Authority of military judges and military magistrates to issue military court protective orders.”.

(e) IMPLEMENTATION.—The President shall prescribe regulations implementing section 1567b of title 10, United States Code, not later than 1 year after the date of the enactment of this Act.

SEC. 543. ADDITIONAL BASES FOR PROVISION OF ADVICE BY THE DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.

Section 550B(c)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—
(1) by redesignating subparagraph (C) as subparagraph (E); and

(2) by inserting after subparagraph (B) the following new subparagraphs:

“(C) Efforts among private employers to prevent sexual assault and sexual harassment among their employees.

“(D) Evidence-based studies on the prevention of sexual assault and sexual harassment in the Armed Forces, institutions of higher education, and the private sector.”.

SEC. 544. MODIFICATION OF REPORTING AND DATA COLLECTION ON VICTIMS OF SEXUAL OFFENSES.


(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “accused of” and inserting “suspected of”; and

(ii) by striking “assault” and inserting “offense”; 

(B) in paragraph (2), by striking “accused of” and inserting “suspected of”; and

(C) in paragraph (3)—
(i) by striking “assaults” and inserting “offenses”; and

(ii) by striking “an accusation” and inserting “suspicion of”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (b) the following new subsection:

“(b) GUIDANCE REQUIRED.—The Secretary of Defense shall issue guidance to ensure the uniformity of the data collected by each Armed Force for purposes of subsection (a). At a minimum, such guidance shall establish—

“(1) standardized methods for the collection of the data required to be reported under such subsection; and

“(2) standardized definitions for the terms ‘sexual offense’, ‘collateral misconduct’, and ‘adverse action’.”; and

(4) by amending subsection (c), as so redesignated, to read as follows:

“(c) DEFINITIONS.—In this section:

“(1) The term ‘covered individual’ means an individual who is identified in the case files of a military criminal investigative organization as a victim
of a sexual offense that occurred while that individual was serving on active duty as a member of the Armed Forces.

“(2) The term ‘suspected of’, when used with respect to a covered individual suspected of collateral misconduct or crimes as described in subsection (a), means that an investigation by a military criminal investigative organization reveals facts and circumstances that would lead a reasonable person to believe that the individual committed an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).”.

SEC. 545. MODIFICATION OF ANNUAL REPORT REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) SUBMISSION TO CONGRESS.—Section 1631(d) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by inserting “and the Committees on Veterans’ Affairs of the Senate and the House of Representatives” after “House of Representatives”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to reports required to be submitted under section 1631 of the Ike Skelton National De-
SEC. 546. COORDINATION OF SUPPORT FOR SURVIVORS OF SEXUAL TRAUMA.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Secretaries of Defense and Veterans Affairs shall jointly develop, implement, and maintain a standard of coordinated care for members of the Armed Forces who are survivors of sexual trauma. Such standard shall include the following:

(b) Minimum Elements.—The standard developed and implemented under subsection (a) by the Secretaries of Defense and Veterans Affairs shall include the following:

(1) Information for Members of the Armed Forces.—The Secretary of Defense shall ensure that—

(A) Sexual Assault Response Coordinators and Uniformed Victim Advocates receive annual training on resources of the Department of Veterans Affairs regarding sexual trauma;

(B) information regarding services furnished by the Secretary of Veterans Affairs to survivors of sexual trauma is provided to each such survivor; and
(C) information described in subparagraph (B) is posted in the following areas in each facility of the Department of Defense:

(i) An office of the Family Advocacy Program.

(ii) An office of a mental health care provider.

(iii) Each area in which sexual assault prevention staff normally post notices or information.

(iv) High-traffic areas (including dining facilities).

(2) COORDINATION BETWEEN STAFF OF THE DEPARTMENTS.—The Secretaries shall ensure that a Sexual Assault Response Coordinator or Uniformed Victim Advocate of the Department of Defense who receives a report of an instance of sexual trauma connects the survivor to the Military Sexual Trauma Coordinator of the Department of Veterans Affairs at the facility of that Department nearest to the residence of that survivor if that survivor is a member separating or retiring from the Armed Forces.

(e) REPORTS.—

(1) REPORT ON RESIDENTIAL TREATMENT.—

Not later than 180 days after the date of the enact-
ment of this Act, the Secretaries of Defense and Veterans Affairs shall provide a report to the appropriate committees of Congress regarding the availability of residential treatment programs for survivors of sexual trauma, including—

(A) barriers to access for such programs; and

(B) resources required to reduce such barriers.

(2) Initial Report.—Upon implementation of the standard under subsection (a), the Secretaries of Defense and Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the standard.

(3) Progress Reports.—Not later than 180 days after submitting the initial report under paragraph (2), and on December 1 of each subsequent year, the Secretaries of Defense and Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the progress of the Secretaries in implementing and improving the standard.

(4) Updates.—Whenever the Secretaries of Defense and Veterans Affairs update the standard developed under subsection (a), the Secretaries shall
jointly submit to the appropriate committees of Congress a report on such update, including a comprehensive and detailed description of such update and the reasons for such update.

(d) DEFINITIONS.—In this section:

(1) The term “sexual trauma” means psychological trauma described in section 1720D(a)(1) of title 38, United States Code.

(2) The term “appropriate committees of Congress” means—

(A) the Committees on Veterans’ Affairs of the House of Representatives and the Senate; and

(B) the Committees on Armed Services of the House of Representatives and the Senate.

SEC. 547. POLICY ON SEPARATION OF VICTIM AND ACCUSED AT MILITARY SERVICE ACADEMIES.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Superintendent of each military service academy, prescribe in regulations a policy under which a cadet or midshipman of a military service academy who is the alleged victim of a sexual assault and a cadet or midshipman who is the alleged perpetrator of such assault shall, to the extent practicable, each be given the oppor-
tunity to complete their course of study at the academy without—

(1) taking classes together; or

(2) otherwise being in close proximity to each other during mandatory activities.

(b) ELEMENTS.—The Secretary of Defense shall ensure that the policy developed under subsection (a)—

(1) protects the alleged victim as necessary, including by prohibiting retaliatory harassment;

(2) allows both the victim and the accused to complete their course of study at the institution with minimal disruption;

(3) protects the privacy of both the victim and the accused by ensuring that information about the alleged sexual assault and the individuals involved is not revealed to third parties who are not specifically authorized to receive such information in the course of performing their regular duties, except that such policy shall not preclude the alleged victim or the alleged perpetrator from making such disclosures to third parties; and

(4) minimizes the burden on the alleged victim when taking steps to separate the alleged victim and alleged perpetrator.
(c) Special Rule.—The policy developed under subsection (a) shall not preclude a military service academy from taking other administrative or disciplinary action when appropriate.

(d) Military Service Academy Defined.—In this section, the term “military service academy” means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.


(a) In General.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, prescribe in regulations a safe-to-report policy described in subsection (b) that applies with respect to all members of the covered Armed Forces (including members of the reserve components of the covered Armed Forces) and cadets and midshipmen at the military service academies.

(b) Safe-To-Report Policy.—The safe-to-report policy described in this subsection is a policy that prescribes the handling of minor collateral misconduct involving a member of the covered Armed Forces who is the alleged victim of sexual assault.
(c) **Aggravating Circumstances.**—The regulations under subsection (a) shall specify aggravating circumstances that increase the gravity of minor collateral misconduct or its impact on good order and discipline for purposes of the safe-to-report policy.

(d) **Tracking of Collateral Misconduct Incidents.**—In conjunction with the issuance of regulations under subsection (a), Secretary shall develop and implement a process to track incidents of minor collateral misconduct that are subject to the safe-to-report policy.

(e) **Definitions.**—In this section:

1. The term “covered Armed Forces” has the meaning given the term “armed forces” in section 101(a)(4) of title 10, United States Code, except such term does not include the Coast Guard.

2. The term “military service academy” means the following:

   A. The United States Military Academy.

   B. The United States Naval Academy.

   C. The United States Air Force Academy.

3. The term “minor collateral misconduct” means any minor misconduct that is potentially punishable under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that—
(A) is committed close in time to or during the sexual assault, and directly related to the incident that formed the basis of the sexual assault allegation;

(B) is discovered as a direct result of the report of sexual assault or the ensuing investigation into the sexual assault; and

(C) does not involve aggravating circumstances (as specified in the regulations prescribed under subsection (c)) that increase the gravity of the minor misconduct or its impact on good order and discipline.

SEC. 549. QUESTION IN WORKPLACE AND GENDER RELATIONS SURVEYS REGARDING PROSECUTIONS OF SEXUAL ASSAULT.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall include in the covered surveys a question regarding whether a member of an Armed Force under the jurisdiction of the Secretary of a military department would be more willing to report a sexual assault if prosecution decisions were made by lawyers and not commanders.

(b) Covered Surveys Defined.—In this section, the term “covered surveys” means the workplace and gender relations surveys and focus groups administered by the
Office of People Analytics of the Department of Defense, including—

(1) the Workplace and Gender Relations Survey of Active Duty Members;

(2) the Workplace and Gender Relations Survey of Reserve Component Members;

(3) the Military Service Gender Relations Focus Group; and

(4) any successor survey or focus group.

SEC. 550. PILOT PROGRAM ON PROSECUTION OF SPECIAL VICTIM OFFENSES COMMITTED BY ATTENDEES OF MILITARY SERVICE ACADEMIES.

(a) Pilot Program.—Beginning not later than January 1, 2021, the Secretary of Defense shall carry out a pilot program (referred to in this Act as the “Pilot Program”) under which the Secretary shall establish, in accordance with this section, an independent authority to—

(1) review each covered special victim offense; and

(2) determine whether such offense shall be referred to trial by an appropriate court-martial convening authority.

(b) Office of the Chief Prosecutor.—
(1) **Establishment.**—As part of the Pilot Program, the Secretary shall establish, within the Office of the Secretary of Defense, an Office of the Chief Prosecutor.

(2) **Head of Office.**—The head of the Office shall be known as the Chief Prosecutor. The Secretary shall appoint as the Chief Prosecutor a commissioned officer in the grade of O–7 or above who—

(A) has significant experience prosecuting sexual assault trials by court-martial; and

(B) is outside the chain of command of any cadet or midshipman described in subsection (f)(2).

(3) **Responsibilities.**—The Chief Prosecutor shall exercise the authorities described in subsection (c) but only with respect to covered special victim offenses.

(4) **Special Rule.**—Notwithstanding any other provision of law, the military service from which the Chief Prosecutor is appointed is authorized an additional billet for a general officer or a flag officer for each year in the 2-year period beginning with the year in which the appointment is made.
(5) TERMINATION.—The Office of the Chief Prosecutor shall terminate on the date on which the Pilot Program terminates under subsection (e).

(c) REFERRAL TO OFFICE OF THE CHIEF PROSECUTOR.—

(1) INVESTIGATION PHASE.—

(A) NOTICE AND INFORMATION.—A military criminal investigative organization that receives an allegation of a covered special victim offense shall provide to the Chief Prosecutor and the commander of the military service academy concerned—

(i) timely notice of such allegation;

and

(ii) any information and evidence obtained as the result a subsequent investigation into the allegation.

(B) TRIAL COUNSEL.—A trial counsel assigned to a case involving a covered special victim offense shall, during the investigative phase of such case, provide the Chief Prosecutor with the information necessary to enable the Chief Prosecutor to make the determination required under paragraph (3).
(2) Referral to Chief Prosecutor.—In the case of a charge relating to a covered special victim offense, in addition to referring the charge to the staff judge advocate under subsection (a) or (b) of section 834 of title 10, United States Code (article 34 of the Uniform Code of Military Justice), the convening authority of the Armed Force of which the accused is a member shall refer, as soon as reasonably practicable, the charge to the Chief Prosecutor to make the determination required by paragraph (3).

(3) Prosecutorial Determination.—The Chief Prosecutor shall make a determination regarding whether a charge relating to a covered special victim offense shall be referred to trial. If the Chief Prosecutor makes a determination that the charge shall be tried by court-martial, the Chief Prosecutor also shall determine whether the charge shall be tried by a general court-martial convened under section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice) or a special court-martial convened under section 823 of such title (article 23 of the Uniform Code of Military Justice). The determination of whether to try a charge relating to a covered special victim offense by court-
martial shall include a determination of whether to
try any known offenses, including any lesser in-
cluded offenses.

(4) **Effect of determination and appeals**

**process.**—

(A) **Determination to proceed to**

**trial.**—Subject to subparagraph (C), a deter-
mination to try a charge relating to a covered
special victim offense by court-martial under
paragraph (3), and the determination as to the
type of court-martial, shall be binding on any
convening authority under chapter 47 of title
10, United States Code (the Uniform Code of
Military Justice) for a trial by court-martial on
the charge.

(B) **Determination not to proceed to**

**trial.**—Subject to subparagraph (C), a deter-
mination under paragraph (3) not to proceed to
trial on a charge relating to a covered special
victim offense by general or special court-mar-
tial shall be binding on any convening authority
under chapter 47 of title 10, United States
Code (the Uniform Code of Military Justice) ex-
cept that such determination shall not operate
to terminate or otherwise alter the authority of
the convening authority—

(i) to proceed to trial by court-martial
on charges of collateral misconducted re-
lated to the special victim offense; or

(ii) to impose non-judicial punishment
in connection with the conduct covered by
the charge as authorized by section 815 of
such title (article 15 of the Uniform Code
of Military Justice).

(C) APPEAL.—In a case in which a con-
vening authority and the staff judge advocate
advising such authority disagree with the deter-
mination of the Chief Prosecutor under para-
graph (3), the convening authority and staff
judge advocate may jointly appeal the deter-
mination to the General Counsel of the Depart-
ment of Defense. The determination of the Gen-
eral Counsel with respect to such appeal shall
be binding on the Chief Prosecutor and the con-
vening authority concerned.

(5) TRIAL BY RANDOMIZED JURY.—After the
Chief Prosecutor makes a determination under para-
graph (3) to proceed to trial on a charge relating to
a covered special victim offense, the matter shall be
tried by a court-martial convened within the Armed
Force of which the accused is a member in accord-
ance with the applicable provisions of chapter 47 of
title 10, United States Code (the Uniform Code of
Military Justice) except that, when convening a
court-martial that is a general or special court-mar-
tial involving a covered special victim offense in
which the accused elects a jury trial, the convening
authority shall detail members of the Armed Forces
as members thereof at random unless the
obtainability of members of the Armed Forces for
such court-martial prevents the convening authority
from detailing such members at random.

(6) Unlawful influence or coercion.—
The actions of the Chief Prosecutor under this sub-
section whether or not to try charges by court-mar-
tial shall be free of unlawful or unauthorized influ-
ence or coercion.

(d) Effect on other law.—This section shall su-
persede any provision of chapter 47 of title 10, United
States Code (the Uniform Code of Military Justice), that
is inconsistent with this section, but only to the extent of
the inconsistency.

(e) Termination and transition.—
1. **Termination.**—The authority of the Secretary to carry out the Pilot Program shall terminate 4 years after the date on which the Pilot Program is initiated.

2. **Transition.**—The Secretary shall take such actions as are necessary to ensure that, on the date on which the Pilot Program terminates under paragraph (1), any matter referred to the Chief Prosecutor under subsection (e)(2), but with respect to which the Chief Prosecutor has not made a determination under subsection (e)(3), shall be transferred to the appropriate convening authority for consideration.

3. **Definitions.**—In this Act:

   1. The term “Armed Force” means an Armed Force under the jurisdiction of the Secretary of a military department.

   2. The term “covered special victim offense” means a special victim offense—

      (A) alleged to have been committed on or after the date of the enactment of this Act by a cadet of the United States Military Academy or the United States Air Force Academy, without regard to the location at which the offense was committed; or
(B) alleged to have been committed on or after the date of the enactment of this Act by a midshipman of the United States Naval Academy, without regard to the location at which the offense was committed.

(3) The term “Secretary” means the Secretary of Defense.

(4) The term “special victim offense” means any of the following:

(A) An offense under section 917a, 920, 920b, 920c, or 930 of title 10, United States Code (article 117a, 120, 120b, 120c, or 130 of the Uniform Code of Military Justice).

(B) A conspiracy to commit an offense specified in subparagraph (A) as punishable under section 881 of such title (article 81 of the Uniform Code of Military Justice).

(C) A solicitation to commit an offense specified in subparagraph (A) as punishable under section 882 of such title (article 82 of the Uniform Code of Military Justice).

(D) An attempt to commit an offense specified in subparagraph (A) as punishable under section 880 of such title (article 80 of the Uniform Code of Military Justice).
SEC. 550A. REPORT ON STATUS OF INVESTIGATIONS OF ALLEGED SEX-RELATED OFFENSES.

(a) Reports Required.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter through December 31, 2025, the Secretary of each military department shall submit to the congressional defense committees a report on the status of investigations into alleged sex-related offenses.

(b) Elements.—Each report under subsection (a) shall include, with respect to investigations into alleged sex-related offenses carried out by military criminal investigative organizations under the jurisdiction of the Secretary concerned during the preceding year, the following:

(1) The total number of investigations.

(2) For each investigation—

(A) the date the investigation was initiated; and

(B) an explanation of whether the investigation is in-progress or complete as of the date of the report and, if complete, the date on which the investigation was completed.

(3) The total number of investigations that are complete as of the date of the report.

(4) The total number of investigations that are in-progress as of the date of the report.
(5) For investigations lasting longer than 180 days, an explanation of the primary reasons for the extended duration of the investigation.

(c) DEFINITIONS.—In this section:

(1) The term “alleged sex-related offense” has the meaning given that term in section 1044(e)(h) of title 10, United States Code.

(2) The term “complete” when used with respect to an investigation of an alleged sex-related offense, means the active phase of the investigation is sufficiently complete to enable the appropriate authority to reach a decision with respect to the disposition of charges for the offense.

SEC. 550B. REPORT ON SEXUAL ABUSE AND HARASSMENT OF RECRUITS DURING MEDICAL EXAMINATIONS PRIOR TO ENTRY INTO THE ARMED FORCES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the prevalence of sexual abuse and harassment of persons during the medical examination that precedes entry into the Armed Forces. Such report shall include the following:
(1) The number of incidents of sexual abuse or harassment that have been reported since 2000, if available.

(2) A description of the process by which the Department of Defense tracks the incidents of sexual abuse or harassment, if applicable.

(3) A plan to establish a process by which the Department tracks the incidents of sexual abuse or harassment, including those of the medical professionals involved, if such a process does not exist.

(4) A plan to provide awareness training regarding sexual abuse and harassment provided to medical professionals who perform such examinations, if such training does not exist.

(5) A plan to provide recruits with information on their rights and responsibilities in the event they face sexual abuse and harassment that is incident to service but prior to starting service in the Armed Forces, if such information does not exist.

(6) A description of the legal redress available to persons who experience such sexual abuse and harassment, including through the Uniform Code of Military Justice, for those who enter the Armed Forces.
SEC. 550C. CONFIDENTIAL REPORTING OF SEXUAL HARASSMENT.

(a) Establishment.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1561a the following new section:

“§ 1561b. Confidential reporting of sexual harassment

“(a) Establishment.—Notwithstanding section 1561 of this title, the Secretary of Defense shall prescribe regulations establishing a process by which a member of an armed force under the jurisdiction of the Secretary of a military department may confidentially allege a complaint of sexual harassment to an individual outside the immediate chain of command of that member.

“(b) Investigation.—An individual designated to receive complaints under subsection (a)—

“(1) shall maintain the confidentiality of the member alleging the complaint;

“(2) shall provide to the member alleging the complaint the option—

“(A) to file a formal or informal report of sexual harassment; and

“(B) to include reports related to such complaint in the Catch a Serial Offender Program; and

“(3) shall provide to the commander of the complainant a report—
“(A) regarding the complaint; and

“(B) that does not contain any personally identifiable information regarding the complainant.

“(c) EDUCATION; TRACKING; REPORTING.—The Secretary of Defense shall—

“(1) educate members under the jurisdiction of the Secretary of a military department regarding the process established under this section;

“(2) track complaints alleged pursuant to the process established under this section; and

“(3) submit annually to the Committees on Armed Services of the Senate and House of Representatives a report containing data (that does not contain any personally identifiable information) relating to such complaints.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1561b the following new item:

“1561b. Confidential reporting of sexual harassment.”.

(e) IMPLEMENTATION.—The Secretary shall carry out section 1561b of title 10, United States Code, as added by subsection (a), not later than 1 year after the date of the enactment of this Act.
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.

Section 1142(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(20) Information concerning health care (including mental health care) furnished by the Secretary of Veterans Affairs to veterans and members of the Armed Forces who have survived sexual assault, sexual or gender harassment, or intimate partner violence.”.

SEC. 552. MEDICAL OR ADMINISTRATIVE DISCHARGE AS A PATHWAY FOR COUNSELING IN THE TRANSITION ASSISTANCE PROGRAM.

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

(1) in subparagraph (E), by striking “Disability” and inserting “Potential or confirmed medical discharge of the member”; and

(2) in subparagraph (F), by striking “Character” and all that follows and inserting “Potential
or confirmed involuntary separation of the mem-
ber.”.

SEC. 553. FAMILY DYNAMICS AS PATHWAYS FOR COUN-
SELLING IN THE TRANSITION ASSISTANCE
PROGRAM.

Section 1142(c)(1) of title 10, United States Code,
as amended by section (a), is further amended—

(1) by redesignating subparagraph (M) as sub-
paragraph (R); and

(2) by inserting after subparagraph (L) the fol-
lowing:

“(M) Child care requirements of the member
(including whether a dependent of the member is en-
rolled in the Exceptional Family Member Program).

“(N) The employment status of other adults in
the household of the member.

“(O) The location of the duty station of the
member (including whether the member was sepa-
rated from family while on duty).

“(P) The effects of operating tempo and per-
sonnel tempo on the member and the household of
the member.

“(Q) Whether the member is an Indian or
urban Indian, as those terms are defined in section
SEC. 554. ESTABLISHMENT OF MENTORING AND CAREER COUNSELING PROGRAM.

(a) IN GENERAL.—Chapter 107 of title 10, United States Code, is amended by adding at the end the following new section:

“§2158. Mentoring and career counseling program

“(a) ESTABLISHMENT; OBJECTIVES.—The Secretary of Defense, in coordination with the Secretaries of the military departments and the Chief Diversity Officer, shall implement a program for mentoring and career counseling that—

“(1) ensures that all military occupational specialties and career fields reflect the demographics of the armed forces; and

“(2) ensures that members in all ranks and grades reflect the demographics of the armed forces.

“(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program under subsection (a) shall—

“(1) include mentoring and career counseling efforts that start prior to the initial career field decision point and continue throughout the career of each participating member cadet or midshipman;
“(2) provide guidance on accession into the military occupational specialties and career fields that experience the highest rates and greatest number of promotions to a grade above O–6; and

“(3) promote information regarding career choices, including opportunities in the reserve components, to optimize the ability of a participating member cadet, or midshipman to make informed career choices from accession to retirement.

“(c) EVALUATION METRICS.—The Secretary of Defense shall establish and maintain metrics to evaluate the effectiveness of the program under this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 107 of such title is amended by at the end the following new item:

“2158. Mentoring and career counseling program.”.

(e) INTERIM REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees on Armed Services of the Senate and the House of Representatives a report on the implementation of section 2158 of title 10, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include the following:
(A) A description and assessment of the manner in which the Department of Defense shall implement the program under subsection (a) of such section 2158.

(B) The initial evaluation metrics developed under subsection (c) of such section 2158.

(C) An explanation of whether the program will be carried out as part of another program of the Department or through the establishment of a separate program.

(D) A comprehensive description of the additional personnel, resources, and training that will be required to implement the program, including identification of the specific number of additional billets that will be needed to staff the program.

(E) Recommendations of the Secretary for additional legislation that the Secretary determines necessary to effectively and efficiently implement the program.

(d) ANNUAL REPORT.—

(1) REPORT REQUIRED.—Not later than October 1, 2021, and annually thereafter for 3 years, the Secretary of Defense shall submit to the congressional defense committees on Armed Services of the
Senate and the House of Representatives a report on
the program under section 2158 of title 10, United
States Code, as added by subsection (a).

(2) ELEMENTS.—Each report under paragraph
(1) shall include, disaggregated by Armed Force, the
following:

(A) The latest evaluation metrics developed
under subsection (c) of such section 2158.

(B) The number of individuals,
disaggregated by grade, ethnicity, race, and
gender, who were eligible for participation in
the program.

(C) The number of individuals,
disaggregated by grade, ethnicity, race, and
gender, who opted out of participation in the
program.

(D) An assessment of the effectiveness of
the program in advancing the careers of minor-
ity commissioned officers.

(e) PUBLICATION.—The Secretary of Defense shall—

(1) publish on an appropriate publicly available
website of the Department of Defense the reports re-
quired under subsections (c) and (d); and

(2) ensure that any data included with each
such report is made available in a machine-readable
format that is downloadable, searchable, and sortable.

(f) IMPLEMENTATION DATE.—The Secretary of Defense shall implement the program under section 2158 of title 10, United States Code, as added by subsection (a), not later than 1 year after the date of the enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) The term “minority person” means any individual who is a citizen of the United States and who is—

(A) Asian American;

(B) Native Hawaiian;

(C) a Pacific Islander;

(D) African American;

(E) Hispanic;

(F) Puerto Rican;

(G) Native American;

(H) an Alaska Native; or

(I) female.

(2) The term “minority commissioned officer” means any commissioned officer who is a minority person.
(3) The term “machine-readable” has the meaning given that term in section 3502(18) of title 44, United States Code.

SEC. 555. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER.

(a) Authority To Award Bachelor’s Degrees.—Section 2168 of title 10, United States Code, is amended—

(1) in the section heading, by striking “Associate” and inserting “Associate or Bachelor”; and

(2) by amending subsection (a) to read as follows:

“(a) Subject to subsection (b), the Commandant of the Defense Language Institute may confer—

“(1) an Associate of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree; or

“(2) a Bachelor of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 108 of title 10, United States
Code, is amended by striking the item relating to section 2168 and inserting the following new item:

“2168. Defense Language Institute Foreign Language Center; degree of Associate or Bachelor of Arts in foreign language.”.

SEC. 556. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER.

(a) AUTHORITY TO AWARD BACHELOR’S DEGREES.—Section 2168 of title 10, United States Code, is amended—

(1) in the section heading, by striking “Associate” and inserting “Associate or Bachelor”; and

(2) by amending subsection (a) to read as follows:

“(a) Subject to subsection (b), the Commandant of the Defense Language Institute may confer—

“(1) an Associate of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree; or

“(2) a Bachelor of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 108 of title 10, United States
Code, is amended by striking the item relating to section 2168 and inserting the following new item:

“2168. Defense Language Institute Foreign Language Center: degree of Associate or Bachelor of Arts in foreign language.”.

SEC. 557. INCREASE IN NUMBER OF PERMANENT PROFESSIONALS AT THE UNITED STATES AIR FORCE ACADEMY.

Section 9431(b)(4) of title 10, United States Code, is amended by striking “23” and inserting “25”.

SEC. 558. INFORMATION ON NOMINATIONS AND APPLICATIONS FOR MILITARY SERVICE ACADEMIES.

(a) CONGRESSIONAL NOMINATIONS PORTAL.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Superintendents of the military service academies, shall ensure that there is a uniform online portal for all military service academies that enables Members of Congress to nominate individuals for appointment to each academy through a secure website.

(2) INFORMATION COLLECTION AND REPORTING.—The online portal established under paragraph (1) shall—

(A) collect, from each Member of Congress, the demographic information described in
subsection (b) for each individual nominated by the Member; and

(B) collect the information required to be included in each annual report of the Secretary under subsection (c) in a manner that enables the Secretary to automatically compile such information when preparing the report.

(3) Availability of Information.—The portal shall allow Members of Congress and their designees to view past nomination records for all application cycles.

(b) Standard Classifications for Collection of Demographic Data.—

(1) Standards required.—The Secretary, in consultation with the Superintendents of the military service academies, shall establish standard classifications that cadets, midshipmen, and applicants to the academies may use to self-identify gender, race, and ethnicity and to provide other demographic information in connection with admission to or enrollment in an academy.

(2) Consistency with OMB guidance.—The standard classifications established under paragraph (1) shall be consistent with the standard classifications specified in Office of Management and Budget
Directive No. 15 (pertaining to race and ethnic standards for Federal statistics and administrative reporting) or any successor directive.

(3) Incorporation into Applications and Records.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall incorporate the standard classifications established under paragraph (1) into—

(A) applications for admission to the military service academies; and

(B) the military personnel records of cadets and midshipmen enrolled in such academies.

(e) Annual Report on the Demographics Military Service Academy Applicants.—

(1) Report Required.—Not later than September 30 of each year beginning after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the demographics of applicants to military service academies for the most recently concluded application year.

(2) Elements.—Each report under paragraph (1) shall include, with respect to each military service academy, the following:
(A) The number of individuals who submitted an application for admission to the academy in the application year covered by the report.

(B) Of the individuals who submitted an application for admission to the academy in such year—

(i) the overall demographics of applicant pool, disaggregated by the classifications established under subsection (b) and by Member of Congress;

(ii) the number and percentage who received a nomination, disaggregated by the classifications established under subsection (b) and by Member of Congress;

(iii) the number and percentage who received an offer for appointment to the academy, disaggregated by the classifications established under subsection (b) and by Member of Congress; and

(iv) the number and percentage who accepted an appointment to the academy, disaggregated by the classifications established under subsection (b) and by Member of Congress.
(3) **Consultation.**—In preparing each report under paragraph (1), the Secretary shall consult with the Superintendents of the military service academies.

(4) **Availability of reports and data.**—The Secretary shall—

(A) make the results of each report under paragraph (1) available on a publicly accessible website of the Department of Defense; and

(B) ensure that any data included with the report is made available in a machine-readable format that is downloadable, searchable, and sortable.

(d) **Definitions.**—In this section:

(1) The term “application year” means the period beginning on January 1 of one year and ending on June 1 of the following year.

(2) The term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(3) The term “machine-readable” has the meaning given that term in section 3502(18) of title 44, United States Code.

(4) The term “military service academy” means—
(A) the United States Military Academy;
(B) the United States Naval Academy; and
(C) the United States Air Force Academy.

(5) The term “Secretary” means the Secretary of Defense.

SEC. 559. TRANSFORMATION OF THE PROFESSIONAL MILITARY EDUCATION ENTERPRISE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) professional military education is foundational to the development of ethical and effective military leaders and vital to national security;

(2) oversight of professional military education is an essential part of Congress’ constitutional responsibilities to regulate and maintain the Armed Forces of the United States;

(3) reform of the professional military education system, as directed by the congressional defense committees, has played a central role in the institutionalization of jointness as envisioned by the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433);

(4) the Goldwater-Nichols professional military education model has served the Nation well since the
end of the Cold War by enabling successful joint
military operations across the spectrum of conflict;

(5) recent changes in the national security envi-
ronment require that the professional military edu-
cation enterprise adapt to prepare the joint force to
successfully defend American interests in evolving
areas of strategic competition; and

(6) the Department of Defense must transform
the professional military education enterprise to
meet these challenges by emphasizing focused and
rigorous intellectual study reflecting the hard won
strategic insights of history, while leveraging ad-
vancements in the modern learning environment.

(b) LIMITATION.—None of the funds authorized to
be appropriated by this Act or otherwise made available
for fiscal year 2021 for the Department of Defense may
be obligated or expended consolidate, close, or significantly
change the curriculum of the National Defense University
or any institution of professional military education of an
Armed Force until a period of 120 days has elapsed fol-
lowing the date on which the Under Secretary of Defense
for Personnel and Readiness submits the report required
under subsection (c).

(c) REPORT REQUIRED.—
(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of the professional military education enterprise.

(2) Elements.—The report required under paragraph (1) shall include the following:

(A) A consolidated summary that—

(i) lists all components of the professional military education enterprise of the Department of Defense, including all associated schools, programs, research centers, and support activities; and

(ii) for each such component, identifies the assigned personnel strength, annual student throughput, and budget details covering the period of 3 fiscal years preceding the date of the report.

(B) An assessment of the effectiveness and shortfalls of the existing professional military education enterprise as measured against graduate utilization, post-graduate evaluations, and
the education and force development requirements of the Chairman of the Joint Chiefs of Staff and the Chiefs of the Armed Forces.

(C) Recommendations to improve the intellectual readiness of the joint force through reforms designed to—

(i) improve the warfighting readiness, intellectual fitness and cognitive ingenuity of military leaders;

(ii) promote development of strategic thinkers capable of developing integrated political-military and cross-domain strategies and new doctrinal concepts;

(iii) enhance the effectiveness, coherence, and efficiency of individual service approaches to professional military education;

(iv) improve the depth and rigor of professional military education curriculum in alignment with national defense strategy pacing threats while enhancing strategic relationships and operational integration with key allies and international security partners; and
(v) foster the deliberate development
of world-class faculty through increasing
the value of faculty assignments and other
appropriate measures.

SEC. 560. COLLEGE OF INTERNATIONAL SECURITY AFFAIRS
OF THE NATIONAL DEFENSE UNIVERSITY.

(a) PROHIBITION.—The Secretary of Defense may
not eliminate, divest, downsize, or reorganize the College
of International Security Affairs, nor its satellite program,
the Joint Special Operations Masters of Arts, of the Na-
tional Defense University, or seek to reduce the number
of students educated at the College, or its satellite pro-
gram, until 30 days after the date on which the congres-
sional defense committees receive the report required by
subsection (e).

(b) ASSESSMENT, DETERMINATION, AND REVIEW.—
The Under Secretary of Defense for Policy, in consultation
with the Under Secretary of Defense for Personnel and
Readiness, the Assistant Secretary of Defense for Special
Operations/Low-Intensity Conflict, the Deputy Assistant
Secretary of Defense for Counternarcotics and Global
Threats, the Deputy Assistant Secretary of Defense for
Stability and Humanitarian Affairs, the Deputy Assistant
Secretary of Defense for Special Operations and Com-
bating Terrorism, the Chief Financial Officer of the De-
department, the Chairman of the Joint Chiefs of Staff, and
the Commander of United States Special Operations Com-
mand, shall—

(1) assess requirements for joint professional
military education and civilian leader education in
the counterterrorism, irregular warfare, and asym-
metrical domains to support the Department and
other national security institutions of the Federal
Government;

(2) determine whether the importance, chal-
lenges, and complexity of the modern counterter-
rorism environment and irregular and asymmetrical
domains warrant—

(A) a college at the National Defense Uni-
versity, or a college independent of the National
Defense University whose leadership is respon-
sible to the Office of the Secretary of Defense;
and

(B) the provision of resources, services,
and capacity at levels that are the same as, or
decreased or enhanced in comparison to, those
resources, services, and capacity in place at the
College of International Security Affairs on
January 1, 2019;
(3) review the plan proposed by the National Defense University for eliminating the College of International Security Affairs and reducing and restructuring the counterterrorism, irregular, and asymmetrical faculty, course offerings, joint professional military education and degree and certificate programs, and other services provided by the College; and

(4) assess the changes made to the College of International Security Affairs since January 1, 2019, and the actions necessary to reverse those changes, including relocating the College and its associated budget, faculty, staff, students, and facilities outside of the National Defense University.

(c) REPORT REQUIRED.—Not later than February 1, 2021, the Secretary shall submit to the congressional defense committees a report on—

(1) the findings of the Secretary with respect to the assessments, determination, and review conducted under subsection (b); and

(2) such recommendations as the Secretary may have for higher education in the counterterrorism, irregular, and asymmetrical domains.
SEC. 560A. PUBLIC-PRIVATE CONSORTIUM TO IMPROVE PROFESSIONAL MILITARY EDUCATION.

(a) Establishment.—The Secretary of Defense, acting through the Chairman of the Joint Chiefs of Staff and in consultation with the Under Secretary of Defense for Personnel and Readiness, shall establish and maintain a public-private consortium (referred to in this section as the “Consortium”) to improve and broaden professional military education for military officers and civilian employees of the Federal Government.

(b) Directors.—

(1) In general.—The President of the National Defense University and the head of a civilian institution of higher education appointed in accordance with paragraph (3) shall serve as co-directors of the Consortium.

(2) Responsibilities of co-directors.—The co-directors shall be responsible for—

(A) the administration and management of the Consortium; and

(B) developing a common curriculum for professional military education using input received from members of the Consortium.

(3) Appointment of co-director from civilian institution.—Not later than June 1, 2021, the Secretary of Defense shall appoint an individual
who is the President or Chancellor of a civilian institution of higher education to serve as co-director of the Consortium as described in paragraph (1).

(4) TERM OF CO-DIRECTOR.—The co-director appointed under paragraph (3) shall serve an initial term of 5 years. The Secretary of Defense may reappoint such co-director for one or more additional terms of not more than 5 years, as the Secretary determines appropriate.

(5) AUTHORITY.—In the event that a conflict arises between co-directors of the Consortium, the conflict shall be resolved by the Director for Joint Force Development of the Joint Chiefs of Staff (J–7).

(c) ACTIVITIES OF CONSORTIUM.—The Consortium shall carry out the following activities:

(1) Bring the military education system (including military service academies, institutions that provide professional military education, and other institutions the provide military education) together with a broad group of civilian institutions of higher education, policy research institutes, and the commercial sector to develop and continually update a research-based curriculum to prepare early career, mid-career, and senior military officers and civilian employ-
ees of the Federal Government to succeed in an era that will be predominantly defined by great power competition and in which security challenges will transcend the traditional areas of defense expertise, becoming more complex and inter-related than before, with disruptions that will manifest rapidly and with little warning.

(2) Train military officers and civilian educators serving in the joint professional military education system to implement the curriculum developed under paragraph (2) at the institutions they serve.

(3) On a regular basis, make recommendations to the Secretary about how the joint professional military education system should be modified to meet the challenges of apparent or possible future defense, national security, and international environments.

(d) MEMBERS.—The Consortium shall be composed of representatives selected by the Secretary of Defense from the following organizations:

(1) Organizations within the joint professional military education system.

(2) Military service academies.

(3) Other institutions of the Federal Government that provide military education.
(4) Civilian institutions of higher education.

(5) Private sector and government policy research institutes.

(6) Organizations in the commercial sector, including organizations from the industrial, finance, and technology sectors.

(e) **ANNUAL REPORT.**—Not later than September 30, 2022, and annually thereafter, the co-directors of the Consortium shall submit to the Secretary of Defense and the congressional defense committees a report that describes the activities carried out by the Consortium during the preceding year.

(f) **CIVILIAN INSTITUTION DEFINED.**—In this section, the term “civilian institution of higher education” means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that is not owned or controlled by the Federal Government.

**SEC. 560B. PARTICIPATION OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES IN THE SKILLBRIDGE PROGRAM.**

Section 1143(e)(2) of title 10, United States Code, is amended to read as follows:

“(2) A member of the armed forces is eligible for a program under this subsection if—
“(A) the member—

“(i) has completed at least 180 days on active duty in the armed forces; and

“(ii) is expected to be discharged or released from active duty in the armed forces within 180 days of the date of commencement of participation in such a program; or

“(B) the member is a member of a reserve component.”.

SEC. 560C. STUDY REGARDING VA PARTICIPATION IN TAP.

Not later than December 31, 2022, the Secretaries of Defense and Veterans Affairs shall submit to the congressional defense committees and the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the results of a study on the feasibility of having representatives of the Department of Veterans Affairs present during counseling sessions under section 1142 of title 10, United States Code, to set up premium eBenefits accounts of the Department of Veterans Affairs for members of the Armed Forces participating in the Transition Assistance Program.
SEC. 560D. GAO STUDY REGARDING TRANSFERABILITY OF MILITARY CERTIFICATIONS TO CIVILIAN OCCUPATIONAL LICENSES AND CERTIFICATIONS.

(a) Study; Report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing the results of a study regarding the transferability of military certifications to civilian occupational licenses and certifications.

(b) Elements.—The report under this section shall include the following:

(1) Obstacles to transference of military certifications.

(2) Any effects of the transferability of military certifications on recruitment and retention.

(3) Examples of certifications obtained from the Federal Government that transfer to non-Federal employment.

SEC. 560E. TRANSITION OUTREACH.

The Secretary of Defense, in coordination with the Secretaries of Veterans Affairs and Labor, shall encourage contact between members of the Armed Forces participating in the Transition Assistance Program under sections 1142 and 1144 of title 10, United States Code, and local communities, to promote employment opportunities
for such members. Such contact shall include, to the ex-
tent practicable, public-private partnerships.

SEC. 560F. CONTINUED PARTICIPATION OF SEPARATED
MEMBERS OF THE ARMED FORCES IN
SKILLBRIDGE PROGRAMS.

Section 1143(e) of title 10, United States Code, is
amended—

(1) by redesignating paragraph (3) as para-
graph (4); and

(2) by inserting after paragraph (2) the fol-
lowing new paragraph (3):

“(3) In the case of an eligible member who en-
rolls in a program under this subsection and who is
discharged or released from active duty in the armed
forces before the completion of the program, such
member may continue to participate in the program
until the completion of the program. The continued
participation of such a member in such a program
shall have no effect on the discharge or separation
date of the member or the eligibility of the member
for any pay or benefits.”.

SEC. 560G. EXPANSION OF SKILLBRIDGE PROGRAM TO IN-
CLUDE THE COAST GUARD.

Section 1143(e) of title 10, United States Code, is
amended—
(1) in paragraph (1), by striking “of a military
department” and inserting “concerned”;

(2) in paragraph (3), by striking “of the mili-
tary department”; and

(3) in paragraph (4), by striking “of Defense”
and inserting “concerned”.

SEC. 560H. ESTABLISHMENT OF PERFORMANCE MEASURES
FOR THE CREDENTIALING OPPORTUNITIES
ON-LINE PROGRAMS OF THE ARMED FORCES.

(a) In General.—Not later than 180 days after the
date of the enactment of this Act, the Secretary of Defense
shall establish additional performance measures to evalu-
ate the effectiveness of the COOL programs of each
Armed Force in connecting members of the Armed Forces
with professional credential programs. Such measures
shall include the following:

(1) The percentage of members of the Armed
Force concerned described in section 1142(a) of title
10, United States Code, who participate in a profes-
sional credential program through the COOL pro-
gram of the Armed Force concerned.

(2) The percentage of members of the Armed
Force concerned described in paragraph (1) who
have completed a professional credential program de-
scribed in that paragraph.
(3) The percentage of members of the Armed Force concerned described in paragraphs (1) and (2) who are employed not later than one year after separation or release from the Armed Forces.

(b) COORDINATION.—To carry out this section, the Secretary of Defense may coordinate with the Secretaries of Veterans Affairs and Labor.

SEC. 560I. AUTHORITY OF MILITARY EDUCATIONAL INSTITUTIONS TO ACCEPT RESEARCH GRANTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall issue regulations under which faculty of military educational institutions shall be authorized to accept research grants from individuals and entities outside the Department of Defense.

(b) MILITARY EDUCATIONAL INSTITUTION DEFINED.—In this section, the term “military educational institution” means a postsecondary educational institution established within the Department of Defense.

SEC. 560J. REPORT ON OFFICER TRAINING IN IRREGULAR WARFARE.

(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
committees a report on the training in irregular warfare, if any, provided to officers of the Armed Forces as part of the regular course of instruction for such officers.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) the level of instruction in irregular warfare typically provided to officers;

(2) the number of hours of instruction at each level; and

(3) a description of the subject areas covered by the instruction.

(c) EXCLUSION OF SPECIALIZED TRAINING.—The report under subsection (a) shall not include information on specialized or branch-specific training in irregular warfare provided to certain officers as part of a specialized course of instruction.

(d) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.
(2) The term “irregular warfare” has the meaning given that term in the Joint Operating Concept of the Department of Defense titled “Irregular Warfare: Countering Irregular Threats”, version 2.0, dated May 17, 2010.

SEC. 560K. REPORT REGARDING COUNTY, TRIBAL, AND LOCAL VETERANS SERVICE OFFICERS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall submit to the Committees on Armed Services and on Veterans’ Affairs of the House of Representatives and Senate a report regarding the effects of the presence of CVSOs at demobilization centers on members of the Armed Forces making the transition to civilian life.

(b) METRICS.—In determining the effects described in subsection (a), the Secretary of Defense shall use metrics including the following:

(1) Feedback from members described in subsection (a) and from veterans regarding interactions with CVSOs.

(2) Greater use of benefits (including health care, employment services, education, and home loans) available to veterans under laws administered by the Secretary of—
(A) Veterans Affairs;
(B) Labor;
(C) Health and Human Services;
(D) Housing and Urban Development; or
(E) Education.

(3) Greater use of benefits available to veterans not described in paragraph (2).

(4) Frequencies of post-demobilization follow-up meetings initiated by—

(A) a CVSO; or

(B) a veteran.

(5) Awareness and understanding of local support services (including CVSOs) available to veterans.

(c) ELEMENTS.—The report under this section shall include the following:

(1) The number of demobilization centers that host CVSOs.

(2) The locations of demobilization centers described in paragraph (1).

(3) Barriers to expanding the presence of CVSOs at demobilization centers nationwide.

(4) Recommendations of the Secretary of Defense regarding the presence of CVSOs at demobilization centers.
(d) CVSODefined.—In this section, the term “CVSO” includes—

(1) a county veterans service officer;

(2) a Tribal veterans service officer;

(3) a Tribal veterans representative; or

(4) another State, Tribal, or local entity that the Secretary of Defense determines appropriate.

SEC. 560L. LIMITED EXCEPTION FOR ATTENDANCE OF ENLISTED PERSONNEL AT SENIOR LEVEL AND INTERMEDIATE LEVEL OFFICER PROFESSIONAL MILITARY EDUCATION COURSES.


(1) in subsection (a), by striking “None of the funds” and inserting “Except as provided in subsection (b), none of the funds”; 

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following new subsection:

“(b) Exception.—Funds authorized to be appropriated or otherwise made available for the Department of Defense may be obligated or expended for the purpose of the attendance of enlisted personnel at senior level and
intermediate level officer professional military education courses if—

“(1) the enlisted personnel attending such courses have completed professional military edu-
cation at the appropriate grade prior to attendance;

“(2) the Secretary concerned (as defined in sec-
tion 101(a)(9) of title 10, United States Code) es-
tablishes a screening and selection process to choose enlisted personnel to attend such courses;

“(3) with respect to attendees of resident pro-
grams—

“(A) the Secretary concerned establishes a utilization policy for enlisted graduates of such programs; and

“(B) attendees of such programs agree to a 3-year service obligation after completion of such programs;

“(4) the Secretary concerned authorizes enlisted personnel to attend only after the Secretary deter-
mines all requirements for attendance of officers at such courses have been met; and

“(5) an officer is not denied attendance at such courses for the primary purpose of allowing enlisted personnel to attend.”.
SEC. 560M. LIMITATION ON ELIGIBILITY OF FOR-PROFIT INSTITUTIONS TO PARTICIPATE IN EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2006a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

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

“(5) in the case of program offered by a proprietary institution of higher education, the institution derives not less than ten percent of such institution’s revenues from sources other than Federal educational assistance funds as required under subsection (c).”.

(2) by redesignating subsection (c) as subsection (d);

(3) by inserting after subsection (b) the following new subsection:

“(c) LIMITATION ON PARTICIPATION OF PROPRIETARY INSTITUTIONS.—The Secretary of Defense may not approve an educational program offered by a propri-
etary institution of higher education, and no educational assistance under a Department of Defense educational assistance program or authority covered by this section may be provided to such an institution, unless the institution derives not less than ten percent of such institution’s revenues from sources other than Federal educational assistance funds.”;

(4) in subsection (d), as so redesignated, by adding at the end the following new paragraphs:

“(3) The term ‘Federal educational assistance funds’ means any Federal funds provided under this title, the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), or any other Federal law, through a grant, contract, subsidy, loan, guarantee, insurance, or other means to a proprietary institution of higher education, including Federal financial assistance that is disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution, except that such term shall not include any monthly housing stipend provided under the Post-9/11 Educational Assistance Program under chapter 33 of title 38.

“(4) The term ‘proprietary institution of higher education’ has the meaning given that term in sec-
tion 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)).’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

Subtitle G—Military Family Readiness and Dependents’ Education

SEC. 561. FAMILY READINESS: DEFINITIONS; COMMUNICATION 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.
(2) Updating an existing annual standardized survey that assesses military family readiness to address the following issues:

(A) Communication with beneficiaries.
(B) Child care.
(C) Education,
(D) Spousal employment.
(E) The Exceptional Family Member Program.
(F) Financial literacy.
(G) Financial stress.
(H) Health care (including copayments, network adequacy, and the availability of appointments with health care providers).

(c) REPORT.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report regarding the feasibility of implementing the recommendations in—

(1) chapter 3 of the report of the Inspector General of the Department of Defense for fiscal year 2020, “Ensuring Wellness and Wellbeing of Service-Members and their Families”; and
(2) the report, dated July 2019, of the National Academies of Science, Engineering and Medicine, ti-
tled “Strengthening the Military Family Readiness System for a Changing American Society”.

SEC. 562. SUPPORT SERVICES FOR MEMBERS OF SPECIAL OPERATIONS FORCES AND IMMEDIATE FAMILY MEMBERS.

(a) IN GENERAL.—Section 1788a of title 10, United States Code, is amended—

(1) by striking the heading and inserting “Support programs: special operations forces personnel; immediate family members”; 

(2) in subsection (a)—

(A) by inserting “(1)” before “Consistent”; 

(B) by striking “for the immediate family members of members of the armed forces assigned to special operations forces”; and 

(C) by adding at the end the following: “(2) The Commander may enter into an agreement with a nonprofit entity to provide family support services.”.

(3) in subsection (b)(1), by striking “the immediate family members of members of the armed forces assigned to special operations forces” and inserting “covered individuals”; 

(4) in subsection (d)(2)—
(A) in subparagraph (A), by striking “family members of members of the armed forces assigned to special operations forces” and inserting “covered individuals”; and
(B) in subparagraph (B), by striking “family members of members of the armed forces assigned to special operations forces” and inserting “covered individuals”; and
(5) in subsection (e)(4)—
(A) by inserting “psychological support, spiritual support, and” before “costs”;
(B) by striking “immediate family members of members of the armed forces assigned to special operations forces” and inserting “covered personnel”; and
(C) by adding at the end the following:
“(5) The term ‘covered personnel’ means—
“(A) members of the Armed Forces (including the reserve components) assigned to special operations forces;
“(B) support service personnel assigned to special operations;
“(C) individuals separated or retired from service described in subparagraph (A) or (B) for not more than three years; and
“(D) immediate family members of individuals described in subparagraphs (A) through (C).”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 88 of title 10, United States Code, is amended by striking the item relating to section 1788a and inserting the following:

“1788a. Support programs: special operations forces personnel; 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.

(a) Authority.—Section 1798 of title 10, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “, or to an in-home child care provider,” after “youth program services”;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) Eligible In-Home Child Care Providers.—

The Secretary may determine that an in-home child care
provider is eligible for financial assistance under this sec-

(b) In-Home Child Care Provider Defined.—

Section 1800 of such title is amended by adding at the
end the following:

“(5) The term ‘in-home child care provider’
means an individual (including a nanny, babysitter,
or au pair) who provides child care services in the
home of the child.”

(c) Regulations.—Not later than July 1, 2021, the
Secretary of Defense shall prescribe regulations that es-
establish eligibility requirements and amounts of financial
assistance for an in-home child care provider under sub-
section (c) of section 1798 of title 10, United States Code,
as amended by subsection (a).

SEC. 564. EXPANSION OF FINANCIAL ASSISTANCE UNDER
MY CAREER ADVANCEMENT ACCOUNT PRO-
GRAM.

Section 580F of the National Defense Authorization
Act for Fiscal Year 2020 (Public Law 116–92) is amend-
ed—

(1) by inserting “or maintenance (including
continuing education courses)” after “pursuit”; and

(2) by adding at the end the following: “Such
financial assistance may be applied to the costs of
national tests that may earn a participating military
spouse course credits required for a degree approved
under the program (including the College Level Ex-
amination Program tests and the Subject Standard-
ized Tests of the Defense Activity for Non-Tradit-
tional Education Support Division of the Depart-
ment of Defense).”

SEC. 565. CHILD CARE.

(a) 24-HOUR CHILD CARE.—If the Secretary of De-
fense determines it feasible, the Secretary shall furnish
child care to each child of a member of the Armed Forces
or employee of the Department of Defense while that
member or employee works on rotating shifts at a military
installation.

(b) METRICS.—Not later than 6 months after the
date of the enactment of this Act, the Secretary of Defense
shall develop and implement metrics to evaluate the effec-
tiveness of the child care priority system of the Depart-
ment of Defense, including—

(1) the speed of placement for children of mem-
ers of the Armed Forces on active duty;

(2) the type of child care offered;

(3) available spaces in such system, if any; and

(4) other metrics to monitor the child care pri-
ority system determined by the Secretary.
(c) REPORT.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report regarding the results of a study that evaluates—

(1) the sufficiency of the stipend furnished by the Secretary to members of the Armed Forces for civilian child care; and

(2) whether the amount of such stipend should be based on—

(A) cost of living in the applicable locale; and

(B) the capacity of licensed civilian child care providers in the local market.

SEC. 566. CONTINUATION OF PAID PARENTAL LEAVE UPON DEATH OF CHILD.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend the regulations prescribed pursuant to subsections (i) and (j) of section 701 of title 10, United States Code, to provide that the eligibility of primary and secondary caregivers for paid parental leave that has already been approved shall not terminate upon the death of the child for whom such leave is taken.
SEC. 567. STUDY AND REPORT ON THE PERFORMANCE OF
THE DEPARTMENT OF DEFENSE EDUCATION

ACTIVITY.

(a) STUDY.—The Secretary of Defense shall conduct
a study on the performance of the Department of Defense
Education Activity.

(b) ELEMENTS.—The study under subsection (a)
shall include the following:

(1) A review of the curriculum relating to
health, resiliency, and nutrition taught in schools op-
erated by the Department of Defense Education Ac-
tivity and a comparison of such curriculum to appro-
priate education benchmarks.

(2) An analysis of the outcomes experienced by
students in such schools, as measured by—

(A) the performance of such students on
the National Assessment of Educational
Progress carried out under section 303(b)(3) of
the National Assessment of Educational
9622(b)(3)); and

(B) any other methodologies used by the
Department of Defense Education Activity to
measure individual student outcomes.

(3) An assessment of the effectiveness of the
School Liaison Officer program of the Department
of Defense Education Activity in achieving the goals of the program with an emphasis on goals relating to special education and family outreach.

(c) REPORT.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the findings of the study conducted under subsection (a).

SEC. 568. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE STRUCTURAL CONDITION OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY SCHOOLS.

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the structural condition of schools of the Department of Defense Education Activity, both within the continental United States (CONUS) and outside the continental United States (OCONUS).

(b) VIRTUAL SCHOOLS.—The report shall include an assessment of the virtual infrastructure or other means by which students attend Department of Defense Edu-
cation Activity schools that have no physical structure, including the satisfaction of the military families concerned with such infrastructure or other means.

SEC. 569. PILOT PROGRAM TO EXPAND ELIGIBILITY FOR ENROLLMENT AT DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) Pilot Program Authorized.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program under which a dependent of a full-time, active-duty member of the Armed Forces may enroll in a covered DODEA school at the military installation to which the member is assigned, on a space-available basis as described in subsection (c), without regard to whether the member resides on the installation as described in 2164(a)(1) of title 10, United States Code.

(b) Purposes.—The purposes of the pilot program under this section are—

(1) to evaluate the feasibility and advisability of expanding enrollment in covered DODEA schools; and

(2) to determine how increased access to such schools will affect military and family readiness.

(c) Enrollment on Space-Available Basis.—A student participating in the pilot program under this sec-
tion may be enrolled in a covered DODEA school only if
the school has the capacity to accept the student, as deter-
mined by the Director of the Department of Defense Edu-
cation Activity.

(d) LOCATIONS.—The Secretary of Defense shall
carry out the pilot program under this section at not more
than four military installations at which covered DODEA
schools are located. The Secretary shall select military in-
stallations for participation in the program based on—

(1) the readiness needs of the Secretary of a
the military department concerned; and

(2) the capacity of the DODEA schools located
at the installation to accept additional students, as
determined by the Director of the Department of
Defense Education Activity.

(e) TERMINATION.—The authority to carry out the
pilot program under this section shall terminate 4 years
after the date of the enactment of this Act.

(f) COVERED DODEA SCHOOL DEFINED.—In this
Section, the term “covered DODEA school” means a do-
mestic dependent elementary or secondary school operated
by the Department of Defense Education Activity that—

(1) has been established on or before the date
of the enactment of this Act; and

(2) is located in the continental United States.
SEC. 570. CONTINUED ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.

(a) Assistance to Schools With Significant Numbers of Military Dependent Students.—Of the amount authorized to be appropriated for fiscal year 2021 in division D of this Act and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301 of this Act, $40,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) Impact Aid for Children With Severe Disabilities.—Of the amount authorized to be appropriated for fiscal year 2021 in division D of this Act and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301 of this Act, $10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 20 U.S.C. 7703a).

(c) Local Educational Agency Defined.—In this section, the term “local educational agency” has the meaning given that term in section 7013(9) of the Ele-
mentary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 570A. STANDARDIZATION OF THE EXCEPTIONAL FAMILY MEMBER PROGRAM.

(a) POLICY.—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, to the extent practicable, standardize the Exceptional Family Member Program (in this section referred to as the “EFMP”) across the military departments.

(b) ELEMENTS.—The EFMP, standardized under subsection (a), shall include the following:

(1) Processes for the identification and enrollment of dependents of covered members with special needs.

(2) A process for the permanent change of orders for covered members, to ensure seamless continuity of services at the new permanent duty station.

(3) A review process for installations to ensure that health care furnished through the TRICARE program, special needs education programs, and installation-based family support programs are available to military families enrolled in the EFMP.
(4) A standardized respite care benefit across the covered Armed Forces, including the number of hours available under such benefit to military families enrolled in the EFMP.

(5) Outcomes and metrics to evaluate the EFMP.

(6) A requirement that the Secretary of each military department provide a dedicated EFMP attorney, who specializes in education law, at each military installation—

(A) the Secretary determines is a primary receiving installation for military families with special needs; and

(B) in a State that the Secretary determines has historically not supported families enrolled in the EFMP.

(7) The option for a family enrolled in the EFMP to continue to receive all services under that program and the bachelor allowance for housing if—

(A) the covered member receives a new permanent duty station; and

(B) the covered member and family elect for the family not to relocate with the covered member.
(8) A process to discuss policy challenges and opportunities, best practices adopted across the covered Armed Forces, a forum period for discussion with members of military families with special needs, and other matters the Secretary of Defense determines appropriate.

(e) Case Management.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop an EFMP case management model, including the following:

(1) A single EFMP office, located at the headquarters of each covered Armed Force, to oversee implementation of the EFMP and coordinate health care services, permanent change of station order processing, and educational support services for that covered Armed Force.

(2) An EFMP office at each military installation with case managers to assist each family of a covered member in the development of a plan that addresses the areas specified in subsection (b)(1).

(d) Report.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the items identified under subsections (a),
(b), and (c), including any recommendations of the Secretary regarding legislation.

(c) GAO REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on—

(1) whether military families have higher rates of disputes and loss of free and appropriate public education under section 504 of the Rehabilitation Act of 1973 (Public Law 93–112; 29 U.S.C. 794) than civilian counterparts; and

(2) an analysis of the number of due process hearings that were filed by school districts against children of members of the Armed Forces.

(f) DEFINITIONS.—In this section:

(1) The term "covered Armed Force" means an Armed Force under the jurisdiction of the Secretary of a military department.

(2) The term "covered member" means a member—

(A) of a covered Armed Force; and

(B) with a dependent with special needs.
SEC. 570B. TRAINING PROGRAM REGARDING FOREIGN DISINFORMATION CAMPAIGNS.

(a) Establishment.—Not later than September 30, 2021, the Secretary of Defense shall establish a program for training members of the Armed Forces and employees of the Department of Defense regarding the threat of foreign disinformation campaigns specifically targeted at such individuals and the families of such individuals.

(b) Report Required.—Not later than October 30, 2021, the Secretary of Defense shall submit a report to the congressional defense committees regarding the program under subsection (a).

SEC. 570C. REOPENING OF CHILD CARE FACILITIES OF THE ENGINEER RESEARCH AND DEVELOPMENT CENTER.

The Secretary of the Army shall reopen all child care facilities of the Engineer Research and Development Center that were closed during fiscal year 2020.

SEC. 570D. IMPROVEMENTS TO PARTNER CRITERIA OF THE MILITARY SPOUSE EMPLOYMENT PARTNERSHIP PROGRAM.

(a) Evaluation; Updates.—Not later than 160 days after the date of the enactment of this Act, the Secretary of Defense shall evaluate the partner criteria set forth in the Military Spouse Employment Partnership Program and implement updates that the Secretary deter-
mines will improve such criteria without diminishing the need for partners to exhibit sound business practices, broad diversity efforts, and relative financial stability. Such updates shall expand the number of the following entities that meet such criteria:

1. Institutions of primary, secondary, and higher education.
2. Software and coding companies.
3. Local small businesses.
4. Companies that employ telework.

(b) New Partnerships.—Upon completion of the evaluation under subsection (a), the Secretary, in cooperation with the Department of Labor, shall seek to enter into agreements with entities described in paragraphs (1) through (4) of subsection (a) that are located near military installations (as that term is defined in section 2687 of title 10, United States Code).

(c) Review; Report.—Not later than 1 year after implementation under subsection (a), the Secretary shall review updates under subsection (a) and publish a report regarding such review on a publicly-accessible website of the Department of Defense. Such report shall include the following:

1. Military spouse employment rates related to types of entities described in subsection (a).
(2) Application rates, website clicks, and other basic metrics that measure the interest level of military spouses in types of entities described in subsection (a).

(3) Recommendations for increasing military spouse employment opportunities in the types of entities described in subsection (a).

Subtitle H—Diversity and Inclusion

SEC. 571. DIVERSITY AND INCLUSION REPORTING REQUIREMENTS.

(a) Standard Diversity Metrics and Annual Reporting Requirement.—Section 113 of title 10, United States Code is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1), the following new paragraph (2):

“(2) a report from each military department on the goals, barriers, and status of diversity and inclusion of that military department;”; and

(2) in subsection (g)(1)(B), by inserting after clause (vi), the following new clause (vii):
“(vii) Strategic metrics and benchmarks evaluating how the officer and enlisted corps reflects the eligible United States population across all armed forces and ranks.”;

(3) by redesignating subsections (m) and (n) as subsections (n) and (o), respectively; and

(4) by inserting after subsection (k), the following new subsections (l) and (m):

“(l)(1) The Secretary of Defense shall establish and maintain a standard set of strategic metrics and benchmarks toward objectives of:

“(A) an officer and enlisted corps that reflects the eligible U.S. population across all armed forces and ranks; and

“(B) a military force that is able to prevail in its wars, prevent and deter conflict, defeat adversaries and succeed in a wide range of contingencies, and preserve and enhance the all-volunteer force.

“(2) In implementing the requirement in paragraph (1), the Secretary shall—

“(A) establish a universal data collection system to ensure comparability across each military department;
“(B) establish standard definitions of demographic groups, a common methodology, and a common reporting structure across each military department;

“(C) conduct annual barrier analyses to review demographic diversity patterns across the military life cycle, starting with accessions; and

“(D) each year meet with the Secretaries of the military departments, the Chiefs of Staff of the armed forces, and the Chairman of the Joint Chiefs of Staff to assess progress towards the objective under paragraph (1) and establish recommendations to meet such objective.

“(m) The Secretary shall include in each national defense strategy under subsection (g)—

“(1) the demographics, disaggregated by grade, ethnicity, race, gender, and military occupational specialty, for—

“(A) accession into the armed forces;

“(B) the enlisted corps;

“(C) the commissioned officers;

“(D) graduates of the military service academies;

“(E) the rate of promotion in the promotion zone;
“(F) the rate of promotion below the zone for promotion;

“(G) the rates of retention;

“(H) command selection;

“(I) special assignments;

“(J) career broadening assignments;

“(K) aides to general officers and flag officers; and

“(L) any other matter the Secretary determines appropriate;

“(2) an analysis of assignment patterns by ethnicity, race, and gender;

“(3) an analysis of attitudinal survey data by ethnicity, race, and gender;

“(4) an assessment of the available pool of qualified of Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto Rican, Native American, Alaska Native and female candidates for pay grades O–9 and O–10;

“(5) identification of persistent, group-specific deviations from overall averages and plans to investigate underlying causes; and

“(6) summaries of progress made on previous actions.”.
(b) National Guard Diversity Reporting.—Section 10504 of title 10, United States Code is amended by adding at the end the following new subsection (d):

“(d) Report on Diversity and Inclusion.—

“(1) In general.—Not less than once every four years, the Chief of the National Guard Bureau shall report in writing to the Secretary of Defense and the Congress on the status of diversity in each State, Territory, and the District of Columbia for all ranks of the Army and Air National Guard.

“(2) Elements.—Each report under paragraph (1) shall include—

“(A) the demographics, disaggregated by State, grade, ethnicity, race, gender, and military occupational specialty, for—

“(i) accession into the National Guard;

“(ii) the enlisted corps;

“(iii) the commissioned officers;

“(iv) the rate of promotion in the promotion zone;

“(v) the rate of promotion below the zone for promotion;

“(vi) the rates of retention;

“(vii) command selection;
“(viii) special assignments;
“(ix) career broadening assignments;
“(x) aides to a general officer; and
“(xi) any other matter the Chief of
the National Guard Bureau determines ap-
propriate;
“(B) an analysis of assignment patterns by
ethnicity, race, and gender;
“(C) an analysis of attitudinal survey data
by ethnicity, race, and gender;
“(D) an assessment of the available pool of
qualified of Asian American, Native Hawaiian,
Pacific Islander, African American, Hispanic,
Puerto Rican, Native American, Alaska Native
and female candidates for pay grades O–9 and
O–10;
“(E) identification of persistent, group-spe-
cific deviations from overall averages and plans
to investigate underlying causes; and
“(F) summaries of progress made on pre-
vious actions.
“(3) PUBLIC AVAILABILITY.—The Chief of the
National Guard Bureau shall—
“(A) publish on an appropriate publicly available website of the National Guard the reports required under paragraph (1); and

“(B) ensure that any data included with the report is made available in a machine-readable format that is downloadable, searchable, and sortable.”.

(c) COAST GUARD DIVERSITY REPORTING.—Section 5101 of title 14, United States Code is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1), the following new paragraph (2):

“(2) the goals, barriers, and status of diversity and inclusion;”; and

(3) by adding at the end the following new subsection (c):

“(c) Not less than once every 4 years, the Secretary shall include in the annual request under subsection (a)—

“(1) the demographics, disaggregated by grade, ethnicity, race, gender, and military occupational specialty, for—

“(A) accession into the Coast Guard;

“(B) the enlisted corps;
“(C) the commissioned officers;
“(D) graduates of the Coast Guard Academy;
“(E) the rate of promotion in the promotion zone;
“(F) the rate of promotion below the zone for promotion;
“(G) the rates of retention;
“(H) command selection;
“(I) special assignments;
“(J) career broadening assignments;
“(K) aides to a flag officer; and
“(L) any other matter the Secretary determines appropriate;
“(2) an analysis of assignment patterns by ethnicity, race, and gender;
“(3) an analysis of attitudinal survey data by ethnicity, race, and gender;
“(4) an assessment of the available pool of qualified of Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto Rican, Native American, Alaska Native and female candidates for pay grades O–9 and O–10;
“(5) identification of persistent, group-specific deviations from overall averages and plans to investigate underlying causes; and

“(6) summaries of progress made on previous actions.”.

(d) REQUIREMENT TO CONSIDER MINORITY OFFICERS FOR O–9 AND O–10 GRADES.—

(1) ARMY, NAVY, AIR FORCE, MARINE CORPS, AND SPACE FORCE.—Section 601 of title 10, United States Code is amended by adding at the end the following new subsections:

“(e) The Chairman of the Joint Chiefs of Staff shall consider all Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto Rican, Native American, Alaska Native and female candidates prior to recommending to the President an initial appointment to the grade of lieutenant general or vice admiral, or an initial appointment to the grade of general or admiral.

“(f) When seeking the advice and consent of the Senate under subsection (a), the President shall submit to the Committee on Armed Services of the Senate a certification that—

“(1) all Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto
Rican, Native American, Alaska Native and female candidates were considered for appointment; and

“(2)(A) none of the candidates under subparagraph (A) met the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office; or

“(B) the officers in the positions designated under subsection (a) represent the diversity of the armed forces to the extent practicable.”.

(2) COAST GUARD.—Section 305(a) of title 14, United States Code, is amended by adding at the end the following new paragraphs:

“(4) The Commandant shall consider all Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto Rican, Native American, Alaska Native and female candidates prior to recommending to the President an initial appointment to the grade of vice admiral, or an initial appointment to the grade of admiral.

“(5) When seeking the advice and consent of the Senate under subsection (a), the President shall submit to the committee of the Senate with jurisdiction over the department in which the Coast Guard is operating a certification that—
“(A) all Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto Rican, Native American, Alaska Native and female candidates were considered for appointment; and

“(B)(i) none of the candidates under subparagraph (A) met the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office; or

“(ii) the officers in the positions designated under subsection (a) represent the diversity of the armed forces to the extent practicable.”

SEC. 572. ESTABLISHMENT OF DIVERSITY AND INCLUSION 

ADVISORY COUNCIL OF THE DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT.—Chapter 7 of title 10, United States Code, is amended by inserting before section 187 the following:

“§ 186. Diversity and Inclusion Advisory Council

“(a) ESTABLISHMENT.—The Secretary of the Department of Defense (referred to in this section as the ‘Secretary’) shall establish a council to be known as the ‘Diversity and Inclusion Advisory Council of the Department of Defense’ (referred to in this section as the ‘Council’).
“(b) DUTIES.—The Council shall provide advice and recommendations to the Secretary on matters concerning diversity and inclusion in the Department of Defense, relating to the following:

“(1) Aligning diversity and inclusion with the strategic goals of the Department of Defense.

“(2) Conducting strategic outreach efforts to identify, attract, and recruit individuals that represent the demographic diversity of the United States.

“(3) Developing, mentoring, and retaining a diverse and inclusive Armed Forces.

“(4) Encouraging leadership development through diversity and inclusion practices and processes.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Council shall be composed of not fewer than 22 members, including the Federal officials and officers specified in paragraph (2), and not fewer than 12 members appointed by the Secretary from nongovernmental positions described in paragraph (3).

“(2) FEDERAL OFFICIALS AND OFFICERS.—The Federal officials and officers specified in this paragraph are the following:
“(A) The Chief Diversity Officer of the Department of Defense.

“(B) The Under Secretary of Defense for Personnel and Readiness.

“(C) The Chief of Staff of the Army.

“(D) The Chief of Naval Operations.

“(E) The Chief of Staff of the Air Force.

“(F) The Chief of Space Operations.

“(G) The Chief of Staff of the Air Force.

“(H) The Commandant of the Marine Corps.

“(I) The Commandant of the Coast Guard.

“(J) The Chief of the National Guard Bureau.

“(3) NONGOVERNMENTAL POSITIONS.—Non-governmental positions described in this paragraph are the following:

“(A) Five presidents or chancellors of institutions of higher education, including private and public institutions representing diverse areas of the United States.

“(B) Senior leaders of the defense industries of the United States.

“(C) Senior leaders of veterans or military service organizations.
“(D) Veterans (as defined in section 101 of title 38).

“(E) Others determined appropriate by the Secretary.

“(4) TIMING OF APPOINTMENTS.—Appointments to the Council shall be made not later than four months after the date of the enactment of this Act.

“(5) TERMS.—

“(A) IN GENERAL.—Each member shall be appointed for a term of two years.

“(B) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that term until a successor has been appointed.

“(6) CHAIRPERSON AND VICE CHAIRPERSON.—

“(A) CHAIRPERSON.—The Chairperson of the Council shall be the Chief Diversity Officer of the Department of Defense.

“(B) VICE CHAIRPERSON.—The Vice Chairperson shall be designated by the Secretary at the time of the appointment of the
members pursuant to paragraph (4), and when
a vacancy of the Vice Chairperson occurs, as
the case may be.

“(d) MEETING.—

“(1) MEETINGS.—The Council shall meet not
cr fewer than four times each year at the call of the
Chairperson or Vice Chairperson.

“(2) QUORUM.—Twelve members of the Coun-
cil, including six appointed under subsection (c)(2)
and six appointed under subsection (c)(3), shall con-
stitute a quorum.

“(e) COMPENSATION.—

“(1) PROHIBITION ON COMPENSATION.—Except
as provided in paragraph (2), members of the Coun-
cil may not receive additional pay, allowances, or
benefits by reason of their service on the Council.

“(2) TRAVEL EXPENSES.—Each member shall
receive travel expenses, including per diem in lieu of
subsistence, in accordance with applicable provisions
under subchapter I of chapter 57 of title 5.

“(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon
the request of the Council, the Secretary shall provide to
the Council, on a reimbursable basis, the administrative
support services necessary for the Council to carry out its
responsibilities under this Act.

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“(g) Reports.—Not later than 180 days after the date on which the Council holds its initial meeting under subsection (d) and annually thereafter, the Council shall submit to the congressional defense committees a report containing a detailed statement of the advice and recommendations of the Council pursuant to subsection (b).”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 7 of title 10, United States Code, is amended by inserting before the item relating to section 187 the following:

“186. Diversity and Inclusion Advisory Council.”

SEC. 573. ESTABLISHMENT OF SPECIAL INSPECTOR GENERAL FOR RACIAL AND ETHNIC DISPARITIES IN THE ARMED FORCES; AMENDMENTS TO INSPECTOR GENERAL ACT.

(a) Special Inspector General for Racial and Ethnic Disparities in the Armed Forces.—

(1) Purposes.—The purposes of this section are the following:

(A) To provide for the independent and objective conduct and supervision of audits and investigations relating to racial and ethnic disparities in military personnel and military justice systems, and white supremacy among military personnel.
(B) To provide recommendations to the Secretary of Defense and to Congress on actions necessary to eliminate racial and ethnic disparities in military personnel and military justice systems.

(2) Office of Inspector General.—To carry out the purposes of paragraph (1), there is hereby established, in the Department of Defense, the Office of the Special Inspector General for Racial and Ethnic Disparities in the Armed Forces.

(3) Appointment of Inspector General.—

(A) Nomination; Appointment.—The head of the Office of the Special Inspector General for Racial and Ethnic Disparities is the Special Inspector General for Racial and Ethnic Disparities (in this section referred to as the “Inspector General”), who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) Qualifications.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.
(C) Deadline for Nomination.—The nomination of an individual as Inspector General shall be made not later than 90 days after the date of the enactment of this Act.

(D) Compensation.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(E) Prohibition on Political Activities.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(F) Removal.—The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(4) Assistant Inspectors General.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service, appoint an Assistant Inspector General for Military Justice who shall have the responsibility for auditing
and investigation activities relating to racial and ethnic disparities within the military justice system.

(5) Supervision.—

(A) In general.—Except as provided in subparagraph (B), the Inspector General shall report directly to, and be under the general supervision of the Secretary of Defense.

(B) Independence to conduct investigations and audits.—No officer of the Department of Defense shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation related to racial and ethnic disparities or from issuing any subpoena during the course of any such audit or investigation.

(6) Duties.—

(A) Oversight of military justice.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of—

(i) the effect of military justice policies and practices on racial and ethnic disparities, including overrepresentation of minorities in actions related to investigations, 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
appropriate to discharge the duties under subparagraph (A).

(C) Duties and Responsibilities under Inspector General Act of 1978.—In addition to the duties specified in subparagraphs (A) and (B), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(D) Coordination of Efforts.—In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of each of the following:

(i) The Inspector General of the Department of Defense.

(ii) The Inspector General of the Army.

(iii) The Inspector General of the Navy.


(7) Powers and Authorities.—
(A) Authorities under Inspector General Act of 1978.—In carrying out the duties specified in paragraph (6), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(B) Audit Standards.—The Inspector General shall carry out the duties specified in paragraph (6)(A) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(8) Personnel, facilities, and other resources.—

(A) Personnel.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) Employment of experts and consultants.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to ex-
ceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(C) Contracting Authority.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(D) Resources.—The Secretary of Defense, as appropriate, shall provide the Inspector General with appropriate and adequate office space at appropriate locations of the Department of Defense, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(E) Assistance from Federal Agencies.—
(i) IN GENERAL.—Upon request of
the Inspector General for information or
assistance from any department, agency,
or other entity of the Federal Government,
the head of such entity shall, insofar as is
practicable and not in contravention of any
existing law, furnish such information or
assistance to the Inspector General, or an
authorized designee.

(ii) REPORTING OF REFUSED ASSIST-
ANCE.—Whenever information or assist-
ance requested by the Inspector General is,
in the judgment of the Inspector General,
unreasonably refused or not provided, the
Inspector General shall report the cir-
cumstances to the Secretary of Defense, as
appropriate, and to the appropriate con-
gressional committees without delay.

(9) REPORTS.—

(A) QUARTERLY REPORTS.—Not later
than 30 days after the end of each fiscal-year
quarter, the Inspector General shall submit
quarterly reports to the Secretary of Defense
and the congressional defense committees sum-
marizing the activities of the Inspector General for the previous quarter.

(B) ANNUAL REPORTS.—The Inspector General shall submit annual reports to the Secretary of Defense and the congressional defense committees presenting recommendations for changes to policy, practice, regulation, and statute to eliminate disparities within the military personnel and military justice systems and to eliminate white supremacist activities among military personnel. Each such report shall include an accounting and detailing of every incident of white supremacist activity documented in the Department of Defense.

(C) OCCASIONAL REPORTS.—The Inspector General shall, from time to time, submit additional reports containing findings and recommendations at the discretion of the Inspector General.

(D) ONLINE PUBLICATION.—The Inspector General shall publish each report under this paragraph on a publicly available website not later than 7 days after submission to the Secretary of Defense and the congressional defense committees.
(10) **FUNDING.**—This section shall be carried out using not more than $10,000,000 of funds authorized to be appropriated in this Act for Operation and Maintenance, Defense-wide, and no additional amounts are authorized to be appropriated to carry out this section.

(b) **AMENDMENTS TO THE INSPECTOR GENERAL ACT.**—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 3(b)—

(A) by inserting ``(1)'' before ``An Inspector General'';

(B) by inserting after the first sentence the following: ``An Inspector General may only be removed by the President before the expiration of the term of the Inspector General for permanent incapacity, neglect of duty, malfeasance, conviction of a felony or conduct involving moral turpitude, knowing violation of a law, gross mismanagement, gross waste of funds, or abuse of authority.''; and

(C) by adding at the end the following new paragraphs:

``(2) If an Inspector General is removed by the President under paragraph (1) fewer than 30 days after the
President has communicated in writing the reasons for such removal pursuant to paragraph (1), the Inspector General shall submit to the Council of the Inspectors General on Integrity and Efficiency a report that includes the following information:

“(A) A description of the facts and circumstances of each investigation involving a senior government employee (as defined in section 5 of this Act) being conducted by that Inspector General at the time of such removal.

“(B) Any other matter that the Inspector General determines to include.

“(3) Any individual serving as the head of an Office of Inspector General, after the removal of an Inspector General under paragraph (1), shall issue to the Council of the Inspectors General on Integrity and Efficiency a report identifying any instances in which an investigation or matter described in paragraph (2) is closed prior to its completion, with a description of the reasons for closing the investigation or matter.”; and

(2) in section 8G(e), by adding at the end the following new paragraph:

“(3) In the event of the removal of an Inspector General, the Council of the Inspectors General on Integrity and Efficiency shall—
“(A) investigate the reasons for removal provided by the President;

“(B) publish a report including the determination of the Council whether the reasons described in subparagraph (A) are in accordance with the relevant provisions relating to for cause removal;

“(C) review any investigation that was being conducted by the Inspector General at the time of such removal; and

“(D) submit, to the congressional committees the Council determine to be relevant, a report that includes the determination of the Council whether an investigation described in subparagraph (C) motivated such removal.”.

SEC. 574. QUESTIONS REGARDING RACISM, ANTI-SEMITISM, AND SUPREMACISM IN WORKPLACE SURVEYS ADMINISTERED BY THE SECRETARY OF DEFENSE.

Section 593 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended, in paragraph (1), by inserting “, racist, xenophobic, anti-Semitic, or supremacist” after “extremist”.

•HR 6395 EH
SEC. 575. REPORT ON DEMOGRAPHICS OF OFFICERS APPOINTED TO CERTAIN GRADES.

Not later than the first October 1 to occur after the date of the enactment of this Act, and annually thereafter, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and House of Representatives a report summarizing the gender and race of each individual who received an appointment under section 531 or 601 of title 10, United States Code, during the immediately preceding fiscal year.

SEC. 576. PLANS TO INCREASE FEMALE AND MINORITY REPRESENTATION IN THE ARMED FORCES.

(a) Plans Required.—The Secretary of Defense and each Secretary of a military department shall develop plans to increase, with respect to female and minority members of the Armed Forces and cadets or midshipmen under the jurisdiction of that Secretary, the following:

(1) Recruitment.

(2) Retention.

(3) Representation in grades above E–7.

(b) Elements.—Each plan developed under this section shall include clearly defined goals, performance measures, and timeframes.

(c) Goals.—A goal under subsection (b) shall be to exceed, by not less than 100 percent, the rate at which the number of members described in subsection (a)(3) in-
creased during the 5 years immediately preceding the date
of the enactment of this Act.

(d) SUBMITTAL.—Not later than 180 days after the
date of the enactment of this Act, the Secretary of Defense
and each Secretary of a military department shall submit
to the committees on Armed Services of the Senate and
the House of Representatives a copy of each plan devel-
oped under this section by that Secretary.

(e) REPORT.—Three months after submitting a plan
under subsection (d) and quarterly thereafter for 5 years,
the Secretary of Defense and each Secretary of a military
department shall submit to the committees on Armed
Services of the Senate and the House of Representatives
a report indicating the number of female and minority
members in grades above E–7 in each Armed Force under
the jurisdiction of that Secretary.

SEC. 577. EVALUATION OF BARRIERS TO MINORITY PAR-
TICIPATION IN CERTAIN UNITS OF THE
ARMED FORCES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after
the date of the enactment of this Act, the Under
Secretary of Defense for Personnel and Readiness
shall seek to enter into an agreement with a feder-
ally funded research and development center with
relevant expertise to conduct an evaluation of the barriers to minority participation in covered units of the Armed Forces.

(2) ELEMENTS.—The evaluation required under paragraph (1) shall include the following elements:

(A) A description of the racial, ethnic, and gender composition of covered units.

(B) A comparison of the participation rates of minority populations in covered units to participation rates of the general population as members and as officers of the Armed Forces.

(C) A comparison of the percentage of minority officers in the grade of O–7 or higher who have served in each covered unit to such percentage for all such officers in the Armed Force of that covered unit.

(D) An identification of barriers to minority (including English language learners) participation in the recruitment, accession, assessment, and training processes.

(E) The status and effectiveness of the response to the recommendations contained in the report of the RAND Corporation titled “Barriers to Minority Participation in Special Oper-
ations Forces” and any follow-up recommenda-

tions.

(F) Recommendations to increase the num-
bers of minority officers in the Armed Forces.

(G) Recommendations to increase minority
participation in covered units.

(H) Any other matters the Secretary deter-
mines appropriate.

(3) REPORT TO CONGRESS.—The Secretary
shall—

(A) submit to the congressional defense
committees a report on the results of the study
by not later than January 1, 2022; and

(B) provide interim briefings to such com-
mittees upon request.

(b) DESIGNATION.—The study conducted under sub-
section (a) shall be known as the “Study on Reducing Bar-
riers to Minority Participation in Elite Units in the Armed
Services”.

(e) IMPLEMENTATION REQUIRED.—

(1) IN GENERAL.—Except as provided in para-
graph (2), not later than March 1, 2023, the Sec-
retary of Defense shall commence the implementa-
tion of each recommendation included in the final
report submitted under subsection (a)(3).
(2) EXCEPTIONS.—

(A) DELAYED IMPLEMENTATION.—The Secretary of Defense may commence implementation of a recommendation described paragraph (1) later than March 1, 2023, if—

(i) the Secretary submits to the congressional defense committees, not later than January 1, 2023, written notice of the intent of the Secretary to delay implementation of the recommendation; and

(ii) includes, as part of such notice, a specific justification for the delay in implementing the recommendation.

(B) NONIMPLEMENTATION.—The Secretary of Defense may elect not to implement a recommendation described in paragraph (1), if—

(i) the Secretary submits to the congressional defense committees, not later than January 1, 2023, written notice of the intent of the Secretary not to implement the recommendation; and

(ii) includes, as part of such notice—
(I) the reasons for the Secretary’s decision not to implement the recommendation; and

(II) a summary of alternative actions the Secretary will carry out to address the purposes underlying the recommendation.

(3) IMPLEMENTATION PLAN.—For each recommendation that the Secretary implements under this subsection, the Secretary shall submit to the congressional defense committees an implementation plan that includes—

(A) a summary of actions the Secretary has carried out, or intends to carry out, to implement the recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of the recommendation.

(d) COVERED UNITS DEFINED.—In this section, the term “covered units” means the following:

(1) Army Special Forces.

(2) Army Rangers.

(3) Navy SEALs.

(4) Air Force Combat Control Teams.

(5) Air Force Pararescue.
(6) Air Force Special Reconnaissance.

(7) Marine Raider Regiments.

(8) Marine Corps Force Reconnaissance.

(9) Coast Guard Maritime Security Response Team.

(10) Any other forces designated by the Secretary of Defense as special operations forces.

(11) Pilot and navigator military occupational specialties.

SEC. 578. REPORT TO CONGRESS ON EFFORTS TO INCREASE DIVERSITY AND REPRESENTATION IN FILM, TELEVISION, AND PUBLISHING.

(a) PROMULGATION OF POLICY.—The Secretary of Defense and each Secretary of a military department shall promulgate a policy to promote, to the maximum extent possible, the depiction of marginalized communities in projects with the film, television, and publishing industries carried out through the respective offices of public affairs.

(b) CONSIDERATION OF DEPICTION OF CERTAIN COMMUNITIES.—The Secretary of Defense and each Secretary of a military department shall consider the promotion of a marginalized community as an affirmative factor in any decision to provide assistance to a production studio or publishing company through the respective offices of public affairs.
(c) Report to Congress.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with each Secretary of a military department, shall submit to the congressional defense committees a report on—

(1) the policies promulgated under subsection (a); and

(2) the activities carried out by the Secretary of Defense and each such Secretary of a military department pursuant to such subsection.

(d) Definition of Marginalized Community.—In this section, the term “marginalized community” means a community—

(1) that is (or historically was) under-represented in the film, television, and publishing industries, including—

(A) women;

(B) racial and ethnic minorities;

(C) individuals with disabilities;

(D) members of the LGBTQ community;

(E) individuals of all ages; and

(F) other individuals from under-represented communities; and

(2) whose members have served in the Armed Forces.
SEC. 579. PLAN TO IMPROVE RESPONSES TO PREGNANCY AND CHILDBIRTH BY MEMBERS OF THE ARMY FORCES AND EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop a plan to ensure that the career of a covered individual is not unduly affected because of being a covered individual. The plan shall address the following policy considerations:

(1) Enforcement and implementation of the Pregnancy Discrimination Act (Public Law 95–555; 42 U.S.C. 2000e(k)) by the Department of Defense and the Equal Employment Opportunity Commission with regards to civilian employees of the Department of Defense.

(2) The need for individual determinations regarding the ability of members of the Armed Forces to serve during and after pregnancy.

(3) Responses to the effects specific to covered individuals who reintegrate into home life after deployment.

(4) Pregnancy discrimination training, including comprehensive education of new policies to diminish stigma, stereotypes, and negative perceptions
regarding covered individuals, including with regards
to commitment to the Armed Forces and abilities.

(5) Opportunities to maintain readiness when
positions are unfilled due to pregnancy, medical con-
ditions arising from pregnancy or childbirth, preg-
nancy convalescence, or parental leave.

(6) Reasonable accommodations for covered in-
dividuals in general and specific accommodations
based on career field or military occupational spe-
cialty.

(7) Reissuing school enrollments or special as-
signments to covered individuals.

(8) Extended assignments and performance re-
porting periods for covered individuals.

(9) A mechanism by which covered individuals
may report harassment or discrimination, including
retaliation, relating to being a covered individual.

(b) REPORT ON PLAN.—Not later than 90 days after
the date of the enactment of this Act, the Secretary shall
submit to the congressional defense committees a report
detailing the plan required under this section and a strat-
egy to implement the plan.

(e) IMPLEMENTATION.—Not later than 2 years after
the date of the enactment of this Act, the Secretary of
Defense shall—
(1) complete implementation of the plan under this section; and

(2) submit to the congressional defense committees a report detailing the research performed, considerations, and policy changes implemented under this section.

(d) COVERED INDIVIDUAL DEFINED.—In this section, the term “covered individual” means a member of the Armed Forces or employee of the Department of Defense who—

(1) is pregnant;

(2) gives birth to a child; or

(3) incurs a medical condition arising from pregnancy or childbirth.

Subtitle I—Decorations and Awards

SEC. 581. ESTABLISHMENT OF THE ATOMIC VETERANS SERVICE MEDAL.

(a) SERVICE MEDAL REQUIRED.—The Secretary of Defense shall design and produce a military service medal, to be known as the “Atomic Veterans Service Medal”, to honor retired and former members of the Armed Forces who are radiation-exposed veterans (as such term is defined in section 1112(c)(3) of title 38, United States Code).
(b) DISTRIBUTION OF MEDAL.—

(1) ISSUANCE TO RETIRED AND FORMER MEMBERS.—At the request of a radiation-exposed veteran, the Secretary of Defense shall issue the Atomic Veterans Service Medal to the veteran.

(2) ISSUANCE TO NEXT-OF-KIN.—In the case of a radiation-exposed veteran who is deceased, the Secretary may provide for issuance of the Atomic Veterans Service Medal to the next-of-kin of the person.

(3) APPLICATION.—The Secretary shall prepare and disseminate as appropriate an application by which radiation-exposed veterans and their next-of-kin may apply to receive 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.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the United States Armed Forces, the President of the United States is authorized to award the Distinguished-Service
Cross under section 7272 of such title to Ramiro F. Olivo for the acts of valor during the Vietnam War described in subsection (b).

(b) Acts of Valor Described.—The acts of valor described in this subsection are the actions of Ramiro F. Olivo on May 9, 1968, as a member of the Army while serving in the Republic of Vietnam with Company C, 1st Battalion, 5th Cavalry Regiment, 1st Cavalry Division.

SEC. 583. ELIGIBILITY OF VETERANS OF OPERATION END SWEEP FOR VIETNAM SERVICE MEDAL.

The Secretary of the military department concerned may, upon the application of an individual who is a veteran who participated in Operation End Sweep, award that individual the Vietnam Service Medal.

Subtitle J—Miscellaneous Reports and Other Matters

SEC. 591. EXPANSION OF DEPARTMENT OF DEFENSE STARBASE PROGRAM.

(a) In General.—Section 2193b of title 10, United States Code, is amended—

(1) in the section heading, by striking “science, mathematics, and technology” and inserting “science, technology, engineering, art and design, and mathematics”;
(2) in subsection (a), by striking “science, mathematics, and technology” and inserting “science, technology, engineering, art and design, and mathematics”; and

(3) in subsection (b), by striking “mathematics, science, and technology” and inserting “science, technology, engineering, art and design, and mathematics”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended by striking the item relating to section 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, engineering, art and design, and mathematics.”.

SEC. 592. INCLUSION OF CERTAIN OUTLYING AREAS IN THE DEPARTMENT OF DEFENSE STARBASE PROGRAM.

Section 2193b(h) of title 10, United States Code, is amended by inserting “the Commonwealth of the Northern Mariana Islands, American Samoa,” before “and Guam”.

•HR 6395 EH
SEC. 593. PROHIBITION ON CHARGING FOR OR COUNTING CERTAIN ACRONYMS ON HEADSTONES OF INDIVIDUALS INTERRED AT ARLINGTON NATIONAL CEMETERY.

The Secretary of the Army shall prescribe regulations or establish policies that, with regards to the headstone for an individual interred at Arlington National Cemetery, prohibit the charging of a fee for, or counting towards character or line count, the following acronyms:

(1) “KIA” for an individual killed in action.

(2) “MIA” for an individual who was missing in action.

(3) “POW” for an individual who was a prisoner of war.

SEC. 594. REPORT ON PLACEMENT OF MEMBERS OF THE ARMED FORCES IN ACADEMIC STATUS WHO ARE VICTIMS OF SEXUAL ASSAULT ONTO NON-RATED PERIODS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability, and current practice (if any), of the Department of Defense of granting requests by members of the Armed Forces who are in academic status (whether at the military service academies or in developmental edu-
cation programs) and who are victims of sexual assault
to be placed on a Non-Rated Period for their performance
report.

SEC. 595. SENSE OF CONGRESS REGARDING ADVERTISING RECRUITING EFFORTS.

It is the sense of Congress that the Chiefs of the Armed Forces, in coordination with the Recruiting Com-
mands of the Armed Forces, should give all due consider-
ation to the use of local broadcasting and traditional news
publishers when advertising.

SEC. 596. STUDY ON FINANCIAL IMPACTS OF COVID–19 ON MEMBERS OF THE ARMED FORCES AND BEST PRACTICES TO PREVENT FUTURE FINANCIAL HARDSHIPS.

(a) STUDY.—The Secretary of Defense shall conduct a study on the financial hardships experienced by mem-
ers of the Armed Forces (including the reserve compo-
nents) as a result of the COVID–19 pandemic.

(b) ELEMENTS.—The study shall—

(1) examine the financial hardships members of
the Armed Forces experience as a result of the
COVID–19 pandemic, including the effects of stop
movement orders, loss of spousal income, loss of
hazardous duty incentive pay, school closures, loss of
childcare, loss of educational benefits, loss of drill
and exercise pay, cancelled deployments, and any addi-
tional financial stressors identified by the Sec-
retary;

(2) recommend best practices to provide assist-
ance for members of the Armed Forces experiencing
the financial hardships listed in paragraph (1); and

(3) identify actions that can be taken by the
Secretary to prevent financial hardships listed in
paragraph (1) from occurring in the future.

(c) Consultation and Coordination.—For the
purposes of the study, the Secretary shall—

(1) consult with the Director of the Consumer
Financial Protection Bureau; and

(2) with respect to members of the Coast
Guard, coordinate with the Secretary of Homeland
Security.

(d) Submission.—Not later than 120 days after the
date of the enactment of this Act, the Secretary shall sub-
mit to the appropriate congressional committees a report
on the study under subsection (a).

(e) Definitions.—In this section—

(1) the term “financial hardship” means a loss
of income or an unforeseen expense as a result of
closures and changes in operations in response to
the COVID–19 pandemic; and
(2) the term “appropriate congressional committees” means the Committees on Armed Services of the Senate and House of Representatives.

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.

(a) FINDINGS.—Congress find the following:

(1) The Dover Air Force Base is home more than 4,000 active-duty military and civilian employees tasked with defending the United States of America.

(2) The Dover Air Force Base supports the mission of the th Airlift Wing, known as “Eagle Wing” and the 512th Airlift Wing, known as Liberty Wing.

(3) The “Eagle Wing” serves as a unit of the Eighteenth Air Force headquartered with the Air Mobility Command at Scott Air Force Base in Illinois.

(4) The “Eagle Wing” flies hundreds of missions throughout the world and provides a quarter of the United States’ strategic airlift capability and
boasts a global reach to over 100 countries around
the world.

(5) The Dover Air Force Base houses incredible
aircrafts utilized by the United States Air Force, in-
cluding the C-5M Super Galaxy and C-17A
Globemaster III aircraft.

(6) The Dover Air Force Base operates the
largest and busiest air freight terminal in the De-
partment of Defense, fulfilling an important role in
our Nation’s military.

(7) The Air Mobility Command Museum is lo-
cated on the Dover Air Force base and welcomes
thousands of visitors each year to learn more about
the United States Air Force.

(8) The Charles C. Carson Center for Mortuary
Affairs fulfills our Nation’s sacred commitment of
ensuring dignity, honor and respect to the fallen and
care service and support to their families.

(9) The mortuary mission at Dover Air Force
Base dates back to 1955 and is the only Department
of Defense mortuary in the continental United
States.

(10) Service members who serve at the Center
for Mortuary Affairs are often so moved by their
work that they voluntarily elect to serve multiple
tours because they feel called to serve our fallen her-

oes.

(b) SENSE OF CONGRESS.—Congress—

(1) honors and expresses sincerest gratitude to the women and men of the Dover Air Force Base for their distinguished service;

(2) acknowledges the incredible sacrifice and service of the families of active duty members of the United States military;

(3) encourages the people of the United States to keep in their thoughts and their prayers the women and men of the United States Armed Forces; and

(4) recognizes the incredibly unique and impor-
tant work of the Air Force Mortuary Affairs Opera-
tions and the role they play in honoring our fallen heroes.

SEC. 598. GAO STUDY OF WOMEN INVOLUNTARILY SEPA-
RATED OR DISCHARGED DUE TO PREGNANCY OR PARENTHOOD.

(a) Study Required.—Not later than September 30, 2021, the Comptroller General of the United States shall conduct a study regarding women involuntarily separated or discharged from the Armed Forces due to preg-
nancy or parenthood during the period of 1951 through 1976. The study shall identify—

(1) the number of such women, disaggregated by—

(A) Armed Force;
(B) grade;
(C) race; and
(D) ethnicity;

(2) the characters of such discharges or separations;

(3) discrepancies in uniformity of such discharges or separations;

(4) how such discharges or separations affected access of such women to health care and benefits through the Department of Veterans Affairs; and

(5) recommendations for improving access of such women to resources through the Department of Veterans Affairs.

(b) REPORT.—Not later than 30 days after completing the study under subsection (a), the Comptroller General shall submit to Congress a report containing the results of that study.
SEC. 599. REPORT REGARDING TRANSPORTATION OF REMAINS OF CERTAIN DECEDENTS BY THE SECRETARY OF A MILITARY DEPARTMENT.

(a) Report Required.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to Congress regarding the transportation of the remains of decedents under the jurisdiction of the Secretary of a military department pursuant to section 1481 of title 10, United States Code.

(b) Elements.—The report under this section shall include the following:

(1) Whether the Secretary of Defense maintains of a list or database of airports that accept remains of decedents.

(2) How information in the list or database described in paragraph (1) is transmitted to casualty assistance call officers.

(3) Regulations and guidance prescribed by the Secretary of Defense or Secretaries of the military departments regarding transportation of the remains of decedents.

(4) Any changes made during 2020 to regulations or guidance described in paragraph (3) by the Secretary of the Navy.
(5) Recommendations of the Secretary of Defense to improve regulations or guidance described in paragraph (3).

SEC. 599A. POSTPONEMENT OF CONDITIONAL DESIGNATION OF EXPLOSIVE ORDNANCE DISPOSAL CORPS AS A BASIC BRANCH OF THE ARMY.

Section 582(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 763 note) is amended—

(1) in paragraph (1), by striking “October 1, 2020” and inserting “October 1, 2025”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “September 30, 2020” and inserting “September 30, 2025”;

(B) in subparagraph (B), by inserting “the explosive ordnance disposal commandant (chief of explosive ordnance disposal),” before “qualified”; and

(C) by adding at the end the following new subparagraph:

“(G) The explosive ordnance disposal commandant (chief of explosive ordnance disposal) has ensured that explosive ordnance disposal soldiers have the mobility skills necessary to
support special operations forces (as identified in section 167(j) of title 10, United States Code). Such skills include airborne, air assault, combat diver, fast roping insertion and extraction, helocasting, military free-fall, and off-road driving.”.

SEC. 599B. ANNUAL REPORT REGARDING COST OF LIVING FOR MEMBERS AND EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

Section 136 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) The Under Secretary of Defense for Personnel and Readiness shall submit annually to the Committees on Armed Services of the Senate and House of Representatives a report containing an analysis of the costs of living, nationwide, for—

“(1) members of the Armed Forces on active duty; and

“(2) employees of the Department of Defense.”.

SEC. 599C. REPORT ON PRESERVATION OF THE FORCE AND FAMILY PROGRAM OF UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) REPORT REQUIRED.—Not later than March 1, 2021, the Commander of United States Special Oper-
ations Command shall submit to the Committees on Armed Services of the Senate and House of Representa-
tives a report on the Preservation of the Force and Family Program of United States Special Operations Command (in this section referred to as the “Program”).

(b) ELEMENTS.—The report under this section shall include the following:

(1) The current structure of professional staff employed by the Program.

(2) A comparison of the current mission re-
quirements and the capabilities of existing personnel of the Program.

(3) An analysis of any emergent needs or skill sets of the Program.

(4) A cost-benefit analysis of hiring, as special-
ists—

(A) contractors;

(B) civilian personnel of the Department of Defense; or

(C) members of the Armed Forces.

SEC. 599D. GAO STUDY OF MEMBERS ABSENT WITHOUT LEAVE OR ON UNAUTHORIZED ABSENCE.

(a) STUDY; REPORT.—Not later than September 30, 2021, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Sen-
ate and House of Representatives a report containing the results of a study regarding how the Armed Forces handle cases of members absent without leave or on unauthorized absence.

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

(1) The procedures and guidelines established by each Armed Force for the investigation of such a case.

(2) The guidelines for distinguishing between—
   (A) common cases;
   (B) cases that may involve foul play or accident; and
   (C) cases wherein the member may be in danger.

(3) The current guidelines for cooperation and coordination between military investigative agencies and—
   (A) local law enforcement agencies; and
   (B) Federal law enforcement agencies.

(4) The current guidelines for use of traditional and social media in conjunction with such cases.

(5) Military resources available for such cases and any apparent shortfalls in such resources.
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(6) How the procedures for such cases vary be-
tween Armed Forces.
(7) How the procedures described in paragraph
(6) vary from procedures used by local and Federal
law enforcement.
(8) Best practices for responding to and inves-
tigating such cases.
(9) Any other matter the Comptroller General
determines appropriate.

TITLE VI—COMPENSATION AND
OTHER PERSONNEL BENEFITS
Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY.
Effective on January 1, 2021, the rates of monthly
basic pay for members of the uniformed services are in-
creased by 3.0 percent.

SEC. 602. BASIC NEEDS ALLOWANCE FOR LOW-INCOME
REGULAR MEMBERS.
(a) In General.—Chapter 7 of title 37, United
States Code, is amended by inserting after section 402a
the following new section:
§ 402b. Basic needs allowance for low-income reg-
ular members
“(a) ALLOWANCE REQUIRED.—(1) Subject to para-
graph (2), the Secretary of Defense shall pay to each cov-
erred member a basic needs allowance in the amount deter-
mined for such member under subsection (b).

“(2) In the event a household contains two or more
covered members entitled to receive the allowance under
this section in a given year, only one allowance may be
paid for that year to a covered member among such cov-
ered members whom such covered members shall jointly
elect.

“(b) AMOUNT OF ALLOWANCE FOR A COVERED
MEMBER.—(1) The amount of the monthly allowance pay-
able to a covered member under subsection (a) for a year
shall be the aggregate amount equal to—

“(A) the aggregate amount equal to—

“(i) 130 percent of the Federal poverty guide-
lines of the Department of Health and Human Serv-
ices for the location and number of persons in the
household of the covered member for such year; minus

“(ii) the gross household income of the covered
member during the preceding year; and

“(B) divided by 12.

“(2) The monthly allowance payable to a covered
member for a year shall be payable for each of the 12
months following March of such year.
“(c) NOTICE OF ELIGIBILITY.—(1)(A) Not later than December 31 each year, the Director of the Defense Finance and Accounting Service shall notify, in writing, each individual whom the Director estimates will be a covered member during the following year of the potential entitlement of that individual to the allowance described in subsection (a) for that following year.

“(B) The preliminary notice under subparagraph (A) shall include information regarding financial management and assistance programs administered by the Secretary of Defense for which a covered member is eligible.

“(2) Not later than January 31 each year, each individual who seeks to receive the allowance for such year (whether or not subject to a notice for such year under paragraph (1)) shall submit to the Director such information as the Director shall require for purposes of this section in order to determine whether or not such individual is a covered member for such year.

“(3) Not later than February 28 each year, the Director shall notify, in writing, each individual the Director determines to be a covered member for such year.

“(d) ELECTION NOT TO RECEIVE ALLOWANCE.—(1) A covered member otherwise entitled to receive the allowance under subsection (a) for a year may elect, in writing, not to receive the allowance for such year. Any election
under this subsection shall be effective only for the year
for which made. Any election for a year under this sub-
section is irrevocable.

“(2) A covered member who does not submit informa-
tion described in subsection (d)(2) for a year as otherwise
required by that subsection shall be deemed to have elect-
ed not to receive the allowance for such year.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘covered member’ means a reg-
ular member of an armed force under the jurisdic-
tion of the Secretary of a military department—

“(A) who has completed initial entry train-
ing;

“(B) whose gross household income during
the most recent year did not exceed an amount
equal to 130 percent of the Federal poverty
guidelines of the Department of Health and
Human Services for the location and number of
persons in the household of the covered member
for such year; and

“(C) who does not elect under subsection
(d) not to receive the allowance for such year.

“(2) The term ‘gross household income’ of a
covered member for a year for purposes of para-
graph (1)(B) does not include any basic allowance
for housing received by the covered member (and any dependents of the covered member in the household of the covered member) during such year under section 403 of this title.

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Subject to subsection (e)(2), such regulations shall specify the income to be included in, and excluded from, the gross household income of individuals for purposes of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 402a the following new item:

“402b. Basic needs allowance for low-income regular members.”.

SEC. 603. REORGANIZATION OF CERTAIN ALLOWANCES
OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES.

(a) PER DIEM FOR DUTY OUTSIDE THE CONTINENTAL UNITED STATES.—

(1) TRANSFER TO CHAPTER 7.—Section 475 of title 37, United States Code, is transferred to chapter 7 of such title, inserted after section 403b, and redesignated as section 405.

(2) REPEAL OF TERMINATION PROVISION.—Section 405 of title 37, United States Code, as
added by paragraph (1), is amended by striking sub-
section (f).

(b) ALLOWANCE FOR FUNERAL HONORS DUTY.—

(1) TRANSFER TO CHAPTER 7.—Section 495 of
title 37, United States Code, is transferred to chap-
ter 7 of such title, inserted after section 433a, and
redesignated as section 435.

(2) REPEAL OF TERMINATION PROVISION.—
Section 435 of title 37, United States Code, as
added by paragraph (1), is amended by striking sub-
section (c).

(c) CLERICAL AMENDMENTS.—

(1) CHAPTER 7.—The table of sections at the
beginning of chapter 7 of title 37, United States
Code, is amended—

(A) by inserting after the item relating to
section 403b the following new item:

“405. Travel and transportation allowances: per diem while on duty outside the
continental United States.”; and

(B) by inserting after the item relating to
section 433a the following new item:

“435. Funeral honors duty: allowance.”.

(2) CHAPTER 8.—The table of sections at the
beginning of chapter 8 of title 37, United States
Code, is amended by striking the items relating to
sections 475 and 495.
SEC. 604. SINGLE MILITARY HOUSING AREA FOR EACH MUNICIPALITY WITH A POPULATION GREATER THAN 500,000.

Section 403(b)(2) of title 37, United States Code is amended—

(1) in the first sentence, by inserting “(A)” before “The Secretary”; and

(2) by adding at the end the following:

“(B) No municipality with a population greater than 500,000 may be covered by more than one military housing area.”.

SEC. 605. EXPANSION OF TRAVEL AND TRANSPORTATION ALLOWANCES TO INCLUDE FARES AND TOLLS.

Section 452(c)(1) of title 37, United States Code, is amended by inserting “(including fares and tolls, without regard to distance travelled)” after “transportation”.

SEC. 606. COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS.

(a) COMPENSATION.—Section 206(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;
(2) in paragraph (3), by striking the period at
the end and inserting “; or”; and

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

“(4) for each of 6 days for each period during
which the member is on maternity leave.”.

(b) Credit for Retired Pay Purposes.—

(1) In General.—The period of maternity
leave taken by a member of the reserve components
of the Armed Forces in connection with the birth of
a child shall count toward the member’s entitlement
to retired pay, and in connection with the years of
service used in computing retired pay, under chapter
1223 of title 10, United States Code, as 12 points.

(2) Separate Credit for Each Period of
Leave.—Separate crediting of points shall accrue to
a member pursuant to this subsection for each pe-
riod of maternity leave taken by the member in con-
nection with a childbirth event.

(3) When Credited.—Points credited a mem-
ber for a period of maternity leave pursuant to this
subsection shall be credited in the year in which the
period of maternity leave concerned commences.

(4) Contribution of Leave Toward Enti-
tlement to Retired Pay.—Section 12732(a)(2) of
title 10, United States Code, is amended by inserting after subparagraph (E) the following new subparagraph:

“(F) Points at the rate of 12 per period during which the member is on maternity leave.”.

(5) COMPUTATION OF YEARS OF SERVICE FOR RETIRED PAY.—Section 12733 of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

“(5) One day for each point credited to the person under subparagraph (F) of section 12732(a)(2) of this title.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of maternity leave that commence on or after that date.
Subtitle B—Bonuses and Special Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

(a) Authorities Relating to Reserve Forces.—Section 910(g) of title 37, United States Code, relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service, is amended by striking “December 31, 2020” and inserting “December 31, 2021”.

(b) Title 10 Authorities Relating to Health Care Professionals.—The following sections of title 10, United States Code, are amended by striking “December 31, 2020” and inserting “December 31, 2021”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) Authorities Relating to Nuclear Officers.—Section 333(i) of title 37, United States Code, is amended by striking “December 31, 2020” and inserting “December 31, 2021”.
(d) **Authorities Relating to Title 37 Consolidated Special Pay, Incentive Pay, and Bonus Authorities.**—The following sections of title 37, United States Code, are amended by striking “December 31, 2020” and inserting “December 31, 2021”:

1. Section 331(h), relating to general bonus authority for enlisted members.
2. Section 332(g), relating to general bonus authority for officers.
3. Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.
4. Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.
5. Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.
6. Section 351(h), relating to hazardous duty pay.
7. Section 352(g), relating to assignment pay or special duty pay.
8. Section 353(i), relating to skill incentive pay or proficiency bonus.
(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(e) Authority To Provide Temporary Increase in Rates of Basic Allowance for Housing.—Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2020” and inserting “December 31, 2021”.

SEC. 612. INCREASE IN CERTAIN HAZARDOUS DUTY INCENTIVE PAY FOR MEMBERS OF THE UNIFORMED SERVICES.

Section 351(b) of title 37, United States Code, is amended by striking “$250” both places it appears and inserting “$275”.

SEC. 613. STANDARDIZATION OF PAYMENT OF HAZARDOUS DUTY INCENTIVE PAY FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) In General.—Section 351(e) of title 37, United States Code, is amended to read as follows:

“(e) Payment.—Hazardous duty pay shall be paid on a monthly basis.”.

(b) Effective Date.—The amendments made by this section shall take effect on October 1, 2020, and shall apply with respect to duty performed in any month beginning on or after that date.
SEC. 614. CLARIFICATION OF 30 DAYS OF CONTINUOUS DUTY ON BOARD A SHIP REQUIRED FOR FAMILY SEPARATION ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES.

Section 427(a)(1)(B) of title 37, United States Code, is amended by inserting “(or under orders to remain on board the ship while at the home port)” after “of the ship”.

SEC. 615. EXPANSION OF REIMBURSABLE STATE LICENSURE AND CERTIFICATION COSTS FOR A MILITARY SPOUSE ARISING FROM RELOCATION.

Section 476(p)(5) of title 37, United States Code, is amended in the matter preceding subparagraph (A), by striking “and” and inserting “fees, continuing education courses, and”.

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.

Section 1798(a) of title 10, United States Code, is amended by striking “in combat-related incidents”.

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SEC. 622. EXPANSION OF DEATH GRATUITY FOR ROTC GRADUATES.

Section 623(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking “the date of the enactment of this Act” and inserting “May 1, 2017”.

SEC. 623. RECALCULATION OF FINANCIAL ASSISTANCE FOR PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR DEPENDENTS.

(a) IN GENERAL.—Not later than July 1, 2021, the Secretary of Defense shall develop a method by which to determine appropriate amounts of financial assistance under section 1798 of title 10, United States Code. In such development, the Secretary shall take into consideration the following:

(1) Grades of members of the Armed Forces.
(2) The cost of living in an applicable locale.
(3) Whether a military installation has a military child development center, including any wait list length.
(4) Whether a military child development center has vacant child care employee positions.
(5) The capacity of licensed civilian child care providers in an applicable locale.
(6) The average cost of licensed civilian child care services available in an applicable locale.

(b) REPORT.—Not later than August 1, 2021, the Secretary shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the method developed under this section.

(c) DEFINITIONS.—In this section, the terms “child care employee” and “military child development center” have the meanings given those terms in section 1800 of title 10, United States Code.

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.

(a) PRIORITY.—If the Secretary of a military department determines that not enough child care employees are employed at a military child development center on a military installation under the jurisdiction of that Secretary to adequately care for the children of members of the Armed Forces stationed at that military installation, the Secretary, to the extent practicable, may give priority for covered military family housing to a member whose spouse is an eligible military spouse.

(b) NUMBER OF PRIORITY POSITIONS.—A Secretary of a military department may grant priority under sub-
section (a) only to the minimum number of eligible mili-
tary spouses that the Secretary determines necessary to
provide adequate child care to the children of members
stationed at a military installation described in subsection
(a).

(c) LIMITATION.—Nothing in this section may be
construed to require the Secretary of a military depart-
ment to provide covered military family housing that has
been adapted for disabled individuals to a member under
this section instead of to a member with one more depend-
ants enrolled in the Exceptional Family Member Program.

(d) RESULT OF FAILURE TO PROVIDE FAMILY
HOME DAY CARE SERVICES OR LOSS OF ELIGIBILITY.—
The Secretary of the military department concerned may
remove a household provided covered military family hous-
ing under this section therefrom if the Secretary deter-
mines the spouse of that member has failed to abide by
an agreement described in subsection (e)(3) or has ceased
to be an eligible military spouse. Such removal may not
occur sooner than 60 days after the date of such deter-
mination.

(e) DEFINITIONS.—In this section:

(1) The terms “child care employee”, “family
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.
SEC. 625. STUDY ON FEASIBILITY OF TSP CONTRIBUTIONS
BY MILITARY SPOUSES.

(a) Study Required.—The Secretary of Defense shall conduct a study on potential enhancements to the military Thrift Savings Plan administered by the Federal Retirement Thrift Investment Board.

(b) Elements.—The study under subsection (a) shall include the following:

(1) An evaluation of the effect of allowing military spouses to contribute or make eligible retirement account transfers to the military Thrift Savings Plan account of the member of the Armed Forces to whom that military spouse is married.

(2) Legislation the Secretary determines necessary to permit contributions and transfers described in paragraph (1).

(3) An evaluation of whether and to what extent employer-funded matching of contributions described in paragraph (1) may encourage further participation in the military Thrift Savings Plan.

(c) Reporting.—

(1) Initial Report.—Not later than February 1, 2021, the Secretary of Defense shall submit to the Federal Retirement Thrift Investment Board a report on the results of the study under subsection (a).
(2) ANALYSIS.—Not later than 60 days after receiving the report under paragraph (1), the Federal Thrift Savings Retirement Board shall analyze the report under paragraph (1), generate recommendations and comments it determines appropriate, and submit such analysis, recommendations, and comments to the Secretary.

(3) FINAL REPORT.—Not later than April 1, 2021, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives the report under paragraph (1) and the analysis, recommendations, and comments under paragraph (2).

SEC. 626. GOLD STAR FAMILIES PARKS PASS.

(a) SHORT TITLE.—This section may be referred to as the “Gold Star Families Parks Pass Act”.

(b) GOLD STAR FAMILIES PARKS PASS.—Section 805(b) of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 6804(b); 118 Stat. 3386), is amended by adding at the end the following new paragraph:

“(3) GOLD STAR FAMILIES PARKS PASS.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at no cost, to members of Gold Star Families, as defined by
SEC. 627. MODIFICATION TO FIRST DIVISION MONUMENT.

(a) SHORT TITLE.—This section may be cited as the “First Infantry Recognition of Sacrifice in Theater Act” or the “FIRST Act”.

(b) AUTHORIZATION.—The Society of the First Infantry Division (an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that code), may make modifications (including construction of additional plaques and stone plinths on which to put the plaques) to the First Division Monument located on Federal land in President’s Park in the District of Columbia that was set aside for memorial purposes of the First Infantry Division, in order to honor the members of the First Infantry Division who paid the ultimate sacrifice during United States operations, including Operation Desert Storm, Operation Iraqi Freedom and New Dawn, and Operation Enduring Freedom. The First Infantry Division at the Department of the Army shall collaborate with the Department of Defense to provide to the Society of the First Infantry Division the list of names to be added.
(c) Non-Application of Commemorative Works Act.—Subsection (b) of section 8903 of title 40, United States Code (commonly known as the “Commemorative Works Act”), shall not apply to actions taken under subsection (b) of this section.

(d) Funding.—Federal funds may not be used to pay any expense of the activities of the Society of the First Infantry Division which are authorized by this section.

SEC. 628. CHERYL LANKFORD MEMORIAL EXPANSION OF ASSISTANCE FOR GOLD STAR SPOUSES AND OTHER DEPENDENTS.

Section 633(a) of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 1475 note) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by inserting “(1)” before “Each Secretary”;

(3) in the matter preceding paragraph (1), by inserting “a casualty assistance officer who is” after “jurisdiction of such Secretary”; and

(4) by striking “spouses and other dependents of members” and all that follows through “services:” and inserting an em dash; and

(5) by inserting before subparagraph (A), as redesignated, the following:
“(A) a spouse and any other dependent of a member of such Armed Force (including the reserve components thereof) who dies on active duty; and

“(B) a dependent described in subparagraph (A) if the spouse of the deceased member dies and the dependent (or the guardian of such dependent) requests such assistance.

“(2) Casualty assistance officers described in paragraph (1) shall provide to spouses and dependents described in that paragraph the following services:”.

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.

(a) PROCEDURES FOR ACCESS OF SURVIVING REMARRIED SPOUSES REQUIRED.—The Secretary of Defense, acting jointly with the Secretary of Homeland Security, shall establish procedures by which an eligible remarried spouse may obtain unescorted access, as appropriate, to military installations in order to use commissary stores and MWR retail facilities to the same extent and on the same basis as an unmarried surviving spouse of a member of the uniformed services is entitled to by law or policy.
(b) CONSIDERATIONS.—Any procedures established under this section shall—

(1) be applied consistently across the Department of Defense and the Department of Homeland Security, including all components of the Departments;

(2) minimize any administrative burden on surviving remarried spouse or dependent child, including through the elimination of any requirement for a remarried spouse to apply as a personal agent for continued access to military installations in accompaniment of a dependent child;

(3) take into account measures required to ensure the security of military installations, including purpose and eligibility for access and renewal periodicity; and

(4) take into account such other factors as the Secretary of Defense or the Secretary of Homeland Security considers appropriate.

(c) DEADLINE.—The procedures required by subsection (a) shall be established by the date that is not later than 1 year after the date of the enactment of this section.

(d) DEFINITIONS.—In this section—

(1) the term “eligible remarried spouse” means 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 depend-
ent 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 Se-
curity may jointly specify for purposes of this
section.

Subtitle D—Defense Resale Matters

SEC. 631. BASE RESPONDERS ESSENTIAL NEEDS AND DIN-
ING ACCESS.

(a) IN GENERAL.—Chapter 54 of title 10, United
States Code, is amended by adding at the end the fol-
lowing new section:

“§ 1066. Use of commissary stores and MWR facilities:
   protective services civilian employees
   “(a) Eligibility of Protective Services Civil-
ian 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-
missary store or MWR retail facility located on that military installation.

“(b) USER FEE AUTHORITY.—(1) The Secretary of Defense shall prescribe regulations that impose a user fee on individuals who are eligible solely under this section to purchase merchandise at a commissary store or MWR retail facility.

“(2) The Secretary shall set the user fee under this subsection at a rate that the Secretary determines will offset any increase in expenses arising from this section borne by the Department of the Treasury on behalf of commissary stores associated with the use of credit or debit cards for customer purchases, including expenses related to card network use and related transaction processing fees.

“(3) The Secretary shall deposit funds collected pursuant to a user fee under this subsection in the General Fund of the Treasury.

“(4) Any fee under this subsection is in addition to the uniform surcharge under section 2484(d) of this title.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘MWR retail facility’ has the meaning given that term in section 1063 of this title.
“(2) The term ‘protective services civilian employee’ means a position in any of the following series (or successor classifications) of the General Schedule:

“(A) Security Administration (GS–0080).

“(B) Fire Protection and Prevention (GS–0081).

“(C) Police (GS–0083).

“(D) Security Guard (GS–0085).

“(E) Emergency Management (GS–0089).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of title 10, United States Code, is amended by adding at the end the following new item:

“1066. Use of commissary stores and MWR facilities: protective services civilian employees.”.

SEC. 632. FIRST RESPONDER ACCESS TO MOBILE EX-

CHANGES.

Section 1146 of title 10, United States Code, is amended by adding at the end the following new sub-

section:

“(d) EMERGENCY RESPONSE PROVIDERS DURING A DECLARED MAJOR DISASTER OR EMERGENCY.—The Sec-

retary of Defense shall prescribe regulations to allow an emergency response provider (as that term is defined in
section 2 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101)) to use a mobile commissary or exchange store deployed to an area covered by a declaration of a major disaster or emergency under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).”.

SEC. 633. UPDATED BUSINESS CASE ANALYSIS FOR CONSOLIDATION OF THE DEFENSE RESALE SYSTEM.

(a) IN GENERAL.—Not later than March 1, 2021, the Chief Management Officer of the Department of Defense, in coordination with the Undersecretary of Defense for Personnel and Readiness, shall update the study titled “Study to Determine the Feasibility of Consolidation of the Defense Resale Entities” and dated December 4, 2018, to include a new business case analysis that—

(1) establishes new baselines for—

(A) savings from the costs of goods sold;

(B) costs of new information technology required for such consolidation; and

(C) costs of headquarters relocation arising from such consolidation; and

(2) addresses each recommendation for executive action in the Government Accountability Office report GAO–20–418SU.
(b) Review and Comment.—Not later than April 1, 2021, the Secretary of Defense shall make the updated business case analysis (in this section referred to as the “updated BCA”) available to the Secretaries of the military departments for comment.

(c) Submittal to Congressional Committees.—Not later than June 1, 2021, the Secretary of Defense shall make any comments made under subsection (b) and the updated BCA available to the Committees on Armed Services of the Senate and the House of Representatives.

(d) Delay of Consolidation.—The Secretary of Defense may not take any action to consolidate military exchanges and commissaries until the Committees on Armed Services of the Senate and the House of Representatives notify the Secretary in writing of receipt and acceptance of the updated BCA.

Subtitle E—Other Personnel Benefits

SEC. 641. MAINTENANCE OF FUNDING FOR STARS AND STRIPES.

(a) Funding.—

(1) Operation and Maintenance.—Of the amounts authorized to be appropriated for fiscal year 2021 in division D of this Act and available for operations and maintenance for Defense-wide activi-
ties as specified in the funding table in section 4301 of this Act, $9,000,000 shall be made available for the purpose of maintaining the operations and publication of Stars and Stripes.

(2) **Contingency Operations.**—Of the amounts authorized to be appropriated for fiscal year 2021 in division D of this Act and available for overseas contingency operations for Defense-wide activities as specified in the funding tables in section 4301 of this Act, $6,000,000 shall be made available for the purpose of maintaining the operations and publication of Stars and Stripes.

(b) **Report on Business Case Analysis.**—Not later than March 1, 2021, the Secretary of Defense, in coordination with the editor of Stars and Stripes, shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives detailing the business case analysis for various options for Stars and Stripes. The report shall contain the following elements:

(1) An analysis of the pros and cons of, and business case for, continuing the operation and publication of Stars and Stripes at its current levels, including other options for the independent reporting currently provided, especially in a deployed environment.
(2) An analysis of the modes of communication used by Stars and Stripes.

(3) An analysis of potential reduced operations of Stars and Stripes.

(4) An analysis of the operation of Stars and Stripes solely as a non-appropriated entity.

(5) An analysis of operating Stars and Stripes as a category B morale, welfare, and recreation entity.

(6) An assessment of the value of the availability of Stars and Stripes (in print or an electronic version) to deployed or overseas members of the Armed Forces.

SEC. 642. BASIC ALLOWANCE FOR HOUSING.

Section 403 of title 37, United States Code, is amended by adding at the end the following:

“(p) INFORMATION ON RIGHTS AND PROTECTIONS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.—The Secretary of Defense shall provide to each member of a uniformed service who receives a basic allowance for housing under this section information on the rights and protections available to such member under the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).”.
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.

Section 1074m of title 10, United States Code, is
amended by adding at the end the following new sub-
section:

“(g) MENTAL HEALTH ASSESSMENTS FOR PARTICI-
PATION IN CERTAIN ACTIVITIES.—(1) The Secretary shall
provide to a member described in paragraph (2) mental
health assessments under this section in a frequency and
schedule that the Secretary determines to be as similar
as practicable to the frequency and schedule for such as-
sessments under subsection (a)(1).

“(2) A member described in this paragraph is a mem-
ber who, while not deployed in support of a contingency
operation, participated in warfighting activities that had
a direct and immediate impact on a combat operation or
other military operation.”.

SEC. 702. MANDATORY REFERRAL FOR MENTAL HEALTH
EVALUATION.

Section 1090a of title 10, United States Code, is
amended—
(1) by redesignating subsection (e) as subsection (f); and

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

“(e) PROCESS APPLICABLE TO MEMBER DISCLOSURE.—The regulations required by subsection (a) shall—

“(1) establish a phrase that enables a member of the armed forces to trigger a referral of the member by a commanding officer or supervisor for a mental health evaluation;

“(2) require a commanding officer or supervisor to make such referral as soon as practicable following disclosure by the member to the commanding officer or supervisor of the phrase established under paragraph (1); and

“(3) ensure that the process protects the confidentiality of the member in a manner similar to the confidentiality provided for members making restricted reports under section 1565b(b) of this title.”.

SEC. 703. ASSESSMENTS AND TESTING RELATING TO EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(a) PERIODIC HEALTH ASSESSMENT.—The Secretary of Defense shall ensure that any periodic health as-
assessment provided to a member of the Armed Forces in-
cludes an evaluation of whether the member has been—

(1) based or stationed at a military installation
identified by the Department of Defense as a loca-
tion with a known or suspected release of
perfluoroalkyl substances or polyfluoroalkyl sub-
stances during the period in which the member was
based or stationed at the military installation; or

(2) exposed to such substances, including by
evaluating any information in the health record of
the member.

(b) SEPARATION HISTORY AND PHYSICAL EXAMINA-
TIONS.—Section 1145(a)(5) of title 10, United States
Code, is amended by adding at the end the following new
subparagraph:

“(D) The Secretary concerned shall ensure that each
physical examination of a member under subparagraph
(A) includes an assessment of whether the member was—

“(i) based or stationed at a military installation
identified by the Department as a location with a
known or suspected release of perfluoroalkyl sub-
stances or polyfluoroalkyl substances during the pe-
riod in which the member was based or stationed at
the military installation; or
“(ii) exposed to such substances, including by assessing any information in the health record of the member.”.

(c) DEPLOYMENT ASSESSMENTS.—Section 1074f(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(E) An assessment of whether the member was—

“(i) based or stationed at a military installation identified by the Department as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

“(ii) exposed to such substances, including by assessing any information in the health record of the member.”.

(d) PROVISION OF BLOOD TESTING.—

(1) MEMBERS OF THE ARMED FORCES.—

(A) IN GENERAL.—If a covered evaluation of a member of the Armed Forces results in a positive determination of potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances, the Secretary of Defense shall provide
to that member, during that covered evaluation
and at no additional cost to that member, blood
testing to determine and document potential ex-
posure to such substances.

(B) INCLUSION IN HEALTH RECORD.—The
results of blood testing of a member of the
Armed Forces conducted under subparagraph
(A) shall be included in the health record of the
member.

(2) COVERED EVALUATION DEFINED.—In this
subsection, the term “covered evaluation” means—

(A) a periodic health assessment conducted
in accordance with subsection (a);

(B) a separation history and physical ex-
amination conducted under section 1145(a)(5)
of title 10, United States Code, as amended by
subsection (b); and

(C) a deployment assessment conducted
under section 1074f(b)(2) of such title, as
amended by subsection (c).

SEC. 704. IMPROVEMENT TO BREAST CANCER SCREENING.

Section 1074d(b)(2) of title 10, United States Code,
is amended by inserting before the period at the end the
following: “, including through the use of digital breast
tomosynthesis”.

• HR 6395 EH
SEC. 705. WAIVER OF FEES CHARGED TO CERTAIN CIVILIANS FOR EMERGENCY MEDICAL TREATMENT PROVIDED AT MILITARY MEDICAL TREATMENT FACILITIES.

Section 1079b of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) WAIVER OF FEES.—Under the procedures implemented under subsection (a), a military medical treatment facility may waive a fee charged under such procedures to a civilian who is not a covered beneficiary if—

“(1) after insurance payments, if any, the civilian is not able to pay for the trauma or other medical care provided to the civilian; and

“(2) the provision of such care enhanced the medical readiness of the health care provider or health care providers furnishing such care.”.

SEC. 706. EXPANSION OF BENEFITS AVAILABLE UNDER TRICARE EXTENDED CARE HEALTH OPTION PROGRAM.

(a) Extended Benefits for Eligible Dependents.—Subsection (e) of section 1079 of title 10, United States Code, is amended to read as follows:
“(e)(1) Extended benefits for eligible dependents under subsection (d) may include comprehensive health care services (including services necessary to maintain, or minimize or prevent deterioration of, function of the patient) and case management services with respect to the qualifying condition of such a dependent, and include, to the extent such benefits are not provided under provisions of this chapter other than under this section, the following:

“(A) Diagnosis and screening.

“(B) Inpatient, outpatient, and comprehensive home health care supplies and services which may include cost effective and medically appropriate services other than part-time or intermittent services (within the meaning of such terms as used in the second sentence of section 1861(m) of the Social Security Act).

“(C) Rehabilitation and habilitation services and devices.

“(D) Institutional care in private nonprofit, public, and State institutions and facilities and, if appropriate, transportation to and from such institutions and facilities.

“(E) Custodial care, notwithstanding the prohibition in section 1077(b)(1) of this title.
“(F) In accordance with paragraph (2), respite care for the primary caregiver of the eligible dependent.

“(G) In accordance with paragraph (3), service and modification of durable equipment and assistive technology devices.

“(H) Special education.

“(I) Vocational training, which may be furnished to an eligible dependent in the residence of the eligible dependent or at a facility in which such training is provided.

“(J) In accordance with paragraph (4), adaptations to the private residence and vehicle of the eligible dependent.

“(K) Such other services and supplies as determined appropriate by the Secretary, notwithstanding the limitations in subsection (a)(12).

“(2) Respite care under paragraph (1)(F) shall be provided subject to the following conditions:

“(A) Pursuant to regulations prescribed by the Secretary for purposes of this paragraph, such respite care shall be limited to—

“(i) 50 hours per month for a primary caregiver not covered by clause (ii); or
“(ii) 40 hours per week for cases where the Secretary determines that the plan of care for the eligible dependent includes frequent interventions by the primary caregiver.

“(B) Unused hours of respite care may not be carried over to another month.

“(C) Such respite care may be provided to an eligible beneficiary regardless of whether the eligible beneficiary is receiving another benefit under this subsection.

“(3)(A) Service and modification of durable equipment and assistive technology devices under paragraph (1)(G) may be provided only upon determination by the Secretary that the service or modification is necessary for the use of such equipment or device by the eligible dependent.

“(B) Service and modification of durable equipment and assistive technology devices under such paragraph may not be provided—

“(i) in the case of misuse, loss, or theft of the equipment or device; or

“(ii) for a deluxe, luxury, or immaterial feature of the equipment or device, as determined by the Secretary.
“(C) Service and modification of durable equipment and assistive technology devices under such paragraph may include training of the eligible dependent and immediate family members of the eligible dependent on the use of the equipment or device.

“(4)(A) Adaptations to the private residence and vehicle of the eligible dependent under paragraph (1)(J) may be provided if such adaptations—

“(i) are determined to be medically necessary by the provider responsible for the care of the eligible dependent with respect to the qualifying condition; and

“(ii) are necessary to assist in—

“(I) the reduction of the disabling effects of the qualifying condition; or

“(II) maintenance of the present functionality of the eligible dependent.

“(B) With respect to a vehicle, adaptations may be provided under such paragraph if the vehicle is the primary means of transportation of the eligible dependent.”.

(b) CONFORMING AMENDMENT.—Subsection (f) of such section is amended by striking “paragraph (3) or (4) of subsection (e)” each place it appears and inserting “subparagraph (C), (D), (G), (H), or (I) of subsection (e)(1)”.

•HR 6395 EH
(c) ADDITIONAL REQUIREMENTS IN OFFICE OF SPECIAL NEEDS ANNUAL REPORT.—Section 1781c(g)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) With respect to the Extended Care Health Option program under section 1079(d) of this title—

“(i) the utilization rates of services under such program by eligible dependents (as such term is defined in such section) during the prior year;

“(ii) a description of gaps in such services, as ascertained by the Secretary from information provided by families of eligible dependents;

“(iii) an assessment of factors that prevent knowledge of and access to such program, including a discussion of actions the Secretary may take to address these factors; and

“(iv) an assessment of the average wait time for an eligible dependent enrolled in the program to access alternative health coverage for a qualifying condition (as such term is defined in such section), including a discussion of
any adverse health outcomes associated with such wait.”.

(d) COMPTROLLER GENERAL REPORT.—The Comptroller General of the United States shall submit to Congress a report containing a study on caregiving available through programs such as State Home and Community Based Services and the Program of Comprehensive Assistance for Family Caregivers of the Department of Veterans Affairs under section 1720G of title 38, United States Code. The report shall—

(1) include input from payers, administrators, consumers, and advocates in order to analyze best practices for administering programs to support caregivers of individuals with intellectual or physical disabilities; and

(2) compare the provision of respite and related care through the Extended Care Health Option program under section 1079(d) of title 10, United States Code, to recognized best practices and, if needed, make recommendations for improvement.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2020.

(f) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the
amount authorized to be appropriated in section 1405 for the Defense Health Program, as specified in the corresponding funding table in section 4501, for Defense Health Program, In-House Care, is hereby increased by $15,000,000.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 1405 for the Defense Health Program, as specified in the corresponding funding table in section 4501, for Defense Health Program, Private Sector Care, is hereby reduced by $15,000,000.

SEC. 707. PROVISION OF HEARING AIDS FOR DEPENDENTS OF CERTAIN MEMBERS OF THE RESERVE COMPONENTS.

Section 1077(g) of title 10, United States Code, is amended—

(1) by striking “In addition” and inserting “(1) In addition”; and

(2) by adding at the end the following new paragraph:

“(2) For purposes of providing hearing aids under subsection (a)(16), a dependent of a member of the reserve components who is enrolled in the TRICARE program under section 1076d of this title shall be deemed
to be a dependent of a member of the uniformed services on active duty.”.

Subtitle B—Health Care Administration

SEC. 711. PROTECTION OF THE ARMED FORCES FROM INFECTIOUS DISEASES.

(a) In General.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073d the following new section:

“§ 1073e. Protection of armed forces from infectious diseases

“(a) Protection.—The Secretary of Defense shall ensure that the armed forces have the diagnostic equipment, testing capabilities, and personal protective equipment necessary to protect members of the armed forces from the threat of infectious diseases and to treat members who contract infectious diseases.

“(b) Requirements.—In carrying out subsection (a), the Secretary shall ensure the following:

“(1) Each military medical treatment facility has the testing capabilities described in such subsection.

“(2) Each deployed naval vessel has the testing capabilities described in such subsection.
“(3) Members of the armed forces deployed in support of a contingency operation outside of the United States have access to the testing capabilities described in such subsection, including at field hospitals, combat support hospitals, field medical stations, and expeditionary medical facilities.

“(4) The Department of Defense maintains a stock of personal protective equipment in a quantity sufficient for each member of the armed forces, including the reserve components thereof.

“(c) Research and Development.—(1) The Secretary shall include with the defense budget materials (as defined by section 231(f) of this title) for a fiscal year a plan to research and develop vaccines for infectious diseases.

“(2) The Secretary shall ensure that the medical laboratories of the Department of Defense are equipped with the technology needed to facilitate rapid research in the case of a pandemic.”.

(b) Clerical Amendment.—The table of contents at the beginning of such chapter is amended by inserting after the item relating to section 1073d the following new item:

“1073e. Protection of 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.

(a) National Security Strategy for National Technology and Industrial Base.—Section 2501(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(11) Providing for the provision of drugs, biological products, vaccines, and critical medical supplies (including personal protective equipment, diagnostic and testing capabilities, and lifesaving breathing apparatuses required for the treatment of severe respiratory illness and respiratory distress) required to enable combat readiness and protect the health of the armed forces.”.

(b) Report.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Health and Human Services, the Commissioner of Food and Drugs, and the heads of other departments and agencies of the Federal Government that the Secretary of Defense determines appropriate, shall submit to the appropriate congressional committees a report on vulnerabilities to the drugs, bio-
logical products, vaccines, and critical medical supplies of the Department of Defense.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include—

(A) an identification and origin of any finished drugs, as identified by the Secretary of Defense, and the essential components of such drugs, including raw materials, chemical components, and active pharmaceutical ingredients that are necessary for the manufacture of such drugs, whose supply is at risk of disruption during a time of war or national emergency;

(B) an identification of shortages of finished drugs, biological products, vaccines, and critical medical supplies essential for combat readiness and the protection of the health of the Armed Forces, as identified by the Secretary of Defense;

(C) an identification of the defense and geopolitical contingencies that are sufficiently likely to arise that may lead to the discontinuance, interruption or meaningful disruption in the supply of a drug, biological product, vaccine, or critical medical supply, and recommendations regarding actions the Secretary
of Defense should take to reasonably prepare for the occurrence of such contingencies;

(D) an identification of any barriers that exist to manufacture finished drugs, biological products, vaccines, and critical medical supplies in the United States, including with respect to regulatory barriers by the Federal Government and whether the raw materials may be found in the United States;

(E) an identification of potential partners of the United States with whom the United States can work with to realign the manufacturing capabilities of the United States for such finished drugs, biological products, vaccines, and critical medical supplies;

(F) an assessment conducted by the Secretary of Defense of the resilience and capacity of the current supply chain and industrial base to support national defense upon the occurrence of the contingencies identified in subparagraph (C), including with respect to—

(i) the manufacturing capacity of the United States;

(ii) gaps in domestic manufacturing capabilities, including non-existent, extinct,
threatened, and single-point-of-failure ca-
pabilities; and

(iii) supply chains with single points
of failure and limited resiliency; and

(G) recommendations to enhance and
strengthen the surge requirements and readi-
ness contracts of the Department of Defense to
ensure the sufficiency of the stockpile of the
Department of, and the ready access by the De-
partment to, critical medical supplies, pharma-
ceuticals, vaccines, counter-measure prophyl-
axis, and personal protective equipment, includ-
ing with respect to the effectiveness of the the-
ater lead agent for medical materiel program in
support of the combatant commands.

(3) FORM.—The report under paragraph (1)
shall be submitted in classified form.

(4) DEFINITIONS.—In this subsection:

(A) The term “appropriate congressional
committees” means the following:

(i) The congressional defense commit-
tees.

(ii) The Committee on Energy and
Commerce and the Committee on Home-
land Security of the House of Representatives.

(iii) The Committee on Health, Education, Labor, and Pensions and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) The term “critical medical equipment” includes personal protective equipment, diagnostic tests, testing supplies, and lifesaving breathing apparatuses required to treat severe respiratory illnesses and distress.

SEC. 713. CONTRACT AUTHORITY OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113(g)(1) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”; and

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

“(G) notwithstanding section 2304(k) of this title, to enter into such contracts, cooperative agreements, or grants on a sole-source
basis pursuant to section 2304(c)(5) of this title.”.

SEC. 714. EXTENSION OF ORGANIZATION REQUIREMENTS FOR DEFENSE HEALTH AGENCY.

Section 1073c(e) of title 10, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2025”.

SEC. 715. MODIFICATION TO LIMITATION ON THE REALIGNMENT OR REDUCTION OF MILITARY MEDICAL MANNING END STRENGTH.

Section 719 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1454) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “may not realign or reduce military medical end strength authorizations until” and inserting the following: “may not realign or reduce military medical end strength authorizations during the one-year period following the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, and after such period, may not realign or reduce such authorizations unless”; and

(2) in subsection (b)(1), by inserting before the period at the end the following: “, including with re-
spect to both the homeland defense mission and pandemic influenza”.

SEC. 716. MODIFICATIONS TO IMPLEMENTATION PLAN FOR RESTRUCTURE OR REALIGNMENT OF MILITARY MEDICAL TREATMENT FACILITIES.

Section 703(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2199) is amended—

(1) in paragraph (2), by striking subparagraph (D) and inserting the following new subparagraph:

“(D) A description of how the Secretary will carry out subsection (b), including with respect to—

“(i) the standards required for health care providers to accept and transition covered beneficiaries to the purchased care component of the TRICARE program;

“(ii) a method to monitor and report on quality benchmarks for the beneficiary population that is required to transition to such component of the TRICARE program; and

“(iii) a process by which the Defense Health Agency will ensure that such com-
ponent of the TRICARE program has the required capacity.”; and

(2) by adding at the end the following new paragraph:

“(4) NOTICE AND WAIT.—The Secretary may not implement the plan under paragraph (1) unless—

“(A) the Secretary has submitted the plan to the congressional defense committees; and

“(B) a 1-year period elapses following the later of the date of such submission or the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021.”.

SEC. 717. POLICY TO ADDRESS OPIOID PRESCRIPTION ABUSE PREVENTION.

(a) REQUIREMENT.—The Secretary of Defense shall develop a policy and tracking mechanism for opioids that monitors and prohibits the over prescribing of opioids to ensure compliance with clinical practice guidelines and prescribing guidelines published by the Centers for Disease Control and Prevention and the Food and Drug Administration.

(b) ELEMENTS.—The requirements under subsection (a) shall include the following:
(1) Limit the prescribing of opioids to the morphine milligram equivalent level per day specified in the guideline published by the Centers for Disease Control and Prevention titled “CDC Guideline for Prescribing Opioids for Chronic Pain—United States, 2016”, or such successor guideline.

(2) Limit the supply of opioids to within clinically accepted guidelines.

(3) Develop a waiver process for specific patient categories that will require treatment beyond the limit specified in paragraph (1) and, as appropriate, ensure overdose reversal drugs are co-prescribed.

(4) Implement controls to ensure that the prescriptions in the military health system data repository exist and that the dispense date and the metric quantity field for opioid prescriptions in liquid form are consistent among all systems.

(5) Implement opioid prescribing controls within the electronic health record system known as “Genesis” and document if an overdose reversal drug was co-prescribed.

(6) Develop metrics that can be used by the Defense Health Agency and each military medical treatment facility to actively monitor and limit the over-prescribing of opioids and to monitor the co-
prescribing of overdose reversal drugs as accessible interventions.

(7) Develop a report that tracks progression toward reduced levels of opioid use and includes an identification of prevention best practices established by the Department.

SEC. 718. ADDITION OF BURN PIT REGISTRATION TO ELECTRONIC HEALTH RECORDS OF MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) UPDATES TO ELECTRONIC HEALTH RECORDS.—Beginning not later than 1 year after the date of the enactment of this Act—

(1) the Secretary of Defense shall ensure that the electronic health record maintained by such Secretary of a member of the Armed Forces registered with the burn pit registry is updated with any information contained in such registry; and

(2) the Secretary of Veterans Affairs shall ensure that the electronic health record maintained by such Secretary of a veteran registered with the burn pit registry is updated with any information contained in such registry.

(b) BURN PIT REGISTRY DEFINED.—In this section, the term “burn pit registry” means the registry established under section 201 of the Dignified Burial and Other

SEC. 719. MAINTENANCE OF CERTAIN MEDICAL SERVICES AT MILITARY MEDICAL TREATMENT FACILITIES AT SERVICE ACADEMIES.

Section 1073d of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) MAINTENANCE OF CERTAIN MEDICAL SERVICES AT SERVICE ACADEMIES.—(1) In carrying out subsection (a), the Secretary of Defense shall ensure that each military medical treatment facility located at a Service Academy (as defined in section 347 of this title) provides each covered medical service unless the Secretary determines that a civilian health care facility located not fewer than five miles from the Service Academy provides the covered medical service.

“(2) In this subsection, the term ‘covered medical service’ means the following:

“(A) Emergency room services.

“(B) Orthopedic services.

“(C) General surgery services.

“(D) Ear, nose, and throat services.

“(E) Gynecological services.

“(F) Ophthalmology services.
“(G) In-patient services.

“(H) Any other medical services that the relevant Superintendent of the Service Academy determines necessary to maintain the readiness and health of the cadets or midshipmen and members of the armed forces at the Service Academy.”.

SEC. 720. EXTRAMEDICAL MATERNAL HEALTH PROVIDERS DEMONSTRATION PROJECT.

(a) Demonstration Project Required.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall commence the conduct of a demonstration project designed to evaluate the cost, quality of care, and impact on maternal and fetal outcomes of using extramedical maternal health providers under the TRICARE program to determine the appropriateness of making coverage of such providers under the TRICARE program permanent.

(b) Elements of Demonstration Project.—The demonstration project under subsection (a) shall include, for participants in the demonstration project, the following:

(1) Access to doulas.

(2) Access to lactation consultants who are not otherwise authorized to provide services under the TRICARE program.
(c) PARTICIPANTS.—The Secretary shall establish a process under which covered beneficiaries may enroll in the demonstration project in order to receive the services provided under the demonstration project.

(d) DURATION.—The Secretary shall carry out the demonstration project for a period of 5 years beginning on the date on which notification of the commencement of the demonstration project is published in the Federal Register.

(e) SURVEY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the demonstration project, the Secretary shall administer a survey to determine—

(A) how many members of the Armed Forces or spouses of such members give birth while their spouse or birthing partner is unable to be present due to deployment, training, or other mission requirements;

(B) how many single members of the Armed Forces give birth alone; and

(C) how many members of the Armed Forces or spouses of such members use doula support or lactation consultants.
(2) MATTERS COVERED BY THE SURVEY.—The survey administered under paragraph (1) shall include an identification of the following:

(A) The race, ethnicity, age, sex, relationship status, military service, military occupation, and rank, as applicable, of each individual surveyed.

(B) If individuals surveyed were members of the Armed Forces or the spouses of such members, or both.

(C) The length of advanced notice received by individuals surveyed that the member of the Armed Forces would be unable to be present during the birth, if applicable.

(D) Any resources or support that the individuals surveyed found useful during the pregnancy and birth process, including doula or lactation counselor support.

(f) REPORTS.—

(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to implement the demonstration project.
(2) **Annual report.**—

(A) **In general.**—Not later than 1 year after the commencement of the demonstration project, and annually thereafter for the duration of the demonstration project, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Represent- atives a report on the cost of the demonstration project and the effectiveness of the demonstration project in improving quality of care and the maternal and fetal outcomes of covered beneficiaries enrolled in the demonstration project.

(B) **Matters covered.**—Each report submitted under subparagraph (A) shall ad- dress, at a minimum, the following:

(i) The number of covered benefici- ares who are enrolled in the demonstra- tion project.

(ii) The number of enrolled covered beneficiaries who have participated in the demonstration project.

(iii) The results of the surveys under subsection (f).
(iv) The cost of the demonstration project.

(v) An assessment of the quality of care provided to participants in the demonstration project.

(vi) An assessment of the impact of the demonstration project on maternal and fetal outcomes.

(vii) An assessment of the effectiveness of the demonstration project.

(viii) Recommendations for adjustments to the demonstration project.

(ix) The estimated costs avoided as a result of improved maternal and fetal health outcomes due to the demonstration project.

(x) Recommendations for extending the demonstration project or implementing permanent coverage under the TRICARE program of extramedical maternal health providers.

(xi) An identification of legislative or administrative action necessary to make the demonstration project permanent.
(C) Final report.—The final report under subparagraph (A) shall be submitted not later than 90 days after the termination of the demonstration project.

(g) Expansion of Demonstration Project.—

(1) Regulations.—If the Secretary determines that the demonstration project is successful, the Secretary may prescribe regulations to include extramedical maternal health providers as health care providers authorized to provide care under the TRICARE program.

(2) Credentialing and other requirements.—The Secretary may establish credentialing and other requirements for doulas and lactation consultants through public notice and comment rulemaking for purposes of including doulas and lactation consultations as health care providers authorized to provide care under the TRICARE program pursuant to regulations prescribed under paragraph (1).

(h) Definitions.—In this section:

(1) Extramedical maternal health provider.—The term “extramedical maternal health provider” means a doula or lactation consultant.
(2) COVERED BENEFICIARY; TRICARE PROGRAM.—The terms “covered beneficiary” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

Subtitle C—Matters Relating to COVID–19

SEC. 721. COVID–19 MILITARY HEALTH SYSTEM REVIEW PANEL.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a panel to be known as the “COVID–19 Military Health System Review Panel” (in this section referred to as the “panel”).

(b) COMPOSITION.—

(1) MEMBERS.—The panel shall be composed of the following members:

(A) The President of the Uniformed Services University of the Health Sciences.

(B) The Director of the Defense Health Agency.

(C) The Surgeon General of the Army.

(D) The Surgeon General of the Navy.


(F) The Joint Staff Surgeon.
(G) The Deputy Assistant Secretary of Defense for Health Readiness Policy and Oversight.

(H) The Deputy Assistant Secretary of Defense for Health Resources Management and Policy.

(2) CHAIRPERSON.—The chairperson of the panel shall be the President of the Uniformed Services University of the Health Sciences.

(3) TERMS.—Each member shall be appointed for the life of the panel.

(c) DUTIES.—

(1) IN GENERAL.—The panel shall—

(A) review the response of the military health system to the coronavirus disease 2019 (COVID–19) and the effects of COVID–19 on such system, including by analyzing any strengths or weaknesses of such system identified as a result COVID–19; and

(B) using information from the review, make such recommendations as the panel considers appropriate with respect to any policy, practice, organization, manning level, funding level, or legislative authority relating to the military health system.
(2) Elements of review.—In conducting the review under paragraph (1), each member of the panel shall lead a review of at least one of the following elements, with respect to the military health system:

   (A) Policy, including any policy relating to force health protection or medical standards for the appointment, enlistment, or induction of individuals into the Armed Forces.

   (B) Public health activities, including any activity relating to risk communication, surveillance, or contact tracing.

   (C) Research, diagnostics, and therapeutics.

   (D) Logistics and technology.

   (E) Force structure and manning.

   (F) Governance and organization.

   (G) Operational capabilities and operational support.

   (H) Education and training.

   (I) Health benefits under the TRICARE program.

   (J) Engagement and security activities relating to global health.
(K) The financial impact of COVID–19 on
the military health system.

(d) REPORT.—Not later than June 1, 2021, the Sec-
retary of Defense shall submit to the congressional defense
committees a report that includes the findings of the panel
as a result of the review under subsection (c)(1)(A), to-
gether with such recommendations as the panel considers
appropriate under subsection (c)(1)(B).

(e) TERMINATION.—The panel shall terminate on
June 1, 2021.

SEC. 722. COVID–19 GLOBAL WAR ON PANDEMICS.

(a) STRATEGY.—The Secretary of Defense shall de-
develop a strategy for pandemic preparedness and response
that includes the following:

(1) Identification of activities necessary to be
carried out prior to a pandemic to ensure prepared-
ness and effective communication of roles and re-
sponsibilities within the Department of Defense, in-
cluding—

(A) reviewing the frequency of each exer-
cise conducted by the Department or a military
department that relates to a pandemic or severe
influenza season or related force health protec-
tion;
(B) ensuring such exercises are appropriately planned, resourced, and practiced;

(C) including a consideration of the capabilities and capacities necessary to carry out the strategy under this section, and related operations for force health protection, and ensuring that these are included in each cost evaluation, Defense-wide review, or manning assessment of the Department of Defense that affects such capabilities and capacities;

(D) reviewing the placement, exploring broader utilization of global health engagement liaisons, and increasing the scope of global health activities of the Department of Defense;

(E) assessing a potential career track relating to health protection research for members of the Armed Forces and civilian employees of the Department of Defense;

(F) providing to members of the Armed Forces guidance on force health protection prior to and during a pandemic or severe influenza season, including guidance on specific behaviors or actions required, such as self-isolating, social distancing, and additional protective measures
to be carried out after contracting a novel virus or influenza;

(G) reviewing and updating the inventory of medical supplies and equipment of the Department of Defense that is available for operational support to the combatant commands prior to and during a pandemic (such as vaccines, biologics, drugs, preventive medicine, antiviral medicine, and equipment relating to trauma support), including a review of—

(i) the sufficiency of prepositioned stocks; and

(ii) the effectiveness of the Warstopper Program of the Defense Logistics Agency, or such successor program;

(H) reviewing and updating distribution plans of the Department of Defense for critical medical supplies and equipment within the inventory of the Department of Defense, including vaccines and antiviral medicines; and

(I) reviewing and updating research on infectious diseases and preventive medicine conducted by the military health system, including research conducted by the Health Related Communities of Interest of the Department of De-
fense, the Joint Program Committees, the overseas medical laboratories of the Department of Defense, the Armed Forces Health Surveillance Branch, or other elements of the Department of Defense that conduct research in support of members of the Armed Forces or beneficiaries under the TRICARE program.

(2) Review of Department of Defense systems for health surveillance and detection to ensure continuous situational awareness and early warning with respect to a pandemic, including a review of—

(A) the levels of funding and investment, and the overall value, of the Global Emerging Infections Surveillance and Response System of the Department of Defense, including the value demonstrated by the role of such system in—

(i) improving the Department of Defense prevention and surveillance of, and the response to, infectious diseases that may impact members of the Armed Forces;

(ii) informing decisions relating to force health protection across the geographic combatant commands;

(iii) ensuring laboratory readiness to support pandemic response efforts and to
understand infectious disease threats to
the Armed Forces; and

(iv) coordinating and collaborating
with partners, such as the geographic com-
batant commands, other Federal agencies,
and international partners;

(B) the levels of funding and investment,
and the overall value, of the overseas medical
laboratories of the Department of Defense, in-
cluding the value demonstrated by the role of
such laboratories in conducting research and
forming partnerships with other elements of the
Department of Defense, other Federal agencies,
international partners in the country in which
such laboratory is located, and, as applicable,
the private sector of the United States; and

(C) the levels of funding and investment,
and the overall value, of the Direct HIV/AIDS
Prevention Program of the Department of De-
fense, including the value demonstrated by the
role of such program in developing (in coordina-
tion with other Federal agencies) programs for
the prevention, care, and treatment of the
human immunodeficiency virus infection and
acquired immune deficiency syndrome.
(3) Identification of activities to limit the spread of an infectious disease outbreak among members of the Armed Forces and beneficiaries under the TRICARE program, including activities to mitigate the health, social, and economic impacts of a pandemic on such members and beneficiaries, including by—

(A) reviewing the role of the Department of Defense in the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11) and implementing plans across the Department that leverage medical facilities, personnel, and response capabilities of the Federal Government to support requirements under such Act relating to medical surge capacity;

(B) determining the range of public health capacity, medical surge capacity, administrative capacity, and veterinary capacity necessary for the Armed Forces to—

(i) support operations during a pandemic; and

(ii) develop mechanisms to reshape force structure during such pandemic as
necessary (contingent upon primary mission requirements); and

(C) determining the range of activities for operational medical support and infrastructure sustainment that the Department of Defense and other Federal agencies have the capacity to implement during a pandemic (contingent upon primary mission requirements), and develop plans for the implementation of such activities.

(b) Study on Response to COVID–19.—The Secretary shall conduct a study on the response of the military health system to the coronavirus disease 2019 (COVID–19).

(e) Report.—Not later than June 1, 2021, the Secretary shall submit to the congressional defense committees a report containing—

(1) the strategy under subsection (a); and

(2) the study under subsection (b), including any findings or recommendations from the study that relate to an element of the strategy under subsection (a), such as recommended changes to policy, funding, practices, manning, organization, or legislative authority.

(d) Inspector General Report on Response to COVID–19.—Not later than June 1, 2021, the Inspector
General of the Department of Defense shall submit to the congressional defense committees and the Secretary of Defense a report on—

(1) the total dollar amount of waste, fraud, and abuse uncovered in any Department of Defense spending under the Defense Production Act of 1950 with respect to the COVID–19 pandemic; and

(2) any recommendations on how to combat waste, fraud, and abuse in future spending related to pandemic preparedness and response.

SEC. 723. REGISTRY OF TRICARE BENEFICIARIES DIAGNOSED WITH COVID–19.

(a) ESTABLISHMENT.—Not later than June 1, 2021, the Secretary of Defense shall establish and maintain a registry of TRICARE beneficiaries who have been diagnosed with COVID–19.

(b) CONTENTS.—The registry under subsection (a) shall include, with respect to each TRICARE beneficiary included in the registry, the following:

(1) The demographic information of the beneficiary.

(2) Information on the industrial or occupational history of the beneficiary, to the extent such information is available in the records regarding the COVID–19 diagnosis of the beneficiary.
(3) Administrative information regarding the COVID–19 diagnosis of the beneficiary, including the date of the diagnosis and the location and source of the test used to make the diagnosis.

(4) Any symptoms of COVID–19 manifested in the beneficiary.

(5) Any treatments for COVID–19 taken by the beneficiary, or other medications taken by the beneficiary, when the beneficiary was diagnosed with COVID–19.

(6) Any pathological data characterizing the incidence of COVID–19 and the type of treatment for COVID–19 provided to the beneficiary.

(7) Information on any respiratory illness of the beneficiary recorded prior to the COVID–19 diagnosis of the beneficiary.

(8) Any information regarding the beneficiary contained in the Airborne Hazards and Open Burn Pit Registry established under section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527, note).

(9) Any other information determined appropriate by the Secretary.
(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on establishing the registry under subsection (a), including—

(1) a plan to implement the registry;
(2) the cost of implementing the registry;
(3) the location of the registry; and
(4) any recommended legislative changes with respect to establishing the registry.

(d) TRICARE BENEFICIARY DEFINED.—In this section, the term “TRICARE beneficiary” means the following:

(1) An individual covered by section 1074(a) of title 10, United States Code.
(2) A covered beneficiary (as defined in section 1072 of title 10, United States Code).

SEC. 724. PANDEMIC HEALTH ASSESSMENTS EVALUATE EXPOSURE TO OPEN BURN PITS AND TOXIC AIRBORNE CHEMICALS.

(a) Exposure to Open Burn Pits and Toxic Airborne Chemicals or Other Airborne Contaminants as Part of Health Assessments for Members of the Armed Forces and Veterans During a Pandemic and Inclusion of Information in Registry.—
(1) **Health Assessment.**—The Secretary of Defense and Secretary of Veterans Affairs shall ensure that the first health assessment conducted for a member of the Armed Forces or veteran after the individual tested positive for a virus certified by the Federal Government as a pandemic includes an evaluation of whether the individual has been—

(A) based or stationed at a location where an open burn pit was used; or

(B) exposed to toxic airborne chemicals or other airborne contaminants relating to service in the Armed Forces, including an evaluation of any information recorded as part of the Airborne Hazards and Open Burn Pit Registry.

(2) **Inclusion of Individuals in Registry.**—If an evaluation conducted under paragraph (1) with respect to an individual establishes that the individual was based or stationed at a location where an open burn pit was used, or that the individual was exposed to toxic airborne chemicals or other airborne contaminants, the individual shall be enrolled in the Airborne Hazards and Open Burn Pit Registry unless the member elects to not enroll in such registry.
(3) Rule of construction.—Nothing in this subsection may be construed to preclude eligibility of a veteran for benefits under the laws administered by the Secretary of Veterans Affairs by reason of the history of exposure of the veteran to an open burn pit not being recorded in an evaluation conducted under paragraph (1).

(4) Definitions.—In this subsection:

(A) Airborne Hazards and Open Burn Pit Registry.—The term “Airborne Hazards and Open Burn Pit Registry” means the registry established by the Secretary of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

(B) Open Burn Pit.—The term “open burn pit” has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 126 Stat. 2422; 38 U.S.C. 527 note).

(b) Study on Impact of Viral Pandemics on Members of Armed Forces and Veterans Who Have Experienced Toxic Exposure.—
(1) In General.—The Secretary of Veterans Affairs shall conduct a study, through the Airborne Hazards and Burn Pits Center of Excellence (in this subsection referred to as the “Center”), on the health impacts of infection with a virus designated as a global pandemic, including a coronavirus, to members of the Armed Forces and veterans who have been exposed to open burn pits and other toxic exposures for the purposes of understanding the health impacts of the virus and whether individuals infected with the virus are at increased risk of severe symptoms due to previous conditions linked to toxic exposure.

(2) Preparation for Future Pandemic.—The Secretary, through the Center, shall analyze potential lessons learned through the study conducted under paragraph (1) to assist in preparing the Department of Veterans Affairs for potential future pandemics.

(3) Definitions.—In this subsection:

(A) Coronavirus.—The term “coronavirus” has the meaning given that term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).
(B) **Open Burn Pit.**—The term “open burn pit” has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 126 Stat. 2422; 38 U.S.C. 527 note).

SEC. 725. **Provision of Information Regarding COVID–19 in Multiple Languages.**

(a) **Translation of Materials.**—The Secretary of Defense shall—

(1) translate any written material of the Department of Defense prepared in the English language for the general public relating to the COVID–19 pandemic into the languages specified in subsection (b) by not later than 7 days after the date on which such material is made available; and

(2) make such translated written material available to the public.

(b) **Languages Specified.**—The languages specified in this subsection are the following:

(1) Arabic.

(2) Cambodian.

(3) Chinese.

(4) French.

(5) Greek.
(c) DEFINITION OF COVID–19 PANDEMIC.—In this section, the term “COVID–19 pandemic” means the public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled “Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus”.

(6) Haitian Creole.
(7) Hindi.
(8) Italian.
(9) Japanese.
(10) Korean.
(11) Laotian.
(12) Polish.
(13) Portuguese.
(14) Russian.
(15) Spanish.
(16) Tagalog.
(17) Thai.
(18) Urdu.
(19) Vietnamese.
SEC. 726. STUDY OF SUBSTANCE USE DISORDERS AMONG MEMBERS OF THE ARMED FORCES AND VETERANS DURING THE COVID–19 PUBLIC HEALTH EMERGENCY.

(a) In general.—The Secretaries shall conduct a study on substance use disorders among the relevant population before and during the COVID–19 public health emergency. The study shall include the following:

(1) Analysis of data about the relevant population who overdosed from opioids or other illicit substances during the public health emergency, using appropriate control samples and comparing to existing population data.

(2) Analysis of fatal opioid and other illicit substances overdose deaths among the relevant population during the public health emergency, using appropriate control samples and comparing to existing population data.

(3) Analysis of the prevalence of alcohol use disorder among the relevant population during the public health emergency, using existing data to identify any new trends.

(4) Analysis of the association between overdose deaths and suicide among the relevant population.

(5) An overview of the resources from relevant Federal agencies, including the Department of De-
fense, the United States Department of Veterans Af-
fairs, the Substance Abuse and Mental Health Serv-
ices Administration, the Centers for Disease Control
and Prevention, and the National Institutes of
Health, that were distributed to the relevant popu-
lation during the public health emergency, including
methods of dissemination.

(6) An analysis of the utilization of recovery
services and barriers to access the services at the
Veterans Health Administration and the Military
Health System by different modes of delivery, such
as telehealth, inpatient, outpatient, intensive out-
patient, and residential services, during the public
health emergency.

(7) Identification of key areas in which relevant
Federal agencies can improve their pandemic re-
sponse as it relates to substance use disorders and
overdoses among the relevant population, including
steps that can be taken to improve the preparedness
of the agencies for future public health emergencies
declared by the Secretary under section 319 of the
Public Health Service Act.

(b) REPORTS.—

(1) INTERIM REPORT.—Within 120 days after
the COVID–19 public health emergency ends, the
Secretaries shall submit to the appropriate committees an interim report that contains an update on the status of the study required by subsection (a).

(2) Final report.—Not later than 2 years after the COVID–19 public health emergency ends, the Secretaries shall submit to the appropriate committees a final report that contains the results of the study.

(e) Definitions.—In this section:

(1) Appropriate committees.—The term “appropriate committees” means the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate.

(2) COVID–19 Public Health Emergency.—The term “COVID–19 public health emergency” means the public health emergency declared by the Secretary of Health and Human Services on January 27, 2020, with respect to the 2019 Novel Coronavirus.

(3) Relevant Population.—The term “relevant population” means members of the Armed Forces and veterans.
(4) Secretaries.—The term “Secretaries” means the Secretary of Defense and the Secretary of Veterans Affairs.

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.

Section 740 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) in subsection (a)—

(A) by striking “The Secretary of Defense may” and inserting “Beginning not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary of Defense shall”; and

(B) by striking “and the Secretary of Transportation” and inserting “the Secretary of Transportation, and the Administrator of the Federal Emergency Management Agency”; and

(2) in subsection (d), by striking “and the Secretary of Transportation” and inserting “the Sec-
retary of Transportation, and the Administrator of
the Federal Emergency Management Agency”; and

(3) in subsection (f)—

(A) by striking “the Committees on Armed
Services of the Senate and the House of Rep-
resentatives” each place it appears and insert-
ing “the appropriate congressional committees”;

(B) in paragraph (1)(B)(i), by inserting
before the period the following: “; including a
recommendation for at least one of the locations
selected under subsection (e)”; and

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

“(3) APPROPRIATE CONGRESSIONAL COMMIT-
TEES DEFINED.—In this subsection, the term ‘ap-
propriate congressional committees’ means the fol-
lowing:

“(A) The Committee on Armed Services,
the Committee on Transportation and Infra-
structure, the Committee on Veterans’ Affairs,
the Committee on Homeland Security, and the
Committee on Energy and Commerce of the
House of Representatives.

“(B) The Committee on Armed Services,
the Committee on Commerce, Science, and
Transportation, the Committee on Veterans’ Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.”.

SEC. 732. REPORTS ON SUICIDE AMONG MEMBERS OF THE ARMED FORCES AND SUICIDE PREVENTION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

Section 741(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1467) is amended—

(1) in subparagraph (B), by adding at the end the following new clause:

“(iii) The 1-year period following the date on which the member returns from such a deployment.”;

(2) by redesignating subparagraphs (D) through (H) as subparagraphs (E) through (I), respectively;

(3) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) The number of suicides involving a member who was prescribed a medication to treat a mental health or behavioral health diag-
nosis during the 1-year period preceding the death.’’; and

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

paragraph:

“(J) A description of the programs carried out by the military departments to address and reduce the stigma associated with seeking assistance for mental health or suicidal thoughts.’’.

SEC. 733. CLARIFICATION OF RESEARCH UNDER JOINT

TRAUMA EDUCATION AND TRAINING DIRECTORATE AND INCLUSION OF MILITARY WORKING DOGS.

(a) In General.—Subsection (b) of section 708 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1071 note) is amended—

(1) in paragraph (7), by striking “of members of the Armed Forces” and inserting “with respect to both members of the Armed Forces and military working dogs”; and

(2) by striking paragraph (9) and inserting the following new paragraph:

“(9) To inform and advise the conduct of re-

search on the leading causes of morbidity and mor-
tality of members of the Armed Forces and military
working dogs in combat.”.

(b) VETERINARIANS IN PERSONNEL MANAGEMENT

PLAN.—Subsection (d)(1) of such section is amended—

(1) by redesignating subparagraph (F) as sub-
paragraph (G); and

(2) by inserting after subparagraph (E) the fol-
lowing new subparagraph:

“(F) Veterinary care.”.

SEC. 734. EXTENSION OF THE JOINT DEPARTMENT OF DE-
FENSE-DEPARTMENT OF VETERANS AFFAIRS
MEDICAL FACILITY DEMONSTRATION
PROJECT.

Section 1704(e) of the National Defense Authoriza-
tion Act for Fiscal Year 2010 (Public Law 111–84; 123
Stat. 2567), as most recently amended by section 732 of
the National Defense Authorization Act for Fiscal Year
2020 (Public Law 116–92), is further amended by strik-
ing “September 30, 2021” and inserting “September 30,
2023”.

SEC. 735. INFORMATION SHARING BY SECRETARY OF DE-
FENSE REGARDING PREVENTION OF INFANT
AND MATERNAL MORTALITY.

(a) AUTHORIZATION OF INFORMATION SHARING.—
The Secretary of Defense may enter into memoranda of
understanding with State and local health authorities to share the practices of, and lessons learned by, the military health system for the prevention of infant and maternal mortality.

(b) STATE DEFINED.—In this section, the term “State” means each State, the District of Columbia, each commonwealth, territory or possession of the United States, and each federally recognized Indian Tribe.

SEC. 736. GRANT PROGRAM FOR INCREASED COOPERATION ON POST-TRAUMATIC STRESS DISORDER RESEARCH BETWEEN UNITED STATES AND ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, acting through the Psychological Health and Traumatic Brain Injury Research Program, should seek to explore scientific collaboration between American academic institutions and non-profit research entities, and Israeli institutions with expertise in researching, diagnosing, and treating post-traumatic stress disorder.

(b) GRANT PROGRAM.—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs and the Secretary of State, shall award grants to eligible entities to carry out collaborative research between the United States and Israel with respect to post-traumatic stress dis-
orders. The Secretary of Defense shall carry out the grant program under this section in accordance with the agreement titled “Agreement Between the Government of the United States of America and the Government of Israel on the United States-Israel Binational Science Foundation”, dated September 27, 1972.

(e) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an academic institution or a nonprofit entity located in the United States.

(d) AWARD.—The Secretary shall award grants under this section to eligible entities that—

(1) carry out a research project that—

(A) addresses a requirement in the area of post-traumatic stress disorders that the Secretary determines appropriate to research using such grant; and

(B) is conducted by the eligible entity and an entity in Israel under a joint research agreement; and

(2) meet such other criteria that the Secretary may establish.

(e) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and
containing such commitments and information as the Sec-
retary may require.

(f) GIFT AUTHORITY.—The Secretary may accept,
hold, and administer, any gift of money made on the con-
dition that the gift be used for the purpose of the grant
program under this section. Such gifts of money accepted
under this subsection shall be deposited in the Treasury
in the Department of Defense General Gift Fund and shall
be available, subject to appropriation, without fiscal year
limitation.

(g) REPORTS.—Not later than 180 days after the
date on which an eligible entity completes a research
project using a grant under this section, the Secretary
shall submit to Congress a report that contains—

(1) a description of how the eligible entity used
the grant; and

(2) an evaluation of the level of success of the
research project.

(h) TERMINATION.—The authority to award grants
under this section shall terminate on the date that is 7
years after the date on which the first such grant is
awarded.
SEC. 737. PILOT PROGRAM ON CRYOPRESERVATION AND STORAGE.

(a) Pilot Program.—The Secretary of Defense shall establish a pilot program to provide not more than 1,000 members of the Armed Forces serving on active duty with the opportunity to cryopreserve and store their gametes prior to deployment to a combat zone.

(b) Period.—

(1) In general.—The Secretary shall provide for the cryopreservation and storage of gametes of a participating member of the Armed Forces under subsection (a), at no cost to the member, in a facility of the Department of Defense or at a private entity pursuant to a contract under subsection (d) until the date that is 1 year after the retirement, separation, or release of the member from the Armed Forces.

(2) Continued cryopreservation and storage.—At the end of the 1-year period specified in paragraph (1), the Secretary shall authorize an individual whose gametes were cryopreserved and stored in a facility of the Department as described in that paragraph to select, including pursuant to an advance medical directive or military testamentary instrument completed under subsection (c), one of the following options:
(A) To continue such cryopreservation and storage in such facility with the cost of such cryopreservation and storage borne by the individual.

(B) To transfer the gametes to a private cryopreservation and storage facility selected by the individual.

(C) To authorize the Secretary to dispose of the gametes of the individual not earlier than the date that is 90 days after the end of the 1-year period specified in paragraph (1) with respect to the individual.

(e) ADVANCE MEDICAL DIRECTIVE AND MILITARY TESTAMENTARY INSTRUMENT.—A member of the Armed Forces who elects to cryopreserve and store their gametes under this section shall complete an advance medical directive described in section 1044c(b) of title 10, United States Code, and a military testamentary instrument described in section 1044d(b) of such title, that explicitly specifies the use of their cryopreserved and stored gametes if such member dies or otherwise loses the capacity to consent to the use of their cryopreserved and stored gametes.

(d) AGREEMENTS.—To carry out this section, the Secretary may enter into agreements with private entities
that provide cryopreservation and storage services for

gametes.

SEC. 738. PILOT PROGRAM ON PARENTS SERVING AS CERT-

IFIED NURSING ASSISTANTS FOR CHILDREN

UNDER TRICARE PROGRAM.

(a) PILOT PROGRAM.—The Director of the Defense

Health Agency may carry out a pilot program under which

an eligible parent serves as a certified nursing assistant

under the TRICARE program with respect to providing

personal care services to a covered child.

(b) DURATION.—If the Director carries out the pilot

program under subsection (a), the Director shall carry out

the pilot program for a period of 18 months.

(c) BRIEFING.—If the Director carries out the pilot

program under subsection (a), not later than 1 year after

the date of the enactment of this Act, the Director shall

provide to the congressional defense committees a briefing

on the pilot program.

(d) REPORT.—If the Director carries out the pilot

program under subsection (a), not later than 180 days

after the date of the completion of the pilot program, the

Director shall submit to the congressional defense commit-

tees a report on the pilot program. The report shall in-

clude—

(1) the cost of the program;
(2) an analysis of whether the pilot program met established performance metrics;

(3) an analysis of whether the pilot program provided the standard of care to the patient that is required; and

(4) the recommendation of the Director regarding whether the pilot program should be made permanent.

(e) DEFINITIONS.—In this section:

(1) The term “covered child” means a covered beneficiary described in section 1072(2)(D) of title 10, United States Code, who—

(A) is the child of a member of the uniformed services serving on active duty; and

(B) is eligible for private duty nursing under the Extended Care Health Option under subsections (d) through (f) of section 1079 of such title.

(2) The term “eligible parent” means an individual who is—

(A) a certified nursing assistant; and

(B) the parent of a covered child.

(3) The term “personal care services” means personal care services prescribed by a medical doctor and provided by a certified nursing assistant under
the supervision and guidance of a registered nurse
case manager.

(4) The term “TRICARE program” has the
meaning given that term in section 1072 of title 10,
United States Code.

SEC. 739. STUDY ON INCIDENCE OF CANCER DIAGNOSIS
AND MORTALITY AMONG PILOTS IN THE
ARMED FORCES.

(a) STUDY.—Not later than 180 days after the date
of the enactment of this Act, the Secretary of Defense
shall seek to enter into an agreement with the National
Academies of Sciences, Engineering, and Medicine to con-
duct a study to—

(1) determine the incidence of cancer diagnosis
and mortality among members, and former mem-
bers, of the Armed Forces who serve as pilots com-
pared to such members who do not serve as pilots,
including by determining such incidence based on
gender, age, flying hours, Armed Force, and type of
aircraft; and

(2) determine the appropriate age to begin
screening such members for cancer, including by de-
termining such age based on gender, flying hours,
Armed Force, and type of aircraft.
(b) Submission.—Not later than 2 years after the
date on which the Secretary enters into the agreement
under subsection (a), the Secretary shall submit to the ap-
propriate congressional committees a report on the find-
ings from the study under such subsection.

(c) Definitions.—In this section:

(1) The term “appropriate congressional com-
mittees” means—

(A) the Committees on Armed Services
and Veterans’ Affairs of the House of Rep-
resentatives; and

(B) the Committees on Armed Services
and Veterans’ Affairs of the Senate.

(2) The term “Armed Forces” means each
Armed Force under the jurisdiction of the Secretary
of a military department.

(3) The term “pilot” includes an individual who
frequently accompanies a pilot in a cockpit, such as
a navigator.

SEC. 740. REPORT ON DIET AND NUTRITION OF MEMBERS
OF THE ARMED FORCES.

Not later than 180 days after the date of the enact-
ment of this Act, the Secretary of Defense shall submit
to the congressional defense committees a report on the
diet and nutrition of members of the Armed Forces. The report shall describe the following:

(1) The relationship between the diet and nutrition of members and the health, performance, and combat effectiveness of members.

(2) The relationship between diets high in Omega–3 fatty acids, or other diets that may lower inflammation and obesity, and improved mental health.

(3) The extent to which the food and beverages offered at the dining halls of the Armed Forces as of the date of the report are designed to optimize the health, performance, and combat effectiveness of members according to science-based approaches.

(4) The plan of the Secretary to improve the health, performance, and combat effectiveness of members by modifying the food and beverages offered at the dining halls of the Armed Forces, including in ways that minimize the change members.

(5) Expected costs and timeline to implement such plan, including any expected savings from reduced medical costs.
SEC. 741. REPORT ON COSTS AND BENEFITS OF ALLOWING RETIRED MEMBERS OF THE ARMED FORCES TO CONTRIBUTE TO HEALTH SAVINGS ACCOUNTS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Health Affairs shall submit to the congressional defense committees a report on the costs and benefits of allowing covered individuals to make contributions to a health savings account.

(b) MATTERS.—The report under subsection (a) shall include a description of the following:

(1) Any anticipated cost savings as a result of allowing covered individuals to make contributions to health savings accounts.

(2) Any anticipated increase in health care options available to covered individuals as a result of allowing such contributions.

(3) Any anticipated disruption or delay in health services or benefits for covered individuals as a result of allowing such contributions.

(c) DEFINITIONS.—In this section:

(1) The term “covered individual”—

(A) means a beneficiary covered by subsection (c) of section 1086 of title 10, United States Code; and
(B) includes a Medicare-eligible beneficiary described in subsection (d)(2) of such section.

(2) The term “health savings account” has the meaning given that term in section 223(d) of the Internal Revenue Code of 1986.

SEC. 742. STUDY ON TOXIC EXPOSURE AT KARSHI–KHANABAD AIR BASE, UZBEKISTAN.

(a) Study.—

(1) In general.—The Secretary of Defense shall conduct a study on toxic exposure by members of the Armed Forces deployed to Karshi–Khanabad Air Base, Uzbekistan, at any time during the period beginning October 1, 2001, and ending December 31, 2005.

(2) Matters included.—The study under paragraph (1) shall include the following:

(A) An assessment regarding the conditions of Karshi–Khanabad Air Base, Uzbekistan, during the period beginning October 1, 2001, and ending December 31, 2005, including an identification of toxic substances contaminating the Air Base during such period.

(B) An epidemiological study of the health consequences of a member of the Armed Forces deployed to the Air Base during such period.
(C) An assessment of any association between exposure to toxic substances identified under subparagraph (A) and the health consequences studied under subparagraph (B).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the results of the study under subsection (a).

SEC. 743. AUDIT OF MEDICAL CONDITIONS OF TENANTS IN PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall commence the conduct of an audit of the medical conditions of eligible individuals and the association between adverse exposures of such individuals in unsafe or unhealthy housing units and the health of such individuals.

(b) CONTENT OF AUDIT.—The audit conducted under subsection (a) shall—

(1) determine the percentage of units of privatized military housing that are unsafe or unhealthy housing units;

(2) study the adverse exposures of eligible individuals that relate to residing in an unsafe or
unhealthy housing unit and the effect of such exposures on the health of such individuals; and

(3) determine the association, to the extent permitted by available scientific data, and provide quantifiable data on such association, between such adverse exposures and the occurrence of a medical condition in eligible individuals residing in unsafe or unhealthy housing units.

(e) Conduct of Audit.—The Inspector General of the Department shall conduct the audit under subsection (a) using the same privacy preserving guidelines used by the Inspector General in conducting other audits of health records.

(d) Source of Data.—In conducting the audit under subsection (a), the Inspector General of the Department shall use—

(1) de-identified data from electronic health records of the Department;

(2) records of claims under the TRICARE program (as defined in section 1072(7) of title 10, United States Code); and

(3) such other data as determined necessary by the Inspector General.

(e) Submittal and Public Availability of Report.—Not later than 1 year after the commencement of
the audit under subsection (a), the Inspector General of
the Department shall—

(1) submit to the Secretary of Defense and the
Committees on Armed Services of the Senate and
the House of Representatives a report on the results
of the audit conducted under subsection (a); and

(2) publish such report on a publicly available
internet website of the Department of Defense.

(f) DEFINITIONS.—In this section:

(1) The term “eligible individual” means a
member of the Armed Forces or a family member of
a member of the Armed Forces who—

(A) has resided in an unsafe or unhealthy
housing unit; and

(B) has registered under the Housing En-
vironmental Health Response Registry of the
Army.

(2) The term “privatized military housing”
means military housing provided under subchapter
IV of chapter 169 of title 10, United States Code.

(3) The term “unsafe or unhealthy housing
unit” means a unit of privatized military housing in
which, at any given time, at least one of the fol-
lowing hazards is present:
(A) Physiological hazards, including the following:

(i) Dampness or microbial growth.
(ii) Lead-based paint.
(iii) Asbestos or manmade fibers.
(iv) Ionizing radiation.
(v) Biocides.
(vi) Carbon monoxide.
(vii) Volatile organic compounds.
(viii) Infectious agents.
(ix) Fine particulate matter.

(B) Psychological hazards, including ease of access by unlawful intruders or lighting issues.

(C) Poor ventilation.

(D) Safety hazards.

(E) Other hazards as determined by the Inspector General of the Department.

SEC. 744. REPORT ON INTEGRATED DISABILITY EVALUATION SYSTEM.

(a) In general.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings of a study, conducted by the Secretary for the purposes of the
report, of the implementation and application of the Integrated Disability Evaluation System.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) All changes to policies and procedures applicable to the implementation of the Integrated Disability Evaluation System from the previous disability evaluation system.

(2) The extent to which the Integrated Disability Evaluation System is the primary means of processing members of the Armed Forces through the disability evaluation system process.

(3) The extent to which the military departments and the Defense Health Agency coordinate—

(A) treatment of members of the Armed Forces;

(B) referrals of members of the Armed Forces to a medical evaluation board;

(C) appointing a convening authority and staffing a medical evaluation board;

(D) the sharing of medical documentation with a medical evaluation board;

(E) evaluations of members of the Armed Forces for initial or subsequent limited duty status; and
(F) a medical evaluation board referral to a physical evaluation board.

(4) The process for members of the Armed Forces to request an impartial medical review or rebut medical evaluation board findings.

(5) The criteria a medical evaluation board convening authority applies when considering such requests under paragraph (4).

(6) The average time to process Integrated Disability Evaluation System cases by both phase and stage (as defined in Department of Defense Manual 1332.18) for both the active component and reserve component.

SEC. 745. REVIEW AND REPORT ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES STATIONED AT REMOTE INSTALLATIONS OUTSIDE THE CONTIGUOUS UNITED STATES.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a review of efforts by the Department of Defense to prevent suicide among members of the Armed Forces stationed at covered installations.
(b) Elements of Review.—The review conducted under subsection (a) shall include an assessment of each of the following:

(1) Current policy guidelines of the Armed Forces on the prevention of suicide among members of the Armed Forces stationed at covered installations.

(2) Current suicide prevention programs of the Armed Forces and activities for members of the Armed Forces stationed at covered installations and their dependents, including programs provided by the Defense Health Program and the Office of Suicide Prevention.

(3) The integration of mental health screenings and suicide risk and prevention efforts for members of the Armed Forces stationed at covered installations and their dependents into the delivery of primary care for such members and dependents.

(4) The standards for responding to attempted or completed suicides among members of the Armed Forces stationed at covered installations and their dependents, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.
(5) The standards regarding data collection for members of the Armed Forces stationed at covered installations and their dependents, including related factors such as domestic violence and child abuse.

(6) The means to ensure the protection of privacy of members of the Armed Forces stationed at covered installations and their dependents who seek or receive treatment related to suicide prevention.

(7) The availability of information from indigenous populations on suicide prevention for members of the Armed Forces stationed at covered installations who are members of such a population.

(8) The availability of information from graduate research programs of institutions of higher education on suicide prevention for members of the Armed Forces.

(9) Such other matters as the Comptroller General considers appropriate in connection with the prevention of suicide among members of the Armed Forces stationed at covered installations and their dependents.

(c) BRIEFING AND REPORT.—The Comptroller General shall—

(1) not later than October 1, 2021, brief the Committees on Armed Services of the Senate and
the House of Representatives on preliminary observ-
ations relating to the review conducted under sub-
section (a); and

(2) not later than March 1, 2022, submit to the
Committees on Armed Services of the Senate and
the House of Representatives a report containing the
results of such review.

(d) COVERED INSTALLATION DEFINED.—In this sec-
tion, the term “covered installation” means a remote in-
stallation of the Department of Defense outside the con-
tiguous United States.

SEC. 746. ANTIMICROBIAL STEWARDSHIP STAFFING AT
MEDICAL TREATMENT FACILITIES OF THE
DEPARTMENT OF DEFENSE.

(a) DEVELOPMENT OF RECOMMENDATIONS.—Not
later than 90 days after the date of the enactment of this
Act, the Secretary of Defense, in consultation with the
Centers for Disease Control and Prevention and relevant
medical societies, shall develop for its military medical
treatment facilities—

(1) stewardship staffing recommendations,
based upon facility size and patient populations; and

(2) diagnostics stewardship recommendations to
improve antimicrobial stewardship programs.
(b) Implementation Plan.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a plan for carrying out the recommendations developed under subsection (a) and identify barriers to implementing such recommendations.

SEC. 747. REPORT ON CHIROPRACTIC CARE FOR DEPENDENTS AND RETIREES UNDER THE TRICARE PROGRAM.

Not later than 1 year after the date of the enactment of this Act, the Director of the Defense Health Agency shall submit to the congressional defense committees a report on the feasibility, efficacy, and cost of expanding coverage for chiropractic care to covered beneficiaries under the TRICARE program (as those terms are defined in section 1072 of title 10, United States Code).

SEC. 748. STUDY ON MEDEVAC HELICOPTERS AND AMBULANCES AT MILITARY INSTALLATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a study on the potential benefits and feasibility of requiring that—
(1) each enduring military installation located outside the United States has at least one properly functioning medical evacuation helicopter and at least one properly functioning ambulance; and

(2) each such helicopter and ambulance is stocked with appropriate emergency medical supplies.

SEC. 749. FUNDING FOR PANCREATIC CANCER RESEARCH.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 1405 for the Defense Health Program, as specified in the corresponding funding table in section 4501, for R&D Research is hereby increased by $5,000,000 for the purposes of a pancreatic cancer early detection initiative (EDI).

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 1405 for Defense Health Program, as specified in the corresponding funding table in section 4501, for Base Operations/Communications is hereby reduced by $5,000,000.

SEC. 750. REPORT ON MENTAL HEALTH TREATMENT RELATING TO PREGNANCY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary
of Defense shall submit to Congress a report with respect to mental health treatment relating to pregnancy that assesses the following:

(1) The extent to which treatment for covered mental health issues is available and accessible to active duty members of the Armed Forces and the spouses of such members.

(2) The extent to which data on the rate of occurrence of covered mental health issues among active duty members of the Armed Forces, and the spouses of such members, is collected.

(3) The barriers that prevent active duty members of the Armed Forces, and the spouses of such members, from seeking or obtaining care for covered mental health issues.

(4) The ways in which the Department of Defense is addressing barriers identified under paragraph (3).

(b) Covered Mental Health Issues Defined.—In this section, the term “covered mental health issues” means pregnancy-related depression, postpartum depression, and other pregnancy-related mood disorders.
SEC. 750A. REPORT ON COST OF EXTENDING TRICARE COVERAGE TO INDIVIDUALS PARTICIPATING IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an analysis of the cost of providing coverage and health care benefits under the TRICARE program to each individual currently participating in a health professions scholarship and financial assistance program established pursuant to section 2121 of title 10, United States Code.

SEC. 750B. REPORT ON HEALTH CARE RECORDS OF DEPENDENTS WHO LATER SEEK TO SERVE AS A MEMBER OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use by the military departments of health care records of individuals who are dependents or former dependents of members of the Armed Forces with respect to that individual later serving or seeking to serve as a member of the Armed Forces. The report shall include the following:

(1) A description of the policy of the Department of Defense and each military department with respect to combining the juvenile medical records of
such an individual with the military medical records of that individual who serves as a member of the Armed Forces.

(2) The total number of cases where such juvenile medical records were so combined with the military medical records of the individual.

(3) The total number of cases where an individual was either discharged, or was prevented from joining the Armed Forces, because of the juvenile medical records of the individual from when the individual was a dependent of a member of the Armed Forces.

(4) The total number of cases where an individual was granted a waiver preventing a discharge or being denied from joining the Armed Forces as described in paragraph (3).

(5) Any actions the Secretary of Defense or a Secretary of a military department has taken or plans to take to prevent a discharge or being denied from joining the Armed Forces as described in paragraph (3).
SEC. 750C. BRIEFING ON EXTENSION OF TRICARE PRIME TO ELIGIBLE BENEFICIARIES IN PUERTO RICO AND OTHER UNITED STATES TERRITORIES.

(a) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the feasibility, benefits, and costs of extending eligibility to enroll in TRICARE Prime to eligible beneficiaries who reside in Puerto Rico and other United States territories.

(b) ELEMENTS.—The briefing under subsection (a) shall provide an assessment specifically tailored to each United States territory and include, at a minimum—

(1) a description and update of the findings contained in the 2019 Department of Defense report on the feasibility and effect of extending TRICARE Prime to eligible beneficiaries residing in Puerto Rico, as required by the conference report accompanying the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232);

(2) an assessment of whether otherwise eligible beneficiaries residing in Puerto Rico and other United States territories have access to health care that is equivalent, with respect to both quality and
cost, to the care available to their counterparts residing in the States and the District of Columbia;

(3) an assessment of the feasibility, benefits, beneficiary satisfaction and costs of extending TRICARE Prime to some, but not all, categories of beneficiaries residing in Puerto Rico and other United States territories; and

(4) an assessment of opportunities to partner with other Federal health care systems to support resources and share costs and services in extending TRICARE Prime in Puerto Rico and the other United States territories.

(e) Other United States Territories Defined.—In this section, the term “other United States territories” means American Samoa, Guam, the Northern Mariana Islands, and the United States Virgin Islands.

SEC. 750D. FUNDING FOR POST-TRAUMATIC STRESS DISORDER.

(a) Funding.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated by section 1405 for the Defense Health Program, as specified in the corresponding funding table in such division, is hereby increased by $2,500,000 for post-traumatic stress disorder.
(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated for operation and maintenance, Defense-wide, as specified in the corresponding funding table in section 4301, for Operation and Maintenance, Defense-wide is hereby reduced by $2,500,000.

SEC. 750E. INCREASED COLLABORATION WITH NIH TO COMBAT TRIPLE NEGATIVE BREAST CANCER.

(a) IN GENERAL.—The Office of Health of the Department of Defense shall work in collaboration with the National Institutes of Health to—

(1) identify specific genetic and molecular targets and biomarkers for triple negative breast cancer; and

(2) provide information useful in biomarker selection, drug discovery, and clinical trials design that will enable both—

(A) triple negative breast cancer patients to be identified earlier in the progression of their disease; and

(B) the development of multiple targeted therapies for the disease.

(b) FUNDING.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated by section 1405 for the De-
fense Health Program, as specified in the corresponding funding tables in division D, is hereby increased by $10,000,000 to carry out subsection (a).

(c) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated for operation and maintenance, Defense-wide, as specified in the corresponding funding table in section 4301, for Operation and Maintenance, Defense-wide is hereby reduced by $10,000,000.

SEC. 750F. STUDY ON READINESS CONTRACTS AND THE PREVENTION OF DRUG SHORTAGES.

(a) Study.—The Secretary of Defense shall conduct a study on the effectiveness of readiness contracts managed by the Customer Pharmacy Operations Center of the Defense Logistics Agency in meeting the military’s drug supply needs. The study shall include an analysis of how the contractual approach to manage drug shortages for military health care can be a model for responding to drug shortages in the civilian health care market in the United States.

(b) Consultation.—In conducting the study under subsection (a), the Secretary of Defense shall consult with—

(1) the Secretary of Veterans Affairs;
(2) the Commissioner of Food and Drugs and the Administrator of the Drug Enforcement Administra-
tion; and

(3) physician organizations, drug manufactur-
ers, pharmacy benefit management organizations, and such other entities as the Secretary determines appropriate.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study under subsection (a) and any conclusions and recommen-
dations of the Secretary relating to such study.

SEC. 750G. FINDINGS AND SENSE OF CONGRESS ON MUS-
CULOSKELETAL INJURIES.

(a) FINDINGS.—Congress finds the following:

(1) Musculoskeletal injuries among members of the Armed Forces serving on active duty result in more than 10,000,000 limited-duty days each year and account for more than 70 percent of the med-
cally non-deployable population.

(2) Extremity injury accounts for 79 percent of reported trauma cases in theater and members of the Armed Forces experience anterior cruciate liga-
ment (ACL) injuries at 10 times the rate of the gen-
eral population.
(b) **SENSE OF CONGRESS.**—It is the sense of Con-
gress that Congress—

(1) recognizes the important work of the Naval
Advanced Medical Research Unit in Wound Care
Research; and

(2) encourages continued development of inno-
vations for the warfighter, especially regarding ten-
don and ligament injuries that prevent return to
duty for extended periods of time.

**SEC. 750H. WOUNDED WARRIOR SERVICE DOG PROGRAM.**

(a) **GRANTS AUTHORIZED.**—The Secretary of De-
fense shall establish a program, to be known as the
“Wounded Warrior Service Dog Program”, to award com-
petitive grants to nonprofit organizations to assist such
organizations in the planning, designing, establishing, or
operating (or any combination thereof) of programs to
provide assistance dogs to covered members and veterans.
The awarding of such grants is subject to the availability
of appropriations provided for such purpose.

(b) **USE OF FUNDS.**—

(1) **IN GENERAL.**—The recipient of a grant
under this section shall use the grant to carry out
programs that provide assistance dogs to covered
members and veterans who have a disability de-
scribed in paragraph (2).
(2) Disability.—A disability described in this paragraph is any of the following:

(A) Blindness or visual impairment.

(B) Loss of use of a limb, paralysis, or other significant mobility issues.

(C) Loss of hearing.

(D) Traumatic brain injury.

(E) Post-traumatic stress disorder.

(F) Any other disability that the Secretary of Defense considers appropriate.

(3) Timing of Award.—The Secretary may not award a grant under this section to reimburse a recipient for costs previously incurred by the recipient in carrying out a program to provide assistance dogs to covered members and veterans unless the recipient elects for the award to be such a reimbursement.

(c) Eligibility.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

(1) a proposal for the evaluation required by subsection (d); and

(2) a description of—
(A) the training that will be provided by
the organization to covered members and vet-
erans;

(B) the training of dogs that will serve as
assistance dogs;

(C) the aftercare services that the organi-
zation will provide for such dogs and covered
members and veterans;

(D) the plan for publicizing the availability
of such dogs through a targeted marketing
campaign to covered members and veterans;

(E) the recognized expertise of the organi-
zation in breeding and training such dogs;

(F) the commitment of the organization to
humane standards for animals; and

(G) the experience of the organization with
working with military medical treatment facil-
ities or medical facilities of the Department of
Veterans Affairs; and

(3) a statement certifying that the organiza-
tion—

(A) is accredited by Assistance Dogs Inter-
national, the International Guide Dog Federa-
tion, or another similar widely recognized ac-
creditation organization that the Secretary de-
terminates has accreditation standards that meet or exceed the standards of Assistance Dogs International and the International Guide Dog Federation; or

(B) is a candidate for such accreditation or otherwise meets or exceeds such standards, as determined by the Secretary.

(d) EVALUATION.—The Secretary shall require each recipient of a grant to use a portion of the funds made available through the grant to conduct an evaluation of the effectiveness of the activities carried out through the grant by such recipient.

(e) COORDINATION.—The Secretary of Defense shall coordinate with the Secretary of Veterans Affairs in awarding grants under this section.

(f) DEFINITIONS.—In this section:

(1) ASSISTANCE DOG.—The term “assistance dog” means a dog specifically trained to perform physical tasks to mitigate the effects of a disability described in subsection (b)(2), except that the term does not include a dog specifically trained for comfort or personal defense.

(2) COVERED MEMBERS AND VETERANS.—The term “covered members and veterans” means—
(A) with respect to a member of the Armed Forces, such member who is—

(i) receiving medical treatment, recuperation, or therapy under chapter 55 of title 10, United States Code;

(ii) in medical hold or medical holdover status; or

(iii) covered under section 1202 or 1205 of title 10, United States Code; and

(B) with respect to a veteran, a veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code.

SEC. 750I. SENSE OF CONGRESS REGARDING MATERNAL MORTALITY REVIEW.

It is the sense of Congress that—

(1) maternal Mortality, and the racial disparities in the rates of pregnancy-related deaths in our country, presents a challenge to our Nation that requires a strong and uniform response across all parts of our society, including the military;

(2) the Defense Department should be acknowledged for the efforts it has begun to address concerns about maternal mortality and severe morbidity among service members and dependents;
(3) State maternal mortality review committees, which involve a multidisciplinary group of experts including physicians, epidemiologists, and others, have made significant advancements in identifying, characterizing, and providing a deeper understanding of the circumstances surrounding each maternal death, which can be helpful in designing effective public health responses to prevent future such deaths;

(4) key to the work of such review committees is transparent, consistent, and comprehensive data collection regarding maternal deaths, the use of effective methods to ensure confidentiality protections and de-identification of any information specific to a reviewed case, information sharing with relevant stakeholders including access to the CDC’s National Death Index data and State death certificate data;

(5) the Defense Department is encouraged to continue to work to establish a maternal mortality review committee which would conduct reviews of each death of a service member or dependent during pregnancy or childbirth involving a multidisciplinary group of experts including physicians, epidemiologists, patient advocates, civilians with experience with maternal mortality review committees and re-
views of maternal mortality records, and other ex-

(6) the Department should keep Congress regu-

larly updated and informed, through reports and

briefings on its efforts to set up the committee ref-

erenced in paragraph (5), any barriers to estab-

lishing such committee, and its overall efforts to ad-

dress maternal mortality among service members

and dependents, including its efforts to participate

in the Alliance for Innovation on Maternal program

or similar maternal health quality improvement ini-

tiatives.

SEC. 750J. REPORT ON LAPSES IN TRICARE COVERAGE FOR

MEMBERS OF THE NATIONAL GUARD AND RE-

SERVE COMPONENTS.

(a) Report.—Not later than 1 year after the date

of the enactment of this Act, the Comptroller General of

the United States shall submit to the appropriate congres-
sional committees a report containing an analysis of each

of the following:

(1) Any lapses in coverage under the TRICARE

program for a member of a reserve component that

occurred during the 8-year period ending on the date

of the enactment of this Act and were caused by a
change in the duty status of such member, including
an identification of the total number of such lapses.

(2) The factors contributing to any such lapses,
including—

(A) technological factors, including factors
relating to outdated systems;

(B) human errors in processing changes in
duty status; and

(C) shortages in the level of administrative
staffing of the National Guard.

(3) How factors contributing to any such lapses
were identified under paragraph (2) and whether ac-
tions have been taken to address the factors.

(4) The effect of any such lapses on—

(A) the delivery of health care benefits to
members of the reserve components and the eli-
gible dependents of such members; or

(B) force readiness and force retention.

(5) The parties responsible for identifying and
communicating to a member of a reserve component
issues relating to eligibility under the TRICARE
program.

(6) The methods by which a member of a re-
serve component, an eligible dependent of such mem-
ber, or the Secretary of Defense may verify the sta-
tus of enrollment in the TRICARE program regarding the member before, during, and after a deployment of the member.

(7) The comparative effectiveness, with respect to the delivery of health care benefits to a member of a reserve component and eligible dependents of such member, of—

(A) continuing the current process by which a previously eligible member must transition from coverage under TRICARE Reserve Select to coverage under TRICARE Prime after a change to active service in the duty status of such member; and

(B) establishing a new process by which a previously eligible member may remain covered by TRICARE Reserve Select after a change to active service in the duty status of such member (whether by allowing a previously eligible member to pay a premium for such coverage or by requiring the Federal Government to provide for such coverage).

(8) Whether the current process referred to in paragraph (7)(A) negatively affects the delivery of health care benefits as a result of transitions between network providers.
(9) The actions necessary to prevent future occurrences of such lapses, including legislative actions.

(b) DEFINITIONS.—In this section:

(1) The term “active service” has the meaning given that term in section 101(d) of title 10, United States Code.

(2) The term “appropriate congressional committees” means the congressional defense committees (as defined in section 101(a) of title 10, United States Code) and the Committees on Veterans’ Affairs of the House of Representatives and the Senate.

(3) The term “eligible dependent” means a dependent of a member of a reserve component—

(A) described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code; and

(B) eligible for coverage under the TRICARE Program.

(4) The term “previously eligible member” means a member of a reserve component who was eligible for coverage under TRICARE Reserve Select pursuant to section 1076d of title 10, United States Code.
Code, prior to a change to active service in the duty status of such member.

(5) The terms “TRICARE Prime” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

(6) The term “TRICARE Reserve Select” has the meaning given that term in section 1076d(f) of title 10, United States Code.

SEC. 750K. STUDY AND REPORT ON INCREASING TELE-HEALTH SERVICES ACROSS ARMED FORCES.

(a) STUDY.—The Secretary of Defense shall conduct a study that reviews, identifies, and evaluates the technology approaches, policies, and concepts of operations of telehealth and telemedicine programs across all military departments. The study shall include:

(1) Identification and evaluation of limitations and vulnerabilities of healthcare and medicine capabilities as they relate to telemedicine.

(2) Identification and evaluation of essential technologies needed to achieve documented goals and capabilities of telehealth and associated technologies required to support sustainability.

(3) Development of a technology maturation roadmap, including an estimated funding profile over
time, needed to achieve an effective operational tele-
health usage that describes both the critical and as-
sociated supporting technologies, systems integra-
tion, prototyping and experimentation, and test and
evaluation.

(4) An analysis of telehealth programs, such as
remote diagnostic testing and evaluation tools that
contribute to the medical readiness of military med-
ical providers.

(b) REPORT.—Not later than 1 year after the date
of the enactment of this Act, the Secretary of Defense
shall submit to the Congressional defense committees the
study conducted under subsection (a).

SEC. 750L. STUDY ON JOINT DEPLOYMENT FORMULARY.

(a) STUDY.—Not later than 270 days after the date
of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Health and Human
Services, the Commissioner of Food and Drugs, and the
heads of other departments and agencies of the Federal
Government that the Secretary of Defense determines ap-
propriate, shall submit to the appropriate congressional committees a report containing a study on the joint de-
ployment formulary.

(b) ELEMENTS.—The study under subsection (a)
shall include—
(1) a list of the drugs and vaccines on the joint
deployment formulary;

(2) an identification of the active pharma-
ceutical ingredients of such drugs and vaccines and
the components of such active pharmaceutical ingre-
dients;

(3) the country of origin of—

(A) the active pharmaceutical ingredients;

(B) the components of such ingredients;

and

(C) the source materials of such ingredi-
ents and components;

(4) a list of each manufacturer of such drugs
and vaccines that is owned, in whole or in part, by
a foreign entity, including—

(A) identification of each such foreign enti-
ty; and

(B) the percentage of such ownership by
each such foreign entity;

(5) identification of any barriers, limitations, or
constraints that may inhibit the ability of the De-
partment of Defense to procure and sustain its sup-
ply of drugs and vaccines, including with respect
to—

(A) the Federal Acquisition Regulation;
(B) applicable laws and regulations of the Federal Government; and

(C) whether the raw materials can be found in the United States;

(6) an identification of military partners and allies of the United States who could help manufacture such components and materials;

(7) an assessment of the steps the Secretary of Defense is currently taking to mitigate any shortages of critical drugs and vaccines on the joint deployment formulary;

(8) a description of how the Secretary of Defense coordinates with the Secretary of Health and Human Services, the Commissioner of Food and Drugs, the Secretary of Commerce, the Secretary of Veterans Affairs, and other applicable heads of departments and agencies of the Federal Government; and

(9) if the Secretary is unable to provide any of the information under paragraphs (1) through (8), identification of any barriers in providing such information.

(e) Form.—
(1) IN GENERAL.—The report submitted under subsection (a) shall be submitted in classified form and shall include an unclassified summary.

(2) PROTECTION OF INFORMATION.—The Secretary of Defense—

(A) shall ensure that the unclassified summary described in paragraph (1) protects proprietary information pursuant to the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation; and

(B) may not disclose in such unclassified summary any information that is a trade secret under section 552(b)(4) of title 5, United States Code, or confidential information under section 1905 of title 18, United States Code.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(3) any other committee of Congress the Secretary of Defense determines appropriate.
Subtitle E—Mental Health Services
From Department of Veterans Affairs for Members of Reserve Components

SEC. 751. SHORT TITLE.
This subtitle may be cited as the “Care and Readiness Enhancement for Reservists Act of 2020” or the “CARE for Reservists Act of 2020”.

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.

(a) Readjustment Counseling.—Subsection (a)(1) of section 1712A of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(D)(i) The Secretary, in consultation with the Secretary of Defense, may furnish to any member of the reserve components of the Armed Forces who has a behavioral health condition or psychological trauma, counseling under subparagraph (A)(i), which may include a comprehensive individual assessment under subparagraph (B)(i).
“(ii) A member of the reserve components of the Armed Forces described in clause (i) shall not be required to obtain a referral before being furnished counseling or an assessment under this subparagraph.”.

(b) OUTPATIENT SERVICES.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by inserting “to an individual” after “If, on the basis of the assessment furnished”; and

(B) by striking “veteran” each place it appears and inserting “individual”; and

(2) in paragraph (2), by striking “veteran” and inserting “individual”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 753. PROVISION OF MENTAL HEALTH SERVICES FROM DEPARTMENT OF VETERANS AFFAIRS TO MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:
§ 1789. Mental health services for members of the reserve components of the Armed Forces

“The Secretary, in consultation with the Secretary of Defense, may furnish mental health services to members of the reserve components of the Armed Forces.”.

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1788 the following new item:

“1789. Mental health services for members of the reserve components of the Armed Forces.”.

SEC. 754. INCLUSION OF MEMBERS OF RESERVE COMPONENTS IN MENTAL HEALTH PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) Suicide Prevention Program.—

(1) In general.—Section 1720F of title 38, United States Code, is amended by adding at the end the following new subsection:

“(1)(1) Covered Individual Defined.—In this section, the term ‘covered individual’ means a veteran or a member of the reserve components of the Armed Forces.

“(2) In determining coverage of members of the reserve components of the Armed Forces under the comprehensive program, the Secretary shall consult with the Secretary of Defense.”.

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(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by striking “veterans” and inserting “covered individuals”;

(B) in subsection (b), by striking “veterans” each place it appears and inserting “covered individuals”;

(C) in subsection (c)—

(i) in the subsection heading, by striking “OF VETERANS”;

(ii) by striking “veterans” each place it appears and inserting “covered individuals”; and

(iii) by striking “veteran” and inserting “individual”;

(D) in subsection (d), by striking “to veterans” each place it appears and inserting “to covered individuals”;

(E) in subsection (e), in the matter preceding paragraph (1), by striking “veterans” and inserting “covered individuals”; and

(F) in subsection (f)—

(i) in the first sentence, by striking “veterans” and inserting “covered individuals”; and
(ii) in the second sentence, by inserting “or members” after “veterans”;

(G) in subsection (g), by striking “veterans” and inserting “covered individuals”;

(H) in subsection (h), by striking “veterans” and inserting “covered individuals”;

(I) in subsection (i)—

(i) in the subsection heading, by striking “FOR VETERANS AND FAMILIES”;

(ii) in the matter preceding paragraph (1), by striking “veterans and the families of veterans” and inserting “covered individuals and the families of covered individuals”;

(iii) in paragraph (2), by striking “veterans” and inserting “covered individuals”; and

(iv) in paragraph (4), by striking “veterans” each place it appears and inserting “covered individuals”;

(J) in subsection (j)—

(i) in paragraph (1), by striking “veterans” each place it appears and inserting “covered individuals”; and

(ii) in paragraph (4)—
(I) in subparagraph (A), in the matter preceding clause (i), by striking “women veterans” and inserting “covered individuals who are women”; 

(II) in subparagraph (B), by striking “women veterans who” and inserting “covered individuals who are women and”; and 

(III) in subparagraph (C), by striking “women veterans” and inserting “covered individuals who are women”; and 

(K) in subsection (k), by striking “veterans” and inserting “covered individuals”. 

(3) CLERICAL AMENDMENTS.—— 

(A) IN GENERAL.—Such section is further amended, in the section heading, by inserting “and members of the reserve components of the Armed Forces” after “veterans”. 

(B) TABLE OF SECTIONS.—The table of sections at the beginning of such subchapter is amended by striking the item relating to section 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.”.
(b) Mental Health Treatment for Individuals.—

(1) In general.—Section 1720H of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking “eligible veteran” and inserting “eligible individual”; and

(II) by striking “the veteran” and inserting “the individual”; and

(ii) in paragraph (3), by striking “eligible veterans” and inserting “eligible individuals”;  

(B) in subsection (b)—

(i) by striking “a veteran” and inserting “an individual”; and

(ii) by striking “eligible veteran” and inserting “eligible individual”; and

(C) in subsection (e)—

(i) in paragraph (2), in the matter preceding subparagraph (A), by striking “The term ‘eligible veteran’ means a veteran” and inserting “The term ‘eligible individual’ means a veteran or a member of
the reserve components of the Armed Forces”; and

(ii) in paragraph (3), by striking “eligible veteran” and inserting “eligible individual”.

(2) CLERICAL AMENDMENTS.—

(A) IN GENERAL.—Such section is further amended, in the section heading, by inserting “and members of the reserve components of the Armed Forces” after “veterans”.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1720H and inserting the following new item:

“1720H. Mental health treatment for veterans and members of the reserve components of the Armed Forces who served in classified missions.”.

SEC. 755. REPORT ON MENTAL HEALTH AND RELATED SERVICES PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the congressional defense committees and the Committees on Veterans’ Affairs of
the Senate and the House of Representatives a report that includes an assessment of the following:

(1) The increase, as compared to the day before the date of the enactment of this Act, of the number of members of the Armed Forces that use readjustment counseling or outpatient mental health care from the Department of Veterans Affairs, disaggregated by State, Vet Center location, and clinical care site of the Department, as appropriate.

(2) The number of members of the reserve components of the Armed Forces receiving telemental health care from the Department.

(3) The increase, as compared to the day before the date of the enactment of this Act, of the annual cost associated with readjustment counseling and outpatient mental health care provided by the Department to members of the reserve components of the Armed Forces.

(4) The changes, as compared to the day before the date of the enactment of this Act, in staffing, training, organization, and resources required for the Department to offer readjustment counseling and outpatient mental health care to members of the reserve components of the Armed Forces.
(5) Any challenges the Department has encountered in providing readjustment counseling and outpatient mental health care to members of the reserve components of the Armed Forces.

(b) Vet Center Defined.—In this section, the term “Vet Center” has the meaning given that term in section 1712A(h) of title 38, United States Code.

SEC. 756. PILOT PROGRAM ON SLEEP APNEA AMONG NEW RECRUITS.

(a) Pilot Program.—The Secretary of Defense, acting through the Defense Health Agency, shall carry out a pilot program to determine the prevalence of sleep apnea among members of the Armed Forces assigned to initial training.

(b) Participation.—

(1) Members.—The Secretary shall ensure that the number of members who participate in the pilot program under subsection (a) is sufficient to collect statistically significant data for each military department.

(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).
(c) Process.—The Secretary shall carry out the pilot program by testing members for sleep apnea using non-invasive methods over the course of 2 consecutive nights that allow for 6 to 8 hours of sleep.

SEC. 757. REPORT ON RESEARCH AND STUDIES ON HEALTH EFFECTS OF BURN PITS.

The Secretary of Defense shall submit to the congressional defense committees and the Committees on Veterans’ Affairs of the House of Representatives and the Senate a detailed report on the status, methodology, and culmination timeline of all the research and studies being conducted to assess the health effects of burn pits. The report shall include an identification of any challenges and potential challenges with respect to completing such research and studies and recommendations to address such challenges.

SEC. 758. MANDATORY TRAINING ON HEALTH EFFECTS OF BURN PITS.

The Secretary of Defense shall provide to each medical provider of the Department of Defense mandatory training with respect to the potential health effects of burn pits.
SEC. 759. INCLUSION OF INFORMATION ON EXPOSURE TO OPEN BURN PITS IN POSTDEPLOYMENT HEALTH REASSESSMENTS.

(a) IN GENERAL.—The Secretary of Defense shall include in postdeployment health reassessments conducted under section 1074f of title 10, United States Code, pursuant to a Department of Defense Form 2796, or successor form, an independent and conspicuous question regarding exposure of members of the Armed Forces to open burn pits.

(b) INCLUSION IN ASSESSMENTS BY MILITARY DEPARTMENTS.—The Secretary of Defense shall ensure that the Secretary of each military department includes a question regarding exposure of members of the Armed Forces to open burn pits in any electronic postdeployment health assessment conducted by that military department.

(e) OPEN BURN PIT DEFINED.—In this section, the term “open burn pit” has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).
SEC. 760. EXPANSION OF SCOPE OF DEPARTMENT OF VETERANS AFFAIRS OPEN BURN PIT REGISTRY TO INCLUDE OPEN BURN PITS IN EGYPT AND SYRIA.

Section 201(c)(2) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note) is amended, in the matter before subparagraph (A), by striking “or Iraq” and inserting “, Iraq, Egypt, or 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.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense may commence the conduct of a pilot program through the award of grants to carry out a comprehensive brain health and treatment program that provides coordinated, integrated, multidisciplinary specialist evaluations, treatment initiation, and aftercare coordination to members of the Army, Navy, Air Force, Marine Corps, and Space Force impacted by traumatic brain injury and other
associated health factors that influence long-term brain health and performance.

(2) ELEMENTS.—

(A) EVALUATIONS.—Multidisciplinary specialist evaluations under paragraph (1) shall include evaluations in the following specialties:

(i) Brain injury medicine.
(ii) Neuropsychology.
(iii) Clinical psychology.
(iv) Psychiatry.
(v) Neuroendocrinology.
(vi) Sports medicine.
(vii) Muscular skeletal and vestibular physical therapy.
(viii) Neuroimaging.
(ix) Hormonal evaluation.
(x) Metabolic testing.
(xi) Cardiovascular testing.
(xii) Cerebrovascular testing.

(B) TREATMENT.—Treatment under paragraph (1) shall include the following:

(i) Headache treatment.
(ii) Sleep interventions and medication.
(iii) Injection-based therapies for musculoskeletal pain.

(iv) Cognitive rehabilitation.

(v) Vestibular physical therapy.

(vi) Exercise programming.

(b) Eligible Individuals.—An individual is eligible to participate in the pilot program under this section if the individual—

(1) is a member of the Army, Navy, Air Force, Marine Corps, or Space Force who served on active duty; and

(2) experienced an incident for which treatment may be sought under the pilot program while performing—

(A) active service; or

(B) active Guard and Reserve duty.

(c) Maximum Amount of Grants.—In accordance with the services being provided under a grant under this section and the duration of those services, the Secretary shall establish a maximum amount to be awarded under the grant that is not greater than $750,000 per grantee per fiscal year.

(d) Requirements for Receipt of Financial Assistance.—
(1) Notification that services are from Department.—Each entity receiving financial assistance under this section to provide services to eligible individuals and their family shall notify the recipients of such services that such services are being paid for, in whole or in part, by the Department.

(2) Coordination with other services from Department.—Each entity receiving a grant under this section shall coordinate with the Secretary with respect to the provision of clinical services to eligible individuals in accordance with any other provision of law regarding the delivery of healthcare under the laws administered by the Secretary.

(3) Measurement and monitoring.—Each entity receiving a grant under this section shall submit to the Secretary a description of the tools and assessments the entity uses or will use to determine the effectiveness of the services furnished by the entity under this section, including the effect of those services on—

(A) the financial stability of eligible individuals receiving those services;
(B) the mental health status, well-being, and suicide risk of those eligible individuals; and

(C) the social support of those eligible individuals.

(4) REPORTS.—The Secretary—

(A) shall require each entity receiving financial assistance under this section to submit to the Secretary an annual report that describes the projects carried out with such financial assistance during the year covered by the report, including the number of eligible individuals served;

(B) shall specify to each such entity the evaluation criteria and data and information, which shall include a mental health, well-being, and suicide risk assessment of each eligible individual served, to be submitted in such report; and

(C) may require such entities to submit to the Secretary such additional reports as the Secretary considers appropriate.

(e) TERMINATION.—The Secretary may not conduct the pilot program under this section after the date that is 3 years after the date of the enactment of this Act.
(f) Report.—Not later than 180 days after the date on which the pilot program under this section terminates, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effectiveness of the pilot program.

(g) Definitions.—In this section, the terms ‘‘active duty’’, ‘‘active Guard and Reserve duty’’, and ‘‘active service’’ have the meanings given those terms in section 101 of title 10, United States Code.

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.

Section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note), is amended by adding at the end the following new subsection:

‘‘(e) Report.—Not later than 30 days after the date of termination of an acquisition program commenced using the authority under this section, the Secretary of
Defense shall submit to Congress a notification of such termination. Such notice shall include—

“(1) the initial amount of a contract awarded under such acquisition program;

“(2) the aggregate amount of funds awarded under such contract; and

“(3) written documentation of the reason for termination of such acquisition program.”.

SEC. 802. MODIFICATION TO THE DEFINITION OF NON-TRADITIONAL DEFENSE CONTRACTOR.

Section 2302(9) of title 10, United States Code, is amended to read as follows:

“(9) the term ‘nontraditional defense contractor’, with respect to a procurement or with respect to a transaction authorized under section 2371(a) or 2371b of this title, means—

“(A) an entity that is not currently performing and has not performed, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any contract or subcontract for the Department of Defense that is subject to full coverage under the cost accounting standards prescribed pursuant to sec-
tion 1502 of title 41 and the regulations imple-
menting such section; or

“(B) a corporation all of the stock of
which is owned by an employee stock ownership
plan (as defined in section 4975(e)(7) of the In-
ternal Revenue Code of 1986).”.

SEC. 803. MAJOR WEAPON SYSTEMS: LIFE-CYCLE
SUSTAINMENT PLAN.

(a) In General.—Chapter 139 of title 10, United
States Code, is amended by inserting after section 2366c
the following new section:

“§ 2366d. Major weapon systems: life-cycle
sustainment plans

“(a) Requirement.—Before granting Milestone C
approval for a major weapon system acquired pursuant to
a major defense acquisition program, the milestone deci-
sion authority for such program shall submit to the Sec-
retary a life-cycle sustainment plan.

“(b) Elements.—A life-cycle sustainment plan re-
quired under subsection (a) shall include—

“(1) a sustainment plan that includes the prod-
uct support strategy, performance, and operation
and support costs of the major weapon system;
“(2) metrics to measure readiness and availability of the major weapon system to perform its intended purpose or function;

“(3) a schedule for the major maintenance and overhaul activities that will be required during the life cycle of the major weapon system; and

“(4) a sustainment baseline cost estimate for the planned life cycle of the major weapon system that includes a technical data and intellectual property management plan that clearly delineates which subsystems of the major weapon system are Government-owned or Government-required and which subsystems are owned by a prime contractor or subcontractor (at any tier).

“(c) REVIEW.—The Secretary of Defense shall review a life-cycle sustainment plan submitted under subsection (a) 5 years after the receipt of Milestone C approval described in such subsection, and every 10 years thereafter, to ensure that the major weapon system is cost effective and is able to meet required metrics relating to readiness and availability of such system.

“(d) NOTIFICATION REQUIREMENTS.—

“(1) IN GENERAL.—Not later than 45 days after a significant and critical breach of a sustainment baseline cost estimate of a life-cycle
sustainment plan for a major weapon system acquired pursuant to a major defense acquisition program, the Secretary of the military department that is managing such program shall submit to the congressional defense committees a notification of such breach.

“(2) REVIEW.—Not later than 180 days after submitting a notification under paragraph (1), such Secretary shall review the sustainment costs of the major weapon system to which such notification relates relative to the sustainment baseline cost estimate.

“(3) ADDITIONAL SUBMISSION.—Such Secretary shall submit to the congressional defense committees—

“(A) a certification that the review required under paragraph (2) has been completed; and

“(B) a remediation plan or endorsement by such Secretary that the sustainment cost growth is justified and required for such Secretary to meet the requirements related to the major defense acquisition program.

“(e) DEFINITIONS.—In this section:
“(1) Major defense acquisition program.—The term ‘major defense acquisition program’ has the meaning given in section 2430 of this title.

“(2) Major weapon system.—The term ‘major weapon system’ has the meaning given in section 2379(f) of this title.

“(3) Milestone C approval.—The term ‘Milestone C approval’ means a decision to enter into production and deployment pursuant to guidance prescribed by the Secretary of Defense for the management of a major defense acquisition program.

“(4) Sustainment baseline cost estimate.—The term ‘sustainment baseline cost estimate’ means the cost estimate and schedule for a life-cycle sustainment plan required under this section.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by inserting after the item relating to section 2366c the following new item:

“2366d. Major weapon systems: life-cycle sustainment plans.”.
SEC. 804. CONTRACTOR BUSINESS SYSTEMS.


(1) in subsection (b)—

(A) in paragraph (2), by striking “significant deficiencies” and inserting “deficiencies and material weaknesses”; 

(B) in paragraph (4), by striking “significant deficiency” and inserting “material weakness”; and  

(C) in paragraph (5)(A), by striking “significant deficiency” and inserting “material weakness”; 

(2) in subsection (d)(1), by striking “significant deficiencies” and inserting “material weaknesses”; 

(3) in subsection (g)—

(A) in paragraph (3), by striking “significant deficiency” and inserting “material weakness”; 

(B) by striking paragraph (4); 

(C) by redesignating paragraph (5) as paragraph (4); and  

(D) by adding at the end the following new paragraph:
“(5) The term ‘material weakness’ means a deficiency or combination of deficiencies in the internal control of a contractor business system used to comply with contracting requirements of the Department of Defense, or other shortcomings in such system, such that there is a reasonable possibility that a material nonecompliance with contracting requirements will not be prevented, or detected and corrected, on a timely basis.”.

SEC. 805. ACQUISITION AUTHORITY OF THE DIRECTOR OF THE JOINT ARTIFICIAL INTELLIGENCE CENTER.

(a) Authority.—

(1) IN GENERAL.—The Director of the Joint Artificial Intelligence Center shall be responsible for, and shall have the authority to conduct, the following covered activities:

(A) Development and acquisition of artificial intelligence technologies, services, and capabilities.

(B) Sustainment of artificial intelligence technologies, services, and capabilities.

(2) ACQUISITION FUNCTIONS.—Subject to the authority, direction, and control of the Secretary of Defense, the Director shall have authority to exer-
cise the functions of a head of an agency (as defined in section 2302 of title 10, United States Code) with respect to a covered activity described in paragraph (1).

(b) JAIC ACQUISITION EXECUTIVE.—

(1) IN GENERAL.—The staff of the Director shall include an acquisition executive who shall be responsible for the supervision of covered activities under subsection (a). The acquisition executive shall have the authority—

(A) to negotiate memoranda of agreement with any element of the Department of Defense to carry out the acquisition of technologies, services, and capabilities described in subsection (a)(1) on behalf of the Center;

(B) to supervise the acquisition of technologies, services, and capabilities described in subsection (a)(1);

(C) to represent the Center in discussions with military departments regarding acquisition programs relating to covered activities for which the Center is involved; and

(D) to work with the military departments to ensure that the Center is appropriately represented in any joint working group or inte-
grated product team regarding acquisition pro-
grams relating to covered activities for which
the Center is involved.

(2) **DELIVERY OF ACQUISITION SOLUTIONS.**—
The acquisition executive of the Center shall be—

(A) responsible to the Director for rapidly
delivering acquisition solutions to meet vali-
dated artificial intelligence requirements;

(B) subordinate to the Under Secretary of
Defense for Acquisition and Sustainment in
matters of acquisition;

(C) subject to the same oversight as the
service acquisition executives; and

(D) included on the distribution list for ac-
quision directives and instructions of the De-
partment of Defense.

(3) **ACQUISITION PERSONNEL.**—

(1) **IN GENERAL.**—The Secretary of Defense
shall provide the Center with ten full-time employees
to support the Director in carrying out the require-
ments of this section. Such employees shall have ex-
perience in—

(A) program acquisition;

(B) the Joint Capabilities Integration and
Development System process;
(C) program management;
(D) system engineering; and
(E) cost analysis.

(2) EXISTING PERSONNEL.—The personnel provided under this subsection shall be provided from among the existing personnel of the Department of Defense.

(d) BUDGET.—Any budget proposal of the Center for funding for any covered activity described under subsection (a) shall be disaggregated by the amount requested for each covered activity.

(e) FUNDING.—In exercising the authority granted in subsection (a), the Director may not obligate or expend more than $150,000,000 out of the funds made available in each of fiscal years 2021, 2022, 2023, 2024, and 2025 to enter into new contracts to support covered activities carried out under this section.

(f) IMPLEMENTATION PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense may use the authority granted under subsection (a) 30 days after the date on which the Secretary provides to the congressional defense committees a plan for implementation such authority. The plan shall include the following:
(A) A Department of Defense-wide definition of artificial intelligence technologies, services, and capabilities.

(B) Summaries of the components to be negotiated in any memoranda of agreement with an element of the Department of Defense to carry out covered activities described under subsection (a).

(C) Timelines for the negotiation and approval of any such memorandum of agreement.

(D) Plan for oversight of the position of acquisition executive established in subsection (b).

(E) Assessment of the acquisition workforce needs of the Center to support the authority in subsection (a) until September 30, 2025.

(F) Other matters as appropriate.

(2) RELATIONSHIP TO OTHER AUTHORITIES.—The requirement to submit a plan under this subsection is in addition to the requirements under section 260 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1293).

(g) SUNSET.—Effective October 1, 2025, the Director may not exercise the authority under subsection (a)
and may not enter into any new contracts under this section. The performance on any contract entered into before such date may continue according to the terms of such contract.

(h) DEFINITIONS.—In this section:

(1) CENTER.—The term “Center” means the Joint Artificial Intelligence Center of the Department of Defense established pursuant to the memorandum of the Secretary of Defense dated June 27, 2018, and titled “Establishment of the Joint Artificial Intelligence Center”, or any successor to such Center.

(2) COVERED ACTIVITY.—The term “covered activity”—

(A) means an acquisition activity conducted using the authority under this section; and

(B) does not include—

(i) a major defense acquisition program (as defined in section 2430 of title 10, United States Code); or

(ii) a procurement of technologies related to artificial intelligence, if the duration of such procurement is expected to be greater than five years.
(3) Director.—The term “Director” means the Director of the Center.

(4) Element.—The term “element” means an element described under section 111(b) of title 10, United States Code.

(5) Military Departments.—The term “military departments” has the meaning given in section 101(8) of title 10, United States Code.

(6) Service Acquisition Executive.—The term “service acquisition executive” has the meaning given in section 101(10) of title 10, United States Code.

SEC. 806. REFORMING THE DEPARTMENT OF DEFENSE.

(a) In General.—The Secretary of Defense shall take such action as necessary to reform the Department of Defense to provide more effective, efficient, and economical administration and operation, and to eliminate duplication.

(b) National Defense Strategy.—Each national defense strategy required by section 113(g) of title 10, United States Code, shall include a description of the reform efforts described under subsection (a).

(e) Defense Planning Guidance.—The annual Defense Planning Guidance (as described in section 113(g)(2)(A) of title 10, United States Code) shall include
an explanation of how the Department of Defense will
carry out the reform efforts described under subsection
(a).

(d) DEFENSE AUTHORIZATION REQUEST.—The Sec-
retary of Defense shall include in the annual defense au-
thorization request (as defined in section 113a of title 10,
United States Code) a description of the savings from im-
plementing the reform efforts described under subsection
(a). Such description—

(1) shall be set forth separately from requested
amounts;

(2) may not include savings relating to the
deferment of requirements or taking of risk;

(3) shall be identified across the future-years
defense plan; and

(4) shall provide a comparison with the savings
in the annual defense authorization request from the
prior year.

(e) POLICY.—The Secretary of Defense shall develop
a policy and issue guidance to implement reform within
the Department of Defense in order to provide more effec-
tive, efficient, and economical administration and oper-
ations, and to eliminate duplication.

(f) REPORT.—The Secretary of Defense shall report
annually to Congress on the expenditures, work, and ac-
complishments of the Department of Defense during the period covered by the report, together with a report on the reform efforts described under subsection (a).

(g) MILITARY DEPARTMENTS.—Each Secretary of a military department shall—

(1) take such action as necessary to reform the military department to provide more effective, efficient, and economical administration and operations, and to eliminate duplication; and

(2) develop a policy and issue guidance to implement reform within the military department in order to provide more effective, efficient, and economical administration and operations, and to eliminate duplication.

(h) COMBATANT COMMANDS.—Each commander of a combatant command shall provide the Secretary of Defense with recommendations to reform the combatant command of such commander to provide more effective, efficient, and economical administration and operations, and to eliminate duplication.

SEC. 807. ALTERNATIVE SPACE ACQUISITION SYSTEM FOR THE UNITED STATES SPACE FORCE.

(a) MILESTONE DECISION AUTHORITY FOR MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEMS.—
(1) PROGRAM EXECUTIVE OFFICER.—The Secretary of the Air Force may assign an appropriate program executive officer as the milestone decision authority for major defense acquisition programs of the United States Space Force.

(2) PROGRAM MANAGER.—The program executive officer assigned under paragraph (1) may delegate authority over major systems to an appropriate program manager.

(b) ALTERNATIVE SPACE ACQUISITION SYSTEM.—

(1) IN GENERAL.—The Secretary of Defense shall take such actions necessary to develop an acquisition pathway within the Department of Defense to be known as the “Alternative Space Acquisition System” that is specifically tailored for space systems and programs in order to achieve faster acquisition and more rapid fielding of critical systems (including by using new commercial capabilities and services), while maintaining accountability for effective programs that are delivered on time and on budget.

(2) GOAL.—The goal of the Alternative Space Acquisition System shall be to quickly and effectively acquire space warfighting capabilities needed to address the requirements of the national defense strat-
egy (as defined under section 113(g) of title 10, United States Code).

(3) REPORT.—Not later than January 15, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the Alternative Space Acquisition System that includes the following:

(A) Proposed United States Space Force budget line items for fiscal year 2022, including—

   (i) a comparison with budget line items for major defense acquisition programs and major systems of the United States Space Force for three previous fiscal years; and

   (ii) measures to ensure sufficient transparency related to the performance of the Alternative Space Acquisition System and opportunities to oversee funding priorities for the Alternative Space Acquisition System.

(B) Proposed revised, flexible, and streamlined options for joint requirements validation in order to be more responsive and innovative, while ensuring the ability of the Joint Chiefs of
Staff to ensure top-level system requirements are properly prioritized to address joint warfighting needs.

(C) A list of acquisition programs of the United States Space Force for which multiyear procurement authorities are recommended.

(D) A list of space acquisition programs that may be able to use existing alternative acquisition pathways.

(E) Policies for a new Alternative Space Acquisition System with specific acquisition key decision points and reporting requirements for development, fielding, and sustainment activities that meets the requirements of the adaptive acquisition framework (as described in Department of Defense Instruction 5000.02, “Operation of the Adaptive Acquisition Framework”).

(F) Updated determination authority for procurement of useable end items that are not weapon systems.

(G) Policies and a governance structure for a separate United States Space Force budget topline, corporate process, and portfolio management process.
(H) An analysis of the risks and benefits of the delegation of the authority of the head of contracting activity authority to the Chief of Space Operations in a manner that would not expand the operations of the United States Space Force.

(c) Comptroller General Review.—Not later than 60 days after the submission of the report required under subsection (b)(3), the Comptroller General of the United States shall review such report and submit to the congressional defense committees an analysis and recommendations based on such report.

(d) Definitions.—In this section:

(1) Major defense acquisition program.—The term “major defense acquisition program” has the meaning given in section 2430 of title 10, United States Code.

(2) Major system.—The term “major system” has the meaning given in section 2302 of title 10, United States Code.

(3) Milestone decision authority.—The term “milestone decision authority” has the meaning given in section 2431a of title 10, United States Code.
4. **Program Executive Officer; Program Manager.**—The terms “program executive officer” and “program manager” have the meanings given those terms, respectively, in section 1737 of title 10, United States Code.

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

#### **SEC. 811. SUSTAINMENT REFORM FOR THE DEPARTMENT OF DEFENSE.**

(a) **Sustainment Activities in the National Defense Strategy.**—

(1) **In general.**—Section 113(g)(1)(B) of title 10, United States Code, is amended by adding at the end the following new subsection:

“(vii) A strategic framework prescribed by the Secretary that guides how the Department will prioritize and integrate activities relating to sustainment of major defense acquisition programs, core logistics capabilities (as described under section 2464 of this title), and the national technology and industrial base (as defined in section 2500 of this title).”.
(2) Duties of the Under Secretary of Defense for Acquisition and Sustainment.—Section 133b(b) of title 10, United States Code, is amended—

(A) in paragraph (7), by striking “and” at the end;

(B) in paragraph (8), by striking the period at the end and inserting “; and”;

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

“(9) advising the Secretary on all aspects of acquisition and sustainment relating to—

“(A) major defense acquisition programs;

“(B) core logistics capabilities (as described under section 2464 of this title);

“(C) the national technology and industrial base (as defined in section 2500 of this title);

and

“(D) the development of the strategic framework described in section 113(g)(1)(B)(vii) of this title.”.

(3) Interim Guidance.—Not later than October 1, 2021, the Secretary of Defense shall publish interim guidance to carry out the requirements of this subsection.
(b) REPORT.—Not later than February 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the progress towards publishing the interim guidance required under subsection (a)(3).

SEC. 812. MODIFICATIONS TO COMPTROLLER GENERAL ASSESSMENT OF ACQUISITION PROGRAMS AND RELATED INITIATIVES.

Section 2229b(b)(2) of title 10, United States Code, is amended by striking “a summary of” and all that follows through “discussion of the” and inserting “a discussion of selected organizational, policy, and legislative changes, as determined appropriate by the Comptroller General, and the potential”.

SEC. 813. CONTRACTOR WHISTLEBLOWER PROTECTIONS RELATING TO NONDISCLOSURE AGREEMENTS.

(a) DEPARTMENT OF DEFENSE CONTRACTORS.—

(1) IN GENERAL.—Section 2409(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) This section applies to any disclosure made by an employee of a contractor, subcontractor, grantee, or subgrantee or personal services contractor whether or not such employee has signed, or is subject to, a nondisclosure
policy, form, or agreement with such contractor, subcon-
tractor, grantee, or subgrantee or personal services con-
tractor.”.

(2) **Notification of Employees.**—Section 2409(d) of title 10, United States Code, is amend-
ed—

(A) by striking “inform” and inserting

‘submit to the Secretary or Administrator (as
applicable) a certification stating that such con-
tractor or subcontractor has informed”; and

(B) by inserting “(including the applica-
bility of such rights and remedies if such an
employee has signed, or is subject to, a non-
disclosure policy, form, or agreement)” after

“under this section”.

(3) **Application.**—With respect to a nondisclo-
sure policy, form, or agreement between a covered
contractor and a covered employee that was in effect
before the effective date of this Act, paragraph (4)
of section 2409(a) of title 10, United States Code,
as added by paragraph (1), shall apply if a covered
contractor has provided notice to a covered employee
of the rights and remedies of the covered employee
relating to a nondisclosure policy, form, or agree-
ment under section 2409(d) of such title, as amended by paragraph (2).

(4) WEBSITE UPDATE.—The Inspector General of the Department of Defense and the Inspector General of the National Aeronautics and Space Administration shall update any relevant websites to include information about this subsection and the amendments made by this subsection.

(5) DEFINITIONS.—In this subsection:

(A) COVERED CONTRACTOR.—The term “covered contractor” means a contractor, grantee, or personal services contractor of the Department of Defense or the National Aeronautics and Space Administration.

(B) COVERED EMPLOYEE.—The term “covered employee” means an employee of a covered contractor or a subcontractor or subgrantee of a covered contractor.

(b) OTHER GOVERNMENT CONTRACTORS.—

(1) IN GENERAL.—Section 4712(a) of title 41, United States Code, is amended by adding at the end the following new paragraph:

“(4) EFFECT OF A NONDISCLOSURE POLICY, FORM, OR AGREEMENT.—This section applies to any disclosure made by an employee of a contractor, sub-
contractor, grantee, or subgrantee or personal services contractor whether or not such employee has signed, or is subject to, a nondisclosure policy, form, or agreement with such contractor, subcontractor, grantee, or subgrantee or personal services contractor.”.

(2) NOTIFICATION OF EMPLOYEES.—Section 4712(d) of title 41, United States Code, is amended—

(A) by striking “inform” and inserting “submit to the applicable head of each executive agency a certification stating that such contractor or subcontractor has informed”; and

(B) by inserting “(including the applicability of such rights and remedies if such an employee has signed, or is subject to, a nondisclosure policy, form, or agreement)” after “under this section”.

(3) APPLICATION.—With respect to a nondisclosure policy, form, or agreement between a covered contractor and a covered employee that was in effect before the effective date of this Act, paragraph (4) of section 4712(a) of title 41, United States Code, as added by paragraph (1), shall apply if a covered contractor has provided notice to a covered employee
of the rights and remedies of the covered employee relating to a nondisclosure policy, form, or agreement under section 4712(d) of such title, as amended by paragraph (2).

(4) WEBSITE UPDATE.—Each Inspector General (as defined in section 4712(g) of title 41, United States Code) shall update any relevant websites to include information about this subsection and the amendments made by this subsection.

(5) DEFINITIONS.—In this subsection:

(A) COVERED CONTRACTOR.—The term “covered contractor” means a contractor, grantee, or personal services contractor for a Federal contract or grant (as defined for purposes of division C of title 41).

(B) COVERED EMPLOYEE.—The term “covered employee” means an employee of a covered contractor or a subcontractor (at any tier) or subgrantee (at any tier) of a covered contractor.

(c) NOTIFICATION AND REMEDIES.—

(1) NOTIFICATION.—A covered contractor shall inform the contracting officer responsible for any contracts of such covered contractor—
(A) if a person engaged in the performance of any such contract has been subjected to a reprisal prohibited by section 2409(a) of title 10, United States Code, or section 4712(a) of title 41, United States Code, where such reprisal has been substantiated;

(B) any investigation of a complaint relating to any such contract conducted by an Inspector General pursuant to section 2409(b) of title 10, United States Code, or section 4712(b) of title 41, United States Code; and

(C) any action taken by a covered contractor or a covered employee for any such contract to address a substantiated reprisal described in subparagraph (A).

(2) REMEDIES.—In addition to other remedies available, if a covered contractor fails to comply with the requirements of paragraph (1), the relevant head of a Federal agency may—

(A) require the covered contractor to prohibit a covered employee from performing a contract if such covered employee has violated section 2409(a) of title 10, United States Code, or section 4712(a) of title 41, United States Code;
(B) require the covered contractor to termi-
minate a subcontract if the subcontractor for
such subcontract has violated such sections;

(C) suspend payments to a covered con-
tractor until such covered contractor has taken
appropriate remedial action.

(3) DEFINITIONS.—In this subsection:

(A) COVERED CONTRACTOR.—The term
“covered contractor” means—

(i) with respect to a contract of the
Department of Defense or the National
Aeronautics and Space Administration, a
contractor, grantee, or personal services
contractor; and

(ii) with respect to a Federal contract
or grant (as defined for purposes of divi-
sion C of title 41), a contractor, grantee,
or personal services contractor for such a
Federal contract or grant.

(B) COVERED EMPLOYEE.—The term
“covered employee” means an employee of a
covered contractor or a subcontractor (at any
tier) or subgrantee (at any tier) of a covered
contractor.
(d) TRAINING.—The Administrator of the Office of Federal Procurement Policy shall update any required training for Federal employees responsible for contract oversight relating to—

(1) contracting certification requirements;

(2) processes for receiving a complaint from a person alleging discrimination as a reprisal for disclosing information under section 2409(a) of title 10, United States Code, or section 4712(a) of title 41, United States Code; and

(3) prohibitions on contracting with entities that require confidentiality agreements.

(e) CLARIFICATION OF WHISTLEBLOWER PROTECTION FOR SUBCONTRACTORS AND SUBGRANTEES.—

(1) DEPARTMENT OF DEFENSE CONTRACTORS.—Section 2409 of title 10, United States Code, is amended—

(A) in subsection (a)(2)(G), by striking “or subcontractor” and inserting “subcontractor, grantee, or subgrantee”;

(B) in subsection (b)(1), by striking “to the person” and all that follows through the period at the end and inserting “to—

“(A) the person;
“(B) the contractor, subcontractor, grantee, or subgrantee concerned; and

“(C) the head of the agency.”;

(C) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding sub-
paragraph (A), by striking “con-
tractor” and inserting “contractor,
subcontractor, grantee, or sub-
grantee”; and

(II) in subparagraphs (A), (B),
and (C), by striking “contractor” and
inserting “contractor, subcontractor,
grantee, or subgrantee concerned”; and

(ii) in paragraph (2), by striking
“contractor” and inserting “contractor,
subcontractor, grantee, or subgrantee (as
applicable)”;

(D) in subsection (d), by striking “and
subcontractors” and inserting “subcontractors,
grantees, and subgrantees”; and

(E) in subsection (g), by adding at the end
the following new paragraphs:
“(8) The term ‘subgrantee’ includes a sub-
grantee at any tier.

“(9) The term ‘subcontractor’ includes a sub-
contractor at any tier.”.

(2) OTHER GOVERNMENT CONTRACTORS.—Sec-

tion 4712 of title 41, United States Code, is amend-
ed—

(A) in subsection (a)(2)(G), by striking “or

grantee” and inserting “grantee, or sub-
grantee”;

(B) in subsection (b)(1), by striking “to

the person” and all that follows through the pe-

riod at the end and inserting “to—

“(A) the person;

“(B) the contractor, subcontractor, grant-

tee, or subgrantee concerned; and

“(C) the head of the agency.”;

(C) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding sub-

paragraph (A), by striking “con-

tractor or grantee” and inserting

“contractor, subcontractor, grantee,

or subgrantee”; and

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(II) in subparagraphs (A), (B),
and (C), by striking “contractor or
grantee” and inserting “contractor,
subcontractor, grantee, or subgrantee
concerned”; and

(ii) in paragraph (2), by striking
“contractor or grantee” and inserting
“contractor, subcontractor, grantee, or
subgrantee (as applicable)”;

(D) in subsection (d), by striking “and
grantees” and inserting “grantees, and sub-
grantees”; and

(E) in subsection (g), by adding at the end
the following new paragraphs:

“(3) The term ‘subgrantee’ includes a sub-
grantee at any tier.

“(4) The term ‘subcontractor’ includes a sub-
contractor at any tier.”.

SEC. 814. COMPETITION REQUIREMENTS FOR PURCHASES
FROM FEDERAL PRISON INDUSTRIES.

(a) Competition Requirements for Purchases
From Federal Prison Industries.—Subsections (a)
and (b) of section 2410n of title 10, United States Code,
are amended to read as follows:
“(a) Market Research.—Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog published under section 4124(d) of title 18, the Secretary of Defense shall conduct market research to determine whether such product—

“(1) is comparable to products available from the private sector; and

“(2) best meets the needs of the Department of Defense in terms of price, quality, and time of delivery.

“(b) Competition Requirement.—If the Secretary determines that a Federal Prison Industries product is not comparable to products available from the private sector and does not best meet the needs of the Department of Defense in terms of price, quality, or time of delivery, the Secretary shall use competitive procedures or make an individual purchase under a multiple award contract for the procurement of the product. In conducting such a competition or making such a purchase, the Secretary shall consider a timely offer from Federal Prison Industries.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect 60 days after the date of the enactment of this Act.
SEC. 815. DISCLOSURE OF BENEFICIAL OWNERS IN DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS.

Section 2313(d)(3) of title 41, United States Code, is amended by inserting “, and an identification of any beneficial owner of such corporation,” after “to the corporation”.

SEC. 816. INCLUSION OF OPTICAL TRANSMISSION COMPONENTS IN THE ANALYTICAL FRAMEWORK FOR SUPPLY CHAIN RISKS.

Section 2509(b)(2)(A)(ii) of title 10, United States Code, is amended by striking “(other than optical transmission components)”.

SEC. 817. AMENDMENT TO DEFINITION OF QUALIFIED APPRENTICE.

Section 2870(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting “or” at the end;

(2) in paragraph (2), by striking “; or” at the end and inserting a period; and

(3) by striking paragraph (3).
SEC. 818. CONTRACT CLOSEOUT AUTHORITY FOR SERVICES

CONTRACTS.

Section 836 of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2302 note) is amend-
ed—

(1) by amending subsection (b)(1) to read as follows:

“(1) was entered into—

“(A) with respect to a contract or group of
caract for services, on a date that is the
later of—

“(i) at least 7 fiscal years before the
current fiscal year; and

“(ii) the number of years applicable to
the contract or group of contracts in sub-
part 4.7 of the Federal Acquisition Regu-
tion (as in effect on April 1, 2020);

“(B) with respect to a contract or group of
contracts not described in subparagraph (A), on
a date that is at least 17 fiscal years before the
current fiscal year;”;

(2) by redesignating subsections (f) and (g) as
subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the fol-
lowing new subsection:
“(f) OVERSIGHT.—The Secretary of Defense, acting through the Director of the Defense Contract Management Agency, shall establish and maintain a centralized capability with necessary expertise and resources to provide oversight of the closeout of a contract or group of contracts covered by this section.”.

SEC. 819. PLAN TO IMPROVE DEPARTMENT-WIDE MANAGEMENT OF INVESTMENTS IN WEAPON SYSTEMS.

(a) PORTFOLIO MANAGEMENT PLAN.—The Secretary of Defense shall direct the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Chairman of the Joint Chiefs of Staff, and the Director of Cost Assessment and Program Evaluation, to develop a plan to identify, develop, and acquire databases, analytical and financial tools, and workforce skills to improve the Department of Defense-wide assessment, management, and optimization of the investments in weapon systems of the Department, including through consolidation of duplicate or similar weapon system programs.

(b) PLAN CONTENTS.—The plan developed under subsection (a) shall—

(1) describe the databases and analytical and financial tools in use by the Department of Defense that may be used to support the Department-wide
assessment, management, and optimization of the investments in weapon systems of the Department;

(2) determine the database and analytical and financial tool requirements that must be met, and the workforce skills necessary, for more effective Department-wide reviews, analyses, and management by the Secretary of the investments in weapon systems of the Department;

(3) identify the skills described in paragraph (2) that are possessed by the workforce of the Department;

(4) identify the databases and analytical and financial tools to be modified, developed, or acquired to improve the Department-wide reviews, analyses, and management of the investments in weapon systems of the Department; and

(5) set forth a timeline for implementing the plan, including a timeline for the modification, development, and acquisition of each database and analytical and financial tool identified under paragraph (4).

(c) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Sec-
Secretary of Defense shall submit to Congress the plan
developed under subsection (a).

(2) Form.—The plan submitted under para-
graph (1) shall be in an unclassified form but may
contain a classified annex.

SEC. 820. DOCUMENTATION PERTAINING TO COMMERCIAL
ITEM DETERMINATIONS.

Section 2380 of title 10, United States Code, is
amended by—

(1) redesignating subsection (b) as subsection
(c); and

(2) inserting after subsection (a) the following
new subsection:

“(b) DETERMINATIONS REGARDING THE COMMER-
CIAL NATURE OF PRODUCTS OR SERVICES.—

“(1) In general.—A contracting officer of the
Department of Defense shall make a binding deter-
mination whether a particular product or service of-
fered by a contractor meets the definition of a com-
mercial product or commercial service. The con-
tracting officer may seek the advice of the cadre of
experts established pursuant to section 831(b)(2) of
the National Defense Authorization Act for Fiscal
Year 2013 (Public Law 112–239; 126 Stat. 1842;
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) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall develop guidelines and resources on the acquisition or licensing of intellectual property, including—

“(A) model forms for specially negotiated licenses described under section 2320(f) (as appropriate); and

“(B) an identification of definitions, key terms, examples, and case studies that resolve ambiguities in the differences between—

“(i) detailed manufacturing and process data;

“(ii) form, fit, and function data; and

“(iii) data required for operations, maintenance, installation, and training.

“(2) CONSULTATION.—In developing the guidelines and resources described in paragraph (1), the Secretary shall regularly consult with appropriate stakeholders, including large and small businesses, traditional and non-traditional contractors (including subcontractors), and maintenance repair organizations.”.
SEC. 820B. REQUIREMENTS CONCERNING FORMER DEPARTMENT OF DEFENSE OFFICIALS AND LOBBYING ACTIVITIES.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2410t. Defense contractors report: requirements concerning former Department of Defense officials and lobbying activities

“(a) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial products or commercial services, that is entered into by the Secretary of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract is in effect, a written report setting forth the information required by subsection (b).

“(b) REPORT CONTENTS.—Except as provided in subsection (c), a report by a contractor under subsection (a) shall—

“(1) list the name of each person who—

“(A) is a former officer or employee of the Department of Defense or a former or retired member of the armed forces who served—
“(i) in an Executive Schedule position under subchapter II of chapter 53 of title 5;
“(ii) in a position in the Senior Executive Service under subchapter VIII of chapter 53 of title 5;
“(iii) in a position compensated at a rate of pay for grade O–6 or above under section 201 of title 37; or
“(iv) as a program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for such a contract; and
“(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor not more than four years after such former officer or employee of the Department of Defense, or such former or retired member of the armed forces, left service in the Department of Defense;
“(2) in the case of each person listed under paragraph (1)(A)—

“(A) identify the department or entity in which such person was employed or served on active duty during the last two years of such person’s service with the Department of Defense;

“(B) state such person’s job title and identify any project on which such person performed any work or for which such person provided any goods pursuant to a contract with the Department of Defense during the last two years of such person’s service with the Department; and

“(C) state such person’s current job title with the contractor and identify each project on which such person has performed any work or for which such person provided any goods on behalf of the contractor; and

“(3) if the contractor is a client, include—

“(A) a statement that—

“(i) lists each specific issue for which the contractor, any employee of the contractor, or any lobbyist paid by the con-
tractor engaged in lobbying activities directed at the Department of Defense; and

“(ii) specifies the Federal rule or regulation, Executive order, or other program, policy, contract, or position of the Department of Defense to which the lobbying activities described in clause (i) related;

“(iii) lists each lobbying activity directed at the Department of Defense that the contractor, any employee of the contractor, or any lobbyist paid by the contractor has engaged in on behalf of the contractor, including—

“(I) each document prepared by the contractor, any employee of the contractor, or any lobbyist paid by the contractor that was submitted to an officer or employee of the Department of Defense by the lobbyist;

“(II) each meeting that was a lobbying contact with an officer or employee of the Department of Defense, including the subject of the meeting, the date of the meeting, and
the name and position of each individual who attended the meeting;

“(III) each phone call made to an officer or employee of the Department of Defense that was a lobbying contact, including the subject of the phone call, the date of the phone call, and the name and position of each individual who was on the phone call; and

“(IV) each electronic communication sent to an officer or employee of the Department of Defense that was a lobbying contact, including the subject of the electronic communication, the date of the electronic communication, and the name and position of each individual who received the electronic communication;

“(iv) lists the name of each employee of the contractor who—

“(I) did not participate in a lobbying contact with an officer or employee of the Department of Defense; and
“(II) engaged in lobbying activities in support of a lobbying contact with an officer or employee of the Department of Defense; and

“(v) describes the lobbying activities referred to in clause (iv)(II); and

“(B) a copy of any document transmitted to an officer or employee of the Department of Defense in the course of the lobbying activities described in subparagraph (A)(iv)(II).

“(c) DUPLICATE INFORMATION NOT REQUIRED.—An annual report submitted by a contractor pursuant to subsection (b) need not provide information with respect to any former officer or employee of the Department of Defense or former or retired member of the armed forces if such information has already been provided in a previous annual report filed by such contractor under this section.

“(d) PUBLIC ACCESS TO REPORTS.—The Secretary of Defense shall make any report described under subsection (a) publicly available on a website of the Department of Defense not later than 45 days after the receipt of such report.

“(e) DEFINITIONS.—In subsection (b)(3), the terms ‘client’, ‘lobbying activities’, ‘lobbying contact’, and ‘lob-
byist’ have the meanings given the terms in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

“Sec. 2410t. Defense contractors: requirements concerning former Department of Defense officials.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

SEC. 820C. COMMERCIAL PRODUCT DETERMINATION APPLIES TO COMPONENTS AND SUPPORT SERVICES.

Section 2306a(b)(4) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “subsequent procurements of such product or service” and inserting: “subsequent procurements of—

“(i) the commercial product;
“(ii) a component of the commercial product;
“(iii) a service for maintenance or repair of the commercial product; or
“(iv) the commercial service.”; and
(2) in subparagraph (B)—

(A) by striking “request a review” and inserting the following: “provide a detailed explanation for not making the presumption described in subsection (A) along with a request for a review”; and

(B) by adding at the end the following: “When conducting such review, the head of the contracting activity may consider evidence of the commercial nature of the product or service under review that is provided by an offeror.”

Subtitle C—Industrial Base Matters

SEC. 821. QUARTERLY NATIONAL TECHNOLOGY AND INDUSTRIAL BASE BRIEFINGS.

(a) In General.—Section 2504 of title 10, United States Code, is amended—

(1) by striking “The Secretary” and inserting the following:

“(a) ANNUAL REPORT.—The Secretary”; and

(2) by adding at the end the following new subsection:

“(b) QUARTERLY BRIEFINGS.—(1) The Secretary of Defense shall ensure that the congressional defense committees receive quarterly briefings on the progress of the
Department of Defense to address the prioritized list of
gaps or vulnerabilities in the national technology and in-
dustrial base described in subsection (a)(3)(B) as follows:

“(A) One quarterly briefing per year shall be
provided by the Secretary of the Army.

“(B) One quarterly briefing per year shall be
provided by the Secretary of the Navy.

“(C) One quarterly briefing per year shall be
provided by the Secretary of the Air Force.

“(D) One quarterly briefing per year shall be
provided by all appropriate heads of the Defense
Agencies identified under subsection (a)(3)(B)(ii).

“(2) Each briefing under paragraph (1) shall include
an update of the progress of addressing such gaps or
vulnerabilities by the Secretary concerned or the appro-
priate head of a Defense Agency, including an update
on—

“(A) actions taken to address such gaps or
vulnerabilities;

“(B) the mitigation strategies necessary to ad-
dress such gaps or vulnerabilities; and

“(C) the proposed timeline for action to address
such gaps or vulnerabilities.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—
(1) **Heading Amendment.**—The heading of section 2504 of such title is amended to read as follows:

“§ 2504. National technology and industrial base: annual report and quarterly briefings”.

(2) **Clerical Amendment.**—The table of sections for subchapter II of chapter 148 of such title is amended by striking the item relating to section 2504 and inserting the following new item:


**SEC. 822. EXPANSION ON THE PROHIBITION ON ACQUIRING CERTAIN METAL PRODUCTS.**

(a) **In General.**—Section 2533c of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking “material melted” and inserting “material mined, refined, separated, melted”; and

(2) in subsection (c)(3)(A)(i), by striking “tungsten” and inserting “covered material”.

(b) **Effective Date.**—The amendments made by subsection (a) shall take effect on the date that is 3 years after the date of the enactment of this Act.
SEC. 823. REQUIREMENT THAT CERTAIN SHIP COMPONENTS BE MANUFACTURED IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) Technical Amendment.—The second subsection (k) of section 2534 of title 10, United States Code (relating to Implementation of Auxiliary Ship Component Limitation), is redesignated as subsection (l).

(b) Components for Auxiliary Ships.—Section 2534(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) Components for auxiliary ships.—Subject to subsection (l), the following components:

“(A) Large medium-speed diesel engines.

“(B) Auxiliary equipment, including pumps, for all shipboard services.

“(C) Propulsion system components, including engines, reduction gears, and propellers.

“(D) Shipboard cranes.

“(E) Spreaders for shipboard cranes.”.

(c) Implementation.—Subsection (l) of section 2534 of title 10, United States Code, as redesignated by subsection (a), is amended—

(1) by redesignating the second sentence to appear as flush text at the end;
(2) by striking “auxiliary ship after the date” and inserting the following: “auxiliary ship—

“(1) with respect to large medium-speed diesel engines described under subparagraph (A) of such subsection, after the date”;

(3) in paragraph (1) (as so designated), by striking “Navy.” and inserting “Navy; and”; and

(4) by inserting after paragraph (1) (as so designated) the following new paragraph:

“(2) with respect to components listed in subparagraphs (B) through (E) of such subsection, after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021 using funds available for National Defense Sealift Fund programs or Shipbuilding and Conversion, Navy.”.

SEC. 824. PREFERENCE FOR SOURCING RARE EARTH MATERIALS FROM THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) In General.—The Secretary of Defense shall, to the maximum extent practicable, acquire materials that are determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States in the following order of preference:
(1) From sources located within the United States.

(2) From sources located within the national technology and industrial base (as defined in section 2500 of title 10, United States Code).

(3) From other sources as appropriate.

(b) Eliminate Dependency on China.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Under Secretary of Defense (Comptroller), the Vice Chairman of the Joint Chiefs of Staff, and the appropriate Under Secretary of State, as designated by the Secretary of State, shall issue guidance to ensure the elimination of the dependency of the United States on rare earth materials from China by fiscal year 2035.

SEC. 825. ENHANCED DOMESTIC CONTENT REQUIREMENT FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) Assessment Required.—

(1) In General.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the domestic source
content of any procurement carried out in connection with major defense acquisition programs.

(2) Information Repository.—The Secretary of Defense shall establish an information repository for the collection and analysis of information related to domestic source content that can be used for continuous data analysis and program management activities.

(b) Enhanced Domestic Content Requirement.—

(1) In general.—For purposes of chapter 83 of title 41, United States Code, manufactured articles, materials, or supplies procured in connection with a major defense acquisition program shall be deemed to be manufactured substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States, if such component articles, materials, or supplies—

(A) not later than October 1, 2021, comprise 75 percent of the manufactured articles, materials, or supplies;  

(B) not later than October 1, 2022, comprise 80 percent of the manufactured articles, materials, or supplies;
(C) not later than October 1, 2023, comprise 85 percent of the manufactured articles, materials, or supplies;

(D) not later than October 1, 2024, comprise 90 percent of the manufactured articles, materials, or supplies;

(E) not later than October 1, 2025, comprise 95 percent of the manufactured articles, materials, or supplies; and

(F) not later than October 1, 2026, comprise 100 percent of the manufactured articles, materials, or supplies.

(2) WAIVER.—Before Milestone A approval (as defined in section 2366a(d) of title 10, United States Code) is granted for a major defense acquisition program, the Secretary of Defense shall determine whether or not to grant a waiver of the requirements of paragraph (1).

(3) EFFECTIVE DATE.—The domestic content requirement under paragraph (1) applies to contracts entered into on or after October 1, 2021.

(c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term “major defense acquisition program” has the meaning given in section 2430 of title 10, United States Code.
SEC. 826. ADDITIONAL REQUIREMENTS PERTAINING TO PRINTED CIRCUIT BOARDS.

(a) PURCHASES.—Beginning in fiscal year 2023, the Secretary of Defense shall require that any contractor or subcontractor that provides covered printed circuit boards for use by the Department of Defense to certify that, of the total value of the covered printed circuit boards provided by such contractor or subcontractor pursuant to a contract with the Department of Defense, not less than the percentages set forth in subsection (b) were manufactured and assembled within a covered country.

(b) IMPLEMENTATION.—In making a certification under subsection (a), a contractor or subcontractor shall use the following percentages:

(1) During fiscal years 2023 through 2027, the greater of—

   (A) 50 percent; or

   (B) 75 percent, if the Secretary of Defense has determined that suppliers in covered countries are capable of supplying 75 percent of Department of Defense requirements for printed circuit boards.

(2) During fiscal years 2028 through 2032, the greater of—

   (A) 75 percent; or
(B) 100 percent, if the Secretary of De-
fense has determined that suppliers in covered
countries are capable of supplying 100 percent
of Department of Defense requirements for
printed circuit boards.

(3) Beginning in fiscal year 2033, 100 percent.

(c) REMEDIATION.—

(1) IN GENERAL.—In the event that a con-
tractor or subcontractor is unable to make the cer-
tification required under subsection (a), the Sec-
retary may accept covered printed circuit boards
from such contractor or subcontractor for up to 1
year while requiring the contractor to complete a re-
mediation plan. Such a plan shall be submitted to
the congressional defense committees and shall re-
quire the contractor or subcontractor that failed to
make the certification required under subsection (a)
to—

(A) audit its supply chain to identify any
areas of security vulnerability and noncompli-
ance with section 224 of the National Defense
Authorization Act for Fiscal Year 2020 (Public
Law 116–92); and
(B) meet the requirements of subsection (a) within 1 year after the initial missed certification deadline.

(2) RESTRICTION.—No contractor or subcontractor that has supplied covered printed circuit boards while under a remediation plan shall be eligible to enter into another remediation plan under subsection (c) for a period of 5 years.

(d) WAIVER.—The Secretary of Defense may waive the requirement under subsection (a) with respect to a contractor or subcontractor if the Secretary determines that—

(1) there are no significant national security concerns regarding counterfeiting, quality, or unauthorized access created by accepting covered printed circuit boards under such waiver; and

(2) the contractor is otherwise in compliance with all relevant cybersecurity provisions relating to members of the defense industrial base, including section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(e) AVAILABILITY EXCEPTION.—Subsection (a) shall not apply to the extent that the Secretary of Defense or the Secretary of the military department concerned determines that covered printed circuit boards of satisfactory
quality and sufficient quantity, in the required form, cannot be procured as and when needed from covered countries.

(f) DEFINITIONS.—In this section:

(1) COVERED COUNTRY.—The term “covered country” means—

(A) the United States; or

(B) a foreign country whose government has a memorandum of understanding or agreement with the United States that—

(i) where applicable, complies with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and with section 2457 of title 10, United States Code; and

(ii) either—

(I) requires the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by United States Government or United States firms under approved programs serving defense requirements; or

(II) under which the United States and such government agree to
remove barriers to purchase supplies
produced in such foreign country or
services performed by sources of such
foreign country.

(2) COVERED PRINTED CIRCUIT BOARD.—

(A) IN GENERAL.—The term “covered
printed circuit board” means any printed circuit
board that is—

(i) a product that is not a commercial
product (as defined in section 103 of title
41, United States Code); or

(ii) a commercial product (as defined
in section 103 of title 41, United States
Code), other than a commercially available
off-the-shelf item (as defined in section
104 of title 41, United States Code) not
described in subparagraph (B).

(B) COMMERCIAL AVAILABLE OFF-THE-
SHELF ITEMS DESCRIBED.—The commercially
available off-the-shelf items (as defined in sec-
tion 104 of title 41, United States Code) de-
scribed in this subparagraph are such items
that are acquired under a contract with an
award value that is greater than the micro-pur-
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
Code, relating to domestic nonavailability determinations;

(2) specifying the type of waiver or exception used; and

(3) providing an assessment of the impact on the use of such waivers or exceptions due to the COVID–19 pandemic and associated challenges with investments in domestic sources.

SEC. 828. SENSE OF CONGRESS ON THE PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT.

(a) FINDINGS.—Congress finds the following:

(1) Prohibiting the use of telecommunications and video surveillance products or services from certain Chinese entities within the Federal Government’s supply chain is essential to our national security.

(2) Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1917; 41 U.S.C. note prec. 3901) restricts Federal agencies from procuring, contracting with entities that use, or funding the purchase of certain telecommunications 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
about being able to implement [the prohibition] in August, as well as totally comply within two years
* * * I believe we need more time”.

(7) Subsequent to the enactment of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), Congress established the Federal Acquisition Security Council (FASC)—comprised of senior officials from the Office of Management and Budget, General Services Administration, Department of Defense, Department of Homeland Security and the intelligence community—to streamline the Federal Government’s supply chain risk management efforts and develop criteria and processes for supply chain information sharing among executive agencies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) successful implementation of the prohibition on using or procuring certain telecommunications and video surveillance equipment under section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1917; 41 U.S.C. note prec. 3901) is critical to protecting the supply chain of the Federal Government, and Federal agencies should draw upon
the expert resources available (such as the Federal Acquisition Security Council established under subchapter III of chapter 13 of title 41, United States Code) to ensure implementation of such prohibition is done in a comprehensive and deliberative manner; and

(2) the Federal Acquisition Regulatory Council shall ensure successful implementation of such prohibition by providing sufficient time for public comment and review of any related rulemaking.

SEC. 829. DOMESTIC SOURCING REQUIREMENTS FOR ALUMINUM.

(a) FINDING.—Congress finds that aluminum production capacity in the United States is critical to United States national security.

(b) DESIGNATION OF ALUMINUM AS SPECIALTY METAL.—Section 2533b(l) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) Aluminum and aluminum alloys.”

(c) FEDERAL HIGHWAY ADMINISTRATION.—Section 313(a) of title 23, United States Code, is amended by striking “unless steel, iron, and manufactured products” and inserting “unless steel, iron, aluminum, and manufactured products”.

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(d) Federal Transit Administration.—Section 5323(j) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “only if the steel, iron, and manufactured goods” and inserting “only if the steel, iron, aluminum, and manufactured goods”;

(2) in paragraph (2)(B), by striking “steel, iron, and goods” and inserting “steel, iron, aluminum, and manufactured goods”;

(3) in paragraph (5), by striking “or iron” and inserting “, iron, or aluminum”;

(4) in paragraph (6)(A)(i), by inserting “, aluminum” after “iron”;

(5) in paragraph (10), by inserting “, aluminum” after “iron”; and

(6) in paragraph (12)—

(A) in the paragraph heading, by striking “AND IRON” and inserting “, IRON, AND ALUMINUM”; and

(B) by striking “and iron” and inserting “, iron, and aluminum”.

(e) Federal Railroad Administration.—Section 22905(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “only if the steel, iron, and manufactured goods” and inserting
“only if the steel, iron, aluminum, and manufactured
products’’;
(2) in paragraph (2)(B), by inserting ‘‘, aluminum’’ after ‘‘iron’’; and
(3) in paragraph (9), by inserting ‘‘, aluminum’’ after ‘‘iron’’.
(f) FEDERAL AVIATION ADMINISTRATION.—Section
50101(a) of title 49, United States Code, is amended by
striking ‘‘steel and manufactured goods’’ and inserting
‘‘steel, aluminum, and manufactured goods’’.
(g) AMTRAK.—Section 24305(f)(2) of title 49, United
States Code, is amended by inserting ‘‘(including alu-
minum)’’ after ‘‘supplies’’ each place it appears.
SEC. 830. REPORT ON ALUMINUM REFINING, PROCESSING,
AND MANUFACTURING.
(a) SENSE OF CONGRESS.—It is the sense of Con-
gress that, consistent with any determinations made pur-
suant to section 101 of the Defense Production Act of
1950 (50 U.S.C. 4511), the refining of aluminum and the
development of processing and manufacturing capabilities
for aluminum, including a geographically diverse set of
such capabilities, may have important implications for the
defense industrial base and the national defense.
(b) REPORT.—Not later than September 30, 2021, the Secretary of Defense shall submit to the appropriate congressional committees a report on—

(1) how authorities under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) could be used to provide incentives to increase activities relating to refining aluminum and the development of processing and manufacturing capabilities for aluminum; and

(2) whether a new initiative would further the development of such processing and manufacturing capabilities for aluminum.

(c) DEFINITIONS.—In this section:

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

(A) the Committees on Armed Services of the Senate and the House of Representatives; and

(B) the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) NATIONAL DEFENSE.—The term “national defense” shall have the same meaning as such term
SEC. 830A. BRIEFING ON THE SUPPLY CHAIN FOR SMALL UNMANNED AIRCRAFT SYSTEM COMPONENTS.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Administrator of the National Aeronautics and Space Administration, shall provide to the appropriate congressional committees a briefing on the supply chain for small unmanned aircraft system components, including a discussion of current and projected future demand for small unmanned aircraft system components.

(b) ELEMENTS.—The briefing under subsection (a) shall include the following:

(1) The sustainability and availability of secure sources of critical components domestically and from sources in allied and partner nations.

(2) The cost, availability, and quality of secure sources of critical components and other relevant information domestically and from sources in allied and partner nations.

(3) The plan of the Department of Defense to address any gaps or deficiencies presented in para-
graphs (1) and (2), including through the use of funds available under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) and partnerships with the National Aeronautics and Space Administration and other public and private stakeholders.

(4) Such other information as the Under Secretary of Defense for Acquisition and Sustainment determines to be appropriate.

(e) DEFINITIONS.—In this section:

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

(A) the congressional defense committees;

(B) the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives; and

(C) the Committee on Commerce, Science, and Transportation of the Senate.

(2) SMALL UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.—The terms “small unmanned aircraft” and “unmanned aircraft system” have the meanings given, respectively, in section 44801 of title 49, United States Code.
SEC. 830B. PROHIBITION ON PROCUREMENT OR OPERATION OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) Prohibition on Procurement.—

(1) In general.—Except as otherwise provided in this subsection, the head of an executive agency may not procure any commercial off-the-shelf drone or covered unmanned aircraft, or any component thereof for use in such a drone or unmanned aircraft, that is manufactured or assembled by a covered foreign entity, including any flight controllers, radios, core processors, printed circuit boards, cameras, or gimbals.

(2) Exemption.—The Secretary of Homeland Security and the Secretary of Defense are exempt from the requirements of paragraph (1) if the operation or procurement—

(A) is for the purposes of training, testing, or analysis for—

(i) counter-UAS system surrogate intelligence;

(ii) electronic warfare; or

(iii) information warfare operations;

and

(B) is required in the national interest of the United States.
(3) PROCUREMENT OF PRINTED CIRCUIT
BOARDS.—

(A) IN GENERAL.—Beginning in fiscal year
2023, the head of an executive agency shall re-
quire that any contractor or subcontractor that
provides printed circuit boards for use in cov-
ered unmanned aircraft or commercial off-the-
shelf drones to certify that, of the total value of
the printed circuit boards provided by such con-
tractor or subcontractor pursuant to a contract
with an executive agency, not more than the
percentages set forth in subparagraph (B) were
manufactured and assembled by a covered for-
eign entity.

(B) PERCENTAGES.—In making a certifi-
cation under subsection (a), a contractor or
subcontractor shall use the following percent-
ages:

(i) During fiscal years 2023 through
2027, the lesser of—

(I) 50 percent; or

(II) 25 percent, if the relevant
head of an executive agency has deter-
mined that suppliers other than cov-
ered foreign entities are capable of
supplying 75 percent of the requirements of the executive agency for printed circuit boards.

(ii) During fiscal years 2028 through 2032, the lesser of—

(I) 25 percent; or

(II) 0 percent, if the relevant head of an executive agency has determined that suppliers other than covered foreign entities are capable of supplying 100 percent the requirements of the executive agency for printed circuit boards.

(C) REMEDIATION.—

(i) IN GENERAL.—If a contractor or subcontractor is unable to make the certification required under subparagraph (A), the head of an executive agency may accept printed circuit boards from such contractor or subcontractor for up to 1 year while requiring the contractor to complete a remediation plan. Such plan shall be submitted to Congress and shall require the contractor or subcontractor that failed to
make the certification required under sub-
paragraph (A) to—

(I) audit its supply chain to iden-
tify any areas of security vulner-
ability; and

(II) meet the requirements of
subparagraph (A) within 1 year after
the initial missed certification dead-
line.

(ii) RESTRICTION.—No contractor or
subcontractor that has supplied printed
circuit boards while under a remediation
plan shall be eligible to enter into another
remediation plan under subparagraph (C)
for a period of 5 years.

(iii) WAIVER.—The head of an execu-
tive agency may waive the requirement
under subparagraph (A) with respect to a
contractor or subcontractor if the head of
an executive agency determines that—

(I) there are no significant na-
tional security concerns regarding
counterfeiting, quality, or unauthor-
ized access created by accepting print-
ed circuit boards under such waiver; and

(II) the contractor is otherwise in compliance with all cybersecurity requirements applicable to such contractor under Federal laws or regulations.

(iv) Availability Exception.—Subparagraph (A) shall not apply to the extent that the head of an executive agency determines that printed circuit boards of satisfactory quality and sufficient quantity, in the required form, cannot be procured as and when needed from entities that are not covered foreign entities.

(4) Waiver.—The head of an executive agency may waive the prohibition under paragraph (1), except with respect to a contract to procure printed circuit boards for use in covered unmanned aircraft or commercial off-the-shelf drones, on a case-by-case basis with the approval of the Secretary of Homeland Security or the Secretary of Defense and notification to Congress.

(5) Component Prohibition Applicability.—Except as otherwise provided in this sub-
section, the prohibition under paragraph (1) regarding components of commercial off-the-shelf drones or covered unmanned aircraft shall apply only to contracts for the procurement of such components that are entered into on or after the date that is 2 years after the date of the enactment of this Act.

(b) Prohibition on Operation.—

(1) Prohibition.—

(A) In General.—Beginning not later than 180 days after the date of the enactment of this Act, the head of an executive agency may not operate a commercial off-the-shelf drone or covered unmanned aircraft manufactured or assembled by a covered foreign entity.

(B) Phase-in Period for Existing Contracts.—The prohibition under subparagraph (A) shall not apply, during the 1-year period beginning on the date of the enactment of this Act, to commercial off-the-shelf drones and covered unmanned aircraft procured through a contract entered into before the date of the enactment of this Act.

(2) Exemption.—The Secretary of Homeland Security and the Secretary of Defense are exempt
from the restriction under paragraph (1) if the oper-
ation—

(A) is for the purposes of training, testing, or analysis for—

(i) counter-UAS system surrogate in-
telligence;

(ii) electronic warfare; or

(iii) information warfare operations; and

(B) is required in the national interest of the United States.

(3) WAIVER.—The head of an executive agency may waive the prohibition under paragraph (1) on a case-by-case basis with the approval of the Secretary of Homeland Security or the Secretary of Defense and notification to Congress.

(4) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, Secretary of Transportation, the Attorney General, and such other Federal departments and agencies as determined by the Director of the Office of Management and Budget, and in consultation with the Under Secretary of Commerce for Standards
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and Technology, shall establish a Governmentwide

policy for the operation of UASs for non-Depart-

ment of Defense and non-intelligence community op-

erations.

(c) Prohibition on Use of Federal Funds.—

The requirements described in subsection (a) shall apply

with respect to the use of Federal funds awarded through

a contract, grant, or cooperative agreement, or made avail-

able to a State or local government, or any subdivision

thereof.

(d) Comptroller General Report.—Not later

than 90 days after the date of the enactment of this Act,

the Comptroller General of the United States shall submit

to Congress a report on the quantity of commercial off-

the-shelf drones and covered unmanned aircraft procured

by Federal departments and agencies from covered foreign

entities.

(e) Interaction With Other Law.—Section 848

of the National Defense Authorization Act for Fiscal Year

2020 (10 U.S.C. 2302 note) does not apply with respect

to a commercial off-the-shelf drone or covered unmanned

aircraft, or any component thereof intended for use in

such a drone or unmanned aircraft, to which the provi-

sions of this Act apply.

(f) Definitions.—In this section:
(1) Commercial off-the-shelf drone.—

The term “commercial off-the-shelf drone” means a covered unmanned aircraft that is a commercially available off-the-shelf item (as defined in section 104 of title 41, United States Code).

(2) Covered foreign entity.—The term “covered foreign entity” means—

(A) a covered entity (as determined by the Secretary of Commerce);

(B) any entity that is subject to extrajudicial direction from a foreign government, as determined by the Director of National Intelligence;

(C) any entity the Secretary of Homeland Security, in coordination with the Director of National Intelligence, the Secretary of Defense, and the Secretary of State, determines poses a national security risk;

(D) any entity subject to influence or control by the Government of the People Republic of China or the Communist Party of the People’s Republic of China, as determined by the Secretary of Homeland Security; and

(E) any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).
(3) COVERED UNMANNED AIRCRAFT.—The term “covered unmanned aircraft” means an unmanned aircraft or unmanned aircraft system as such terms are defined, respectively, in section 44801 of title 49, United States Code.

(4) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given such term in section 105 of title 5, United States Code.

(5) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(6) UAS.—The term “UAS” has the meaning given the term “unmanned aircraft system” in section 44801 of title 49, United States Code.

SEC. 830C. SENSE OF CONGRESS ON GAPS OR VULNERABILITIES IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

It is the sense of Congress that in preparing the annual report required by section 2504 of title 10, United States Code, the Secretary of Defense shall include the following:

(1) An assessment of gaps or vulnerabilities in the national technology and industrial base (as defined in section 2500 of title 10, United States
Code) with respect to intellectual property theft as related to the development and long-term sustainability of defense technologies.

(2) The extent to which, if any, foreign adversaries engage in operations to exploit such gaps or vulnerabilities.

(3) Recommendations to mitigate or address any such gaps or vulnerabilities identified by the Secretary.

(4) Any other matters the Secretary of Defense determines should be included.

SEC. 830D. REPORT ON PARTNERSHIPS FOR RARE EARTH MATERIAL SUPPLY CHAIN SECURITY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that—

(1) assesses the ability of the Department of Defense to facilitate partnerships with institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that receive grants for the purpose of enhancing the security and stability of supply chain for domestic rare earth materials for the National Defense Stockpile; and

(2) identifies barriers to such partnerships; and
(3) provides recommendations as to how the Secretary of Defense may improve these partnerships.

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.

(a) Transfer Date.—For purposes of this section, the term “transfer date” means the date that is 2 years after the date of enactment of this section, except that such date may be extended an unlimited number of times by a period of not more than 6 months if the Administrator of the Small Business Administration and the Secretary of Veterans Affairs jointly issue a notice to Congress and the Law Revision Counsel of the House of Representatives containing—

(1) a certification that such extension is necessary;

(2) the rationale for and the length of such extension; and

(3) a plan to comply with the requirements of this section within the timeframe of the extension.
(b) Amendment to and Transfer of Veteran-Owned and Service-Disabled Veteran-Owned Business Database.—

(1) Amendment of veteran-owned and service-disabled veteran-owned business database.—Effective on the transfer date, section 8127 of title 38, United States Code, is amended—

(A) in subsection (e)—

(i) by striking “the Secretary” and inserting “the Administrator”; and

(ii) by striking “subsection (f)” and inserting “section 36 of the Small Business Act”;  

(B) in subsection (f)—

(i) by striking “the Secretary” each place such term appears, other than in the last place such term appears under paragraph (2)(A), and inserting “the Administrator”;

(ii) in paragraph (1), by striking “small business concerns owned and controlled by veterans with service-connected disabilities” each place such term appears and inserting “small business concerns
owned and controlled by service-disabled veterans’’;

(iii) in paragraph (2)—

(I) in subparagraph (A), by strik-
ing “to access” and inserting “to ob-
tain from the Secretary of Veterans
Affairs”; and

(II) by striking subparagraph (B)
and inserting the following:

“(B) For purposes of this subsection—

“(i) the Secretary of Veterans Affairs shall—

“(I) verify an individual’s status as a vet-
eran or a service-disabled veteran; and

“(II) establish a system to permit the Ad-
ministrator to access, but not alter, such
verification; and

“(ii) the Administrator shall verify—

“(I) the status of a business concern as a
small business concern; and

“(II) the ownership and control of such
business concern.

“(C) The Administrator may not certify a concern
under subsection (b) or section 36A if the Secretary of
Veterans Affairs cannot provide the verification described
under subparagraph (B)(i)(I).’’;
(iv) by striking paragraphs (4) and (7);

(v) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively, and redesignating paragraph (8) as paragraph (6);

(vi) in paragraph (4), as so redesignated, by striking “The Secretary” and inserting “The Administrator”; and

(vii) in paragraph (6), as so redesignated—

(I) in subparagraph (A)—

(aa) by striking “verify the status of the concern as a small business concern or the ownership or control of the concern” and inserting “certify the status of the concern as a small business concern owned and controlled by veterans (under section 36A) or a small business concern owned and controlled by service-disabled veterans (under section 36(g))”; and
(bb) by striking “verification” and inserting “certification”;

(II) in subparagraph (B)—

(aa) in clause (i), by striking “small business concern owned and controlled by veterans with service-connected disabilities” and inserting “small business concern owned and controlled by service-disabled veterans”; and

(bb) in clause (ii)—

(AA) by amending subclause (I) to read as follows:

“(I) the Secretary of Veterans Affairs or the Administrator; or”; and

(BB) in subclause (II), by striking “the contracting officer of the Department” and inserting “the applicable contracting officer”; and

(III) by striking subparagraph (C);
(D) by inserting after subsection (j) (relating to annual reports) the following:

“(k) **Annual Transfer for Certification Costs.**—For each fiscal year, the Secretary of Veterans Affairs shall reimburse the Administrator in an amount necessary to cover any cost incurred by the Administrator for certifying small business concerns owned and controlled by veterans that do not qualify as small business concerns owned and controlled by service-disabled veterans for the Secretary for purposes of this section and section 8128 of this title. The Administrator is authorized to accept such reimbursement. The amount of any such reimbursement shall be determined jointly by the Secretary and the Administrator and shall be provided from fees collected by the Secretary under multiple-award schedule contracts. Any disagreement about the amount shall be resolved by the Director of the Office of Management and Budget.”; and

(E) subsection (l) (relating to definitions), as so redesignated, by adding at the end the following:

“(4) The term Administrator means the Administrator of the Small Business Administration.”.

(2) **Transfer of Requirements Relating to Database to the Small Business Act.**—Ef-
fective on the transfer date, subsection (f) of section
8127 of title 38, United States Code (as amended by
paragraph (1)), is transferred to section 36 of the
Small Business Act (15 U.S.C. 657f), inserted so as
to appear after subsection (e).

(3) CONFORMING AMENDMENTS.—The fol-
lowing amendments shall take effect on the transfer
date:

(A) SMALL BUSINESS ACT.—Section
3(q)(2)(C)(i)(III) of the Small Business Act (15
U.S.C. 632(q)(2)(C)(i)(III)) is amended by
striking “section 8127(f) of title 38, United
States Code” and inserting “section 36”.

(B) TITLE 38.—Section 8128 of title 38,
United States Code, is amended by striking
“section 8127(f) of this title” and inserting
“section 36 of the Small Business Act”.

c) ADDITIONAL REQUIREMENTS FOR DATABASE.—

(1) ADMINISTRATION ACCESS TO DATABASE BE-
FORE THE TRANSFER DATE.—During the period be-
tween the date of the enactment of this section and
the transfer date, the Secretary of Veterans Affairs
shall provide the Administrator of the Small Busi-
ness Administration with access to the contents of
the database described under section 8127(f) of title 38, United States Code.

(2) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed—

(A) as prohibiting the Administrator of the Small Business Administration from combining the contents of the database described under section 8127(f) of title 38, United States Code, with other databases maintained by the Administration; or

(B) as requiring the Administrator to use any system or technology related to the database described under section 8127(f) of title 38, United States Code, on or after the transfer date to comply with the requirement to maintain a database under subsection (f) of section 36 of the Small Business Act (as transferred pursuant to subsection (b)(2) of this section).

(d) PROCUREMENT PROGRAM FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—

(1) PROCUREMENT PROGRAM FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—Section 36 of the Small Business Act (15 U.S.C. 657f) is amended—

(A) by striking subsections (d) and (e);

(B) by redesignating subsections (a), (b), and (c) as subsections (e), (d), and (e) respectively;

(C) by inserting before subsection (c), as so redesignated, the following:

“(a) CONTRACTING OFFICER DEFINED.—For purposes of this section, the term ‘contracting officer’ has the meaning given such term in section 2101 of title 41, United States Code.

“(b) CERTIFICATION OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—With respect to a procurement program or preference established under this Act that applies to prime contractors, the Administrator shall—

“(1) certify the status of the concern as a ‘small business concern owned and controlled by service-disabled veterans’; and
“(2) require the periodic recertification of such status.”;

(D) in subsection (d), as so redesignated, by striking “and that the award can be made at a fair market price” and inserting “, that the award can be made at a fair market price, and if each concern is certified by the Administrator as a small business concern owned and controlled by service-disabled veterans”; and

(E) by adding at the end the following:

“(g) Certification Requirement.—Notwithstanding subsection (c), a contracting officer may only award a sole source contract to a small business concern owned and controlled by service-disabled veterans or a contract on the basis of competition restricted to small business concerns owned and controlled by service-disabled veterans if such a concern is certified by the Administrator as a small business concern owned and controlled by service-disabled veterans.

“(h) Enforcement; Penalties.—

“(1) Verification of eligibility.—In carrying out this section, the Administrator shall establish procedures relating to—

“(A) the filing, investigation, and disposition by the Administration of any challenge to
the eligibility of a small business concern to re-
ceive assistance under this section (including a
challenge, filed by an interested party, relating
to the veracity of a certification made or infor-
mation provided to the Administration by a
small business concern under subsection (b));
and

“(B) verification by the Administrator of
the accuracy of any certification made or infor-
mation provided to the Administration by a
small business concern under subsection (b).

“(2) EXAMINATIONS.—

“(A) EXAMINATION OF APPLICANTS.—The
procedures established under paragraph (1)
shall provide for a program of examinations by
the Administrator of any small business concern
making a certification or providing information
to the Administrator under subsection (b), to
determine the veracity of any statements or in-
formation provided as part of such certification
or otherwise provided under subsection (b).

“(B) EXAMINATION OF CERTIFIED CON-
CERNs.—The procedures established under
paragraph (1) shall provide for the examination
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
information as the Administrator determines to be neces-

sary to carry out subsection (b) or to be able to certify

the status of the concern as a small business concern

owned and controlled by veterans under section 36A.”.

(2) Penalties for Misrepresentation.—

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(A) in subsection (d)(1)—

(i) by striking ‘‘, a’’ and inserting ‘‘,

a ‘small business concern owned and con-
trolled by service-disabled veterans’, a
‘small business concern owned and con-
trolled by veterans’, a’’; and

(ii) in paragraph (A), by striking ‘‘9,
15, or 31’’ and inserting ‘‘8, 9, 15, 31, 36,
or 36A’’; and

(B) in subsection (e), by striking ‘‘, a’’ and
inserting ‘‘, a ‘small business concern owned
and controlled by service-disabled veterans’, a
‘small business concern owned and controlled by

veterans’, a’’.

(e) Certification for Small Business Con-
cerns Owned and Controlled by Veterans.—The
Small Business Act (15 U.S.C. 631 et seq.) is amended
by inserting after section 36 the following new section:
“SEC. 36A. CERTIFICATION OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.

“(a) IN GENERAL.—With respect to the program established under section 8127 of title 38, United States Code, the Administrator shall—

“(1) certify the status of the concern as a ‘small business concern owned and controlled by veterans’; and

“(2) require the periodic recertification of such status.

“(b) ENFORCEMENT; PENALTIES.—

“(1) VERIFICATION OF ELIGIBILITY.—In carrying out this section, the Administrator shall establish procedures relating to—

“(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this section (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under subsection (a)); and

“(B) verification by the Administrator of the accuracy of any certification made or infor-
mation provided to the Administration by a small business concern under subsection (a).

“(2) EXAMINATION OF APPLICANTS.—The procedures established under paragraph (1) shall provide for a program of examinations by the Administrator of any small business concern making a certification or providing information to the Administrator under subsection (a), to determine the veracity of any statements or information provided as part of such certification or otherwise provided under subsection (a).

“(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 veterans for purposes of subsection (a), 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.”.
(f) **Status of Self-Certified Small Business Concerns Owned and Controlled by Service-Disabled Veterans.**—

(1) IN GENERAL.—Notwithstanding any other provision of law, any small business concern that self-certified as a small business concern owned and controlled by service-disabled veterans shall—

(A) if the concern files a certification application with the Administrator of the Small Business Administration before the end of the 1-year period beginning on the transfer date, maintain such self-certification until the Administrator makes a determination with respect to such certification; and

(B) if the concern does not file such a certification application before the end of the 1-year period beginning on the transfer date, lose, at the end of such 1-year period, any self-certification of the concern as a small business concern owned and controlled by service-disabled veterans.

(2) NON-APPLICABILITY TO DEPARTMENT OF VETERANS AFFAIRS.—Paragraph (1) shall not apply to participation in contracts (including subcontracts) with the Department of Veterans Affairs.
(3) NOTICE.—The Administrator shall notify any small business concern that self-certified as a small business concern owned and controlled by service-disabled veterans about the requirements of this section, including the transfer date and any extension of such transfer date made pursuant to subsection (a), and make such notice publicly available, on—

(A) the date of the enactment of this section; and

(B) the date on which an extension described under subsection (a) is approved.

(g) TRANSFER OF THE CENTER FOR VERIFICATION AND EVALUATION OF THE DEPARTMENT OF VETERANS AFFAIRS TO THE SMALL BUSINESS ADMINISTRATION.—

(1) ABOLISHMENT.—The Center for Verification and Evaluation of the Department of Veterans Affairs defined under section 74.1 of title 38, Code of Federal Regulations, is abolished effective on the transfer date.

(2) TRANSFER OF FUNCTIONS.—All functions that, immediately before the effective date of this subsection, were functions of the Center for Verification and Evaluation shall—
(A) on the date of enactment of this section, be functions of both the Center for Verification and Evaluation and the Small Business Administration, except that the Small Business Administration shall not have any authority to carry out any verification functions of the Center for Verification and Evaluation; and

(B) on the transfer date, be functions of the Small Business Administration.

(3) TRANSFER OF ASSETS.—So much of the personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred under this subsection shall be available to the Small Business Administration at such time or times as the President directs for use in connection with the functions transferred.

(4) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a function of the Center for Verification and Evaluation that is transferred under this section is deemed, after the transfer date, to refer to the Small Business Administration.

(h) REPORT.—Not later than the end of the 1-year period beginning on the date of the enactment of this sec-
tion and every 6 months thereafter until the transfer date, the Administrator of the Small Business Administration and Secretary of Veterans Affairs shall jointly issue a report to the Committees on Appropriations, Small Business, and Veterans' Affairs of the House of Representatives and the Committees on Appropriations, Small Business and Entrepreneurship, and Veterans' Affairs of the Senate on the planning for the transfer of functions and property required under this section and the amendments made by this section on the transfer date. Such report shall include—

(1) whether and how the verification database and operations of the Center for Verification and Evaluation of the Department of Veterans Affairs will be incorporated into the existing certification database of the Small Business Administration;

(2) projections for the numbers and timing, in terms of fiscal year, of—

(A) already verified concerns that will come up for recertification; and

(B) self-certified concerns that are expected to apply for certification;

(3) an explanation of how outreach to veteran service organizations, the service-disabled veteran-
owned and veteran-owned small business community, and other stakeholders will be conducted; and

(4) other pertinent information determined by the Administrator and the Secretary.

SEC. 832. EQUITABLE ADJUSTMENTS TO CERTAIN CONSTRUCTION CONTRACTS.

(a) In General.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 15 the following new section:

“SEC. 15A. EQUITABLE ADJUSTMENTS TO CONSTRUCTION CONTRACTS.

“(a) Request for an Equitable Adjustment.—

A small business concern performing a construction contract that was awarded by an agency may submit a request for an equitable adjustment to the contracting officer of such agency if the contracting officer directs a change in the work within the general scope of the contract without the agreement of the small business concern. Such request shall—

“(1) be timely made pursuant to the terms of the contract; and

“(2) comply with Federal regulations regarding equitable adjustments, including specifying additional costs resulting from such change in the work within the general scope of the contract.
“(b) AMOUNT.—Upon receipt of a request for equitable adjustment under subsection (a), the agency shall provide to the small business concern an interim partial payment in an amount that is at least 50 percent of the costs identified in the request for equitable adjustment under subsection (a)(2).

“(c) LIMITATION.—Any interim partial payment made under this section shall not be deemed to be an action to definitize the request for an equitable adjustment.

“(d) FLOW-DOWN OF INTERIM PARTIAL PAYMENT AMOUNTS.—A small business concern that requests an equitable adjustment under this section shall pay to a first tier subcontractor or supplier the portion of the interim partial payment received that is attributable to the increased costs of performance incurred by the first tier subcontractor or supplier due to the change in the work within the general scope of the contract. A subcontractor or supplier at any tier that receives a portion of an interim partial payment under this section shall pay its subcontractor or supplier the appropriate portion of such payment.”.

(b) IMPLEMENTATION.—The Administrator of the Small Business Administration shall implement the requirements of this section not later than the first day of
the first full fiscal year beginning after the date of the enactment of this Act.

SEC. 833. EXEMPTION OF CERTAIN CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS FROM CATEGORY MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—The Small Business Act is amended—

(1) by redesignating section 49 as section 50;

and

(2) by inserting after section 48 the following new section:

"SEC. 49. EXEMPTION OF CERTAIN CONTRACTS FROM CATEGORY MANAGEMENT REQUIREMENTS.

"(a) IN GENERAL.—A contract awarded under section 8(a), 8(m), 31, or 32 that is classified as tier 0—

“(1) shall be exempt from the procedural requirements of any Federal rule or guidance on category management or successor strategies for contract consolidation; and

“(2) may not be included when measuring the attainment of any goal or benchmark established under any Federal rule or guidance on category management or successor strategies for contract consolidation, unless the inclusion of such contract
aids in the achievement of such a goal or benchmark.

“(b) DEFINITIONS.—In this section:

“(1) CATEGORY MANAGEMENT.—The term ‘category management’ has the meaning given such term by the Director of the Office of Management and Budget.

“(2) TIER 0.—The term ‘tier 0’ has the meaning given such term by the Director of the Office of Management and Budget with respect to the Spend Under Management tiered maturity model, or any successor model.”.

(b) APPLICATION.—Section 49 of the Small Business Act, as added by subsection (a), shall apply with respect to contracts entered into on or after the date of the enactment of this Act.

(c) PLAN AND REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report including a plan to increase the participation of small business concerns in agency-wide or Government-wide contracts (including best in class designations as defined in section 15(h)(4)(B)). Such plan shall include—
(A) strategies to increase the amount and
frequency of opportunities for small business
concerns to participate in agency-wide or Gov-
ernment-wide contracts;

(B) strategies to ease or eliminate require-
ments that impede such participation of small
business concerns; and

(C) a specific goal for the number of small
business concerns participating in agency-wide
or Government-wide contracts and a timeline to
achieve such goal.

(2) IMPLEMENTATION.—Not later than 60 days
after the submission of the report required under
paragraph (1), the Director of the Office of Manage-
ment and Budget shall implement the plan con-
tained in such report.

(d) RULEMAKING.—Not later than 90 days after the
date of the enactment of this Act, the Federal Acquisi-
tion Regulation shall be revised to carry out this Act and the
amendment made by this Act.

SEC. 834. REPORT ON ACCELERATED PAYMENTS TO CERT-
AIN SMALL BUSINESS CONCERNS.

(a) REPORT.—Not later than 3 months after the date
of the enactment of this section, the head of each Federal
agency shall submit to Congress a report on the timeliness
of payments made to a covered prime contractor. Such report shall include—

(1) the date on which the Federal agency began providing accelerated payments in accordance with section 2307(a)(2) of title 10, United States Code, or paragraphs (10) and (11) of section 3903(a) of title 31, United States Code, as applicable, to a covered prime contractor;

(2) of contracts to which such sections apply, the amount and percentage of covered contracts with accelerated payment terms in accordance with such sections; and

(3) whether and on what date the agency discontinued implementation of the Office of Management and Budget Circular M–11–32 titled “Accelerating Payments to Small Businesses for Goods and Services” (issued September 14, 2011).

(b) DEFINITIONS.—In this section:

(1) COVERED PRIME CONTRACTOR.—The term “covered prime contractor” means—

(A) a prime contractor (as defined in section 8701 of title 41) that is a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)); and
(B) a prime contractor that subcontracts with a small business concern.

(2) COVERED CONTRACT.—The term “covered contract” means a contract entered into by a covered prime contractor—

(A) on or after August 13, 2018, with respect to a contract entered into the head of an agency (as defined in section 2302 of title 10, United States Code); or

(B) on or after December 20, 2019, with respect to a contract entered into with the head of an agency (as defined in section 3901 of title 31, United States Code).

(3) FEDERAL AGENCY.—The term “Federal agency” has the meaning given “agency” in section 551(a) of title 5, United States Code.

SEC. 835. EXTENSION OF PARTICIPATION IN 8(a) PROGRAM.

(a) IN GENERAL.—The Administrator of the Small Business Administration shall ensure that a small business concern participating in the program established under section 8(a) of the Small Business Act (15 U.S.C. 637) on or before March 13, 2020, may elect to extend such participation by a period of 1 year, regardless of whether such concern previously elected to suspend par-
participation in such program pursuant to guidance of the
Administrator.

(b) EMERGENCY RULEMAKING AUTHORITY.—Not
later than 15 days after the date of enactment of this sec-
tion, the Administrator shall issue regulations to carry out
this section without regard to the notice requirements
under section 553(b) of title 5, United States Code.

SEC. 836. PAST PERFORMANCE RATINGS OF CERTAIN
SMALL BUSINESS CONCERNS.

(a) PAST PERFORMANCE RATINGS OF JOINT VENT-
tURES FOR SMALL BUSINESS CONCERNS.—Section 15(e)
of the Small Business Act (15 U.S.C. 644(e)) is amended
by adding at the end the following:

“(5) PAST PERFORMANCE RATINGS OF JOINT
VENTURES FOR SMALL BUSINESS CONCERNS.—With
respect to evaluating an offer for a prime contract
made by a small business concern that previously
participated in a joint venture with another business
concern (whether or not such other business concern
was itself a small business concern), the Adminis-
trator shall establish regulations—

“(A) requiring contracting officers to con-
sider the record of past performance of the
joint venture when evaluating the past perform-
ance of the small business concern; and
“(B) requiring the small business concern to inform the contracting officer what duties and responsibilities the small business concern carried out as part of the joint venture.”.

(b) Past Performance Ratings of First-Tier Small Business Subcontractors.—Section 8(d)(17) of the Small Business Act (15 U.S.C. 637(d)(17)) is amended to read as follows:

“(17) Past Performance Ratings for Certain Small Business Subcontractors.—

“(A) In General.—Upon request by a small business concern that performed as a first tier subcontractor on a covered contract (as defined in paragraph 13(A)) that is submitting an offer for a solicitation, the prime contractor for such covered contract shall submit to the contracting agency issuing the solicitation or to such small business concern a record of past performance for such small business concern with respect to such covered contract.

“(B) Consideration.—A contracting officer shall consider the record of past performance of a small business concern provided under subparagraph (A) when evaluating an offer for
a prime contract made by such small business concern.”.

(c) Rulemaking.—

(1) Small Business Administration.—Not later than the end of the 120-day period beginning on the date of enactment of this Act, the Administrator of the Small Business Administration shall issue rules to carry out this section and the amendments made by this section.

(2) Federal Acquisition Regulation.—Not later than the end of the 120-day period beginning on the date that rules are issued under paragraph (1), the Federal Acquisition Regulation shall be revised to reflect such rules.

SEC. 837. CATEGORY MANAGEMENT TRAINING.

(a) In General.—Not later than 8 months after the date of the enactment of this section, the Administrator of the Small Business Administration, in coordination with the Administrator of the Office of Federal Procurement Policy and any other head of a Federal agency as determined by the Administrator, shall develop a training curriculum on category management for staff of Federal agencies with procurement or acquisition responsibilities. Such training shall include—
(1) best practices for purchasing goods and services from small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)); and

(2) information on avoiding conflicts with the requirements of the Small Business Act (15 U.S.C. 631 et seq.).

(b) USE OF CURRICULUM.—The Administrator of the Small Business Administration—

(1) shall ensure that staff for Federal agencies described in subsection (a) receive the training described in such subsection; and

(2) may request the assistance of the relevant Director of Small and Disadvantaged Business Utilization (as described in section 15(k) of the Small Business Act (15 U.S.C. 644(k))) to carry out the requirements of paragraph (1).

(c) SUBMISSION TO CONGRESS.—The Administrator of the Small Business Administration shall provide a copy of the training curriculum developed under subsection (a) to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate.

(d) CATEGORY MANAGEMENT DEFINED.—In this Act, the term “category management” has the meaning
given by the Director of the Office of Management and Budget.

SEC. 838. SMALL BUSINESSES IN TERRITORIES OF THE UNITED STATES.

(a) Definition of Covered Territory Business.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

“(ff) Covered Territory Business.—In this Act, the term ‘covered territory business’ means a small business concern that has its principal office located in one of the following:

“(1) The United States Virgin Islands.

“(2) American Samoa.

“(3) Guam.

“(4) The Northern Mariana Islands.”.


(1) in clause (I), by striking “means” and all that follows through the period at the end and inserting the following: “means—

“(aa) in the case of a Puerto Rico business, the period beginning on August 13, 2018, and
ending on the date on which the Oversight Board established under section 2121 of title 48 terminates; and

“(bb) in the case of a covered territory business, the period beginning on the date of enactment of this item and ending on the date that is 4 years after such date of enactment.”; and

(2) in clause (II)—

(A) by inserting “or a covered territory business” after “a Puerto Rico business”; and

(B) by striking “the Puerto Rico business” in both places it appears and inserting “such business”.

(c) CONTRACTING INCENTIVES FOR PROTEGE FIRMS THAT ARE COVERED TERRITORY BUSINESSES.—

(1) CONTRACTING INCENTIVES.—Section 45(a) of the Small Business Act (15 U.S.C. 657r(a)) is amended by adding at the end the following new paragraph:

“(4) COVERED TERRITORY BUSINESSES.—During the period beginning on the date of enactment of this paragraph and ending on the date that is 4
years after such date of enactment, the Administrator shall identify potential incentives to a covered territory mentor that awards a subcontract to its covered territory protege, including—

“(A) positive consideration in any past performance evaluation of the covered territory mentor; and

“(B) the application of costs incurred for providing training to such covered territory protege to the subcontracting plan (as required under paragraph (4) or (5) of section 8(d)) of the covered territory mentor.”.

(2) MENTOR-PROTEGE RELATIONSHIPS.—Section 45(b)(3)(A) of the Small Business Act (15 U.S.C. 657r(b)(3)(A)) is amended by striking “relationships are” and all that follows through the period at the end and inserting the following: “relationships—

“(i) are between a covered protege and a covered mentor; or

“(ii) are between a covered territory protege and a covered territory mentor.”.

(3) DEFINITIONS.—Section 45(d) of the Small Business Act (15 U.S.C. 657r(d)) is amended by adding at the end the following new paragraphs:
“(6) COVERED TERRITORY MENTOR.—The term ‘covered territory mentor’ means a mentor that enters into an agreement under this Act, or under any mentor-protege program approved under subsection (b)(1), with a covered territory protege.

“(7) COVERED TERRITORY PROTEGE.—The term ‘covered territory protege’ means a protege of a covered territory mentor that is a covered territory business.”.

SEC. 839. ELIGIBILITY OF THE COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS FOR CERTAIN
SMALL BUSINESS ADMINISTRATION PRO-
GRAMS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 21(a)—

(A) in paragraph (1), by inserting before “The Administration shall require” the following: “The previous sentence shall not apply to an applicant that has its principal office located in the Commonwealth of the Northern Mariana Islands.”; and

(B) in paragraph (4)(C)(ix), by striking “and American Samoa” and inserting “Amer-
ican Samoa, and the Commonwealth of the Northern Mariana Islands”; and

(2) in section 34(a)(9), by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

SEC. 840. BOOTS TO BUSINESS PROGRAM.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following new subsection:

“(h) BOOTS TO BUSINESS PROGRAM.—

“(1) COVERED INDIVIDUAL DEFINED.—In this subsection, the term ‘covered individual’ means—

“(A) a member of the Armed Forces, including the National Guard or Reserves;

“(B) an individual who is participating in the Transition Assistance Program established under section 1144 of title 10, United States Code;

“(C) an individual who—

“(i) served on active duty in any branch of the Armed Forces, including the National Guard or Reserves; and
“(ii) was discharged or released from such service under conditions other than dishonorable; and
“(D) a spouse or dependent of an individual described in subparagraph (A), (B), or (C).
“(2) ESTABLISHMENT.—Beginning on the first October 1 after the enactment of this subsection and for the subsequent 4 fiscal years, the Administrator shall carry out a program to be known as the ‘Boots to Business Program’ to provide entrepreneurship training to covered individuals.
“(3) GOALS.—The goals of the Boots to Business Program are to—
“(A) provide assistance and in-depth training to covered individuals interested in business ownership; and
“(B) provide covered individuals with the tools, skills, and knowledge necessary to identify a business opportunity, draft a business plan, identify sources of capital, connect with local resources for small business concerns, and start up a small business concern.
“(4) PROGRAM COMPONENTS.—
“(A) IN GENERAL.—The Boots to Business Program may include—

“(i) a presentation providing exposure to the considerations involved in self-employment and ownership of a small business concern;

“(ii) an online, self-study course focused on the basic skills of entrepreneurship, the language of business, and the considerations involved in self-employment and ownership of a small business concern;

“(iii) an in-person classroom instruction component providing an introduction to the foundations of self employment and ownership of a small business concern; and

“(iv) in-depth training delivered through online instruction, including an online course that leads to the creation of a business plan.

“(B) COLLABORATION.—The Administrator may—

“(i) collaborate with public and private entities to develop course curricula for the Boots to Business Program; and
“(ii) modify program components in coordination with entities participating in a Warriors in Transition program, as defined in section 738(e) of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 1071 note).

“(C) USE OF RESOURCE PARTNERS.—

“(i) IN GENERAL.—The Administrator shall—

“(I) ensure that Veteran Business Outreach Centers regularly participate, on a nationwide basis, in the Boots to Business Program; and

“(II) to the maximum extent practicable, use a variety of other resource partners and entities in administering the Boots to Business Program.

“(ii) GRANT AUTHORITY.—In carrying out clause (i), the Administrator may make grants to Veteran Business Outreach Centers, other resource partners, or other entities to carry out components of the Boots to Business Program.
“(D) AVAILABILITY TO DEPARTMENT OF DEFENSE.—The Administrator shall make available to the Secretary of Defense information regarding the Boots to Business Program, including all course materials and outreach materials related to the Boots to Business Program, for inclusion on the website of the Department of Defense relating to the Transition Assistance Program, in the Transition Assistance Program manual, and in other relevant materials available for distribution from the Secretary of Defense.

“(E) AVAILABILITY TO VETERANS AFFAIRS.—In consultation with the Secretary of Veterans Affairs, the Administrator shall make available for distribution and display at local facilities of the Department of Veterans Affairs outreach materials regarding the Boots to Business Program which shall, at a minimum—

“(i) describe the Boots to Business Program and the services provided; and

“(ii) include eligibility requirements for participating in the Boots to Business Program.
“(5) REPORT.—Not later than 180 days after
the date of the enactment of this subsection and
every year thereafter, the Administrator shall submit
to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small
Business of the House of Representatives a report
on the performance and effectiveness of the Boots to
Business Program, which may be included as part of
another report submitted to such Committees by the
Administrator, and which shall include—

“(A) information regarding grants awarded
under paragraph (4)(C);

“(B) the total cost of the Boots to Business Program;

“(C) the number of program participants
using each component of the Boots to Business Program;

“(D) the completion rates for each component of the Boots to Business Program;

“(E) to the extent possible—

“(i) the demographics of program participants, to include gender, age, race, relationship to military, military occupational specialty, and years of service of program participants;
“(ii) the number of small business concerns formed or expanded with assistance under the Boots to Business Program;

“(iii) the gross receipts of small business concerns receiving assistance under the Boots to Business Program;

“(iv) the number of jobs created with assistance under the Boots to Business Program;

“(v) the number of referrals to other resources and programs of the Administration;

“(vi) the number of program participants receiving financial assistance under loan programs of the Administration;

“(vii) the type and dollar amount of financial assistance received by program participants under any loan program of the Administration; and

“(viii) results of participant satisfaction surveys, including a summary of any comments received from program participants;
“(F) an evaluation of the effectiveness of the Boots to Business Program in each region of the Administration during the most recent fiscal year;

“(G) an assessment of additional performance outcome measures for the Boots to Business Program, as identified by the Administrator;

“(H) any recommendations of the Administrator for improvement of the Boots to Business Program, which may include expansion of the types of individuals who are covered individuals;

“(I) an explanation of how the Boots to Business Program has been integrated with other transition programs and related resources of the Administration and other Federal agencies; and

“(J) any additional information the Administrator determines necessary.”.

SEC. 840A. EMPLOYMENT SIZE STANDARD REQUIREMENTS.

(a) IN GENERAL.—Section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is amended—
(1) in subparagraph (A), by inserting “and sub-
ject to the requirements specified under subpara-
graph (C)” after “paragraph (1)”; and

(2) in subparagraph (C)—

(A) by inserting “(including the Adminis-
tration when acting pursuant to subparagraph
(A))” after “no Federal department or agency”;

and

(B) in clause (ii)(I) by striking “12
months” and inserting “24 months”.

(b) EFFECTIVE DATE.—This Act and the amend-
ments made by this Act shall take effect 1 year after the
date of the enactment of this Act.

Subtitle E—Other Matters

SEC. 841. MODIFICATIONS TO SUPERVISION AND AWARD OF
CERTAIN CONTRACTS.

(a) SUPERVISION OF MILITARY CONSTRUCTION
PROJECTS.—Section 2851 of title 10, United States Code,
is amended—

(1) in subsection (c)(1)—

(A) by inserting “or appropriated” after
“funds authorized” each place such term ap-
pears; and

(B) in subparagraph (E), by inserting “,”,
Facilities Sustainment, Restoration, and Mod-
ernization (FSRM) project,” after “military construction project”; and

(2) in subsection (c)(2)—

(A) by inserting “, deadline for bid submis-
sions,” after “solicitation date”; 

(B) by inserting “(including the address of 
such recipient)” after “contract recipient”; and

(C) by adding at the end the following new subparagraphs:

“(H) Any subcontracting plan required under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)) for the project sub-
mitted by the contract recipient to the Secretary of Defense.

“(I) A detailed written statement describing and justifying any exception applied or waiver grant-
ed under—

“(i) chapter 83 of title 41;

“(ii) section 2533a of this title; or

“(iii) section 2533b of this title.”; and

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

“(4) The information required to be published on the Internet website under subsection (c) shall constitute a
record for the purposes of Chapter 21, 29, 31, and 33
of title 44.”.

(b) Requirements Relating to the Award of
Covered Military Construction Contracts.—

(1) Requirements.—Subchapter III of chapter
169 of title 10, United States Code, is amended
by inserting after section 2851 the following new
section:

“§ 2851a. Requirements relating to the award of cov-
ered military construction contracts

“(a) Publication of Certain Information Re-
lating to Covered Military Construction Con-
tracts.—

“(1) Contractor requirements.—A con-
tractor that has been awarded a covered military
construction contract shall—

“(A) make publicly available on a website
of the General Services Administration or the
Small Business Administration, as applicable,
any solicitation under that covered military con-
struction contract for a subcontract of an esti-
mated value of $250,000 or more; and

“(B) submit written notification of the
award of the covered military construction con-
tract, and of any subcontract awarded under
the covered military construction contract, to
the relevant agency of a covered State that en-
forces workers’ compensation or minimum wage
laws in such covered State.

“(2) NOTICE.—Upon award of a covered mili-
tary construction contract with an estimated value
greater than or equal to $2,000,000, the Secretary
concerned shall notify any applicable Member of
Congress representing the covered State in which
that covered military construction contract is to be
performed of such award in a timely manner.

“(3) FEDERAL PROCUREMENT DATA SYSTEM.—
The Secretary of Defense shall ensure that there is
a clear and unique indication of any covered military
construction contract with subcontracting work of an
estimated value of $250,000 or more in the Federal
Procurement Data System established pursuant to
section 1122(a)(4) of title 41 (or any successor sys-
tem).

“(b) USE OF LOCAL FIRMS AND INDIVIDUALS.—

“(1) IN GENERAL.—To the extent practicable,
in awarding a covered military construction contract,
the Secretary concerned shall give preference to
those firms and individuals residing or doing busi-
ness primarily in the same State as, or within a 60-
mile radius of, the location of the work to be performed pursuant to the contract.

“(2) JUSTIFICATION REQUIRED.—The Secretary concerned shall prepare a written justification, and make such justification available on the Internet site required under section 2851 of this title, for the award of any covered military construction contract to a firm or individual that is not described under paragraph (1).

“(c) LICENSING.—A contractor and any subcontractors performing a covered military construction contract shall be licensed to perform the work under such contract in the State in which the work will be performed.

“(d) MONTHLY REPORT.—Not later than 10 days after the end of each month, the Secretary of Defense shall submit to the congressional defense committees a report identifying for that month the following:

“(1) Each covered military construction contract and each subcontract of a covered military construction contract described in subsection (a)(1)(A) awarded during that month.

“(2) The location of the work to be performed pursuant to each covered military construction contract and subcontract identified pursuant to paragraph (1).
“(3) The prime contractor and any subcontractor performing each covered military construction contract and subcontract identified pursuant to paragraph (1).

“(4) The estimated value of each covered military construction contract and subcontract identified pursuant to paragraph (1).

“(e) Exclusion of Classified Projects.—This section does not apply to a classified covered military construction project.

“(f) Definitions.—In this section:

“(1) Covered Military Construction Contract.—The term ‘covered military construction contract’ means a contract for work on a military construction project, military family housing project, or Facilities Sustainment, Restoration, and Modernization (FSRM) project carried out in a covered State.

“(2) Covered State.—The term ‘covered State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands.
“(3) MEMBER OF CONGRESS.—The term ‘Member of Congress’ has the meaning given the term in section 2106 of title 5.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after the item relating to section 2851 the following new item:

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2851a. Requirements relating to the award of covered military construction contracts.
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(3) APPLICABILITY.—Section 2851a of title 10, United States Code, as added by paragraph (1), shall apply with respect to a covered military construction contract, as defined in such section, entered into on or after the date of the enactment of this Act.

(e) SMALL BUSINESS CREDIT FOR LOCAL BUSINESSES.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection—

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(y) SMALL BUSINESS CREDIT FOR LOCAL BUSINESSES.—

“(1) CREDIT FOR MEETING SUBCONTRACTING GOALS.—If a prime contractor awards a subcontract (at any tier) to a small business concern that has its principal office located in the same State as, or with-
in a 60-mile radius of, the location of the work to be performed pursuant to the contract of the prime contractor, the value of the subcontract shall be doubled for purposes of determining compliance with the goals for procurement contracts under subsection (g)(1)(A) during such period.

“(2) REPORT.—Along with the report required under subsection (h)(1), the head of each Federal agency shall submit to the Administrator, and make publicly available on the scorecard described in section 868(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 933; 15 U.S.C. 644 note), an analysis of the number and dollar amount of subcontracts awarded pursuant to paragraph (1) for each fiscal year of the period described in such paragraph.”.

SEC. 842. AMENDMENTS TO SUBMISSIONS TO CONGRESS RELATING TO CERTAIN FOREIGN MILITARY SALES.

Section 887(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 22 U.S.C. 2761 note) is amended—

(1) by striking “the Secretary shall” each place it appears and inserting “the Secretary, in consultation with the Secretary of State, shall”;
(2) in paragraph (1)—

(A) by striking “December 31, 2021” and inserting “December 31, 2024”; and

(B) by striking “with a value” and all that follows through the “subsection (a)”;

(3) in paragraph (2), by striking “December 31, 2021” and inserting “December 31, 2024”.

SEC. 843. REVISIONS TO REQUIREMENT TO USE FIRM FIXED-PRICE CONTRACTS FOR FOREIGN MILITARY SALES.

(a) In General.—Section 830 of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2762 note) is amended—

(1) in subsection (a), by inserting “and subject to subsection (e)” after “enactment of this Act”; and

(2) by adding at the end the following new subsection:

“(e) Applicability.—The regulations prescribed pursuant to subsection (a) shall not apply to a foreign military sale for which the foreign country that is the counterparty to such foreign military sale has requested a modification to the defense service or defense article that is the subject of such foreign military sale that would require significant development work.”; and
(3) in subsection (c), by adding at the end the following new sentence: “The Secretary may not del-egate the authority to exercise such a waiver below the level of the service acquisition executive (as de-defined in section 101(a)(10) of title 10, United States Code.”.

(b) IMPLEMENTATION.—The Secretary of Defense shall—

(1) not later than 120 days after the date of the enactment of this Act, issue guidance to carry out the amendments made by this section; and

(2) not later than February 1, 2021, revise the Department of Defense Supplement to the Federal Acquisition Regulation to carry out the amendments made by this section.

SEC. 844. SMALL BUSINESS INDUSTRIAL BASE RESILIENCY PROGRAM.

(a) ESTABLISHMENT.—The Assistant Secretary of Defense for Industrial Base Policy (established under section 902 of this Act) shall establish a program to be known as the “Small Business Industrial Base Resiliency Program” under which the Assistant Secretary shall enter into transactions to purchase or to make a commitment to purchase goods or services from small business concerns
as described in subsection (b) to respond to the COVID–19 pandemic.

(b) USES OF TRANSACTIONS.—A transaction entered into pursuant to the authority under this section shall—

(1) support the monitoring and assessment of small business concerns that enter into such a transaction;

(2) address critical issues in the industrial base relating to urgent operational needs in response to the COVID–19 pandemic;

(3) support efforts to create, maintain, protect, expand, or restore the industrial base in response to the COVID–19 pandemic; and

(4) as applicable, address supply chain vulnerabilities related to the COVID–19 pandemic for small business concerns that enter into such a transaction.

(c) DURATION.—The term of a transaction entered into pursuant to the authority under this section shall be 2 years.

(d) LIABILITIES.—With respect to any transaction entered into pursuant to the authority under this section on or after the date of enactment of this Act, if such transaction imposes any contingent liability upon the United States, such liability shall be recorded as an obligation
against amounts made available from the Research and Development, Defense-Wide, Pandemic Preparedness and Resilience National Security Fund under section 1003 in an amount equal to the maximum amount of the contingency at the time such transaction is entered into.

(e) REPORT.—Not later than March 1, 2021, the Assistant Secretary of Defense for Industrial Base Policy shall submit to the appropriate committees a report that includes the following:

(1) A description of any guidance or policy issued to carry out this section.

(2) A description of any relevant assessments prepared to address critical issues in the industrial base relating to urgent operational needs related to the COVID–19 pandemic.

(3) A description of any transaction entered into pursuant to the authority under this section, and the impact such transaction has had on the response of the Department of Defense to the COVID–19 pandemic.

(4) A prioritized list of gaps or vulnerabilities in the transactions of the industrial base in which small business concerns participate that are related the COVID–19 pandemic, including—
(A) a description of mitigation strategies necessary to address such gaps or vulnerabilities;

(B) the identification of the Secretary concerned or the head of the Defense Agency responsible for addressing such gaps or vulnerabilities; and

(C) a proposed timeline for action to address such gaps or vulnerabilities.

(5) Identification of each transaction designed to sustain specific essential technological and industrial capabilities and processes of the industrial base in which small business concerns participate that are related to the COVID–19 pandemic.

(6) Any other steps necessary to foster and safeguard the industrial base in which small business concerns participate due to the impact of the COVID–19 pandemic.

(f) FUNDING.—The Assistant Secretary of Defense for Industrial Base Policy shall use amounts authorized to be appropriated for Research and Development, Defense-Wide, Pandemic Preparedness and Resilience National Security Fund under section 1003 to carry out the requirements of this section.

(g) DEFINITIONS.—In this Act:
(1) **APPROPRIATE COMMITTEES.**—The term “covered committees” means—

(A) the Committees on Armed Services of the Senate and the House of Representatives; and

(B) the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

(2) **COVID–19 PANDEMIC.**—The term “COVID–19 pandemic” means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(3) **DEFENSE AGENCY.**—The term “Defense Agency” has the meaning given in section 101 of title 10, United States Code.

(4) **SECRETARY CONCERNED.**—The term “Secretary concerned” has the meaning given in section 101 of title 10, United States Code.

(5) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the meaning given under section 3 of the Small Business Act (15 U.S.C. 632)).
SEC. 845. REQUIREMENTS RELATING TO REPORTS AND LIMITATIONS ON THE AVAILABILITY OF FUNDS.

(a) LIMITATION ON THE AVAILABILITY OF FUNDS RELATING TO THE DEFENSE CIVILIAN TRAINING CORPS PROGRAM.—

(1) INITIAL PLAN AND SCHEDULE.—Beginning on October 1, 2020, if the Secretary of Defense has not submitted the plan and schedule to implement the Defense Civilian Training Corps program required under section 860(b)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1514; 10 U.S.C. 2200g note), not more than 25 percent of the funds specified in paragraph (3) may be obligated or expended until the date on which such plan and schedule has been submitted.

(2) EXPANSION PLAN AND SCHEDULE.—Beginning on January 1, 2021, if the Secretary of Defense has not submitted the expansion plan and schedule relating to the Defense Civilian Training Corps program required under section 860(b)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1514; 10 U.S.C. 2200g note), not more than 50 percent of the funds specified in paragraph (3) may be obligated or expended until the date on which such plan and schedule has been submitted.
expended until the date on which such expansion
plan and schedule has been submitted.

(3) FUNDS SPECIFIED.—The funds specified in
this paragraph are the funds authorized to be appro-
priated by this Act or otherwise made available for
fiscal year 2021 for the Department of Defense for
the following:

(A) The immediate office of the Secretary
of Defense.

(B) The Office of the Under Secretary of
Defense for Personnel and Readiness.

(C) The Office of the Under Secretary of
Defense for Research and Engineering.

(D) The Office of the Under Secretary of
Defense for Acquisition and Sustainment.

(b) REPORT AND LIMITATION ON THE AVAILABILITY
OF FUNDS RELATING TO THE EXTRAMURAL ACQUISITION
INNOVATION AND RESEARCH ACTIVITIES.—

(1) REPORT.—Not later than October 1, 2020,
the Under Secretary of Defense for Acquisition and
Sustainment shall submit to the congressional de-
fense committees a report—

(A) on the establishment of the extramural
acquisition innovation and research activities
required under section 2361a of title 10, United
States Code (as added by section 835(a)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1494)); and

(B) that includes the name of the Director appointed under section 2361a(c) of such title (as added by section 835(a)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1494)).

(2) LIMITATION.—

(A) IN GENERAL.—Beginning on October 1, 2020, if the Under Secretary of Defense for Acquisition and Sustainment has not submitted the report required under paragraph (1), not more than 25 percent of the funds specified in subparagraph (B) may be obligated or expended until the date on which such report has been submitted.

(B) FUNDS SPECIFIED.—The funds specified in this subparagraph are the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Department of Defense for the following:

(i) The immediate office of the Secretary of Defense.
(ii) The Office of the Under Secretary
of Defense for Research and Engineering.

(iii) The Office of the Under Sec-
retary of Defense for Acquisition and
Sustainment.

(c) REPORT AND LIMITATION ON THE AVAILABILITY
OF FUNDS RELATING TO THE ELIMINATING THE GAPS
AND VULNERABILITIES IN THE NATIONAL TECHNOLOGY
AND INDUSTRIAL BASE.—

(1) REPORT.—Not later than October 1, 2020,
the Secretary of Defense shall submit to the con-
gressional defense committees the national security
strategy for national technology and industrial base
required by section 2501(a) of title 10, United
States Code.

(2) LIMITATION.—

(A) IN GENERAL.—Beginning on October
1, 2020, if the Secretary of Defense has not
submitted the report required under paragraph
(1), not more than 25 percent of the funds
specified in subparagraph (B) may be obligated
or expended until the date on which such report
has been submitted.

(B) FUNDS SPECIFIED.—The funds speci-
fied in this subparagraph are the funds author-
ized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Department of Defense for the following:

(i) The immediate office of the Secretary of Defense.

(ii) The Office of the Under Secretary of Defense for Acquisition and Sustainment.

SEC. 846. ASSESSMENT OF THE REQUIREMENTS PROCESSES OF THE MILITARY DEPARTMENTS.

(a) Assessment.—The Secretary of the military department concerned shall assess the requirements process of the military department and make recommendations to improve the agility and timeliness of such requirements process for acquisition programs of the military department.

(b) Report.—

(1) In general.—Not later than March 31, 2021, each Secretary of a military department shall submit to the congressional defense committees a report on the assessment conducted pursuant to subsection (a) and specific plans to update the requirements processes of the military department concerned based on such assessment.
(2) ELEMENTS.—Each report shall include an analysis of and recommended improvements for the following elements:

(A) If appropriate, information from the report required in section 800(f) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(B) The alignment of the requirements processes, acquisition system, and budget process of the military department concerned.

(C) The requirements process for each acquisition pathway of the adaptive acquisition framework (as described in Department of Defense Instruction 5000.02, “Operation of the Adaptive Acquisition Framework”), including the time it takes to complete requirements development and approval process for each pathway.

(D) For each acquisition pathway described in subparagraph (C), the processes for and the extent to which detailed systems engineering and requirements trade-off analyses are done before the development of requirements begins for a specific acquisition program to ensure that risks are understood and accounted
for and that both top-level and derived require-
ments (development as well as reliability and
maintainability) are achievable within cost,
schedule, and technology constraints.

(E) Organizational roles and responsibil-
ities of individuals with responsibilities relating
to the requirements process for the military de-
partment concerned, including the role, com-
position, and metrics used to assess the effec-
tiveness of any requirements oversight council
of the military department concerned.

(F) The composition and sufficiency of in-
dividuals who develop requirements for the mili-
tary department concerned, including any ac-
quision workforce planning and personnel
shortfalls and resources needed to address any
such shortfalls.

(G) The ability of the requirements process
to address the urgent needs of the military de-
partment concerned.

(H) The capacity to review changes in re-
quirements for programs of record.

(I) The validation of decisions made from
the requirements process and the alignment of
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 recommendations on the process from the Comptroller General of the United States by each military department.

(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, including lessons learned from responding to the COVID–19 pandemic.

(N) Any additional matters that the Secretaries 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 committees a report containing a comprehensive legislative pro-
posal for the transfer and consolidation of statutes within
the framework for part V of subtitle A of title 10, United
States Code (as enacted by section 801 of the National
Defense Authorization Act for Fiscal Year 2019 (Public
Law 115-232)), along with conforming amendments to law
required by such transfer and consolidation. Such report
shall include an assessment of the effect of such transfer
and consolidation on related Department of Defense ac-
tivities, guidance, and interagency coordination.

SEC. 848. PROHIBITION ON CONTRACTING WITH PERSONS
WITH WILLFUL OR REPEATED VIOLATIONS
OF THE FAIR LABOR STANDARDS ACT OF
1938.

The head of a Federal department or agency (as de-
defined in section 102 of title 40, United States Code) shall
initiate a debarment proceeding with respect to a person
for whom information regarding four or more willful or
repeated violation of the Fair Labor Standards Act of
1938 (29 U.S.C. 201 et seq.) as determined by a disposi-
tion described under subsection (c)(1) of section 2313 of
title 41, United States Code, and issued in the last 4
years, is included in the database established under sub-
section (a) of such section. The head of the department
or agency shall use discretion in determining whether the
debarment is temporary or permanent.
SEC. 849. REESTABLISHMENT OF COMMISSION ON WAR-TIME CONTRACTING.

(a) IN GENERAL.—There is hereby reestablished in the legislative branch under section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) the Commission on War-time Contracting.

(b) AMENDMENT TO DUTIES.—Section 841(c)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 231) is amended to read as follows:

“(1) GENERAL DUTIES.—The Commission shall study the following matters:

“(A) Federal agency contracting funded by overseas contingency operations funds.

“(B) Federal agency contracting for the logistical support of coalition forces operating under the authority of the 2001 or 2002 Authorization for the Use of Military Force.

“(C) Federal agency contracting for the performance of security functions in countries where coalition forces operate under the authority of the 2001 or 2002 Authorization for the Use of Military Force”.
(c) **CONFORMING AMENDMENTS.**—Section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “the Committee on Oversight and Government Reform” each place it appears and inserting “the Committee on Oversight and Reform”;

(B) in paragraph (2), by striking “of this Act” and inserting “of the Wartime Contracting Commission Reauthorization Act of 2019”; and

(C) in paragraph (4), by striking “was first established” each place it appears and inserting “was reestablished by the Wartime Contracting Commission Reauthorization Act of 2019”; and

(2) in subsection (d)(1), by striking “On March 1, 2009” and inserting “Not later than 1 year after the date of enactment of the Wartime Contracting Commission Reauthorization Act of 2019”.

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SEC. 850. REPORT ON CERTAIN CONTRACTS RELATING TO CONSTRUCTION OR MAINTENANCE OF A BORDER WALL.

The Secretary of Defense shall include on a public website of the Department of Defense a list of any contracts, including any task order contract (as such term is defined in section 2304d of title 10, United States Code) and any modifications to a contract, entered into by the Secretary relating to the construction or maintenance of a barrier along the international border between the United States and Mexico that have an estimated value equal to or greater than $7,000,000.

SEC. 851. CONGRESSIONAL OVERSIGHT OF PRIVATE SECURITY CONTRACTOR CONTRACTS.

(a) Report of Certain Contracts and Task Orders.—

(1) Requirement regarding contracts and task orders.—The Inspector General of the Department of Defense shall compile a report of the work performed or to be performed under a covered contract during the period beginning on October 1, 2001, and ending on the last day of the month during which this Act is enacted for work performed or work to be performed in areas of contingency operations.
(2) Form of Submissions.—The report required by paragraph (1) shall be submitted in unclassified form, to the maximum extent possible, but may contain a classified annex, if necessary.

(b) Reports on Contracts for Work To Be Performed in Areas of Contingency Operations and Other Significant Military Operations.—The Inspector General of the Department of Defense shall submit to each specified congressional committee a report not later than 60 days after the date of the enactment of this Act that contains the following information:

(1) The number of civilians performing work in areas of contingency operations under covered contracts.

(2) The total cost of such covered contracts.

(3) The total number of civilians who have been wounded or killed in performing work under such covered contracts.

(4) A description of the disciplinary actions that have been taken against persons performing work under such covered contracts by the contractor, the United States Government, or the government of any country in which the area of contingency operations is located.

(c) Definitions.—In this section:
(1) COVERED CONTRACT.—The term “covered contract” means a contract for private security entered into by the Secretary of Defense in an amount greater than $5,000,000.

(2) CONTINGENCY OPERATION.—The term “contingency operation” has the meaning provided by section 101(a)(13) of title 10, United States Code.

(3) SPECIFIED CONGRESSIONAL COMMITTEES.—The term “specified congressional committees” means the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 852. REVISIONS TO THE UNIFIED FACILITIES CRITERIA REGARDING THE USE OF VARIABLE REFRIGERANT FLOW SYSTEMS.

(a) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment shall publish any proposed revisions to the Unified Facilities Criteria regarding the use of variable refrigerant flow systems in the Federal Register and shall specify a comment period of at least 60 days.

(b) NOTICE.—The Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a written notice and justification for any proposed revisions to the Unified Facilities Cri-
teria regarding the use of variable refrigerant flow systems
not later than 30 days after the date of publication in the
Federal Register.

TITLE IX—DEPARTMENT OF DE-
FENSE ORGANIZATION AND
MANAGEMENT
Subtitle A—Office of the Secretary
of Defense and Related Matters

SEC. 901. REPEAL OF POSITION OF CHIEF MANAGEMENT
OFFICER.

(a) Repeal of Position of Chief Management
Officer.—

(1) In general.—Section 132a of title 10,
United States Code is repealed.

(2) Conforming amendments and re-
peals.—

(A) Paragraph (2) of section 131(b) of
title 10, United States Code, is repealed.

(B) The table of sections at the beginning
of chapter 4 of title 10, United States Code, is
amended by striking the item relating to section
132a.

(C) Section 910 of the National Defense
Authorization Act for Fiscal Year 2018 (Public
Law 115–91; 131 Stat. 1516) is repealed.
(3) **Effective Date.**—The amendments and repeals made by paragraphs (1) and (2) shall take effect 30 days after the date of the enactment of this Act.

(b) **Implementation.**—On the effective date of the amendments and repeals under subsection (a)—

(1) any duties and responsibilities that remain assigned to the Chief Management Officer of the Department of Defense shall be transferred to a single official selected by the Secretary of Defense, except that such official may not be an individual who served as the Chief Management Officer before such effective date;

(2) the personnel, functions, and assets of the Office of the Chief Management Officer shall be transferred to such other organizations and elements of the Department as the Secretary determines appropriate; and

(3) any reference in Federal law, regulations, guidance, instructions, or other documents of the Federal Government to the Chief Management Officer of the Department of Defense shall be deemed to be a reference to the official selected by the Secretary under paragraph (1)).
(c) LEGISLATIVE PROPOSAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes a comprehensive legislative proposal for additional conforming amendments to law required by the amendments and repeals made by this section.

SEC. 902. ASSISTANT SECRETARY OF DEFENSE FOR INDUSTRIAL BASE POLICY.

(a) IN GENERAL.—

(1) ASSISTANT SECRETARIES OF DEFENSE.—Section 138 of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking “13” and inserting “14”; and

(B) in subsection (b), by adding at the end the following new paragraph:

“(6) One of the Assistant Secretaries is the Assistant Secretary of Defense for Industrial Base Policy. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Industrial Base Policy shall have the duties described in section 139c of this title.”.

(2) ASSISTANT SECRETARY OF DEFENSE FOR INDUSTRIAL BASE POLICY.—Chapter 4 of subtitle A
of title 10, United States Code, is amended by inserting after section 139b the following new section:

“§ 139c. Assistant Secretary of Defense for Industrial Base Policy

“(a) IN GENERAL.—The Assistant Secretary of Defense for Industrial Base Policy shall report to the Under Secretary of Defense for Acquisition and Sustainment.

“(b) RESPONSIBILITIES.—The Assistant Secretary of Defense for Industrial Base Policy shall be the head of the Office of Defense Industrial Base Policy and shall serve as the principal advisor to the Under Secretary of Defense for Acquisition and Sustainment in the performance of the Under Secretary’s duties relating to the following:

“(1) Providing input to strategy reviews on matters related to—

“(A) the defense industrial base; and

“(B) materials critical to national security (as defined in section 187(e)(1) of this title).

“(2) Establishing policies of the Department of Defense for developing and maintaining the defense industrial base of the United States and ensuring a secure supply of materials critical to national security.
“(3) Providing recommendations on budget matters pertaining to the defense industrial base, the supply chain, and the development and retention of skills necessary to support the defense industrial base.

“(4) Providing recommendations and acquisition policy guidance on defense supply chain management and supply chain vulnerability throughout the entire defense supply chain, from suppliers of raw materials to producers of major end items.

“(5) Establishing the national security objectives concerning the national technology and industrial base required under section 2501 of this title.

“(6) Executing the national defense program for analysis of the national technology and industrial base required under section 2503 of this title.

“(7) Performing the national technology and industrial base periodic defense capability assessments required under section 2505 of this title.

“(8) Establishing the technology and industrial base policy guidance required under section 2506 of this title.

“(9) Providing policy and oversight of matters related to materials critical to national security to
ensure a secure supply of such materials to the Department of Defense.


“(12) Establishing Department of Defense policies related to international defense technology security and export control issues.

“(13) Establishing policies related to industrial independent research and development programs under section 2372 of this title.

“(14) Coordinating with the Director of Small Business Programs on all matters related to industrial base policy of the Department of Defense.

“(15) Ensuring reliable sources of materials critical to national security, such as specialty metals, armor plate, and rare earth elements.
“(16) Establishing policies of the Department of Defense for continued reliable resource availability from secure sources for the defense industrial base of the United States.

“(17) Establishing policies related to a procurement technical assistance program funded under this chapter 142 of this title.

“(18) Such other duties as are assigned by the Under Secretary.

“(c) RULES OF CONSTRUCTION RELATING TO DEFENSE PRODUCTION ACT.—Nothing in this section shall be construed to modify the authorities or responsibilities of any officer or employee of the United States under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.), including those authorities and responsibilities specified in Department of Defense Directive 4400.01E (or any successor directive). In addition, nothing in subsection (b)(9) shall be construed to limit the authority or modify the policies of the Committee on Foreign Investment in the United States established under section 721(k) of such Act (50 U.S.C. 4565(k)).”.

(3) CLERICAL AMENDMENT.—The table of contents for chapter 4 of subtitle A of title 10, United States Code, is amended by inserting after the item relating to section 139b the following new item:

“139c. Assistant Secretary of Defense for Industrial Base Policy.”.
(b) Continuation of Service.—The Deputy Assistant Secretary of Defense for Industrial Policy shall be the individual serving as the Assistant Secretary of Defense for Industrial Base Policy (as established under section 139c(a) of title 10, United States Code, as added by subsection (a)) until the President has appointed an individual to serve as Assistant Secretary of Defense for Industrial Base Policy pursuant to section 138 of title 10, United States Code.

(c) Transfer of Office of Industrial Policy to Office of Defense Industrial Base Policy.—

(1) Transfer of Functions.—Not later than 180 days after the date of the enactment of this Act, all functions that, immediately before such date of enactment, were functions of the Office of Industrial Policy of the Department of Defense shall be transferred to the Office of Defense Industrial Base Policy.

(2) Transfer of Assets.—So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred under paragraph (1) shall be available to the Office of Defense Industrial Base Policy at such time or times
as the President directs for use in connection with the functions transferred.

(3) **TERMINATION.**—The Office of Industrial Policy of the Department of Defense shall terminate on the earlier of—

(A) the effective date of the transfers under paragraph (1); or

(B) 180 days after the date of the enactment of this Act.

**SEC. 903. ASSIGNMENT OF RESPONSIBILITY FOR THE ARCTIC REGION WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE.**

The Assistant Secretary of Defense for International Security Affairs shall assign responsibility for the Arctic region to the Deputy Assistant Secretary of Defense for the Western Hemisphere or any other Deputy Assistant Secretary of Defense the Secretary of Defense considers appropriate.

**Subtitle B—Other Department of Defense Organization and Management Matters**

**SEC. 911. LIMITATION ON REDUCTION OF CIVILIAN WORKFORCE.**

Section 129a(b) of title 10, United States Code, is amended by adding at the end the following: “The Sec-
retary may not reduce the civilian workforce programmed
full-time equivalent levels unless the Secretary conducts
an appropriate analysis of the impacts of such reductions
on workload, military force structure, lethality, readiness,
operational effectiveness, stress on the military force, and
fully burdened costs.”.

SEC. 912. CHIEF DIVERSITY OFFICERS.

(a) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 4 of title 10, United
States Code, is amended by adding at the end the
following new section:

“§ 146. Chief Diversity Officer

“(a) CHIEF DIVERSITY OFFICER.—(1) There is a
Chief Diversity Officer of the Department of Defense, ap-
pointed from civilian life by the President, by and with
the advice and consent of the Senate.

“(2) The Chief Diversity Officer shall be appointed
from among persons who have an extensive management
or business background and experience with diversity and
inclusion. A person may not be appointed as Chief Diver-
sity Officer within seven years after relief from active duty
as a commissioned officer of a regular component of an
armed force.

“(b) POWERS AND DUTIES.—The Chief Diversity Of-
cier—
“(1) is responsible for policy, oversight, guidance, and coordination for all matters of the Department of Defenserelated to diversity and inclusion;

“(2) exercises authority to direct the Secretaries of the military departments and the heads of all other elements of the Department with regard to matters for which the Chief Diversity Officer has responsibility under this section;

“(3) exercises authority, direction, and control over the Office of People Analytics, or any successor organization;

“(4) shall establish and maintain a Department of Defense strategic plan that publicly states a diversity definition, vision, and goals for the Department of Defense;

“(5) shall define a set of strategic metrics that are directly linked to key organizational priorities and goals, actionable, and actively used to implement the strategic plan;

“(6) shall establish training in diversity dynamics and training in practices for leading diverse groups effectively;

“(7) shall establish and maintain a strategic plan for diverse participation by institutions of higher education (including historically black colleges
and universities and minority-serving institutions),
federally funded research and development centers,
and individuals in defense-related research, develop-
ment, testing, and evaluation activities;

“(8) shall establish and maintain a strategic
plan for outreach to, and recruiting from, untapped
locations and underrepresented demographic groups;

“(9) shall conduct regular, rigorous evaluations
and assessments of diversity within the Department
of Defense; and

“(10) shall perform such additional duties and
exercise such powers as the Secretary of Defense
may prescribe.

“(c) Precedence in the Department of De-
Fense.—(1) The Chief Diversity Officer shall report di-
rectly to the Secretary of Defense in the performance of
duties under this section.

“(2) The Chief Diversity Officer takes precedence in
the Department of Defense after the Chief Management
Officer.”.

(2) Technical and Conforming Amend-
ments.—

(A) The table of sections at the beginning
of such chapter is amended by adding at the
end the following new item:

“146. Chief Diversity Officer.”.
(B) Section 136(b) of such title is amend-
ed by inserting “the Chief Diversity Officer
and” after “control of the Secretary of De-
fense,”.

(b) DEPARTMENT OF THE ARMY.—

(1) IN GENERAL.—Chapter 703 of title 10,
United States Code, is amended by adding at the
end the following new section:

“§ 7025. Chief Diversity Officer

“(a) CHIEF DIVERSITY OFFICER.—(1) There is a
Chief Diversity Officer of the Department of the Army,
appointed from civilian life by the President, by and with
the advice and consent of the Senate.

“(2) The Chief Diversity Officer shall be appointed
from among persons who have an extensive management
or business background and experience with diversity and
inclusion.

“(b) POWERS AND DUTIES.—The Chief Diversity Of-
cifer—

“(1) is responsible for policy, oversight, guid-
ance, and coordination for all matters of the Depart-
ment of the Army related to diversity and inclusion;

“(2) exercises authority to direct the heads of
all other elements of the Department with regard to
matters for which the Chief Diversity Officer has responsibility under this section;

“(3) shall establish training in diversity dynamics and training in practices for leading diverse groups effectively;

“(4) shall conduct regular, rigorous evaluations and assessments of diversity within the Department of the Army; and

“(5) shall perform such additional duties and exercise such powers as the Secretary of the Army may prescribe.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“7025. Chief Diversity Officer.”.

(B) Section 7014(b) of such title is amended by—

(i) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(ii) by inserting after paragraph (1), the following new paragraph (2):

“(2) The Chief Diversity Officer.”.
(C) Section 7014(c)(1) of such title is amended by adding at the end the following new subparagraph (H):

“(H) Diversity and inclusion.”.

(e) DEPARTMENT OF THE NAVY.—

(1) IN GENERAL.—Chapter 803 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 8029. Chief Diversity Officer

“(a) CHIEF DIVERSITY OFFICER.—(1) There is a Chief Diversity Officer of the Department of the Navy, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) The Chief Diversity Officer shall be appointed from among persons who have an extensive management or business background and experience with diversity and inclusion.

“(b) POWERS AND DUTIES.—The Chief Diversity Officer—

“(1) is responsible for policy, oversight, guidance, and coordination for all matters of the Department of the Navy related to diversity and inclusion;

“(2) exercises authority to direct the heads of all other elements of the Department with regard to
matters for which the Chief Diversity Officer has responsibility under this section;

“(3) shall establish training in diversity dynamics and training in practices for leading diverse groups effectively;

“(4) shall conduct regular, rigorous evaluations and assessments of diversity within the Department of the Navy; and

“(5) shall perform such additional duties and exercise such powers as the Secretary of the Navy may prescribe.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) The table of sections at the beginning of chapter 803 of title 10, United States Code, is amended by adding at the end the following new item:

“8029. Chief Diversity Officer.”.

(B) Section 8014(b) of such title is amended by—

(i) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(ii) by inserting after paragraph (1), the following new paragraph (2):

“(2) The Chief Diversity Officer.”.

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(C) Section 8014(c)(1) of such title is amended by adding at the end the following new subparagraph (H):

“(H) Diversity and inclusion.”.

(d) DEPARTMENT OF THE AIR FORCE.—

(1) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 9025. Chief Diversity Officer

“(a) CHIEF DIVERSITY OFFICER.—(1) There is a Chief Diversity Officer of the Department of the Air Force, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) The Chief Diversity Officer shall be appointed from among persons who have an extensive management or business background and experience with diversity and inclusion.

“(b) POWERS AND DUTIES.—The Chief Diversity Officer—

“(1) is responsible for policy, oversight, guidance, and coordination for all matters of the Department of the Air Force related to diversity and inclusion;

“(2) exercises authority to direct the heads of all other elements of the Department with regard to
matters for which the Chief Diversity Officer has responsibility under this section;

“(3) shall establish training in diversity dynamics and training in practices for leading diverse groups effectively;

“(4) shall conduct regular, rigorous evaluations and assessments of diversity within the Department of the Air Force; and

“(5) shall perform such additional duties and exercise such powers as the Secretary of the Air Force may prescribe.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“9025. Chief Diversity Officer.”.

(B) Section 9014(b) of such title is amended by—

(i) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(ii) by inserting after paragraph (1), the following new paragraph (2):

“(2) The Chief Diversity Officer.”.
(C) Section 9014(e)(1) of such title is amended by adding at the end the following new subparagraph (H):

“(H) Diversity and inclusion.”.

(e) COAST GUARD.—

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

“§ 321. Chief Diversity Officer

“(a) ESTABLISHMENT.—(1) There is a Chief Diversity Officer of the Coast Guard, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) The Chief Diversity Officer shall be appointed from among persons who have an extensive management or business background and experience with diversity and inclusion.

“(b) POWERS AND DUTIES.—The Chief Diversity Officer—

“(1) is responsible for policy, oversight, guidance, and coordination for all matters of the Coast Guard related to diversity and inclusion;

“(2) exercises authority to direct the heads of all other elements of the Coast Guard with regard
to matters for which the Chief Diversity Officer has responsibility under this section;

“(3) shall establish training in diversity dynamics and training in practices for leading diverse groups effectively;

“(4) shall conduct regular, rigorous evaluations and assessments of diversity within the Coast Guard; and

“(5) shall perform such additional duties and exercise such powers as the Commandant may prescribe.

“(c) PRECEDENCE.—The Chief Diversity Officer shall report directly to the Commandant in the performance of duties under this section.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“321. Chief Diversity Officer.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on February 1, 2021.

SEC. 913. ESTABLISHMENT OF DEPUTY ASSISTANT SECRETARIES FOR SUSTAINMENT.

(a) DEPARTMENT OF THE ARMY.—

(1) IN GENERAL.—Chapter 703 of title 10, United States Code, as amended by section 912(b)
of this Act, is further amended by adding at the end
the following new section:

―§ 7026. Deputy Assistant Secretary of the Army for
Sustainment

“(a) APPOINTMENT.—There is a Deputy Assistant
Secretary of the Army for Sustainment, who shall be ap-
pointed by the Secretary of the Army.

“(b) RESPONSIBILITIES.—The Deputy Assistant Sec-
retary of the Army for Sustainment shall have the fol-
lowing responsibilities with respect to major weapon sys-
tems acquired for the Department of the Army:

“(1) Reviewing and providing oversight of the
sustainment baseline cost estimates required by sec-
tion 2366d of this title.

“(2) Participating in any review of a life-cycle
sustainment plan conducted pursuant to section
2366d of this title.

“(3) Ensuring that cost modeling, performance
metrics, and data analytics are used—

“(A) to inform and update life-cycle
sustainment plans;

“(B) to develop, with respect to the major
weapon system to which such plan relates, the
budget of the President for the fiscal year as
submitted to Congress pursuant to section 1105 of title 31; and

“(C) to inform the Secretary of the Army when assumptions made in the development of a sustainment baseline cost estimate are no longer valid or when new opportunities arise to reduce costs or improve efficiency.

“(4) Making recommendations to the senior acquisition executive of the Army regarding the most cost-effective sustainment strategy to incorporate into each life-cycle sustainment plan.

“(5) Balancing the range of sustainment activities for each major weapon system to achieve the optimal balance of affordability, viable military depots and shipyards, and contracted product support arrangements.

“(6) Advise the Secretary of the Army regarding the overall alignment of the sustainment activities, the operations of the sustainment supply chain, and strategic readiness.

“(c) DEFINITIONS.—The terms ‘life-cycle sustainment plan’, ‘major weapon system’, and ‘sustainment baseline cost estimate’ have the meanings given in section 2366d of this title.”.
(2) Clerical Amendment.—The table of sections at the beginning of chapter 703 of title 10, United States Code, is amended by adding at the end the following new item:

“7026. Deputy Assistant Secretary of the Army for Sustainment.”.

(b) Department of the Navy.—

(1) In general.—Chapter 803 of title 10, United States Code, as amended by section 912(c) of this Act, is further amended by adding at the end the following new section:

“§ 8029a. Deputy Assistant Secretary of the Navy for Sustainment

“(a) Appointment.—There is a Deputy Assistant Secretary of the Navy for Sustainment, who shall be appointed by the Secretary of the Navy.

“(b) Responsibilities.—The Deputy Assistant Secretary of the Navy for Sustainment shall have the following responsibilities with respect to major weapon systems acquired for the Department of the Navy:

“(1) Reviewing and providing oversight of the sustainment baseline cost estimates required by section 2366d of this title.

“(2) Participating in any review of a life-cycle sustainment plan conducted pursuant to section 2366d of this title.
“(3) Ensuring that cost modeling, performance metrics, and data analytics are used—

“(A) to inform and update life-cycle sustainment plans;

“(B) to develop, with respect to the major weapon system to which such plan relates, the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31; and

“(C) to inform the Secretary of the Navy when assumptions made in the development of a sustainment baseline cost estimate are no longer valid or when new opportunities arise to reduce costs or improve efficiency.

“(4) Making recommendations to the senior acquisition executive of the Navy regarding the most cost-effective sustainment strategy to incorporate into each life-cycle sustainment plan.

“(5) Balancing the range of sustainment activities for each major weapon system to achieve the optimal balance of affordability, viable military depots and shipyards, and contracted product support arrangements.

“(6) Advise the Secretary of the Navy regarding the overall alignment of the sustainment activi-
ties, the operations of the sustainment supply chain, and strategic readiness.

“(c) DEFINITIONS.—The terms ‘life-cycle sustainment plan’, ‘major weapon system’, and ‘sustainment baseline cost estimate’ have the meanings given in section 2366d of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 803 of title 10, United States Code, is amended by adding at the end the following new item:

“8029a. Deputy Assistant Secretary of the Navy for Sustainment.”.

(c) DEPARTMENT OF THE AIR FORCE.—

(1) IN GENERAL.—Chapter 903 of title 10, United States Code, as amended by section 912(d) of this Act, is further amended by adding at the end the following new section:

“§ 9026. Deputy Assistant Secretary of the Air Force for Sustainment

“(a) APPOINTMENT.—There is a Deputy Assistant Secretary of the Air Force for Sustainment, who shall be appointed by the Secretary of the Air Force.

“(b) RESPONSIBILITIES.—The Deputy Assistant Secretary of the Air Force for Sustainment shall have the following responsibilities with respect to major weapon systems acquired for the Department of the Air Force:
“(1) Reviewing and providing oversight of the sustainment baseline cost estimates required by section 2366d of this title.

“(2) Participating in any review of a life-cycle sustainment plan conducted pursuant to section 2366d of this title.

“(3) Ensuring that cost modeling, performance metrics, and data analytics are used—

“(A) to inform and update life-cycle sustainment plans;

“(B) to develop, with respect to the major weapon system to which such plan relates, the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31; and

“(C) to inform the Secretary of the Air Force when assumptions made in the development of a sustainment baseline cost estimate are no longer valid or when new opportunities arise to reduce costs or improve efficiency.

“(4) Making recommendations to the senior acquisition executive of the Air Force regarding the most cost-effective sustainment strategy to incorporate into each life-cycle sustainment plan.
“(5) Balancing the range of sustainment activities for each major weapon system to achieve the optimal balance of affordability, viable military depots and shipyards, and contracted product support arrangements.

“(6) Advise the Secretary of the Air Force regarding the overall alignment of the sustainment activities, the operations of the sustainment supply chain, and strategic readiness.

“(c) DEFINITIONS.—The terms ‘life-cycle sustainment plan’, ‘major weapon system’, and ‘sustainment baseline cost estimate’ have the meanings given in section 2366d of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of title 10, United States Code, is amended by adding at the end the following new item:

“9026. Deputy Assistant Secretary of the Air Force for Sustainment.”.

SEC. 914. OFFICE OF DEFENSE COMMUNITY COOPERATION AND ECONOMIC ADJUSTMENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2391 the following new section:
§ 2391a. Office of Defense Community Cooperation and Economic Adjustment

(a) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an Office of Defense Community Cooperation and Economic Adjustment (in this section referred to as the ‘Office’).

(b) HEAD OF OFFICE.—There is a Director of the Office who shall be the head of the Office. The Director shall be appointed by the Secretary of Defense.

(c) DUTIES.—The Office shall—

(1) serve as the office in the Department of Defense with primary responsibility for—

(A) providing assistance to States, counties, municipalities, regions, and other communities to foster cooperation with military installations to enhance the military mission, achieve facility and infrastructure savings and reduced operating costs, address encroachment and compatible land use issues, support military families, and increase military, civilian, and industrial readiness and resiliency; and

(B) providing adjustment and diversification assistance to State and local governments under section 2391(b) to achieve the objectives described in subparagraph (A);
“(2) coordinate the provision of such assistance with other organizations and elements of the Department;

“(3) provide support to the Economic Adjustment Committee established under Executive Order No. 12788 (57 Fed. Reg. 2213; 10 U.S.C. 2391 note) or any successor to such Committee; and

“(4) carry out such other activities as the Secretary of Defense determines appropriate.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2391 the following new item:


(b) TRANSFERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall transfer the functions, personnel, and assets of the Office of Economic Adjustment of the Department of Defense to the Office of Defense Community Cooperation and Economic Adjustment established under section 2391a of title 10, United States Code (as added by subsection (a)).

(c) ADMINISTRATION OF CERTAIN PROGRAMS.—Beginning on the effective date of the transfers under subsection (b), any program, project, or other activity administered by the Office of Economic Adjustment of the De-
department of Defense as of the date of the enactment of this Act shall be administered by the Office of Defense Community Cooperation and Economic Adjustment established under section 2391a of title 10, United States Code (as added by subsection (a)).

SEC. 915. INPUT FROM CHIEF OF NATIONAL GUARD BUREAU TO THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.

Section 181(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) Input from Chief of National Guard Bureau.—The Council shall seek, and strongly consider, the views of the Chief of National Guard Bureau regarding non-Federalized National Guard capabilities in support of homeland defense and civil support missions.”.

SEC. 916. REDESIGNATION OF THE JOINT FORCES STAFF COLLEGE.

(a) In General.—Title 10, United States Code, is amended by striking “Joint Forces Staff College” each place it appears and inserting “Joint Forces War College”.

(b) References.—Any reference in Federal law, regulations, guidance, instructions, or other documents of
the Federal Government to the Joint Forces Staff College shall be deemed to be a reference to the Joint Forces War College.

SEC. 917. REPORTING ON POST-JAIC ASSIGNMENT.

Subsection (b) of section 260 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by adding at the end the following paragraph:

“(11) For each uniformed service member who concluded an assignment supporting the Center in the previous 6 months, a position description of the billet that the service member transitioned into.”.

SEC. 918. COMPTROLLER GENERAL REPORT ON VULNERABILITIES OF THE DEPARTMENT OF DEFENSE RESULTING FROM OFFSHORE TECHNICAL SUPPORT CALL CENTERS.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on vulnerabilities in connection with the provision of services by offshore technical support call centers to the Department of Defense.

(b) Elements.—The report required by subsection (a) shall include the following:
(1) A description and assessment of the location of all offshore technical support call centers.

(2) A description and assessment of the types of information shared by the Department with foreign nationals at offshore technical support call centers.

(3) An assessment of the extent to which access to such information by foreign nationals creates vulnerabilities to the information technology network of the Department.

(c) Offshore Technical Support Call Center Defined.—In this section, the term “offshore technical support call center” means a call center that—

(1) is physically located outside the United States;

(2) employs individuals who are foreign nationals; and

(3) may be contacted by personnel of the Department to provide technical support relating to technology used by the Department.

SEC. 919. LIMITATION ON CONSOLIDATION OR TRANSITION TO ALTERNATIVE CONTENT DELIVERY METH- ODS WITHIN THE DEFENSE MEDIA ACTIVITY.

(a) In General.—No consolidation or transition to alternative content delivery methods may occur within the
Defense Media Activity until a period of 180 days has elapsed following the date on which the Secretary of Defense submits to the congressional defense committees a report that includes a certification, in detail, that such consolidation or transition to alternative content delivery methods will not—

(1) compromise the safety and security of members of the Armed Forces and their families;

(2) compromise the cybersecurity or security of content delivery to members of the Armed Forces, whether through—

(A) inherent vulnerabilities in the content delivery method concerned;

(B) vulnerabilities in the personal devices used by members; or

(C) vulnerabilities in the receivers or streaming devices necessary to accommodate the alternative content delivery method;

(3) increase monetary costs or personal financial liabilities to members of the Armed Forces or their families, whether through monthly subscription fees or other tolls required to access digital content; and
(4) impede access to content due to bandwidth or other technical limitations where members of the Armed Forces receive content.

(b) DEFINITIONS.—In this section:

(1) The term “alternative content delivery” means any method of the Defense Media Activity for the delivery of digital content that is different from a method used by the Activity as of the date of the enactment of this Act.

(2) The term “consolidation”, when used with respect to the Defense Media Activity, means any action to reduce or limit the functions, personnel, facilities, or capabilities of the Activity, including entering into contracts or developing plans for such reduction or limitation.

Subtitle C—Space Matters

SEC. 921. ASSISTANT SECRETARY OF DEFENSE FOR SPACE AND STRATEGIC DETERRENCE POLICY.

(a) Assistant Secretaries of Defense.—Paragraph (5) of section 138(b) of title 10, United States Code, is amended to read as follows:

“(5) One of the Assistant Secretaries is the Assistant Secretary of Defense for Space and Strategic Deterrence Policy. The principal duty of the Assistant Secretary shall be the overall supervision of policy of the Department of
Defense for space, nuclear deterrence, and missile defense.’’.

(b) Space Force Acquisition Council.—Section 9021(b)(3) of title 10, United States Code, is amended by striking “Assistant Secretary of Defense for Space Policy” and inserting “Assistant Secretary of Defense for Space and Strategic Deterrence Policy”.

c) Elements of Office.—Section 955(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1565) is amended by striking “Assistant Secretary of Defense for Space Policy” and inserting “Assistant Secretary of Defense for Space and Strategic Deterrence Policy”.

SEC. 922. OFFICE OF THE CHIEF OF SPACE OPERATIONS.

(a) In General.—Chapter 908 of title 10, United States Code, is amended by striking section 9083 and inserting the following new sections:

“§ 9083. Office of the Chief of Space Operations: function; composition

“(a) Function.—There is in the executive part of the Department of the Air Force an Office of the Chief of Space Operations to assist the Secretary of the Air Force in carrying out the responsibilities of the Secretary.

“(b) Composition.—The Office of the Chief of Space Operations is composed of the following:
“(1) The Chief of Space Operations.

“(2) Other members of the Space Force and Air Force assigned or detailed to the Office of the Chief of Space Operations.

“(3) Civilian employees in the Department of the Air Force assigned or detailed to the Office of the Chief of Space Operations.

“(c) ORGANIZATION.—Except as otherwise specifically prescribed by law, the Office of the Chief of Space Operations shall be organized in such manner, and the members of the Office of the Chief of Space Operations shall perform such duties and have such titles, as the Secretary of the Air Force may prescribe.

“§ 9084. Office of the Chief of Space Operations: general duties

“(a) PROFESSIONAL ASSISTANCE.—The Office of the Chief of Space Operations shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Air Force and to the Chief of Space Operations.

“(b) AUTHORITIES.—Under the authority, direction, and control of the Secretary of the Air Force, the Office of the Chief of Space Operations shall—

“(1) subject to subsections (c) and (d) of section 9014 of this title, prepare for such employment
of the Space Force, and for such recruiting, organ-
izing, supplying, equipping (including research and
development), training, servicing, mobilizing, de-
mobilizing, administering, and maintaining of the
Space Force, as will assist in the execution of any
power, duty, or function of the Secretary of the Air
Force or the Chief of Space Operations;
“(2) investigate and report upon the efficiency
of the Space Force and its preparation to support
military operations by commanders of the combatant
commands;
“(3) prepare detailed instructions for the execu-
tion of approved plans and supervise the execution
of those plans and instructions;
“(4) as directed by the Secretary of the Air
Force or the Chief of Space Operations, coordinate
the action of organizations of the Space Force; and
“(5) perform such other duties, not otherwise
assigned by law, as may be prescribed by the Sec-
retary of the Air Force.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of
sections at the beginning of chapter 908 of such title is
amended by striking the item related to section 9083 and
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”.

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(c) **Effective Date.**—The amendments made by this section shall take effect on the date on which the Secretary of the Air Force and the Chief of Space Operations jointly submit to the congressional defense committees a report detailing the functions that the headquarters staff of the Department of the Air Force will continue to perform in support of the Space Force.

(d) **No Authorization of Additional Military Billets.**—The Secretary shall establish the Office of the Chief of Space Operations under section 9083 of title 10, United States Code, as added by subsection (a), using military personnel otherwise authorized. Nothing in this section or the amendments made by this section shall be construed to authorize additional military billets for the purposes of, or in connection with, the establishment of the Office of the Chief of Space Operations.

**SEC. 923. SPACE FORCE MEDAL.**

(a) **Space Force Medal.**—Chapter 937 of title 10, United States Code, is amended by inserting after section 9280 the following new section:

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§ 9280a. Space Force Medal: award; limitations

(a) The President may award a decoration called the ‘Space Force Medal’, of appropriate design with accompanying ribbon, to any person who, while serving in any capacity with the Space Force, distinguishes himself or
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herself by heroism not involving actual conflict with an
enemy.

“(b) Not more than one Space Force Medal may be
awarded to a person. However, for each succeeding act
that would otherwise justify award of such a medal, the
President may award a suitable bar or other device to be
worn as the President directs.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of
sections at the beginning of such chapter is amended by
inserting after the item relating to section 9280 the fol-
lowing new item:

“9280a. Space Force Medal: award; limitations.”.

SEC. 924. CLARIFICATION OF PROCUREMENT OF COMMER-
CIAL SATELLITE COMMUNICATIONS SERV-
ICES.

(a) IN GENERAL.—Chapter 963 of title 10, United
States Code, is amended by inserting before section 9532
the following new section:

“§ 9531. Procurement of commercial satellite commu-
nications services

“The Chief of Space Operations shall be responsible
for the procurement of commercial satellite commu-
nications services for the Department of Defense.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of
sections at the beginning of chapter 963 of such title is
amended by inserting before the item relating to section 9532 the following new item:

“9531. Procurement of commercial satellite communications services.”.

SEC. 925. TEMPORARY EXEMPTION FROM AUTHORIZED DAILY AVERAGE OF MEMBERS IN PAY GRADES E–8 AND E–9.

Section 517 of title 10, United States Code, shall not apply to the Space Force until October 1, 2023.

SEC. 926. ONE-TIME UNIFORM ALLOWANCE FOR MEMBERS TRANSFERRED TO THE SPACE FORCE.

(a) In general.—The Secretary of the Air Force may provide an officer or enlisted member who transfers from the Army, Navy, Air Force, or Marine Corps to the Space Force an allowance of not more than $400 as reimbursement for the purchase of required uniforms and equipment.

(b) Relationship to other allowances.—The allowance under this section is in addition to any allowance available under any other provision of law.

(c) Source of funds.—Funds for allowances provided under subsection (a) in a fiscal year may be derived only from amounts authorized to be appropriated for military personnel for such fiscal year.

(d) Applicability.—The authority for an allowance under this section shall apply with respect to any member of the Army, Navy, Air Force, or Marine Corps who trans-
fers to the Space Force on or after December 20, 2019, and on or before September 30, 2023.

SEC. 927. RANK AND GRADE STRUCTURE OF THE UNITED STATES SPACE FORCE.

The Space Force shall use a system of ranks and grades that is identical to the system of ranks and grades used by the Navy.

SEC. 928. REPORT ON THE ROLE OF THE NAVAL POSTGRADUATE SCHOOL IN SPACE EDUCATION.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the future role of the Naval Postgraduate School in space education.

(b) Elements.—The report under subsection (a) shall include the following:

(1) An overview of the Naval Postgraduate School’s existing space-focused education and research capabilities, programs, products, and outputs.

(2) An identification and evaluation of additional space-focused educational requirements that may be fulfilled by the Naval Postgraduate school, including any requirements resulting from the establishment of the Space Force or otherwise neces-
sitated by the evolving space-related needs of the
Department of Defense.

(3) A plan for meeting the requirements identi-
fied under paragraph (2), including a description of
the types and amounts of additional resources that
may be needed for the Naval Postgraduate School to
meet such requirements over the period of 5 fiscal
years following the date of the report.

TITLE X—GENERAL PROVISIONS
Subtitle A—Financial Matters
SEC. 1001. GENERAL TRANSFER AUTHORITY.
(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—
   (1) AUTHORITY.—Upon determination by the
   Secretary of Defense that such action is necessary in
   the national interest, the Secretary may transfer
   amounts of authorizations made available to the De-
   partment of Defense in this division for fiscal year
   2021 between any such authorizations for that fiscal
   year (or any subdivisions thereof). Amounts of au-
   thorizations so transferred shall be merged with and
   be available for the same purposes as the authoriza-
   tion to which transferred.

(2) LIMITATION.—Except as provided in para-
   graph (3), the total amount of authorizations that
the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) Exception for Transfers Between Military Personnel Authorizations.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) Limitations.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(e) Effect on Authorization Amounts.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) Notice to Congress.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).
(e) Certification Requirement.—The authority to transfer any authorization under this section may not be used until the Secretary of Defense and the head of each entity affected by such transfer submits to the congressional defense committees certification in writing that—

(1) the amount transferred will be used for higher priority items, based on unforeseen military requirements, than the items from which authority is transferred; and

(2) the amount transferred will not be used for any item for which funds have been denied authorization by Congress.

SEC. 1002. Determination of Budgetary Effects.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.
SEC. 1003. PANDEMIC PREPAREDNESS AND RESILIENCE

NATIONAL SECURITY FUND.

(a) Fund Purposes.—Amounts authorized to be appropriated for Research and Development, Defense-Wide, Pandemic Preparedness and Resilience National Security Fund shall be available for obligation and expenditure only for the purposes of pandemic preparedness. Such amounts may not be used for a purpose or program unless the purpose or program is authorized by law.

(b) Transfers.—

(1) In general.—Amounts referred to in subsection (a) may be transferred as follows:

(A) To Procurement, Defense-wide and Research, Development, Test, and Evaluation, Defense-wide, not more than an aggregate of $200,000,000 to carry out the Small Business Industrial Base Resilience Program established by section 844 of this Act.

(B) To Research, Development, Test, and Evaluation, Defense-wide, line 9, Biomedical Technology, not more than $50,000,000 for research that aims to rapidly produce medical countermeasures against novel threats, at population scale and approved for use in people.

(C) To the following, not more than an aggregate of $750,000,000 to support research
and development efforts directly related to bio-
preparedness and pandemic preparedness and
resilience:

(i) Research, Development, Test, and
Evaluation, Army.

(ii) Research, Development, Test, and
Evaluation, Navy.

(iii) Research, Development, Test, and
Evaluation, Air Force.

(iv) Research, Development, Test, and

(v) Defense Health Program.

(D) To Research, development, test, and
evaluation, Defense-wide, Line 16, Chemical
and Biological Defense Program, not more than
$27,000,000 for research and development to
detect and model treatments for nuclear, chemi-
cal, and biological exposure.

(E) To research, development, test, and
evaluation, Defense-wide, line 44, Chemical and
Biological Defense Program – Advanced Devel-
opment, not more than $30,000,000 for the de-
velopment of decontamination technologies for
civilian pandemic preparedness.
(F) To research, development, test, and evaluation, Defense-wide, line 49, Manufac-
turing Science and Technology Program, not more than $35,000,000 for support for the de-
velopment of advanced manufacturing tech-
niques and technologies that enable the United States defense industrial base to rapidly produce needed materials for novel biological threats.

(2) LIMITATION.—Amounts referred to in sub-
section (a) may not be transferred for—

   (A) Drug Interdiction and Counter-Drug Activities; or

   (B) military construction (as defined in section 2801(a) of title 10, United States Code), including the purposes described in sec-
tion 2802(b) of such title, or military family housing, including the purposes described in section 2821(a) of such title.

(3) NOTICE REQUIREMENT.—Not later than 30 days before transferring any amount described in subsection (a), the Secretary of Defense shall submit to the congressional defense committees notice of the transfer.
(4) EXCEPTION FROM GENERAL TRANSFER AUTHORITY.—A transfer under this subsection shall not be counted toward the dollar amount limitation under section 1001.

SEC. 1004. BUDGET MATERIALS FOR SPECIAL OPERATIONS FORCES.

Section 226 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “of Defense and the Secretary of each of the military departments” after “Secretary”;

(B) by striking “2021” and inserting “2022”;

(C) by striking “a consolidated budget justification display” and inserting “a budget justification display for each applicable appropriation”;

(D) in the second sentence, by striking “display” and all that follows and inserting “displays shall include each of the following:” and

(E) by adding at the end the following new paragraphs:
“(1) Details at the appropriation and line item level, including any amount for service-common support, acquisition support, training, operations, pay and allowances, base operations sustainment, and any other common services and support.

“(2) An identification of any change in the level or type of service-common support and enabling capabilities provided by each of the military services or Defense Agencies to special operations forces for the fiscal year covered by the budget justification display when compared to the preceding fiscal year, including the rationale for any such change and any mitigating actions.

“(3) An assessment of the specific effects that the budget justification display for the fiscal year covered by the display and any anticipated future manpower and force structure changes are likely to have on the ability of each of the military services to provide service-common support and enabling capabilities to special operations forces.

“(4) Any other matters the Secretary of Defense or the Secretary of a military department determines are relevant.”;

(2) by redesignating subsection (b) as subsection (c); and
(3) by inserting after subsection (a) the following new subsection (b):

“(b) CONSOLIDATED BUDGET JUSTIFICATION DISPLAY.—The Secretary of Defense shall include, in the budget materials submitted to Congress under section 1105 of title 31, for fiscal year 2022 and any subsequent fiscal year, a consolidated budget justification display containing the same information as is required in the budget justification displays required under subsection (a). Such consolidated budget justification display may be provided as a summary by appropriation for each military department and a summary by appropriation for all Defense Agencies.”.

SEC. 1005. DEPARTMENT OF DEFENSE AUDIT REMEDIATION PLAN.

Section 240g(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period and inserting “; and”; and

(3) by adding at the end the following new paragraphs:
“(4) the amount spent by the Department on operating and maintaining financial management systems during the preceding five fiscal years; and
“(5) the amount spent by the Department on acquiring or developing new financial management systems during such five fiscal years.”.

SEC. 1006. PUBLIC AVAILABILITY OF DEPARTMENT OF DEFENSE LEGISLATIVE PROPOSALS.
Not later than 7 days after the transmission to the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives of any Department of Defense legislative proposal, the Secretary of Defense shall make publicly available on a website of the Department such legislative proposal, including any bill text and section-by-section analyses associated with the proposal.

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.
Section 284(c) of title 10, United States Code, is amended—
(1) by striking paragraph (2), and inserting the following new paragraph (2):
“(2) Secretary of state concurrence.—

The Secretary may only provide support for a purpose described in this subsection with the concurrence of the Secretary of State.”; and

(2) by adding at the end the following new paragraph:

“(3) Priority.—In providing support for a purpose described in this subsection, the Secretary shall give priority to support requested for the purpose of affecting the 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.

Section 284(h) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and
(B) by inserting before subparagraph (B), as so redesignated, the following new subpara-
graph (A):
“(A) In case of support for a purpose de-
scribed in subsection (b)—
“(i) an identification of the recipient of the support;
“(ii) a description of the support pro-
vided;
“(iii) a description of the sources and amounts of funds used to provide such support; and
“(iv) a description of the amount of funds obligated to provide such support.”;
and
(2) by adding at the end the following new paragraph:
“(3) APPROPRIATE COMMITTEES OF CON-
GRESS.—For purposes of any notice submitted under this subsection with respect to support de-
scribed in paragraph (1)(A), the appropriate com-
mittees of Congress are—
“(A) the Committees on Armed Services of the Senate and House of Representatives; and
“(B) any committee with jurisdiction over
the department or agency that receives the sup-
port covered by the notice.”.

Subtitle C—Naval Vessels

SEC. 1021. LIMITATION ON AVAILABILITY OF CERTAIN
FUNDS WITHOUT NAVAL VESSELS PLAN AND
CERTIFICATION.

Section 231(e) of title 10, United States Code, is
amended—

(1) in paragraph (1)—

(A) by striking “Secretary of the Navy”
and inserting “Secretary of Defense”; and

(B) by striking “50 percent” and inserting
“25 percent”; and

(2) in paragraph (2)—

(A) by striking “Secretary of the Navy”
and inserting “Secretary of Defense”; and

(B) by striking “operation and mainte-
nance, Navy” and inserting “operation and
maintenance, Defense-wide”.

SEC. 1022. LIMITATIONS ON USE OF FUNDS IN THE NA-
TIONAL DEFENSE SEALIFT FUND FOR PUR-
CHASE OF FOREIGN CONSTRUCTED VESSELS.

Section 2218(f)(3) of title 10, United States Code,
is amended—
(1) in subparagraph (C), by striking “seven” and inserting “nine”; and
(2) in subparagraph (E), by striking “two” and inserting “four”.

SEC. 1023. USE OF NATIONAL SEA-BASED DETERRENCE FUND FOR INCREMENTALLY FUNDED CONTRACTS TO PROVIDE FULL FUNDING FOR CO- LUMBIA CLASS SUBMARINES.

Section 2218a(h)(1) of title 10, United States Code, is amended by striking “and properly phased installment payments” and inserting “, properly phased installment payments, and full funding for the first two Columbia class submarines”.

SEC. 1024. PREFERENCE FOR UNITED STATES VESSELS IN TRANSPORTING SUPPLIES BY SEA.

(a) Preference for United States vessels in transporting supplies by sea.—

(1) In general.—Section 2631 of title 10, United States Code, is amended to read as follows:

“§2631. Preference for United States vessels in transporting supplies by sea

“(a) In General.—Supplies bought for the Army, Navy, Air Force, or Marine Corps, or for a Defense Agency, or otherwise transported by the Department of Defense, may only be transported by sea in—

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“(1) a vessel belonging to the United States; or
“(2) a vessel of the United States (as such term is defined in section 116 of title 46).
“(b) Waiver and Notification.—(1) The Secretary of Defense may waive the requirement under subsection (a) if such a vessel is—
“(A) not available at a fair and reasonable rate for commercial vessels of the United States; or
“(B) otherwise not available.
“(2) At least once each fiscal year, the Secretary of Defense shall submit, in writing, to the appropriate congressional committees a notice of any waiver granted under this subsection and the reasons for such waiver.
“(c) Requirements for Relflagging or Repair Work.—(1) In each request for proposals to enter into a time-charter contract for the use of a vessel for the transportation of supplies under this section, the Secretary of Defense shall require that—
“(A) any relflagging or repair work on a vessel for which a proposal is submitted in response to the request for proposals be performed in the United States (including any territory of the United States); and
“(B) any corrective and preventive maintenance or repair work on a vessel under contract pursuant
to this section relevant to the purpose of such con-
tract be performed in the United States (including
any territory of the United States) for the duration
of the contract, to the greatest extent practicable.

“(2) The Secretary of Defense may waive a require-
ment under paragraph (1) if the Secretary determines that
such waiver is critical to the national security of the
United States. The Secretary shall immediately submit, in
writing, to the appropriate congressional committees a no-
tice of any waiver granted under this paragraph and the
reasons for such waiver.

“(3) In this subsection:

“(A) The term ‘reflagging or repair work’
means work performed on a vessel—

“(i) to enable the vessel to meet applicable
standards to become a vessel of the United
States; or

“(ii) to convert the vessel to a more useful
military configuration.

“(B) The term ‘corrective and preventive main-
tenance or repair’ means—

“(i) maintenance or repair actions per-
formed as a result of a failure in order to re-
turn or restore equipment to acceptable per-
formance levels; and
“(ii) scheduled maintenance or repair actions to prevent or discover functional failures.

“(d) COMPLIANCE.—The Secretary of Defense shall ensure that contracting officers of the Department of Defense award contracts under this section to responsible offerors and monitor and ensure compliance with the requirements of this section. The Secretary shall—

“(1) ensure that timely, accurate, and complete information on contractor performance under this section is included in any contractor past performance database used by an executive agency; and

“(2) exercise appropriate contractual rights and remedies against contractors who fail to comply with this section, or subchapter I of chapter 553 of title 46 as determined by the Secretary of Transportation under such subchapter, including by—

“(A) determining that a contractor is ineligible for an award of such a contract; or

“(B) terminating such a contract or suspension or debarment of the contractor for such contract.

“(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—
“(1) the Committees on Armed Services of the Senate and the House of Representatives;
(2) the Committee on Transportation and Infrastructure of the House of Representatives; and
(3) the Committee on Commerce, Science, and Transportation of the Senate.”.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 157 of title 10, United States Code, is amended by amending the item relating to section 2361 to read as follows:

“2361. Preference for United States vessels in transporting supplies by sea.”.

(b) AMENDMENTS TO TITLE 46, UNITED STATES CODE.—

(1) TRANSFER OF PROVISION RELATING TO PRIORITY LOADING FOR COAL.—

(A) IN GENERAL.—Section 55301 of title 46, United States Code, is redesignated as section 55123 of such title, transferred to appear after section 55122 of such title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in such title.

(B) CONFORMING AMENDMENTS.—

(i) The analysis for subchapter I of chapter 553 of title 46, United States
Code, is amended by striking the item relating to section 55301.

(ii) The analysis for chapter 551 of title 46, United States Code, is amended by inserting after the item relating to section 55122 the following new item:

“55123. Priority loading for coal.”

(2) Amendment to subchapter heading.—

The heading of subchapter I of chapter 553 of title 46, United States Code, is amended to read as follows:

“Subchapter I—Government Impelled Transportation”.

SEC. 1025. RESTRICTIONS ON OVERHAUL, REPAIR, ETC. OF NAVAL VESSELS IN FOREIGN SHIPYARDS.

(a) Exception for Damage Repair Due to Hostile Actions or Interventions.—Section 8680(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “, other than in the case of voyage repairs”; and

(2) by adding at the end the following new paragraph:

“(3) Notwithstanding paragraph (1), a naval vessel described in paragraph (1) may be repaired in a shipyard outside the United States or Guam if the repairs are—

“(A) voyage repairs; or
“(B) necessary to correct damage sustained due to hostile actions or interventions.”.

(b) LIMITED AUTHORITY TO USE FOREIGN WORKERS.—Section 8680(a)(2)(B)(i) of title 10, United States Code, is amended—

(1) by inserting “(I)” after “(i)”; and

(2) by adding at the end the following new subclauses:

“(II) Notwithstanding subclause (I), foreign workers may be used to perform corrective and preventive maintenance or repair on a vessel as described in subparagraph (A) only if the Secretary of the Navy determines that travel by United States Government personnel or United States contractor personnel to perform the corrective or preventive maintenance or repair is not advisable for health or safety reasons. The Secretary of the Navy may not delegate the authority to make a determination under this subclause.

“(III) Not later than 30 days after making a determination under subclause (II), the Secretary of the Navy shall submit to the congressional defense committees written notification of the determination. The notification shall include the reasons why travel by United States personnel is not advisable for health or safety reasons, the location where the corrective and preventive maintenance
or repair will be performed, and the approximate duration
of the corrective and preventive maintenance or repair.”.

(c) TECHNICAL CORRECTION.—Section 8680(a)(2)(C)(ii) of title 10, United States Code, is
amended by striking the period after “means—”.

SEC. 1026. BIANNUAL REPORT ON SHIPBUILDER TRAINING
AND THE DEFENSE INDUSTRIAL BASE.

(a) IN GENERAL.—Chapter 863 of title 10, United
States Code, is amended by adding at the end the fol-
lowing new section:

“§ 8692. Biannual report on shipbuilder training and
the defense industrial base

“Not later than February 1 of each even-numbered
year until 2026, the Secretary of Defense, in coordination
with the Secretary of Labor, shall submit to the Com-
mittee on Armed Services and the Committee on Health,
Education, Labor, and Pensions of the Senate and the
Committee on Armed Services and the Committee on Edu-
cation and Labor of the House of Representatives a report
on shipbuilder training and hiring requirements necessary
to achieve the Navy’s 30-year shipbuilding plan and to
maintain the shipbuilding readiness of the defense indus-
trial base. Each such report shall include each of the fol-
lowing:
“(1) An analysis and estimate of the time and investment required for new shipbuilders to gain proficiency in particular shipbuilding occupational specialties, including detailed information about the occupational specialty requirements necessary for construction of naval surface ship and submarine classes to be included in the Navy’s 30-year shipbuilding plan.

“(2) An analysis of the age demographics and occupational experience level (measured in years of experience) of the shipbuilding defense industrial workforce.

“(3) An analysis of the potential time and investment challenges associated with developing and retaining shipbuilding skills in organizations that lack intermediate levels of shipbuilding experience.

“(4) Recommendations concerning how to address shipbuilder training during periods of demographic transition and evolving naval fleet architecture consistent with the Navy’s 2020 Integrated Force Structure Assessment.

“(5) An analysis of whether emerging technologies, such as augmented reality, may aid in new shipbuilder training.
“(6) Recommendations concerning how to encourage young adults to enter the defense shipbuilding industry and to develop the skills necessary to support the shipbuilding defense industrial base.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“8692. Biannual report on shipbuilder training and the defense industrial base.”.

SEC. 1027. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF CERTAIN LITTORAL COMBAT SHIPS.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Navy may be obligated or expended to retire or prepare for the retirement, transfer, or placement in storage any ships designated as LCS–3 or LCS–4 until the date on which the Secretary of the Navy submits the certification required under subsection (b).

(b) CERTIFICATION.—Upon the completion of all operational tests on each of the mission modules designed for the Littoral Combat Ship, the Secretary of the Navy shall submit to the congressional defense committees certification of such completion.
SEC. 1028. REPORT ON IMPLEMENTATION OF COMMANDANT'S PLANNING GUIDANCE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the Commandant’s Planning Guidance. Such report shall include a detailed description of each of the following:

(1) The specific number and type of manned littoral ships required to execute such Guidance.

(2) The role of long-range unmanned surface vessels in the execution of such Guidance.

(3) How platforms referred to in paragraphs (1) and (2) account for and interact with ground-based missiles fielded by teams of Marines deployed throughout the Indo-Pacific region.

(4) The integrated naval command and control architecture required to support the platforms referred to in paragraphs (1) and (2).

(5) The projected cost and any additional resources required to deliver the platforms referred to in paragraph (1) and (2) by not later than 5 years after the date of the enactment of this Act.

(b) FORM OF REPORT.—The report required under this section shall be submitted in unclassified form, but
may contain a classified annex. The unclassified report shall be made publicly available.

SEC. 1029. LIMITATION ON NAVAL FORCE STRUCTURE CHANGES.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Navy may be obligated or expended to retire, or to prepare for the retirement, transfer, or placement in storage of, any Department of the Navy ship until the date that is 30 days after the date on which Secretary of Defense submits to the congressional defense committees the 2020 Naval Integrated Force Structure Assessment.

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.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2021, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control...
of any country, or any entity within such country, as fol-

(1) Libya.

(2) Somalia.

(3) Syria.

(4) Yemen.

SEC. 1032. ANNUAL REPORT ON USE OF SOCIAL MEDIA BY
FOREIGN TERRORIST ORGANIZATIONS.

(a) ANNUAL REPORT.—The Secretary of Defense, in
coordination with the Secretary of State, shall submit to
the appropriate congressional committees an annual re-
port on—

(1) the use of online social media platforms by
entities designated as foreign terrorist organizations
by the Department of State for recruitment, fund-
raising, and the dissemination of information; and

(2) the threat posed to the national security of
the United States by the online radicalization of ter-
rorists and violent extremists.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—
In this section, the appropriate congressional committees
are—

(1) the Committee on Armed Services, the
Committee on Foreign Affairs, and the Permanent
Select Committee on Intelligence of the House of Representatives; and
(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 127e of title 10, United States Code, is amended—

(1) by striking subsection (c) and inserting the following new subsection (c):

“(c) PROCEDURES.—

“(1) IN GENERAL.—The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section. The Secretary shall notify the congressional defense committees of any material change to such procedures.

“(2) ELEMENTS.—The procedures required under paragraph (1) shall establish, at a minimum, each of the following:
“(A) Policy, strategy, or other guidance for the execution of, and constraints within, activities conducted under this section.

“(B) The processes through which activities conducted under this section are to be developed, validated, and coordinated, as appropriate, with relevant Federal entities.

“(C) The processes through which legal reviews and determinations are made to comply with this section and ensure that the exercise of authority under this section is consistent with the national security of the United States.

“(3) NOTICE TO CONGRESS.—The Secretary shall provide to the congressional defense committees a notice of the procedures established pursuant to this section before any exercise of the authority in this section, and shall notify such committees of any material change of the procedures.”;

(2) in subsection (d)—

(A) in the subsection heading, by inserting “OF INITIATION OF SUPPORT OF AN APPROVED MILITARY OPERATION” after “NOTIFICATION”; and

(B) in paragraph (1), by striking “15” and inserting “30”; and
(C) in paragraph (2), by adding at the end the following new subparagraphs:

“(G) A description of the entities with which the recipients of support are engaged in hostilities and whether each such entity is covered under an authorization for use of military force.

“(H) A description of the steps taken to ensure the support is consistent with other United States diplomatic and security objectives, including issues related to local political dynamics, civil-military relations, and human rights.

“(I) A description of the steps taken to ensure that the recipients of the support have not engaged in human rights violations or violations of the Geneva Conventions of 1949, including vetting, training, and support for adequately investigating allegations of violations and removing support in case of credible reports of violations.”;

(3) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively;

(4) by inserting after subsection (d) the following new subsection (e):
“(e) Notification of Modification or Termination of Support of an Approved Military Operation.—

“(1) In general.—Except as provided in paragraph (2), the Secretary shall provide to the congressional defense committees notice in writing by not later that—

“(A) 15 days before exercising the authority under this section to modify the support of an approved military operation;

“(B) 30 days before exercising the authority under this section to terminate the support of an approved military operation; or

“(C) as applicable, 30 days before exercising any other authority under which the Secretary engages or plans to engage with foreign forces, irregular forces, groups, or individuals.

“(2) Extraordinary circumstances.—If the Secretary finds the existence of extraordinary circumstances affecting the national security of the United States, the Secretary shall provide the notice required under paragraph (1) not later than 48 hours before exercising authority referred to in sub-paragraph (A) or (B) of such paragraph.
“(3) **ELEMENTS.**—Notice provided under paragraph (1) with respect to the modification or termination of support shall include each of the following elements:

“(A) A description of the reasons for the modification or termination.

“(B) A description of the potential effects of the modification or termination of support on the forces providing the support.

“(C) A plan for the modification or termination of the support, including the consideration of the transition of such support from one fiscal authority to another.

“(D) A list of any relevant entities of the United States Government that are or will be involved in the modification or termination of such support, including any planned transition of such support from one Government entity to another.”;

(5) by striking subsection (g), as redesignated by paragraph (3), and inserting the following new subsection (g):

“(g) **CONSTRUCTION OF AUTHORITY.**—Nothing in this section may be construed to constitute authority to
conduct or provide statutory authorization for any of the following:

“(1) A covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

“(2) An introduction of the armed forces, including as such term is defined in section 8(c) of the War Powers Resolution (50 U.S.C. 1547(c)), into hostilities, or into situations where hostilities are clearly indicated by the circumstances, without specific statutory authorization within the meaning of section 5(b) of such Resolution (50 U.S.C. 1544(b)).

“(3) The provision of support to regular forces, irregular forces, groups, or individuals to conduct operations that United States special operations forces are not otherwise authorized to conduct.

“(4) Activities or support of activities, directly or indirectly, that are inconsistent with the laws of armed conflict.”;

(6) in subsection (i)(3), as redesignated by paragraph (3)—

(A) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively; and
(B) by inserting after subparagraph (F) the following new subparagraph (G):

“(G) If there is a plan to modify or terminate the support to military operations to combat terrorism in any way, a detailed description of the plan, including—

“(i) a description of the reasons for the modification or termination;

“(ii) the potential effects of the modification or termination of support on the forces providing the support;

“(iii) a detailed plan for the modification or termination of the support; and

“(iv) a list of any relevant Government entities that are or will be involved in the modification or termination of such support, including any planned transition of such support from one Government entity to another.”; and

(7) by adding at the end the following new subsection:

“(j) MODIFICATION DEFINED.—In this section, the term ‘modification’, with respect to support provided for an approved military operation, means—
“(1) an increase or decrease in funding of more than $750,000 or change greater than 40 percent of the material resources provided;

“(2) an increase or decrease in the amount or type of equipment that significantly alters the use of or risk to foreign forces, irregular forces, groups, or United States special operations forces; or

“(3) a change in the legal or operational authorities.”.

SEC. 1042. PROHIBITION ON RETIREMENT OF NUCLEAR POWERED AIRCRAFT CARRIERS BEFORE FIRST REFUELING.

Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) A nuclear powered aircraft carrier may not be retired before its first refueling.”.

SEC. 1043. REQUIRED MINIMUM INVENTORY OF TACTICAL AIRLIFT AIRCRAFT.

Section 9062 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) The Secretary of the Air Force shall maintain a total inventory of tactical airlift aircraft of not less than 292 aircraft.”.
SEC. 1044. MODIFICATION AND TECHNICAL CORRECTION

TO DEPARTMENT OF DEFENSE AUTHORITY

TO PROVIDE ASSISTANCE ALONG THE

SOUTHERN LAND BORDER OF THE UNITED

STATES.

(a) AUTHORITY.—Subsection (a) of section 1059 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 986; 10 U.S.C. 271 note prec.) is amended to read as follows:

“(a) AUTHORITY.—

“(1) PROVISION OF ASSISTANCE.—

“(A) IN GENERAL.—The Secretary of Defense may provide assistance to United States Customs and Border Protection for purposes of increasing ongoing efforts to secure the southern land border of the United States in accordance with the requirements of this section.

“(B) REQUIREMENTS.—If the Secretary provides assistance under subparagraph (A), the Secretary shall ensure that—

“(i) the provision of the assistance will not negatively affect military training, operations, readiness, or other military requirements; and

“(ii) the tasks associated with the support provided align with the mission or
occupational specialty of any members of
the Armed Forces, including members of
the reserve components, or units of the
Armed Forces, including the reserve com-
ponents, that are deployed.

“(2) Notification Requirement.—Not later
than 5 days after the date on which the Secretary
decides to provide assistance under paragraph (1),
the Secretary shall submit to the Committee on
Armed Services of the Senate and the Committee on
Armed Services and the Committee on Homeland
Security of the House of Representatives notice of
such decision.”.

(b) Reporting Requirements.—Subsection (f) of
such section is amended to read as follows:

“(f) Reports.—

“(1) Report Required.—Any time assistance
is provided under subsection (a), not later than 30
days after the date on which such assistance is first
provided, and every 3 months thereafter during the
period while such assistance is provided, the Sec-
retary of Defense, in coordination with the Secretary
of Homeland Security, shall submit to the Com-
mittee on Armed Services and the Committee on
Homeland Security and Governmental Affairs of the
Senate and the Committee on Armed Services and
the Committee on Homeland Security of the House
of Representatives a report that includes, for both
the period covered by the report and the total period
of the deployment, each of the following:

“(A) A description of the assistance pro-
vided.

“(B) A description of the Armed Forces,
including the reserve components, deployed as
part of such assistance, including an identifica-
tion of—

“(i) the members of the Armed
Forces, including members of the reserve
components, deployed, including specific
information about unit designation, size of
unit, and whether any personnel in the
unit deployed under section 12302 of title
10, United States Code;

“(ii) the readiness rating for each of
the units deployed, including specific infor-
mation about any impacts to planned
training exercises for any such unit;

“(iii) the projected length of the de-
ployment and any special pay and incen-
atives for which deployed personnel may qualify during the deployment;

“(iv) any specific pre-deployment training provided for such members of the Armed Forces, including members of the reserve components;

“(v) the specific missions and tasks, by location, that are assigned to the members of the Armed Forces, including members of the reserve components, who are so deployed;

“(vi) the life support conditions and associated costs;

“(vii) the locations where units so deployed are conducting their assigned mission, together with a map showing such locations;

“(viii) a description of the rules and additional guidance applicable to the deployment, including the standing rules for the use of force for deployed personnel and the issuance of any weapons and ammunition; and

“(ix) the plan to transition the functions performed by the members of the
Armed Forces, including members of the reserve components, to the Department of Homeland Security and Customs Border Protection.

“(C) The sources and amounts of funds expended—

“(i) during the period covered by the report; and

“(ii) during the total period for which such support has been provided.

“(D) The amount of funds obligated—

“(i) during the period covered by the report; and

“(ii) during the total period for which such support has been provided.

“(E) An assessment of the efficacy and cost-effectiveness of such assistance in support of the objectives and strategy of the Secretary of Homeland Security to address the challenges on the southern land border of the United States and recommendations, if any, to enhance the effectiveness of such assistance.

“(2) FORM OF REPORT.—Each report submitted under this subsection shall be submitted in unclassified form and without any designation relat-
ing to dissemination control, but may include a clas-
sified annex.”.

(c) CLASSIFICATION.—The Law Revision Counsel is
directed to place this section in a note following section
284 of title 10, United States Code.

SEC. 1045. BATTLEFIELD AIRBORNE COMMUNICATIONS

NODE CERTIFICATION REQUIREMENT.

(a) LIMITATION.—The Secretary of the Air Force
may take no action that would prevent the Air Force from
maintaining or operating the fleets of EQ–4 aircraft in
the configurations and capabilities in effect on the date
of the enactment of this Act, or in improved configurations
and capabilities, before the date on which each of the three
individual certifications described in subsection (b) have
been submitted to the congressional defense committees.

(b) CERTIFICATIONS REQUIRED.—The certifications
described in this subsection are the following:

(1) The written certification of the Chairman of
the Joint Requirements Oversight Council that the
replacement capability for the EQ–4 aircraft will—

(A) be fielded at the same time or before
the divestment of the EQ–4 aircraft;

(B) result in equal or greater capability
available to the commanders of the combatant
commanders; and
(C) not result in less airborne capacity or
on-station time available to the commanders of
the combatant commands.

(2) The written certification of the Commander
of United States Central Command that the replace-
ment capability for the EQ–4 aircraft will not result
in less airborne capacity or on-station time available
for mission taskings that the EQ–4 provides, as of
the date of the enactment of this Act, in the United
States Central Command area of responsibility.

(3) The written certification of the Under Sec-
retary of Defense for Acquisition and Sustainment
that the validated operating and sustainment costs
of the capability developed or fielded to replace an
equivalent capacity the EQ–4 aircraft provides is
less than the validated operating and sustainment
costs for the EQ–4 aircraft on a comparable flight-
hour cost basis.

(c) Calculation of Flight-Hour Cost Basis.—
For purposes of calculating the flight-hour cost basis
under subsection (b)(3), the Under Secretary shall include
all costs for—

(1) Unit level manpower;
(2) Unit operations;
(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-
able Vest Generation II body armor as of December 31, 2020.

(ii) The number (aggregated by total number and by sex) of members of such Armed Force issued Marine Corps Plate Carrier Generation III (PC Gen III) body armor as of that date.

(iii) The number (aggregated by total number and by sex) of members of such Armed Force fitted with legacy personal protective equipment as of that date.

(B) A description and assessment of the barriers, if any, to the development and fielding of such generations of equipment to such members.

(C) A description and assessment of challenges in the development and fielding of such generations of equipment to such members, including cost overruns, contractor delays, and other challenges.

(b) System for Tracking Data on Injuries.—

(1) System required.—

(A) In general.—The Director of the Defense Health Agency (DHA) shall develop and maintain a system for tracking data on in-
juries among members of the Armed Forces in and during the use of newest generation personal protective equipment.

(B) Scope of System.—The system required by this subsection may, at the election of the Director, be new for purposes of this subsection or within or a modification of an appropriate existing system (such as the Defense Occupational And Environmental Health Readiness System (DOEHR)).

(2) Report.—Not later than January 31, 2025, the Director shall submit to Congress a report on the prevalence among members of the Armed Forces of preventable injuries attributable to ill-fitting or malfunctioning personal protective equipment.

(c) Inclusion in Annual Periodic Health Assessments.—The annual Periodic Health Assessment (PHA) of members of the Armed Forces undertaken after the date of the enactment of this Act shall include one or more questions on whether members incurred an injury in connection with ill-fitting or malfunctioning personal protective equipment during the period covered by such assessment, including the nature of such injury.
SEC. 1047. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF A–10 AIRCRAFT.

(a) Prohibition.—Notwithstanding sections 134 and 135 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or on backup aircraft inventory status any A–10 aircraft.

(b) Exception.—The limitation under subsection (a) shall not apply to any individual A–10 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of a mishap or other damage or because the aircraft is uneconomical to repair.

(c) Implementation Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees, a report on the progress made toward the A–10 re-wing contracts and the progress made in rewinging some of the 283 A–10 aircraft that have not received new wings.
SEC. 1048. MANDATORY CRITERIA FOR STRATEGIC BASING DECISIONS.

(a) In general.—The Secretary of the Air Force shall modify Air Force Instruction 10–503 (pertaining to the strategic basing process) to ensure that the process for the selection of a location in the United States for the strategic basing of an aircraft includes the following:

(1) A comparative analysis of the overall community support for the mission among the candidate locations, as indicated by the formal comments received during the public comment period for the environmental impact statement relating to the basing decision and, in a case in which the Secretary selects a final location with less community support compared to other locations as indicated by such analysis, an explanation of the operational considerations that formed the basis for such selection.

(2) An analysis of joint and all-domain training capabilities at each candidate location, separate from and in addition to the mission criteria developed for the basing action.

(3) A comparative analysis of the airspace and training areas available at each candidate location, separate from and in addition to the mission criteria developed for the basing action.
(b) **Report Required.**—Not later than 14 days after the date on which the Secretary of Defense publicly announces the preferred and reasonable alternative locations for the basing of an aircraft as described in subsection (a), the Secretary shall submit to the congressional defense committees a report that includes—

(1) an assessment of each candidate location that was considered as part of the basing process, including, with respect to each such location, an analysis of each of the factors specified in paragraphs (1) through (3) of such subsection; and

(2) an explanation of how each candidate location was scored against such factors, including the weight assigned to each factor.

**SEC. 1049. LIMITATION ON USE OF FUNDS PENDING PUBLIC AVAILABILITY OF TOP-LINE NUMBERS OF DEPLOYED MEMBERS OF THE ARMED FORCES.**

(a) **Limitation.**—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for Operation and Maintenance, Defense-wide, Office of the Secretary of Defense, for Travel of Persons, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense makes publicly available the top-line numbers of deployed members of the Armed Forces described in subsection (b).
(b) Top-Line Numbers Described.—The top-line numbers of deployed members of the Armed Forces referred to in subsection (a)—

(1) are the numbers required to be made publicly available under section 595 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 122a note);

(2) shall include all such numbers for fiscal year 2017 and each subsequent fiscal year; and

(3) shall include the number of personnel on temporary duty and the number of personnel deployed in support of contingency operations.

(e) Sensitive Military Operation.—The requirement under subsection (a) to make the top-line numbers of deployed members of the Armed Forces publicly available is not satisfied if the Secretary, in exercising the waiver authority under subsection (b) of section 595 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 122a note) does not submit the notice and reasons for the waiver determination to Committees of Armed Services of the House of Representatives and the Senate as required under paragraph (2) of such subsection.
SEC. 1050. LIMITATION ON PHYSICAL MOVE, INTEGRATION, REASSIGNMENT, OR SHIFT IN RESPONSIBILITY OF MARINE FORCES NORTHERN COMMAND.

(a) LIMITATION.—The Secretary of Defense may not take any action to execute the physical move, integration, reassignment, or shift in responsibility of the Marine Forces Northern Command before the date that is 60 days after the date on which the Secretary submits the report described in subsection (b).

(b) REPORT.—If the Secretary of Defense plans to take any action to physically move, integrate, reassign, or shift the responsibility of Marine Forces Northern Command, the Secretary shall submit to the congressional defense committees a report on such proposed action that includes each of the following:

(1) An analysis of how the proposed action would be beneficial to military readiness.

(2) A description of how the proposed action would align with the national defense strategy and the supporting strategies for each of the military departments.

(3) A description of the proposed organizational structure change associated with the action and how will it affect the relationship between Marine Forces Northern Command and administrative control re-
sponsibilities, operational control responsibilities, and tactical control responsibilities.

(4) The projected cost associated with the proposed action and any projected long-term cost savings.

(5) A detailed description of any requirements for new infrastructure or relocation of equipment and assets associated with the proposed action.

(6) A description of how the proposed action would facilitate total force integration and Marine Corps general officer progression, including with respect to the reserve components.

(c) WAIVER.—The Secretary may waive the limitation under subsection (a) if the Secretary determines such a waiver is necessary by reason of hostilities or the imminent threat of hostilities.

(d) APPLICABILITY.—This section shall apply with respect to any action to execute the physical move, integration, reassignment, or shift in responsibility of the Marine Forces Northern Command that is initiated on or after the date of the enactment of this Act. In the case of such an action that was initiated but not completed before the date of the enactment of this Act, no additional effort may be made to complete such action before the
date that is 60 days after the date on which the Secretary submits the report described in subsection (b).

SEC. 1051. CONDITIONS FOR PERMANENTLY BASING UNITED STATES EQUIPMENT OR ADDITIONAL FORCES IN HOST COUNTRIES WITH AT-RISK VENDORS IN 5G OR 6G NETWORKS.

(a) In General.—Prior to basing a major weapon system or additional permanently assigned forces comparable to or larger than a battalion, squadron, or naval combatant for permanent basing to a host country with at-risk 5th generation (5G) or sixth generation (6G) wireless network equipment, software, and services, including supply chain vulnerabilities identified by the Federal Acquisition Security Council, where United States military personnel and their families will be directly connected or subscribers to networks that include such at-risk equipment, software, and services in their official duties or in the conduct of personal affairs, the Secretary of Defense shall provide a notification to the congressional defense committees that includes a description of—

(1) steps being taken by the host country to mitigate any potential risks to the weapon systems, military units, or personnel, and the Department of Defense’s assessment of those efforts;
(2) steps being taken by the United States Government, separately or in collaboration with the host country, to mitigate any potential risks to the weapon systems, permanently deployed forces, or personnel;

(3) any defense mutual agreements between the host country and the United States intended to allay the costs of risk mitigation posed by the at-risk infrastructure; and

(4) any other matters the Secretary determines to be relevant.

(b) APPLICABILITY.—The conditions in subsection (a) apply to the permanent long-term stationing of equipment and permanently assigned forces, and do not apply to short-term deployments or rotational presence to military installations outside the United States in connection with exercises, dynamic force employment, contingency operations, or combat operations.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains an assessment of—

(1) the risk to personnel, equipment, and operations of the Department of Defense in host countries posed by the current or intended use by such
countries of 5G or 6G telecommunications architecture provided by at-risk vendors; and

(2) measures required to mitigate the risk described in paragraph (1), including the merit and feasibility of the relocation of certain personnel or equipment of the Department to another location without the presence of 5G or 6G telecommunications architecture provided by at-risk vendors.

(d) FORM.—The report required by subsection (c) shall be submitted in a classified form with an unclassified summary.

(e) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term “major weapon system” has the meaning given that term in section 2379(f) of title 10, United States Code.

SEC. 1052. CURTAILING INSURRECTION ACT VIOLATIONS OF INDIVIDUALS’ LIBERTIES.

(a) FEDERAL AID FOR STATE GOVERNMENTS.—Section 251 of title 10, United States Code, is amended—

(1) by striking “Whenever” and inserting “(a) IN GENERAL.—Whenever”; and

(2) by adding at the end the following new subsection:

“(b) CERTIFICATION TO CONGRESS.—(1) The President may not invoke the authority under this section un-
less the President and the Secretary of Defense certify to
Congress that the State concerned is unable or unwilling
to suppress an insurrection described in subsection (a).

“(2) A certification under paragraph (1) shall include
the following:

“(A) A description of the circumstances necessi-
tating the invocation of the authority under this sec-
tion.

“(B) Demonstrable evidence that the State con-
cerned is unable or unwilling to suppress such insur-
rection, and a legal justification for resorting to the
authority under this section to so suppress.

“(C) A description of the mission, scope, and
duration of use of members of the armed forces
under this section.”.

(b) USE OF MILITIA AND ARMED FORCES TO EN-
FORCE FEDERAL AUTHORITY.—Section 252 of title 10,
United States Code, is amended to read as follows:

“§ 252. Use of militia and armed forces to enforce

Federal authority

“(a) Authority.—Whenever unlawful obstructions,
combinations, or assemblages, or rebellion against the au-
thority of the United States, make it impracticable to en-
force the laws of the United States in any State by the
ordinary course of judicial proceedings, the President may
call into Federal service such of the militia of any State, and use such of the armed forces, as the President considers necessary to enforce those laws or to suppress the rebellion.

“(b) Certification to Congress.—(1) The President may not invoke the authority under this section unless the President and the Secretary of Defense certify to Congress that the State concerned is unable or unwilling to suppress an unlawful obstruction, combination, or assemblage, or rebellion against the authority of the United States described in subsection (a).

“(2) A certification under paragraph (1) shall include the following:

“(A) A description of the circumstances necessitating the invocation of the authority under this section.

“(B) Demonstrable evidence that the State concerned is unable or unwilling to suppress such unlawful obstruction, combination, or assemblage, or rebellion against the authority of the United States, and a legal justification for resorting to the authority under this section to so suppress.

“(C) A description of the mission, scope, and duration of use of members of the armed forces under this section.”.
(c) INTERFERENCE WITH STATE AND FEDERAL LAW.—Section 253 of title 10, United States Code, is amended—

(1) by striking “The President” and inserting “(a) AUTHORITY.—(1) The President”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by striking “In any situation covered by clause (1),” and inserting “(2) In any situation covered by paragraph (1)(A),”; and

(4) by adding at the end the following new subsection:

“(b) CERTIFICATION TO CONGRESS.—(1) The President may not invoke the authority under this section unless the President and the Secretary of Defense certify to Congress that the State concerned is unable or unwilling to suppress an insurrection, domestic violence, unlawful combination, or conspiracy, as described in subsection (a).

“(2) A certification under paragraph (1) shall include the following:

“(A) A description of the circumstances necessitating the invocation of the authority under this section.

“(B) Demonstrable evidence that the State concerned is unable or unwilling to suppress such insur-
rection, domestic violence, unlawful combination, or conspiracy, and a legal justification for resorting to the authority under this section to so suppress.

“(C) A description of the mission, scope, and duration of use of members of the armed forces under this section.”.

(d) Consultation With Congress.—

(1) In general.—Chapter 13 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 256. Consultation

“The President, in every possible instance, shall consult with Congress before invoking the authority under section 251, 252, or 253 of this title.”.

(2) Clerical amendment.—The table of sections at the beginning of chapter 13 of title 10, United States Code, is amended by adding at the end the following new item:

“256. Consultation.”.

(e) Restriction on direct participation by military personnel.—

(1) In general.—Such chapter is further amended by adding at the end the following new section:
“§ 257. Restriction on direct participation by military personnel

“(a) IN GENERAL.—No activity under this chapter shall permit direct participation by a member of the Army, Navy, Air Force, Marine Corps, or Space Force in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise expressly authorized by law.

“(b) REGULATIONS.—The Secretary of Defense shall prescribe such regulations as may be necessary to ensure compliance with subsection (a).

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit authority of law enforcement personnel of the armed forces on Federal military installations”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is further amended by adding at the end the following new item:

“257. Restriction on direct participation by military personnel.”.

SEC. 1053. PROHIBITION ON USE OF FUNDS FOR DISCRIMINATORY ALGORITHMIC DECISIONMAKING SYSTEMS.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Joint Artificial Intelligence Center to acquire or
develop new artificial intelligence systems may be obli-
gated or expended unless the Department of Defense, or
the vendor of such new system, has—

(1) assessed such algorithmic decision-making
system, or commits to assess such system within 1
year of the date of such acquisition or completion of
development, with respect to its potential to perpet-
uate or introduce discriminatory bias against pro-
tected classes of persons, including on the basis of
sex, race, age, disability, color, creed, national ori-
gin, or religion, and after the completion of such as-
sessment, transmits to the Secretary a description of
the methodology by which such assessment was con-
ducted;

(2) sought to address any unintended discrimi-
natory bias identified pursuant to paragraph (1)
prior to deploying such system, and through periodic
assessments during use of such systems, in any con-
text where such usage poses a tangible risk of result-
ing in an action which could reasonably be seen to
violate any law, policy, regulation, or other codified
practice of the United States with respect to anti-
discrimination, equal protection, or civil rights, and
transmitted to the Secretary a description of the
measures undertaken to comply with the require-
ments of this section; and
(3) ensured that such system conforms to the
DoD AI Ethics Principles for purposes of identifying
and addressing the causes of potential discrimina-
tory biases in the system.

SEC. 1054. INCLUSION OF EXPLOSIVE ORDNANCE DISPOSAL
IN SPECIAL OPERATIONS ACTIVITIES.

Section 167(k) of title 10, United States Code, is
amended—

(1) by redesignating paragraph (10) as para-
graph (11); and
(2) by inserting after paragraph (9) the fol-
lowing new paragraph (10):
“(10) Explosive ordnance disposal.”.

SEC. 1055. REQUIREMENTS IN CONNECTION WITH USE OF
PERSONNEL OTHER THAN THE MILITIA OR
THE ARMED FORCES TO SUPPRESS INTER-
FERENCE WITH STATE AND FEDERAL LAW.

(a) In General.—Section 253 of title 10, United
States Code, is amended—

(1) by inserting ““(a) In General.—” before
“The President”; and
(2) by adding at the end the following new sub-
section:
“(b) USE OF OTHER MEANS.—(1) Other means used by the President pursuant to subsection (a) may only include activities by Federal law enforcement officers.

“(2) Any Federal law enforcement officer performing duty pursuant to subsection (a) shall visibly display on the uniform or other clothing of such officer—

“(A) the name of such officer; and

“(B) the name of the agency for which such officer is employed.

“(3) In this subsection:

“(A) The term ‘Federal law enforcement officer’ means—

“(i) an employee or officer in a position in the executive, legislative, or judicial branch of the Federal Government who—

“(I) is authorized by law to engage in or supervise a law enforcement function; or

“(II) has statutory powers of arrest or apprehension under section 807(b) of this title (article 7(b) of the Uniform Code of Military Justice); or

“(ii) an employee or officer of a contractor or subcontractor (at any tier) of an agency in the executive, legislative, or judicial branch of the Federal Government who is authorized by
law or under the contract with the agency to
engage in or supervise a law enforcement func-
tion; and
“(B) The term ‘law enforcement function’
means the prevention, detection, or investigation of,
or the prosecution or incarceration of any person
for, any violation of law.’’
(b) RULE OF CONSTRUCTION.—Nothing in this sec-
tion, or the amendments made by this section, shall be
construed to limit or otherwise supersede the authority of
Federal law enforcement officials who do not wear a uni-
form in the regular performance of their official duties or
who are engaged in undercover operations to perform their
official duties under authorities other than section 253 of
title 10, United States Code.

SEC. 1056. LIMITATION ON DEACTIVATION, UNMANNING,
OR SELLING OF ARMY WATERCRAFT ASSETS
PENDING COMPREHENSIVE ANALYSIS OF MO-
BILITY REQUIREMENTS AND CAPABILITIES.
None of the funds authorized to be appropriated by
this Act or otherwise made available for fiscal year 2021
for the Department of Defense maybe obligated or ex-
pended for the deactivation, unmanning, or selling of any
Army watercraft assets, until the Secretary of Defense
submits to Congress certification that—
(1) the Secretary has received and accepted the federally funded research and development center Army watercraft study as directed by section 1058 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92);

(2) the review, analysis, and recommendations of such study are included in the mobility, capabilities, requirements study; and

(3) the Secretary will include in such study a review and analysis of—

(A) doctrine-based roles and missions of the military services;

(B) current and future investments;

(C) the effects of emerging operational concepts;

(D) demand signals of Department of Defense small vessels relative to Army watercraft, Navy small ships, and amphibious connectors; and

(E) readiness risk being assumed across each of the geographic combatant commands.
TITLE XI—CIVILIAN PERSONNEL
MATTERS

Subtitle A—General Provisions

SEC. 1101. FAMILY AND MEDICAL LEAVE AMENDMENTS.

(a) In General.—

(1) Paid parental leave for employees of

District of Columbia courts and District of

Columbia Public Defender Service.—

(A) District of Columbia courts.—

Section 11–1726, District of Columbia Official

Code, is amended by adding at the end the fol-

lowing new subsection:

“(d) In carrying out the Family and Medical Leave

Act of 1993 (29 U.S.C. 2601 et seq.) with respect to non-

judicial employees of the District of Columbia courts, the

Joint Committee on Judicial Administration shall, not-

withstanding any provision of such Act, establish a paid

parental leave program for the leave described in subpara-

graphs (A) and (B) of section 102(a)(1) of such Act (29

U.S.C. 2612(a)(1)) (relating to leave provided in connec-

tion with the birth of a child or the placement of a child

for adoption or foster care). In developing the terms and

conditions for this program, the Joint Committee may be

guided by the terms and conditions applicable to the provi-

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 DEFENDER SERVICE.—Section 305 of the District
4 of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2–1605, D.C. Official
5 Code) is amended by adding at the end the following new subsection:

6 “(d) In carrying out the Family and Medical Leave
7 Act of 1993 (29 U.S.C. 2601 et seq.) with respect to em-
8 ployees of the Service, the Director shall, notwithstanding
9 any provision of such Act, establish a paid parental leave
10 program for the leave described in subparagraphs (A) and
11 (B) of section 102(a)(1) of such Act (29 U.S.C.
12 2612(a)(1)) (relating to leave provided in connection with
13 the birth of a child or the placement of a child for adoption
14 or foster care). In developing the terms and conditions for
15 this program, the Director may be guided by the terms
16 and conditions applicable to the provision of paid parental
17 leave for employees of the Federal Government under
18 chapter 63 of title 5, United States Code, and any cor-
19 responding regulations.”.

20 (2) CLARIFICATION OF USE OF OTHER LEAVE
21 IN ADDITION TO 12 WEEKS AS FAMILY AND MEDICAL
22 LEAVE.—
(A) Title 5.—Section 6382(a) of title 5, United States Code, as amended by section 7602 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting “(or, in the case of leave that includes leave under subparagraph (A) or (B) of this paragraph, 12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B)(ii))” after “12 administrative workweeks of leave”; and

(ii) in paragraph (4), by inserting “(or 26 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B)(ii))” after “26 administrative workweeks of leave”.

(B) Congressional Employees.—Section 202(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(a)(1)), as amended by section 7603 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is amended—
(i) in the second sentence, by inserting “and in the case of leave that includes leave for such an event, the period of leave to which a covered employee is entitled under section 102(a)(1) of such Act shall be 12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B) of this section” before the period; and

(ii) by striking the third sentence and inserting the following: “For purposes of applying section 102(a)(4) of such Act, in the case of leave that includes leave under subparagraph (A) or (B) of section 102(a)(1) of such Act, a covered employee is entitled, under paragraphs (1) and (3) of section 102(a) of such Act, to a combined total of 26 workweeks of leave plus any additional period of leave used under subsection (d)(2)(B) of this section.”.

(C) OTHER EMPLOYEES COVERED UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(a)) is amended by adding at the end the following:
“(6) SPECIAL RULES ON PERIOD OF LEAVE.—

With respect to an employee of the Government Accountability Office and an employee of the Library of Congress—

“(A) in the case of leave that includes leave under subparagraph (A) or (B) of paragraph (1), the employee shall be entitled to 12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(3)(B)(ii) of this section or section 202(d)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(d)(2)(B)), as the case may be; and

“(B) for purposes of paragraph (4), the employee is entitled, under paragraphs (1) and (3), to a combined total of 26 workweeks of leave plus, if applicable, any additional period of leave used under subsection (d)(3)(B)(ii) of this section or section 202(d)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(d)(2)(B)), as the case may be.”.

(3) APPLICABILITY.—The amendments made by this subsection shall not be effective with respect to any birth or placement occurring before October 1, 2020.
(b) PAID PARENTAL LEAVE FOR PRESIDENTIAL EMPLOYEES.—

(1) AMENDMENTS TO CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—Section 412 of title 3, United States Code, is amended—

(A) in subsection (a)(1), by adding at the end the following: “In applying section 102 of such Act with respect to leave for an event described in subsection (a)(1)(A) or (B) of such section to covered employees, subsection (c) of this section shall apply and in the case of leave that includes leave for such an event, the period of leave to which a covered employee is entitled under section 102(a)(1) of such Act shall be 12 administrative workweeks of leave plus any additional period of leave used under subsection (c)(2)(B) of this section. For purposes of applying section 102(a)(4) of such Act, in the case of leave that includes leave under subparagraph (A) or (B) of section 102(a)(1) of such Act, a covered employee is entitled, under paragraphs (1) and (3) of section 102(a) of such Act, to a combined total of 26 workweeks of leave plus any additional period of leave used under subsection (c)(2)(B) of this section.”;
(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;
(C) by inserting after subsection (b) the following:

“(c) SPECIAL RULE FOR PAID PARENTAL LEAVE.—
“(1) SUBSTITUTION OF PAID LEAVE.—A covered employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) any paid leave which is available to such employee for that purpose.

“(2) AMOUNT OF PAID LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is—

“(A) the number of weeks of paid parental leave in connection with the birth or placement involved that corresponds to the number of administrative workweeks of paid parental leave available to employees under section 6382(d)(2)(B)(i) of title 5, United States Code; and

“(B) during the 12-month period referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) and in addition to the administrative workweeks
described in subparagraph (A), any additional
paid vacation, personal, family, medical, or sick
leave provided by the employing office to such
employee.

“(3) LIMITATION.—Nothing in this section or
section 102(d)(2)(A) of the Family and Medical
be considered to require or permit an employing of-

cice to require that an employee first use all or any
portion of the leave described in paragraph (2)(B)
before being allowed to use the paid parental leave
described in paragraph (2)(A).

“(4) ADDITIONAL RULES.—Paid parental leave
under paragraph (2)(A)—

“(A) shall be payable from any appropria-
tion or fund available for salaries or expenses
for positions within the employing office;

“(B) if not used by the covered employee
before the end of the 12-month period (as re-
ferred to in section 102(a)(1) of the Family and
Medical Leave Act of 1993 (29 U.S.C.
2612(a)(1))) to which it relates, shall not accu-
mulate for any subsequent use; and

“(C) shall apply without regard to the limi-
tations in subparagraph (E), (F), or (G) of sec-
tion 6382(d)(2) of title 5, United States Code, or section 104(e)(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(e)(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
Government Accountability Office or the Federal Aviation Administration”; and

(iii) in subparagraph (D)(i), by striking “the Government Accountability Office” and inserting “the Government Accountability Office or the Federal Aviation Administration (as the case may be)”.

(B) APPLICABILITY.—The amendments made by subparagraph (A) shall not be effective with respect to any birth or placement occurring before October 1, 2020.

(2) CORRECTIONS FOR TSA SCREENERS.—Section 7606 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(A) by striking “Section 111(d)(2)” and inserting the following:

“(a) IN GENERAL.—Section 111(d)(2)”; and

(B) by adding at the end the following:

“(b) EFFECTIVE DATE; APPLICATION.—

“(1) IN GENERAL.—The amendment made by subsection (a) shall not be effective with respect to any event for which leave may be taken under subchapter V of chapter 63 of title 5, United States Code, occurring before October 1, 2020.
“(2) Application to service requirement for eligibility.—For purposes of applying the period of service requirement under subparagraph (B) of section 6381(1) to an individual appointed under section 111(d)(1) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note), the amendment made by subsection (a) of this section shall apply with respect to any period of service by the individual under such an appointment, including service before the effective date of such amendment.”.

(d) Title 38 Employees.—

(1) In general.—Section 7425 of title 38, United States Code, is amended—

(A) in subsection (b), by striking “Notwithstanding” and inserting “Except as provided in subsection (c), and notwithstanding”; and

(B) by adding at the end the following:

“(e) Notwithstanding any other provision of this subchapter, the Administration shall provide to individuals appointed to any position described in section 7421(b) who are employed by the Administration family and medical leave in the same manner, to the maximum extent practicable, as family and medical leave is provided under sub-
chapter V of chapter 63 of title 5 to employees, as defined in section 6381(1) of such title.”.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall not be effective with respect to any event for which leave may be taken under subchapter V of chapter 63 of title 5, United States Code, occurring before October 1, 2020.

(e) ARTICLE I JUDGES.—

(1) BANKRUPTCY JUDGES.—Section 153(d) of title 28, United States Code, is amended—

(A) by striking “A bankruptcy judge” and inserting “(1) Except as provided in paragraph (2), a bankruptcy judge”; and

(B) by adding at the end the following:

“(2) The provisions of subchapter V of chapter 63 of title 5 shall apply to a bankruptcy judge as if the bankruptcy judge were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).”.

(2) MAGISTRATE JUDGES.—Section 631(k) of title 28, United States Code, is amended—

(A) by striking “A United States magistrate judge” and inserting “(1) Except as provided in paragraph (2), a United States magistrate judge”; and

(B) by adding at the end the following:
“(2) The provisions of subchapter V of chapter 63 of title 5 shall apply to a United States magistrate judge as if the United States magistrate judge were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).”.

(3) APPLICABILITY.—The amendments made by this subsection shall not be effective with respect to any birth or placement occurring before October 1, 2020.

(f) TECHNICAL CORRECTIONS.—

(1) Section 7605 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking “on active duty” each place it appears and inserting “on covered active duty”.

(2) Subparagraph (E) of section 6382(d)(2) of title 5, United States Code, as added by section 7602 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is amended by striking “the requirement to complete” and all that follows and inserting “the service requirement under subparagraph (B) of section 6381(1).”.

(3) Section 202(d)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(d)(2)(B)), as amended by section 7603 of the

(g) Effectiv Date.—The amendments made by this section shall take effect as if enacted immediately after the enactment of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

SEC. 1102. LIMITATION ON AUTHORITY TO EXCLUDE EMPLOYEES FROM CHAPTER 71 OF TITLE 5.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Department of Defense may be used to carry out the authority provided under section 7103(b) of title 5, United States Code, to exclude the Department of Defense or any agency or subdivision thereof from coverage under chapter 71 of such title.

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.

(a) Travel and Transportation Allowances.—

(1) In general.—Subchapter II of chapter 75 of title 10, United States Code, is amended by adding at the end the following new section:
“§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

“The Secretary of the military department concerned, the agency head of a Defense Agency or Department of Defense Field Activity, or the Secretary of Homeland Security, as appropriate, may provide round trip travel and transportation allowances in connection with ceremonies for the transfer of a Department of Defense or Coast Guard civilian employee who dies while located or serving overseas to eligible relatives and provide for the accompaniment of such persons to the same extent as the Secretary of Defense may provide such travel and transportation allowances and accompaniment services to such persons with respect to a deceased service member under chapter 8 of title 37.”.

(2) Clerical Amendment.—The table of contents at the beginning of such subchapter is amended 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.”.

(b) Technical Amendments.—Section 481f(d) of title 37, United States Code, is amended—
(1) in the subsection heading, by striking “TRANSPORTATION TO” and inserting “TRAVEL AND TRANSPORTATION ALLOWANCES IN CONNECTION WITH”; and

(2) in paragraph (1) in the matter preceding subparagraph (A), by striking “transportation to” and inserting “travel and transportation allowances in connection with”.

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.


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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.

(a) LOCAL WAGE AREA LIMITATION.—Section 5343(a) of title 5, United States Code, is amended—

(1) in paragraph (1)(B)(i), by striking “(but such” and all that follows through “are employed)”;

(2) in paragraph (4), by striking “and” after the semicolon;

(3) in paragraph (5), by striking the period at the end and inserting “; and”;

(4) by adding at the end of the following:
“(6) the Office of Personnel Management may define not more than 1 local wage area within a pay locality, except that this paragraph shall not apply to the pay locality designated as ‘Rest of United States’.”.

(b) PAY LOCALITY DEFINED.—Section 5342(a) of title 5, United States Code, is amended—

(1) in paragraph (2)(C), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting ‘‘; and’’; and

(3) by adding at the end the following:

“(4) ‘pay locality’ has the meaning given that term under section 5302(5).”.

(c) REGULATIONS.—The Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out this section and the amendments made by this section, including regulations to ensure that this section and the amendments made by this section shall not have the effect of reducing any rate of basic pay payable to any individual who is serving as a prevailing rate employee (as defined under section 5342(a)(2) of title 5, United States Code).
(d) Effective Date.—This section and the amendments made by this section shall apply with respect to fiscal year 2022 and each fiscal year thereafter.

SEC. 1107. CIVILIAN FACULTY AT THE DEFENSE SECURITY COOPERATION UNIVERSITY AND INSTITUTE OF SECURITY GOVERNANCE.

Section 1595(c) of title 10, United States Code, is amended by adding at the end the following:

“(6) The Defense Security Cooperation University.

“(7) The Defense Institute for Security Governance.”.

SEC. 1108. EXPANSION OF AUTHORITY FOR APPOINTMENT OF RECENTLY-RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS AT CERTAIN INDUSTRIAL BASE FACILITIES.

(a) In General.—Subsection (b) of section 3326 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(3) the proposed appointment is to a position in the competitive service—
“(A) at any industrial base facility (as that term is defined in section 2208(u)(3) of title 10) that is part of the core logistics capabilities (as described in section 2464(a) of such title); and

“(B) that has been certified by the Secretary concerned as lacking sufficient numbers of qualified applicants.”.

(b) LIMITATION ON DELEGATION OF CERTIFICATION AUTHORITY.—Such section 3326 is further amended by adding at the end the following:

“(d) The authority to make a certification described in subsection (b)(3) may not be delegated to an individual with a grade lower than colonel, or captain in the Navy, or an inriviaul with an equivalent civilian grade.”.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the amendments made by subsections (a) and (b) shall supplement, and not provide any exception to, the competitive hiring process for the Federal civil service.

SEC. 1109. FIRE FIGHTERS ALTERNATIVE WORK SCHEDULE DEMONSTRATION PROJECT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commander, Navy Region Mid-Atlantic, shall establish and carry out, for a period of not less than 5 years, a Fire Fighters Alternative
Work Schedule demonstration project for the Navy Region Mid-Atlantic Fire and Emergency Services. Such demonstration project shall provide, with respect to each Services employee, that—

(1) assignments to tours of duty are scheduled in advance over periods of not less than 2 weeks;

(2) tours of duty are scheduled using a regularly recurring pattern of 48-hour shifts followed by 48 or 72 consecutive non-work hours, as determined by mutual agreement between the Navy Region Mid-Atlantic and the exclusive employee representative at each Navy Region Mid-Atlantic Installation, in such a manner that each employee is regularly scheduled for 144-hours in any 2-week period;

(3) for any such employee that is a fire fighter working an alternative work schedule, such employee shall earn overtime compensation in a manner consistent with other applicable law and regulation;

(4) no right shall be established to any form of premium pay, including night, Sunday, holiday, or hazard duty pay; and

(5) leave accrual and use shall be consistent with other applicable law and regulation.

(b) REPORT.—Not later than 180 days following the end of such demonstration project, the Commander, Navy
Region Mid-Atlantic, shall submit a report to the Committees on Armed Services of the House of Representatives and the Senate detailing—

(1) any financial savings or expenses directly and inseparably linked to the demonstration project;

(2) any intangible quality of life and morale improvements achieved by the demonstration project;

and

(3) any adverse impact of the demonstration project occurring solely as the result of the transition to the demonstration project.

SEC. 1110. SPECIAL RULES FOR CERTAIN MONTHLY WORKERS’ COMPENSATION PAYMENTS AND OTHER PAYMENTS FOR FEDERAL GOVERNMENT PERSONNEL UNDER CHIEF OF MISSION AUTHORITY.

Section 901 of title IX of division J of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 22 U.S.C. 2680b) is amended—

(1) in subsection (a), by inserting “or the head of any other Federal agency” after “The Secretary of State”;

(2) in subsection (e)(2)—

(A) by striking “the Department of State” and inserting “the Federal Government”; and
(B) by inserting after “subsection (f)” the following: “, but does not include an individual receiving compensation under section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b)”; and

(3) in subsection (h)(2), by striking the first sentence and inserting the following: “Nothing in this section shall limit, modify, or otherwise supersede chapter 81 of title 5, United States Code, the Defense Base Act (42 U.S.C. 1651 et seq.), or section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b).”.

SEC. 1111. RESTORATION OF ANNUAL LEAVE DUE TO A PANDEMIC.

(a) IN GENERAL.—Section 6304(d) of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(5) For the purposes of this subsection, the service of an employee during a pandemic shall be deemed to be an exigency of the public business, and any leave that, by reason of such service, is lost by the employee by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).”.
(b) APPLICABILITY.—The amendment made by sub-
section (a) shall apply to any leave lost on or after the
date of enactment of this Act.

SEC. 1112. PROHIBITION ON DOWNLOADING OR USING
TIKTOK BY FEDERAL EMPLOYEES.

(a) IN GENERAL.—Except as provided in subsection
(b), no employee of the United States, officer of the
United States, Member of Congress, congressional em-
ployee, or officer or employee of a government corporation
may download or use TikTok or any successor application
developed by ByteDance or any entity owned by
ByteDance on any device issued by the United States or
a government corporation.

(b) EXCEPTION.—Subsection (a) shall not apply to
any investigation, cybersecurity research activity, enforce-
ment action, disciplinary action, or intelligence activity.

SEC. 1113. TELEWORK TRAVEL EXPENSES PROGRAM OF
THE UNITED STATES PATENT AND TRADE-
MARK OFFICE.

(a) IN GENERAL.—Section 5711 of title 5, United
States Code, is amended—

(1) in the section heading, by striking "test";

(2) in subsection (f)—

(A) in paragraph (1)—
(i) in the matter preceding subparagraph (A), by striking “committee” and inserting “committees”; and
(ii) in subparagraph (B), by striking “Government”;
(B) in paragraph (2)—
(i) by striking “test”; and
(ii) by striking “section, including the provision of reports in accordance with subsection (d)(1)” and inserting “subsection”;
(C) in paragraph (4)(B), in the matter preceding clause (i), by inserting “and maintain” after “develop”; and
(D) in paragraph (5)—
(i) in subparagraph (A), by striking “test”; and
(ii) by striking subparagraph (B) and inserting the following:
“(B) The Director of the Patent and Trademark Office shall prepare and submit to the appropriate committees of Congress an annual report on the operation of the program under this subsection, which shall include—
“(i) the costs and benefits of the program; and
“(ii) an analysis of the effectiveness of the program, as determined under criteria developed by the Director.”; and

(3) in subsection (g), by striking “this section” and inserting “subsection (b)”.

(b) Technical and Conforming Amendments.—

The table of sections for subchapter I of chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5711 and inserting the following:

“5711. Authority for telework travel expenses programs.”.

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.

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking “September 30, 2021” and inserting “September 30, 2026”.

SEC. 1115. VACANCY OF INSPECTOR GENERAL POSITIONS.

(a) In General.—Section 3345 of title 5, United States Code, is amended by adding at the end the following:

“(d)(1) Notwithstanding subsection (a), if an Inspector General position that requires appointment by the President by and with the advice and consent of the Sen-
ate to be filled is vacant, the first assistant of such posi-

1 tion shall perform the functions and duties of the Inspec-

2 tor General temporarily in an acting capacity subject to

3 the time limitations of section 3346.

“(2) Notwithstanding subsection (a), if for purposes

5 of carrying out paragraph (1) of this subsection, by reason

6 of absence, disability, or vacancy, the first assistant to the

7 position of Inspector General is not available to perform

8 the functions and duties of the Inspector General, an act-

9 ing Inspector General shall be appointed by the President

10 from among individuals serving in an office of any Inspec-

11 tor General, provided that—

12 “(A) during the 365-day period preceding the

13 date of death, resignation, or beginning of inability

14 to serve of the applicable Inspector General, the in-

15 dividual served in a position in an office of any In-

16 specator General for not less than 90 days; and

17 “(B) the rate of pay for the position of such in-

18 dividual is equal to or greater than the minimum

19 rate of pay payable for a position at GS–15 of the

20 General Schedule.”.

21 (b) APPLICATION.—The amendment made by sub-

22 section (a) shall apply to any vacancy first occurring with

23 respect to an Inspector General position on or after the

24 date of enactment of this Act.
Subtitle B—Elijah E. Cummings
Federal Employee Antidiscrimination Act of 2020

SEC. 1121. SHORT TITLE.

This subtitle may be cited as the “Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020”.

SEC. 1122. SENSE OF CONGRESS.

Section 102 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(1) by striking paragraph (4) and inserting the following:

“(4) accountability in the enforcement of the rights of Federal employees is furthered when Federal agencies agree to take appropriate disciplinary action against Federal employees who are found to have intentionally committed discriminatory (including retaliatory) acts;”; and

(2) in paragraph (5)(A)—

(A) by striking “nor is accountability” and inserting “accountability is not”; and

(B) by inserting “for what, by law, the agency is responsible” after “under this Act”.

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SEC. 1123. NOTIFICATION OF VIOLATION.

Section 202 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

“(d) NOTIFICATION OF FINAL AGENCY ACTION.—

“(1) IN GENERAL.—Not later than 90 days after the date on which an event described in paragraph (2) occurs with respect to a finding of discrimination (including retaliation), the head of the Federal agency subject to the finding shall provide notice—

“(A) on the public internet website of the agency, in a clear and prominent location linked directly from the home page of that website;

“(B) stating that a finding of discrimination (including retaliation) has been made; and

“(C) which shall remain posted for not less than 1 year.

“(2) EVENTS DESCRIBED.—An event described in this paragraph is any of the following:

“(A) All appeals of a final action by a Federal agency involving a finding of discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a) have been exhausted.
“(B) All appeals of a final decision by the Equal Employment Opportunity Commission involving a finding of discrimination (including if the finding included a finding of retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a) have been exhausted.

“(C) A court of jurisdiction issues a final judgment involving a finding of discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a).

“(3) CONTENTS.—A notification provided under paragraph (1) with respect to a finding of discrimination (including retaliation) shall—

“(A) identify the date on which the finding was made, the date on which each discriminatory act occurred, and the law violated by each such discriminatory act; and

“(B) advise Federal employees of the rights and protections available under the provisions of law covered by paragraphs (1) and (2) of section 201(a).”.

SEC. 1124. REPORTING REQUIREMENTS.

(a) Electronic Format Requirement.—
(1) **IN GENERAL.—**Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended in the matter preceding paragraph (1)—

(A) by inserting “Homeland Security and” before “Governmental Affairs”;

(B) by striking “on Government Reform” and inserting “on Oversight and Reform”; and

(C) by inserting “(in an electronic format prescribed by the Director of the Office of Personnel Management),” after “an annual report”.

(2) **EFFECTIVE DATE.—**The amendment made by paragraph (1)(C) shall take effect on the date that is 1 year after the date of enactment of this Act.

(3) **TRANSITION PERIOD.—**Notwithstanding the requirements of section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note), the report required under such section 203(a) may be submitted in an electronic format, as prescribed by the Director of the Office of Personnel Management, during the period beginning on the date of enact-
ment of this Act and ending on the effective date in paragraph (2).

(b) REPORTING REQUIREMENT FOR DISCIPLINARY ACTION.—Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

“(c) DISCIPLINARY ACTION REPORT.—Not later than 120 days after the date on which a Federal agency takes final action, or a Federal agency receives a final decision issued by the Equal Employment Opportunity Commission, involving a finding of discrimination (including retaliation) in violation of a provision of law covered by paragraph (1) or (2) of section 201(a), as applicable, the applicable Federal agency shall submit to the Commission a report stating—

“(1) whether disciplinary action has been proposed against a Federal employee as a result of the violation; and

“(2) the reasons for any disciplinary action proposed under paragraph (1).”.
SEC. 1125. DATA TO BE POSTED BY EMPLOYING FEDERAL AGENCIES.

Section 301(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(1) in paragraph (9)—

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

(B) in subparagraph (B)(ii), by striking the period at the end and inserting “, and”;

and

(C) by adding at the end the following:

“(C) with respect to each finding described in subparagraph (A)—

“(i) the date of the finding,

“(ii) the affected Federal agency,

“(iii) the law violated, and

“(iv) whether a decision has been made regarding disciplinary action as a result of the finding.”; and

(2) by adding at the end the following:

“(11) Data regarding each class action complaint filed against the agency alleging discrimination (including retaliation), including—

“(A) information regarding the date on which each complaint was filed,
“(B) a general summary of the allegations alleged in the complaint,

“(C) an estimate of the total number of plaintiffs joined in the complaint, if known,

“(D) the current status of the complaint, including whether the class has been certified, and

“(E) the case numbers for the civil actions in which discrimination (including retaliation) has been found.”.

SEC. 1126. DATA TO BE POSTED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 302(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by striking “(10)” and inserting “(11)”.

SEC. 1127. NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2002 AMENDMENTS.

(a) Notification Requirements.—Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:
“SEC. 207. COMPLAINT TRACKING.

“Not later than 1 year after the date of enactment of the Elijah E. Cummings Federal Employee Anti-discrimination Act of 2020, each Federal agency shall establish a system to track each complaint of discrimination arising under section 2302(b)(1) of title 5, United States Code, and adjudicated through the Equal Employment Opportunity process from the filing of a complaint with the Federal agency to resolution of the complaint, including whether a decision has been made regarding disciplinary action as the result of a finding of discrimination.

“SEC. 208. NOTATION IN PERSONNEL RECORD.

“If a Federal agency takes an adverse action covered under section 7512 of title 5, United States Code, against a Federal employee for an act of discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a), the agency shall, after all appeals relating to that action have been exhausted, include a notation of the adverse action and the reason for the action in the personnel record of the employee.”.

(b) PROCESSING AND REFERRAL.—The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:
“TITLE IV—PROCESSING AND REFERRAL

“SEC. 401. PROCESSING AND RESOLUTION OF COMPLAINTS.

“Each Federal agency shall—

“(1) be responsible for the fair and impartial processing and resolution of complaints of employment discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a); and

“(2) establish a model Equal Employment Opportunity Program that—

“(A) is not under the control, either structurally or practically, of the agency’s Office of Human Capital or Office of the General Counsel (or the equivalent);

“(B) is devoid of internal conflicts of interest and ensures fairness and inclusiveness within the agency; and

“(C) ensures the efficient and fair resolution of complaints alleging discrimination (including retaliation).

“SEC. 402. NO LIMITATION ON ADVICE OR COUNSEL.

“Nothing in this title shall prevent a Federal agency or a subcomponent of a Federal agency, or the Department of Justice, from providing advice or counsel to em-
ployees of that agency (or subcomponent, as applicable)
in the resolution of a complaint.

“SEC. 403. HEAD OF PROGRAM SUPERVISED BY HEAD OF
AGENCY.

“The head of each Federal agency’s Equal Employ-
ment Opportunity Program shall report directly to the
head of the agency.

“SEC. 404. REFERRALS OF FINDINGS OF DISCRIMINATION.

“(a) EEOC FINDINGS OF DISCRIMINATION.—

“(1) IN GENERAL.—Not later than 30 days
after the date on which the Equal Employment Op-
portunity Commission (referred to in this section as
the ‘Commission’) receives, or should have received,
a Federal agency report required under section
203(c), the Commission may refer the matter to
which the report relates to the Office of Special
Counsel if the Commission determines that the Fed-
eral agency did not take appropriate action with re-
spect to the finding that is the subject of the report.

“(2) NOTIFICATIONS.—The Commission shall—

“(A) notify the applicable Federal agency
if the Commission refers a matter to the Office
of Special Counsel under paragraph (1); and
“(B) with respect to a fiscal year, include
in the Annual Report of the Federal Workforce
of the Commission covering that fiscal year—
“(i) the number of referrals made
under paragraph (1) during that fiscal
year; and
“(ii) a brief summary of each referral
described in clause (i).
“(b) Referrals to Special Counsel.—The Office
of Special Counsel shall accept and review a referral from
the Commission under subsection (a)(1) for purposes of
pursuing disciplinary action under the authority of the Of-
fice against a Federal employee who commits an act of
discrimination (including retaliation).
“(c) Notification.—The Office of Special Counsel
shall notify the Commission and the applicable Federal
agency in a case in which—
“(1) the Office of Special Counsel pursues dis-
ciplinary action under subsection (b); and
“(2) the Federal agency imposes some form of
disciplinary action against a Federal employee who
commits an act of discrimination (including retalia-
tion).
“(d) Special Counsel Approval.—A Federal
agency may not take disciplinary action against a Federal
employee for an alleged act of discrimination (including retaliation) referred by the Commission under this section, except in accordance with the requirements of section 1214(f) of title 5, United States Code.”.

(c) CONFORMING AMENDMENTS.—The table of contents in section 1(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(1) by inserting after the item relating to section 206 the following:

“Sec. 207. Complaint tracking.
Sec. 208. Notation in personnel record.”; and

(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.”.

SEC. 1128. NONDISCLOSURE AGREEMENT LIMITATION.

Section 2302(b)(13) of title 5, United States Code, is amended—

(1) by striking “agreement does not” and inserting the following: “agreement—

“(A) does not”;

(2) in subparagraph (A), as so designated, by inserting “or the Office of Special Counsel” after “Inspector General”; and

(3) by adding at the end the following:
“(B) prohibits or restricts an employee or applicant for employment from disclosing to Congress, the Special Counsel, the Inspector General of an agency, or any other agency component responsible for internal investigation or review any information that relates to any violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or any other whistleblower protection; or”.

Subtitle C—Office of the National Cyber Director

SEC. 1131. SHORT TITLE.

This subtitle may be cited as the “National Cyber Director Act”.

SEC. 1132. NATIONAL CYBER DIRECTOR.

(a) E STABLISHMENT.—There is established, within the Executive Office of the President, the Office of the National Cyber Director (in this section referred to as the “Office”).

(b) NATIONAL CYBER DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by the National Cyber Director (in this section referred to as the “Director”) who shall be appointed
by the President, by and with the advice and consent
of the Senate. The Director shall hold office at the
pleasure of the President, and shall be entitled to re-
ceive the same pay and allowances as are provided
for level I of the Executive Schedule under section
5312 of title 5, United States Code.

(2) DEPUTY DIRECTORS.—There shall be two
Deputy National Cyber Directors, to be appointed
by the President, who shall hold office at the pleas-
ure of the President, and who shall report to the Di-
rector, as follows:

(A) The Deputy National Cyber Director
    for Strategy, Capabilities, and Budget.

(B) The Deputy National Cyber Director
    for Plans and Operations.

(e) DUTIES OF THE NATIONAL CYBER DIRECTOR.—

(1) IN GENERAL.—Subject to the authority, di-
    rection, and control of the President, the Director
    shall—

(A) serve as the principal advisor to the
    President on cybersecurity strategy and policy;

(B) in consultation with appropriate Fed-
    eral departments and agencies, develop the
    United States’ National Cyber Strategy, which
shall include elements related to Federal de-
partments and agencies—

(i) information security; and

(ii) programs and policies intended to
improve the United States’ cybersecurity
posture;

(C) in consultation with appropriate Fed-
eral departments and agencies and upon ap-
proval of the National Cyber Strategy by the
President, supervise implementation of the
strategy by—

(i) in consultation with the Director of
the Office of Management and Budget,
monitoring and assessing the effectiveness,
including cost-effectiveness, of Federal de-
partments and agencies’ implementation of
the strategy;

(ii) making recommendations relevant
to changes in the organization, personnel
and resource allocation, and policies of
Federal departments and agencies to the
Director of the Office of Management and
Budget and heads of such departments
and agencies in order to implement the
strategy;
(iii) reviewing the annual budget proposal for each Federal department or agency and certifying to the head of each Federal department or agency and the Director of the Office Management and Budget whether the department or agency proposal is consistent with the strategy;

(iv) continuously assessing and making relevant recommendations to the President on the appropriate level of integration and interoperability across the Federal cybersecurity operations centers;

(v) coordinating with the Federal Chief Information Officer, the Federal Chief Information Security Officer, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of National Institute of Standards and Technology on the development and implementation of policies and guidelines related to issues of Federal department and agency information security; and

(vi) reporting annually to the President and the Congress on the state of the United States’ cybersecurity posture, the
effectiveness of the strategy, and the sta-
status of Federal departments and agencies’
implementation of the strategy;
(D) lead joint interagency planning for the
Federal Government’s integrated response to
cyberattacks and cyber campaigns of significant
consequence, to include—
   (i) coordinating with relevant Federal
departments and agencies in the develop-
ment of, for the approval of the President,
joint, integrated operational plans, proc-
esses, and playbooks for incident response
that feature—
   (I) clear lines of authority and
   lines of effort across the Federal Gov-
   ernment;
   (II) authorities that have been
delegated to an appropriate level to
facilitate effective operational res-
ponses across the Federal Govern-
ment; and
   (III) support for the integration
of defensive cyber plans and capabili-
ties with offensive cyber plans and ca-
pabilities in a manner consistent with
improving the United States’ cybersecurity posture;
(ii) exercising these operational plans, processes, and playbooks;
(iii) updating these operational plans, processes, and playbooks for incident response as needed in coordination with ongoing offensive cyber plans and operations; and
(iv) ensuring these plans, processes, and playbooks are properly coordinated with relevant private sector entities, as appropriate;
(E) direct the Federal Government’s response to cyberattacks and cyber campaigns of significant consequence, to include—
(i) developing for the approval of the President, with the heads of relevant Federal departments and agencies independently or through the National Security Council as directed by the President, operational priorities, requirements, and tasks;
(ii) coordinating, deconflicting, and ensuring the execution of operational activities in incident response; and
(iii) coordinating operational activities with relevant private sector entities;

(F) coordinate and consult with private sector leaders on cybersecurity and emerging technology issues with the support of, and in coordination with, the Cybersecurity and Infrastructure Security Agency and other Federal departments and agencies, as appropriate;

(G) annually report to Congress on cybersecurity threats and issues facing the nation, including any new or emerging technologies that may impact national security, economic prosperity, or enforcing the rule of law; and

(H) be responsible for such other functions as the President may direct.

(2) Delegation of Authority.—The Director may—

(A) serve as the senior representative on any body that the President may establish for the purpose of providing the President advice on cybersecurity;

(B) be empowered to convene National Security Council, National Economic Council and Homeland Security Council meetings, with the concurrence of the National Security Advisor,
Homeland Security Advisor, or Director of the National Economic Council, as appropriate;

(C) be included as a participant in preparations for and, if appropriate, execution of cybersecurity summits and other international meetings at which cybersecurity is a major topic;

(D) delegate any of the Director’s functions, powers, and duties to such officers and employees of the Office as he may designate; and

(E) authorize such successive re-delegations of such functions, powers, and duties to such officers and employees of the Office as he may deem appropriate.

(d) ATTENDANCE AND PARTICIPATION IN NATIONAL SECURITY COUNCIL MEETINGS.—Section 101(c)(2) of the National Security Act of 1947 (50 U.S.C. 3021(c)(2)) is amended by striking “and the Chairman of the Joint Chiefs of Staff” and inserting “the Chairman of the Joint Chiefs of Staff, and the National Cyber Director”.

(e) POWERS OF THE DIRECTOR.—The Director may, for the purposes of carrying out the Director’s functions under this section—

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(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary and prescribe their authority and duties, except that not more than 75 individuals may be employed without regard to any provision of law regulating the employment or compensation at rates not to exceed the basic rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including travel time) at rates not in excess of the maximum rate of basic pay for grade GS–15 as provided in section 5332 of such title, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of such title 5 for persons in Federal Government service employed intermittently;

(3) promulgate such rules and regulations as may be necessary to carry out the functions, powers, and duties vested in the Director;
(4) utilize, with their consent, the services, personnel, and facilities of other Federal agencies;

(5) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Director may determine appropriate, with any Federal agency, or with any public or private person or entity;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

(7) adopt an official seal, which shall be judicially noticed; and

(8) provide, where authorized by law, copies of documents to persons at cost, except that any funds so received shall be credited to, and be available for use from, the account from which expenditures relating thereto were made.

(f) DEFINITIONS.—In this section:

(1) CYBERSECURITY POSTURE.—The term “cybersecurity posture” means the ability to identify and protect, and detect, respond to and recover from intrusions in, information systems the compromise of which could constitute a cyber attack or cyber campaign of significant consequence.
Cyber attacks and cyber campaigns of significant consequence.—The term “cyber attacks and cyber campaigns of significant consequence” means an incident or series of incidents that have the purpose or effect of—

(A) causing a significant disruption to the availability of a Federal information system;

(B) harming, or otherwise significantly compromising the provision of service by, a computer or network of computers that support one or more entities in a critical infrastructure sector;

(C) significantly compromising the provision of services by one or more entities in a critical infrastructure sector;

(D) causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain; or

(E) otherwise constituting a significant threat to the national security, foreign policy, or economic health or financial stability of the United States.
(3) INCIDENT.—The term “incident” has the meaning given that term in section 3552 of title 44, United States Code.

(4) INFORMATION SECURITY.—The term “information security” has the meaning given that term in section 3552 of title 44, United States Code.

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.

(a) AUTHORITY.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1639) is amended—

(1) by striking “$10,000,000” and inserting “$15,000,000”; and

(2) by striking “2023” and inserting “2025”.

(b) NOTIFICATION.—Subsection (d)(2) of such section is amended—

(1) by redesignating subparagraph (E) as subparagraph (G);

(2) by inserting after subparagraph (D) the following:
“(E) A description of steps taken to ensure the support is consistent with other United States diplomatic and security interests, including issues related to local political dynamics, civil-military relations, and human rights.

“(F) A description of steps taken to ensure that the recipients of the support have not and will not engage in human rights violations or violations of the Geneva Conventions of 1949, including vetting, training, and support for adequately investigating allegations of violations and removing support in case of credible reports of violations.”; and

(3) in clause (i) of subparagraph (G), as redesignated, to read as follows:

“(i) An introduction of United States Armed Forces (including as such term is defined in section 8(c) of the War Powers Resolution (50 U.S.C. 1547(c))) into hostilities, or into situations where hostilities are clearly indicated by the circumstances, without specific statutory authorization within the meaning of section 5(b) of such Resolution (50 U.S.C. 1544(b)).”.
(c) Construction of Authority.—Subsection (f)(2) of such section is amended by striking “of section 5(b)”.

(d) Clarification.—Such section, as so amended, is further amended—

(1) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (f) the following:

“(g) Clarification.—The provision of support to foreign forces, irregular forces, groups, or individuals pursuant to subsection (a) constitutes support to a unit of a foreign security force for purposes of section 362 of title 10, United States Code.”.

SEC. 1202. Department of Defense Participation in European Program on Multilateral Exchange of Surface Transportation Services.

(a) In General.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following:
“§ 2350o. Participation in European Program on Multilateral Exchange of Surface Transportation Services

“(a) Participation Authorized.—(1) The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of the United States in the Surface Exchange of Services program (in this section referred to as the ‘SEOS program’) of the Movement Coordination Centre Europe.

“(2) Participation in the SEOS program under paragraph (1) may include—

“(A) the reciprocal exchange or transfer of surface transportation on a reimbursable basis or by replacement-in-kind; or

“(B) the exchange of surface transportation services of equal value.

“(b) Written Arrangements or Agreements.—

(1) The participation of the United States in the SEOS program under subsection (a) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.

“(2) If facilities, equipment, or funds of the Department of Defense are used to support the SEOS program, the written arrangement or agreement entered into under
paragraph (1) shall specify the details of any equitable cost sharing or other funding arrangement.

“(3) Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits and liabilities resulting from an unequal exchange or transfer of surface transportation services shall be liquidated, not less than once every five years, through the SEOS program.

“(c) IMPLEMENTATION.—In carrying out any arrangement or agreement entered into under subsection (b)(1), the Secretary of Defense may—

“(1) from funds available to the Department of Defense for operation and maintenance, pay the equitable share of the United States for the operating expenses of the Movement Coordination Centre Europe and the SEOS program; and

“(2) assign members of the armed forces or civilian personnel of the Department of Defense, from among members and personnel within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill the obligations of the United States under that arrangement or agreement.

“(d) CREDITING OF RECEIPTS.—Any amount received by the United States as part of the SEOS program
shall be credited, at the option of the Secretary of Defense, to—

“(1) the appropriation, fund, or account used in
incurring the obligation for which such amount is re-
ceived; or

“(2) an appropriate appropriation, fund, or ac-
count currently available for the purposes for which
the expenditures were made.

“(e) Expiration.—The authority provided by this
section to participate in the SEOS program shall expire
five years after the date on which the Secretary of Defense
first enters into a written arrangement or agreement
under subsection (b). The Secretary shall publish notice
of such date on a public website of the Department of De-
fense.

“(f) Limitation on Statutory Construction.—
Nothing in this section may be construed to authorize the
use of foreign sealift in violation of section 2631 of this
title.”.

(b) Clerical Amendment.—The table of sections
at the beginning of such subchapter is amended by adding
at the end the following new item:

“2350o. 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.

Section 1276 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1699) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by adding at the end the following: “Such description may include, if applicable, a description of the priority United States security or defense cooperation interest with the recipient country that is fulfilled by the waiver.”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) An explanation of why it is in the national interests of the United States to make the transfer notwithstanding the requirements of subsection (a)(1).”; and

(2) in subsection (c)(2), by striking “three” and inserting “five”.

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SEC. 1204. MODIFICATION AND EXTENSION OF UPDATE OF DEPARTMENT OF DEFENSE FREEDOM OF NAVIGATION REPORT.

(a) IN GENERAL.—Subsection (a) of section 1275 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2540) is amended—

(1) by striking “an annual basis” and inserting “a biannual basis”; and

(2) by striking “the previous year” and inserting “the previous 6 months”.

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “the year” and inserting “the period”;

(2) in paragraph (1), by inserting “the number of maritime and overflight challenges to each such claim and” before “the country”;

(3) in paragraph (5), by inserting “have been protested by the United States but” before “have not been challenged”; and

(4) by adding at the end the following:

“(6) A summary of each excessive maritime claim challenged jointly with international partners and allies.”.
(c) FORM.—Subsection (c) of such section is amended by adding at the end before the period the following: “and made publicly available”.

(d) SUNSET.—Subsection (d) of such section is amended by striking “December 31, 2021” and inserting “December 31, 2025”.

(e) CONFORMING AMENDMENT.—The heading of such section is amended by striking “ANNUAL” and inserting “BIANNUAL”.

SEC. 1205. EXTENSION OF REPORT ON WORKFORCE DEVELOPMENT.

Section 1250(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2529) is amended by striking “through 2021” and inserting “through 2026”.

SEC. 1206. REPORT ON HUMAN RIGHTS AND BUILDING PARTNER CAPACITY PROGRAMS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report identifying units of national security forces of foreign countries that—

(1) have participated in programs under the authority of section 333 of title 10, United States
Code, during any of fiscal years 2017 through 2020; and

(2) are subject to United States sanctions relating to gross violations of internationally recognized human rights under any other provision of law, including as described in the annual Department of State’s Country Reports on Human Rights Practices.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) should include recommendations to improve human rights training and additional measures that can be adopted to prevent violations of human rights under any other provision of law.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.
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.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393) is amended by striking “October 1, 2019, and ending on December 31, 2020” and inserting “October 1, 2020, and ending on December 31, 2021”.

(b) MODIFICATION TO LIMITATION.—Subsection (d)(1) of such section is amended—

(1) by striking “October 1, 2019, and ending on December 31, 2020” and inserting “October 1, 2020, and ending on December 31, 2021”; and
(2) by striking “$450,000,000” and inserting “$180,000,000”.

SEC. 1212. EXTENSION OF THE AFGHAN SPECIAL IMMIGRATION VISA PROGRAM.

(a) IN GENERAL.—Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) in the heading, by striking “2020” and inserting “2021”;

(2) in clause (i), by striking “December 31, 2021” and inserting “December 31, 2022”; and

(3) in clause (ii), the striking “December 31, 2021” inserting “December 31, 2022”.

(b) REPORT EXTENSION.—Section 602(b)(13) of such Act (8 U.S.C. 1101 note) is amended by striking “January 31, 2021” and inserting “January 31, 2023”.

SEC. 1213. LIMITATION ON USE OF FUNDS TO REDUCE DEPLOYMENT TO AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national security interests of the United States to deny terrorists safe haven in Afghanistan, protect the United States homeland, uphold the United States partnership with the Government of Afghanistan and cooperation with the Af-
ghan National Defense and Security Forces, and protect the hard-fought rights of women, girls, and other vulnerable populations in Afghanistan;

(2) a rapid military drawdown and a lack of United States commitment to the security and stability of Afghanistan would undermine diplomatic efforts for peace;

(3) the current agreement between the United States and the Taliban is not a substitute for a final intra-Afghan agreement that provides for the appropriate protections for vulnerable populations, creates conditions for the rejection of violence and prevention of international terrorist safe havens, and represents a durable diplomatic solution, based on verifiable facts and conditions on the ground, that provides for long-term stability; and

(4) the Administration has a constitutional obligation to provide Congress with regular, timely, and comprehensive information on the status of security operations and diplomatic efforts in a form that can be transparently communicated to the American people.

(b) LIMITATION.—Until the date on which the Secretary of Defense, in concurrence with each covered official, submits the report described in subsection (c) to the
appropriate congressional committees, none of the
amounts authorized to be appropriated for fiscal year
2020 or 2021 for the Department of Defense may be obli-
gated or expended for any activity having either of the
following effects:

(1) Reducing the total number of Armed Forces
deployed to Afghanistan below the lesser of—

(A) 8,000; or

(B) the total number of the Armed Forces
deployed as of the date of the enactment of this
Act.

(2) Reducing the total number of Armed Forces
deployed to Afghanistan below 4,000.

(e) REPORT.—The report described in this subsection
shall include each of the following:

(1) A certification that the intended withdrawal
of the United States Armed Forces in Afghani-
stan—

(A) will not compromise or otherwise nega-
tively affect the ongoing United States counter-
terrorism mission against the Islamic State, al-
Qaeda, and associated forces;

(B) will not unduly increase the risk to
United States personnel in Afghanistan;
(C) will not increase the risk for the expansion of existing or formation of new international terrorist safe havens inside Afghanistan;

(D) will be undertaken with the consultation and coordination of allies supporting the United States- and North Atlantic Treaty Organization-led missions; and

(E) is in the best interest of United States national security and in furtherance of United States policy toward Afghanistan for achieving an enduring diplomatic solution.

(2) An analysis of the impact that the intended withdrawal of United States Armed Forces from Afghanistan would have on each of the following:

(A) The threat posed by the Taliban and terrorist organizations, including by each covered terrorist organization, to—

   (i) the United States homeland;

   (ii) United States interests abroad;

   (iii) allied countries of the North Atlantic Treaty Organization;

   (iv) the Government of Afghanistan;

   and

   (v) regional peace and security.
(B) The ability of the Afghan government to uphold the human and civil rights (including access to voting, education, justice, and economic opportunities) of women, girls, people with disabilities, religious and ethnic minorities, and other vulnerable populations in Afghanistan.

(C) Transparent, credible, and inclusive political processes in Afghanistan.

(D) The capacity of the Afghan National Defense and Security Forces to effectively—

(i) prevent or defend against attacks by the Taliban or by terrorist organizations (including by each covered terrorist organization) on civilian populations;

(ii) prevent the permanent takeover of one or more provincial capitals by the Taliban or by associated organizations;

(iii) conduct counterterrorism operations necessary to deny safe harbor to international terrorist organizations that the intelligence community assess pose a threat to the United States homeland and United States interests abroad; and
(iv) maintain institutional order and
discipline.

(E) The influence of Afghanistan’s neigh-
bors and near neighbors on the sovereignty of
Afghanistan and the strategic national security
interests of the United States in the region.

(F) Any other matter the Secretary of De-
fense, in concurrence with each covered official,
determines appropriate.

(3) An assessment by the intelligence commu-
nity of the manner and extent to which—

(A) state actors have provided any incen-
tives to the Taliban, their affiliates, or other
foreign terrorist organizations for attacks
against United States, coalition, or Afghan se-
curity forces or civilians in Afghanistan in the
last 2 years, including the details of any attacks
believed to have been connected with such in-
centives;

(B) the Taliban has publicly renounced al-
Qaeda;

(C) the Taliban has made any efforts to
break with al-Qaeda since February 29, 2020,
and a description of these efforts;
(D) any senior al-Qaeda leaders, including Ayman al-Zawahiri, or any leaders of al-Qaeda in the Indian Subcontinent, have been present in Afghanistan since February 29, 2020, and if so, the names of the leaders, the dates they were present in Afghanistan, and their other locations since February 29, 2020;

(E) any members of al-Qaeda, al-Qaeda in the Indian Subcontinent, al-Qaeda-affiliated groups, or any covered terrorist organization have, since February 29, 2020—

(i) fought alongside, trained alongside, otherwise operated alongside, or sheltered with the Taliban in Afghanistan;

(ii) conducted attacks inside Afghanistan, and, if so, the dates and locations of such attacks;

(iii) operated training camps or related facilities inside Afghanistan, and, if so, the locations of those camps or facilities;

(iv) traveled to Afghanistan from Pakistan, Iran, or neighboring countries;
(v) continued to have ties to any
Taliban leaders or members located in
Pakistan; or
(vi) continued to work with the
Haqqani Network;
(F) any of the prisoners released by the
Government of Afghanistan since February 29,
2020—
(i) are members of, or have ties to,
any covered terrorist organizations or any
other organization designated by the
United States as a foreign terrorist organi-
zation pursuant to section 219 of the Im-
migration and Nationality Act (8 U.S.C.
1189) and, if so, the names of such former
prisoners and the reasons for their deten-
tion inside Afghanistan; or
(ii) are suspected of taking part in at-
tacks against American service members or
civilians or attacks that caused American
casualties and, if so, the names of the pris-
oners, the date and location of such at-
tacks, and the number of American casual-
ties attributed to such attacks;
(G) any of the prisoners the Taliban has requested for release, but who have not yet been released as of the date of the enactment of this Act, are members of, or have ties to, any covered terrorist organizations or any other organization designated by the United States as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and, if so, the names of the prisoners and the organizations to which they are affiliated; and

(H) senior Taliban leaders, including members of the Haqqani Network, who are located in Pakistan continue to exercise control over the insurgency in Afghanistan.

(4) The number of attacks that the Taliban has carried out in Afghanistan since February 29, 2020, including the location and date of each attack as well as casualties related to each attack.

(d) FORM.—The report described in subsection (c) shall be submitted in unclassified form without any designation relating to dissemination control, but may contain a classified annex that is accompanied by an unclassified summary of the annex.
(e) WAIVER.—The Secretary of Defense may waive the limitation under subsection (b) if, in consultation with the Chairman of the Joint Chiefs of Staff and the Commander of United States Forces, Afghanistan, the Secretary—

(1) determines that the waiver is—

(A) necessary due to an imminent and extraordinary threat to members of the United States Armed Forces in the Afghanistan; or

(B) vital to the national security interests of the United States; and

(2) submits to the appropriate congressional committees a detailed, written justification for such waiver, not later than 10 days after the effective date of the waiver; and

(3) in the case of a determination described in paragraph (1)(A), includes in such justification each of the following:

(A) A detailed description of the change in threat assessment leading to the determination.

(B) An explanation for the reasons for which existing force protection mechanisms were not sufficient to reasonably ensure the safety of members of the Armed Forces.
(C) The steps that have been taken to ensure that United States equipment does not fall into enemy hands.

(D) A description of the coordination with allied countries of the North Atlantic Treaty Organization and with other allies and partners with respect to the withdrawal.

(E) A description of the coordination with the Department of State to ensure the safety of American citizens in Afghanistan in light of and subsequent to the withdrawal.

(f) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate;

(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.
(2) COVERED OFFICIAL.—The term “covered official” means—

(A) the Secretary of State;

(B) the Director of National Intelligence;

(C) the Director of the Central Intelligence Agency;

(D) the Chairman of the Joint Chiefs of Staff;

(E) the Commander of United States Central Command;

(F) the Commander of United States Forces, Afghanistan; and

(G) the United States Permanent Representative to the North Atlantic Treaty Organization.

(3) COVERED TERRORIST ORGANIZATION.—The term “covered terrorist organization” means any of the following:

(A) al-Qaeda and affiliates, including al-Qaeda in the Indian Subcontinent.

(B) The Islamic State and affiliates.

(C) Tehrik-e Taliban Pakistan.

(D) The Haqqani Network.

(E) Islamic Movement of Uzbekistan.

(F) Eastern Turkistan Islamic Movement.
(G) Ansarrullah.

(H) Lashkar-e-Tayyiba (including under the alias Jamaat-ud-Dawa).

(I) Jaish-e-Mohammed.

(J) Harakat ul-Jihad-Islami.

(K) Harakat ul-Mujahidin.

(L) Jaysh al-Adl.

(M) Lashkar-i-Jhangvi.

(N) Mullah Nasir Group.

(O) Hafiz Gul Bahadar Group.

(P) Lashkar-i-Islam.

(Q) Islamic Jihad Union Group.

(R) Jamaat-ud-Dawa al Quran.

(S) Ansarul Islam.

SEC. 1214. REPORT ON OPERATION FREEDOM SENTINEL.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, and as part of the materials relating to Operation Freedom Sentinel submitted to Congress by the Secretary of Defense in support of the budget of the President for the following 2 fiscal years, the Secretary shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on Operation Freedom Sentinel.
(b) **Matters To Be Included.**—The report required by subsection (a) shall include a list and description of activities, exercises, and funding amounts carried out under the operation, including—

1. specific direct war costs;
2. activities that occur in Afghanistan;
3. activities that occur outside of Afghanistan, including training and costs relating to personnel;
4. activities that provide funding to any of the services that is part of the operation’s budget request; and
5. activities related to transportation, logistics, and other support.

**SEC. 1215. MODIFICATIONS TO IMMUNITY FROM SEIZURE UNDER JUDICIAL PROCESS OF CULTURAL OBJECTS.**

(a) **In General.**—The Act of October 19, 1965, entitled “An Act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes” (22 U.S.C. 2459; 79 Stat. 985) is amended—

1. in the heading, by striking “temporary exhibition or display” and inserting “temporary storage,
conservation, scientific research, exhibition, or display’’;

(2) in subsection (a)—

(A) by striking ‘‘the temporary exhibition or display thereof’’ each place it appears and inserting ‘‘temporary storage, conservation, scientific research, exhibition, or display’’; and

(B) by striking ‘‘cultural or educational’’ each place it appears and inserting ‘‘cultural, educational, or religious’’; and

(3) by adding at the end the following:

‘‘(d) For purposes of this section, the terms ‘imported’ and ‘importation’ include a transfer from a mission of a foreign country located within the United States to a cultural, educational, or religious institution located within the United States.’’.

(b) AFGHANISTAN.—

(1) IN GENERAL.—A work of art or other object of cultural significance that is imported into the United States for temporary storage, conservation, scientific research, exhibition, or display shall be deemed to be immune from seizure under such Act of October 19, 1965 (22 U.S.C. 2459) (as amended by subsection (a)), and the provisions of such Act
shall apply in the same manner and to the same extent to such work or object, if—

(A) the work or object is exported from Afghanistan with an export permit or license duly issued by the Government of Afghanistan; and

(B)(i) an agreement is entered into between the Government of Afghanistan and the cultural, educational, or religious institution within the United States that specifies the conditions for such material to be returned to Afghanistan; or

(ii) the work or object is transferred to a cultural, educational, or religious institution in the United States in accordance with an agreement described in clause (i) that also includes an authorization to transfer such work or object to such an institution.

SEC. 1216. STRATEGY FOR POST-CONFLICT ENGAGEMENT BY THE UNITED STATES IN AFGHANISTAN.

(a) In General.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development and other relevant Federal departments and agencies, shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Sen-
ate not later than 120 days after a final Afghan Reconcili-
ation Agreement is reached, a strategy for post-conflict
gagement by the United States in Afghanistan to sup-
port the implementation of commitments for women and
girls’ inclusion and empowerment in the Agreement, as
well as to protect and promote basic human rights in Af-
ghanistan, especially the human rights of women and girls.

(b) REQUIRED ELEMENTS.—The Secretary of State
shall seek to ensure that activities carried out under the
strategy—

(1) employ rigorous monitoring and evaluation
methodologies, including ex-post evaluation, and gen-
der analysis as defined by the Women’s Entrepren-
neurship and Economic Empowerment Act of 2018
(Public Law 115–428) and required by the U.S.
Strategy on Women, Peace, and Security;

(2) disaggregate all data collected and reported
by age, gender, marital and motherhood status, dis-
ability, and urbanity, to the extent practicable and
appropriate; and

(3) advance the principles and objectives speci-
fied in the Policy Guidance on Promoting Gender
Equality of the Department of State and the Gender
Equality and Female Empowerment Policy of the
1 United States Agency for International Develop-
ment.

3 SEC. 1217. CONGRESSIONAL OVERSIGHT OF UNITED
STATES TALKS WITH TALIBAN OFFICIALS
AND AFGHANISTAN'S COMPREHENSIVE
PEACE PROCESS.

7 (a) DEFINITIONS.—In this section:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
TEES.—The term “appropriate congressional com-
mittees” means—

17 (A) the Committee on Foreign Relations,
the Committee on Armed Services, and the Se-
lect Committee on Intelligence of the Senate;
and

24 (B) the Committee on Foreign Affairs, the
Committee on Armed Services, and the Perma-
nent Select Committee on Intelligence of the
House of Representatives.

20 (2) GOVERNMENT OF AFGHANISTAN.—The
term “Government of Afghanistan” means the Gov-
ernment of the Islamic Republic of Afghanistan and
its agencies, instrumentalities, and controlled enti-
ties.

27 (3) THE TALIBAN.—The term “the Taliban”—
(A) refers to the organization that refers to itself as the “Islamic Emirate of Afghanistan”, that was founded by Mohammed Omar, and that is currently led by Mawlawi Hibatullah Akhundzada; and

(B) includes subordinate organizations, such as the Haqqani Network, and any successor organization.

(4) February 29 Agreement.—The term “February 29 Agreement” refers to the political arrangement between the United States and the Taliban titled “Agreement for Bringing Peace to Afghanistan Between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America” signed at Doha, Qatar February 29, 2020.

(b) Oversight of Peace Process and Other Agreements.—

(1) Transmission to Congress of Materials Relevant to the February 29 Agreement.—The Secretary of State, in consultation with the Secretary of Defense, shall continue to submit to the appropriate congressional committees materials relevant to the February 29 Agreement.
(2) Submission to Congress of Any Future Deals Involving the Taliban.—The Secretary of State shall submit to the appropriate congressional committees, within 5 days of conclusion and on an ongoing basis thereafter, any future agreement or arrangement involving the Taliban in any manner, as well as materials relevant to any future agreement or arrangement involving the Taliban in any manner.

(3) Definitions.—In this subsection, the terms “materials relevant to the February 29 Agreement” and “materials relevant to any future agreement or arrangement” include all annexes, appendices, and instruments for implementation of the February 29 Agreement or a future agreement or arrangement, as well as any understandings or expectations related to the Agreement or a future agreement or arrangement.

(c) Report and Briefing on Verification and Compliance.—

(1) In General.—

(A) Report.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 120 days thereafter, the President shall submit to the ap-
propriate congressional committees a report verifying whether the key tenets of the February 29 Agreement, or future agreements, and accompanying implementing frameworks are being preserved and honored.

(B) BRIEFING.—At the time of each report submitted under subparagraph (A), the Secretary of State shall direct a Senate-confirmed Department of State official and other appropriate officials to brief the appropriate congressional committees on the contents of the report. The Director of National Intelligence shall also direct an appropriate official to participate in the briefing.

(2) ELEMENTS.—The report and briefing required under paragraph (1) shall include—

(A) an assessment—

(i) of the Taliban’s compliance with counterterrorism guarantees, including guarantees to deny safe haven and freedom of movement to al-Qaeda and other terrorist threats from operating on territory under its influence; and

(ii) whether the United States intelligence community has collected any intel-
intelligence indicating the Taliban does not intend to uphold its commitments;

(B) an assessment of Taliban actions against terrorist threats to United States national security interests;

(C) an assessment of whether Taliban officials have made a complete, transparent, public, and verifiable breaking of all ties with al-Qaeda;

(D) an assessment of the current relationship between the Taliban and al-Qaeda, including any interactions between members of the two groups in Afghanistan, Pakistan, or other countries, and any change in Taliban conduct towards al-Qaeda since February 29, 2020;

(E) an assessment of the relationship between the Taliban and any other terrorist group that is assessed to threaten the security of the United States or its allies, including any change in conduct since February 29, 2020;

(F) an assessment of whether the Haqqani Network has broken ties with al-Qaeda, and whether the Haqqani Network’s leader Sirajuddin Haqqani remains part of the leadership structure of the Taliban;
(G) an assessment of threats emanating from Afghanistan against the United States homeland and United States partners, and a description of how the United States Government is responding to those threats;

(H) an assessment of intra-Afghan discussions, political reconciliation, and progress towards a political roadmap that seeks to serve all Afghans;

(I) an assessment of the viability of any intra-Afghan governing agreement;

(J) an assessment as to whether the terms of any reduction in violence or ceasefire are being met by all sides in the conflict;

(K) a detailed overview of any United States and NATO presence remaining in Afghanistan and any planned changes to such force posture;

(L) an assessment of the status of human rights, including the rights of women, minorities, and youth;

(M) an assessment of the access of women, minorities, and youth to education, justice, and economic opportunities in Afghanistan;
(N) an assessment of the status of the rule of law and governance structures at the central, provincial, and district levels of government;

(O) an assessment of the media and of the press and civil society’s operating space in Afghanistan;

(P) an assessment of illicit narcotics production in Afghanistan, its linkages to terrorism, corruption, and instability, and policies to counter illicit narcotics flows;

(Q) an assessment of corruption in Government of Afghanistan institutions at the district, provincial, and central levels of government;

(R) an assessment of the number of Taliban and Afghan prisoners and any plans for the release of such prisoners from either side;

(S) an assessment of any malign Iranian, Chinese, and Russian influence in Afghanistan;

(T) an assessment of how other regional actors, such as Pakistan, the countries of Central Asia, and India, are engaging with Afghanistan;
(U) a detailed overview of national-level efforts to promote transitional justice, including forensic efforts and documentation of war crimes, mass killings, or crimes against humanity, redress to victims, and reconciliation activities;

(V) A detailed overview of United States support for Government of Afghanistan and civil society efforts to promote peace and justice at the local level and how these efforts are informing government-level policies and negotiations;

(W) an assessment of the progress made by the Afghanistan Ministry of Interior and the Office of the Attorney General to address gross violations of human rights (GVHRs) by civilian security forces, Taliban, and non-government armed groups, including—

(i) a breakdown of resources provided by the Government of Afghanistan towards these efforts; and

(ii) a summary of assistance provided by the United States Government to support these efforts; and
(X) an overview of civilian casualties caused by the Taliban, non-government armed groups, and Afghan National Defense and Security Forces, including—

(i) an estimate of the number of destroyed or severely damaged civilian structures;

(ii) a description of steps taken by the Government of Afghanistan to minimize civilian casualties and other harm to civilians and civilian infrastructure;

(iii) an assessment of the Government of Afghanistan’s capacity and mechanisms for investigating reports of civilian casualties; and

(iv) an assessment of the Government of Afghanistan’s efforts to hold local militias accountable for civilian casualties.

(3) COUNTERTERRORISM STRATEGY.—In the event that the Taliban does not meet its counterterrorism obligations under the February 29 Agreement, the report and briefing required under this subsection shall include information detailing the United States’ counterterrorism strategy in Afghanistan and Pakistan.
(4) Form.—The report required under subparagraph (A) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex, and the briefing required under subparagraph (B) of such paragraph shall be conducted at the appropriate classification level.

(d) Rule of Construction.—Nothing in this section shall prejudice whether a future deal involving the Taliban in any manner constitutes a treaty for purposes of Article II of the Constitution of the United States.

(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.

SEC. 1218. REPORT ON CIVILIAN CASUALTIES IN AFGHANISTAN.

(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.
Such report shall adhere to the existing reporting framework as the “Enhancing Security and Stability in Afghanistan” semianual report.

(b) CONTENTS.—The report shall include the following:

(1) A description of the steps the Government of Afghanistan is taking to minimize civilian casualties and other harm to civilians and civilian infrastructure limited to health facilities, schools, and non-governmental organizations.

(2) An assessment of civilian casualties and other harm to civilians and civilian infrastructure limited to health facilities, schools, and non-governmental organizations caused by the Taliban.

(3) An assessment of the progress of implementation of the Government of Afghanistan’s national civilian casualty and mitigation policy.

(4) An assessment of the Government of Afghanistan’s capacity and mechanisms for assessing and investigating reports of civilian casualties, to include a description of the function and effectiveness of the Afghan Civilian Casualty Mitigation Team and an assessment of the availability of channels for civilians to report civilian harm.
(5) An assessment of the capacity of the Afghan National Defense and Security Forces and the Taliban to operate in effective compliance with the laws of armed conflict, to include its principles of proportion and distinction, and any gaps or weaknesses in need of addressing.

(6) An assessment of the Afghan National Defense and Security Forces’ capacity for planning and conducting operations in accordance with the laws of armed conflict and for employing practices designed specifically to limit harm to civilians and civilian infrastructure; any plans in place by the United States Government to enhance the capacity of the ANDSF to minimize harm to civilians in the conduct of its operations; and any anticipated changes in support and oversight by United States forces that may have an effect on said capabilities.

(7) A description of the Government of Afghanistan’s support for non-state localized and regional militias in Afghanistan, including—

(A) an assessment of whether the Government of Afghanistan has the necessary oversight mechanisms in place to effectively restrain adverse impacts on stability and hold local militias accountable; and
(B) a summary of the efforts by the Government of Afghanistan including the Ministry of Interior to integrate local and regionalized militias into the uniformed Afghan National Defense and Security Forces including efforts to support accountability and address human rights violations and abuses.

(8) Any other matters the Secretary of Defense determines are relevant.

(c) SUNSET.—The reporting requirement under this section shall terminate on the date that is 3 years after the date of enactment of this Act.

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.


(b) FUNDING.—Subsection (g) of such section is amended—
(1) by striking “fiscal year 2020” and inserting “fiscal year 2021”; and

(2) by striking “$645,000,000” and inserting “$500,000,000”.

(c) WAIVER AUTHORITY; SCOPE.—Subsection (j)(3) of such section is amended—

(1) by striking “congressional defense committees” each place it appears and inserting “appropriate congressional committees”; and

(2) by adding at the end the following:

“(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term ‘appropriate congressional committees’ means—

“(i) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

“(ii) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.”.

(d) ANNUAL REPORT.—Such section is amended by adding at the end the following:

“(o) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this subsection, and annually thereafter for two years, the Secretary of Defense shall
submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that includes—

“(1) a detailed description of the weapons and equipment purchased using the Counter-ISIS Train and Equip Fund in the previous fiscal year; and

“(2) a detailed description of the incremental costs for operations and maintenance for Operation Inherent Resolve in the previous fiscal year.”.

(e) Budget Display Submission.—

(1) In General.—The Secretary of Defense shall include in the budget materials submitted by the Secretary in support of the budget of the President (as submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2022 and 2023 a detailed budget display for funds requested for the Department of Defense for such fiscal year for Operation Inherent Resolve.

(2) Matters to be Included.—The detailed budget display required under paragraph (1) shall include the following:

(A) With respect to procurement accounts—
(i) amounts displayed by account, budget activity, line number, line item, and line item title; and

(ii) a description of the requirements for each such amount.

(B) With respect to research, development, test, and evaluation accounts—

(i) amounts displayed by account, budget activity, line number, program element, and program element title; and

(ii) a description of the requirements for each such amount.

(C) With respect to operation and maintenance accounts—

(i) amounts displayed by account title, budget activity title, line number, and sub-activity group title; and

(ii) a description of the specific manner in which each such amount would be used.

(D) With respect to military personnel accounts—

(i) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and
(ii) a description of the requirements
for each such amount.

(E) With respect to each project under
military construction accounts (including with
respect to unspecified minor military construc-
tion and amounts for planning and design), the
country, location, project title, and project
amount for each fiscal year.

SEC. 1222. EXTENSION OF AUTHORITY TO PROVIDE ASSIST-
ANCE TO THE VETTED SYRIAN OPPOSITION.

(a) IN GENERAL.—Subsection (a) of section 1209 of
the Carl Levin and Howard P. “Buck” McKeon National
Defense Authorization Act for Fiscal Year 2015 (Public
Law 113–291; 128 Stat. 3451) is amended by striking
“December 31, 2020” and inserting “December 31,
2021”.

(b) NOTICE BEFORE PROVISION OF ASSISTANCE.—
Subsection (b)(2)(A) of such section is amended by strik-
ing “fiscal year 2019 or fiscal year 2020” and inserting
“fiscal year 2019, fiscal year 2020, or fiscal year 2021”.

(c) CERTIFICATION.—Not later than 30 days after
the date of the enactment of this Act, the Secretary of
Defense shall certify 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 that no United States military forces are being used or have been used for the extraction, transport, transfer, or sale of oil from Syria.

SEC. 1223. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

Section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended—

(1) in subsections (c) and (d), by striking “fiscal year 2020” each place it appears and inserting “each of fiscal years 2020 and 2021”; and

(2) in subsection (h), by striking “Of the amount made available for fiscal year 2020 to carry out section 1215 of the National Defense Authorization Act for Fiscal Year 2012, not more than $20,000,000” and inserting “Of the amounts made available for fiscal years 2020 and 2021 to carry out this section, not more than $20,000,000 for each such fiscal year”.

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SEC. 1224. PROHIBITION ON PROVISION OF WEAPONS AND OTHER FORMS OF SUPPORT TO CERTAIN ORGANIZATIONS.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2021 may be used to knowingly provide weapons or any other form of support to Al Qaeda, the Islamic State of Iraq and Syria (ISIS), Jabhat Fateh al Sham, Hamas, Hizballah, Palestine Islamic Jihad, al-Shabaab, Islamic Revolutionary Guard Corps, or any individual or group affiliated with any such organization.

SEC. 1225. CONSOLIDATED BUDGET DISPLAY AND REPORT ON OPERATION SPARTAN SHIELD.

(a) BUDGET DISPLAY SUBMISSION.—

(1) IN GENERAL.—The Secretary of Defense shall include in the budget materials submitted by the Secretary in support of the budget of the President (as submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2022 and 2023 a detailed budget display for funds requested for the Department of Defense for such fiscal year for Operation Spartan Shield and Iran deterrence-related programs and activities of the Department of Defense in the United States Central Command area of operation.
(2) MATTERS TO BE INCLUDED.—The detailed budget display required under paragraph (1) shall include the following:

(A) With respect to procurement accounts—

(i) amounts displayed by account, budget activity, line number, line item, and line item title; and

(ii) a description of the requirements for each such amount.

(B) With respect to research, development, test, and evaluation accounts—

(i) amounts displayed by account, budget activity, line number, program element, and program element title; and

(ii) a description of the requirements for each such amount.

(C) With respect to operation and maintenance accounts—

(i) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(ii) a description of the specific manner in which each such amount would be used.
(D) With respect to military personnel accounts—

(i) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

(ii) a description of the requirements for each such amount.

(E) With respect to each project under military construction accounts (including with respect to unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount for each fiscal year.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter in conjunction with the submission of the budget of President (as submitted to Congress pursuant to section 1105 of title 31, United States Code) for each of fiscal years 2022 and 2023, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on Operation Spartan Shield.
(2)事项应包含—该报告

要求的第1条段应包括—

(A)(i)对首次报告，应包含该操作的历史及其目标；

(ii)对随后的报告，应包含该操作及其目标的描述于前一年期间；

(B)一个包含和描述显著活动及演习的清单，其于前一年期间在该操作下执行。

(C)活动和演习目的及目标的描述，及对前一年期间陈述目的的达成度评估；

(D)用于判断联合演习下建立伙伴能力的准则描述，于前一年期间。

(E)应识别的增量和估计的总成本，于前一年期间，包括单独识别的于美国中央司令部区域的增加力量存在自2019年5月以来，以对抗伊朗；和

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(F) any other matters the Secretary determines appropriate.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

SEC. 1226. SENSE OF CONGRESS ON PESHMERGA FORCES AS A PARTNER IN OPERATION INHERENT RESOLVE.

It is the sense of Congress that—

(1) the Peshmerga of the Kurdistan Region of Iraq have made, and continue to make, significant contributions to the security of Northern Iraq, by defending nearly 650 miles of critical terrain, to degrade, dismantle, and ultimately defeat the Islamic State of Iraq and Syria (ISIS) in Iraq as a partner in Operation Inherent Resolve;

(2) although ISIS has been severely degraded, their ideology and combatants still linger and pose a threat of resurgence if regional security is not sustained;

(3) a strong Peshmerga and Kurdistan Regional Government is critical to maintaining a stable and tolerant Iraq in which all faiths, sects, and ethnicities are afforded equal protection under the
law and full integration into the Government and so-
siety of Iraq;

(4) continued security assistance, as appro-
priate, to the Ministry of Peshmerga Affairs of the
Kurdistan Region of Iraq in support of counter-ISIS
operations, in coordination with the Government of
Iraq, is critical to United States national security in-
terests; and

(5) continued United States support to the
Peshmerga, coupled with security sector reform in
the region, will enable them to more effectively part-
ner with other elements of the Iraqi Security Forces,
the United States, and other coalition members to
consolidate gains, hold territory, and protect infra-
structure from ISIS and its affiliates in an effort to
deal a lasting defeat to ISIS and prevent its reemerg-
gence in Iraq.

SEC. 1227. REPORT ON THE THREAT POSED BY IRANIAN-
BACKED MILITIAS IN IRAQ.

(a) IN GENERAL.—Not later than 180 days after the
date of the enactment of this Act, the Secretary of De-
fense, in consultation with the Secretary of State, shall
submit to the appropriate congressional committees a re-
port on the short- and long-term threats posed by Iranian-
backed militias in Iraq to Iraq and to United States persons and interests.

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

(1) A detailed description of acts of violence and intimidation that Iranian-backed militias in Iraq have committed against Iraqi civilians during the previous 2 years.

(2) A detailed description of the threat that Iranian-backed militias in Iraq pose to United States persons in Iraq and in the Middle East, including United States Armed Forces and diplomats.

(3) A detailed description of the threat Iranian-backed militias in Iraq pose to United States partners in the region.

(4) A detailed description of the role that Iranian-backed militias in Iraq play in Iraq’s armed forces and security services, including Iraq’s Popular Mobilization Forces.

(5) An assessment of whether and to what extent any Iranian-backed militia in Iraq, or member of such militia, had illicit access to United States-origin defense equipment provided to Iraq since 2014 and the response from the Government of Iraq to each incident.
(c) Form.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex only if such annex is provided separately from the unclassified report.

(d) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee Foreign Relations of the Senate.

Subtitle D—Matters Relating to Russia

Sec. 1231. Prohibition on Availability of Funds Relating to Sovereignty of the Russian Federation over Crimea.

(a) Prohibition.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) Waiver.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the re-
striction on the obligation or expenditure of funds required by subsection (a) if the Secretary of Defense—

(1) determines that to do so is in the national security interest of the United States; and

(2) submits a notification of the waiver, at the time the waiver is invoked, 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.

SEC. 1232. EXTENSION OF LIMITATION ON MILITARY CO-OPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

Section 1232(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488), is amended by striking “, 2019, or 2020” and inserting “2019, 2020, or 2021”.

SEC. 1233. MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) IN GENERAL.—Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “50 per-
pursuant to subsection (f)(5)” and inserting “50 percent of the funds available for fiscal year 2021 pursuant to subsection (f)(6)”;

(B) in paragraph (3), by striking “fiscal year 2020” and inserting “fiscal year 2021”;

and

(C) in paragraph (5), by striking “Of the funds available for fiscal year 2020 pursuant to subsection (f)(5)” and inserting “Of the funds available for fiscal year 2021 pursuant to subsection (f)(6)”;

(2) in subsection (f), by adding at the end the following:

“(6) For fiscal year 2021, $250,000,000.”; and

(3) in subsection (h), by striking “December 31, 2022” and inserting “December 31, 2023”.


SEC. 1234. UNITED STATES PARTICIPATION IN THE OPEN SKIES TREATY.

(a) Notification Required.—
(1) IN GENERAL.—Upon withdrawal of the United States from the Open Skies Treaty pursuant to Article XV of the Treaty, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees—

(A) a notification that the United States has concluded agreements with other state parties to the Treaty that host United States military forces and assets to ensure that after such withdrawal the United States will be provided sufficient notice by such state parties of requests for observation flights over the territories of such state parties under the Treaty; or

(B) if the United States has not concluded the agreements described in subparagraph (A), a description of how the United States will consistently and reliably be provided with sufficient warning of observation flights described in subparagraph (A) by other means, including a description of assets and personnel and policy implications of using such other means.

(2) SUBMISSION OF AGREEMENTS.—Upon withdrawal of the United States from the Open Skies Treaty pursuant to Article XV of the Treaty, the Secretary of Defense and the Secretary of State
shall jointly submit to the appropriate congressional committees copies of the agreements described in paragraph (1)(A).

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State, in coordination with the Director of National Intelligence and the Under Secretary of Defense for Intelligence and Security, shall jointly submit to the appropriate congressional committees a report on the effects of a potential withdrawal of the United States from the Open Skies Treaty.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) A description of how the United States will replace benefits of cooperation with United States allies under the Treaty.

(B) A description of—

(i) how the United States will obtain unclassified, publicly-releasable imagery it currently receives under the Treaty;
(i) if national technical means are used as a replacement to obtain such imagery—

(I) how the requirements satisfied by collection under the Treaty will be prioritized within the National Intelligence Priorities Framework;

(II) a plan to mitigate any gaps in collection; and

(III) requirements and timelines for declassification of data for public release; and

(ii) if commercial imagery is used as a replacement to obtain such imagery—

(I) contractual actions and associated timelines needed to purchase such imagery;

(II) costs to purchase commercial imagery equivalent to that which is obtained under the Treaty; and

(III) estimates of costs to share that data with other state parties to the Treaty that are United States partners.
(C) A description of how the United States will replace intelligence information, other than imagery, obtained under the Treaty.

(D) A description of how the United States will ensure continued dialogue with Russia in a manner similar to formal communications as confidence-building measures to reinforce strategic stability required under the Treaty.

(E) All unedited responses to the questionnaire provided to United States allies by the United States in 2019 and all official statements provided to the United States by United States allies in 2019 or 2020 relating to United States withdrawal from the Treaty.

(F) An assessment of the impact of such withdrawal on—

(i) United States leadership in the North Atlantic Treaty Organization (NATO); and

(ii) cohesion and cooperation among NATO member states.

(G) A description of options to continue confidence-building measures under the Treaty with other state parties to the Treaty that are United States allies.
(H) An assessment of the Defense Intelligence Agency of the impact on national security of such withdrawal.

(I) An assessment of how the United States will influence decisions regarding certifications of new sensors, primarily synthetic aperture radar sensors, under the Treaty that could pose additional risk to deployed United States military forces and assets.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(c) DEFINITIONS.—In this section:

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

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.
(2) Observation Flight.—The term “observation flight” has the meaning given such term in Article II of the Open Skies Treaty.


SEC. 1235. SENSE OF CONGRESS ON SUPPORT FOR UKRAINE.

It is the sense of Congress that the United States should—

(1) reaffirm support for an enduring strategic partnership between the United States and Ukraine;

(2) support Ukraine’s sovereignty and territorial integrity within its internationally-recognized borders and make clear it does not recognize the independence of Crimea or Eastern Ukraine currently occupied by Russia;

(3) continue support for multi-domain security assistance for Ukraine in the form of lethal and non-lethal measures to build resiliency, bolster deterrence against Russia, and promote stability in the region by—

(A) strengthening defensive capabilities and promoting readiness; and
(B) improving interoperability with NATO forces; and

(4) further enhance security cooperation and engagement with Ukraine and other Black Sea re-

gional partners.

SEC. 1236. REPORT ON PRESENCE OF RUSSIAN MILITARY FORCES IN OTHER FOREIGN COUNTRIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of De-
fense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a re-
port that contains the following:

(1) A list of foreign countries that have con-
sented to host military forces of Russia, including a description of—

(A) any agreement between each country and Russia to host such forces;

(B) the number of Russian military forces that are present in each country;

(C) the location of Russian military forces that are present in each country;

(D) the types of Russian military force structures that are present in each country;

(E) the level and type of United States se-
curity assistance provided to each country; and
(F) any military exercises that Russian forces have undertaken with each country.

(2) A list of foreign countries with respect to which Russia has deployed military forces in violation of the territorial sovereignty of such countries, including a description of—

(A) the number of Russian military forces that are present in each country;

(B) the location of Russian military forces that are present in each country; and

(C) the types of Russian military force structures that are present in each country.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representa-

(3) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.
SEC. 1237. SENSE OF CONGRESS ON THE OPEN SKIES TREATY.

It is the sense of Congress that—

(1) the decision to withdraw from the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002—

(A) did not comply with the requirement in section 1234(a) of the National Defense Authorization Act for Fiscal Year 2020 (133 Stat. 1648; 22 U.S.C. 2593a note) to notify Congress not fewer than 120 days prior to any such announcement;

(B) was made without asserting material breach of the Treaty by any other Treaty signatory; and

(C) was made over the objections of NATO allies and regional partners;

(2) confidence and security building measures that are designed to reduce the risk of conflict, increase trust among participating countries, and contribute to military transparency remain vital to the strategic interests of our NATO allies and partners and should continue to play a central role as the United States engages in the region to promote transatlantic security; and
(3) while the United States must always consider the national security benefits of remaining in any treaty, responding to Russian violations of treaty protocols should be prioritized through international engagement and robust diplomatic action.

SEC. 1238. COUNTERING RUSSIAN AND OTHER OVERSEAS KLEPTOCRACY.

(a) Definitions.—In this section

(1) Rule of law.—The term “rule of law” means the principle of governance in which all persons, institutions, and entities, whether public or private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated, and which are consistent with international human rights norms and standards.

(2) Foreign state.—The term “foreign state” has the meaning given such term in section 1603 of title 28, United States Code.

(3) Intelligence community.—The term “intelligence community” has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

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

(5) FOREIGN ASSISTANCE.—The term “foreign assistance” means foreign assistance authorized under the Foreign Assistance Act of 1961.

(6) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

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

(b) INTERNATIONAL STANDARDS.—It is the sense of Congress that the following international standards should be the foundation for foreign states to combat corruption, kleptocracy, and illicit finance:

(1) The United Nations Convention against Corruption.

(2) Recommendations of the Financial Action Task Force (FATF) comprising the International
Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation.

(3) The Organisation for Economic Co-operation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Anti-Bribery Convention), the 2009 Recommendation of the Council for Further Combating Bribery, the 2009 Recommendation on the Tax Deductibility of Bribes to Foreign Public Officials; and other related instruments.

(4) Legal instruments adopted by the Council of Europe and monitored by the Group of States against Corruption (GRECO), including the Criminal Law Convention on Corruption, the Civil Law Convention on Corruption, the Additional Protocol to the Criminal Law Convention on Corruption, the Twenty Guiding Principles against Corruption, the Recommendation on Codes of Conduct for Public Officials, and the Recommendation on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns.

(6) The Inter-American Convention Against Corruption under the Organization of American States.

(c) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) leverage United States diplomatic engagement and foreign assistance to promote the rule of law;

(2) promote the international standards identified in section 4, as well as other relevant international standards and best practices as such standards and practices develop, and to seek the universal adoption and implementation of such standards and practices by foreign states;

(3) support foreign states in promoting good governance and combating public corruption;

(4) encourage and assist foreign partner countries to identify and close loopholes in their legal and financial architecture, including the misuse of anonymous shell companies, free trade zones, and other legal structures, that are enabling illicit finance and authoritarian capital to penetrate their financial systems;

(5) help foreign partner countries to investigate and combat the use of corruption by authoritarian
governments, particularly that of Vladimir Putin in
Russia, as a tool of malign influence worldwide;

(6) make use of sanctions authorities, such as
the Global Magnitsky Human Rights Accountability
Act (enacted as subtitle F of title XII of the Na-
tional Defense Authorization Act for Fiscal Year
2017 (Public Law 114–328; 22 U.S.C. 2656 note)),
to identify and take action against corrupt foreign
actors; and

(7) ensure coordination between the depart-
ments and agencies of the United States Govern-
ment with jurisdiction over the advancement of good
governance in foreign states.

(d) ANTI-CORRUPTION ACTION FUND.—

(1) IN GENERAL.—The Secretary of State shall
establish in the Department of State a fund to be
known as the “Anti-Corruption Action Fund” to aid
foreign states to prevent and fight public corruption
and develop rule of law-based governance structures,
including accountable investigative, prosecutorial,
and judicial bodies, and supplement existing foreign
assistance and diplomacy with respect to such ef-
forts.

(2) FUNDING.—There is authorized to be ap-
propriated to the Fund an amount equal to five per-
cent of each civil and criminal fine and penalty im-
posed pursuant to actions brought under the For-
eign Corrupt Practices Act on or after the date of
the enactment of this Act for each fiscal year.
Amounts appropriated pursuant to this authoriza-
tion shall be authorized to remain available until ex-
pended.

(3) SUPPORT.—The Anti-Corruption Action
Fund may support governmental and nongovern-
mental parties in advancing the goals specified in
paragraph (1) and shall be allocated in a manner
complementary to existing United States foreign as-
sistance, diplomacy, and the anti-corruption activi-
ties of other international donors.

(4) PREFERENCE.—In programing foreign as-
sistance using the Anti-Corruption Action Fund, the
Secretary of State shall give preference to projects
that—

(A) assist countries that are undergoing
historic opportunities for democratic transition,
combating corruption, and the establishment of
the rule of law;

(B) are important to United States na-
tional interests; and
(C) where United States foreign assistance could significantly increase the chance of a successful transition described in subparagraph (A).

(5) PUBLIC DIPLOMACY.—The Secretary of State shall publicize that funds provided to the Anti-Corruption Action Fund originate from actions brought under the Foreign Corrupt Practices Act so as to demonstrate that monies obtained under such Act are contributing to international anti-corruption work under this section, including by reducing the pressure that United States businesses face to pay bribes overseas, thereby contributing to greater United States competitiveness.

(e) INTERAGENCY TASK FORCE.—

(1) IN GENERAL.—The Secretary of State shall have primary responsibility for managing a whole-of-government effort to improve coordination among United States Government departments and agencies, as well as with other donor organizations, that have a role in promoting good governance in foreign states and enhancing the ability of foreign states to combat public corruption.

(2) INTERAGENCY TASK FORCE.—Not later than 180 days after the date of the enactment of
this Act, the Secretary of State shall establish and
convene an Interagency Task Force composed of—

   (A) representatives appointed by the Presi-
   dent from appropriate departments and agen-
   cies, including the Department of State, the
   United States Agency for International Devel-
   opment (USAID), the Department of Justice,
   the Department of the Treasury, the Depart-
   ment of Homeland Security, the Department of
   Defense, the Department of Commerce, the Mil-
   lennium Challenge Corporation, and the intel-
   ligence community; and

   (B) representatives from any other United
   States Government departments or agencies, as
determined by the Secretary.

(3) ADDITIONAL MEETINGS.—The Interagency
Task Force established in paragraph (2) shall meet
not less than twice per year.

(4) DUTIES.—The Interagency Task Force es-
established in paragraph (2) shall—

   (A) evaluate, on a general basis, the effec-
tiveness of existing foreign assistance programs,
including programs funded by the Anti-Corrup-
tion Action Fund under section 6, that have an
impact on promoting good governance in for-
eign states and enhancing the ability of foreign
dates to combat public corruption;

(B) assist the Secretary of State in man-
gaging the whole-of-government effort described
in subsection (a);

(C) identify general areas in which such
whole-of-government effort could be enhanced;
and

(D) recommend specific programs for for-
eign states that may be used to enhance such
whole-of-government effort.

(f) Designation of Embassy Anti-Corruption
Points of Contact.—

(1) Embassy anti-corruption point of con-
tact.—The chief of mission of each United States
embassy shall designate an anti-corruption point of
contact for each such embassy.

(2) Duties.—The designated anti-corruption
points of contact under paragraph (1) shall—

(A) with guidance from the Interagency
Task Force established under subsection (e),
coordinate an interagency approach within
United States embassies to combat public cor-
rupion in the foreign states in which such em-
bassies are located that is tailored to the needs
of such foreign states, including all relevant United States Government departments and agencies with a presence in such foreign states, such as the Department of State, USAID, the Department of Justice, the Department of the Treasury, the Department of Homeland Security, the Department of Defense, the Millennium Challenge Corporation, and the intelligence community;

(B) make recommendations regarding the use of the Anti-Corruption Action Fund under section 6 and other foreign assistance related to anti-corruption efforts in their respective foreign states, aligning such assistance with United States diplomatic engagement; and

(C) ensure that anti-corruption activities carried out within their respective foreign states are included in regular reporting to the Secretary of State and the Interagency Task Force under subsection (e), including United States embassy strategic planning documents and foreign assistance-related reporting, as appropriate.

(3) TRAINING.—The Secretary of State shall develop and implement appropriate training for des-
ignated anti-corruption points of contact under this
subsection.

(g) REPORTING REQUIREMENTS.—

(1) REPORT ON PROMOTING INTERNATIONAL
STANDARDS IN COMBATING CORRUPTION,
KLEPTOCRACY, AND ILLICIT FINANCE.—Not later
than 180 days after the date of the enactment of
this Act, the Secretary of State, in consultation with
the Administrator of the USAID and the Secretary
of the Treasury, shall submit to the appropriate con-
gressional committees a report that—

(A) summarizes any progress made by for-
eign states to adopt and implement each of the
international standards in combating corrup-
tion, kleptocracy, and illicit finance listed in
subsection (b);

(B) details the efforts of the United States
Government to promote such international
standards;

(C) identifies priority countries for out-
reach regarding such international standards;
and

(D) outlines a plan to encourage the adop-
tion and implementation of such international
standards, including specific steps to take with
the priority countries identified in accordance with subparagraph (C).

(2) Report on progress toward implementation.—Not later than 1 year after the date of the enactment of this Act and annually thereafter for 3 years, the Secretary of State, in consultation with the Administrator of the USAID, shall submit to the appropriate congressional committees a report summarizing progress in implementing this Act, including—

(A) a description of the bureaucratic structure of the offices within the Department and USAID that are engaged in activities to combat corruption, kleptocracy, and illicit finance, and how such offices coordinate with one another;

(B) information relating to the amount of funds deposited in the Anti-Corruption Action Fund established under section 6 and the obligation, expenditure, and impact of such funds;

(C) the activities of the Interagency Task Force established pursuant to subsection (e)(2);

(D) the designation of anti-corruption points of contact for foreign states pursuant to subsection (f)(1) and any training provided to
such points of contact pursuant to subsection (f)(3); and

(E) additional resources or personnel needs to better achieve the goals of this Act to combat corruption, kleptocracy, and illicit finance overseas.

(3) ONLINE PLATFORM.—The Secretary of State, in conjunction with the Administrator of the USAID, shall consolidate existing reports and briefings with anti-corruption components into one online, public platform, that includes the following:


(B) The Fiscal Transparency Report.

(C) The Investment Climate Statement reports.

(D) The International Narcotics Control Strategy Report.

(E) Any other relevant public reports.

(F) Links to third-party indicators and compliance mechanisms used by the United States Government to inform policy and programming, such as the following:

(i) The International Finance Corporation’s Doing Business surveys.
(ii) The International Budget Partnership’s Open Budget Index.

(iii) Multilateral peer review anti-corruption compliance mechanisms, such as the Organisation for Economic Co-operation and Development’s Working Group on Bribery in International Business Transactions, the Follow-Up Mechanism for the Inter-American Convention against Corruption (MESICIC), and the United Nations Convention against Corruption, done at New York October 31, 2003, to further highlight expert international views on foreign state challenges and efforts.

**SEC. 1239. REPORT ON THREATS TO THE UNITED STATES ARMED FORCES FROM THE RUSSIAN FEDERATION.**

(a) Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence and the Secretary of State, shall submit to the appropriate congressional committees a report on all threats to the United States Armed Forces and personnel of the United States from the Russian Federation and associated agents, entities, and proxies.
(b) **Elements.**—The report under subsection (a) shall include the following:

(1) An assessment of all threats to the United States Armed Forces and personnel of the United States from Russia and associated agents, entities, and proxies in all theaters where United States Armed Forces are engaged.

(2) A description of all actions taken to ensure force protection of both the United States Armed Forces and diplomats of the United States.

(3) A description of non-military actions taken to emphasize to Russia that the United States will not tolerate threats to the armed forces of the United States, the allies of the United States, and the diplomats and operations of the United States.

(c) **Form.**—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(d) **Appropriate Congressional Committees Defined.**—In this section, the term “appropriate congressional committees” means the following:

(1) The Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.
(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

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.

(a) Limitation on Use of Funds To Reduce the Total Number of Members of the Armed Forces Serving on Active Duty Who Are Stationed in Germany.—None of the funds authorized to be appropriated or otherwise made available to the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2021, to take any action to reduce the total number of members of the Armed Forces serving on active duty who are stationed in Germany below the levels present on June 10, 2020, until 180 days after the date on which the Secretary of Defense and the Chairman of the Joint
Chiefs of Staff have separately submitted to the congressional defense committees the following:

(1) A certification that—

(A) such a reduction is in the national security interest of the United States and will not significantly undermine the security of the United States or its allies in the region, including a justification explaining the analysis behind the certification; and

(B) the Secretary has appropriately consulted with United States allies and partners in Europe, including all members of the North Atlantic Treaty Organization (NATO), regarding such a reduction.

(2) A detailed analysis of the impact such a reduction would have on the security of United States allies and partners in Europe and on interoperability and joint activities with such allies and partners, including major military exercises.

(3) A detailed analysis of the impact such a reduction would have on the ability to deter Russian aggression and ensure the territorial integrity of United States allies and partners in Europe.
(4) A detailed analysis of the impact such a reduction would have on the ability to counter Russian malign activity.

(5) A detailed analysis of where the members of the Armed Forces will be moved and stationed as a consequence of such a reduction.

(6) A detailed plan for how such a reduction would be implemented.

(7) A detailed analysis of the cost implications of such a reduction, to include the cost associated with new facilities to be constructed at the location to which the members of the Armed Forces are to be moved and stationed.

(8) A detailed analysis of the impact such a reduction would have on United States service members and their families stationed in Europe.

(9) A detailed analysis of the impact such a reduction would have on Joint Force Planning.

(10) A detailed explanation of the impact such a reduction would have on implementation of the National Defense Strategy and a certification that the reduction would not negatively affect implementation of the National Defense Strategy.

(b) LIMITATION ON USE OF FUNDS TO REDUCE THE TOTAL NUMBER OF MEMBERS OF THE ARMED FORCES
STATIONED IN EUROPE.—None of the funds authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2021, to reduce the total number of members of the Armed Forces serving on active duty who are stationed in Europe below the levels present on June 10, 2020, until 180 days after the date on which the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have separately submitted to the congressional defense committees the following:

(1) A certification that—

(A) such a reduction is in the national security interest of the United States and will not significantly undermine the security of the United States or its allies in the region, including a justification explaining the analysis behind the certification.

(B) the Secretary has appropriately consulted with United States allies and partners in Europe, including all members of NATO, regarding such a reduction.

(2) A detailed analysis of the impact such a reduction would have on the security of United States allies and partners in Europe and on interoperability
and joint activities with such allies and partners, in-
cluding major military exercises.

(3) A detailed analysis of the impact such a re-
duction would have on the ability to deter Russian
aggression and ensure the territorial integrity of
United States allies and partners in Europe.

(4) A detailed analysis of the impact such a re-
duction would have on the ability to counter Russian
malign activity.

(5) A detailed analysis of where the forces will
be moved and stationed as a consequence of such a
reduction.

(6) A detailed plan for how such a reduction
would be implemented.

(7) A detailed analysis of the cost implications
of such a reduction, to include the cost associated
with new facilities to be constructed at the location
to which the members of the Armed Forces are to
be moved and stationed.

(8) A detailed analysis of the impact such a re-
duction would have on service members and their
families stationed in Europe.

(9) A detailed analysis of the impact such a re-
duction would have on Joint Force Planning.
(10) A detailed explanation of the impact such a reduction would have on implementation of the National Defense Strategy and a certification that the reduction would not negatively affect implementation of the National Defense Strategy.

(c) LIMITATION TO DIVEST MILITARY INFRASTRUCTURE IN EUROPE.—

(1) IN GENERAL.—The Secretary of Defense may not take any action to divest any infrastructure or real property in Europe under the operational control of the Department of Defense unless, prior to taking such action, the Secretary certifies to the congressional defense committees that no military requirement for future use of the infrastructure or real property is foreseeable.

(2) SUNSET.—This subsection shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 1242. SENSE OF CONGRESS REAFFIRMING THE COMMITMENT OF THE UNITED STATES TO NATO.

(a) FINDINGS.—Congress finds the following:

(1) On April 4, 1949, the North Atlantic Treaty Organization (NATO) was founded on the principles of democracy, individual liberty, and the rule
of law with the aim of promoting collective security through collective defense.

(2) NATO has been the most successful military alliance in history and, for over seven decades, an example of successful political cooperation.

(3) NATO’s commitment to collective defense is essential to deter security threat against its members.

(4) NATO strengthens the security of the United States by enabling United States forces to work by, with, and through a network of committed, interoperable allies.

(5) NATO solidarity sends a clear collective message to Russia that members of the alliance will not tolerate aggressive acts that threaten their security and sovereignty.

(6) In response to changing national security threats, NATO continues to adapt to take on new dynamics such as terrorism, hybrid warfare, the spread of weapons of mass destruction, and cyber attacks.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States reaffirms its commitment to the North Atlantic Treaty Organization as the
foundation of transatlantic security and defense, including Article V of the North Atlantic Treaty; and

(2) NATO plays a critical role in preserving peace and stability in the transatlantic region.

SEC. 1243. SENSE OF CONGRESS ON SUPPORT FOR COORDINATED ACTION TO ENSURE THE SECURITY OF BALTIC ALLIES.

It is the sense of Congress that—

(1) the continued security of the Baltic states of Estonia, Latvia, and Lithuania is critical to achieving United States national security interests and defense objectives against the acute and formidable threat posed by Russia;

(2) the United States and the Baltic states are leaders in the mission of defending independence and democracy from aggression and in promoting stability and security within the North Atlantic Treaty Organization (NATO), with non-NATO partners, and with other international organizations such as the European Union;

(3) the Baltic states are model NATO allies in terms of burden sharing and capital investment in materiel critical to United States and allied security, investment of over 2 percent of their gross domestic product on defense expenditure, allocating over 20
percent of their defense budgets on capital modernization, matching security assistance from the United States, frequently deploying their forces around the world in support of allied and United States objectives, and sharing diplomatic, technical, military, and analytical expertise on defense and security matters;

(4) the United States should continue to strengthen bilateral and multilateral defense by, with, and through allied nations, particularly those which possess expertise and dexterity but do not enjoy the benefits of national economies of scale;

(5) the United States should pursue consistent efforts focused on defense and security assistance, coordination, and planning designed to ensure the continued security of the Baltic states and on deterring current and future challenges to the national sovereignty of United States allies and partners in the Baltic region; and

(6) such an initiative should include an innovative and comprehensive conflict deterrence strategy for the Baltic region encompassing the unique geography of the Baltic states, modern and diffuse threats to their land, sea, and air spaces, and necessary improvements to their defense posture, in-
including command-and-control infrastructure, intelligence, surveillance, and reconnaissance capabilities, communications equipment and networks, and special forces.

SEC. 1244. SENSE OF CONGRESS ON SUPPORT FOR ESTONIA, LATVIA, AND LITHUANIA.

(a) FINDINGS.—Congress finds the following:

(1) The Baltic countries of Estonia, Latvia, and Lithuania are highly valued allies of the United States, and they have repeatedly demonstrated their commitment to advancing our mutual interests as well as those of the NATO Alliance.

(2) Operation Atlantic Resolve is a series of exercises and coordinating efforts demonstrating the United States’ commitment to its European partners and allies, including the Baltic countries of Estonia, Latvia, and Lithuania, with the shared goal of peace and stability in the region. Operation Atlantic Resolve strengthens communication and understanding, and is an important effort to deter Russian aggression in the region.

(3) Through Operation Atlantic Resolve, the European Deterrence Initiative undertakes exercises, training, and rotational presence necessary to reas-
sure and integrate our allies, including the Baltic
countries, into a common defense framework.

(4) All three Baltic countries contributed to the
NATO-led International Security Assistance Force
in Afghanistan, sending troops and operating with
few caveats. The Baltic countries continue to commit
resources and troops to the Resolute Support Mis-

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms its support for the principle of col-
lective defense in Article 5 of the North Atlantic
Treaty for our NATO allies, including Estonia, Lat-
tvia, and Lithuania;

(2) supports the sovereignty, independence, ter-
ritorial integrity, and inviolability of Estonia, Latvia,
and Lithuania as well as their internationally recog-
nized borders, and expresses concerns over increas-
ingly aggressive military maneuvering by the Rus-
sian Federation near their borders and airspace;

(3) expresses concern over and condemns sub-
versive and destabilizing activities by the Russian
Federation within the Baltic countries; and

(4) encourages the Administration to further
enhance defense cooperation efforts with Estonia,
Latvia, and Lithuania and supports the efforts of
their Governments to provide for the defense of their
people and sovereign territory.

SEC. 1245. SENSE OF CONGRESS ON SUPPORT FOR GEOR-
GIA.

(a) FINDINGS.—Congress finds the following:

(1) Georgia is a valued friend of the United
States and has repeatedly demonstrated its commit-
ment to advancing the mutual interests of both
countries, including the deployment of Georgian
forces as part of the former International Security
Assistance Force (ISAF) and the current Resolute
Support Mission led by the North Atlantic Treaty
Organization (NATO) in Afghanistan and the Multi-
National Force in Iraq.

(2) The European Deterrence Initiative builds
the partnership capacity of Georgia so it can work
more closely with the United States and NATO, as
well as provide for its own defense.

(3) In addition to the European Deterrence Ini-
tiative, Georgia’s participation in the NATO initia-
tive Partnership for Peace is paramount to inter-
operability with the United States and NATO, and
establishing a more peaceful environment in the re-
gion.
(4) Despite the losses suffered, as a NATO partner, Georgia is committed to the Resolute Support Mission in Afghanistan with the fifth-largest contingent on the ground.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) reaffirm support for an enduring strategic partnership between the United States and Georgia;

(2) support Georgia’s sovereignty and territorial integrity within its internationally-recognized borders, and does not recognize the independence of the Abkhazia and South Ossetia regions currently occupied by the Russian Federation;

(3) continue support for multi-domain security assistance for Georgia in the form of lethal and non-lethal measures to build resiliency, bolster deterrence against Russian aggression, and promote stability in the region, by—

(A) strengthening defensive capabilities and promote readiness; and

(B) improving interoperability with NATO forces; and

(4) further enhance security cooperation and engagement with Georgia and other Black Sea regional partners.
(a) FINDINGS.—Congress makes the following find-
ings:

(1) The United States’ alliances and other crit-
tical defense partnerships are a cornerstone of De-
partment of Defense (DOD) efforts to deter aggres-
sion from our adversaries, counter violent extre-
mism, and preserve United States national security
interests in the face of challenges to those interests
by Russia, China and other actors.

(2) The North Atlantic Treaty Organization
(NATO) is the most successful military alliance in
history, having deterred war between major state
powers for more than 70 years.

(3) Collective security and the responsibility of
each member of the security of the other members
as well as the alliance as a whole is a pillar of the
NATO alliance.

(4) NATO members other than the United
States collectively expend over $300,000,000,000 in
defense investments annually and maintain military
forces totaling an estimated 1,900,000 service mem-
bers, bolstering the alliance’s collective capacity to
counter shared threats.
(5) At the NATO Wales Summit in 2014, NATO members pledged to strive to increase their own defense spending to 2 percent of their respective gross domestic products and to spend at least 20 percent of their defense budgets on equipment by 2024 as part of their burden sharing commitments.

(6) Since 2014, there has been a steady increase in allied defense spending, with 22 member countries meeting defense spending targets in 2018 and having submitted plans to meet the targets by 2024.

(7) In addition to individual defense spending contributions, NATO allies and partners also contribute to NATO and United States operations around the world, including the Resolute Support Mission in Afghanistan and the Global Coalition to Defeat the Islamic State in Iraq and Syria (ISIS).

(8) South Korea hosts a baseline of 28,500 United States forces including the Eighth Army and Seventh Air Force.

(9) South Korea maintains Aegis Ballistic Missile Defense and Patriot Batteries that contribute to regional Ballistic Missile Defense, is a participant in the Enforcement Coordination Center, and is a sig-
significant contributor to United Nations peacekeeping operations.

(10) South Korea is an active consumer of United States Foreign Military Sales (FMS) with approximately $30,500,000,000 in active FMS cases and makes significant financial contributions to support forward deployed United States forces in South Korea, including contributions of $924,000,000 under the Special Measures Agreement in 2019 and over 90 percent of the cost of developing Camp Humphreys.

(11) Japan hosts 54,000 United States forces including the Seventh Fleet, the only forward-deployed United States aircraft carrier, and the United States Marine Corps’ III Marine Expeditionary Force.

(12) Japan maintains Aegis Ballistic Missile Defense and Patriot Batteries that contribute to regional Ballistic Missile Defense, conducts bilateral presence operations and mutual asset protection missions with United States forces, and is a capacity building contributor to United Nations peacekeeping operations.

(13) Japan is an active consumer of United States FMS with approximately $28,400,000,000 in
active FMS cases and makes significant financial contributions to enable optimized United States military posture, including contributions of approximately $2,000,000,000 annually under the Special Measures Agreement, $187,000,000 annually under the Japan Facilities Improvement Program, $12,100,000,000 for the Futenma Replacement Facility, $4,800,000,000 for Marine Corps Air Station Iwakuni, and $3,100,000,000 for construction on Guam to support the movement of United States Marines from Okinawa.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government should focus on United States national security requirements for investment in forward presence, joint exercises, investments, and commitments that contribute to the security of the United States and collective security, and cease efforts that solely focus on the financial contributions of United States allies and partners when negotiating joint security arrangements;

(2) the United States must continue to strengthen its alliances and security partnerships with like-minded democracies around the world to deter aggression from authoritarian competitors and
promote peace and respect for democratic values and
human rights around the world;

(3) United States partners and allies should
continue to increase their military capacity and en-
hance their ability to contribute to global peace and
security;

(4) NATO allies should continue working to-
ward their 2014 Wales Defense Investment Pledge
commitments;

(5) the United States should work with the
Governments of South Korea and Japan respectively
to reach fair and equitable Special Measures Agree-
ments that reflect the critical security relationships
between both countries and the United States;

(6) the United States should maintain forward-
deployed United States forces in order to better en-
sure United States national security and global sta-
bility;

(7) alliances and partnerships are the corner-
stone of United States national security and critical
to countering the threat posed by malign actors to
the post-World War II liberal international order;
and
(8) the United States and NATO allies should prioritize at each NATO Summit deterrence against Russian aggression.

SEC. 1247. SENSE OF CONGRESS ON NATO’S RESPONSE TO THE COVID–19 PANDEMIC.

(a) FINDINGS.—Congress finds the following:

(1) The North Atlantic Treaty Organization (NATO) has been working with allies and partners to provide support to the civilian response to the Coronavirus Disease 2019 (commonly referred to as “COVID–19”) pandemic, including logistics and planning, field hospitals, and transport, while maintaining NATO’s operational readiness and continuing to carry out critical NATO missions.

(2) Since the beginning of the pandemic, NATO allies and partners have completed more than 350 airlift flights, supplying hundreds of tons of critical supplies globally, have built nearly 100 field hospitals and dedicated more than half a million troops to support the civilian response to the pandemic.

(3) NATO’s Euro-Atlantic Disaster Response Coordination Centre has been operating 24 hours, 7 days a week to coordinate requests for supplies and resources.
(4) The NATO Support and Procurement Agency’s Strategic Airlift Capability and Strategic Airlift International Solution programs have chartered flights to transport medical supplies between partners and allies.

(5) NATO established Rapid Air Mobility to speed up military air transport of medical supplies and resources to allies and partners experiencing a shortage of medical supplies and personal protective equipment.

(6) In June 2020, NATO Defense Ministers agreed to future steps to prepare for a potential second wave of the COVID–19 pandemic, including a new operation plan, establishing a stockpile of medical equipment and supplies, and a new fund to acquire medical supplies and services.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) NATO’s response to the COVID–19 pandemic is an excellent example of the democratic alliance’s capacity tackling overwhelming logistical challenges through close collaboration;

(2) the United States should remain committed to strengthening NATO’s operational response to the pandemic; and
(3) the United States should fulfill its commit-
ments made at the 2020 NATO Defense Ministerial
and continue to bolster the work of the Euro-Atlant-
ic Disaster Response Coordination Centre, the
NATO Support and Procurement Agency’s Strategic
Airlift Capability and Strategic Airlift International
Solution programs, and other efforts to utilize
NATO’s capabilities to support the civilian pandemic
response.

SEC. 1248. CLARIFICATION AND EXPANSION OF SANCTIONS
RELATING TO CONSTRUCTION OF NORD
STREAM 2 OR TURKSTREAM PIPELINE
PROJECTS.

(a) In General.—Subsection (a)(1) of section 7503
of the Protecting Europe’s Energy Security Act of 2019
is amended—

(1) in subparagraph (A), by inserting “or pipe-
laying activities” after “pipe-laying”; and

(2) in subparagraph (B)—

(A) in clause (i)—

(i) by inserting “, or significantly fa-
cilitated the sale, lease, or provision of,”
after “provided”; and
(ii) by striking “; or” and inserting a
semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(iii) provided significant under-
writing services or insurance for those ves-
sels; or

“(iv) provided significant services or facilities for technology upgrades or install-
lation of welding equipment for, or retro-
fitting or tethering of, those vessels.”.

(b) DEFINITIONS.—Subsection (i) of such section is amended—

(1) by redesignating paragraph (5) as par-
graph (6); and

(2) by inserting after paragraph (4) the fol-
lowing:

“(5) PIPE-LAYING ACTIVITIES.—The term ‘pipe-laying activities’ means activities that facilitate pipe-laying, including site preparation, trenching, surveying, placing rocks, stringing, bending, welding, coating, lowering of pipe, and backfilling.”.

(c) CLARIFICATION.—The amendments made by sub-
section (a) shall take effect in accordance with (d) of sec-
tion 7503 of the Protecting Europe’s Energy Security Act

(d) INTERIM REPORT REQUIRED.—

(1) IN GENERAL.—As soon as practicable and
not later than 90 days after the date of the enact-
ment of this Act, the Secretary of State, in consulta-
tion 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 pe-
riod—

(A) beginning on the later of—

(i) the date of the enactment of this
Act; or

(ii) the date of the most recent sub-
mission of a report required by such sec-
tion 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
(B) otherwise treated as a report submitted under such subsection (a) for purposes of all authorities granted by such section pursuant to such a report.

SEC. 1249. COORDINATION OF STOCKPILES WITH THE NORTH ATLANTIC TREATY ORGANIZATION AND OTHER ALLIES.

Title I of the Defense Production Act of 1950 (50 U.S.C. 5411 et seq.) is amended by adding at the end the following new section:

“SEC. 109. COORDINATION WITH THE NORTH ATLANTIC TREATY ORGANIZATION AND OTHER ALLIES.

“(a) COORDINATION REQUIRED.—If the President determines to use or invoke an authority under this title in the context of the outbreak of a pandemic that affects other North Atlantic Treaty Organization (NATO) member countries or affects any country with which the United States has entered into a mutual defense treaty, the President, acting through the Secretary of Defense with the concurrence of the Secretary of State, and in consultation with the Secretary of Health and Human Services, shall—

“(1) coordinate with appropriate counterparts of NATO member countries or mutual defense treaty countries to assess any logistical challenges relat-
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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.”.

Subtitle F—Matters Relating to the
Indo-Pacific Region

SEC. 1251. INDO-PACIFIC REASSURANCE INITIATIVE.

(a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—
20 (1) a stable, peaceful, and secure Indo-Pacific
21 region is vital to United States economic and na-
22 tional security;
23 (2) revisionist states, rogue states, violent ex-
24 tremist organizations, and natural and manmade
disasters are persistent challenges to regional sta-

(3) maintaining stability and upholding a rules-

bility and security;

-based order requires a holistic United States strat-

egy that—

(A) synchronizes all elements of national

(B) is inclusive of United States allies and

power;

partner countries; and

(C) ensures a persistent, predictable

United States presence to reinforce regional de-

fense;

(4) enhancing regional defense requires robust

efforts to increase capability, readiness, and respon-
siveness to deter and mitigate destabilizing activities;

(5) the Department of Defense should pursue

an integrated program of activities to—

(A) reassure United States allies and part-

ner countries in the Indo-Pacific region;

(B) appropriately prioritize activities and

resources to implement the National Defense

Strategy; and

(C) enhance the ability of Congress to pro-

vide oversight of and support to Department of

Defense efforts;
(6) an integrated, coherent, and strategic program of activities in the Indo-Pacific region, similar to the European Deterrence Initiative (originally the European Reassurance Initiative), will enhance United States presence and positioning, allow for additional exercises, improve infrastructure and logistics, and build allied and partner capacity to deter aggression, strengthen ally and partner interoperability, and demonstrate United States commitment to Indo-Pacific countries;

(7) an integrated, coherent, and strategic program of activities in the Indo-Pacific region will also assist in resourcing budgetary priorities and enhancing transparency and oversight of programs and activities to better enable a coordinated and strategic plan for Department of Defense programs;

(8) not less than $3,578,360,000 of base funding should be allocated to fully support such program of activities in fiscal year 2021; and

(9) the Department of Defense should ensure adequate, consistent planning is conducted for future funding and build upon the activities identified in fiscal year 2021 in future budget requests, as appropriate.
(b) Indo-Pacific Reassurance Initiative.—The Secretary of Defense shall carry out a program of prioritized activities to reassure United States allies and partner countries in the Indo-Pacific region that shall be known as the “Indo-Pacific Reassurance Initiative” (in this section referred to as the “Initiative”).

(c) Objectives.—The objectives of the Initiative shall include reassuring United States allies and partner countries in the Indo-Pacific region by—

(1) optimizing the presence of United States Armed Forces in the region;

(2) strengthening and maintaining bilateral and multilateral military exercises and training with such countries;

(3) improving infrastructure in the region to enhance the responsiveness of United States Armed Forces;

(4) enhancing the prepositioning of equipment and materiel in the region; and

(5) building the defense and security capabilities, capacity, and cooperation of such countries.

(d) Plan Relating to Transparency for the Indo-Pacific Reassurance Initiative.—

(1) Plan required.—
(A) **IN GENERAL.**—Not later than February 1, 2022, and annually thereafter, the Secretary of Defense, in consultation with the Commander of the United States Indo-Pacific Command, shall submit to the congressional defense committees a future years plan on activities and resources of the Initiative.

(B) **APPLICABILITY.**—The plan shall apply to the Initiative with respect to the first fiscal year beginning after the date of submission of the plan and at least the 4 succeeding fiscal years.

(2) **MATTERS TO BE INCLUDED.**—The plan required under paragraph (1) shall include each of the following:

(A) A summary of progress made towards achieving the objectives of the Initiative.

(B) An assessment of resource requirements to achieve such objectives.

(C) An assessment of capabilities requirements to achieve such objectives.

(D) An assessment of logistics requirements, including force enablers, equipment, supplies, storage, and maintenance requirements, to achieve such objectives.
(E) An identification of the intended force structure and posture of the assigned and allocated forces within the area of responsibility of the United States Indo-Pacific Command for the last fiscal year of the plan and the manner in which such force structure and posture support such objectives.

(F) An identification and assessment of required infrastructure and military construction investments to achieve such objectives, including potential infrastructure investments proposed by host countries, new construction or modernization of existing sites that would be funded by the United States, and a master plan that includes the following:

(i) A list of specific locations, organized by country, in which the Commander of the United States Indo-Pacific Command anticipates requiring infrastructure investments to support an enduring or periodic military presence in the region.

(ii) A list of specific infrastructure investments required at each location identified under clause (i), to include the project title and estimated cost of each project.
(iii) A brief explanation for how each location identified under clause (i) and infrastructure investments identified under clause (ii) support a validated requirement or component of the overall strategy in the region.

(iv) A discussion of any gaps in the current infrastructure authorities that would preclude implementation of the infrastructure investments identified under clause (ii).

(v) A description of the type and size of military force elements that would maintain an enduring presence or operate periodically from each location identified under clause (i).

(vi) A summary of kinetic and non-kinetic vulnerabilities for current locations and each location identified in clause (i), to include—

(I) the level of risk associated with each vulnerability; and

(II) the proposed mitigations and projected costs to address each such vulnerability, to include—
(aa) hardening and other resilience measures;

(bb) active and passive counter-Intelligence, Surveillance, and Reconnaissance;

(cc) active and passive counter Positioning, Navigation, and Timing;

(dd) air and missile defense capabilities;

(ee) enhanced logistics and sea lines of communication security; and

(ff) other issues identified by the Commander of the United States Indo-Pacific Command.

(G) An assessment of logistics requirements, including force enablers, equipment, supplies, storage, fuel storage and distribution, and maintenance requirements, to achieve such objectives.

(H) An analysis of the challenges to the ability of the United States to deploy significant forces from the continental United States to the Indo-Pacific theater in the event of a major
contingency, and a description of the plans of
the Department of Defense, including military
exercises, to address such challenges.

(I) An assessment and plan for security co-
operation investments to enhance such objec-
tives.

(J) A plan to resource United States force
posture and capabilities, including—

(i) the infrastructure capacity of exist-
ing locations and their ability to accommo-
date additional United States forces in the
Indo-Pacific region;

(ii) the potential new locations for ad-
ditional United States Armed Forces in the
Indo-Pacific region, including an assess-
ment of infrastructure and military con-
struction resources necessary to accommo-
date such forces;

(iii) a detailed timeline to achieve de-
sired posture requirements;

(iv) a detailed assessment of the re-
sources necessary to achieve the require-
ments of the plan, including specific cost
estimates for each project under the Initia-
tive to support optimized presence, exer-
cises and training, enhanced prepositioning, improved infrastructure, and building partnership capacity; and

(v) a detailed timeline to achieve the force posture and capabilities, including force requirements.

(K) A detailed explanation of any significant modifications of the requirements or resources, as compared to plans previously submitted under paragraph (1).

(L) Any other matters the Secretary of Defense determines should be included.

(3) FORM.—The plan required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(e) BUDGET SUBMISSION INFORMATION.—For fiscal year 2022 and each fiscal year thereafter, the Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the Department of Defense budget for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code)—

(1) the amounts, by budget function and as a separate item, requested for the Department of De-
fense for such fiscal year for all programs and activi-
ties under the Initiative; and

(2) a detailed budget display for the Initiative,

including—

(A) with respect to procurement ac-
counts—

(i) amounts displayed by account,
budget activity, line number, line item, and
line item title; and

(ii) a description of the requirements
for each such amounts;

(B) with respect to research, development,
test, and evaluation accounts—

(i) amounts displayed by account,
budget activity, line number, program ele-
ment, and program element title; and

(ii) a description of the requirements
for each such amount;

(C) with respect to operation and mainte-
nance accounts—

(i) amounts displayed by account title,
budget activity title, line number, and sub-
activity group title; and

(ii) a description of how such amounts
will specifically be used;
(D) with respect to military personnel accounts—

(i) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

(ii) a description of the requirements for each such amount; and

(E) with respect to each project under military construction accounts (including with respect to unspecified minor military construction and amounts for planning and design), the country, location, project title, and project amount for each fiscal year.

(f) End of Fiscal Year Report.—Not later than November 20, 2022, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report that contains—

(1) a detailed summary of funds obligated for the Initiative during the preceding fiscal year; and

(2) a detailed comparison of funds obligated for the Initiative during the preceding fiscal year to the amount of funds requested for the Initiative for such fiscal year in the materials submitted to Congress by the Secretary in support of the budget of the President for that fiscal year as required by subsection
(e), including with respect to each of the accounts described in subparagraphs (A), (B), (C), (D), and (E) of subsection (e)(2) and the information required under each such subparagraph.

(g) BRIEFINGS REQUIRED.—Not later than March 1, 2023, and annually thereafter, the Secretary of Defense shall provide to the congressional defense committees a briefing on the status of all matters covered by the report required by section (f).

(h) RELATIONSHIP TO BUDGET.—Nothing in this section shall be construed to affect section 1105(a) of title 31, United States Code.

(i) CONFORMING REPEAL.—Section 1251 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1676) is repealed.

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.

None of the funds authorized to be appropriated by this Act may be used to reduce the total number of members of the Armed Forces serving on active duty who are deployed to South Korea below 28,500 until 180 days after the date on which the Secretary of Defense certifies to the congressional defense committees the following:
(1) Such a reduction is in the national security interest of the United States and will not significantly undermine the security of United States allies in the region.

(2) Such a reduction is commensurate with a reduction in the threat posed to the United States and its allies in the region by the Democratic People’s Republic of Korea.

(3) Following such a reduction, the Republic of Korea would be capable of deterring a conflict on the Korean Peninsula.

(4) The Secretary has appropriately consulted with allies of the United States, including South Korea and Japan, regarding such a reduction.

SEC. 1253. IMPLEMENTATION OF GAO RECOMMENDATIONS ON PREPAREDNESS OF UNITED STATES FORCES TO COUNTER NORTH KOREAN CHEMICAL AND BIOLOGICAL WEAPONS.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan to address the recommendations in the U.S. Government Accountability Office’s report entitled “Preparedness of U.S. Forces to Counter North Korean Chemical and Biological Weapons” (GAO–20–79C).
(2) **ELEMENTS.**—The plan required under paragraph (1) shall, with respect to each recommendation in the report described in paragraph (1) that the Secretary of Defense has implemented or intends to implement, include—

(A) a summary of actions that have been or will be taken to implement the recommendation; and

(B) a schedule, with specific milestones, for completing implementation of the recommendation.

(b) **SUBMITTAL TO CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a).

(c) **DEADLINE FOR IMPLEMENTATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall carry out activities to implement the plan developed under subsection (a).

(2) **EXCEPTION FOR IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.**—

(A) **DELAYED IMPLEMENTATION.**—The 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-
fense shall identify each entity the Secretary determines,

1 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.

(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
shall publish the unclassified portion of such list in
the Federal Register.

(c) Consultation.—The Secretary may consult
with the head of any appropriate Federal department or
agency in making the determinations required under sub-
section (a) and shall transmit a copy of each list submitted
under subsection (b)(1) to the heads of each appropriate
Federal department and agency.

(d) Definitions.—

(1) Military-civil fusion contributor.—In
this section, the term “military-civil fusion contrib-
utor” includes—

(A) entities receiving assistance from the
Government of China through science and tech-
nology efforts initiated under the Chinese mili-
tary industrial planning apparatus;

(B) entities affiliated with the Chinese
Ministry of Industry and Information Tech-
nology, including entities connected through
Ministry schools, research partnerships, and
state-aided science and technology projects;

(C) entities receiving assistance from the
Government of China or operational direction
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 intelligence services of the Government of China, and any member of any such service or of such police.

SEC. 1255. INDEPENDENT STUDY ON THE DEFENSE INDUSTRIAL 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
the defense industrial base of the People’s Republic of China.

(b) ELEMENTS OF STUDY.—The study required under subsection (a) shall assess the resiliency and capacity of China’s defense industrial base to support its objectives in competition and conflict, including with respect to the following:

(1) The manufacturing capacity and physical plant capacity of the defense industrial base, including its ability to modernize to meet future needs.

(2) Gaps in national-security-related domestic manufacturing capabilities, including non-existent, extinct, threatened, and single-point-of-failure capabilities.

(3) Supply chains with single points of failure or limited resiliency, especially suppliers at third-tier and lower.

(4) Energy consumption and vulnerabilities.

(5) Domestic education and manufacturing workforce skills.

(6) Exclusive or dominant supply of military and civilian materiel, raw materials, or other goods (or components thereof) essential to China’s national security by the United States or United States allies and partners.
(7) The ability to meet the likely repair and new construction demands of the People’s Liberation Army in the event of a protracted conflict.

(8) The availability of substitutes or alternative sources for goods identified pursuant to paragraph (6).

(9) Recommendations for legislative, regulatory, and policy changes and other actions by the President and the heads of Federal agencies as appropriate based upon a reasoned assessment that the benefits outweigh the costs (broadly defined to include any economic, strategic, and national security benefits or costs) over the short, medium, and long-term to erode, in the event of a conflict, the ability of China’s defense industrial base to support the national objectives of China.

(c) Submission to Department of Defense.—Not later than 210 days after the date of the enactment of this Act, the federally funded research and development center shall submit to the Secretary a report containing the study conducted under subsection (a).

(d) Submission to Congress.—Not later than 240 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the report submitted to the Secretary under sub-
section (c), without change but with any comments of the
Secretary with respect to the report.

SEC. 1256. DETERRENCE STRATEGY AGAINST CHINESE-ORI-
GIN CYBER ATTACKS.
(a) FINDINGS.—Congress finds the following:

(1) Cyber-enabled industrial espionage and the
large scale cybertheft of personal information by the
People’s Republic of China (¨PRC¨) are severely
detrimental to national security, economic vitality,
and technological preeminence.

(2) Such attacks are generally situated within
the context of state-sponsored gray zone campaigns
and not generally ultimately attributable to sub-state
actors.

(3) The United States response to such espio-
nage has not included the imposition of sufficient
costs on the PRC to deter or credibly respond to
such attacks.

(b) STATEMENT OF POLICY.—It is the policy of the
United States to deter and respond to industrial espionage
and the theft of personal information conducted against
the United States or United States persons by the PRC,
PRC persons or entities, or persons or entities acting on
behalf of the PRC.
(c) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a whole-of-government strategy, in unclassified and classified forms as specified in paragraphs (1) through (4), to impose costs on the PRC or appropriate PRC persons or entities in order to deter industrial espionage and the large-scale theft of personal information conducted by the PRC, PRC persons or entities, or persons or entities acting on behalf of the PRC against the United States or United States persons, that includes the following:

(1) An unclassified discussion of United States interests in preventing such cyber attacks that includes a general discussion of the impact on the United States and its economy from such attacks.

(2) An unclassified general discussion of the contexts in which and the means by which the United States will seek to deter such cyber attacks, that seeks to demonstrate the credibility of United States resolve to defend its interests in cyberspace.

(3) A classified theory of deterrence with respect to the PRC that explains—

(A) the means or combination of means, including available non-cyber responses, antici-
pated to achieve deterrence and the justification
for such assessment; and

(B) an escalation ladder that describes the
circumstances and the timeframe under which
the President plans to invoke the use of such
means to be effective to deter such attacks or
to invoke lesser means to provide a credible re-

(4) A classified description of the roles of the
Secretary of State, the Secretary of Defense, the At-
torney General, the Secretary of Commerce, the Sec-
cretary of the Treasury, the Secretary of Homeland
Security, the Secretary of Health and Human Serv-
ices, and, as appropriate, the head of each element
of the intelligence community (as such term is de-

(d) IMPLEMENTATION PLAN.—Not later than 30
days after the date of the submission of the strategy re-
quired by subsection (c), each Federal official listed in
subsection (c)(4) shall submit to the appropriate congres-
sional committees a classified implementation plan to de-
scribe the manner in which the respective department or
agency will carry out this strategy.
(c) Update.—Not later than 1 year after the date of the submission of the strategy required by subsection (c), and annually thereafter, the President shall submit to the appropriate congressional committees an unclassified assessment of the effectiveness of the strategy, an unclassified summary of the lessons learned from the past year on the effectiveness of deterrence (which may contain a classified annex), and an unclassified summary of planned changes to the strategy with a classified annex on changes to its theory of deterrence.

(f) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on the Judiciary, the Committee on Energy and Commerce, the Committee on Homeland Security, and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Govern-
ment Affairs, and the Committee on the Judiciary of the Senate.

SEC. 1257. REPORT ON CHINA’S ONE BELT, ONE ROAD INITIATIVE IN AFRICA.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the military and defense implications of China’s One Belt, One Road Initiative in Africa and a strategy to address impacts on United States military and defense interests in Africa.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) An assessment of Chinese dual-use investments in Africa, including a description of which investments that are of greatest concern to United States military or defense interests.

(2) A description of such investments that are associated with People’s Liberation Army cooperation with African countries.

(3) An assessment of the potential military, intelligence, and logistical threats facing United States’ key regional military infrastructure, supply
chains, and staging grounds due to such investments.

(4) An identification of Department of Defense measures taken to mitigate the risk posed to United States forces and defense interests by such investments.

(5) A strategy to address ongoing military and defense implications posed by the expansion of such investments.

(c) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and Select Committee on Intelligence of the Senate.

(2) CHINESE DUAL-USE INVESTMENTS IN AFRICA.—The term “Chinese dual-use investments in Africa” means investments made by the Government of the People's Republic of China, the Chinese Communist Party, or companies owned or controlled by
such Government or Party in the infrastructure of African countries or related projects for both commercial and military or proliferation purposes.

(d) FORM.—The report required by subsection (a) shall—

(1) be submitted in unclassified form but may contain a classified annex; and

(2) be made available to the public on the website of the Department of Defense.

SEC. 1258. SENSE OF CONGRESS ON ENHANCEMENT OF THE UNITED STATES-TAIWAN DEFENSE RELATIONSHIP.

It is the sense of Congress that—

(1) Taiwan is a vital partner of the United States and is critical to a free and open Indo-Pacific region;

(2) the Taiwan Relations Act (22 U.S.C. 3301 et seq.) and the “Six Assurances” are both cornerstones of United States relations with Taiwan;

(3) the United States should continue to strengthen defense and security cooperation with Taiwan to support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain a sufficient self-defense capability;
(4) consistent with the Taiwan Relations Act, the United States should strongly support the acquisition by Taiwan of defense articles and services through foreign military sales, direct commercial sales, and industrial cooperation, with an emphasis on anti-ship, coastal defense, anti-armor, air defense, defensive naval mining, and resilient command and control capabilities that support the asymmetric defense strategy of Taiwan;

(5) the President and Congress should determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, as required by the Taiwan Relations Act and in accordance with procedures established by law;

(6) the United States should continue efforts to improve the predictability of United States arms sales to Taiwan by ensuring timely review of and response to requests of Taiwan for defense articles and services;

(7) the Secretary of Defense should promote policies concerning exchanges that enhance the security of Taiwan, including—

(A) opportunities with Taiwan for practical training and military exercises that—
(i) enable Taiwan to maintain a sufficient self-defense capability, as described in section 3(a) of the Taiwan Relations Act (22 U.S.C. 3302(a)); and

(ii) emphasize capabilities consistent with the asymmetric defense strategy of Taiwan;

(B) exchanges between senior defense officials and general officers of the United States and Taiwan, consistent with the Taiwan Travel Act (Public Law 115–135), especially for the purpose of enhancing cooperation on defense planning and improving the interoperability of United States and Taiwan forces; and

(C) opportunities for exchanges between junior officers and senior enlisted personnel of the United States and Taiwan;

(8) the Secretary of Defense should consider expanded air and naval engagements and training with Taiwan to enhance regional security;

(9) the United States and Taiwan should expand cooperation in humanitarian assistance and disaster relief including conducting port calls in Taiwan with the United States Naval Ship Comfort and United States Naval Ship Mercy;
(10) the Secretary of Defense should consider options, including exercising ship visits and port calls, as appropriate, to expand the scale and scope of humanitarian assistance and disaster response cooperation with Taiwan and other regional partners so as to improve disaster response planning and preparedness;

(11) the Secretary of Defense should continue regular transits of United States Navy vessels through the Taiwan Strait and encourage allies and partners to follow suit in conducting such transits to demonstrate the commitment of the United States and its allies and partners to fly, sail, and operate anywhere international law allows;

(12) the violation of international law by the Government of China with respect to the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong, done at Beijing December 19, 1984, is gravely concerning and erodes international confidence in China’s willingness to honor its international commitments, including not to change the status quo with respect to Taiwan by force;
the increasingly coercive and aggressive behavior of China towards Taiwan, including growing military maneuvers targeting Taiwan, is contrary to the expectation of the peaceful resolution of the future of Taiwan; and

(14) the United States and Taiwan should expand consultation and cooperation on combating the Coronavirus Disease 2019 ("COVID–19") and seek to share the best practices and cooperate on a range of activities under this partnership.

SEC. 1259. REPORT ON SUPPLY CHAIN SECURITY COOPERATION WITH TAIWAN.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the head of each appropriate Federal department and agency, shall submit to the congressional defense committees a report on the following:

(1) The feasibility of establishing a high-level, interagency United States-Taiwan working group for coordinating cooperation related to supply chain security.

(2) A discussion of the Department of Defense’s current and future plans to engage with Taiwan with respect to activities ensuring supply chain security.
(3) A discussion of obstacles encountered in forming, executing, or implementing agreements with Taiwan for conducting activities to ensure supply chain security.

(4) Any other matters the Secretary of Defense determines should be included.

SEC. 1260. REPORT ON UNITED STATES-TAIWAN MEDICAL SECURITY PARTNERSHIP.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Health and Human Services, shall submit to the congressional defense committees a report on the following:

(1) The goals, objectives, and feasibility of developing a United States-Taiwan medical security partnership on issues related to pandemic preparedness and control.

(2) A discussion of current and future plans to engage with Taiwan in medical security activities.

(3) An evaluation of cooperation on a range of activities under the partnership to include—

(A) research and production of vaccines and medicines;

(B) joint conferences with scientists and experts;
(C) collaboration relating to and exchanges
of medical supplies and equipment; and

(D) the use of hospital ships such as the
United States Naval Ship Comfort and United
States Naval Ship Mercy.

(4) Any other matters the Secretary of Defense
determines appropriate.

SEC. 1260A. REPORT ON UNITED FRONT WORK DEPART-
MENT.

Not later than 180 days after the date of the enact-
ment of this Act, the Secretary of Defense shall submit
to the congressional defense committees a report on the
following:

(1) The extent to which the United Front Work
Department of the People’s Republic of China poses
a threat to the national defense and national secu-
ry of the United States.

(2) An evaluation of which actions, if any, the
United States should take in response to the threat
and activities of the United Front Work Department
as described in paragraph (1).

(3) Any other matters the Secretary of Defense
determines should be included.
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.

(a) FINDINGS.—Congress makes the following findings:

(1) Since a truce in 1962 ended skirmishes between the People’s Republic of China and India, the countries have been divided by a 2,100-mile-long Line of Actual Control.

(2) In the decades since the truce, military standoffs between the People’s Republic of China and India have flared; however, the standoffs have rarely claimed the lives of soldiers.

(3) In the months leading up to June 15, 2020, along the Line of Actual Control, the People’s Republic of China’s military—

(A) reportedly amassed 5,000 soldiers; and

(B) is trying to redraw long-standing settled boundaries through the use of force and aggression.

(4) On June 6, 2020, the People’s Republic of China and India reached an agreement of de-escalate and disengage along the Line of Actual Control.

(5) On June 15, 2020, at least 20 Indian soldiers and an unconfirmed number of Chinese sol-
diers were killed in skirmishes following a weekslong standoff in Eastern Ladakh, which is the de facto border between India and the People’s Republic of China.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there is significant concern about the continued military aggression by the Government of the People’s Republic of China along its border with India and in other parts of the world, including with Bhutan, in the South China Sea, and with the Senkaku Islands, as well as the Government of the People’s Republic of China’s aggressive posture toward Hong Kong and Taiwan; and

(2) the Government of the People’s Republic of China should work toward de-escalating the situation along the Line of Actual Control with India through existing diplomatic mechanisms and not through force.

SEC. 1260C. SENSE OF CONGRESS ON UNITED STATES COMMITMENTS TO PACIFIC ALLIES.

It is the sense of Congress that—

(1) the United States affirms the strategic importance of the United States commitments to allies such as the Republic of Korea and Japan;
(2) the United States remains committed to the mutually-beneficial relationships with the Republic of Korea and Japan and welcomes the strong leadership of those countries in the Indo-Pacific region; and

(3) as the United States seeks to strengthen longstanding military relationships and encourage the development of a strong defense network with allies and partners, the United States reaffirms the United States commitments to maintaining the presence of the United States Armed Forces in the Republic of Korea and Japan.

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.

(a) STATEMENT OF POLICY.—It is the policy of the United States to protect the basic human rights of Uighurs and other ethnic minorities in the People’s Republic of China.

(b) LIST OF COVERED ITEMS.—
(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and as appropriate thereafter, the President—

(A) shall identify those items that provide a critical capability to the Government of the People’s Republic of China, or any person acting on behalf of such Government, to suppress individual privacy, freedom of movement, and other basic human rights, specifically through—

(i) surveillance, interception, and restriction of communications;

(ii) monitoring of individual location or movement or restricting individual movement;

(iii) monitoring or restricting access to and use of the internet;

(iv) monitoring or restricting use of social media;

(v) identification of individuals through facial recognition, voice recognition, or biometric indicators;

(vi) detention of individuals who are exercising basic human rights; and

(vii) forced labor in manufacturing; and
(B) shall, pursuant to the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.), include items identified pursuant to subparagraph (A) on the Commerce Control List in a category separate from other items, as appropriate, on the Commerce Control List.

(2) Support and Cooperation.—Upon request, the head of a Federal agency shall provide full support and cooperation to the President in carrying out this subsection.

(3) Consultation.—In carrying out this subsection, the President shall consult with the relevant technical advisory committees of the Department of Commerce to ensure that the composition of items identified under paragraph (1)(A) and included on the Commerce Control List under paragraph (1)(B) does not unnecessarily restrict commerce between the United States and the People’s Republic of China, consistent with the purposes of this section.

(c) Special License or Other Authorization.—

(1) In General.—Beginning not later than 180 days after the date of the enactment of this Act, the President shall, pursuant to the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.), require a license or other authorization for the export,
reexport, or in-country transfer to or within the People’s Republic of China of an item identified pursuant to subsection (b)(1)(A) and included on the Commerce Control List pursuant to subsection (b)(1)(B).

(2) Presumption of denial.—An application for a license or other authorization described in paragraph (1) shall be subject to a presumption of denial.

(3) Public notice and comment.—The President shall provide for notice and public comment with respect to actions necessary to carry out this subsection.

(d) International coordination and multilateral controls.—It shall be the policy of the United States to seek to harmonize United States export control regulations with international export control regimes with respect to the items identified pursuant to subsection (b)(1)(A), including through the Wassenaar Arrangement and other bilateral and multilateral mechanisms involving countries that export such items.

(e) Termination of suspension of certain other programs and activities.—Section 902(b)(1) of the Foreign Relations Authorization Act, Fiscal Years

(1) in the matter preceding subparagraph (A), by inserting “and China’s Xinjiang Uighur Autonomous Region” after “Tibet”;

(2) in subparagraph (D), by striking “and” at the end;

(3) in subparagraph (E), by striking “or” after the semicolon and inserting “and”; and

(4) by adding the following new subparagraph:

“(F) the ending of the mass internment of ethnic Uighurs and other Turkic Muslims in the Xinjiang Uighur Autonomous Region, including the intrusive system of high-tech surveillance and policing in the region; or”.

(f) DEFINITIONS.—In this section:

(1) COMMERCE CONTROL LIST.—The term “Commerce Control List” means the list set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations.

(2) EXPORT, IN-COUNTRY TRANSFER, ITEM, AND REEXPORT.—The terms “export”, “in-country transfer”, “item”, and “reexport” have the mean-
ings given such terms in section 1742 of the Export

SEC. 1260E. PROHIBITION ON COMMERCIAL EXPORT OF

COVERED DEFENSE ARTICLES AND SERVICES

AND COVERED MUNITIONS ITEMS TO THE

HONG KONG POLICE.

(a) In General.—Except as provided in subsection
(b), the President shall prohibit the issuance of licenses

(b) Waiver.—The prohibition under subsection (a)
shall not apply to the issuance of a license with respect
to which the President submits to the appropriate congres-
sional committees a written certification that the exports
to be covered by such license are important to the national
interests and foreign policy goals of the United States, in-
cluding a description of the manner in which such exports
will promote such interests and goals.

(c) Termination.—The prohibition under sub-
section (a) shall terminate on the date on which the Presi-
dent certifies to the appropriate congressional committees
that—

(1) the Hong Kong Police have not engaged in
gross violations of human rights during the 1-year
period ending on the date of such certification; and
(2) there has been an independent examination of human rights concerns related to the crowd control tactics of the Hong Kong Police and the Government of the Hong Kong Special Administrative Region has adequately addressed those concerns.

(d) DEFINITIONS.—In this section:

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

(A) the Committee on Foreign Affairs of the House of Representatives;

(B) the Committee on Foreign Relations of the Senate; and

(C) the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) COVERED DEFENSE ARTICLES AND SERVICES.—The term “covered defense articles and services” means defense articles and defense services designated by the President under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(3) COVERED MUNITIONS ITEMS.—The term “covered munitions items” means—

(A) items controlled under section 742.7 of part 742 of subtitle B of title 15, Code of Fed-
eral Regulations (relating to crime control and
detection instruments and equipment and re-
related technology and software); and

(B) items listed under the “600 series” of
the Commerce Control List contained in Sup-
plement No. 1 to part 774 of subtitle B of title

(4) HONG KONG.—The term “Hong Kong” has
the meaning given such term in section 3 of the
United States-Hong Kong Policy Act of 1992 (22

(5) HONG KONG POLICE.—The term “Hong
Kong Police” means—

(A) the Hong Kong Police Force; and

(B) the Hong Kong Auxiliary Police Force.

SEC. 1260F. SOUTHEAST ASIA STRATEGY.

(a) FINDINGS.—Congress finds the following:

(1) Southeast Asia is the fulcrum of the Indo-
Pacific region, providing both a geographic and mar-
itime link between East and South Asia.

(2) The Association of Southeast Asian Nations
(ASEAN), a regional intergovernmental organiza-
tion, remains central to the Indo-Pacific region’s in-
stitutional architecture and to United States foreign
policy toward the region.
(3) The United States has reaffirmed that the security and sovereignty of its Southeast Asian allies and partners, including a strong, independent ASEAN, remain vital to the security, prosperity, and stability of the Indo-Pacific region.

(4) The United States has committed to continuing to deepen longstanding alliances and partnerships with a range of Southeast Asian nations, including by promoting our shared values, democracy, human rights, and civil society.

(5) Since the end of the Second World War, United States investments in strengthening alliances and partnerships with Southeast Asian nations have yielded tremendous returns for United States interests, as working with and through these alliances and partnerships have increased the region’s capacity and capability to address common challenges.

(6) ASEAN member states are critical United States security partners in preventing violent extremism and protecting the freedom and openness of the maritime domain and in preventing the trafficking of weapons of mass destruction.

(7) ASEAN member states have contributed significantly to regional disaster monitoring and management and emergency response through initia-
tives such as the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management, an inter-governmental organization that facilitates coordination and cooperation among ASEAN member states and international organizations in times of emergency.

(8) According to the 2018 ASEAN Business Outlook Survey, ASEAN member states are vital to the prosperity of the United States economy and exports to ASEAN economies support more than 500,000 jobs in the United States.

(9) The United States and ASEAN have recently celebrated the 40th anniversary of their ties and established a new strategic partnership that will enhance cooperation across the economic, political-security, and people-to-people pillars of the relationship.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) deepen cooperation with ASEAN and ASEAN member states in the interest of promoting peace, security, and stability in the Indo-Pacific region;
(2) affirm the importance of ASEAN centrality and ASEAN-led mechanisms in the evolving institutional architecture of the Indo-Pacific region; and

(3) establish and communicate a comprehensive strategy toward the Indo-Pacific region that articulates—

(A) the role and importance of Southeast Asia to the United States;

(B) the value of the United States-ASEAN relationship;

(C) the mutual interests of all parties;

(D) the concrete and material benefits all nations derive from strong United States engagement and leadership in Southeast Asia; and

(E) efforts to forge and maintain ASEAN consensus, especially on key issues of political and security concern to the region, such as the South China Sea.

(c) STRATEGY FOR ENGAGEMENT WITH SOUTHEAST ASIA AND ASEAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other Federal departments and agencies as appropriate, shall develop and submit to the appropriate
congressional committees a comprehensive strategy
for engagement with Southeast Asia and ASEAN.

(2) MATTERS TO BE INCLUDED.—The strategy
required by paragraph (1) shall include the fol-
lowing:

(A) A statement of enduring United States
interests in Southeast Asia and a description of
efforts to bolster the effectiveness of ASEAN.

(B) A description of efforts to—

(i) deepen and expand Southeast
Asian alliances, partnerships, and multilat-
eral engagements, including efforts to ex-
pand broad based and inclusive economic
growth, security ties, security cooperation
and interoperability, economic connectivity,
and expand opportunities for ASEAN to
work with other like-minded partners in
the region; and

(ii) encourage like-minded partners
outside of the Indo-Pacific region to en-
gage with ASEAN.

(C) A summary of initiatives across the
whole of the United States Government to
strengthen the United States partnership with
Southeast Asian nations and ASEAN, including
to promote broad based and inclusive economic
growth, trade, investment, energy and efforts to
combat climate change, public-private partner-
ships, physical and digital infrastructure devel-
opment, education, disaster management, public
health and economic and political diplomacy in
Southeast Asia.

(D) A summary of initiatives across the
whole of the United States Government to en-
hance the capacity of Southeast Asian nations
with respect to enforcing international law and
multilateral sanctions, and initiatives to cooper-
ate with ASEAN as an institution in these
areas.

(E) A summary of initiatives across the
whole of the United States Government to pro-
mote human rights and democracy, to strength-
then the rule of law, civil society, and transparent
governance, and to protect the integrity of elec-
tions from outside influence.

(F) A summary of initiatives to promote
security cooperation and security assistance
within Southeast Asian nations, including—

(i) maritime security and maritime
domain awareness initiatives for protecting
the maritime commons and supporting
international law and freedom of naviga-
tion in the South China Sea; and

(ii) efforts to combat terrorism,

human trafficking, piracy, and illegal fis-
ching, and promote more open, reliable
routes for sea lines of communication.

(3) APPROPRIATE CONGRESSIONAL COMMIT-
TEES DEFINED.—In this subsection, the term “ap-
propriate congressional committees” means—

(A) the Committee on Foreign Affairs and
the Committee on Armed Services of the House
of Representatives; and

(B) the Committee on Foreign Relations
and the Committee on Armed Services of the
Senate.

SEC. 1260G. SENSE OF CONGRESS ON STRATEGIC SECURITY
RELATIONSHIP BETWEEN THE UNITED STATES AND MONGOLIA.

Congress—

(1) recognizes the security relationship between
the United States and Mongolia and remains com-
mmitted to advancing the comprehensive partnership
in the future;
(2) urges the United States Government and the Government of Mongolia to deepen military cooperation through joint defense exercises and hosting military officers for training in the United States;

(3) encourages the Government of Mongolia to continue its contributions to multinational peacekeeping operations, including the North Atlantic Treaty Organization (NATO) and the United Nations;

(4) commends the Mongolian Armed Forces continued contributions to NATO’s Resolute Support Mission in Afghanistan to help train Afghan Security Forces and provide security at Kabul International Airport, and continued enforcement of United Nations Security Council sanctions in response to North Korea’s illicit nuclear and ballistic missile programs; and

(5) applauds the continued engagement of Mongolia in the Organization for Security and Co-operation in Europe, the Community of Democracies, congressional-parliamentary partnerships, and other institutions that promote democratic values, which reinforces the commitment of the people and the
Government of Mongolia to those values and standards.

**Subtitle G—Other Matters**

**SEC. 1261. PROVISION OF GOODS AND SERVICES TO KWAJALEIN ATOLL.**

(a) **AUTHORITY FOR Provision of Goods and Services.**—Chapter 767 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 7596. Provision of goods and services to Kwajalein Atoll

“(a) **AUTHORITY.**—

“(1) **IN GENERAL.**—The Secretary of the Army may, subject to the concurrence of the Secretary of State as provided in paragraph (2), use any amounts appropriated to the Department of the Army to provide goods and services, including inter-atoll transportation, to the Government of the Republic of the Marshall Islands and to other eligible patrons at Kwajalein Atoll, under regulations and at rates to be prescribed by the Secretary of the Army in accordance with this section.

“(2) **EFFECT ON COMPACT.**—The Secretary of State may not concur to the provision of goods and services under paragraph (1) if the Secretary determines that such provision would be inconsistent with
the Compact of Free Association between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as set forth in title II of the Compact of Free Association Act of 1985 (48 U.S.C. 1901 et seq.) or with any subsidiary agreement or implementing arrangement with respect to such Compact.

“(b) Reimbursement.—

“(1) Authority to collect reimbursement.—The Secretary of the Army may collect reimbursement from the Government of the Republic of the Marshall Islands or eligible patrons for the provision of goods and services under this section in an amount that does not exceed the costs to the United States of providing such goods or services.

“(2) Maximum reimbursement.—The total amount collected in a fiscal year pursuant to the authority under paragraph (1) may not exceed $7,000,000.”.

(b) Clerical Amendments.—The table of contents for chapter 767 of title 10, United States Code, is amended by adding at the end the following new item:

“Sec. 7595. Provision of goods and services to Kwajalein Atoll.”.
SEC. 1262. ANNUAL BRIEFINGS ON CERTAIN FOREIGN MILITARY BASES OF ADVERSARIES.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 130i. Annualbriefings on certain foreign military bases of adversaries

“(a) REQUIREMENT.—Not later than February 15 of each year, the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, acting through the Under Secretary of Defense for Intelligence and Security, shall provide to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a briefing on—

“(1) covered foreign military bases and the related capabilities of that foreign military; and

“(2) the effects of such bases and capabilities on—

“(A) the military installations of the United States located outside the United States; and

“(B) current and future deployments and operations of the armed forces of the United States.
“(b) ELEMENTS.—Each briefing under subsection (a) shall include the following:

“(1) An assessment of covered foreign military bases, including such bases established by China, Russia, and Iran, and any updates to such assessment provided in a previous briefing under such subsection.

“(2) Information regarding known plans for any future covered foreign military base.

“(3) An assessment of the capabilities, including those pertaining to anti-access and area denial, provided by covered foreign military bases to that foreign military, including an assessment of how such capabilities could be used against the armed forces of the United States in the country and the geographic combatant command in which such base is located.

“(4) A description of known ongoing activities and capabilities at covered foreign military bases, and how such activities and capabilities advance the foreign policy and national security priorities of the relevant foreign countries.

“(5) The extent to which covered foreign military bases could be used to counter the defense priorities of the United States.
“(c) FORM.—Each briefing under subsection (a) shall be provided in classified form.

“(d) COVERED FOREIGN MILITARY BASE DEFINED.—In this section, the term ‘covered foreign military base’ means, with respect to a foreign country that is an adversary of the United States, a military base of that country located in a different country.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“130l. 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.

(a) DEFINITIONS.—In this section:

(1) COVERED DEFENSE PARTNER.—The term “covered defense partner” means a partner identified in the “Department of Defense Indo-Pacific Strategy Report” issued on June 1, 2019, located within 100 miles off the coast of a strategic competitor.

(2) FAIT ACCOMPLI.—The term “fait accompli” means the strategy of a strategic competitor designed to allow such strategic competitor to use mili-
tary force to seize control of a covered defense part-
ner before the United States Armed Forces are able
to respond effectively.

(3) Strategic competitor.—The term “strat-
egic competitor” means a country labeled as a stra-
tegic competitor in the “Summary of the 2018 Na-
tional Defense Strategy of the United States of
America: Sharpening the American Military’s Com-
petitive Edge” issued by the Department of Defense
pursuant to section 113 of title 10, United States
Code.

(b) Report on Progress of the Department of
Defense With Respect to Denying a Fait
Accompli by a Strategic Competitor Against a
Covered Defense Partner.—

(1) In general.—Not later than April 30 each
year, beginning in 2021 and ending in 2026, the
Secretary of Defense shall submit to the congres-
sional defense committees a report on the progress
of the Department of Defense with respect to im-
proving the ability of the United States Armed
Forces to conduct combined joint operations to deny
the ability of a strategic competitor to execute a fait
accompli against a covered defense partner.
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(2) MATTERS TO BE INCLUDED.—Each report
under paragraph (1) shall include the following:

(A) An explanation of the objectives for
the United States Armed Forces that would be
necessary to deny the fait accompli by a stra-
tegic competitor against a covered defense part-
ner.

(B) An identification of joint warfighting
capabilities and current efforts to organize,
train, and equip the United States Armed
Forces in support of the objectives referred to
in paragraph (1), including—

(i) an assessment of whether the pro-
grams included in the most recent future-
years defense program submitted to Con-
gress under section 221 of title 10, United
States Code, are sufficient to enable the
United States Armed Forces to conduct
joint combined operations to achieve such
objectives;

(ii) a description of additional invest-
ments or force posture adjustments re-
quired to maintain or improve the ability
of the United States Armed Forces to con-
duct joint combined operations to achieve such objectives;

(iii) a description of the manner in which the Secretary of Defense intends to develop and integrate Army, Navy, Air Force, Marine Corps, and Space Force operational concepts to maintain or improve the ability of the United States Armed Forces to conduct joint combined operations to achieve such objectives; and

(iv) an assessment of the manner in which different options for pre-delegating authorities may improve the ability of the United States Armed Forces to conduct joint combined operations to achieve such objectives.

(C) An assessment of options for deterring limited use of nuclear weapons by a strategic competitor in the Indo-Pacific region without undermining the ability of the United States Armed Forces to maintain deterrence against other strategic competitors and adversaries.

(D) An assessment of a strategic competitor theory of victory for invading and unifying
a covered defense partner with such a strategic
competitor by military force.

(E) A description of the military objectives
a strategic competitor would need to achieve in
a covered defense partner campaign.

(F) A description of the military missions
a strategic competitor would need to execute a
covered defense partner invasion campaign, in-
cluding—

(i) blockade and bombing operations;

(ii) amphibious landing operations;

and

(iii) combat operations.

(G) An assessment of competing demands
on a strategic competitor’s resources and how
such demands impact such a strategic competi-
tor’s ability to achieve its objectives in a cov-
ered defense partner campaign.

(H) An assessment of a covered defense
partner’s self-defense capability and a summary
of defense articles and services that are re-
quired to enhance such capability.

(I) An assessment of the capabilities of
bined operations with the United States Armed
Forces in a regional contingency.

(3) Form.—Each report under paragraph (1)
shall be submitted in classified form but may include
an unclassified executive summary.

SEC. 1264. MODIFICATION TO REQUIREMENTS OF THE INI-
TIATIVE TO SUPPORT PROTECTION OF NA-
TIONAL SECURITY ACADEMIC RESEARCHERS
FROM UNDUE INFLUENCE AND OTHER SECU-
RITY THREATS.

(a) Enhanced Information Sharing.—Subsection
(d)(1) section 1286 of the John S. McCain National De-
2358 note) is amended by striking “(other than basic re-
search)".

(b) Publication of Updated List.—Subsection
(e) of such section is amended by adding at the end the
following new paragraph:

“(4) Publication of updated list.—
“(A) In general.—Not later than Janu-
ary 1, 2021, and annually thereafter, the Sec-
retary shall submit to the congressional defense
committees the most recently updated list de-
scribed in subsection (c)(8) in unclassified form
(but with a classified annex as applicable) and
make the unclassified portion of each such list
publicly available on an internet website in a
searchable format.

“(B) INTERVENING PUBLICATION.—The
Secretary may submit and publish an updated
list described in subparagraph (A) more fre-
quently than required by such subparagraph if
the Secretary determines necessary.”.

SEC. 1265. REPORT ON DIRECTED USE OF FISHING FLEETS.

Not later than 180 days after the date of the enact-
ment of this Act, the Commander of the Office of Naval
Intelligence shall submit to the congressional defense com-
mittees, the Committee on Foreign Affairs of the House
of Representatives, and the Committee on Foreign Rela-
tions of the Senate an unclassified report on the use of
distant-water fishing fleets by foreign governments as ex-
tensions of such countries’ official maritime security
forces, including the manner and extent to which such
fishing fleets are leveraged in support of naval operations
and foreign policy more generally. The report shall also
consider the threats, on a country-by-country basis, posed
by such use of distant-water fishing fleets to—

(1) fishing or other vessels of the United States
and partner countries;
(2) United States and partner naval and coast
guard operations; and
(3) other interests of the United States and
partner countries.

SEC. 1266. EXPANDING THE STATE PARTNERSHIP PRO-
GRAM IN AFRICA.

The Secretary of Defense, in coordination with the
Chief of the National Guard Bureau, shall seek to build
partner capacity and interoperability in the United States
Africa Command area of responsibility through increased
partnerships with countries on the African continent, mili-
tary-to-military engagements, and traditional activities of
the combatant commands.

SEC. 1267. REPORT RELATING TO REDUCTION IN THE
TOTAL NUMBER OF UNITED STATES ARMED
FORCES DEPLOYED TO UNITED STATES AFRI-
CA COMMAND AREA OF RESPONSIBILITY.

(a) Reduction Described.—

(1) In general.—If the Department of De-
fense reduces the number of United States Armed
Forces deployed to the United States Africa Com-
mand area of responsibility (in this section referred
to as “AFRICOM AOR”) (other than United States
Armed Forces described in paragraph (2)) to a num-
ber that is below 80 percent of the number deployed
as of the day before the date of the enactment of
this Act, the Secretary of Defense, in consultation
with the Secretary of State and the Director of Na-
tional Intelligence, shall, not later than 90 days after
date of such a reduction, submit to the appropriate
congressional committees a report described in sub-
section (b).

(2) United States Armed Forces de-
scribed.—United States Armed Forces described in
this paragraph are United States Armed Forces that
are deployed to AFRICOM AOR but are not under
the direct authority of the Commander of United
States Africa Command, including—

(A) forces deployed in conjunction with
other Commands;

(B) forces participating in joint exercises;

(C) forces identified for pre-planned activi-
ties;

(D) forces used to assist in emergency sit-
uations; and

(E) forces designated or assigned for diplo-
matic or embassy security.

(b) Report.—
(1) IN GENERAL.—A report described in this subsection is a report that includes each of the following:

(A) A strategic plan to—

(i) degrade each of the violent extremist organizations described in paragraph (2) within the AFRICOM AOR, to include an assessment of the extent to which such violent extremist organizations pose a direct threat to the United States; and

(ii) counter the military influence of China and Russia within the AFRICOM AOR.

(B) The average number of United States Armed Forces that are under the direct authority of the Commander of United States Africa Command and deployed to AFRICOM AOR and the amount of associated expenditures, to be listed by month for each of the fiscal years 2019 and 2020 and disaggregated by mission and country, to include those forces deployed to secure United States embassies.

(C) The average number of United States Armed Forces that are planned to be under the direct authority of the Commander of United
States Africa Command and deployed to AFRICOM AOR and the amount of projected associated expenditures, to be listed by month for fiscal years 2021 and 2022 and disaggregated by mission and country, to include those forces deployed to secure United States embassies.

(D) The effect that a reduction described in subsection (a) would have on military and intelligence efforts to combat each of the violent extremist organizations described in paragraph (2), including a statement of the current objectives of the Secretary of Defense with respect to such efforts.

(E) A description of any consultation or coordination with the Department of State or the United States Agency for International Development with respect to such a reduction and the effect that such a reduction would have on diplomatic, developmental, or humanitarian efforts in Africa, including statements of the current objectives of the Secretary of State and the Administrator of the United States Agency for International Development with respect to such efforts.
(F) The strength, regenerative capacity, and intent of such violent extremist organizations in the AFRICOM AOR, including—

(i) an assessment of the number of fighters in the Sahel, the Horn of Africa, and West Africa who are members of such violent extremist organizations;

(ii) the threat such violent extremist organizations pose to host nations and United States allies and partners, and the extent to which such violent extremist organizations pose a direct threat to the United States; and

(iii) the likely reaction of such violent extremist organizations to the withdrawal of United States Armed Forces.

(G) The strategic risks involved with countering such violent extremist organizations following such a reduction.

(H) The operational risks involved with conducting United States led or enabled operations in Africa against such violent extremist organizations following such a reduction.

(I) For any region of the AFRICOM AOR in which United States Armed Forces currently
are present or conduct activities, the effect such
a reduction would have on power and influence
of China and Russia in such region.

(J) Any consultation or coordination with
United States allies and partners concerning
such a reduction.

(K) An assessment of the response from
the governments and military forces of France,
the United Kingdom, and Canada to such a re-
duction.

(L) An assessment of how the frequency of
air strikes could change as a result of such re-
duction.

(M) An assessment of the commitment of
partner security forces in the AFRICOM AOR
to address gross violations of internationally
recognized human rights and uphold inter-
national humanitarian law, and the impact such
reduction could have on such commitment.

(2) VIOLENT EXTREMIST ORGANIZATIONS DE-
scribed.—The violent extremist organizations de-
scribed in this paragraph are adversarial groups and
forces in the AFRICOM AOR, as determined by the
Secretary of Defense.
(c) Additional Reporting Requirement.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report that includes the information required by subsection (b)(1)(B).

(d) Form.—The reports required by subsections (b) and (e) shall be submitted in unclassified form, but may contain a classified annex.

(e) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees (which has the meaning given the term in section 101(a)(16) of title 10, United States Code);

(2) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives; and

(3) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

SEC. 1268. REPORT ON ENHANCING PARTNERSHIPS BETWEEN THE UNITED STATES AND AFRICAN COUNTRIES.

(a) Report Required.—

(1) In general.—Not later than June 1, 2021, the Secretary of Defense, in coordination with
the Secretary of State, shall submit to the appropriate congressional committees a report on the activities and resources required to enhance security and economic partnerships between the United States and African countries.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) An assessment of the infrastructure accessible to the Department of Defense on the continent of Africa.

(B) An identification of the ability of the Department to conduct freedom of movement on the continent, including identifying the activities of partners, allies, and other Federal departments and agencies that are facilitated by the Department’s ability to conduct freedom of movement.

(C) Recommendations to meet the requirements identified in subparagraph (B), including—

(i) dual-use infrastructure projects;

(ii) military construction;

(iii) the acquisition of additional mobility capability by African countries or the United States Armed Forces, including
strategic air lift, tactical air lift, or sealift capability; or

(iv) any other option as determined by the Secretary.

(D) Recommendations to expand and strengthen partner and ally capability, including traditional activities of the combatant commands, train and equip opportunities, partnerships with the National Guard and the United States Coast Guard, and multilateral contributions.

(E) Recommendations for enhancing joint exercises and training.

(F) An analysis of the security, economic, and stability benefits of the recommendations identified under subparagraphs (C) through (E).

(G)(i) A plan to fully resource United States force posture, capabilities, and stability operations, including—

(I) a detailed assessment of the resources required to address the elements described in subparagraphs (B) through (E), including specific cost
estimates for recommended investments or projects; and

(II) a detailed timeline to achieve the recommendations described in subparagraphs (B) through (D).

(ii) The specific cost estimates required by clause (i)(I) shall, to the maximum extent practicable, include the following:

(I) With respect to procurement accounts—

(aa) amounts displayed by account, budget activity, line number, line item, and line item title; and

(bb) a description of the requirements for each such amount.

(II) With respect to research, development, test, and evaluation accounts—

(aa) amounts displayed by account, budget activity, line number, program element, and program element title; and
(bb) a description of the requirements for each such amount.

(III) With respect to operation and maintenance accounts—

(aa) amounts displayed by account title, budget activity title, line number, and subactivity group title; and

(bb) a description of the specific manner in which each such amount would be used.

(IV) With respect to military personnel accounts—

(aa) amounts displayed by account, budget activity, budget subactivity, and budget subactivity title; and

(bb) a description of the requirements for each such amount.

(V) With respect to each project under military construction accounts (including unspecified minor military construction and amounts for plan-
ning and design), the country, location, project title, and project amount for each fiscal year.

(VI) With respect to any expenditure or proposed appropriation not described in clause (i) through (iv), a level of detail equivalent or greater than the level of detail provided in the future-years defense program submitted pursuant to section 221(a) of title 10, United States Code.

(3) CONSIDERATIONS.—In preparing the report required under paragraph (1), the Secretary shall consider—

(A) the economic development and stability of African countries;

(B) the strategic and economic value of the relationships between the United States and African countries;

(C) the military, intelligence, diplomatic, developmental, and humanitarian efforts of China and Russia on the African continent; and

(D) the ability of the United States, allies, and partners to combat violent extremist organizations operating in Africa.
(4) FORM.—The report required under paragraph (1) may be submitted in classified form, but shall include an unclassified summary.

(b) INTERIM BRIEFING REQUIRED.—Not later than April 15, 2021, the Secretary of Defense (acting through the Under Secretary of Defense for Policy, the Under Secretary of Defense (Comptroller), and the Director of Cost Assessment and Program Evaluation) and the Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees a joint interim briefing, and any written comments the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider necessary, with respect to their assessments of the report anticipated to be submitted under subsection (a).

(c) DEFINITIONS.—In this section:

(1) DUAL-USE INFRASTRUCTURE PROJECTS.—The term “dual-use infrastructure projects” means projects that may be used for either military or civilian purposes.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional defense committees; and
(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1269. SENSE OF CONGRESS WITH RESPECT TO QATAR.

It is the sense of Congress that—

(1) the United States and the country of Qatar have built a strong, enduring, and forward-looking strategic partnership based on long-standing and mutually beneficial cooperation, including through security, defense, and economic ties;

(2) robust security cooperation between the United States and Qatar is crucial to promoting peace and stability in the Middle East region;

(3) Qatar plays a unique role as host of the forward headquarters for the United States Central Command, and that partnership facilitates United States coalition operations countering terrorism;

(4) Qatar is a major security cooperation partner of the United States, as recognized in the 2018 Strategic Dialogue and the 2019 Memorandum of Understanding to expand Al Udeid Air Base to improve and expand accommodation for United States military personnel;

(5) the United States values Qatar’s provision of access to its military facilities and its manage-
ment and financial assistance in expanding the Al
Udeid Air Base, which supports the continued secu-

rity presence of the United States in the Middle
East region; and

(6) the United States should—

(A) continue to strengthen the relationship
between the United States and Qatar, including
through security and economic cooperation; and

(B) seek a resolution to the dispute be-
 tween partner countries of the Arabian Gulf,
which would promote peace and stability in the
Middle East region.

SEC. 1270. SENSE OF CONGRESS ON UNITED STATES MILI-
TARY SUPPORT FOR AND PARTICIPATION IN
THE MULTINATIONAL FORCE AND OBSERV-
ERS.

It is the sense of Congress that—

(1) the mission of the Multinational Force and
Observers (MFO) is to supervise implementation of
the security provisions of the Egypt-Israel Peace
Treaty, signed at Washington on March 26, 1979,
and employ best efforts to prevent any violation of
its terms;

(2) the MFO was established by the Protocol to
the Egypt-Israel Peace Treaty, signed on August 3,
1981, and remains a critical institution for regional
peace and stability; and

(3) as a signatory to the Egypt-Israel Peace
Treaty and subsequent Protocol, the United States
strongly supports and encourages continued United
States military support for and participation in the
MFO.

SEC. 1271. REPORT ON US MILITARY SUPPORT OF THE
SAUDI-LED COALITION IN YEMEN.

(a) IN GENERAL.—Not later than 1 year after the
date of the enactment of this Act, the Comptroller General
of the United States shall submit to the appropriate com-
mittees of Congress a report that includes—

(1) a description of the military support, train-
ing, and defense articles provided by the Department
of Defense to Saudi Arabia, the Government of the
United Arab Emirates, and other countries partici-
pating in the Saudi-led coalition since March 2015,
including—

(A) an annual description, by fiscal year or
calendar year, of all transfers of logistics sup-
port, supplies, defense articles, and services
under sections 2341 and 2342 of title 10,
United States Code, or any other applicable
law;
(B) a description of the total financial value of such transfers and which countries bore the cost described in subparagraph (A) of these transfers, including the status of the reimbursement of costs from Saudi Arabia, the Government of the United Arab Emirates and the Saudi-led coalition to the Department of Defense; and

(C) a description of the types of training provided by the Department of Defense, including the authorities under which this training was provided, and whether such training has included tactics for stopping, searching and seizing boats, or other activities that could be used to restrict the importation of commercial and humanitarian shipments into and out of Yemen;

(2) a description and evaluation of processes used by the Department of Defense to determine whether the types of military support described in paragraph (1)(A) have impacted the restriction of the movement of persons into or out of Yemen, the restriction of the importation of commercial and humanitarian shipments into and out of Yemen, or the illicit profit from such importation by any of the warring parties in the conflict in Yemen;
(3) a description and evaluation of processes used by the Department of Defense to determine whether the type of military support described in paragraph (1)(C) has been use by any of the warring parties in the conflict in Yemen to restrict the importation of commercial and humanitarian shipments into and out of Yemen; and

(4) a description and evaluation of processes used by the Department of Defense to determine what steps the Department has taken to reduce restrictions on the movement of persons into or out of Yemen, and restrictions on the importation of commercial and humanitarian shipments into and out of Yemen, or the illicit profit of such importation by any of the warring parties in the conflict in Yemen.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on
Financial Services of the House of Representatives;
and

(2) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 1272. PROHIBITION ON SUPPORT FOR MILITARY PARTICIPATION AGAINST THE HOUTHIS.

(a) Prohibition Relating to Support.—None of the funds authorized to be appropriated or otherwise made available by this Act may be made available to provide United States logistical support to the Saudi-led coalition’s operations against the Houthis in Yemen for coalition strikes, specifically by providing maintenance or transferring spare parts to coalition members flying warplanes engaged in anti-Houthi bombings for coalition strikes.

(b) Prohibition Relating to Military Participation.—None of the funds authorized to be appropriated or otherwise made available by this Act may be made available for any civilian or military personnel of the Department of Defense or contractors of the Department to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of the Saudi and United Arab Emirates-led coalition forces en-
gaged in hostilities against the Houthis in Yemen or in situations in which there exists an imminent threat that such coalition forces become engaged in such hostilities, unless and until the President has obtained specific statutory authorization, in accordance with section 8(a) of the War Powers Resolution (50 U.S.C. 1547(a)).

(c) Rule of Construction.—The prohibitions under this section may not be construed to apply with respect to United States Armed Forces engaged in operations directed at al-Qaeda or associated forces.

SEC. 1273. RULE OF CONSTRUCTION RELATING TO USE OF MILITARY FORCE.

Nothing in this Act or any amendment made by this Act may be construed to authorize the use of military force.

SEC. 1274. COUNTERING WHITE IDENTITY TERRORISM GLOBALLY.

(a) Strategy and Coordination.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State shall—

(1) develop and submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a Department of State-wide strategy entitled the “Department of State Strategy for Countering
White Identity Terrorism Globally” (in this section referred to as the “strategy”); and

(2) designate the Coordinator for Counterterrorism of the Department to coordinate Department efforts to counter white identity terrorism globally, including with United States diplomatic and consular posts, the Director of the National Counterterrorism Center, the Director of the Central Intelligence Agency, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the heads of any other relevant Federal departments or agencies.

(b) ELEMENTS.—The strategy shall at a minimum contain the following:

(1) An assessment of the global threat from white identity terrorism abroad, including geographic or country prioritization based on the assessed threat to the United States.

(2) A description of the coordination mechanisms between relevant bureaus and offices within the Department of State, as well as with United States diplomatic and consular posts, for developing
and implementing efforts to counter white identity terrorism.

(3) A description of how the Department plans to build on any existing strategy developed by the Bureau for Counterterrorism to—

(A) adapt or expand existing Department programs, projects, activities, or policy instruments based on existing authorities for the specific purpose of degrading and delegitimizing the white identity terrorist movement globally; and

(B) identify the need for any new Department programs, projects, activities, or policy instruments for the specific purpose of degrading and delegitimizing the white identity terrorist movement globally, including a description of the steps and resources necessary to establish any such programs, projects, activities, or policy instruments, noting whether such steps would require new authorities.

(4) Detailed plans for using public diplomacy, including the efforts of the Secretary of State and other senior Executive Branch officials, including the President, to degrade and delegitimize white
identity terrorist ideologues and ideology globally, in-
cluding by—

(A) countering white identity terrorist mes-
saging and supporting efforts to redirect poten-
tial supporters away from white identity ter-
rorist content online;

(B) exposing foreign government support
for white identity terrorist ideologies, objectives,
ideologues, networks, organizations, and inter-
et platforms;

(C) engaging with foreign governments and
internet service providers and other relevant
technology entities, to prevent or limit white
identity terrorists from exploiting internet plat-
forms in furtherance of or in preparation for
acts of terrorism or other targeted violence, as
well as the recruitment, radicalization, and in-
doctrination of new adherents to white identity
terrorism; and

(D) identifying the roles and responsibil-
ities for the Office of the Under Secretary for
Public Affairs and Public Diplomacy and the
Global Engagement Center in developing and
implementing such plans.
(5) An outline of steps the Department is taking or will take in coordination, as appropriate, with the Director of the National Counterterrorism Center, the Director of the Central Intelligence Agency, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the heads of any other relevant Federal departments or agencies to improve information and intelligence sharing with other countries on white identity terrorism based on existing authorities by—

(A) describing plans for adapting or expanding existing mechanisms for sharing information, intelligence, or counterterrorism best practices, including facilitating the sharing of information, intelligence, or counterterrorism best practices gathered by Federal, State, and local law enforcement; and

(B) proposing new mechanisms or forums that might enable expanded sharing of information, intelligence, or counterterrorism best practices.

(6) An outline of how the Department plans to use designation as a Specially Designated Global
Terrorist (under Executive Order No. 13224 (50 U.S.C. 1701 note)) and foreign terrorist organization (pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)) to support the strategy, including—

(A) an assessment and explanation of the utility of applying or not applying such designations when individuals or entities satisfy the criteria for such designations; and

(B) a description of possible remedies if such criteria are insufficient to enable designation of any individuals or entities the Secretary of State considers a potential terrorist threat to the United States.

(7) A description of the Department’s plans, in consultation with the Department of the Treasury, to work with foreign governments, financial institutions, and other related entities to counter the financing of white identity terrorists within the parameters of current law, or if no such plans exist, a description of why.

(8) A description of how the Department plans to implement the strategy in conjunction with ongoing efforts to counter the Islamic State, al-Qaeda, and other terrorist threats to the United States.
(9) A description of how the Department will integrate into the strategy lessons learned in the ongoing efforts to counter the Islamic State, al-Qaeda, and other terrorist threats to the United States.

(10) A identification of any additional resources or staff needed to implement the strategy.

(c) INTERAGENCY COORDINATION.—The Secretary of State shall develop the strategy in coordination with the Director of the National Counterterrorism Center and in consultation with the Director of the Central Intelligence Agency, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the heads of any other relevant Federal departments or agencies.

(d) STAKEHOLDER INCLUSION.—The strategy shall be developed in consultation with representatives of United States and international civil society and academic entities with experience researching or implementing programs to counter white identity terrorism.

(e) FORM.—The strategy shall be submitted in unclassified form that can be made available to the public, but may include a classified annex if the Secretary of State determines such is appropriate.
(f) IMPLEMENTATION.—Not later than 3 months after the submission of the strategy, the Secretary of State shall begin implementing the strategy.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act and not less often than annually thereafter, the Secretary of State shall consult with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the development and implementation of the strategy.

(h) COUNTRY REPORTS ON TERRORISM.—The Secretary of State shall incorporate all credible information about white identity terrorism, including regarding relevant attacks, the identification of perpetrators and victims of such attacks, the size and identification of organizations and networks, and the identification of notable ideologues, in the annual country reports on terrorism submitted pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

(i) REPORT ON SANCTIONS.—

(1) IN GENERAL.—Not later than 120 days and again 240 days after the submission of each annual country report on terrorism submitted pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).
Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as modified in accordance with subsection (h), the President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that determines whether the foreign persons, organizations, and networks identified in such annual country reports on terrorism as so modified, satisfy the criteria to be designated as—

(A) foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(B) Specially Designated Global Terrorist under Executive Order No. 13224 (50 U.S.C. 1701 note).

(2) FORM.—Each determination required under subsection (a) shall be submitted in unclassified form, but may include a classified annex, if appropriate.

(j) REQUIREMENT FOR INDEPENDENT STUDY TO MAP THE GLOBAL WHITE IDENTITY TERRORISM MOVEMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall enter into a contract with a federally
funded research and development center with appropriate expertise and analytical capability to carry out the study described in paragraph (2).

(2) STUDY.—The study described in this subsection shall provide for a comprehensive social network analysis of the global white identity terrorism movement to—

(A) identify key actors, organizations, and supporting infrastructure; and

(B) map the relationships and interactions between such actors, organizations, and supporting infrastructure.

(3) REPORT.—

(A) TO THE SECRETARY.—Not later than 1 year after the date on which the Secretary of State enters into a contract pursuant to subsection (a), the federally funded research and development center referred to in such subsection that has entered into such contract with the Secretary shall submit to the Secretary a report containing the results of the study required under this section.

(B) TO CONGRESS.—Not later than 30 days after receipt of the report under subparagraph (A), the Secretary of State shall submit
to the Committee of Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate such report, together with any additional views or recommendations of the Secretary.

SEC. 1275. YEMEN.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to protect United States citizens and strategic interests in the Middle East region;

(2) to support United Nations-led efforts to end violence in Yemen and secure a comprehensive political settlement to the conflict in Yemen that results in protection of civilians and civilian infrastructure and alleviates the humanitarian crisis including by facilitating unfettered access for all Yemenis to food, fuel, and medicine;

(3) to encourage all parties to the conflict in Yemen to participate in good faith in the United Nations-led process and to uphold interim agreements as part of that process to end the conflict, leading to reconstruction in Yemen;

(4) to support United States allies and partners in defending their borders and territories in order to maintain stability and security in the Middle East
region and encourage burden sharing among such allies and partners;

(5) to assist United States allies and partners in countering destabilization of the Middle East region;

(6) to oppose Iranian arms transfers in violation of UN Security Council resolutions, including transfers to the Houthis;

(7) to encourage the Government of Saudi Arabia and the Government of the United Arab Emirates to assist significantly in the economic stabilization and eventual reconstruction of Yemen; and

(8) to encourage all parties to the conflict to comply with the law of armed conflict, including to investigate credible allegations of war crimes and provide redress to civilian victims.

(b) REPORT ON CONFLICT IN YEMEN.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on United States policy in Yemen.
(2) MATTERS TO BE INCLUDED.—The report required under subsection (b) shall include the following:

(A) A detailed description of diplomatic actions taken by the United States Government to help ease human suffering in Yemen, including—

(i) United States direct humanitarian assistance and United States donations to multilateral humanitarian assistance efforts, including to address the COVID–19 pandemic;

(ii) efforts to ensure that humanitarian assistance is delivered in line with internationally recognized humanitarian principles, and the results of such efforts;

(iii) efforts to facilitate humanitarian and commercial cargo shipments into Yemen and minimize delays associated with such shipments, including access to ports for humanitarian and commercial cargo, and the results of such efforts;

(iv) efforts to work with parties to the conflict in Yemen to ensure protection of
civilians and civilian infrastructure, and
the results of such efforts;

(v) efforts to help the Government of
Yemen to create a mechanism to ensure
that salaries and pensions are paid to civil
servants as appropriate, and the results of
such efforts; and

(vi) efforts to work with ROYG and
countries that are members of the Saudi-led
coalition in Yemen to address the cur-
rency crisis in Yemen and the solvency of
the Central Bank of Yemen, and the re-
sults of such efforts.

(B) An assessment of plans, commitments,
and pledges for reconstruction of Yemen made
by countries that are members of the Saudi-led
coalition in Yemen, including an assessment of
proposed coordination with the Government of
Yemen and international organizations.

(C) A description of civilian harm occur-
ing in the context of the conflict in Yemen
since Nov 2017, including—

(i) mass casualty incidents; and

(ii) damage to, and destruction of, ci-
vilian infrastructure and services.
(D) An estimated total number of civilian casualties in the context of the conflict in Yemen since September 2014, disaggregated by year.

(E) A detailed description of actions taken by the United States Government to support the efforts of the United Nations Special Envoy for Yemen to reach a lasting political solution in Yemen.

(F) A detailed assessment of whether and to what extent members of the Saudi-led coalition in Yemen have used United States-origin defense articles and defense services in Yemen in contravention of the laws of armed conflict when engaging in any military operations against the Houthis in Yemen.

(G) A description of external and cross border attacks perpetrated by the Houthis.

(H) A detailed assessment of the Government of Yemen’s willingness and capacity to effectively—

(i) provide public services to the people of Yemen;

(ii) service the external debts of Yemen; and
(iii) facilitate or ensure access to humanitar- 
ian assistance and key commodities 
in Yemen.

(I) A description of support for the 
Houthis by Iran and Iran-backed groups, in-
cluding provision of weapons and training.

(J) A description of recruitment and use of 
child soldiers by parties to the conflict in 
Yemen.

(3) FORM.—The report required under para-
graph (1) shall be submitted in unclassified form 
(without the classification “For Official Use Only”) 
but may contain a classified annex.

(4) APPROPRIATE CONGRESSIONAL COMMIT-
TEES DEFINED.—In this subsection, the term “ap-
propriate congressional committees” means—

(A) the Committee on Foreign Affairs and 
the Committee on Armed Services of the House 
of Representatives;

(B) the Committee on Foreign Relations 
and the Committee on Armed Services of the 
Senate;

(C) the Permanent Select Committee on 
Intelligence of the House of Representatives;

and
(D) the Select Committee on Intelligence of the Senate.

(c) Report on United States Military Support.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on United States military support to countries that are members of the Saudi-led coalition in Yemen since March 2015 that evaluates—

(A) the manner and extent to which the United States military has provided and continues to provide support to such countries in Yemen;

(B) the extent to which the Department of Defense has determined that its advice or assistance has—

(i) minimized violations of the laws of armed conflict in Yemen, including any credible allegations of torture, arbitrary detention, and other gross violations of internationally recognized human rights by ROYG and countries that are members of the Saudi-led coalition in Yemen; and
(ii) reduced civilian casualties and
damage to civilian infrastructure;
(C) the responsiveness and completeness of
any certifications submitted pursuant to section 1290 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2081); and
(D) the responsiveness and completeness of

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form (without the classification “For Official Use Only”), but may contain a classified annex.

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

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and
(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.
SEC. 1276. ESTABLISHMENT OF THE OFFICE OF SUB-NATIONAL DIPLOMACY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

“(h) OFFICE OF SUBNATIONAL DIPLOMACY.—

“(1) IN GENERAL.—There shall be established within the Department of State an Office of Subnational Diplomacy (in this subsection referred to as the ‘Office’).

“(2) HEAD OF OFFICE.—The head of the Office shall be a full-time position filled by a senior Department official. The head of the Office shall report directly to the Under Secretary for Political Affairs.

“(3) DUTIES.—

“(A) PRINCIPAL DUTY.—The principal duty of the head of the Office shall be the overall supervision (including policy oversight of resources) of Federal support for subnational engagements by State and municipal governments with foreign governments. The head of the Office shall be the principal adviser to the Secretary of State on subnational engagements and the principal official on such matters within the senior management of the Department of State.
“(B) ADDITIONAL DUTIES.—The additional duties of the head of the Office shall include the following:

“(i) Coordinating overall United States policy and programs in support of subnational engagements by State and municipal governments with foreign governments, including with respect to the following:

“(I) Coordinating resources across the Department of State and throughout the Federal Government in support of such engagements.

“(II) Identifying policy, program, and funding disputes among relevant Federal agencies regarding such coordination.

“(III) Identifying gaps in Federal support for such engagements and developing corresponding policy or programmatic changes to address such gaps.

“(ii) Promoting United States foreign policy goals through support for subnational engagements and aligning sub-
national priorities with national foreign policy goals, as appropriate.

“(iii) Maintaining a public database of subnational engagements.

“(iv) Providing advisory support to subnational engagements, including by assisting State and municipal governments to—

“(I) develop, implement, and, as necessary, adjust global engagement and public diplomacy strategies; and

“(II) implement programs to cooperate with foreign governments on policy priorities or managing shared resources.

“(v) Facilitating linkages and networks between State and municipal governments and their foreign counterparts.

“(vi) Overseeing the work of Department of State detailees assigned to State and municipal governments pursuant to this subsection.

“(vii) Negotiating agreements and memoranda of understanding with foreign
governments to support subnational engagements and priorities.

“(viii) Promoting United States trade and foreign exports on behalf of United States businesses through exchanges between the United States and foreign state, municipal, and provincial governments, and by establishing a more enduring relationship overall between subnational governments.


“(4) DETAILLEES.—

“(A) IN GENERAL.—The Secretary of State, acting through the head of the Office, is authorized to detail a member of the civil service or Foreign Service to State and municipal governments on a reimbursable or nonreimburs—
able basis. Such details shall be for a period not
to exceed 2 years, and shall be without inter-
ruption or loss of Foreign Service status or
privilege.

“(B) Responsibilities.—Detailees under
subparagraph (A) shall carry out the following:

“(i) Supporting the mission and objec-
tives of the Office.

“(ii) Coordinating activities relating to
State and municipal government sub-
national engagements with the Department
of State, including the Office, Department
leadership, and regional and functional bu-
reaus of the Department, as appropriate.

“(iii) Engaging the Department of
State and other Federal agencies regarding
security, public health, trade promotion,
and other programs executed at the State
or municipal government level.

“(iv) Advising State and municipal
government officials regarding questions of
global affairs, foreign policy, cooperative
agreements, and public diplomacy.
“(v) Any other duties requested by State and municipal governments and approved by the Office.

“(5) REPORT AND BRIEFING.—

“(A) REPORT.—Not later than 1 year after the date of the enactment of this subsection, the head of the Office shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that includes information relating to the following:

“(i) The staffing plan (including permanent and temporary staff) for the Office.

“(ii) The funding level provided to the Office for the Office, together with a justification relating to such level.

“(iii) The status of filling the position of head of the Office.

“(iv) The rank and title granted to the head of the Office, together with a justification relating to such decision and an analysis of whether the rank and title of Ambassador-at-Large is required to fulfill the duties of the Office.
“(v) A strategic plan for the Office.

“(vi) Any other matters as determined relevant by the head of the Office.

“(B) BRIEFINGS.—Not later than 30 days after the submission of the report required under subparagraph (A) and annually thereafter, the head of the Office shall brief the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the work of the Office and any changes made to the organizational structure or funding of the Office.

“(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed as precluding—

“(A) the Office from being elevated to a bureau within the Department of State; or

“(B) the head of the Office from being elevated to an Assistant Secretary, if such an Assistant Secretary position does not increase the number of Assistant Secretary positions at the Department above the number authorized under subsection (c)(1).

“(7) DEFINITIONS.—In this subsection:

“(A) MUNICIPAL.—The term ‘municipal’ means, with respect to the government of a mu-
municipality in the United States, a municipality
with a population of not fewer than 100,000
people.

“(B) State.—The term ‘State’ means the
50 States, the District of Columbia, and any
territory or possession of the United States.

“(C) Subnational Engagement.—The
term ‘subnational engagement’ means formal
meetings or events between elected officials of
State or municipal governments and their for-
eign counterparts.”.

SEC. 1277. REPORT AND STRATEGY TO ADDRESS GROSS
VIOLATIONS OF HUMAN RIGHTS AND CIVIL-
IAN HARM IN BURKINA FASO, MALI, AND
NIGER.

(a) Report Required.—

(1) In general.—Not later than 180 days
after the date of the enactment of this Act, and an-
nually thereafter for 3 years, the Secretary of De-
fense and the Secretary of State shall jointly submit
to the appropriate congressional committees a report
on gross violations of human rights and civilian
harm in Burkina Faso, Mali, and Niger, as well as
civilian harm that may occur during United States-
supported advise, assist, and accompany operations in the Sahel region.

(2) MATTERS TO BE INCLUDED.—The report required by this subsection shall include the following:

(A) An identification of all state security force units of Burkina Faso, Mali, and Niger that participated in United States security cooperation programs or benefitted from security assistance since fiscal year 2017, whether any of these units were subsequently credibly implicated in gross violations of human rights, including extrajudicial killings and torture, and the approximate locations, to the extent possible, of where such violations have taken place.

(B) A description of gross violations of human rights and civilian harm committed by violent extremist organizations and other armed groups operating in Burkina Faso, Mali, and Niger, including deaths of state security forces and destruction of civilian infrastructure, including schools, medical facilities, and churches.

(C) An assessment of the relationship between state security forces and any non-state armed groups active in Burkina Faso, Mali,
and Niger, including an analysis of the extent
to which any armed group that has been
credibly implicated in gross violations of human
rights or civilian casualties received material
support from the governments or militaries of
such countries.

(D) An assessment of efforts by the Gov-
ernments of Burkina Faso, Mali, and Niger to
prevent and decrease instances of gross viola-
tions of human rights or civilian casualties by
state security forces during counterterrorism
operations and ensure accountability for viola-
tions that have occurred since fiscal year 2017
through appropriate justice systems, including
efforts to investigate, prosecute, and sentence
such violations.

(E) An assessment of the impact that any
gross violations of human rights and other civil-
ian casualties perpetrated by state security
forces and non-state armed groups in Burkina
Faso, Mali, and Niger have had on the effec-
tiveness of regional and international counter-
terrorism operations.

(F) An assessment of the effectiveness of
any United States human rights training pro-
vided to the security forces of Burkina Faso, Mali, and Niger to date.

(G) A description of any confirmed incidents or reports of civilian harm that may have occurred during United States military advise, assist, or accompany operations.

(H) Any other matters that the Secretary of Defense and the Secretary of State consider to be relevant.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a United States strategy to prevent civilian harm and address gross violations of human rights by state security forces of Burkina Faso, Mali, and Niger, and ensure accountability for such violations.

(2) MATTERS TO BE INCLUDED.—The strategy required by this subsection shall include the following:

(A) A description of planned public and private diplomatic engagement to support efforts by the Governments of Burkina Faso, Mali, and Niger to investigate and prosecute
any credible allegations of gross violations of human rights by state security forces and non-state armed groups.

(B) An identification of United States foreign assistance and security cooperation funds and other available United States policy tools to support programs aimed at addressing gross violations of human rights and civilian harm, and an assessment of how they can be strengthened to greater effect.

(C) An identification of United States foreign assistance and security cooperation funds available to support the state security forces of Burkina Faso, Mali, and Niger to combat violent extremist organizations, improve civil-military relations, and strengthen accountability through their military justice systems, including support for building the capacity of provost marshals.

(D) An identification of state security forces of Burkina Faso, Mali, and Niger that would most benefit from United States foreign assistance and security cooperation funds identified in subparagraph (C) and that are eligible to receive such funds.
A description of plans to coordinate United States efforts with France, the European Union, the United Nations Stabilization Mission in Mali (MINUSMA), the African Union, and the G5 Sahel Joint Force to decrease gross violations of human rights and minimize civilian harm during all counterterrorism operations in the Sahel.

Any other matters that the Secretary of Defense and the Secretary of State consider to be relevant.

The report required by subsection (a) and the strategy required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

In this section:

The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.
(2) Civilian harm.—In this section, the term “civilian harm” means conflict-related death, physical injury, loss of property or livelihood, or interruption of access to essential services.

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.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through December 31, 2025, the Secretary of State, in consultation with the Secretary of Defense, shall conduct and submit to the appropriate congressional committees an assessment of the effectiveness of United States policies to—

(1) export United States-origin Unmanned Aerial Systems (UAS) that are assessed to be “Category I” items under the Missile Technology Control Regime (MTCR) (in this section referred to as “covered items”); and

(2) support United States allies and partners’ security, counter-terrorism capabilities, persistent intelligence, surveillance, and reconnaissance (ISR) ca-
pabilities, and persistent maritime domain awareness
and strengthen bilateral relationships through ex-
ports of covered items.

(b) MATTERS TO BE INCLUDED.—The assessment
required by subsection (a) shall include the following:

(1) A description of steps taken to enhance
United States competitiveness in the global UAS
market, including markets in which covered items
have been exported to foreign countries that pre-
viously received UAS that are assessed to be “Cat-
egory I” items under the MTCR from third coun-
tries.

(2) A description of how the Department of
State and other relevant Federal agencies evaluate
United States allies and partners’ access to covered
items.

(3) A description of progress to prevent state
and non-state actors from gaining covered items’ ca-
pabilities that would undermine the safety and secu-
rity of United States allies and partners.

(4) An identification of the total number of li-
censes requested, approved, returned without action,
or denied for the export of covered items and the
typical amount of time needed to process such re-
quests beginning on the date on which the license was received by the Department of State.

(5) A summary of results of end use checks conducted during the assessment period by the Department of State and the Department of Defense with respect to covered items transferred under the Arms Export Control Act (22 U.S.C. 2751 et. seq.) and any pending or concluded investigations into end-use violations of covered items pursuant to section 3 of the Arms Export Control Act (22 U.S.C. 2753).

(c) Periods Covered by Assessments.—The first assessment required by subsection (a) shall cover the 3-year period ending on the date of the enactment of this Act. Each subsequent assessment required by subsection (a) shall cover the 1-year period beginning on the day after the end of the period covered in the preceding assessment.

(d) Form.—The assessment required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(e) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—
(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1279. SENSE OF CONGRESS ON THE UNITED STATES ISRAEL RELATIONSHIP.

It is the sense of Congress that—

(1) since 1948, Israel has been one of the strongest friends and allies of the United States;

(2) Israel is a stable, democratic country in a region often marred by turmoil;

(3) it is essential to the strategic interest of the United States to continue to offer full security assistance and related support to Israel; and

(4) such assistance and support is especially vital as Israel confronts a number of potential challenges at the present time, including continuing threats from Iran.

SEC. 1280. FEASIBILITY STUDY ON INCREASED ROTATIONAL DEPLOYMENTS TO GREECE AND ENHANCEMENT OF UNITED STATES-GREECE DIPLOMATIC ENGAGEMENT.

(a) Feasibility Study.—
(1) IN GENERAL.—The Secretary of Defense shall conduct a study on the feasibility of increased rotational deployments of members of the Armed Forces to Greece, including to Souda Bay, Alexandroupoli, Larissa, Volos, and Stefanovikeio.

(2) ELEMENT.—The study required by paragraph (1) shall include an evaluation of any infrastructure investment necessary to support such increased rotational deployments.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the study required by paragraph (1).

(b) DIPLOMATIC ENGAGEMENT.—The Secretary of State is encouraged to pursue persistent United States diplomatic engagement with respect to the Greece-Cyprus-Israel and Greece-Cyprus-Egypt trilateral agreements beyond the occasional participation of United States diplomats in the regular summits of the countries party to such agreements.
SEC. 1281. REPORT ON INTERNALLY DISPLACED PEOPLES
IN UKRAINE, GEORGIA, MOLDOVA, AND AZERBAIJAN.

(a) REPORT.—Not later than 180 days after the date
of the enactment of this Act, the Secretary of State, in
coordination with the Secretary of Defense, shall submit
to the appropriate congressional committees a report on
the status of internally displaced persons in Ukraine,
Georgia, the Republic of Moldova, and the Republic of
Azerbaijan.

(b) ELEMENTS.—The report required by subsection
(a) shall include an assessment of the following:

(1) The number of citizens of Ukraine, Georgia,
Moldova, and Azerbaijan who have been forcibly dis-
placed in illegally occupied regions in Ukraine, Geor-
gia, Moldova, and Azerbaijan by foreign forces since

(2) The number of citizens of Ukraine, Georgia,
Moldova, and Azerbaijan who have been killed in re-
gions illegally occupied by foreign forces since 1991.

(c) FORM.—The report required by subsection (a)
shall be submitted in unclassified form, but may include
a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES
DEFINED.—In this section, the term “appropriate con-
gressional committees” means—
(1) the congressional defense committees;
(2) the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives; and
(3) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

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.

(a) FINDINGS.—Congress makes the following findings:

(1) Since a truce in 1962 ended skirmishes between India and the People’s Republic of China, the countries have been divided by a 2,100-mile-long Line of Actual Control.

(2) In the decades since the truce, military standoffs between India and the People’s Republic of China have flared; however, the standoffs have rarely claimed the lives of soldiers.

(3) In the months leading up to June, 15, 2020, along the Line of Actual Control, the People’s Republic of China—

(A) reportedly amassed 5,000 soldiers; and
(B) is believed to have crossed into previously disputed territory considered to be settled as part of India under the 1962 truce.

(4) On June 6, 2020, the People’s Republic of China and India reached an agreement to deescalate and disengage along the Line of Actual Control.

(5) On June 15, 2020, at least 20 Indian soldiers and an unconfirmed number of Chinese soldiers were killed in skirmishes following a weeks-long standoff in Eastern Ladakh, which is the de facto border between India and the People’s Republic of China.

(6) Following the deadly violence, Prime Minister Narendra Modi of India stated, “[w]henever there have been differences of opinion, we have always tried to ensure that those differences never turned into a dispute”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) India and the People’s Republic of China should work toward deescalating the situation along the Line of Actual Control; and

(2) the expansion and aggression of the People’s Republic of China in and around disputed territories, such as the Line of Actual Control, the South
China Sea, the Senkaku Islands, is of significant concern.

SEC. 1283. ENHANCING ENGAGEMENT WITH THE CARIBBEAN.

It is the sense of Congress that—

(1) the prosperity and security of the Caribbean region is a matter of significant importance for the United States, and promotion of such should be a component of United States policy;

(2) the United States and the Caribbean region, due to both geographic proximity and close societal ties, are bound together by a variety of shared interests, including with respect to—

(A) enhancing mutual resiliency and preparedness for natural disasters;

(B) coordinating humanitarian responses to such disasters;

(C) advancing trade, investment, academic exchange, and other cooperative efforts between the United States and the Caribbean region;

(D) enhancing Caribbean states’ security and safeguarding territorial sovereignty, including from risks related to predatory financing;
strengthening the rule of law, supporting civil society, and upholding human rights;

(F) addressing other mutual challenges, including hemispheric efforts to combat the coronavirus pandemic; and

(G) countering drug trafficking;

(3) in furtherance of these and other shared interests, the United States should strengthen its engagement with the Caribbean region; and

(4) the Department of State’s and the Department of Defense’s facilitation of such engagement is essential, given the role of the various agencies of the United States government in coordinating humanitarian responses and United States national security.

SEC. 1284. AMENDMENTS TO ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended as follows:

(1) In section 116 (22 U.S.C. 2151n), by adding at the end the following:

“(h) STATUS OF EXCESSIVE SURVEILLANCE AND USE OF ADVANCED TECHNOLOGY.—
“(1) IN GENERAL.—The report required by subsection (d) shall include, wherever applicable, a description of the status of surveillance and use of advanced technology to impose arbitrary or unlawful interference with privacy, or unlawful or unnecessary restrictions on freedoms of expression, peaceful assembly, association, or other internationally recognized human rights in each country, including—

“(A) whether the government of such country has adopted and is enforcing laws, regulations, policies, or practices relating to—

“(i) government surveillance or censorship, including through facial recognition, biometric data collection, internet and social media controls, sensors, spyware data analytics, non-cooperative location tracking, recording devices, or other similar advanced technologies, and any allegations or reports that this surveillance or censorship was unreasonable;

“(ii) searches or seizures of individual or private institution data without independent judicial authorization or oversight; and
“(iii) surveillance of any group based on political views, religious beliefs, ethnicity, or other protected category, in violation of equal protection rights;

“(B) whether such country has imported or unlawfully obtained biometric or facial recognition data from other countries or entities and, if applicable, from whom; and

“(C) whether the government agency end-user has targeted individuals, including through the use of technology, in retaliation for the exercise of their human rights or on discriminatory grounds prohibited by international law, including targeting journalists or members of minority groups.

“(2) DEFINITION.—In this subsection, the term ‘internet and social media controls’ means the arbitrary or unlawful imposition of restrictions, by state or service providers, on internet and digital information and communication, such as through the blocking or filtering of websites, social media platforms, and communication applications, the deletion of content and social media posts, or the penalization of online speech, in a manner that violates rights to free expression or assembly.”.
(2) In section 502B(b) (22 U.S.C. 2304(b))—

(A) by redesignating the second subsection

(i) (as added by section 1207(b)(2) of Public

Law 113–4) as subsection (j); and

(B) by adding at the end the following:

“(k) STATUS OF EXCESSIVE SURVEILLANCE AND

USE OF ADVANCED TECHNOLOGY.—The report required

under subsection (b) shall include, wherever applicable, a

description of the status of excessive surveillance and use

of advanced technology to restrict human rights, including

the descriptions of such policies or practices required

under section 116(h).”.

SEC. 1285. ESTABLISHMENT OF NATIONAL COMMISSION ON

U.S. COUNTERTERRORISM POLICY.

(a) Establishment.—There is established an inde-

pendent commission within the legislative branch to be

known as the “National Commission on U.S. Counterter-

rorism Policy” (in this section referred to as the “Commis-

sion”).

(b) Purpose.—The Commission shall assess United

States counterterrorism efforts, including the study areas

specified in subsection (c), and make recommendations

based on its findings.

(c) Study Areas.—In carrying out subsection (b),

the Commission shall study the following:
(1) The evolution of threats to the United States since September 11, 2001, from international and domestic terrorism, including—

   (A) an assessment of potential connections between such threats, and the risks such threats pose relative to other security threats to the United States and United States national interests; and

   (B) the effects of United States counterterrorism objectives, priorities, capabilities, policies, programs, and activities on such threats.

(2) The applicability of major lessons learned from United States counterterrorism objectives, priorities, policies, programs, and activities since September 11, 2001, for ongoing and future counterterrorism objectives, priorities, policies, programs, and activities.

(3) Ongoing United States counterterrorism objectives, priorities, capabilities, policies, programs, and activities, including an assessment of the following:

   (A) Whether such objectives, priorities, capabilities, policies, programs, and activities are appropriately integrated, programmatically and
organizationally, into wider United States foreign and domestic policy.

(B) Whether counterterrorism resources are appropriately balanced across the range of counterterrorism programs and activities conducted by the United States, and the actions necessary to improve such balance if necessary.

(C) The potential constraints on counterterrorism objectives, priorities, capabilities, policies, programs, and activities resulting from the United States’ need to confront a growing number of geopolitical and security challenges, and how to mitigate any terrorism-related risks that might result.

(D) The potential new or emerging challenges or opportunities of conducting counterterrorism operations in contested environments where strategic state competitors such as Russia, China, or Iran operate, and identification of actions the United States Government should take to mitigate potential risks and take advantage of possible opportunities.

(E) The instruments of national power used to advance counterterrorism objectives and
identification of new or modified instruments, if appropriate.

    (F) Any impacts of such counterterrorism objectives, priorities, capabilities, policies, programs, and activities on civil rights and civil liberties in the United States and internationally recognized human rights and humanitarian principles abroad.

    (4) The legal authorities and policy frameworks for counterterrorism programs and activities in the United States and abroad, and whether such authorities or frameworks require updating.

    (5) The state of United States counterterrorism partnerships, including—

    (A) the impact of United States counterterrorism objectives, priorities, capabilities, policies, programs, and activities on the counterterrorism objectives, priorities, capabilities, policies, programs, and activities of partner countries; and

    (B) the willingness, capacity, and capability of United States counterterrorism partners to combat shared threats, and the impact of security assistance and foreign assistance on such willingness, capacity, and capability.
(6) Ongoing efforts by the executive branch to measure the effectiveness of United States counterterrorism objectives, priorities, capabilities, policies, programs, and activities through net assessments and evaluations of lessons learned, including an assessment of efforts to address factors that contribute to terrorist recruitment and radicalization.

(7) Recommendations on how best to adapt United States counterterrorism objectives, priorities, capabilities, policies, programs, and activities on the basis of the areas of study specified in this subsection and any other findings the Commission determines relevant.

(d) COMPOSITION.—

(1) Members.—The Commission shall be composed of 14 commissioners, to be appointed as follows:

(A) One commissioner appointed by the Chairman, with the concurrence of the ranking member, of each of the appropriate congressional committees.

(B) A Chairperson, appointed by the Speaker of the House of Representatives, with the concurrence of the Minority Leader of the House of Representatives.
(C) A Vice-Chairperson, appointed by the Majority Leader of the Senate, with the concurrence of the Minority Leader of the Senate.

(2) QUALIFICATIONS.—Individuals appointed to the Commission shall be United States persons with relevant counterterrorism expertise and experience in diplomacy, law enforcement, the Armed Forces, law, public administration, Congress, intelligence, academia, human rights, civil rights, or civil liberties. The leadership of the House of Representatives and the Senate shall coordinate with the appropriate congressional committees to ensure that Commission membership represents a variety of expertise in such fields. At least one of the commissioners shall possess a civil rights or civil liberties background in addition to relevant counterterrorism expertise, and one commissioner shall possess an international human rights background in addition to relevant counterterrorism expertise.

(3) PROHIBITIONS.—An individual appointed to the Commission may not be—

(A) a Member of Congress, including a Delegate or Resident Commissioner;

(B) an employee or official of any other branch of the Federal Government;
(C) an employee or official of any State, territory, county, or municipality in the United States; or

(D) a registered lobbyist.

(4) CONFLICTS OF INTEREST.—An individual appointed to the Commission shall disclose any financial gains from private sector employment conducted in support of United States counterterrorism objectives, priorities, capabilities, policies, programs, or activities at any time since the September 11, 2001, attacks.

(5) DEADLINE FOR APPOINTMENT OF COMMISSIONERS.—Individuals appointed to the Commission shall be appointed not later than—

(A) 30 days after the date of the enactment of this Act; or

(B) December 31, 2020,

whichever occurs first.

(6) PERIOD OF APPOINTMENT.—Each commissioner and the Chairperson and Vice-Chairperson shall be appointed for the life of the Commission.

(7) VACANCIES.—Any vacancy in the Commission shall not affect its powers and duties and shall be filled in the same manner as the original appointment within 30 days of such vacancy occurring.
(8) Compensation.—Commissioners and the Chairperson and Vice-Chairperson shall serve without pay.

(9) Travel Expenses.—Commissioners and the Chairperson and Vice-Chairperson shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(e) Meetings.—

(1) Initial Meeting.—The initial meeting of the Commission shall be held not later than 30 days after the satisfaction of all of the following:

(A) The appointment of two-thirds of the members of the Commission, including at least one of the Chairperson or Vice-Chairperson.

(B) The transfer of funding under subsection (k).

(2) Responsibility.—The Commission shall, at its initial meeting, develop and implement a schedule for completion of the review and assessment under subsection (b) and report under subsection (m)(2).
(3) Subsequent Meetings.—The Commission shall meet at the call of the Chairperson or a majority of commissioners.

(4) Quorum.—Eight commissioners shall constitute a quorum, and commissioners may vote by proxy.

(f) Consultation.—In conducting the review and assessment and study required under this section, the Commission shall consult with relevant experts in the Federal Government (including relevant Members of Congress and congressional staff), academia, law, civil society, and the private sector.

(g) Powers of the Commission.—

(1) Hearings and Evidence.—For the purposes of carrying out this section, the Commission may—

(A) hold classified or unclassified hearings, take testimony, receive evidence, and administer oaths; and

(B) subject to paragraph (3), require, by subpoena authorized by majority vote of the Commission and issued under the signature of the Chairperson or any member designated by a majority of the Commission, the attendance and testimony of such witnesses and the pro-
duction of such books, records, correspondence, memoranda, papers, and documents, as the Commission may determine advisable.

(2) Notification of Committees.—If the Commission is unable to obtain testimony or documents needed to conduct its work, the Commission shall notify the appropriate congressional committees.

(3) Subpoena Enforcement.—

(A) In General.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(B) Additional Enforcement.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Com-
mission may, by majority vote, certify a state-
ment of fact constituting such failure to the ap-
propriate United States attorney, who may
bring the matter before the grand jury for its
action, under the same statutory authority and
procedures as if the United States attorney had
received a certification under sections 102
through 104 of the Revised Statutes of the
United States (2 U.S.C. 192 through 194).

(4) LIMITATIONS ON SUBPOENA AUTHORITY.—

With respect to the subpoena authority under para-
graph (1)(B), the Commission—

(A) may only issue a subpoena to a mem-
ber of Federal, State, local, Tribal, or territorial
government;

(B) may reference unclassified documents
and information obtained through a subpoena
when conducting interviews to further the Com-
mission’s objectives, and may include such doc-
uments and information in the final report, but
may not otherwise share, disclose, publish, or
transmit in any way any information obtained
through a subpoena to another Federal depart-
ment or agency, any agency of a State, local,
Tribal, or territorial government, or any international body; and

(C) shall comply with requirements for the issuance of a subpoena issued by a United States district court under the Federal Rules of Civil Procedure.

(5) MEETINGS.—The Commission shall—

(A) hold public hearings and meetings;

(B) hold classified hearings or meetings if necessary to discuss classified material or information; and

(C) provide an opportunity for public comment, including sharing of research and policy analysis, through publication in the Federal Register of a solicitation for public comments during a period to last not fewer than 45 days.

(h) RESOURCES.—

(1) AUTHORITY TO USE THE UNITED STATES MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(2) DOCUMENTS, STATISTICAL DATA AND OTHER SUCH INFORMATION.—Upon written request by the Chairperson, Vice-Chairperson, or any commissioner designated by a majority of the Commis-
sion, an executive department, bureau, agency,
board, commission, office, independent establish-
ment, or instrumentality of the Federal Govern-
ment—

(A) shall provide reasonable access to doc-
uments, statistical data, and other such infor-
mation the Commission determines necessary to
carry out its duties; and

(B) shall, to the extent authorized by law,
furnish any information, suggestions, estimates,
and statistics the Commission determines nec-
essary to carry out its duties.

(3) GIFTS.—No member or staff of the Com-
mission may receive a gift or benefit by reason of
the service of such member or staff to the Commis-

(4) AUTHORITY TO CONTRACT.—

(A) IN GENERAL.—The Commission is au-
authorized to enter into contracts, leases, or other
legal agreements with Federal and State agen-
cies, Indian tribes, Tribal entities, private enti-
ties, and individuals for the conduct of activities
necessary to the discharge of its duties.

(B) TERMINATION.—A contract, lease, or
other legal agreement entered into by the Com-
mission under this paragraph may not extend beyond the date of termination of the Commission.

(5) **Inapplicability of FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission under this section.

(6) **Office Space and Administrative Support.**—The Architect of the Capitol shall make office space available for day-to-day activities of the Commission and for scheduled meetings of the Commission. Upon request, the Architect of the Capitol shall provide, on a reimbursable basis, such administrative support as the Commission requests to carry out its duties.

(7) **Assistance from Federal Agencies.**—

(A) **General Services Administration.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services as the Commission requests to carry out its duties.

(B) **Federal Departments and Agencies.**—Federal departments and agencies may provide to the Commission such services, funds,
facilities, staff, and other support services as such departments and agencies consider advisable and as may be authorized by law.

(i) **Staff.**—

(1) **Director.**—The Chairperson, in consultation with the Vice-Chairperson, and in accordance with rules agreed upon by the Commission, may appoint a staff director.

(2) **Staff.**—With the approval of the Commission, the staff director may appoint such employees as the staff director determines necessary to enable the Commission to carry out its duties.

(3) **Staff Qualifications.**—The staff director shall ensure employees of the Commission have relevant counterterrorism expertise and experience, including in areas such as diplomacy, law enforcement, the Armed Forces, law, public administration, Congress, intelligence, academia, human rights, civil rights, or civil liberties.

(3) **Appointments and Compensation.**—The Commission may appoint and fix the compensation of the staff director and other employees without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51
and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the rate of pay for the staff director may not exceed the equivalent of that payable to a person occupying a position at level IV of the Executive Schedule and the rate of pay for any other employee of the Commission may not exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule.

(4) EXPERTS AND CONSULTANTS.—With the approval of the Chairperson, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of such personnel.

(6) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.
(j) Security Clearances for Commission Members and Staff.—The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the commissioners, including the Chairperson and Vice-Chairperson, and the staff director and other employees, appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(k) Funding.—

(1) In general.—Of the amounts authorized to be appropriated for fiscal year 2021 by this Act, $4,000,000 shall be made available for transfer to the Commission for purposes of the activities of the Commission under this section.

(2) Duration of Availability.—Amounts made available to the Commission under paragraph (1) shall remain available until the until the termination of the Commission.

(l) Termination.—The Commission shall terminate on the date that is 180 days after the date on which the Commission submits the report under subsection (m)(2).

(m) Briefings and Report.—

(1) Briefings.—The Chairperson, Vice-Chairperson, and staff director of the Commission shall 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)
a list of all gifts received and the individual or entity from which such gift was received.

(3) PUBLIC RELEASE.—Not later than 7 days after the date on which the Commission submits the report under this subsection, the Commission shall make publicly available such report, with the exception of any classified annex under paragraph (2)(B).

(n) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives;

and

(B) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Finance of the Senate.
(2) **DOMESTIC TERRORISM.**—The term “domestic terrorism” has the meaning given such term in section 2331 of title 18, United States Code.

(3) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5304).

(4) **INTERNATIONAL TERRORISM.**—The term “international terrorism” has the meaning given such term in section 2331 of title 18, United States Code.


(6) **UNITED STATES PERSON.**—The term “United States person” has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

**SEC. 1286. PROGRAM TO PREVENT, MITIGATE, AND RESPOND TO CIVILIAN HARM AS A RESULT OF MILITARY OPERATIONS IN SOMALIA.**

(a) **PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Sec-
Secretary of Defense, in coordination with the Secretary of State, shall develop and implement a program—

(A) to prevent, mitigate, and respond to civilian harm resulting from military operations to counter al-Shabaab or the Islamic State in Somalia (ISIS-Somalia); and

(B) to enhance the ability for Somali civilians to report instances of civilian harm resulting from—

(i) any operations conducted by United States Armed Forces; and

(ii) any operations in which United States Armed Forces provided operational support to the Somali Army or the African Union Mission in Somalia (AMISOM).

(2) COORDINATION.—The program required by this subsection shall be carried out in accordance with—

(A) section 1213 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92);

(B) section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 134 note); and
(C) section 1057 of the National Defense Authorization Act for Fiscal Year 2018.

(b) SCOPE OF PROGRAM.—The program required by subsection (a) shall include the following:

(1) Measures in accordance with section 1057 of the National Defense Authorization Act for Fiscal Year 2018 to improve the ability of the Somali National Army, AMISOM, the United States military, and United States contractors to prevent, mitigate, and respond to instances of civilian harm as a result of military operations to counter al-Shabaab or ISIS-Somalia.

(2) Measures in accordance with section 1057 of the National Defense Authorization Act for Fiscal Year 2018 and section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 134 note) to improve coordination among international actors involved in military operations in Somalia, to include AMISOM, with regard to preventing and mitigating civilian casualties, and collecting data and reporting on such incidents when they occur.

cal Year 2019 (10 U.S.C. 134 note), to include
measures to ensure that Somali civilians, including
those without reliable access to the internet, and
ereducible local or international nongovernmental organ-
zations, can report civilian harm, including death,
injury, or damage to civilian infrastructure, resulting
from United States operations and partner oper-
ations.

(4) Measures to ensure that ex gratia payments
and other assistance are made available as appro-
priate in accordance with section 1213 of the Na-
tional Defense Authorization Act for Fiscal Year
2020 (Public Law 116–92).

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after
the date of the enactment of this Act, the Secretary
of Defense, in coordination with the Secretary of
State, shall submit to the appropriate congressional
committees a report on the measures that have been
taken to implement the program required by sub-
section (a).

(2) FORM.—The report required by this sub-
section shall be submitted in unclassified form, but
may include a classified annex.

(d) DEFINITIONS.—In this section:
(1) Appropriate congressional committees.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(2) Operational support.—The term “operational support” means training, advising, commanding, coordinating, participating in the movement of, or accompanying Somali Army or AMISOM forces, providing such forces with medevac or other medical aid, aerial refueling, intelligence, surveillance, or reconnaissance, or close air support for operations.

SEC. 1287. SENSE OF CONGRESS REGARDING JAPAN AND SMA REPORT DRAFT.

(a) Sense of Congress.—It is the Sense of Congress that—

(1) the United States greatly values its alliance with the Government of Japan, based on shared values of democracy, the rule of law, a rules-based international order, and respect for human rights;
(2) the United States-Japan alliance has been the cornerstone of peace, stability, and security in the Indo-Pacific for more than seven decades;

(3) the United States and Japan are indispensable partners in addressing global challenges, including combating the proliferation of weapons of mass destruction, preventing piracy, assisting the victims of conflict and disaster worldwide, safeguarding maritime security, and ensuring freedom of navigation, commerce, and overflight in the Indo-Pacific region;

(4) the Democratic People’s Republic of Korea’s (DPRK) nuclear, chemical, and biological weapons programs and ballistic missile programs pose a critical threat to the stability of the Indo-Pacific region and to the security of Japan;

(5) the People’s Republic of China’s use of military forces to challenge territory under Japan’s administrative control violate international norms and thereby threaten regional stability.

(6) the United States reaffirms its commitment to Article V of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, which applies to the Japanese-administered Senkaku Islands;
(7) United States forces forward-deployed in Japan, consisting of 54,000 United States forces, United States Seventh Fleet, the only forward-deployed United States aircraft carrier, and the United States Marine Corps’ III Marine Expeditionary Force, are essential to sustaining United States national security and regional peace and stability;

(8) the United States and Japan should continue to deepen defense cooperation to enhance collective defense and regional security;

(9) Japan makes significant contributions to regional and global security, including contributions to regional Ballistic Missile Defense, conducting bilateral presence operations and mutual asset protection missions with United States forces, serving as a capacity building contributor to United Nations peacekeeping operations, and providing critical support to United Nations Security Council Resolution enforcement operations against the DPRK’s illicit weapons programs;

(10) the United States recognizes the substantial financial commitments of Japan to the maintenance of United States forces in Japan, including contributions of approximately $2,000,000,000 annually under the Special Measures Agreement,
$187,000,000 annually under the Japan Facilities Improvement Program, $12,100,000,000 for the Futenma Replacement Facility, and $4,800,000,000 for Marine Corps Air Station Iwakuni, that directly support operational readiness of United States forces in Japan and make Japan among the most significant burden-sharing partners of the United States; and

(11) it is in the national security interest of the United States that the United States and Japan conclude a new Special Measures Agreement, negotiated based on the principles of mutual respect, equity, and our shared national security interests, prior to the expiration of the current agreement.

(b) Report.—

(1) In general.—Not later than January 1, 2021, the Secretary of Defense, in consultation with the Secretary of State, shall provide a report on the costs most directly associated with the stationing of United States forces in Japan to the congressional defense committees, the House Committee on Foreign Affairs, and the Senate Committee on Foreign Relations. At a minimum, the report shall include—

(A) a description of each category of costs, including labor, utilities, training relocation,
and any other categories the Secretary determines to be appropriate, that are most directly associated with the stationing of United States forces in Japan;

(B) a detailed description of which costs most directly associated with the stationing of United States forces in Japan are incurred in Japan and which such costs are incurred outside of Japan;

(C) a detailed summary of contributions made by the Government of Japan that allay the costs to United States of stationing United States forces in Japan;

(D) the benefits to United States national security and regional security derived from the forward presence of United States Armed Forces in Japan;

(E) the impact to the national security of the United States, the security of Japan, and peace and stability in the Indo-Pacific region if a new Special Measures Agreement is not reached before March 31, 2021; and

(F) any other matters the Secretary deems appropriate to include.
(2) **Form.**—The report shall be unclassified without any designation relating to dissemination control, but may include a classified annex.

**SEC. 1288. SENSE OF CONGRESS RELATING TO GRAND ETHIOPIAN RENAISSANCE DAM.**

It is the sense of Congress that it is in the best interests of the stability of the region for Egypt, Ethiopia, and Sudan to immediately reach a just and equitable agreement regarding the filling and operation of the Grand Ethiopian Renaissance Dam.

**SEC. 1289. REPORT ON ALL COMPREHENSIVE SANCTIONS IMPOSED ON FOREIGN GOVERNMENTS.**

(a) **In General.**—Not later than 180 days after the date of the enactment of this Act, the President, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the Administrator of the United States Agency for International Development, the United States Ambassador to the United Nations, and relevant nongovernmental organizations, shall submit to the appropriate congressional committees a report on all comprehensive sanctions imposed on governments of foreign countries under any provision of law.

(b) **Matters To Be Included.**—The report required by subsection (a) shall include—
(1) an assessment of the effect of sanctions imposed on the government of each foreign country described in subsection (a) on—

(A) the ability of civilian population of the country to access water, sanitation, and public health services;

(B) the changes to the general mortality rate, maternal mortality rate, life expectancy, and literacy;

(C) the environmental impacts experienced by the country that may be associated with the sanctions, to include fossil fuel usage;

(D) the delivery of economic aid and development projects in the country;

(E) the extent to which there is an increase in refugees or migration to or from the country or an increase in internally displaced people in the country;

(F) the economic, political, and military impacts on the country;

(G) the reactions of the country to the imposed sanctions, including policy changes and internal sentiment;

(H) the degree of international compliance and non-compliance of the country; and
(I) the licensing of transactions to allow
access to essential goods and services to vulner-
able populations, including women, children, el-
derly individuals, and individuals with disabil-
ities; and

(2) a description of the purpose of sanctions
imposed on the government of each foreign country
described in subsection (a) and the required legal or
political authority, including—

(A) an assessment of United States na-
tional security;

(B) an assessment of whether the stated
foreign policy goals of the sanctions are being
met;

(C) the degree of international support or
opposition that can be anticipated;

(D) an assessment of such sanctions on
United States businesses and consumers;

(E) criteria for lifting the sanctions; and

(F) prospects for commitment to enforcing
the sanctions.

(c) UPDATES OF REPORT.—The President shall sub-
mit to Congress an updated report under subsection (a)—
(1) not later than 1 year after the date of the enactment of this Act, and annually thereafter for 10 years; and

(2) with respect to a new comprehensive sanction imposed on a government of a foreign country under any provision of law, not later than 180 days after the date on which the sanctions are imposed on the government.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex. The unclassified portion of the report shall be published on a publicly-available website of the Government of the United States.

(e) REVIEW BY CONGRESS.—Upon receipt of the report required by subsection (a), Congress shall examine the report with a focus on the humanitarian impacts of comprehensive sanctions described in the report, including with respect to human rights, medical services, food and malnutrition and access to water, sanitation, and hygiene services.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—
(A) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Finance of the Senate.

(2) COMPREHENSIVE SANCTION.—The term “comprehensive sanctions” means any prohibition on significant commercial and financial activity with a foreign government that is imposed by the United States for reasons of foreign policy or national security.

SEC. 1290. LIMITATION ON ASSISTANCE TO BRAZIL.

No Federal funds may be obligated or expended to provide any United States security assistance or security cooperation to the defense, security, or police forces of the Government of Brazil to involuntarily relocate, including through coercion or the use of force, the indigenous or Quilombola communities in Brazil.

SEC. 1291. UNITED STATES AGENCY FOR GLOBAL MEDIA.

(a) SHORT TITLE.—This section may be cited as the “U.S. Agency for Global Media Reform Act”.

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(b) Sense of Congress.—It is the sense of Congress that the Office of Cuba Broadcasting should—

(1) remain an independent entity of the United States Agency for Global Media; and

(2) continue taking steps to ensure that the Office is fulfilling its core mission of promoting freedom and democracy by providing the people of Cuba with objective news and information programming.

(e) Authorities of the Chief Executive Officer; Limitation on Corporate Leadership of Grantees.—Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204) is amended—

(1) in subsection (a)—

(A) in paragraph (20), by inserting “in accordance with subsection (c)” before the period at the end;

(B) in paragraph (21)—

(i) by striking “including with Federal officials,”; and

(ii) by inserting “in accordance with subsection (c)” before the period at the end;

(C) by adding at the end the following new paragraph:
“(23) To—

“(A) require semi-annual content reviews of each language service of each surrogate network, consisting of a review of at least 10 percent of available weekly content, by fluent language speakers and experts without direct affiliation to the language service being reviewed, who are seeking any evidence of inappropriate or unprofessional content, which shall be submitted to the Office of Policy Research, the head and Board of the respective surrogate service, and the Chief Executive Officer; and

“(B) submit to the appropriate congressional committees a list of anomalous reports, including status updates on anomalous services during the 3-year period commencing on the date of receipt of the first report of biased, unprofessional, or otherwise problematic content.”;

(2) by adding at the end the following new subsection:

“(c) LIMITATION ON CORPORATE LEADERSHIP OF GRANTEES.—

“(1) IN GENERAL.—The Chief Executive Officer may not award any grant under subsection (a) to RFE/RL, Inc., Radio Free Asia, the Middle East
Broadcasting Networks, the Open Technology Fund, or any other grantee authorized under this title (collectively referred to as ‘Agency Grantee Networks’) unless the incorporation documents of any such grantee require that the corporate leadership and Board of Directors of such grantee be selected in accordance with this Act.

“(2) CONFLICTS OF INTEREST.—

“(A) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer may not serve on any of the corporate boards of any grantee under subsection (a).

“(B) FEDERAL EMPLOYEES.—A full-time employee of a Federal agency may not serve on a corporate board of any grantee under subsection (a).

“(3) QUALIFICATIONS OF GRANTEE BOARD MEMBERS.—Individuals appointed under subsection (a) to the Board of Directors of any of the Agency Grantee Networks shall have requisite expertise in journalism, technology, broadcasting, or diplomacy, or appropriate language or cultural understanding relevant to the grantee’s mission.”.
(d) INTERNATIONAL BROADCASTING ADVISORY 
BOARD.—Section 306 of the United States International 
Broadcasting Act of 1994 (22 U.S.C. 6205) is amended— 
(1) by striking subsections (a) through (c) and 
inserting the following:

“(a) IN GENERAL.—The International Broadcasting 
Advisory Board (referred to in this section as the ‘Advi-
sory Board’) shall advise the Chief Executive Officer of 
the United States Agency for Global Media, as appro-
priate. The Advisory Board as established shall exist with-
in the executive branch as an entity described in section 
104 of title 5, United States Code.

“(b) COMPOSITION OF THE ADVISORY BOARD.—
“(1) IN GENERAL.—The Advisory Board shall 
consist of seven members, of whom—

“(A) six shall be appointed by the Presi-
dent, by and with the advice and consent of the 
Senate, in accordance with subsection (c); and 

“(B) one shall be the Secretary of State.

“(2) CHAIR.—The President shall designate, 
with the advice and consent of the Senate, one of the 
members appointed under paragraph (1)(A) as 
Chair of the Advisory Board.

“(3) PARTY LIMITATION.—Not more than three 
members of the Advisory Board appointed under
paragraph (1)(A) may be affiliated with the same political party.

“(4) TERMS OF OFFICE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Advisory Board shall serve for a single term of 4 years, except that, of the first group of members appointed under paragraph (1)(A)—

“(i) two members who are not affiliated with the same political party, shall be appointed for terms ending on the date that is 2 years after the date of the enactment of the U.S. Agency for Global Media Reform Act;

“(ii) two members who are not affiliated with the same political party, shall be appointed for terms ending on the date that is 4 years after the date of the enactment of the U.S. Agency for Global Media Reform Act; and

“(iii) two members who are not affiliated with the same political party, shall be appointed for terms ending on the date that is 6 years after the date of the enact-
ment of the U.S. Agency for Global Media Reform Act.

“(B) SECRETARY OF STATE.—The Secretary of State shall serve as a member of the Advisory Board for the duration of his or her tenure as Secretary of State.

“(5) VACANCIES.—

“(A) IN GENERAL.—The President shall appoint, with the advice and consent of the Senate, additional members to fill vacancies on the Advisory Board occurring before the expiration of a term.

“(B) TERM.—Any members appointed pursuant to subparagraph (A) shall serve for the remainder of such term.

“(C) SERVICE BEYOND TERM.—Any member whose term has expired shall continue to serve as a member of the Advisory Board until a qualified successor has been appointed and confirmed by the Senate.

“(D) SECRETARY OF STATE.—When there is a vacancy in the office of Secretary of State, the Acting Secretary of State shall serve as a member of the Advisory Board until a new Secretary of State is appointed.”
(2) by redesignating subsection (d) as subsection (c);
(3) by amending subsection (c), as redesignated—
   (A) in the subsection heading, by inserting “ADVISORY” before “BOARD”; and
   (B) in paragraph (2), by inserting “who are” before “distinguished”; and
(4) by striking subsections (e) and (f) and inserting the following new subsections:
  “(d) FUNCTIONS OF THE ADVISORY BOARD.—The members of the Advisory Board shall—
  “(1) provide the Chief Executive Officer of the United States Agency for Global Media with advice and recommendations for improving the effectiveness and efficiency of the Agency and its programming;
  “(2) meet with the Chief Executive Officer at least four times annually, including twice in person as practicable, and at additional meetings at the request of the Chief Executive Officer or the Chair of the Advisory Board;
  “(3) report periodically, or upon request, to the congressional committees specified in subsection (c)(2) regarding its advice and recommendations for improving the effectiveness and efficiency of the
United States Agency for Global Media and its pro-
gramming;

“(4) obtain information from the Chief Execu-
tive Officer, as needed, for the purposes of fulfilling
the functions described in this subsection;

“(5) consult with the Chief Executive Officer
regarding budget submissions and strategic plans
before they are submitted to the Office of Manage-
ment and Budget or to Congress;

“(6) advise the Chief Executive Officer to en-
sure that—

“(A) the Chief Executive Officer fully re-
spects the professional integrity and editorial
independence of United States Agency for Glob-
al Media broadcasters, networks, and grantees;
and

“(B) agency networks, broadcasters, and
grantees adhere to the highest professional
standards and ethics of journalism, including
taking necessary actions to uphold professional
standards to produce consistently reliable and
authoritative, accurate, objective, and com-
prehensive news and information; and

“(7) provide other strategic input to the Chief
Executive Officer.
“(e) Appointment of Heads of Networks.—

“(1) In General.—The heads of Voice of America, the Office of Cuba Broadcasting, RFE/RL, Inc., Radio Free Asia, the Middle East Broadcasting Networks, the Open Technology Fund, or of any other grantee authorized under this title may only be appointed or removed if such action has been approved by a majority vote of the Advisory Board.

“(2) Removal.—After consulting with the Chief Executive Officer, five or more members of the Advisory Board may unilaterally remove any such head of network or grantee network described in paragraph (1).

“(3) Quorum.—

“(A) In General.—A quorum shall consist of four members of the Advisory Board (excluding the Secretary of State).

“(B) Decisions.—Except as provided in paragraph (2), decisions of the Advisory Board shall be made by majority vote, a quorum being present.

“(C) Closed Sessions.—The Advisory Board may meet in closed sessions in accordance with section 552b of title 5, United States Code.
“(f) Compensation.—

“(1) In general.—Members of the Advisory Board, while attending meetings of the Advisory Board or while engaged in duties relating to such meetings or in other activities of the Advisory Board under this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(2) Travel expenses.—While away from their homes or regular places of business, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons in the Government service employed intermittently.

“(3) Secretary of State.—The Secretary of State is not entitled to any compensation under this title, but may be allowed travel expenses in accordance with paragraph (2).

“(g) Support Staff.—The Chief Executive Officer shall, from within existing United States Agency for Global Media personnel, provide the Advisory Board with an Executive Secretary and such administrative staff and
support as may be necessary to enable the Advisory Board to carry out subsections (d) and (e).”.

(e) CONFORMING AMENDMENTS.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended—

(1) in section 304—

(A) in the section heading, by striking “BROADCASTING BOARD OF GOVERNORS” and inserting “UNITED STATES AGENCY FOR GLOBAL MEDIA”;

(B) in subsection (a), by striking “Broadcasting Board of Governors” and inserting “United States Agency for Global Media”;

(C) in subsection (b)(1), by striking “Broadcasting Board of Governors” and inserting “United States Agency for Global Media”;

and

(D) in subsection (c), by striking “Board” each place such term appears and inserting “Agency”;

(2) in section 305—

(A) in subsection (a)—

(i) in paragraph (6), by striking “Board” and inserting “Agency”;
(ii) in paragraph (13), by striking “Board” and inserting “Agency”; 

(iii) in paragraph (20), by striking “Board” and inserting “Agency”; and 

(iv) in paragraph (22), by striking “Board” and inserting “Agency”; 

(B) in subsection (b), by striking “Board” each place such term appears and inserting “Agency”; 

(3) in section 308— 

(A) in subsection (a), in the matter preceding paragraph (1), by striking “Board” and inserting “Agency”; 

(B) in subsection (b), by striking “Board” each place such term appears and inserting “Agency”; 

(C) in subsection (d), by striking “Board” and inserting “Agency”; 

(D) in subsection (g), by striking “Board” each place such term appears and inserting “Agency”; 

(E) in subsection (h)(5), by striking “Board” and inserting “Agency”; and 

(F) in subsection (i), in the first sentence, by striking “Board” and inserting “Agency”;
(4) in section 309—

(A) in subsection (e)(1), by striking “Board” each place such term appears and inserting “Agency”;

(B) in subsection (e), in the matter preceding paragraph (1), by striking “Board” and inserting “Agency”;

(C) in subsection (f), by striking “Board” each place such term appears and inserting “Agency”; and

(D) in subsection (g), by striking “Board” and inserting “Agency”;

(5) in section 310(d), by striking “Board” and inserting “Agency”;

(6) in section 310A(a), by striking “Broadcasting Board of Governors” and inserting “United States Agency for Global Media”; 

(7) in section 310B, by striking “Board” and inserting “Agency”;

(8) by striking section 312;

(9) in section 313(a), in the matter preceding paragraph (1), by striking “Board” and inserting “Agency”;

(10) in section 314—
(A) by striking “(4) the terms ‘Board and Chief Executive Officer of the Board’ means the Broadcasting Board of Governors” and inserting the following:

“(2) the terms ‘Agency’ and ‘Chief Executive Officer of the Agency’ mean the United States Agency for Global Media and the Chief Executive Officer of the United States Agency for Global Media, respectively,”; and

(B) in paragraph (3)—

(i) by striking “includes—” and inserting “means the corporation having the corporate title described in section 308”; and

(ii) by striking subparagraphs (A) and (B); and

(11) in section 316—

(A) in subsection (a)(1), by striking “Broadcasting Board of Governors” and inserting “United States Agency for Global Media”; and

(B) in subsection (c), by striking “Broadcasting Board of Governors” and inserting “United States Agency for Global Media”.

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(f) RULEMAKING.—Notwithstanding any other provision of law, the United States Agency for Global Media may not revise part 531 of title 22, Code of Federal Regulations, which took effect on June 11, 2020, without explicit authorization by an Act of Congress.

(g) SAVINGS PROVISIONS.—Section 310 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6209) is amended by adding at the end the following new subsections:

“(f) MAINTENANCE OF PROPRIETARY INFORMATION.—No consolidation of grantees authorized under subsection (a) involving any grantee shall result in any legal transfer of ownership of any proprietary information or intellectual property to the United State Agency for Global Media or any other Federal entity.

“(g) RULE OF CONSTRUCTION.—No consolidation of grantees authorized under subsection (a) shall result in the consolidation of the Open Technology Fund or any successor entity with any other grantee.”.

(h) RULE OF CONSTRUCTION.—Nothing in the United States International Broadcasting Act of 1994 or any other provision of law may be construed to make the Open Technology Fund an entity authorized under such Act until the effective date of legislation authorizing the establishment of the Open Technology Fund.
SEC. 1292. DETERMINATION AND IMPOSITION OF SANCTIONS WITH RESPECT TO TURKEY'S ACQUISITION OF THE S–400 AIR AND MISSILE DEFENSE SYSTEM.

(a) FINDINGS AND SENSE OF CONGRESS.—

(1) FINDINGS.—Congress makes the following findings:

(A) The Government of Turkey acquired the S–400 air and missile defense system from the Russian Federation beginning on July 12, 2019.

(B) Such acquisition was facilitated by Turkey’s Presidency of Defense Industries (SSB).

(2) SENSE OF CONGRESS.—It is the sense of Congress that it is in the national security interest of the United States—

(A) to deter aggression against North Atlantic Treaty Organization (NATO) allies by the Russian Federation or any other adversary;

(B) to continue to work with NATO allies to ensure they meet their alliance defense commitments, including through adequate and efficient investments in national defense;

(C) to work to maintain and strengthen the democratic institutions and practices of all
NATO allies, in accordance with the goals of Article 2 of the North Atlantic Treaty;

(D) to ensure that Turkey remains a critical NATO ally and important military partner for the United States, contributing to key NATO and United States missions and providing support for United States military operations and logistics needs;

(E) to assist NATO allies in acquiring and deploying modern, NATO-interoperable military equipment and reducing their dependence on Russian or former Soviet-era defense articles;

(F) to promote opportunities to strengthen the capacity of NATO member states to counter Russian malign influence; and

(G) to enforce fully the Countering America’s Adversaries Through Sanctions Act (Public Law 115–44; 22 U.S.C. 9401 et seq.), including by imposing sanctions with respect to any person that the President determines knowingly engaged in a significant transaction with a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, as described in section 231 of that Act.
(b) **Determination.**—The acquisition by the Government of Turkey of the S–400 air and missile defense system from the Russian Federation beginning on July 12, 2019, shall constitute a significant transaction as described in section 231 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9525).

(e) **Sanctions.**—Not later than 30 days after the date of the enactment of this Act, the President shall impose five or more of the sanctions described in section 235 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9529) with respect to the Government of Turkey’s acquisition of the S–400 air and missile defense system from the Russian Federation.

(d) **Exception relating to importation of goods.**—

(1) **In general.**—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions 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 man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.
(c) TERMINATION.—The President may terminate the imposition of sanctions required under this section with respect to a person if the President submits to the appropriate congressional committees a certification that—

(1) the Government of Turkey and any person acting on its behalf no longer possesses the S–400 air and missile defense system and no such system or successor system is operated or maintained by Russian nationals, or persons acting on behalf of the Government of the Russian Federation, in Turkey; and

(2) the President has received reliable assurances from the Government of Turkey that the Government of Turkey will not knowingly engage, or allow any foreign person to engage on its behalf, in any activity subject to sanctions under section 231 of the Countering America’s Adversaries Through Sanctions Act in the future.
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.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a 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, in both Egypt and in the United States.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A detailed description of such incidents in the past three years.

(2) A certification of whether such incidents constitute a “pattern of acts of intimidation or harassment” for purposes of a Presidential determination in accordance with section 6 of the Arms Export Control Act (22 U.S.C. 2756).

(3) A statement of the Secretary of State’s intent with regard to cancelling or suspending any let-
ters of offer, credits, guarantees, or export licenses accorded to the Government of Egypt in accordance with the provisions of section 6 of such Act.

(4) Any other actions taken to meaningfully deter incidents of intimidation or harassment against Americans and their families by such government’s security agencies.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but the portions of the report described in paragraphs (2), (3), and (4) of subsection (b) may contain a classified annex, so long as such annex is provided separately from the unclassified report.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 1294. ESTABLISHMENT OF THE OPEN TECHNOLOGY FUND.

(a) SENSE OF CONGRESS.—It is the sense of Congress that it is in the interest of the United States to pro-
mote global internet freedom by countering internet cen-
sorship and repressive surveillance and protect the inter-
net as a platform for the free exchange of ideas, promotion
of human rights and democracy, and advancement of a
free press and to support efforts that prevent the delib-
erate misuse of the internet to repress individuals from
exercising their rights to free speech and association, in-
cluding countering the use of such technologies by authori-
tarian regimes.

(b) E STABLISHMENT.—The United States Inter-
national Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 309 the fol-
lowing new section:

“SEC. 309A. OPEN TECHNOLOGY FUND.

“(a) AUTHORITY.—

“(1) IN GENERAL.—Grants authorized under
section 305 shall be available to make annual grants
for the purpose of promoting, consistent with United
States law, unrestricted access to uncensored
sources of information via the internet to enable
journalists, including journalists employed by or af-
iliated with the Voice of America, Radio Free Eu-
rope/Radio Liberty, Radio Free Asia, the Middle
East Broadcasting Networks, the Office of Cuba
Broadcasting, or any entity funded by or partnering
with the United States Agency for Global Media, to
create and disseminate, and for their audiences to
receive, news and information consistent with the
purposes, standards, and principles specified in sec-
tions 302 and 303.

“(2) ESTABLISHMENT.—There is established a
grantee entity to be known as the ‘Open Technology
Fund’, which shall carry out the provisions of this
section.

“(b) FUNCTIONS OF THE GRANTEE.—In furtherance
of the mission set forth in subsection (a), the Open Tech-
nology Fund shall seek to advance freedom of the press
and unrestricted access to the internet in repressive envi-
ronments oversees, and shall—

“(1) research, develop, implement, and main-
tain—

“(A) technologies that circumvent tech-
niques used by authoritarian governments,
nonstate actors, and others to block or censor
access to the internet, including circumvention
tools that bypass internet blocking, filtering,
and other censorship techniques used to limit or
block legitimate access to content and informa-
tion; and
“(B) secure communication tools and other forms of privacy and security technology that facilitate the creation and distribution of news and enable audiences to access media content on censored websites;

“(2) advance internet freedom by supporting private and public sector research, development, implementation, and maintenance of technologies that provide secure and uncensored access to the internet to counter attempts by authoritarian governments, nonstate actors, and others to improperly restrict freedom online;

“(3) research and analyze emerging technical threats and develop innovative solutions through collaboration with the private and public sectors to maintain the technological advantage of the United States Government over authoritarian governments, nonstate actors, and others;

“(4) develop, acquire, and distribute requisite internet freedom technologies and techniques for the United States Agency for Global Media, including as set forth in paragraph (1), and digital security interventions, to fully enable the creation and distribution of digital content between and to all users and regional audiences;
“(5) prioritize programs for countries the governments of which restrict freedom of expression on the internet, and that are important to the national interest of the United States, and are consistent with section 7050(b)(2)(C) of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94); and

“(6) carry out any other effort consistent with the purposes of this Act or press freedom overseas if requested or approved by the United States Agency for Global Media.

“(c) METHODOLOGY.—In carrying out subsection (b), the Open Technology Fund shall—

“(1) support fully open-source tools, code, and components, to the extent practicable, to ensure such supported tools and technologies are as secure, transparent, and accessible as possible, and require that any such tools, components, code, or technology supported by the Open Technology Fund remain fully open-source, to the extent practicable;

“(2) support technologies that undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner detrimental to the interest of the United States or to individuals and organizations
benefitting from programs supported by the Open Technology Fund;

“(3) review and update periodically as necessary security auditing procedures used by the Open Technology Fund to reflect current industry security standards;

“(4) establish safeguards to mitigate the use of such supported technologies for illicit purposes;

“(5) solicit project proposals through an open, transparent, and competitive application process to attract innovative applications and reduce barriers to entry;

“(6) seek input from technical, regional, and subject matter experts from a wide range of relevant disciplines, to review, provide feedback, and evaluate proposals to ensure the most competitive projects are funded;

“(7) implement an independent review process, through which proposals are reviewed by such experts to ensure the highest degree of technical review and due diligence;

“(8) maximize cooperation with the public and private sectors, as well as foreign allies and partner countries, to maximize efficiencies and eliminate duplication of efforts; and
“(9) utilize any other methodology approved by the United States Agency for Global Media in furtherance of the mission of the Open Technology Fund.

“(d) GRANT AGREEMENT.—Any grant agreement with or grants made to the Open Technology Fund under this section shall be subject to the following limitations and restrictions:

“(1) The headquarters of the Open Technology Fund and its senior administrative and managerial staff shall be located in a location which ensures economy, operational effectiveness, and accountability to the United States Agency for Global Media.

“(2) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

“(3) Any grant agreement under this section shall require that any contract entered into by the Open Technology Fund shall specify that all obliga-
tions are assumed by the grantee and not by the United States Government.

“(4) Any grant agreement under this section shall require that any lease agreements entered into by the Open Technology Fund shall be, to the maximum extent possible, assignable to the United States Government.

“(5) Administrative and managerial costs for operation of the Open Technology Fund should be kept to a minimum and, to the maximum extent feasible, should not exceed the costs that would have been incurred if the Open Technology Fund had been operated as a Federal entity rather than as a grantee.

“(6) Grant funds may not be used for any activity the purpose of which is influencing the passage or defeat of legislation considered by Congress.

“(e) RELATIONSHIP TO THE UNITED STATES AGENCY FOR GLOBAL MEDIA.—

“(1) In general.—The Open Technology Fund shall be subject to the same oversight and governance by the United States Agency for Global Media as other grantees of the Agency as set forth in section 305.
“(2) ASSISTANCE.—The United States Agency for Global Media, its broadcast entities, and the Open Technology Fund should render assistance to each other as may be necessary to carry out the purposes of this section or any other provision of this Act.

“(3) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this section may be construed to make the Open Technology Fund a Federal agency or instrumentality.

“(4) DETAILLEEES.—Under the Intergovernmental Personnel Act, employees of a grantee of the United States Agency for Global Media may be detailed to the Agency, and Federal employees may be detailed to a grantee of the United States Agency for Global Media.

“(f) RELATIONSHIP TO OTHER UNITED STATES GOVERNMENT-FUNDED INTERNET FREEDOM PROGRAMS.—The United States Agency for Global Media shall ensure that internet freedom research and development projects of the Open Technology Fund are coordinated with internet freedom programs of the Department of State and other relevant United States Government departments, in order to share information and best-prac-
ties relating to the implementation of subsections (b) and (c).

“(g) REPORTING REQUIREMENTS.—

“(1) ANNUAL REPORT.—The Open Technology Fund shall highlight, in its annual report, internet freedom activities, including a comprehensive assessment of the Open Technology Fund’s activities relating to the implementation of subsections (b) and (c). Each such report shall include the following:

“(A) An assessment of the current state of global internet freedom, including trends in censorship and surveillance technologies and internet shutdowns, and the threats such pose to journalists, citizens, and human rights and civil-society organizations.

“(B) A description of the technology projects supported by the Open Technology Fund and the associated impact of such projects in the prior year, including the countries and regions in which such technologies were deployed, and any associated metrics indicating audience usage of such technologies, as well as future-year technology project initiatives.
“(2) ASSESSMENT OF THE EFFECTIVENESS OF
THE OPEN TECHNOLOGY FUND.—Not later than 2
years after the date of the enactment of this section,
the Inspector General of the Department of State
and the Foreign Service shall submit to the appro-
priate congressional committees a report on the fol-
lowing:

“(A) Whether the Open Technology Fund
is technically sound and cost effective.

“(B) Whether the Open Technology Fund
is satisfying the requirements of this section.

“(C) The extent to which the interests of
the United States are being served by maintain-
ing the work of the Open Technology Fund.

“(h) AUDIT AUTHORITIES.—

“(1) IN GENERAL.—Financial transactions of
the Open Technology Fund, as such relate to func-
tions carried out under this section, may be audited
by the Government Accountability Office in accord-
ance with such principles and procedures and under
such rules and regulations as may be prescribed by
the Comptroller General of the United States. Any
such audit shall be conducted at the place or places
at which accounts of the Open Technology Fund are
normally kept.
“(2) Access by GAO.—The Government Accountability Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Open Technology Fund pertaining to financial transactions as may be necessary to facilitate an audit. The Government Accountability Office shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Open Technology Fund shall remain in the possession and custody of the Open Technology Fund.

“(3) Exercise of Authorities.—Notwithstanding any other provision of law, the Inspector General of the Department of State and the Foreign Service is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to the Open Technology Fund.”.

(e) Conforming Amendments.—The United States International Broadcasting Act of 1994 is amended—

(1) in section 304(d) (22 U.S.C. 6203(d)), by inserting “the Open Technology Fund,” before “the Middle East Broadcasting Networks”;
(2) in sections 305 and 310 (22 U.S.C. 6204 and 6209), by inserting “the Open Technology Fund,” before “or the Middle East Broadcasting Networks” each place such term appears; and

(3) in section 310 (22 U.S.C. 6209), by inserting “the Open Technology Fund,” before “and the Middle East Broadcasting Networks” each place such term appears.

(d) Authorization of Appropriations.—There is authorized to be appropriated for the Open Technology Fund $25,000,000 for fiscal year 2022 to carry out section 309A of the United States International Broadcasting Act of 1994, as added by subsection (b) of this section.

(e) Effective Date.—Section 309A of the United States International Broadcasting Act of 1994 (as added by subsection (b) of this section) and subsections (c) and (d) of this section shall take effect and apply beginning on July 1, 2021.

SEC. 1295. SENSE OF CONGRESS ON PAYMENT OF AMOUNTS OWED BY KUWAIT TO UNITED STATES MEDICAL INSTITUTIONS.

(a) Findings.—Congress finds that—

(1) at least 45 medical institutions in the United States have provided medical services to citizens of Kuwait; and
(2) despite providing care for their citizens, Kuwait has not paid amounts owed to such United States medical institutions for such services in over 2 years.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Kuwait is an important partner of the United States in the Middle East and both countries should find ways to address irritants in the bilateral relationship;

(2) the United States should seek a resolution with Kuwait regarding the outstanding amounts Kuwait owes to United States medical institutions for medical services provided to citizens of Kuwait, especially during the Coronavirus Disease 2019 ("COVID–19") pandemic; and

(3) Kuwait should immediately pay such outstanding amounts owed to such United States medical institutions.

SEC. 1296. PROTECTION AND PROMOTION OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS DURING THE NOVEL CORONAVIRUS PANDEMIC.

(a) STATEMENT OF POLICY.—It is the policy of the United States to—
(1) encourage the protection and promotion of internationally recognized human rights at home and abroad at all times and especially during the novel coronavirus pandemic;

(2) support freedom of expression and freedom of the press in the United States and elsewhere, which are critical to ensuring public dissemination of, and access to, accurate information about the novel coronavirus pandemic, including information authorities need to enact science-based policies that limit the spread and impact of the virus, while protecting human rights;

(3) support multilateral efforts to address the novel coronavirus pandemic; and

(4) oppose the use of the novel coronavirus pandemic as a justification for the enactment of laws and policies that use states of emergency to violate or otherwise restrict the human rights of citizens, inconsistent with the principles of limitation and derogation, and without clear scientific or public health justifications, including the coercive, arbitrary, disproportionate, or unlawful use of surveillance technology.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the United States should lead the international community in its efforts to respond to the novel coronavirus pandemic;

(2) the United States, in implementing emergency policies at home and through its diplomacy, foreign assistance, and security cooperation, should promote the protection of internationally recognized human rights during and after the novel coronavirus pandemic;

(3) foreign assistance and security cooperation provided by the Department of State, the United States Agency for International Development (USAID), and the Department of Defense, whether implemented directly or through nongovernmental organizations or international organizations, should—

(A) support democratic institutions, civil society, free media, and other internationally recognized human rights during, and in the aftermath of, the novel coronavirus pandemic;

(B) ensure attention to countries in which the government’s response to the pandemic violated human rights and democratic norms; and

(C) incentivize foreign military and security force units to abide by their human rights
obligations, and in no way contribute to human rights violations; and

(4) in implementing emergency policies in response to the novel coronavirus pandemic—

(A) governments should fully respect and comply with internationally recognized human rights, including the rights to life, liberty, and security of the person, the freedoms of movement, religion, speech, peaceful assembly, association, freedom of expression and of the press, and the freedom from arbitrary detention, discrimination, or invasion of privacy;

(B) emergency restrictions or powers that impact internationally recognized human rights, including the rights to freedom of assembly, association, and movement should be—

(i) grounded in law, narrowly tailored, proportionate, and necessary to the government’s legitimate goal of ending the pandemic;

(ii) limited in duration;

(iii) clearly communicated to the population;

(iv) subject to independent government oversight; and
(v) implemented in a nondiscriminatory and fully transparent manner;

(C) governments—

(i) should not place any limits or other restrictions on, or criminalize, the free flow of information; and

(ii) should make all efforts to provide and maintain open access to the internet and other communications platforms;

(D) emergency measures should not discriminate against any segment of the population, including minorities, vulnerable individuals, and marginalized groups;

(E) monitoring systems put in place to track and reduce the impact of the novel coronavirus should, at a minimum—

(i) abide by privacy best practices involving data anonymization and aggregation;

(ii) be administered in an open and transparent manner;

(iii) be scientifically justified and necessary to limit the spread of disease;
(iv) be employed for a limited duration of time in correspondence with the system’s public health objective;

(v) be subject to independent oversight;

(vi) incorporate reasonable data security measures; and

(vii) be firewalled from other commercial and governmental uses, such as law enforcement and the enforcement of immigration policies; and

(F) governments should take every feasible measure to protect the administration of free and fair elections.

(c) REPORT ON COUNTERING DISINFORMATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the heads of other relevant Federal departments and agencies, shall submit to the appropriate congressional committees a report on all actions taken by the United States Government to counter disinfection and disseminate accurate information abroad related to the novel coronavirus pandemic.

(d) REPORT ON HUMAN RIGHTS.—Not later than 90 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—
(i) the government’s efforts and ability to control the pandemic within the country;

(ii) the population’s access to health care services;

(iii) the population’s access to services for survivors of violence and abuse;

(iv) women and ethnic, religious, sexual, and other minority, vulnerable, or marginalized populations; and

(v) military-to-military activities, exercises, or joint operations, including the number and type of bilateral and multilateral military events, cancelled or adjusted, the type of joint Special Security Agreement or Security Cooperation activity, and the reason for cancellation;

(4) describes—

(A) any surveillance measures implemented or utilized by the governments of such countries as part of the novel coronavirus pandemic response;

(B) the extent to which such measures have been, or have not been, rolled back; and
(C) whether and how such measures impact internationally recognized human rights;

(5) indicates whether any foreign person or persons within a country have been determined to have committed gross violations of internationally recognized human rights during the novel coronavirus pandemic response, including a description of any resulting sanctions imposed on such persons under United States law; and

(6) provides recommendations relating to the steps the United States Government should take, through diplomacy, foreign assistance, and security cooperation, to address the persistent issues related to internationally recognized human rights in the aftermath of the novel coronavirus pandemic.

(e) CONDITIONING OF SECURITY SECTOR ASSISTANCE.—Section 502B(a)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(4)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

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

(3) by adding at the end the following:

“(C) has engaged in the systematic violation of internationally recognized human rights
through the use of emergency laws, policies, or administrative procedures.”.

(f) Department of Defense Guidance.—Not later 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance that the program of assessment, monitoring, and evaluation in support of the security cooperation programs and activities maintained by the Department of Defense in accordance with section 383 of title 10, United States Code, and intelligence collections requirements of the combatant commands shall include, for the next 5 fiscal years, indicators of whether partner security forces have taken advantage of the novel coronavirus pandemic and public health control measures to—

(1) control, limit, or profit from the distribution or supply of medical supplies, food, water, and other essential goods;

(2) undermine civilian and parliamentary control or oversight of security forces;

(3) limit ability of civilian government authorities to execute essential functions, including civilian policing, justice delivery, detentions, or other forms of essential community-level government service delivery;
(4) expand solicitation of bribes or compensation for use of or access to key transportation nodes or networks, including roadways and ports;

(5) take control of media distribution or otherwise limit the exercise of freedom of the press or distribution of radio, internet, or other broadcast media;

(6) deepen religious or ethnic favoritism in delivery of security, justice, or other essential government services; or

(7) otherwise undermine or violate internationally recognized human rights in any way determined of concern by the Secretary.

(g) COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 is amended as follows:

(1) In section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

“(h) HUMAN RIGHTS VIOLATIONS DUE TO MISUSE OF EMERGENCY POWERS AND SURVEILLANCE TECHNOLOGY.—The report required by subsection (d) shall include, wherever applicable, a description of any misuse by the government of any country of any emergency powers or measures, or any development or proliferation of any surveillance technologies, that violated or seriously under-
mined internationally recognized human rights in a manner inconsistent with the principles of limitation and derogation, including the following information:

“(1) Any failure by the government of any country to clearly articulate the purpose of emergency powers or measures, or to specify the duration of such powers or measures, or to notify the United Nations regarding the use of such powers, as required by applicable treaty.

“(2) Any failure by the government of any country to abide by the stated purposes of emergency powers or measures, or to cease the use of such powers after any specified term expires.

“(3) Any violations by the government of any country of non-derogable rights due to the implementation of emergency powers or measures.

“(4) Any discriminatory implementation by the government of any country of emergency powers or measures, the populations affected, and the impact on such populations.

“(5) Any development or proliferation of surveillance technologies, including new or emerging technologies used by the government of a country in the surveillance of civilian populations, that—
“(A) fail to abide by privacy best practices involving data anonymization and aggregation;

“(B) are not administered in an open and transparent manner;

“(C) are not subject to independent oversight; and

“(D) fail to incorporate reasonable data security measures.”.

(2) In section 502B(b) (22 U.S.C. 2304(b)), by—

(A) redesignating the second subsection (i) (relating to child marriage) as subsection (j); and

(B) adding at the end the following new subsection:

“(k) HUMAN RIGHTS VIOLATIONS DUE TO MISUSE OF EMERGENCY POWERS AND SURVEILLANCE TECHNOLOGY.—The report required by subsection (b) shall include, wherever applicable, a description of any misuse by the government of any country of any emergency powers or measures, or any development or proliferation of any surveillance technologies, that violated or seriously undermined internationally recognized human rights in a manner inconsistent with the principles of limitation and derogation, including the following information:
“(1) Any failure by the government of any country to clearly articulate the purpose of emergency powers or measures, or to specify the duration of such powers or measures, or to notify the United Nations regarding the use of such powers, as required by applicable treaty.

“(2) Any failure by the government of any country to abide by the stated purposes of emergency powers or measures, or to cease the use of such powers after any specified term expires.

“(3) Any violations by the government of any country of non-derogable rights due to the implementation of emergency powers or measures.

“(4) Any discriminatory implementation by the government of any country of emergency powers or measures, the populations affected, and the impact on such populations.

“(5) Any development or proliferation of surveillance technologies, including new or emerging technologies used by the government of a country in the surveillance of civilian populations, that—

“(A) fail to abide by privacy best practices involving data anonymization and aggregation;

“(B) are not administered in an open and transparent manner;
“(C) are not subject to independent over-
sight; and

“(D) fail to incorporate reasonable data se-
curity measures.”.

(h) DEFINITION.—In this section, the term “appro-
priate congressional committees” means—

(1) the Committee on Foreign Affairs, the
Committee on Armed Services, and the Committee
on Appropriations of the House of Representatives;

and

(2) the Committee on Foreign Relations, the
Committee on Armed Services, and the Committee
on Appropriations of the Senate.

SEC. 1297. REVIEW OF DEPARTMENT OF DEFENSE COMPLI-
ANCE WITH “PRINCIPLES RELATED TO THE
PROTECTION OF MEDICAL CARE PROVIDED
BY IMPARTIAL HUMANITARIAN ORGANIZA-
TIONS DURING ARMED CONFLICTS”.

(a) STATEMENT OF CONGRESS.—Congress—

(1) affirms the importance of United States
leadership in ensuring global respect and protection
for all health care workers, vehicles and equipment,
and health care facilities, during times of armed con-

flict or other situations of violence;
(2) deeply regrets that health care workers, vehicles and equipment, health care facilities, and the sick and wounded are too often attacked, assaulted or subjected to violence in and outside of situations of armed conflict, and expresses support for health care workers around the world providing impartial care in and outside of armed conflict;

(3) affirms support for the right to freedom of assembly and rejects the targeting, harming, or endangering of health care workers, vehicles or equipment, health care facilities, or the sick and wounded during times of civil protest or unrest; and

(4) urges the United States Government to strengthen its global leadership role to protect health care in armed conflict and other situations of violence, in accordance with the Geneva Conventions of 1949 and United Nations Security Council Resolution 2286 of May 3, 2016, through—

(A) United States diplomatic channels;

(B) appropriately leveraging United States security cooperation to ensure that United States military partners protect health care; and

(C) the development of practical guidance for the United State Armed Forces on pro-
protecting health care in armed conflict and other situations of violence.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to ensure that Department of Defense orders and military guidance are consistent with international humanitarian law recognized by the United States as binding by treaty or custom; and

(2) to encourage United States military partners to integrate similar measures to protect health care into the planning and conduct of operations.

(c) REVIEW.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees the results of the review requested on October 3, 2016, by then Secretary of Defense Ashton Carter, of compliance of all relevant Department of Defense orders, rules of engagement, directives, regulations, policies, practices, and procedures, with the “Principles Related to the Protection of Medical Care Provided by Impartial Humanitarian Organizations During Armed Conflicts”.
(2) If review not completed.—If such review has not been completed, the Secretary of Defense—

(A) shall complete the review in accordance with the original request; and

(B) shall, not later than 120 days after the date of the enactment of this Act, provide the results of the review to the appropriate congressional committees.

(3) Matters to be included.—Such review shall include the following:

(A) A description of the Department of Defense orders, rules of engagement, directives, regulations, policies, practices, and procedures that were reviewed, including checkpoint practices, hospital searches, precautions concerning attacks on health care facilities that have lost legal protection, treatment of the wounded and sick, or any other guidance, and training or standard operating procedures relating to the protection of health care during armed conflict.

(B) An identification of any changes or adjustments to orders, guidance, policies, or procedures that were made as a result of such re-
view and a description of such changes or ad-
justments.

(4) DEFINITION.—In this subsection, the term
“appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and
the Committee on Armed Services of the House
of Representatives; and

(B) the Committee on Foreign Relations
and the Committee on Armed Services of the
Senate.

SEC. 1298. PROMOTING HUMAN RIGHTS IN COLOMBIA.

(a) SENSE OF CONGRESS.—It is the sense of Con-
gress that—

(1) the United States recognizes Colombia as a
key regional partner committed to promoting democ-

cracy, human rights, and security and remains com-
mitted to supporting areas of mutual interest out-
lined under Plan Colombia;

(2) no military or intelligence equipment or
supplies transferred or sold to the Government of
Colombia under United States security sector assist-
ance programs should be used for purposes of un-
lawful surveillance or intelligence gathering directed
at the civilian population, including human rights
defenders, judicial personnel, journalists or the political opposition;

(3) the United States should encourage accountability through full and transparent investigation, as appropriate, and prosecution under applicable law of individuals in Colombia responsible for conducting unlawful surveillance or intelligence gathering; and

(4) the United States, through its diplomacy, foreign assistance, and United States security sector assistance programs, should consistently and at all times promote the protection of internationally-recognized human rights in Colombia, including by incentivizing the Colombian Government, its military, police, security, and intelligence units, to abide by their human rights obligations.

(b) Report.—

(1) In general.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report that assesses allegations that United States security sector assistance provided to the Government of Colombia was used by or on be-
half of the Government of Colombia for purposes of unlawful surveillance or intelligence gathering directed at the civilian population, including human rights defenders, judicial personnel, journalists, and the political opposition.

(2) MATTERS TO BE INCLUDED.—The report required by this subsection shall include the following:

(A) A detailed summary of findings in regard to any involvement by Colombian military, police, security, or intelligence units in unlawful surveillance or intelligence gathering directed at sectors of the civilian population and non-combatants from 2002 through 2018.

(B) Any findings in regard to any unlawful surveillance or intelligence gathering alleged or reported to have been carried out by Colombian military, police, security, or intelligence units in 2019 and 2020 and an assessment of the full extent of such activities, including identification of units involved, relevant chains of command, and the nature and objectives of such surveillance or intelligence gathering.

(C) A detailed description of any use of United States security sector assistance for
such unlawful surveillance or intelligence gathering.

(D) Full information on the steps taken by the Department of State, the Department of Defense, or the Office of the Director of National Intelligence in response to any misuse or credible allegations of misuse of United States security sector assistance, including—

(i) any application of section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) or section 362 of title 10, United States Code (commonly referred to as the “Leahy Laws”);

(ii) any consideration of the implementation of mandatory “snap-back” of United States security assistance found to have been employed by the Colombian Government or any dependency thereof for such unlawful surveillance or intelligence gathering; and

(iii) a description of measures taken to ensure that such misuse does not recur in the future.

(E) Full information on the steps taken by the Colombian Government and all relevant Co-
lombian authorities in response to any misuse
or credible allegations of misuse of United
States security sector assistance, including a
description of measures taken to ensure that
such misuse of military or intelligence equip-
ment or supplies does not recur in the future.

(F) An analysis of the adequacy of Colom-
brian military and security doctrine and training
for ensuring that surveillance and intelligence
gathering operations are conducted in accord-
ance with the Government of Colombia’s inter-
national human rights obligations and any addi-
tional assistance and training that the United
States can provide to strengthen adherence by
Colombian military and security forces to inter-
national human rights obligations.

(3) FORM.—The report required by this sub-
section shall be submitted in unclassified form, but
may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMIT-
TEES.—The term “appropriate congressional com-
mittees” means—

(A) the Committee on Foreign Affairs, the
Committee on Armed Services, and the Perma-
(2) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(3) **UNITED STATES SECURITY SECTOR ASSISTANCE.**—The term “United States security sector assistance” means a program authorized under—

(A) section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) and administered by the Department of State;

(B) section 301 of title 10, United States Code, or any national defense authorization Act and administered by the Department of Defense; or

(C) any law administered by the intelligence community.

(4) **UNLAWFUL SURVEILLANCE OR INTELLIGENCE GATHERING.**—The term “unlawful surveillance or intelligence gathering” means surveillance or intelligence gathering—
(A) prohibited under applicable Colombian law or international law recognized by Colombia;

(B) undertaken without legally required judicial oversight, warrant or order; or

(C) undertaken in violation of internationally recognized human rights.

SEC. 1299. WAIVER OF PASSPORT FEES FOR CERTAIN INDIVIDUALS.

Section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214) is amended, in the third sentence, by inserting “from a family member of a member of the uniformed services proceeding abroad whose travel and transportation is provided under section 481h of title 37, United States Code;” after “funeral or memorial service for such member;”.

SEC. 1299A. REPORT ON VENEZUELA.

(a) Report Required.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees a report regarding the political, economic, health, and humanitarian crisis in Venezuela, and its implications for United States national security and regional security and stability.
(b) ELEMENTS OF REPORT.—The report required by subsection (a) shall include, at a minimum, the following:

(1) An assessment of how the multifaceted crisis in Venezuela and the resulting migration of millions of citizens from Venezuela to neighboring countries, including Brazil, Colombia, Ecuador, and Peru, affects regional security and stability.

(2) An assessment of whether, and to what degree, the situation in Venezuela has affected drug trafficking trends in the region, including by creating a more permissive environment in Venezuela for drug trafficking organizations and other criminal actors to operate.


(4) An assessment of how, and to what degree, the COVID–19 pandemic in Venezuela has affected, or is likely to affect, the health and humanitarian situation in Venezuela and regional security and stability.

(5) Any other matters the Secretary of State or Secretary of Defense determines should be included.
(c) Form.—The report required by subsection (a) shall be submitted in both classified and unclassified form.

(d) Appropriate Congressional Committees.— In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives;

(2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives;

(3) the Subcommittee on State, Foreign Operations, and Related Programs of the Committee on Appropriations of the Senate and the Subcommittee on State, Foreign Operations, and Related Programs of the Committee on Appropriations of the House of Representatives; and

(4) the Subcommittee on Defense of the Committee on Appropriations of the Senate and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 1299B. PROHIBITION ON USE OF FUNDS FOR AERIAL FUMIGATION.

None of the amounts authorized to be appropriated or otherwise made available by this Act may be made
available to directly conduct aerial fumigation in Colombia
unless there are demonstrated actions by the Government
of Colombia to adhere to national and local laws and regu-
lations.

SEC. 1299C. REPORT ON SUPPORT FOR DEMOCRATIC RE-
FORMS BY THE GOVERNMENT OF THE RE-
PUBLIC OF GEORGIA.

(a) SENSE OF CONGRESS.—It is the sense of Con-
gress that the United States should—

(1) support the Government of the Republic of
Georgia’s continued development of democratic val-
ues, path to electoral reform, commitment to com-
bating corruption, and efforts to ensure the Geor-
gian private sector upholds internationally recog-
nized standards, including welcoming and protecting
foreign direct investment; and

(2) continue to work closely with the Govern-
ment of Georgia on defense and security cooperation
to include increasing Georgia’s defense capabilities,
interoperability with partner nations, adherence to
the rules of war, and strengthening of defense insti-
tutions.

(b) REPORT REQUIRED.—Not later than 180 days
after the date of the enactment of this Act, the Secretary
of State shall submit to the appropriate congressional committees a report that contains—

(1) an analysis of whether or not the Government of Georgia is taking effective steps to strengthen democratic institutions in Georgia; and

(2) an analysis of whether or not the Government of Georgia is—

(A) effectively implementing electoral reform;

(B) respecting the independence of the judiciary, including independence from legislative or executive interference;

(C) effectively implementing the necessary policies to ensure accountability and transparency, including unfettered access to public information;

(D) protecting the rights of civil society, opposition political parties, and the independence of the media; and

(E) any other matters the Secretary determines to be appropriate.

SEC. 1299D. ASSESSMENT ON MODERNIZATION TARGETS OF THE PEOPLE’S LIBERATION ARMY.

(a) ASSESSMENT.—The Secretary of Defense, in consultation with relevant Federal departments and agencies,
shall prepare an assessment on the People’s Liberation Army of the People’s Republic of China 2035 modernization targets that includes—

(1) how such modernization could impact the effectiveness of Taiwan’s self-defense capabilities;

(2) how such modernization could impact United States interests, including those articulated in the Taiwan Relations Act (22 U.S.C 3301 et. seq.) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan; and

(3) any other matters the Secretary determines appropriate.

(b) BRIEFING.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall provide the assessment in a classified, written report to—

(1) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.
SEC. 1299E. MITIGATION AND PREVENTION OF ATROCITIES IN HIGH-RISK COUNTRIES.

(a) Statement of Policy.—It is the policy of the United States that the Department of State, in coordination with the Department of Defense and the United States Agency for International Development, should address global fragility, as required by the Global Fragility Act of 2019 and, to the extent practicable, incorporate the prevention of atrocities and mitigation of fragility into security assistance and cooperation planning and implementation for covered foreign countries.

(b) In General.—The Secretary of State, in consultation with chiefs of mission and the Administrator of the United States Agency for International Development, shall ensure that the Department of State’s Atrocity Assessment Framework is factored into the Integrated Country Strategy and the Country Development Cooperation Strategy where appropriate for covered foreign countries.

(c) Report.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of State shall submit to the appropriate congressional committees a report on its efforts to prevent atrocities in covered foreign countries.

(d) Stakeholder Consultation.—Consistent with section 504(b) of the Global Fragility Act of 2019 (22 U.S.C. 9803(b)), the Secretary of State and other rel-
event agencies may consult with credible representatives of civil society with experience in atrocities prevention and national and local governance entities, as well as relevant international development organizations with experience implementing programs in fragile and violence-affected communities, multilateral organizations and donors, and relevant private, academic, and philanthropic entities, as appropriate, in identifying covered foreign countries as defined in this section.

(e) DEFINITIONS.—In this section:

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

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(2) COVERED FOREIGN COUNTRY.—The term “covered foreign country” means a foreign country that is not listed as a priority country under the Global Fragility Initiative but remains among the top 30 most at risk countries for new onset of mass killing, according to the Department of State’s inter-
nal assessments, and in consultation with the appropriate congressional committees.

SEC. 1299F. RESUMPTION OF PEACE CORPS OPERATIONS.

Not later than 90 days after the date of enactment of this Act, the Director of the Peace Corps shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that describes the efforts of the Peace Corps to—

(1) offer a return to service to each Peace Corps volunteer and trainee whose service ended on March 15, 2020 (or earlier, in the case of volunteers who were serving China and Mongolia), due to the COVID–19 public health emergency;

(2) obtain approval from countries, as is safe and appropriate, to return volunteers and trainees to countries of service, predicated on the ability for volunteers and trainees to return safely and legally;

(3) provide adequate measures necessary for the safety and health of volunteers and trainees and develop contingency plans in the event overseas operations are disrupted by future COVID–19 outbreaks;

(4) develop and maintain a robust volunteer cohort; and
(5) identify the need for anticipated additional appropriations or new statutory authorities and changes in global conditions that would be necessary to achieve the goal of safely enrolling 7,300 Peace Corps volunteers during the 1-year period beginning on the date on which Peace Corps operations resume.

SEC. 1299G. TRANSFER OF EXCESS NAVAL VESSELS TO THE GOVERNMENT OF EGYPT.

(a) Transfers by Grant.—The President is authorized to transfer to the Government of Egypt the OLIVER HAZARD PERRY class guided missile frigates ex-USS CARR (FFG–52) and ex-USS ELROD (FFG–55) on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) upon submitting to the appropriate congressional committees a certification described in subsection (b).

(b) Certification.—A certification described in this subsection is a certification of the following:

(1) The President has received reliable assurances that the Government of Egypt and any Egyptian state-owned enterprise—

(A) are not engaged in activity subject to sanctions under the Countering America’s Adversaries Through Sanctions Act (Public Law
115–44; 22 U.S.C. 9401 et seq.), including ac-
tivity related to Russian Su–35 warplanes; and

(B) will not knowingly engage in activity
subject to sanctions under such Act in the fu-
ture.

(2) The Egyptian forces that will man the ves-
sels described in subsection (a) will be subject to the
requirements of section 620M of the Foreign Assist-
ance Act of 1961 (22 U.S.C. 2378d) and section
362 of title 10, United States Code (commonly re-
ferred to as the “Leahy laws”), and to other human
ights vetting requirements to ensure that United
States-funded assistance is not provided to Egyptian
security forces that have committed gross violations
of internationally recognized human rights.

(3) The President has received reliable assur-
ances that the vessels described in subsection (a) will
not be used in any military operation in Libya or
Libyan territorial waters, except for those operations
conducted in coordination with the United States.

(c) VIOLATIONS.—If the President determines after
the transfer of a vessel described in subsection (a) that
the conditions described in subsection (b) are no longer
being met, the President shall apply the provisions of sec-
tion 3(c) of the Arms Export Control Act (22 U.S.C.
2753(c)) with respect to Egypt to the same extent and in the same manner as if Egypt had committed a violation described in paragraph (1) of such section.

(d) Grants Not Counted in Annual Total of Transferred Excess Defense Articles.—The value of a vessel transferred to the Government of Egypt on a grant basis pursuant to authority provided under subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516(g) of such Act (22 U.S.C. 2321j(g)).

(e) Costs of Transfers.—Notwithstanding section 516(e) of such Act (22 U.S.C. 2321j(e)), any expense incurred by the United States in connection with a transfer authorized under subsection (a) shall be charged to the Government of Egypt.

(f) Repair and Refurbishment in United States Shipyards.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under subsection (a), that the Government of Egypt have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of Egypt, performed at a shipyard located in the United States, including a United States Navy shipyard.
(g) Expiration of Authority.—The authority to transfer a vessel under subsection (a) shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

(h) Report.—Not later than 30 days before the transfer of a vessel described in subsection (a), the President shall submit to the appropriate congressional committees a report on how the transfer of the vessel will help to alleviate United States mission requirements in the Mediterranean Sea, the Bab el Mandeb Strait, and the Red Sea.

(i) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 1299H. LIMITATION ON PRODUCTION OF NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS.

(a) Limitation.—The Secretary of State may not provide to the President, and the President may not submit to Congress, a Nuclear Proliferation Assessment Statement described in subsection (a) of section 123 of
the Atomic Energy Act of 1954 (42 U.S.C. 2153) with respect to a proposed cooperation agreement with any country that has not signed and implemented an Additional Protocol with the International Atomic Energy Agency, other than a country with which, as of July 1, 2020, there is in effect a civilian nuclear cooperation agreement pursuant to such section 123.

(b) WAIVER.—The limitation under subsection (a) shall be waived with respect to a particular country if—

(1) the President submits to the appropriate congressional committees a request to enter into a proposed cooperation agreement with such country that includes a report describing the manner in which such agreement would advance the national security and defense interests of the United States and not contribute to the proliferation of nuclear weapons; and

(2) there is enacted a joint resolution approving the waiver of such limitation with respect to such agreement.

(c) FORM.—The report described in subsection (b) shall be submitted in unclassified form but may include a classified annex.
(d) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(3) the Committee on Energy and Natural Resources, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

SEC. 1299I. REPORT ON MEXICAN SECURITY FORCES.

(a) Report.—Not later than 90 days after enactment of this act, the Secretary of Defense and the Secretary of State, in coordination with other appropriate officials, shall jointly submit to the appropriate congressional committees a report containing a comprehensive assessment of ongoing support and a strategy for future cooperation between the United States government and the Mexican security forces including the Mexican National Guard, federal, state, and municipal law enforcement.

(b) Matters To Be Included.—The report under subsection (a) shall include, at minimum, the following:

(1) Department of Defense and Department of State strategy and timeline for assistance to Mexi-
can security forces, including detailed areas of assistance and a plan to align the strategy with Mexican government priorities.

(2) Description of the transfer of U.S.-supported equipment from the Federal Police and armed forces to the National Guard, if any, and any resources originally provided for the Federal Police and armed forces that are now in use by the National Guard.

(3) Dollar amounts of any assistance provided or to be provided to each of the Mexican security forces, and any defense articles, training, and other services provided or to be provided to each of the Mexican security forces.

(4) Department of Defense and Department of State plans for all U.S. training for Mexican security forces, including training in human rights, proper use of force, de-escalation, investigation and evidence-gathering, community relations, and anti-corruption.

(5) An assessment of the National Guard’s adherence to human rights standards, including the adoption of measures to ensure accountability for human rights violations and the development of a human rights training curriculum.
(6) Department of Defense and Department of State plans to support external monitoring and strengthen internal control mechanisms within each of the Mexican security forces including the Mexican National Guard, federal, state, and municipal law enforcement, including the internal affairs unit.

(7) Information on Mexico’s security budget and contributions to strengthening security cooperation with the United States; and (8) Information on security assistance Mexico may be receiving from other countries.

(c) FORM.—The report required under subsection (a) may be submitted in classified form with an unclassified summary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs and the Armed Services Committee of the House of Representatives and the Committee on Foreign Relations and the Armed Services Committee of the Senate.

SEC. 1299J. MATTERS RELATING TO COOPERATIVE THREAT REDUCTION PROGRAMS AND WEAPONS OF MASS DESTRUCTION TERRORISM.

(a) STATEMENT OF POLICY.—It is the policy of the United States to ensure—
(1) to the extent practicable, the agents, precursors, and materials needed to produce weapons of mass destruction are placed beyond the reach of terrorist organizations and other malicious non-state actors;

(2) the number of foreign states that possess weapons of mass destruction is declining; and

(3) the global quantity of weapons of mass destruction and related materials is reduced.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) diplomatic outreach, threat reduction and foreign capacity-building programs, export controls, and the promotion of international treaties and norms are all essential elements of accomplishing the core national security mission of preventing, detecting, countering, and responding to threats of weapons of mass destruction terrorism; and

(2) the potentially devastating consequences of weapons of mass destruction terrorism pose a significant risk to United States national security.

(c) REPORT ON LINES OF EFFORT TO IMPLEMENT POLICIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and an-
nually thereafter, the President, acting through the
Secretary of Defense, the Secretary of State, the
Secretary of Energy, and the Director of National
Intelligence, shall submit to the appropriate congres-
sional committees a report on each line of effort to
implement the policies described in subsection (a)
and the budgets required to implement each such
line of effort effectively.

(2) MATTERS TO BE INCLUDED.—The report
required by this subsection should include the fol-
lowing:

(A) An assessment of nuclear, radiological,
biological, and chemical terrorism and foreign
state risks and other emerging risks facing the
United States and its allies, including—

(i) the status of foreign state, state-
affiliated, and non-state actors efforts to
acquire nuclear, radiological, biological,
and chemical weapons and their intent to
misuse weapons-related materials;

(ii) any actions by foreign state, state-
affiliated, and non-state actors employing
weapons of mass destruction;

(iii) an update on—
(I) the risk of biological threats, including the proliferation of biological weapons, weapons components, and weapons-related materials, technology, and expertise to non-state actors;

(II) the risk of accidental release of dangerous pathogens due to unsafe practices and facilities; and

(III) the risk of uncontrolled naturally occurring disease outbreaks that may pose a threat to the United States or its Armed Forces or allies; and

(iv) the status of national efforts to meet obligations to provide effective security and accounting for nuclear weapons and for all weapons-useable nuclear materials in foreign states that possess such weapons and materials.

(B) A strategy to reduce the risk of nuclear, radiological, biological, and chemical terrorism over the next five years, including—

(i) ensuring, to the extent practicable—
(I) the agents, precursors, and materials needed to develop or acquire weapons of mass destruction are placed beyond the reach of terrorist organizations and other malicious non-state actors;

(II) the number of foreign states that possess weapons of mass destruction is declining; and

(III) the global quantity of weapons of mass destruction and related materials is reduced;

(ii) identifying and responding to technological trends that may enable terrorist or state development, acquisition, or use of weapons of mass destruction;

(iii) a plan to prevent the proliferation of biological weapons, weapons components, and weapons-related materials, technology, and expertise, which shall include activities that facilitate detection and reporting of highly pathogenic diseases or other diseases that are associated with or that could be used as an early warning mechanism for disease outbreaks that
could affect the United States or its
Armed Forces or allies, regardless of
whether such diseases are caused by bio-
logical weapons;

(iv) regional engagement to reduce
nuclear, biological, and chemical risks;

(v) engagement with foreign states,
where possible, on security for nuclear
weapons and weapons-useable nuclear and
radioactive material, including protection
against insider threats, strengthening of
security culture, and support for security
performance testing; and

(vi) a recommendation to establish a
joint Department of Defense and Depart-
ment of Energy program—

(I) to assess the verification, se-
curity, and implementation require-
ments associated with potential future
arms reduction or denuclearization ac-
cords,

(II) identify gaps in existing and
planned capabilities; and
(III) provide recommendations
for developing needed capabilities to
fill those gaps.

(3) FORM.—The report required by this sub-
section shall be submitted in unclassified form, but
may contain a classified annex.

(d) SENSE OF CONGRESS ON REVITALIZING INTER-
ATIONAL NUCLEAR SECURITY PROGRAMS.—It is the
sense of Congress that—

(1) the United States Government should ex-
pand and revitalize its international nuclear security
programs, as necessary;

(2) such an expanded nuclear security effort
should seek to be comprehensive and close, to the ex-
tent possible, any gaps that exist in United States
nuclear security programs; and

(3) the Secretary of State should seek to co-
operate with as many foreign states with nuclear
weapons, weapons-usable nuclear materials, or sig-
nificant nuclear facilities as possible to—

(A) ensure protection against the full spec-
trum of plausible threats, including support for
evaluating nuclear security threats and meas-
ures to protect against such threats, exchanging
unclassified threat information, holding work-
shops with experts from each country, and having teams review the adequacy of security against a range of threats;

(B) establish comprehensive, multilayered protections against insider threats, including in-depth exchanges on good practices in insider threat protection, workshops, help with appropriate vulnerability assessments, and peer review by expert teams;

(C) establish targeted programs to strengthen nuclear security culture;

(D) institute effective, regular vulnerability assessments and performance testing through workshops, peer observation of such activities in the United States, training, and description of approaches that have been effective; and

(E) consolidate nuclear weapons and weapons-usable nuclear materials to the minimum practical number of locations.

(e) Assessment of Weapons of Mass Destruction Terrorism.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State and the Secretary of Energy, shall seek to enter into an arrangement with the National Academy of Sciences—
(A) to conduct an assessment of strategies of the United States for preventing, countering, and responding to nuclear, biological, and chemical terrorism assess and make recommendations to improve such strategies; and

(B) submit to the Secretary of Defense a report that contains such assessment and recommendations.

(2) MATTERS TO BE INCLUDED.—The assessment and recommendations required by paragraph (1) shall address the adequacy of strategies described in such paragraph and identify technical, policy, and resource gaps with respect to—

(A) identifying national and international nuclear, biological, and chemical risks and critical emerging threats;

(B) preventing state-sponsored and non-state actors from acquiring or misusing the technologies, materials, and critical expertise needed to carry out nuclear, biological, and chemical attacks, including dual-use technologies, materials, and expertise;

(C) countering efforts by state-sponsored and non-state actors to carry out such attacks;
(D) responding to nuclear, biological, and chemical terrorism incidents to attribute their origin and help manage their consequences;

(E) budgets likely to be required to implement effectively such strategies; and

(F) other important matters that are directly relevant to such strategies.

(3) REPORT.—

(A) IN GENERAL.—The Secretary of Defense shall submit to the appropriate congressional committees a copy of the report received by the Secretary under paragraph (1)(B).

(B) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may contain a classified annex.

(4) FUNDING.—

(A) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for research, development, test, and evaluation, as specified in the corresponding funding table in section 4301, for Operations and Maintenance, Defense-wide, Cooperative Threat Reduction, Line 10, is hereby
increased by $1,000,000 to carry out this sub-
section.

(B) Offset.—Notwithstanding the
amounts set forth in the funding tables in divi-
sion D, the amount authorized to be appro-
priated in section 301 for operation and main-
tenance as specified in the corresponding fund-
ing table in section 4301, for operation and
maintenance, Air Force, admin & servicewide
activities, servicewide communications, line 440,
is hereby reduced by $1,000,000.

(f) Report on Cooperative Threat Reduction
Programs.—

(1) In general.—Not later than 270 days
after the date of the enactment of this Act, and an-
nually thereafter at the same time that the Presi-
dent submits the budget to Congress under section
1105 of title 31, United States Code, the President
shall submit to the appropriate congressional com-
mittees a report on—

(A) the programs of each Federal agency
that are intended to reduce threat of nuclear,
radiological, biological, and chemical weapons to
the United States or its Armed Forces or allies;
(B) a description of the operations of such programs and how such programs advance the mission of reducing the threat of nuclear, radiological, biological, and chemical weapons to the United States or its Armed Forces or allies; and

(C) recommendations on how to evaluate the success of such programs, how to identify opportunities for collaboration between such programs, how to eliminate crucial gaps not filled by such programs, and how to ensure that such programs are complementary to other programs across the United States Government.

(2) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may contain a classified annex.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, Committee on Armed Services, and Permanent Select Committee on Intelligence of the House of Representatives; and
(2) the Committee on Foreign Relations, Committee on Armed Services, and Select Committee on Intelligence of the Senate.

SEC. 1299K. CERTIFICATION RELATING TO ASSISTANCE FOR GUATEMALA.

(a) IN GENERAL.—Prior to the transfer of any equipment by the Department of Defense to a joint task force of the Guatemalan military or national civilian police during fiscal year 2021, the Secretary of Defense shall certify to the appropriate congressional committees that such ministries have made a credible commitment to use such equipment only for the uses for which they were intended.

(b) ISSUING REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of Defense, as appropriate, shall issue regulations requiring the inclusion of appropriate clauses for any new foreign assistance contracts, grants, and cooperative agreements covering the transfer of equipment to the Guatemalan military or national civilian police, to ensure that any equipment provided by the Department of Defense to the Guatemalan military or national civilian police may be recovered if such equipment is used for purposes other than those purposes for which it was provided.
(c) EXCEPTIONS AND WAIVER.—

(1) EXCEPTIONS.—Subsection (b) shall not apply to humanitarian assistance, disaster assistance, or assistance to combat corruption.

(2) WAIVER.—The Secretary of State or the Secretary of Defense, on a case by case basis, may waive the requirement under subsection (b) if the Secretary of State or the Secretary of Defense certifies to the appropriate congressional committees that such waiver is important to the national security interests of the United States.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.
SEC. 1299L. REPORT ON FOREIGN INFLUENCE CAMPAIGNS

TARGETING UNITED STATES FEDERAL ELECTIONS.

(a) In general.—Not later than September 1, 2021, and biennially thereafter, the Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of State, and any other relevant Federal agency, shall submit to the appropriate congressional committees a report on foreign influence campaigns targeting United States Federal elections.

(b) Matters to be included.—The report required by subsection (a) shall include an analysis of the following:

(1) The patterns, tools, and techniques of foreign influence campaigns across all platforms and the country of origin of such campaigns.

(2) The extent of inauthentic accounts and “bot” networks across platforms, including the scale to which they exist, how platforms currently act to remove them, and what percentage have been removed over the last year.

(3) The reach of intentional or weaponized disinformation by inauthentic accounts and “bot” networks, including analysis of amplification by users and algorithmic distribution.
(4) The type of media that is being disseminated by the foreign influence campaign, including fabricated or falsified content and manipulated videos and photos, and the intended targeted groups.

(5) The methods that have been used to mitigate engagement and remove content.

(e) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense should provide a briefing to congressional committees on the report required by subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

Subtitle H—Global Child Thrive Act of 2020

SEC. 1299M-1. SHORT TITLE.

This subtitle may be cited as the “Global Child Thrive Act of 2020”.
SEC. 1299M–2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government should continue efforts to reduce child mortality rates and increase attention on prevention efforts and early childhood development programs;

(2) investments in early childhood development ensure healthy and well-developed future generations that contribute to a country’s stability, security and economic prosperity;

(3) efforts to provide training and education on nurturing care could result in improved early childhood development outcomes and support healthy brain development; and

(4) integration and cross-sector coordination of early childhood development programs is critical to ensure the efficiency, effectiveness, and continued implementation of such programs.

SEC. 1299M–3. ASSISTANCE TO IMPROVE EARLY CHILDHOOD OUTCOMES GLOBALLY.

(a) AUTHORIZATION OF ASSISTANCE.—Amounts authorized to be appropriated to carry out section 135 in chapter 1 of part 1 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for each of the fiscal years 2021 through 2025 are authorized to be made available to support early childhood development activities in conjunction
with relevant, existing programming, such as water, sanitation and hygiene, maternal and child health, basic education, nutrition and child protection.

(b) ASSISTANCE TO IMPROVE EARLY CHILDHOOD INCOMES GLOBALLY.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

“SEC. 137. ASSISTANCE TO IMPROVE EARLY CHILDHOOD OUTCOMES GLOBALLY.

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Appropriations of the Senate;

“(B) the Committee on Foreign Relations of the Senate;

“(C) the Committee on Appropriations of the House of Representatives; and

“(D) the Committee on Foreign Affairs of the House of Representatives.

“(2) EARLY CHILDHOOD DEVELOPMENT.—The term ‘early childhood development’ means the development and learning of a child younger than 8 years of age, including physical, cognitive, social, and emo-
tional development and approaches to learning that allow a child to reach his or her full developmental potential.

“(3) EARLY CHILDHOOD DEVELOPMENT PROGRAM.—The term ‘early childhood development program’ means a program that ensures that every child has the conditions for healthy growth, nurturing family-based care, development and learning, and protection from violence, exploitation, abuse, and neglect, which may include—

“(A) a health, clean water, sanitation, and hygiene program that serves pregnant women, children younger than 5 years of age, and the parents of such children;

“(B) a nutrition program, combined with stimulating child development activity;

“(C) age appropriate cognitive stimulation, especially for newborns, infants, and toddlers, including an early childhood intervention program for children experiencing at-risk situations, developmental delays, disabilities, and behavioral and mental health conditions;

“(D) an early learning (36 months and younger), preschool, and basic education pro-
gram for children until they reach 8 years of age or complete primary school; or

“(E) a child protection program, with an emphasis on the promotion of permanent, safe, and nurturing families, rather than placement in residential care or institutions, including for children with disabilities.

“(4) FEDERAL DEPARTMENTS AND AGENCIES.—The term ‘Federal departments and agencies’ means—

“(A) the Department of State;

“(B) the United States Agency for International Development;

“(C) the Department of the Treasury;

“(D) the Department of Labor;

“(E) the Department of Education;

“(F) the Department of Agriculture;

“(G) the Department of Defense;

“(H) the Department of Health and Human Services, including—

“(i) the Centers for Disease Control and Prevention; and

“(ii) the National Institutes of Health;
“(I) the Millennium Challenge Corporation;

“(J) the Peace Corps; and

“(K) any other department or agency specified by the President for the purposes of this section.

“(5) RESIDENTIAL CARE.—The term ‘residential care’ means care provided in any non-family-based group setting, including orphanages, transit or interim care centers, children’s homes, children’s villages or cottage complexes, group homes, and boarding schools used primarily for care purposes as an alternative to a children’s home.

“(b) STATEMENT OF POLICY.—It is the policy of the United States—

“(1) to support early childhood development in relevant foreign assistance programs, including by integrating evidence-based, efficient, and effective interventions into relevant strategies and programs, in coordination with partner countries, other donors, international organizations, international financial institutions, local and international nongovernmental organizations, private sector partners, civil society, and faith-based and community-based organizations; and
“(2) to encourage partner countries to lead early childhood development initiatives that include incentives for building local capacity for continued implementation and measurable results, by—

“(A) scaling up the most effective, evidence-based, national interventions, including for the most vulnerable populations and children with disabilities and developmental delays, with a focus on adaptation to country resources, cultures, and languages;

“(B) designing, implementing, monitoring, and evaluating programs in a manner that enhances their quality, transparency, equity, accountability, efficiency and effectiveness in improving child and family outcomes in partner countries; and

“(C) utilizing and expanding innovative public-private financing mechanisms.

“(c) IMPLEMENTATION.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Administrator of the United States Agency for International Development, in coordination with the Secretary of State, shall direct relevant Federal departments and agencies—
“(A) to incorporate, to the extent practical
and relevant, early childhood development into
foreign assistance programs to be carried out
during the following 5 fiscal years; and
“(B) to promote inclusive early childhood
development in partner countries.
“(2) ELEMENTS.—In carrying out paragraph
(1), the Administrator, the Secretary, and the heads
of other relevant Federal departments and agencies
as appropriate shall—
“(A) build on the evidence and priorities
outlined in ‘Advancing Protection and Care for
Children in Adversity: A U.S. Government
Strategy for International Assistance 2019–
2023’, published in June 2019 (referred to in
this section as ‘APCCA’);
“(B) to the extent practicable, identify evi-
dence-based strategic priorities, indicators, out-
comes, and targets, particularly emphasizing
the most vulnerable populations and children
with disabilities and developmental delays, to
support inclusive early childhood development;
“(C) support the design, implementation,
and evaluation of pilot projects in partner coun-
tries, with the goal of taking such projects to
scale;

“(D) support inclusive early childhood de-
velopment within all relevant sector strategies
and public laws, including—

“(i) the Global Water Strategy re-
quired under section 136(j);

“(ii) the whole-of-government strategy
required under section 5 of the Global
Food Security Act of 2016 (22 U.S.C.
9304 note);

“(iii) the Basic Education Strategy
set forth in section 105(e);

“(iv) the U.S. Government Global Nu-
trition Coordination Plan, 2016–2021; and

“(v) APCCA; and others as appro-
priate;

“(E) improve coordination with foreign
governments and international and regional or-
ganizations with respect to official country poli-
cies and plans to improve early childhood de-
velopment, maternal, newborn, and child health
and nutrition care, basic education, water, san-
titation and hygiene, and child protection plans
which promote nurturing, appropriate, protec-
tive, and permanent family care, while reducing
the percentage of children living in residential
care or on the street; and

“(F) consult with partner countries, other
donors, international organizations, inter-
national financial institutions, local and inter-
national nongovernmental organizations, private
sector partners and faith-based and community-
based organizations, as appropriate.

“(d) Annual Report on the Implementation of
the Strategy.—The Special Advisor for Children in Ad-
versity shall include, in the annual report required under
section 5 of the Assistance for Orphans and Other Vulner-
able Children in Developing Countries Act of 2005 (22
U.S.C. 2152g), which shall be submitted to the appro-
priate congressional committees and made publicly avail-
able, a description of—

“(1) the progress made toward integrating early
childhood development interventions into relevant
strategies and programs;

“(2) the efforts made by relevant Federal de-
partments and agencies to implement subsection (c),
with a particular focus on the activities described in
such subsection;
“(3) the progress achieved during the reporting period toward meeting the goals, objectives, benchmarks, described in subsection (c); and

“(4) the progress achieved during the reporting period toward meeting the goals, objectives, benchmarks, and timeframes described in subsection (c) at the program level, along with specific challenges or gaps that may require shifts in targeting or financing in the following fiscal year.

“(e) INTERAGENCY TASK FORCE.—The Special Advisor for Assistance to Orphans and Vulnerable Children should regularly convene an interagency task force, to coordinate—

“(1) intergovernmental and interagency monitoring, evaluation, and reporting of the activities carried out pursuant to this section;

“(2) early childhood development initiatives that include children with a variety of needs and circumstances; and

“(3) United States Government early childhood development programs, strategies, and partnerships across relevant Federal departments and agencies.”
SEC. 1299M–4. SPECIAL ADVISOR FOR ASSISTANCE TO ORPHANS AND VULNERABLE CHILDREN.

Section 135(e)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152f(e)(2)) is amended—

(1) by amending subparagraph (A) to read as follows:

“(A) Coordinate assistance to orphans and other vulnerable children among the relevant Executive branch agencies and officials.”; and

(2) in subparagraph (B), by striking “the various offices, bureaus, and field missions within the United States Agency for International Development” and inserting “the relevant Executive branch agencies and officials”.

SEC. 1299M–5. RULE OF CONSTRUCTION.

Nothing in the amendments made by this subtitle may be construed to restrict or abrogate any other authorization for United States Agency for International Development activities or programs.

Subtitle I—Global Health Security Act of 2020

SEC. 1299N–1. SHORT TITLE.

This subtitle may be cited as the “Global Health Security Act of 2020”.

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SEC. 1299N–2. GLOBAL HEALTH SECURITY AGENDA INTER-
AGENCY REVIEW COUNCIL.

(a) ESTABLISHMENT.—The President shall establish
a Global Health Security Agenda Interagency Review
Council (in this section referred to as the “Council”) to
perform the general responsibilities described in sub-
section (c) and the specific roles and responsibilities de-
scribed in subsection (e).

(b) MEETINGS.—The Council shall meet not less than
four times per year to advance its mission and fulfill its
responsibilities.

(c) GENERAL RESPONSIBILITIES.—The Council shall
be responsible for the following activities:

(1) Provide policy-level recommendations to
participating agencies on Global Health Security
Agenda (GHSA) goals, objectives, and implementa-
tion.

(2) Facilitate interagency, multi-sectoral en-
gagement to carry out GHSA implementation.

(3) Provide a forum for raising and working to
resolve interagency disagreements concerning the
GHSA.

(4)(A) Review the progress toward and work to
resolve challenges in achieving United States com-
mitments under the GHSA, including commitments
to assist other countries in achieving the GHSA targets.

(B) The Council shall consider, among other issues, the following:

(i) The status of United States financial commitments to the GHSA in the context of commitments by other donors, and the contributions of partner countries to achieve the GHSA targets.

(ii) The progress toward the milestones outlined in GHSA national plans for those countries where the United States Government has committed to assist in implementing the GHSA and in annual work-plans outlining agency priorities for implementing the GHSA.

(iii) The external evaluations of United States and partner country capabilities to address infectious disease threats, including the ability to achieve the targets outlined within the WHO Joint External Evaluation (JEE) tool, as well as gaps identified by such external evaluations.

(d) PARTICIPATION.—The Council shall consist of representatives, serving at the Assistant Secretary level or higher, from the following agencies:
(1) The Department of State.
(2) The Department of Defense.
(3) The Department of Justice.
(4) The Department of Agriculture.
(5) The Department of Health and Human Services.
(6) The Department of Labor.
(8) The Office of Management and Budget.
(9) The United States Agency for International Development.
(10) The Environmental Protection Agency.
(11) The Centers for Disease Control and Prevention.
(12) The Office of Science and Technology Policy.
(13) The National Institutes of Health.
(14) The National Institute of Allergy and Infectious Diseases.
(15) Such other agencies as the Council determines to be appropriate.

(e) SPECIFIC ROLES AND RESPONSIBILITIES.—

(1) IN GENERAL.—The heads of agencies described in subsection (d) shall—
(A) make the GHSA and its implementation a high priority within their respective agencies, and include GHSA-related activities within their respective agencies’ strategic planning and budget processes;

(B) designate a senior-level official to be responsible for the implementation of this sub-title;

(C) designate, in accordance with subsection (d), an appropriate representative at the Assistant Secretary level or higher to participate on the Council;

(D) keep the Council apprised of GHSA-related activities undertaken within their respective agencies;

(E) maintain responsibility for agency-related programmatic functions in coordination with host governments, country teams, and GHSA in-country teams, and in conjunction with other relevant agencies;

(F) coordinate with other agencies that are identified in this section to satisfy programmatic goals, and further facilitate coordination of country teams, implementers, and donors in host countries; and
(G) coordinate across GHSA national plans and with GHSA partners to which the United States is providing assistance.

(2) ADDITIONAL ROLES AND RESPONSIBILITIES.—In addition to the roles and responsibilities described in paragraph (1), the heads of agencies described in subsection (d) shall carry out their respective roles and responsibilities described in subsections (b) through (i) of section 3 of Executive Order No. 13747 (81 Fed. Reg. 78701; relating to Advancing the Global Health Security Agenda to Achieve a World Safe and Secure from Infectious Disease Threats), as in effect on the day before the date of the enactment of this Act.

SEC. 1299N–3. UNITED STATES COORDINATOR FOR GLOBAL HEALTH SECURITY.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, given the complex and multisectoral nature of global health threats to the United States, the President should consider appointing an individual with significant background and expertise in public health or emergency response management to the position of United States Coordinator for Global Health Security, as required by subsection (b), who is an employee of the National Security
Council at the level of Deputy Assistant to the President or higher.

(b) IN GENERAL.—The President shall appoint an individual to the position of United States Coordinator for Global Health Security, who shall be responsible for the coordination of the interagency process for responding to global health security emergencies. As appropriate, the designee shall coordinate with the President’s Special Coordinator for International Disaster Assistance.

(c) CONGRESSIONAL BRIEFING.—Not less frequently than twice each year, the employee designated under this section shall provide to the appropriate congressional committees a briefing on the responsibilities and activities of the individual under this section.

SEC. 1299N–4. STRATEGY AND REPORTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, given the complex and multisectoral nature of global health threats to the United States, the President, in providing assistance to implement the strategy required under subsection (c), should—

(1) coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies to implement the strategy;

(2) seek to fully utilize the unique capabilities of each relevant Federal department and agency
while collaborating with and leveraging the contributions of other key stakeholders; and

(3) utilize open and streamlined solicitations to allow for the participation of a wide range of implementing partners through the most appropriate procurement mechanisms, which may include grants, contracts, cooperative agreements, and other instruments as necessary and appropriate.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) promote global health security as a core national security interest;

(2) advance the aims of the Global Health Security Agenda;

(3) collaborate with other countries to detect and mitigate outbreaks early to prevent the spread of disease;

(4) encourage other countries to invest in basic resilient and sustainable health care systems; and

(5) strengthen global health security across the intersection of human and animal health to prevent infectious disease outbreaks and combat the growing threat of antimicrobial resistance.

(c) STRATEGY.—The United States Coordinator for Global Health Security (appointed under section 1299N–
3(b)) shall coordinate the development and implementation of a strategy to implement the policy aims described in subsection (b), which shall—

(1) set specific and measurable goals, benchmarks, timetables, performance metrics, and monitoring and evaluation plans that reflect international best practices relating to transparency, accountability, and global health security;

(2) support and be aligned with country-owned global health security policy and investment plans developed with input from key stakeholders, as appropriate;

(3) facilitate communication and collaboration, as appropriate, among local stakeholders in support of a multi-sectoral approach to global health security;

(4) support the long-term success of programs by building the capacity of local organizations and institutions in target countries and communities;

(5) develop community resilience to infectious disease threats and emergencies;

(6) leverage resources and expertise through partnerships with the private sector, health organizations, civil society, nongovernmental organizations, and health research and academic institutions; and
(7) support collaboration, as appropriate, between United States universities, and public and private institutions in target countries and communities to promote health security and innovation.

(d) COORDINATION.—The President, acting through the United States Coordinator for Global Health Security, shall coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies in the implementation of the strategy required under subsection (c) by—

(1) establishing monitoring and evaluation systems, coherence, and coordination across relevant Federal departments and agencies; and

(2) establishing platforms for regular consultation and collaboration with key stakeholders and the appropriate congressional committees.

(e) STRATEGY SUBMISSION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees the strategy required under subsection (c) that provides a detailed description of how the United States intends to advance the policy set forth in subsection
(b) and the agency-specific plans described in paragraph (2).

(2) AGENCY-SPECIFIC PLANS.—The strategy required under subsection (c) shall include specific implementation plans from each relevant Federal department and agency that describes—

(A) the anticipated contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the strategy; and

(B) the efforts of the department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

(f) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the strategy required under subsection (c) is submitted to the appropriate congressional committees under subsection (c), and not later than October 1 of each year thereafter, the President shall submit to the appropriate congressional committees a report that describes the status of the implementation of the strategy.
(2) CONTENTS.—The report required under paragraph (1) shall—

(A) identify any substantial changes made in the strategy during the preceding calendar year;

(B) describe the progress made in implementing the strategy;

(C) identify the indicators used to establish benchmarks and measure results over time, as well as the mechanisms for reporting such results in an open and transparent manner;

(D) contain a transparent, open, and detailed accounting of expenditures by relevant Federal departments and agencies to implement the strategy, including, to the extent practicable, for each Federal department and agency, the statutory source of expenditures, amounts expended, partners, targeted populations, and types of activities supported;

(E) describe how the strategy leverages other United States global health and development assistance programs;

(F) assess efforts to coordinate United States global health security programs, activities, and initiatives with key stakeholders;
(G) incorporate a plan for regularly reviewing and updating strategies, partnerships, and programs and sharing lessons learned with a wide range of stakeholders, including key stakeholders, in an open, transparent manner; and

(H) describe the progress achieved and challenges concerning the United States Government’s ability to advance the Global Health Security Agenda across priority countries, including data disaggregated by priority country using indicators that are consistent on a year-to-year basis and recommendations to resolve, mitigate, or otherwise address the challenges identified therein.

(g) FORM.—The strategy required under subsection (c) and the report required under subsection (f) shall be submitted in unclassified form but may contain a classified annex.


Section 2(3) of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114–191; 22 U.S.C. 2394c note) is amended—
(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(E) the Global Health Security Act of 2020.”.

SEC. 1299N–6. DEFINITIONS.

In this subtitle:

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

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) GLOBAL HEALTH SECURITY.—The term “global health security” means activities supporting epidemic and pandemic preparedness and capabilities at the country and global levels in order to minimize vulnerability to acute public health events that can endanger the health of populations across geographical regions and international boundaries.
SEC. 1299N–7. SUNSET.

This subtitle, and the amendments made by this subtitle, (other than section 1299N–3) shall cease to be effective on December 31, 2024.

Subtitle J—United States Nationals Unlawfully or Wrongfully Detained Abroad

SEC. 1299O–1. SHORT TITLE.

This subtitle may be cited as the “Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act”.

SEC. 1299O–2. ASSISTANCE FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.

(a) Review.—The Secretary of State shall review the cases of United States nationals detained abroad to determine if there is credible information that they are being detained unlawfully or wrongfully, based on criteria which may include whether—

(1) United States officials receive or possess credible information indicating innocence of the detained individual;

(2) the individual is being detained solely or substantially because he or she is a United States national;
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(3) the individual is being detained solely or substantially to influence United States Government policy or to secure economic or political concessions from the United States Government;

(4) the detention appears to be because the individual sought to obtain, exercise, defend, or promote freedom of the press, freedom of religion, or the right to peacefully assemble;

(5) the individual is being detained in violation of the laws of the detaining country;

(6) independent nongovernmental organizations or journalists have raised legitimate questions about the innocence of the detained individual;

(7) the United States mission in the country where the individual is being detained has received credible reports that the detention is a pretext for an illegitimate purpose;

(8) the individual is detained in a country where the Department of State has determined in its annual human rights reports that the judicial system is not independent or impartial, is susceptible to corruption, or is incapable of rendering just verdicts;

(9) the individual is being detained in inhumane conditions;
(10) due process of law has been sufficiently impaired so as to render the detention arbitrary; and

(11) United States diplomatic engagement is likely necessary to secure the release of the detained individual.

(b) Referrals to the Special Envoy.—Upon a determination by the Secretary of State, based on the totality of the circumstances, that there is credible information that the detention of a United States national abroad is unlawful or wrongful, and regardless of whether the detention is by a foreign government or a nongovernmental actor, the Secretary shall transfer responsibility for such case from the Bureau of Consular Affairs of the Department of State to the Special Envoy for Hostage Affairs created pursuant to section 12990–3.

(c) Report.—

(1) Annual report.—

(A) In general.—The Secretary of State shall submit to the appropriate congressional committees an annual report with respect to United States nationals for whom the Secretary determines there is credible information of unlawful or wrongful detention abroad.

(B) Form.—The report required under this paragraph shall be submitted in unclassi-
fied form, but may include a classified annex if necessary.

(2) COMPOSITION.—The report required under paragraph (1) shall include current estimates of the number of individuals so detained, as well as relevant information about particular cases, such as—

(A) the name of the individual, unless the provision of such information is inconsistent with section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”);

(B) basic facts about the case;

(C) a summary of the information that such individual may be detained unlawfully or wrongfully;

(D) a description of specific efforts, legal and diplomatic, taken on behalf of the individual since the last reporting period, including a description of accomplishments and setbacks; and

(E) a description of intended next steps.

(d) RESOURCE GUIDANCE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act and after consulting with relevant organizations that advocate
on behalf of United States nationals detained abroad
and the Family Engagement Coordinator established
pursuant to section 1299O–4(e)(2), the Secretary of
State shall provide resource guidance in writing for
government officials and families of unjustly or
wrongfully detained individuals.

(2) CONTENT.—The resource guidance required
under paragraph (1) should include—

(A) information to help families under-
stand United States policy concerning the re-
lease of United States nationals unlawfully or
wrongfully held abroad;

(B) contact information for officials in the
Department of State or other government agen-
cies suited to answer family questions;

(C) relevant information about options
available to help families obtain the release of
unjustly or wrongfully detained individuals,
such as guidance on how families may engage
with United States diplomatic and consular
channels to ensure prompt and regular access
for the detained individual to legal counsel,
family members, humane treatment, and other
services;
(D) guidance on submitting public or private letters from members of Congress or other individuals who may be influential in securing the release of an individual; and

(E) appropriate points of contacts, such as legal resources and counseling services, who have a record of assisting victims’ families.

SEC. 1299O–3. SPECIAL ENVOY FOR HOSTAGE AFFAIRS.

(a) E STABLISHMENT.—There is within the office of the Secretary of State a Special Presidential Envoy for Hostage Affairs.

(b) R ESPONSIBILITIES.—The Special Presidential Envoy for Hostage Affairs, under the supervision of the Secretary of State, shall—

(1) lead diplomatic engagement on United States hostage policy;

(2) coordinate all diplomatic engagements in support of hostage recovery efforts, in coordination with the Hostage Recovery Fusion Cell and consistent with policy guidance communicated through the Hostage Response Group;

(3) coordinate with the Hostage Recovery Fusion Cell proposals for diplomatic engagements and strategy in support of hostage recovery efforts;
(4) provide senior representation from the Special Envoy’s office to the Hostage Recovery Fusion Cell established under section 1299O–4 and the Hostage Response Group established under section 1299O–5; and

(5) in coordination with the Hostage Recovery Fusion Cell as appropriate, coordinate diplomatic engagements regarding cases in which a foreign government confirms that it has detained a United States national but the United States Government regards such detention as unlawful or wrongful.

SEC. 1299O–4. HOSTAGE RECOVERY FUSION CELL.

(a) ESTABLISHMENT.—The President shall establish an interagency Hostage Recovery Fusion Cell.

(b) PARTICIPATION.—The President shall direct the heads of each of the following executive departments, agencies, and offices to make available personnel to participate in the Hostage Recovery Fusion Cell:

(1) The Department of State.

(2) The Department of the Treasury.

(3) The Department of Defense.

(4) The Department of Justice.

(5) The Office of the Director of National Intelligence.

(7) The Central Intelligence Agency.

(8) Other agencies as the President, from time to time, may designate.

(c) PERSONNEL.—The Hostage Recovery Fusion Cell shall include—

(1) a Director, who shall be a full-time senior officer or employee of the United States Government;

(2) a Family Engagement Coordinator who shall—

(A) work to ensure that all interactions by executive branch officials with a hostage’s family occur in a coordinated fashion and that the family receives consistent and accurate information from the United States Government; and

(B) if directed, perform the same function as set out in subparagraph (A) with regard to the family of a United States national who is unlawfully or wrongfully detained abroad; and

(3) other officers and employees as deemed appropriate by the President.

(d) DUTIES.—The Hostage Recovery Fusion Cell shall—

(1) coordinate efforts by participating agencies to ensure that all relevant information, expertise,
and resources are brought to bear to secure the safe
recovery of United States nationals held hostage
abroad;

(2) if directed, coordinate the United States
Government’s response to other hostage-takings oc-
curring abroad in which the United States has a na-
tional interest;

(3) if directed, coordinate or assist the United
States Government’s response to help secure the re-
lease of United States nationals unlawfully or
wrongfully detained abroad; and

(4) pursuant to policy guidance coordinated
through the National Security Council—

(A) identify and recommend hostage recov-
ery options and strategies to the President
through the National Security Council or the
Deputies Committee of the National Security
Council;

(B) coordinate efforts by participating
agencies to ensure that information regarding
hostage events, including potential recovery op-
tions and engagements with families and exter-
nal actors (including foreign governments), is
appropriately shared within the United States
Government to facilitate a coordinated response to a hostage-taking;

(C) assess and track all hostage-takings of United States nationals abroad and provide regular reports to the President and Congress on the status of such cases and any measures being taken toward the hostages’ safe recovery;

(D) provide a forum for intelligence sharing and, with the support of the Director of National Intelligence, coordinate the declassification of relevant information;

(E) coordinate efforts by participating agencies to provide appropriate support and assistance to hostages and their families in a coordinated and consistent manner and to provide families with timely information regarding significant events in their cases;

(F) make recommendations to agencies in order to reduce the likelihood of United States nationals’ being taken hostage abroad and enhance United States Government preparation to maximize the probability of a favorable outcome following a hostage-taking; and
(G) coordinate with agencies regarding congressional, media, and other public inquiries pertaining to hostage events.

(e) ADMINISTRATION.—The Hostage Recovery Fusion Cell shall be located within the Federal Bureau of Investigation for administrative purposes.

SEC. 1299O–5. HOSTAGE RESPONSE GROUP.

(a) ESTABLISHMENT.—The President shall establish a Hostage Response Group, chaired by a designated member of the National Security Council or the Deputies Committee of the National Security Council, to be convened on a regular basis, to further the safe recovery of United States nationals held hostage abroad or unlawfully or wrongfully detained abroad, and to be tasked with coordinating the United States Government response to other hostage-takings occurring abroad in which the United States has a national interest.

(b) MEMBERSHIP.—The regular members of the Hostage Response Group shall include the Director of the Hostage Recovery Fusion Cell, the Hostage Recovery Fusion Cell’s Family Engagement Coordinator, the Special Envoy appointed pursuant to section 1299O–3, and representatives from the Department of the Treasury, the Department of Defense, the Department of Justice, the Federal Bureau of Investigation, the Office of the Director
of National Intelligence, the Central Intelligence Agency, and other agencies as the President, from time to time, may designate.

(c) DUTIES.—The Hostage Recovery Group shall—

(1) identify and recommend hostage recovery options and strategies to the President through the National Security Council;

(2) coordinate the development and implementation of United States hostage recovery policies, strategies, and procedures;

(3) receive regular updates from the Hostage Recovery Fusion Cell and the Special Envoy for Hostage Affairs on the status of United States nationals being held hostage or unlawfully or wrongfully detained abroad and measures being taken to effect safe recoveries;

(4) coordinate the provision of policy guidance to the Hostage Recovery Fusion Cell, including reviewing recovery options proposed by the Hostage Recovery Fusion Cell and working to resolve disputes within the Hostage Recovery Fusion Cell;

(5) as appropriate, direct the use of resources at the Hostage Recovery Fusion Cell to coordinate or assist in the safe recovery of United States na-
tionals unlawfully or wrongfully detained abroad; and

(6) as appropriate, direct the use of resources at the Hostage Recovery Fusion Cell to coordinate the United States Government response to other hostage-takings occurring abroad in which the United States has a national interest.

(d) MEETINGS.—The Hostage Response Group shall meet regularly.

(e) REPORTING.—The Hostage Response Group shall regularly provide recommendations on hostage recovery options and strategies to the National Security Council.

SEC. 1299O–6. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for or is complicit in, or responsible for ordering, controlling, or otherwise directing, the hostage-taking of a United States national abroad or the unlawful or wrongful detention of a United States national abroad; or
(2) knowingly provides financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (1).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a) may be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States;

and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (a) may be subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.
(ii) Immediate effect.—A revocation under clause (i) may—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the alien’s possession.

(2) Blocking of property.—

(A) In general.—The President may exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.


(c) Exceptions.—
(1) Exception for intelligence activities.—Sanctions under this section shall not apply
to any activity subject to the reporting requirements
under title V of the National Security Act of 1947
(50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) Exception to comply with international obligations and for law enforcement activities.—Sanctions under subsection (b)(1) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(d) Penalties.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued 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
(B) any entity not organized solely under
the laws of the United States or existing solely
in the United States.

(2) UNITED STATES PERSON.—The term
“United States person” means—

(A) an individual who is a United States
citizen or an alien lawfully admitted for perma-
nent residence to the United States;

(B) an entity organized under the laws of
the United States or any jurisdiction within the
United States, including a foreign branch of
such an entity; or

(C) any person in the United States.

SEC. 1299O–7. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMIT-
TEES.—The term “appropriate congressional com-
mittees” means—

(A) the Committee on Foreign Relations,
the Committee on Appropriations, the Com-
mittee on Banking, Housing, and Urban Af-
fairs, the Committee on the Judiciary, the Com-
mittee on Armed Services, and the Select Com-
mittee on Intelligence of the United States Sen-
ate; and
(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, the Committee on the Judiciary, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) UNITED STATES NATIONAL.—The term “United States national” means—

(A) a United States national as defined in section 101(a)(22) or section 308 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22), 8 U.S.C. 1408); and

(B) a lawful permanent resident alien with significant ties to the United States.

SEC. 1299O–8. RULE OF CONSTRUCTION.

Nothing in this subtitle may be construed to authorize a private right of action.

Subtitle K—Matters Relating to the Northern Triangle

SEC. 1299P–1. ACTIONS TO ADVANCE PROSPERITY IN THE NORTHERN TRIANGLE.

(a) SECRETARY OF STATE PRIORITIZATION.—The Secretary of State shall prioritize prosperity in the Northern Triangle countries by carrying out the following initiatives:
(1) Supporting market-based solutions to eliminate constraints to inclusive economic growth, including through support for increased digital connectivity and the use of financial technology, and private sector and civil society-led efforts to create jobs and foster economic prosperity.

(2) Addressing underlying causes of poverty and inequality, including by improving nutrition and food security, providing health resources and access to clean water, sanitation, hygiene, and shelter, and improving livelihoods.

(3) Responding to immediate humanitarian needs by increasing humanitarian assistance, including through access to clean water, sanitation, hygiene, and shelter, improving livelihoods, and by providing health resources and improving nutrition and food security.

(4) Supporting conservation and community resilience and strengthening community preparedness for natural disasters and other external shocks.

(5) Identifying, as appropriate, a role for the United States International Development Finance Corporation, the Millennium Challenge Corporation (MCC), the United States Agency for International Development, and the United States private sector
in supporting efforts to increase private sector investment and strengthen economic prosperity.

(6) Expanding comprehensive reintegration mechanisms for repatriated individuals once returned to their countries of origin and supporting efforts by the private sector to hire and train eligible returnees.

(7) Establishing monitoring and verification services to determine the well-being of repatriated children in order to determine if United States protection and screening functioned effectively in identifying persecuted and trafficked children.

(8) Supporting efforts to increase domestic resource mobilization, including through strengthening of tax collection and enforcement and legal arbitration mechanisms.

(b) Strategy.—

(1) Elements.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, the President and Chief Executive Officer of the Inter-American Foundation, the Director of the United States Trade and Development Agency, the Chief Executive Officer of the United States Inter-
national Development Finance Corporation, and the
heads of other relevant Federal agencies, shall sub-
mit to the appropriate congressional committees a 5-
year strategy to prioritize prosperity in the Northern
Triangle countries by carrying out the initiatives de-
scribed in subsection (a).

(2) CONSULTATION.—In developing the strat-
egy required under paragraph (1), the Secretary of
State shall consult with nongovernmental organiza-
tions in the Northern Triangle countries and the
United States.

(3) BENCHMARKS.—The strategy required
under paragraph (1) shall include annual bench-
marks to track the strategy’s progress in curbing ir-
regular migration from the Northern Triangle to the
United States.

(4) PUBLIC DIPLOMACY.—The strategy re-
quired under paragraph (1) shall include a public di-
plomacy strategy for educating citizens of the North-
ern Triangle countries about United States assist-
ance and its benefits to them, and informing such
citizens of the dangers of illegal migration to the
United States.

(5) ANNUAL PROGRESS UPDATES.—Not later
than 1 year after the submission of the strategy re-
quired under paragraph (1) and annually thereafter for 4 years, the Secretary of State shall provide the appropriate congressional committees with a written description of progress made in meeting the benchmarks established in the strategy.

(6) Public availability.—The strategy required under paragraph (1) shall be made publicly available on the website of the Department of State.

(e) Report on establishing an Investment Fund for the Northern Triangle Countries and Southern Mexico.—Not later than 180 days after the date of the enactment of this Act, the Chief Executive Officer of the United States International Development Finance Corporation shall submit to the appropriate congressional committees a detailed report assessing the feasibility, costs, and benefits of the Corporation establishing an investment fund to promote economic and social development in the Northern Triangle countries and southern Mexico.

SEC. 1299P–2. ACTIONS TO COMBAT CORRUPTION IN THE NORTHERN TRIANGLE.

(a) Secretary of State prioritization.—The Secretary of State shall prioritize efforts to combat corruption in the Northern Triangle countries by carrying out the following initiatives:
(1) Supporting anticorruption efforts, including by strengthening national justice systems and attorneys general, providing technical assistance to identify and prosecute money laundering and other financial crimes, breaking up financial holdings of organized criminal syndicates, including illegally acquired lands and proceeds from illegal activities, and supporting independent media and investigative reporting.

(2) Supporting anticorruption efforts through bilateral assistance and complementary support through multilateral anticorruption mechanisms when necessary.

(3) Encouraging cooperation agreements between the Department of State and relevant United States Government agencies and attorneys general to fight corruption.

(4) Supporting efforts to strengthen special prosecutorial offices and financial institutions to combat corruption, money laundering, financial crimes, extortion, human rights crimes, asset forfeiture, and criminal analysis.

(5) Supporting initiatives to advance judicial integrity and improve security for members of the judicial sector.
(6) Supporting transparent, merit-based selection processes for prosecutors and judges and the development of professional and merit-based civil services.

(7) Supporting the establishment or strengthening of methods, procedures, and expectations for internal and external control mechanisms for the security and police services and judiciary.

(8) Supporting the adoption of appropriate technologies to combat corruption in public finance.

(b) STRATEGY.—

(1) ELEMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the heads of other relevant Federal agencies, shall submit to the appropriate congressional committees a 5-year strategy to combat corruption in the Northern Triangle countries by carrying out the initiatives described in subsection (a).

(2) CONSULTATION.—In developing the strategy required under paragraph (1), the Secretary of State shall consult with nongovernmental organizations in the Northern Triangle countries and the United States.
(3) **BENCHMARKS.**—The strategy required under paragraph (1) shall include annual benchmarks to track the strategy’s progress in curbing irregular migration from the Northern Triangle to the United States.

(4) **PUBLIC DIPLOMACY.**—The strategy required under paragraph (1) shall include a public diplomacy strategy for educating citizens of the Northern Triangle countries about United States assistance and its benefits to them, and informing such citizens of the dangers of illegal migration to the United States.

(5) **ANNUAL PROGRESS UPDATES.**—Not later than 1 year after the submission of the strategy required under paragraph (1) and annually thereafter for 4 years, the Secretary of State shall provide the appropriate congressional committees with a written description of progress made in meeting the benchmarks established in the strategy.

(6) **PUBLIC AVAILABILITY.**—The strategy required under paragraph (1) shall be made publicly available on the website of the Department of State.

(e) **DESIGNATION OF A SENIOR RULE OF LAW ADVISOR FOR THE NORTHERN TRIANGLE IN THE BUREAU OF WESTERN HEMISPHERE AFFAIRS.**—The Secretary of
State shall designate in the Bureau of Western Hemisphere Affairs of the Department of State a Senior Rule of Law Advisor for the Northern Triangle who shall lead diplomatic engagement with the Northern Triangle countries in support of democratic governance, anticorruption efforts, and the rule of law in all aspects of United States policy towards the countries of the Northern Triangle, including carrying out the initiatives described in subsection (a) and developing the strategy required under subsection (b). The individual designated in accordance with this subsection shall be a Department of State employee in the Bureau of Western Hemisphere Affairs.

SEC. 1299P–3. ACTIONS TO STRENGTHEN DEMOCRATIC INSTITUTIONS IN THE NORTHERN TRIANGLE.

(a) Secretary of State Prioritization.—The Secretary of State shall prioritize strengthening democratic institutions, good governance, human rights, and the rule of law in the Northern Triangle countries by carrying out the following initiatives:

(1) Providing support to strengthen government institutions and actors at the local and national levels to provide services and respond to citizen needs through transparent, inclusive, and democratic processes.
(2) Supporting efforts to strengthen access to information laws and reform laws that currently limit access to information.

(3) Financing efforts to build the capacity of independent media with a specific focus on professional investigative journalism.

(4) Ensuring that threats and attacks on journalists and human rights defenders are fully investigated and perpetrators are held accountable.

(5) Developing the capacity of civil society to conduct oversight and accountability mechanisms at the national and local levels.

(6) Training political actors committed to democratic principles.

(7) Strengthening electoral institutions and processes to ensure free, fair, and transparent elections.

(8) Advancing conservation principles and the rule of law to address multiple factors, including the impacts of illegal cattle ranching and smuggling as drivers of deforestation.

(b) STRATEGY.—

(1) ELEMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of
the United States Agency for International Develop-
ment and the heads of other relevant Federal agen-
cies, shall submit to the appropriate congressional
committees a strategy to support democratic govern-
ance in the Northern Triangle countries by carrying
out the initiatives described in subsection (a).

(2) CONSULTATION.—In developing the strat-
egy required under paragraph (1), the Secretary of
State shall consult with nongovernmental organiza-
tions in the Northern Triangle countries and the
United States.

(3) BENCHMARKS.—The strategy required
under paragraph (1) shall include annual bench-
marks to track the strategy’s progress in curbing ir-
regular migration from the Northern Triangle to the
United States.

(4) PUBLIC DIPLOMACY.—The strategy re-
quired under paragraph (1) shall include a public di-
plomacy strategy for educating citizens of the North-
ern Triangle countries about United States assist-
ance and its benefits to them, and informing such
citizens of the dangers of illegal migration to the
United States.

(5) ANNUAL PROGRESS UPDATES.—Not later
than 1 year after the submission of the strategy re-
quired under paragraph (1) and annually thereafter for 4 years, the Secretary of State shall provide the appropriate congressional committees with a written description of progress made in meeting the benchmarks established in the strategy.

(6) Public Availability.—The strategy required under paragraph (1) shall be made publicly available on the website of the Department of State.

SEC. 1299P–4. ACTIONS TO IMPROVE SECURITY CONDITIONS IN THE NORTHERN TRIANGLE.

(a) Secretary of State Prioritization.—The Secretary of State shall prioritize security in the Northern Triangle countries by carrying out the following initiatives:

(1) Implementing the Central America Regional Security Initiative of the Department of State.

(2) Continuing the vetting and professionalization of security services, including the civilian police and military units.

(3) Supporting efforts to combat the illicit activities of criminal gangs and transnational criminal organizations, including MS–13 and the 18th Street Gang, through support to fully vetted elements of attorneys general offices, appropriate government institutions, and security services.
(4) Supporting training for fully vetted civilian police and appropriate security services in criminal investigations, best practices for citizen security, and human rights.

(5) Providing capacity-building to relevant security services and attorneys general to support counternarcotics efforts and combat human trafficking, forcible recruitment of children and youth by gangs, gender-based violence, and other illicit activities, including trafficking of wildlife, and natural resources.

(6) Encouraging collaboration with regional and international partners in implementing security assistance, including by supporting cross-border information sharing on gangs and transnational criminal organizations.

(7) Providing equipment, technology, tools, and training to security services to assist in border and port inspections.

(8) Providing equipment, technology, tools, and training to assist security services in counternarcotics and other efforts to combat illicit activities.

(9) Continuing information sharing regarding known or suspected terrorists and other individuals and entities that pose a potential threat to United
States national security that are crossing through or residing in the Northern Triangle.

(10) Supporting information sharing on gangs and transnational criminal organizations between relevant Federal, State, and local law enforcement and the governments of the Northern Triangle countries.

(11) Considering the use of assets and resources of United States State and local government entities, as appropriate, to support the activities described in this subsection.

(12) Providing thorough end-use monitoring of equipment, technology, tools, and training provided pursuant to this subsection.

(b) STRATEGY.—

(1) ELEMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the heads of other relevant Federal agencies, shall submit to the appropriate congressional committees a 5-year strategy to prioritize the improvement of security in the Northern Triangle countries by carrying out the initiatives described in subsection (a).
(2) CONSULTATION.—In developing the strategy required under paragraph (1), the Secretary of State shall consult with nongovernmental organizations in the Northern Triangle countries and the United States.

(3) BENCHMARKS.—The strategy required under paragraph (1) shall include annual benchmarks to track the strategy’s progress in curbing irregular migration from the Northern Triangle to the United States.

(4) PUBLIC DIPLOMACY.—The strategy required under paragraph (1) shall include a public diplomacy strategy for educating citizens of the Northern Triangle countries about United States assistance and its benefits to them, and informing such citizens of the dangers of illegal migration to the United States.

(5) ANNUAL PROGRESS UPDATES.—Not later than 1 year after the submission of the strategy required under paragraph (1) and annually thereafter for 4 years, the Secretary of State shall provide the appropriate congressional committees with a written description of progress made in meeting the benchmarks established in the strategy.
(6) **Public Availability.**—The strategy required under paragraph (1) shall be made publicly available on the website of the Department of State.

(c) **Women and Children Protection Compacts.**—

(1) **In General.**—The President, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other relevant Federal departments or agencies, is authorized to enter into bilateral agreements with one or more of the Governments of El Salvador, Guatemala, or Honduras to provide United States assistance for the purposes of—

(A) strengthening the capacity of the justice systems in such countries to protect women and children fleeing domestic, gang, or drug violence and to serve victims of domestic violence, sexual assault, trafficking, or child abuse or neglect, including by strengthening the capacity of such systems to hold perpetrators accountable; and

(B) creating, securing, and sustaining safe communities and schools in such countries, by building on current approaches to prevent and
deter violence against women and children in such communities or schools.

(2) REQUIREMENTS.—An agreement under the authority provided by paragraph (1)—

(A) shall establish a 3- to 6-year plan to achieve the objectives described in subparagraphs (A) and (B) of such paragraph;

(B) shall include measurable goals and indicators with respect to such objectives;

(C) may not provide for any United States assistance to be made available directly to any of the governments of El Salvador, Guatemala, or Honduras; and

(D) may be suspended or terminated with respect to a country or an entity receiving assistance pursuant to the agreement, if the Secretary of State determines that such country or entity has failed to make sufficient progress towards the goals of the Compact.

SEC. 1299P–5. TARGETED SANCTIONS TO FIGHT CORRUPTION IN THE NORTHERN TRIANGLE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) corruption in the Northern Triangle countries by private citizens and select officials in local,
regional, and Federal governments significantly
damages the economies of such countries and de-
prives citizens of opportunities;

(2) corruption in the Northern Triangle is fa-
cilitated and carried out not only by private citizens
and select officials from those countries but also in
many instances by individuals from third countries;
and

(3) imposing targeted sanctions on individuals
from throughout the world and particularly in the
Western Hemisphere who are engaged in acts of sig-
nificant corruption that impact the Northern Tri-
gle countries or obstruction of investigations into
such acts of corruption will benefit the citizens and
governments of such countries.

(b) IMPOSITION OF SANCTIONS.—The President shall
impose the sanctions described in subsection (c) with re-
spect to a foreign person who the President determines
on or after the date of the enactment of this Act to have
knowingly engaged in significant corruption or obstruction
of investigations into such acts of corruption in a North-
er Triangle country, including the following:

(1) Corruption related to government contracts.

(2) Bribery and extortion.
(3) The facilitation or transfer of the proceeds of corruption, including through money laundering.

(4) Acts of violence, harassment, or intimidation directed at governmental and non-governmental corruption investigators.

(c) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection are the following:

(A) ASSET BLOCKING.—The blocking, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INELIGIBILITY FOR VISAS AND ADMIS-SION TO THE UNITED STATES.—In the case of a foreign person who is an individual, such foreign person is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States;

and
(iii) otherwise ineligible to be admitted
or paroled into the United States or to re-
ceive any other benefit under the Immigra-
tion and Nationality Act (8 U.S.C. 1101 et
seq.).

(C) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing con-
sular officer or the Secretary of State, (or
a designee of the Secretary of State) shall,
in accordance with section 221(i) of the
Immigration and Nationality Act (8 U.S.C.
1201(i)), revoke any visa or other entry
documentation issued to a foreign person
regardless of when the visa or other entry
documentation is issued.

(ii) EFFECT OF REVOCATION.—A rev-
ocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any
other valid visa or entry documen-
tation that is in the foreign person’s
possession.

(2) PENALTIES.—A person that violates, at-
ttempts to violate, conspires to violate, or causes a
violation of a measure imposed pursuant to para-
(1) Implementation.—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.

(3) Exception to comply with international obligations.—Sanctions under subparagraph (B) and (C) of paragraph (1) shall not apply with respect to a foreign person if admitting or paroling such person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.
(2) Regulatory Authority.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(e) National Interest Waiver.—The President may waive the application of the sanctions under subsection (c) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a notice of and justification for the waiver.

(f) Termination.—The authority to impose sanctions under subsection (b), and any sanctions imposed pursuant to such authority, shall expire on the date that is 3 years after the date of the enactment of this Act.

(g) Exception Relating to Importation of Goods.—The authorities and requirements to impose sanctions authorized under this Act shall not include the authority or requirement to impose sanctions on the importation of goods.

(h) Definitions.—In this section:

(1) Appropriate Congressional Committees.—The term “appropriate congressional committees” means—
(A) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) Good.—The term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(3) Person from a Northern Triangle country.—The term “person from a Northern Triangle country” means—

(A) a citizen of a Northern Triangle country; or

(B) an entity organized under the laws of a Northern Triangle country or any jurisdiction within a Northern Triangle country.

SEC. 1299P–6. DEFINITIONS.

In this subtitle:

(1) Appropriate congressional committees.—Except as otherwise provided, the term “appropriate congressional committees” means—
(A) the Committee on Foreign Affairs and
the Committee on Appropriations of the House
of Representatives; and

(B) the Committee on Foreign Relations
and the Committee on Appropriations of the
Senate.

(2) NORTHERN TRIANGLE.—The term “North-
ern Triangle” means the region of Central America
that encompasses the countries of El Salvador, Guat-
emala, and Honduras.

(3) NORTHERN TRIANGLE COUNTRIES.—The
term “Northern Triangle countries” means the
countries of El Salvador, Guatemala, and Honduras.

(4) TRANSNATIONAL CRIMINAL ORGANIZA-
TION.—The term “transnational criminal organiza-
tion” has the meaning given the term “significant
transnational criminal organization” in Executive
Order No. 13581 (July 24, 2011).

Subtitle L—Additional Matters Re-
Relating to NATO Allies and Part-
ers

SEC. 1299Q–1. FOREIGN MILITARY LOAN AUTHORITY.

(a) IN GENERAL.—Beginning in fiscal year 2021,
(b) and to the availability of appropriations, the President, acting through the Secretary of State, is authorized—

(1) to make direct loans under section 23 of the Arms Export Control Act (22 U.S.C. 2763) to NATO member countries that joined the alliance after March 1, 1999, notwithstanding the minimum interest rate required by subsection (c)(1) of such section; and

(2) to charge fees for such loans under paragraph (1), which shall be collected from borrowers in accordance with section 502(7) of the Congressional Budget Act of 1974 and which may be used to cover the costs of such loans as defined in section 502 of the Congressional Budget Act of 1974.

(b) NOTIFICATION.—A loan may not be made under the authority provided by subsection (a) unless the Secretary of State submits to the appropriate congressional committees a certification, not fewer than 15 days before entering into an agreement to make such loan, that—

(1) the recipient country is making demonstrable progress toward meeting its defense spending commitments in accordance with the 2014 NATO Wales Summit Declaration; and

(2) the government of such recipient country is respecting that country’s constitution and upholds
democratic values such as freedom of religion, freedom of speech, freedom of the press, the rule of law, and the rights of religious minorities.

(e) Repayment.—A loan made under the authority provided by subsection (a) shall be repaid in not more than 12 years, but may include a grace period of up to 1 year on the repayment of the principal.

(d) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 1299Q–2. AUTHORIZATION OF REWARDS FOR PROVIDING INFORMATION ON FOREIGN ELECTION INTERFERENCE.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(2), by inserting “foreign election interference,” before “transnational organized crime”;

(2) in subsection (b)—
(A) in paragraph (5), by striking “or (10)” and inserting “(10), or (13)”;  

(B) in paragraph (11), by striking “or” after the semicolon at the end;  

(C) in paragraph (12)—  
  (i) by striking “sections” and inserting “section”;  
  (ii) by striking “or (b)(1)” and inserting “or 2914(b)(1)”; and  
  (iii) by striking the period at the end and inserting “; or”; and  

(D) by adding at the end the following new paragraph:  
  “(13) the identification or location of a foreign person that knowingly engaged or is engaging in foreign election interference.”; and  

(3) in subsection (k)—  
  (A) by redesignating paragraphs (3) through (8) as paragraphs (5) through (10), respectively;  
  (B) by inserting after paragraph (2) the following new paragraphs:  
  “(3) FOREIGN PERSON.—The term ‘foreign person’ means—
“(A) an individual who is not a United States person; or

“(B) a foreign entity.

“(4) FOREIGN ELECTION INTERFERENCE.—The term ‘foreign election interference’ means conduct by a foreign person that—

“(A)(i) violates Federal criminal, voting rights, or campaign finance law; or

“(ii) is performed by any person acting as an agent of or on behalf of a foreign government or criminal enterprise; and

“(B) includes any covert, fraudulent, deceptive, or unlawful act or attempted act, or knowing use of information acquired by theft, undertaken with the purpose or effect of undermining public confidence in election processes or institutions, or influencing, undermining confidence in, or altering the result or reported result of, a general or primary Federal, State, or local election or caucus, including—

“(i) the campaign of a candidate; or

“(ii) a ballot measure, including an amendment, a bond issue, an initiative, a recall, a referral, or a referendum.”; and
(C) in paragraph (10), as so redesignated, in subparagraph (A), by striking “and” after the semicolon and inserting “or”.

SEC. 1299Q–3. REPORT ON NATO MEMBER CONTRIBUTIONS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, the Secretary of Defense, and the Director of National Intelligence, shall submit to the appropriate congressional committees a report, in classified form but with an unclassified annex, that provides an accounting in United States dollars and assesses the contributions of NATO member countries to the security of the alliance.

(b) Matters To Be Included.— The report required by subsection (a) shall also include the following with respect to each member country:

(1) Data for the following categories from 2014 through 2019:

(A) Defense spending as a percentage of gross domestic product (GDP).

(B) Year-to-year percent change in defense spending as a percentage of GDP.

(C) Percentage of defense spending spent on major equipment.
(D) Year-to-year percent change in equipment spending as a percentage of defense spending.

(E) Total security assistance or equivalent assistance to other NATO member countries or members of the NATO Partnership for Peace program.

(F) Total economic and development assistance or equivalent assistance to critical NATO partners, such as Ukraine, Georgia, Bosnia and Herzegovina, Kosovo, Moldova, and others.

(2) Participation in or contributions to United States or NATO-led missions, exercises, and combat and non-combat operations since March 24, 1999, such as the following:

   (A) NATO’s Enhanced Forward Presence.
   (B) Global Coalition Against ISIS.
   (C) NATO’s Very High Readiness Joint Task Force.
   (D) Operations in Afghanistan.

(3) Efforts to improve domestic conditions to facilitate military mobility in Europe, including relevant infrastructure and legal and regulatory conditions.
(4) Financial costs and benefits of the host countries of United States forces in Europe, including permanent basing.

(c) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 1299Q–4. REPORT ON CAPABILITY AND CAPACITY REQUIREMENTS OF MILITARY FORCES OF UKRAINE AND RESOURCE PLAN FOR SECURITY ASSISTANCE.

(a) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit a report to the appropriate committees of Congress on the capability and capacity requirements of the military forces of the Government of Ukraine, which shall include the following:

(1) An identification of the capability gaps and capacity shortfalls of the military of Ukraine, including—
(A) an assessment of the requirements of
the Ukrainian navy to accomplish its assigned
missions; and

(B) an assessment of the requirements of
the Ukrainian air force to accomplish its as-
signed missions.

(2) An assessment of the relative priority as-
signed by the Government of Ukraine to addressing
such capability gaps and capacity shortfalls.

(3) An assessment of the capability gaps and
capacity shortfalls that—

(A) could be addressed in a sufficient and
timely manner by unilateral efforts of the Gov-
ernment of Ukraine; or

(B) are unlikely to be addressed in a suffi-
cient and timely manner solely through unilat-
eral efforts.

(4) An assessment of the capability gaps and
capacity shortfalls described in paragraph (3)(B)
that could be addressed in a sufficient and timely
manner by—

(A) the Ukraine Security Assistance Initia-
tive of the Department of Defense;
(B) Department of Defense security assistance authorized by section 333 of title 10, United States Code;

(C) the Foreign Military Financing and Foreign Military Sales programs of the Department of State; or

(D) the provision of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(5) An assessment of the human resource requirements of the Office of Defense Cooperation at the United States Embassy in Kyiv and any gaps in its capacity to transmit and facilitate security assistance to Ukraine.

(6) Any recommendations the Secretaries deem appropriate concerning coordination of security assistance efforts of the Department of Defense and Department of State with respect to Ukraine.

(b) RESOURCE PLAN.—Not later than February 15, 2022, the Secretary of State and Secretary of Defense shall jointly submit a report on resourcing United States security assistance with respect to Ukraine, which shall include the following:

(1) A plan to resource the following initiatives and programs with respect to Ukraine in fiscal year
2023 and the four succeeding fiscal years to meet the most critical capability gaps and capacity shortfalls of the military forces of Ukraine:

(A) The Ukraine Security Assistance Initiative of the Department of Defense.

(B) Department of Defense security assistance authorized by section 333 of title 10, United States Code.

(C) The Foreign Military Financing and Foreign Military Sales programs of the Department of State.

(D) The provision of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(2) With respect to the Ukrainian navy:

(A) A capability development plan, with milestones, describing the manner in which the United States will assist the Government of Ukraine in meeting the requirements described in subsection (a)(1)(A).

(B) A plan for United States cooperation with third countries and international organizations that have the resources and ability to provide immediate assistance to the Ukrainian navy, while maintaining interoperability with
United States platforms to the greatest extent feasible.

(C) A plan to prioritize Excess Defense Articles for the Ukrainian navy to the maximum extent practicable during the time period described in paragraph (1).

(D) An assessment of how United States security assistance to the Ukrainian navy is in the national security interests of the United States.

(3) With respect to the Ukrainian air force—

(A) a capability development plan, with milestones, detailing how the United States will assist the Government of Ukraine in meeting the requirements described in subsection (a)(1)(B);

(B) a plan for United States cooperation with third countries and international organizations that have the resources and ability to provide immediate assistance to the Ukrainian air force, while maintaining interoperability with United States platforms to the greatest extent feasible;

(C) a plan to prioritize excess defense articles for the Ukraine air force to the maximum
extent practicable during the time period described in paragraph (1);

(D) an assessment of how United States security assistance to the Ukrainian air force is in the national security interests of the United States.

(4) An assessment of progress on defense institutional reforms in Ukraine, including in the Ukrainian navy and air force, in the time period described in paragraph (1) that will be essential for—

(A) enabling effective use and sustainment of capabilities developed under security assistance authorities described in this section;

(B) enhancing the defense of Ukraine’s sovereignty and territorial integrity;

(C) achieving the Government of Ukraine’s stated goal of meeting NATO standards; and

(D) allowing Ukraine to achieve its full potential as a strategic partner of the United States.

(c) FORM.—The report required under subsection (a) and the resource plan required under subsection (b) shall each be submitted in a classified form with an unclassified summary.
(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Armed Services Committees of the Senate and House of Representatives;

(2) the Foreign Relations Committee of the Senate and the Foreign Affairs Committee of the House of Representatives; and

(3) the Appropriations Committees of the Senate and House of Representatives.

SEC. 1299Q–5. EFFORTS TO COUNTER MALIGN AUTHORITARIAN INFLUENCE.

(a) SENSE OF CONGRESS ON THE RELATIONSHIP BETWEEN RUSSIA AND SERBIA.—It is the sense of Congress that—

(1) the Government of Russia seeks to undermine the security of the United States, its NATO allies, and other close partners in Europe;

(2) the Government of Russia seeks to undermine the legitimate interests of the United States, NATO, the European Union, and other allied and partner governments in strategically significant regions;

(3) the values of the Government of Russia are inconsistent with the values of freedom, democracy,
free speech, free press, the respect for the rule of law, and other ideals that underpin the international rules-based order formed on the basis of Western institutions including NATO and the European Union;

(4) the Government of Russia continues its campaign to undermine and erode the values of NATO and the European Union, institutions that Serbia claims to strive to join;

(5) the Government of Serbia, particularly under the leadership of President Alexander Vucic, has acted in ways that do not comport with the values of the United States, NATO, the European Union, and member countries of each such organization;

(6) the Government of Serbia, particularly under the leadership of President Alexander Vucic, has continued to deepen its military ties and cooperation with the Government of Russia;

(7) the United States Government should, in its bilateral engagements with the Government of Serbia, stress the importance of Serbia reducing its military ties with Russia; and

(8) the Government of Serbia should be sanctioned under appropriate authorities of the Countering America’s Adversaries Through Sanctions Act
of 2017 if its deepened military ties have facilitated
transactions between the Government of Serbia and
the Government of Russia that are deemed “significant” for purposes of such Act.

(b) REPORT ON MALIGN RUSSIAN AND CHINESE INFUENCE IN SERBIA.—Not later than 90 days after the
date of the enactment of this Act, the Secretary of State,
in consultation with the Secretary of Defense and the Admin-
istrator of the United States Agency for International
Development, shall submit to the appropriate congres-
sional committees an unclassified report, which may con-
tain a classified annex, assessing trends of malign influence from the governments of Russia and China in Serbia
including with respect to the following:

(1) Corruption of political institutions and po-

tical leaders in Serbia by Russia or China.

(2) The use of propaganda, disinformation, and

other information tools to promote stronger ties be-

tween Serbia and Russia or China or to discourage

Serbia from advancing toward greater integration

with Western institutions like the European Union.

(3) The use of foreign assistance and associated

media messaging to influence public opinion in Ser-

bia with respect to Russia or China.
(4) The deepening of military-to-military co-
operation or cooperation in other national security
and law enforcement sectors between Serbia and
Russia or China.

(5) The expansion of economic ties between
Serbia and Russia or China, especially in the energy,
mining, and industrial sectors.

(6) The use of religious or ethnic ties to deepen
relations between Serbia and Russia.

c) REPORT ON POTENTIAL CAATSA VIOLATIONS.—
Not later than 60 days after the date of the enactment
of this Act, the Secretary of State shall submit to the ap-
propriate congressional committees an unclassified report,
which may contain a classified annex, that lists each coun-
try that has taken delivery of military equipment manufac-
tured in Russia since the enactment of the Countering
America’s Adversaries Through Sanctions Act of 2017,
and determines whether any transactions described in the
report constitute a significant transaction as described in
such Act, including countries that have—

(1) purchased of Russian equipment from the
Government of Russia;

(2) obtained Russian equipment provided by the
Government of Russia as aid, assistance, or for re-
lated purposes; or
(3) obtained Russian equipment provided by the Government of Russia as a gift.

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

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

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

**SEC. 1299R–1. SHORT TITLE.**

This subtitle may be cited as the “Sudan Democratic Transition, Accountability, and Fiscal Transparency Act of 2020”.

**SEC. 1299R–2. DEFINITIONS.**

Except as otherwise provided, in this subtitle:

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

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and
(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term “international financial institutions” means—

(A) the International Monetary Fund;

(B) the International Bank for Reconstruction and Development;

(C) the International Development Association;

(D) the International Finance Corporation;

(E) the Inter-American Development Bank;

(F) the Asian Development Bank;

(G) the Inter-American Investment Corporation;

(H) the African Development Bank;

(I) the European Bank for Reconstruction and Development;

(J) the Multilateral Investment Guaranty Agency; and

(K) any multilateral financial institution, established after the date of enactment of this
Act, that could provide financial assistance to
the Government of Sudan.

(3) SOVEREIGNTY COUNCIL.—The term “Sovereignty Council” means the governing body of Sudan during the transitional period that consists of—

(A) five civilians selected by the Forces of Freedom and Change;

(B) five members selected by the Transitional Military Council; and

(C) one member selected by agreement between the Forces of Freedom and Change and the Transitional Military Council.

(4) SUDANESE SECURITY AND INTELLIGENCE SERVICES.—The term “Sudanese security and intelligence services” means—

(A) the Sudan Armed Forces;

(B) the Rapid Support Forces,

(C) Sudan’s Popular Defense Forces and other paramilitary units;

(D) Sudan’s police forces;

(E) the General Intelligence Service, previously known as the National Intelligence and Security Services; and
(F) related entities, such as Sudan’s Military Industry Corporation.

(5) TRANSITIONAL PERIOD.—The term “transitional period” means the 39-month period beginning on August 17, 2019, the date of the signing of Sudan’s constitutional charter, during which—

(A) the members of the Sovereignty Council described in paragraph (3)(B) select a chair of the Council for the first 21 months of the period; and

(B) the members of the Sovereignty Council described in paragraph (3)(A) select a chair of the Council for the remaining 18 months of the period.

SEC. 1299R–3. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) support a civilian-led political transition in Sudan that results in a democratic government, that is accountable to its people, respects and promotes human rights, is at peace internally and with its neighbors, and can be a partner for regional stability;

(2) support the implementation of Sudan’s constitutional charter for the transitional period; and
(3) pursue a strategy of calibrated engagement with Sudan that includes—

(A) facilitating an environment for free, fair, and credible democratic elections and a pluralistic and representative political system;

(B) supporting reforms that improve transparency and accountability, remove restrictions on civil and political liberties, and strengthen the protection of human rights, including religious freedom;

(C) strengthening civilian institutions, judicial independence, and the rule of law;

(D) empowering civil society and independent media;

(E) promoting national reconciliation and enabling a just, comprehensive, and sustainable peace;

(F) promoting the role of women in government, the economy, and society, in recognition of the seminal role that women played in the social movement that ousted former president Omar al-Bashir;

(G) promoting accountability for genocide, war crimes, crimes against humanity, and sexual and gender-based violence;
(H) encouraging the development of civilian oversight over and professionalization of the Sudanese security and intelligence services and strengthening accountability for human rights violations and abuses, corruption, or other abuses of power;

(I) promoting economic reform, private sector engagement, and inclusive economic development while combating corruption and illicit economic activity, including that which involves the Sudanese security and intelligence services;

(J) securing unfettered humanitarian access across all regions of Sudan;

(K) supporting improved development outcomes, domestic resource mobilization, and catalyzing market-based solutions to improve access to health, education, water and sanitation, and livelihoods; and

(L) promoting responsible international and regional engagement.

SEC. 1299R–4. SUPPORT FOR DEMOCRATIC GOVERNANCE, RULE OF LAW, HUMAN RIGHTS, AND FUNDAMENTAL FREEDOMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the political transition in Sudan, following sev-
eral months of popular protests against the regime of
Omar al-Bashir, represents an opportunity for the United
States to support democracy, good governance, rule of law,
human rights, and fundamental freedoms in Sudan.

(b) **IN GENERAL.**—Notwithstanding any other provi-
sion of law (other than the Trafficking Victims Protection
Act of 2000 or the Child Soldiers Prevention Act of 2008),
the President is authorized to provide assistance under
part I and chapter 4 of part II of the Foreign Assistance
Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.)
to—

(1) provide for democracy and governance pro-
grams that strengthen and build the capacity of rep-
resentative civilian government institutions, political
parties, and civil society in Sudan;

(2) support the organization of free, fair, and
credible elections in Sudan;

(3) provide technical support for legal and pol-
icy reforms that improve transparency and account-
ability and protect human rights, including religious
freedom, and civil liberties in Sudan;

(4) support for human rights and fundamental
freedoms, including the freedoms of religion or be-
ief; expression, including for members of the press,
assembly; and association in Sudan;
(5) support measures to improve and increase women’s participation in the political, economic, and social sectors of Sudan; and

(6) support other related democracy, good governance, rule of law, and fundamental freedom programs and activities.

(e) Authorization of Appropriations.—Of the funds authorized to be appropriated to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for fiscal years 2021 and 2022, $20,000,000 is authorized to be appropriated for each such fiscal year to carry out this section.

SEC. 1299R–5. SUPPORT FOR DEVELOPMENT PROGRAMS.

(a) In General.—Notwithstanding any other provision of law (other than the Trafficking Victims Protection Act of 2000 or the Child Soldiers Prevention Act of 2008), the President is authorized to provide assistance under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for programs in Sudan to—

(1) increase agricultural and livestock productivity;
(2) promote economic growth, increase private sector productivity and advance market-based solutions to address development challenges;

(3) support women’s economic empowerment and economic opportunities for youth and previously marginalized populations;

(4) improve equal access to quality basic education;

(5) support the capacity of universities to equip students to participate in a pluralistic and global society through virtual exchange and other programs;

(6) improve access to water, sanitation, and hygiene projects;

(7) build the capacity of national and sub-national government officials to support the transparent management of public resources, promote good governance through combating corruption and improving accountability, increase economic productivity, and increase domestic resource mobilization; and

(8) support other related economic assistance programs and activities.

(b) Authorization of Appropriations.—Of the funds authorized to be appropriated to carry out part I and chapter 4 of part II of the Foreign Assistance Act
of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for fiscal years 2021 and 2022, $80,000,000 is authorized to be appropriated, for each such fiscal year to carry out this section.

SEC. 1299R–6. SUPPORT FOR CONFLICT MITIGATION.

(a) IN GENERAL.—Notwithstanding any other provision of law (other than the Trafficking Victims Protection Act of 2000 or the Child Soldiers Prevention Act of 2008), the President is authorized to provide assistance under part I and chapters 4, 5, and 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq., 2346 et seq., and 2348 et seq.) to—

(1) support long-term peace and stability in Sudan by promoting national reconciliation and enabling a just, comprehensive, and sustainable peace, especially in regions that have been underdeveloped or affected by war, such as the states of Darfur, South Kordofan, Blue Nile, Red Sea, and Kassala;

(2) support civil society and other organizations working to address conflict prevention, mitigation, and resolution mechanisms and people-to-people reconciliation in Sudan, especially those addressing issues of marginalization and vulnerable groups, equal protection under the law, natural resource 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
(B) between stakeholders in this region and the Government of Sudan to support popular consultations on the status of the states of South Kordofan and Blue Nile; and

(6) support other related conflict mitigation programs and activities.

(b) Authorization of Appropriations.—Of the funds authorized to be appropriated to carry out part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq., 2346 et seq., and 2348 et seq.) for fiscal years 2021 and 2022, $20,000,000 is authorized to be appropriated for each such fiscal year to carry out this section.

SEC. 1299R–7. SUPPORT FOR ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN SUDAN.

(a) Sense of Congress.—It is the sense of Congress that the Secretary of State should conduct robust diplomatic engagement to promote accountability and provide technical support to ensure that credible, transparent, and independent investigations of gross violations of human rights perpetrated by the Government of Sudan under former President Omar al-Bashir and the Transitional Military Council since June 30, 1989.
(b) IN GENERAL.—Notwithstanding any other provision of law (other than the Trafficking Victims Protection Act of 2000 or the Child Soldiers Prevention Act of 2008), the President is authorized to provide assistance under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) to—

(1) build the capacity of civilian investigators within and outside of Sudan on how to document, investigate, develop findings of, identify, and locate those responsible for war crimes, crimes against humanity, or genocide in Sudan;

(2) collect, document, and protect evidence of war crimes, crimes against humanity, and genocide in Sudan and preserve the chain of custody for such evidence, including by providing support for Sudanese, foreign, and international nongovernmental organizations, and other entities engaged in such investigative activities;

(3) build Sudan’s judicial capacity to support prosecutions in domestic courts and support investigations by hybrid or international courts as appropriate;
(4) protect witnesses who participate in court proceedings or other transitional justice mechanisms; and

(5) support other related conflict mitigation programs and activities.

(c) Authorization of Appropriations.—Of the funds authorized to be appropriated to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.), for fiscal years 2021 and 2022, $10,000,000 is authorized to be appropriated for each such fiscal year to carry out this section.

SEC. 1299R–8. SUSPENSION OF ASSISTANCE.

(a) In General.—The President is authorized to suspend the provision of assistance authorized under section 1299R–4, 1299R–5, 1299R–6, or 1299R–7 to the Government of Sudan if the President determines that conditions in Sudan or the composition of the Government of Sudan changes such that it is no longer in the United States national interest to continue to provide such assistance.

(b) Report.—Not later than 30 days after making a determination under subsection (a), the President shall submit to the appropriate congressional committees a report that describes—
(1) the political and security conditions in Sudan that led to such determination; and

(2) any planned diplomatic engagement to re-start the provision of such assistance.

SEC. 1299R–9. MULTILATERAL ASSISTANCE.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) Sudan’s economic challenges are a legacy of decades of kleptocracy, economic mismanagement, and war;

(2) Sudan’s economic recovery will depend on—

(A) combating corruption and illicit economic activity;

(B) ending internal conflicts in the states of Darfur, South Kordofan, and Blue Nile; and

(C) promoting inclusive economic growth and development; and

(3) the COVID–19 outbreak constitutes a grave danger to Sudan’s economic stability, public health, and food security and jeopardizes the transition to a civilian-led government that promotes the democratic aspirations of the Sudanese people.

(b) RESPONDING TO THE COVID–19 OUTBREAK.—During the transitional period in Sudan, and notwithstanding any other provision of law, the Secretary of the
Treasury may instruct the United States Executive Director at each international financial institution to use the voice and vote of the United States to support loans or other utilization of the funds of the respective institution for Sudan for the purpose of addressing basic human needs, responding to the COVID–19 outbreak and its impact on the country’s economic stability, or promoting democracy, governance, or public financial management in Sudan.

(c) Debt Relief.—Upon the removal of Sudan from the State Sponsors of Terrorism List, and once the Sovereignty Council is chaired by a civilian leader, the Secretary of the Treasury and the Secretary of State should engage with international financial institutions and other bilateral official creditors to advance agreement through the Heavily Indebted Poor Countries (HIPC) Initiative to restructure, reschedule, or cancel the sovereign debt of Sudan.

(d) Reporting Requirement.—Not later than 3 months after the date of the enactment of this Act, and not less than every 6 months thereafter during the transitional period, the Secretary of the Treasury, in consultation with the Secretary of State, shall report to the appropriate congressional committees on the extent to which the transitional government of Sudan has taken demonstrable
steps to strengthen governance and improve fiscal transparency, including—

(1) establishing civilian control over the finances and assets of the Sudanese security and intelligence services;

(2) developing a transparent budget that accounts for all expenditures related to the security and intelligence services;

(3) identifying the shareholdings in all public and private companies not exclusively dedicated to the national defense held or managed by the security and intelligence services, and publicly disclosing, evaluating, and transferring all such shareholdings to the Ministry of Finance of the Government of Sudan or to any specialized entity of the Government of Sudan established under law for this purpose, which is ultimately accountable to a civilian authority;

(4) ceasing the involvement of the security and intelligence services officials, and their immediate family members, in the illicit trade in mineral resources, including petroleum and gold;

(5) implementing a publicly transparent methodology for the Government of Sudan to recover, evaluate, hold, manage, or divest any state assets
and the profits derived from the assets that may have been transferred to the National Congress Party, an affiliate of the National Congress Party, or an official of the National Congress Party in the individual capacity of such an official;

(6) identifying and monitoring the nature and purpose of offshore financial resources controlled by the security and intelligence services; and

(7) strengthening banking regulation and supervision and addressing anti-money laundering and counter-terrorism financing deficiencies.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the United States Senate.

SEC. 1299R–10. COORDINATED SUPPORT TO RECOVER ASSETS STOLEN FROM THE SUDANESE PEOPLE.

The Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, shall
seek to advance the efforts of the Government of Sudan to recover assets stolen from the Sudanese people, including with regard to international efforts to—

(1) identify and track assets taken from the people and institutions of Sudan through theft, corruption, money laundering, or other illicit means; and

(2) with respect to assets identified pursuant to paragraph (1), work with foreign governments and international organizations to—

(A) share financial investigations intelligence, as appropriate;

(B) oversee and manage the assets identified pursuant to paragraph (1);

(C) as appropriate, advance, advance civil forfeiture litigation, including providing technical assistance to help governments establish the necessary legal framework to carry out asset forfeitures; and

(D) work with the Government of Sudan to ensure that a credible mechanism is established to ensure that any recovered assets are managed in a transparent and accountable fashion and ultimately used for the benefit of the Sudanese people, provided that—
(i) returned assets are not used for partisan political purposes; and

(ii) there are robust financial management and oversight measures to safeguard repatriated assets.

SEC. 1299R–11. LIMITATION ON ASSISTANCE TO THE SUDANESE SECURITY AND INTELLIGENCE SERVICES.

(a) In General.—The President may not provide assistance (other than assistance authorized under section 1299R–6) to the Sudanese security and intelligence services until the President submits to Congress a certification that the Government of Sudan has met the conditions described in subsection (c).

(b) Exception; Waiver.—

(1) Exception.—The Secretary of State may, as appropriate and notwithstanding any other provision of law, provide assistance for the purpose of professionalizing the Sudanese security and intelligence services, through institutions such as the Africa Center for Strategic Studies and the United States Institute of Peace.

(2) Waiver.—The President may waive the limitation on the provision of assistance under subsection (a) if, not later than 30 days before the as-
sistance is to be provided, the President submits to the appropriate congressional committees—

(A) a list of the activities and participants to which such waiver would apply;

(B) a justification that the waiver is in the national security interest of the United States; and

(C) a certification that the participants have met the requirements of either section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) for programs funded through Department of State appropriations or section 362 of title 10, United States Code, for programs funded through Department of Defense appropriations.

(e) CONDITIONS.—

(1) IN GENERAL.—The conditions described in this subsection are that the Sudanese security and intelligence services—

(A) have demonstrated progress in undertaking security sector reform, including reforms that professionalize such security and intelligence services, improve transparency, and reforms to the laws governing the security forces,
such as of the National Security Act of 2010 and the Sudan Armed Forces Act of 2007;

(B) support efforts to respect human rights, including religious freedom, and hold accountable any members of such security and intelligence services responsible for human rights violations and abuses, including by taking demonstrable steps to cooperate with local or international mechanisms of accountability, to ensure that those responsible for war crimes, crimes against humanity, and genocide committed in Sudan are brought to justice;

(C) are under civilian oversight, subject to the rule of law, and are not undertaking actions to undermine a civilian-led transitional government or an elected civilian government;

(D) have refrained from targeted attacks against religious or ethnic minority groups, have negotiated in good faith during the peace process and constructively participated in the implementation of any resulting peace agreements, and do not impede inclusive political participation;

(E) allow unfettered humanitarian access by United Nations organizations and specialized
agencies and domestic and international humanitarian organizations to civilian populations in conflict-affected areas;

(F) cooperate with the United Nations High Commissioner for Refugees and organizations affiliated with the United Nations to allow for the protection of displaced persons and the safe, voluntary, sustainable, and dignified return of refugees and internally displaced persons; and

(G) take constructive steps to investigate all reports of unlawful recruitment of children by Sudanese security forces and prosecute those found to be responsible.

(2) FORM.—The certification described in subsection (a) containing the conditions described in paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(d) SUNSET.—This section shall terminate on the date that is the earlier of—

(1) the date that is 2 years after the date of the enactment of this Act; or

(2) the date on which the President determines that a successful rotation of military to civilian leadership in the Sovereignty Council has occurred.
SEC. 1299R-12. AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN GOVERNMENT OF SUDAN OFFICIALS AND OTHER INDIVIDUALS.

(a) In general.—The President shall impose the sanctions described in subsection (b) with respect to any senior official of the Government of Sudan and any other foreign person that the President determines, on or after the date of enactment of this Act—

(1) is knowingly responsible for, complicit in, or has directly or indirectly engaged in—

(A) significant actions or policies that threaten the peace, security, or stability of Sudan, including through the use of armed groups;

(B) significant actions or policies that obstruct, undermine, delay, or impede, or pose a significant risk of obstructing, undermining, delaying, or impeding, the civil and political rights of the Sudanese people and the political transition in Sudan;

(C) corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery;
(D) serious human rights abuses that may include the targeting of civilians through the commission of acts of violence, abduction, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or a violation of international humanitarian law; or

(E) illicit exploitation of natural resources in Sudan;

(2) is a leader of an entity that has, or whose members have, engaged in any activity described in subparagraphs (A) through (E) of paragraph (1);

(3) has materially assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services to or in support of—

(A) any activity described in paragraph (1); or

(B) any person whose property and interests in property are blocked pursuant to Executive Order No. 13400 (2006); or

(4) is owned or controlled by, or has acted or purported to act for or on behalf of, any other person whose property and interests in property are blocked pursuant to—
(A) subsection (b)(1); or

(B) Executive Order No. 13400 (2006).

(b) SANCTIONS DESCRIBED.—The sanctions to be imposed with respect to any foreign person described in subsection (a) are the following:

(1) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property—

(A) are in the United States;

(B) come within the United States; or

(C) come within the possession or control of a United States person.

(2) INADMISSIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—The foreign person is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and
(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—The visa or other entry documentation of the foreign person shall be revoked, regardless of when such visa or other entry documentation is or was issued. A revocation under this subparagraph shall take effect immediately and automatically cancel any other valid visa or entry documentation that is in the foreign person’s possession.

(c) EXCEPTIONS TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under subsection (b)(2) shall not apply with respect to a foreign person described in subsection (a) if admitting or paroling the foreign person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.
(d) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—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 and shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(2) PENALTIES.—Any person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out paragraph (1) shall be subject to the penalties set forth in subsections (b) and (e) 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) WAIVER.—The President may waive the application of sanctions imposed with respect to a foreign person pursuant to subsection (a) if the President—

(1) determines that a waiver is in the national interest of the United States; and

(2) not later than the date on which such waiver will take effect, submits a notice of and justifica-
tion for such waiver to the appropriate congressional committees.

(f) Termination of Authority To Impose Sanctions.—The authority to impose sanctions under this section shall terminate on the date that is the earlier of 3 years after the date of the enactment of this Act or the date on which the President determines and certifies to the appropriate congressional committees that the Government of Sudan—

(1) has held free, fair, and credible general elections in accordance with the 2019 constitutional charter for the transitional period and a democratically elected head of state has been sworn in and taken office;

(2) is making significant progress towards respecting the freedoms of religion, speech, press, assembly, and association as described in the 2019 constitutional charter for the transitional period and toward holding free, fair, and credible elections by the end of the transitional period;

(3) is compliant with international norms and standards concerning the transparent allocation and disbursement of government directed funds;
(4) respects the right to freedom of religion, speech, press, assembly, and association for all Sudanese citizens;

(5) has ceased attacks on civilians, including through the use of militias;

(6) has negotiated in good faith to reach formal peace agreements with armed movements that had been in conflict with the Government of Sudan; and

(7) has ceased any material support or assistance to groups associated or linked to international terrorism.

(g) 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 requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term "good" means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(h) Exceptions to Comply With National Security.—The following activities shall be exempt from sanctions under this section:
(1) Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).

(2) Any authorized intelligence or law enforcement activities of the United States.

(i) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN.—The terms “admitted” and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1001).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.
(4) KNOWINGLY.—The term “knowingly” means, with respect to conduct, a circumstance, or a result, that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(5) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen, an alien lawfully admitted for permanent residence to the United States, or any other individual subject to the jurisdiction of the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such entity; or

(C) any person in the United States.

SEC. 1299R–13. REPORTS.

(a) REPORT ON ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 2 years, the President shall submit to the appropriate congressional committees a report that—

(1) summarizes reports of gross violations of human rights, including sexual and gender-based violence, committed against civilians in Sudan, includ-
ing members of the Sudanese security and intelligence services or any associated militias, between December 2018 and the date of the submission of the report;

(2) provides an update on any potential transitional justice mechanisms in Sudan to investigate, charge, and prosecute alleged perpetrators of gross violations of human rights in Sudan since June 30, 1989, including with respect to the June 3, 2019 massacre in Khartoum;

(3) provides an analysis of whether the gross violations of human rights summarized pursuant to paragraph (1) amount to war crimes, crimes against humanity, or genocide; and

(4) identifies specific cases since the beginning of the transitional period in which members of the Sudanese security and intelligence services have been charged and prosecuted for actions that constitute gross violations of human rights perpetrated since June 30, 1989.

(b) REPORT ON CERTAIN ACTIVITIES AND FINANCES OF SENIOR OFFICIALS OF THE GOVERNMENT OF SUDAN.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 1 year,
the President shall submit to the appropriate congressional committees a report that—

(1) describes the actions and involvement of any previous or current senior officials of the Government of Sudan since the establishment of the transitional government in August 2019 in—

(A) directing, carrying out, or overseeing gross violations of human rights;

(B) directing, carrying out, or overseeing the unlawful use or recruitment of children by armed groups or armed forces in the context of conflicts in Sudan, Libya, Yemen, or other countries;

(C) directing, carrying out, or colluding in significant acts of corruption;

(D) directing, carrying out, or overseeing any efforts to circumvent the establishment of civilian control over the finances and assets of the Sudanese security and intelligence services; or

(E) facilitating, supporting, or financing terrorist activity in Sudan or other countries;

(2) identifies Sudanese and foreign financial institutions, including offshore financial institutions, in which senior officials of the Government of Sudan
whose actions are described in paragraph (1) hold
significant assets, and provides an estimate of the
value of such assets;

(3) identifies any information United States
Government agencies have obtained since August
2019 regarding persons, foreign governments, and
Sudanese or foreign financial institutions that know-
ingly facilitate, finance, or otherwise benefit from
corruption or illicit economic activity in Sudan, in-
cluding the export of mineral resources, and, in par-
ticular, if that trade is violating any United States
restrictions that remain in place by legislation or
Executive order;

(4) identifies any information United States
Government agencies have obtained since August
2019 regarding senior officials of the Government of
Sudan who are personally involved in the illicit trade
in mineral resources, including petroleum and gold;
and

(5) identifies any information United States
Government agencies have obtained since August
2019 regarding individuals or foreign governments
that have provided funds to individual members of
the Sovereignty Council or the Cabinet outside of
the Central Bank of Sudan or the Ministry of Finance.

(c) **Report on Sanctions Pursuant to Executive Order No. 13400.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report containing the names of senior Sudanese government officials that President determines meet the criteria to be sanctionable pursuant to Executive Order No. 13400 (71 Fed. Reg. 25483; relating to blocking property of persons in connection with the conflict in Sudan’s Darfur region).

(d) **Form.**—The reports required under subsections (b) and (c) shall be submitted in unclassified form but may include a classified annex.

SEC. 1299R-14. UNITED STATES STRATEGY FOR SUPPORT TO A CIVILIAN-LED GOVERNMENT IN SUDAN.

(a) **In General.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit to the appropriate congressional committees a strategy that includes—

(1) a clear articulation of specific United States goals and objectives with respect to a successful
completion of the transitional period and a plan to achieve such goals and objectives;

(2) a description of assistance and diplomatic engagement to support a civilian-led government in Sudan for the remainder of the transitional period, including any possible support for the organization of free, fair, and credible elections;

(3) an assessment of the legal and policy reforms that have been and need to be taken by the government in Sudan during the transitional period in order to promote—

(A) human rights;

(B) freedom of religion, speech, press, assembly, and association; and

(C) accountability for human rights abuses, including for sexual and gender-based violence perpetrated by members of the Sudanese security and intelligence services;

(4) a description of efforts to address the legal and policy reforms mentioned in paragraph (3);

(5) a description of humanitarian and development assistance to Sudan and a plan for coordinating such assistance with international donors, regional partners, and local partners;
(6) a description of monitoring and evaluation plans for all forms of assistance to be provided under the strategy in accordance with the monitoring and evaluation requirements of section 4 of the Foreign Aid Transparency and Accountability Act of 2016 (Public Law 114–191), to include a detailed description of all associated goals and benchmarks for measuring impact; and

(7) an assessment of security sector reforms undertaken by the Government of Sudan, including efforts to demobilize or integrate militias and to foster civilian control of the armed services.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that includes—

(1) a detailed description of the efforts taken to implement this subtitle; and

(2) recommendations for legislative or administrative measures to facilitate the implementation of this subtitle.

Section 8(c)(1) of the Darfur Peace and Accountability Act of 2006 (Public Law 109–344; 50 U.S.C. 1701 note) is amended by striking “Southern Sudan,” and all that following through “Khartoum,” and inserting “Sudan”.

SEC. 1299R–16. REPEAL OF SUDAN PEACE ACT AND THE COMPREHENSIVE PEACE IN SUDAN ACT.

(a) Sudan Peace Act.—Effective January 1, 2020, the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note) is repealed.


Subtitle N—Afghanistan Security and Reconstruction Transparency Act

SEC. 1299S–1. SHORT TITLE.

This subtitle may be cited as the “Afghanistan Security and Reconstruction Transparency Act”.

•HR 6395 EH
SEC. 1299S–2. PUBLIC AVAILABILITY OF DATA PERTAINING TO MEASURES OF PERFORMANCE OF THE AFGHAN NATIONAL DEFENSE AND SECURITY FORCES.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall make publicly available all data pertaining to measures of performance of the Afghan National Defense and Security Forces (hereafter in this section referred to as “ANDSF”).

(b) Data To Be Included.—The data required to be made publicly available by subsection (a) shall include the following:

(1) The total quarterly ANDSF attrition rate and quarterly attrition rates for ANDSF components, including the Afghan National Army, the Afghan National Police, the Afghan Air Force, and the Afghan Local Police.

(2) The total number of ANDSF personnel dropped from the rolls for the quarter and the number of personnel dropped from the rolls by ANDSF component for the quarter.

(3) The total number of ANDSF personnel trained to date, the number of new ANDSF personnel that entered training for the quarter, the number of new ANDSF personnel that completed
training for the quarter, the total number of personnel trained by ANDSF component to date, the number of new personnel by ANDSF component that entered training for the quarter, and the number of new personnel by ANDSF component that completed training for the quarter.

(4) The total number and percentage of unfilled ANDSF positions and the number and percentage of unfilled positions by ANDSF component.

(5) The percentage of ANDSF components assessed at full authorized and assigned strength.


(7) Information about the operational readiness of Afghan National Army and Afghan National Police equipment.

(8) Afghanistan Special Mission Wing information, including the number and type of airframes, the number of pilots and aircrew, and the operational readiness (and associated benchmarks) of airframes.

(9) Enemy-initiated attacks and effective enemy-initiated attacks on the ANDSF.
SEC. 1299S–3. DISTRICT-LEVEL STABILITY ASSESSMENTS
OF AFGHAN GOVERNMENT AND INSURGENT
CONTROL AND INFLUENCE.

(a) IN GENERAL.—The Secretary of Defense shall re-
sume the production of district-level stability assessments
of Afghan government and insurgent control and influence
that were discontinued in 2018, to include district, popu-
lation, and territorial control data.

(b) PUBLIC AVAILABILITY.—The Secretary of De-
fense shall make publicly available the assessments and
all data pertaining to the assessments produced under
subsection (a).

Subtitle O—LIFT Act

SEC. 1299T–1. SHORT TITLE.

This subtitle may be cited as the “Leveraging Infor-
mation on Foreign Traffickers Act” or the “LIFT Act”.

SEC. 1299T–2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the annual Trafficking In Persons Report
prepared by the Department of State pursuant to
the Trafficking Victims Protection Act of 2000 (the
“TIP Report”) remains one of the most comprehen-
sive, timely, and important sources of information on
human trafficking in the world, and currently in-
cludes 187 individual country narratives;
(2) In January 2019, the statute mandating the TIP Report was amended to require that each report must cover efforts and activities occurring within the period from April 1 of the prior year through March 31 of the current year, which necessarily requires the collection and transmission of information after March 31;

(3) ensuring that the Department of State has adequate time to receive, analyze, and incorporate trafficking-related information into its annual Trafficking in Persons Report is important to the quality and comprehensiveness of that report;

(4) information regarding prevalence and patterns of human trafficking is important for understanding the scourge of modern slavery and making effective decisions about where and how to combat it; and

(5) United States officials responsible for monitoring and combating trafficking in persons around the world should receive available information regarding where and how often United States diplomatic and consular officials encounter persons who are responsible for, or who knowingly benefit from, severe forms of trafficking in persons.
SEC. 1299T-3. ANNUAL DEADLINE FOR TRAFFICKING IN PERSONS REPORT.

Section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is amended by striking “June 1” and inserting “June 30”.

SEC. 1299T-4. UNITED STATES ADVISORY COUNCIL ON HUMAN TRAFFICKING.

(a) Extension.—Section 115(h) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 243) is amended by striking “September 30, 2021” and inserting “September 30, 2025”.

(b) Compensation.—Section 115(f) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 243) is amended—

(1) in paragraph (1), by striking “and” after the semicolon at the end;

(2) in paragraph (2), by striking the period at end and inserting “; and”; and

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

“(3) may each receive compensation for each day such member is engaged in the actual performance of the duties of the Council.”.

(c) Compensation Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall provide to the relevant congressional
committees a plan to implement compensation for members of the United States Advisory Council on Human Trafficking pursuant to paragraph (3) of section 115(f) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 243), as added by subsection (b).

SEC. 1299T–5. TIMELY PROVISION OF INFORMATION TO THE OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS OF THE DEPARTMENT OF STATE.

(a) IN GENERAL.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended by adding at the end the following new subsection:

“(l) INFORMATION REGARDING HUMAN TRAFFICKING-RELATED VISA DENIALS.—

“(1) IN GENERAL.—The Secretary of State shall ensure that the Office to Monitor and Combat Trafficking in Persons and the Bureau of Diplomatic Security of the Department of State receive timely and regular information regarding United States visa denials based, in whole or in part, on grounds related to human trafficking.

“(2) DECISIONS REGARDING ALLOCATION.—

The Secretary of State shall ensure that decisions
regarding the allocation of resources of the Department of State related to combating human trafficking and to law enforcement presence at United States diplomatic and consular posts appropriately take into account—

“(A) the information described in paragraph (1); and

“(B) the information included in the most recent report submitted in accordance with section 110(b).”.

(b) CONFORMING AMENDMENT.—Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) is amended by adding at the end the following new paragraph:

“(18) GROUNDS RELATED TO HUMAN TRAFFICKING.—The term ‘grounds related to human trafficking’ means grounds related to the criteria for inadmissibility to the United States described in subsection (a)(2)(H) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182).”.

SEC. 1299T–6. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall provide to the relevant congressional committees a report that—
(1) describes the actions that have been taken and that are planned to implement subsection (l) of section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104), as added by section 1299T–5; and

(2) identifies by country and by United States diplomatic and consular post the number of visa applications denied during the previous calendar year with respect to which the basis for such denial, included grounds related to human trafficking (as such term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102), as amended by section 1299T–5(b)).

(b) ANNUAL REPORT.—Beginning with the first annual anti-trafficking report required under subsection (b)(1) of section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107; enacted as division A of the Victims of Trafficking and Violence Protection Act of 2000) that is submitted after the date of the enactment of this Act and concurrent with each such subsequent submission for the following 7 years, the Secretary of State shall submit to the relevant congressional committees a report that contains information relating to the number and the locations of United States visa denials based, in whole or in part, on grounds related to human trafficking.
(as such term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102), as amended by section 1299T–5(b)) during the period covered by each such annual anti-trafficking report.

SEC. 1299T–7. DEFINITIONS.

In this subtitle:

(1) Locations of United States visa denials.—The term “location of United States visa denials” means—

(A) the United States diplomatic or consular post at which a denied United States visa application was adjudicated; and

(B) the city or locality of residence of the applicant whose visa application was so denied.

(2) Relevant congressional committees.—The term “relevant congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.
TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. FUNDING ALLOCATIONS; SPECIFICATION OF COOPERATIVE 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
authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2021, 2022, and 2023.

SEC. 1302. SENSE OF CONGRESS REGARDING BIOLOGICAL THREAT REDUCTION AND COOPERATIVE BIOLOGICAL ENGAGEMENT OF THE COOPERATIVE THREAT REDUCTION PROGRAM.

It is the sense of Congress that—

(1) keeping Americans safe means ensuring that global health security is prioritized as a national security issue;

(2) as highlighted by the 2017 National Security Strategy of the United States, biological threats, whether “deliberate attack, accident, or a natural outbreak”, are growing threats and “require actions to address them at their source” through programs carried out by cooperative engagement, such as working “with partners to ensure that laboratories that handle dangerous pathogens have in place safety and security measures”;

(3) the 2017 National Security Strategy of the United States appropriately affirms the importance of supporting advancements in biomedical innovation
while mitigating harm caused by advanced bio-
weapons and capabilities;

(4) the intrinsically linked nature of biological
threats, whether naturally occurring, accidental, or
deliberate, underscores the relationship between the
Global Health Security Strategy of the United
States and the National Biodefense Strategy, and
the national security tools used to prevent and miti-
gate these threats must be similarly connected;

(5) biological threats are a critical emerging
threat against the United States and addressing
these threats through cooperative programs is an op-
portunity to achieve long-standing nonproliferation
goals;

(6) cooperative programs to address biological
threats through improved global capacity in the
areas of biosafety, biosecurity, bio-surveillance, re-
search oversight, and related legislative and regu-
latory frameworks have become even more important
as the world faces increasing availability of and ad-
vancements in biotechnology, which has broad dual-
use and proliferation implications;

(7) under the Cooperative Threat Reduction
Program of the Department of Defense established
under the Department of Defense Cooperative
Threat Reduction Act (50 U.S.C. 3701 et seq.), Congress authorized the Secretary of Defense to address such threats through activities to prevent, detect, and report on highly pathogenic diseases or other diseases, “regardless of whether such diseases are caused by biological weapons”;

(8) in 2014, President Obama declared the Ebola virus disease epidemic a national security priority and exercised the authority under such Program to build capacity that mitigated the imminent threat posed by the Ebola virus disease and established capabilities required to prevent future outbreaks;

(9) many of the prevention, detection, and response capacities built in response to the Ebola virus disease epidemic are also those used to prevent, detect, and respond to the use of biological weapons abroad;

(10) continuing to use cooperative engagement programs is in the national security interests of the United States because of the important relationships established between the United States and partner countries, which are based on ideals such as transparency, information sharing, and a shared responsibility in advancing global security;
(11) the recent coronavirus disease 2019 (COVID–19) global pandemic has illustrated the dire consequences resulting from a single disease that knows no boundaries, impacting the United States economy and the health of United States citizens and members of the Armed Forces, both domestically and abroad;

(12) in light of the impacts caused by COVID–19, and following two congressionally mandated reports that call for better implementation of the biological cooperative engagement programs of the United States and the National Biodefense Strategy (the report published by the Government Accountability Office on March 11, 2020, titled “National Biodefense Strategy: Opportunities and Challenges with Early Implementation” and the report published by the National Academies of Sciences, Engineering, and Medicine on April 14, 2020, titled “A Strategic Vision for Biological Threat Reduction: The U.S. Department of Defense and Beyond”), it is of utmost importance that such programs are given due and increased prioritization for national security purposes; and

(13) the Secretary of Defense and the Secretary of State should make every effort to prioritize and
advance the determination, concurrence, and notification processes under the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3701 et seq.) to provide for necessary new country determinations in a timely manner and be responsive to emerging biological threats.

**TITLE XIV—OTHER AUTHORIZATIONS**

**Subtitle A—Military Programs**

**SEC. 1401. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

**SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) Use.—Amounts authorized to be appropriated under subsection (a) are authorized for—
(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the Defense Health Program for use of the Armed Forces and other activities and agencies of the Department of Defense for providing for the health
of eligible beneficiaries, as specified in the funding table in section 4501.

SEC. 1406. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the National Defense Sealift Fund, as specified in the funding tables in section 4501.

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.

(a) Authority for Transfer of Funds.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $137,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.
(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2021 from the Armed Forces Retirement Home Trust Fund the sum of $70,300,000 for the operation of the Armed Forces Retirement Home.
TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2021 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2021 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.
SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, military personnel accounts, as specified in the funding table in section 4402.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1507. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.
SEC. 1508. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2021 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1512. SPECIAL TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—

(1) Authority.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2021 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be
available for the same purposes as the authorization
to which transferred.

(2) LIMITATION.—The total amount of author-
izations that the Secretary may transfer under the
authority of this subsection may not exceed
$2,500,000,000.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Transfers under this section
shall be subject to the same terms and conditions as
transfers under section 1001.

(2) ADDITIONAL LIMITATION ON TRANSFERS
FROM THE NATIONAL GUARD AND RESERVE EQUIP-
MENT.—The authority provided by subsection (a)
may not be used to transfer any amount from Na-
tional Guard and Reserve Equipment.

(e) ADDITIONAL AUTHORITY.—The transfer author-
ity provided by this section is in addition to the transfer
authority provided under section 1001.

Subtitle C—Other Matters

SEC. 1521. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NO-
TICE AND REPORTING REQUIREMENTS.—Funds available
to the Department of Defense for the Afghanistan Secu-
ritiy Forces Fund for fiscal year 2021 shall be subject to
the conditions contained in—
(1) subsections (b) through (f) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428); and

(2) section 1521(d)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2577) (as amended by subsection (b)).

(b) Extension of Prior Notice and Reporting Requirements.—Section 1521(d)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2577) is amended by striking “through January 31, 2021” and inserting “through January 31, 2023”.

(c) Equipment Disposition.—

(1) Acceptance of Certain Equipment.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts authorized to be appropriated for the Afghanistan Security Forces Fund by this Act and is intended for transfer to the security forces of the Ministry of Defense and the Ministry of the Interior of the Government of Afghanistan, but is not accepted by such security forces.
(2) Conditions on acceptance of equipment.—Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that such equipment was procured for the purpose of meeting requirements of the security forces of the Ministry of Defense and the Ministry of the Interior of the Government of Afghanistan, as agreed to by both the Government of Afghanistan and the Government of the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) Elements of determination.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to the acceptance of such equipment by the Secretary. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) Treatment as Department of Defense stocks.—Equipment accepted under the authority provided by paragraph (1) may be treated as stocks
of the Department of Defense upon notification to
the congressional defense committees of such treat-
ment.

(5) QUARTERLY REPORTS ON EQUIPMENT DIS-
POSITION.—

(A) IN GENERAL.—Not later than 90 days
after the date of the enactment of this Act and
every 90-day period thereafter during which the
authority provided by paragraph (1) is exer-
cised, the Secretary shall submit to the congres-
sional defense committees a report describing
the equipment accepted during the period cov-
ered by such report under the following:

(i) This subsection.

(ii) Section 1521(b) of the National
Defense Authorization Act for Fiscal Year
2017 (Public Law 114–328; 130 Stat.
2575).

(iii) Section 1531(b) of the National
Defense Authorization Act for Fiscal Year
2016 (Public Law 114–92; 129 Stat.
1088).

(iv) Section 1532(b) of the Carl Levin
and Howard P. “Buck” McKeon National
Defense Authorization Act for Fiscal Year


(B) ELEMENTS.—Each report under subparagraph (A) shall include a list of all equipment that was accepted during the period covered by such report and treated as stocks of the Department of Defense and copies of the determinations made under paragraph (2), as required by paragraph (3).

(d) SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2021, it is the goal that $29,100,000, but in no event less than $10,000,000, shall be used for the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces.

(2) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—
(A) efforts to recruit and retain women into the Afghan National Defense and Security Forces, including the special operations forces;

(B) programs and activities of the Directorate of Human Rights and Gender Integration of the Ministry of Defense of Afghanistan and the Office of Human Rights, Gender and Child Rights of the Ministry of Interior of Afghanistan;

(C) development and dissemination of gender and human rights educational and training materials and programs within the Ministry of Defense and the Ministry of Interior of Afghanistan;

(D) efforts to address harassment and violence against women within the Afghan National Defense and Security Forces;

(E) improvements to infrastructure that address the requirements of women serving in the Afghan National Defense and Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(F) support for Afghanistan National Police Family Response Units;
(G) security provisions for high-profile female police and military officers;

(H) programs to promote conflict prevention, management, and resolution through the meaningful participation of Afghan women in the Afghan National Defense and Security Forces, by exposing Afghan women and girls to the activities of and careers available with such forces, encouraging their interest in such careers, or developing their interest and skills necessary for service in such forces; and

(I) enhancements to Afghan National Defense and Security Forces recruitment programs for targeted advertising with the goal of increasing the number of female recruits.

(e) ASSESSMENT OF AFGHANISTAN PROGRESS ON OBJECTIVES.—

(1) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, 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 an assessment de-
scribing—

(A) the progress of the Government of the
Islamic Republic of Afghanistan toward meeting
shared security objectives; and

(B) the efforts of the Government of the
Islamic Republic of Afghanistan to manage, em-
ploy, and sustain the equipment and inventory
provided under subsection (a).

(2) MATTERS TO BE INCLUDED.—In conducting
the assessment required by paragraph (1), the Sec-
retary of Defense shall include each of the following:

(A) The extent to which the Government of
Afghanistan has a strategy for, and has taken
steps toward, increased accountability and the
reduction of corruption within the Ministry of
Defense and the Ministry of Interior of Afghan-
istan.

(B) The extent to which the capability and
capacity of the Afghan National Defense and
Security Forces have improved as a result of
Afghanistan Security Forces Fund investment,
including through training, and an articulation
of the metrics used to assess such improve-
ments.
(C) The extent to which the Afghan National Defense and Security Forces have been able to increase pressure on the Taliban, al-Qaeda, the Haqqani network, the Islamic State of Iraq and Syria-Khorasan, and other terrorist organizations, including by re-taking territory, defending territory, and disrupting attacks.

(D) The distribution practices of the Afghan National Defense and Security Forces and whether the Government of Afghanistan is ensuring that supplies, equipment, and weaponry supplied by the United States are appropriately distributed to, and employed by, security forces charged with fighting the Taliban and other terrorist organizations.

(E) A description of—

(i) the policy governing the use of Acquisition and Cross Servicing Agreements (ACSA) in Afghanistan;

(ii) each ACSA transaction by type, amount, and recipient for calendar year 2020; and

(iii) for any transactions from the United States to Afghan military forces, an explanation for why such transaction
was not carried out under the authorities
of the Afghanistan Security Forces Fund.

(F) The extent to which the Government
of Afghanistan has designated the appropriate
staff, prioritized the development of relevant
processes, and provided or requested the alloca-
tion of resources necessary to support a peace
and reconciliation process in Afghanistan.

(G) A description of the ability of the Min-
istry of Defense and the Ministry of Interior of
Afghanistan to manage and account for pre-
viously divested equipment, including a descrip-
tion of any vulnerabilities or weaknesses of the
internal controls of such Ministry of Defense
and Ministry of Interior and any plan in place
to address shortfalls.

(H) A description of any significant irregu-
larities in the divestment of equipment to the
Afghan National Defense and Security Forces
during the period beginning on May 1, 2020,
and ending on May 1, 2021, including any
major losses of such equipment or any inability
on the part of the Afghan National Defense and
Security Forces to account for equipment so
procured.
(I) A description of the sustainment and maintenance costs required during the 5-year period beginning on the date of the enactment of this Act, for major weapons platforms previously divested, and a description of the plan for the Afghan National Defense and Security Forces to maintain such platforms in the future.

(J) The extent to which the Government of Afghanistan is adhering to conditions for receiving assistance established in annual financial commitment letters or any other bilateral agreements with the United States.

(K) The extent to which the Government of Afghanistan has made progress in achieving security sector benchmarks as outlined by the United States-Afghan Compact (commonly known as the “Kabul Compact”) and a description of any other documents, plans, or agreements used by the United States to measure security sector progress.

(L) The extent to which the Government of Afghanistan or the Secretary has developed a plan to integrate former Taliban fighters into the Ministries of Defense or Interior.
(M) Such other factors as the Secretaries consider appropriate.

(N) The extent to which the Government of Afghanistan has prioritized the development of relevant processes to combat gross human rights violation and to promote religious freedom and peace in Afghanistan.

(O) The extent to which the Afghan National Defense and Security Forces have been able to promote religious freedom by increasing pressure on the Taliban, al-Qaeda, the Haqqani network, the Islamic State of Iraq and Syria-Khorasan, and other terrorist organizations by connecting regional peace with the practice of freedom of religion or belief.

(3) FORM.—The assessment required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) WITHHOLDING OF ASSISTANCE FOR INSUFFICIENT PROGRESS.—

(A) IN GENERAL.—If the Secretary of Defense determines, in coordination with the Secretary of State and pursuant to the assessment under paragraph (1), that the Government of Afghanistan has made insufficient progress in
the areas described in paragraph (2), the Secretary of Defense shall—

(i) withhold $401,500,000, to be derived from amounts made available for assistance for the Afghan National Defense and Security Forces, from expenditure or obligation until the date on which the Secretary certifies to the congressional defense committees that the Government of Afghanistan has made sufficient progress; and

(ii) notify the congressional defense committees not later than 30 days before withholding such funds.

(B) WAIVER.—If the Secretary of Defense determines that withholding such assistance would impede the national security objectives of the United States by prohibiting, restricting, delaying, or otherwise limiting the provision of assistance, the Secretary may waive the withholding requirement under subparagraph (A) if the Secretary, in coordination with the Secretary of State, certifies such determination to the congressional defense committees not later
than 30 days before the effective date of the waiver.

(f) ADDITIONAL REPORTING REQUIREMENTS.—The Secretary of Defense shall include in the materials submitted in support of the budget for fiscal year 2022 that is submitted by the President under section 1105(a) of title 31, United States Code, each of the following:

(1) The amount of funding provided in fiscal year 2020 through the Afghanistan Security Forces Fund to the Government of Afghanistan in the form of direct government-to-government assistance or on-budget assistance for the purposes of supporting any entity of such government, including the Afghan National Defense and Security Forces, the Afghan Ministry of Interior, or the Afghan Ministry of Defense.

(2) The amount of funding provided and anticipated to be provided, as of the date of the submission of the materials, in fiscal year 2021 through such Fund in such form.

(3) To the extent the amount described in paragraph (2) exceeds the amount described in paragraph (1), an explanation as to the reason why the such amount is greater and the specific entities and purposes that were supported by such increase.
SEC. 1522. REPORT ON TRANSITIONING FUNDING.

The Secretary of Defense shall include, in the materials submitted in support of the budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal year 2022—

(1) a description of each program funded in fiscal year 2021 using amounts authorized to be appropriated for overseas contingency operations under this title;

(2) the manner and extent to which the Secretary plans to shift the funding of each such program in the ensuing fiscal years to use amounts authorized to be appropriated other than for overseas contingency operations being carried out by the Armed Forces, disaggregated by fiscal year; and

(3) a plan to return all overseas contingency operations funding to the base budget, as appropriate, in accordance with the future-years defense plan set forth in the budget of the President for fiscal year 2021.
TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

SEC. 1601. NATIONAL SECURITY SPACE LAUNCH PROGRAM.

(a) Phase Two Acquisition Strategy.—In carrying out the phase two acquisition strategy, the Secretary of the Air Force—

(1) may not change the mission performance requirements;

(2) may not change the acquisition schedule;

(3) may not award phase two contracts after September 30, 2024;

(4) shall award phase two contracts to not more than two National Security Space Launch providers;

(5) shall ensure that launch services are procured only from National Security Space Launch providers that meet the requirements for the phase two contracts;

(6) not later than 180 days after the date on which phase two contracts are awarded, shall terminate launch service agreement contracts awarded under such phase two acquisition strategy to each National Security Space Launch provider that is not
a down-selected National Security Launch provider;
and

(7) may not increase the total amount of funding included in the initial launch service agreements with down-selected National Security Launch providers.

(b) Reusability.—

(1) Certification.—Not later than 18 months after the date on which the Secretary determines the down-selected National Security Space Launch providers, the Secretary shall certify to the appropriate congressional committees that the Secretary has completed all non-recurring design validation of previously flown launch hardware for National Security Space Launch providers offering such hardware for use in phase two contracts or in future national security space missions.

(2) Report.—Not later than 180 days after the date on which the Secretary determines the down-selected National Security Space Launch providers, the Secretary shall submit to the appropriate congressional committees a report on the progress of the Secretary with respect to completing all non-recurring design validation of previously flown launch hardware described in paragraph (1), including—
(A) a justification for any deviation from
the new entrant certification guide; and

(B) a description of such progress with re-
spect to National Security Space Launch pro-
viders that are not down-selected National Se-
curity Space Launch providers, if applicable.

(c) FUNDING FOR CERTIFICATION, INFRASTRUC-
TURE, AND TECHNOLOGY DEVELOPMENT.—

(1) AUTHORITY.—Pursuant to section 2371b of
title 10, United States Code, not later than Sep-
tember 30, 2021, the Secretary of the Air Force
shall enter into three agreements described in para-
graph (3) with National Security Space Launch pro-
viders—

(A) to maintain competition in order to
maximize the likelihood of at least three Na-
tional Security Space Launch providers com-
peting for phase three contracts; and

(B) to support innovation for national se-
curity launches under phase three contracts.

(2) COMPETITIVE PROCEDURES.—The Sec-
etary shall carry out paragraph (1) by conducting
a full and open competition among all National Se-
curity Space Launch providers that may submit bids
for a phase three contract.
(3) AGREEMENTS.—An agreement described in this paragraph is an agreement that provides a National Security Space Launch provider with not more than $150,000,000 for the provider to conduct either or both of the following activities:

(A) Meet the certification and infrastructure requirements that are—

(i) unique to national security space missions; and

(ii) necessary for a phase three contract.

(B) Develop transformational technologies in support of the national security space launch capability for phase three contracts (such as technologies regarding launch, maneuver, and transport capabilities for enhanced resiliency and security technologies, as identified in the National Security Launch Architecture study of the Space and Missile Systems Center of the Space Force).

(4) REPORT.—Not later than 30 days after the date on which the Secretary enters into an agreement under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report explaining how the Secretary determined the
certification and infrastructure requirements and the
transformational technologies covered under para-
graph (3).

(d) BRIEFING.—Not later than December 31, 2020,
the Secretary shall provide to the congressional defense
committees a briefing on the progress made by the Sec-
retary in ensuring that full and open competition exists
for phase three contracts, including—

(1) a description of progress made to establish
the requirements for phase three contracts, including
such requirements that the Secretary determines
cannot be met by the commercial market;

(2) whether the Secretary determines that addi-
tional development funding will be necessary for
such phase;

(3) a description of the estimated costs for the
development described in subparagraphs (A) and (B)
of subsection (c)(3); and

(4) how the Secretary will—

(A) ensure full and open competition for
technology development for phase three con-
tracts; and

(B) maintain competition.
(c) Rule of Construction.—Nothing in this section may be construed to delay the award of phase two contracts.

(f) Definitions.—In this section:

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

(A) the congressional defense committees;

and

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

(2) The term “down-selected National Security Launch provider” means a National Security Space Launch provider that the Secretary of the Air Force selected to be awarded phase two contracts.

(3) The term “phase three contract” means a contract awarded using competitive procedures for launch services under the National Security Space Launch program after fiscal year 2024.

(4) The term “phase two acquisition strategy” means the process by which the Secretary of the Air Force enters into phase two contracts during fiscal year 2020, orders launch missions during fiscal years 2020 through 2024, and carries out such
launches under the National Security Space Launch program.

(5) The term “phase two contract” means a contract awarded during fiscal year 2020 using competitive procedures for launch missions ordered under the National Security Space Launch program during fiscal years 2020 through 2024.

SEC. 1602. REQUIREMENT TO BUY CERTAIN SATELLITE COMPONENT FROM NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

Section 2534(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) STAR TRACKER.—A star tracker used in a satellite weighing more than 400 pounds whose principal purpose is to support the national security, defense, or intelligence needs of the United States Government.”.

SEC. 1603. COMMERCIAL SPACE DOMAIN AWARENESS CAPABILITIES.

(a) PROCUREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall procure commercial space domain awareness services by awarding at least two contracts for such services.
(b) LIMITATION.—Of the funds authorized to be ap-
propriated by this Act or otherwise made available for fis-
cal year 2021 for the enterprise space battle management
command and control, not more than 75 percent may be
obligated or expended until the date on which the Sec-
retary of Defense, without delegation, certifies to the con-
gressional committees that the Secretary of the Air Force
has awarded the contracts under subsection (a).

(e) REPORT.—Not later than January 31, 2021, the
Chief of Space Operations, in coordination with the Sec-
retary of the Air Force, shall submit to the congressional
defense committees a report detailing the commercial
space domain awareness services, data, and analytics of
objects in low-earth orbit that have been purchased during
the two-year period preceding the date of the report. The
report shall be submitted in unclassified form.

(d) COMMERCIAL SPACE DOMAIN AWARENESS SERV-
ICES DEFINED.—In this section, the term “commercial
space domain awareness services” means space domain
awareness data, processing software, and analytics derived
from best-in-breed commercial capabilities to address
warfighter requirements in low-earth orbit and fill gaps
in current space domain capabilities of the Space Force,
including commercial capabilities to—

(1) provide conjunction and maneuver alerts;
(2) monitor breakup and launch events; and
(3) detect and track objects smaller than 10 centimeters in size.

SEC. 1604. RESPONSIVE SATELLITE INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Defense shall est-

establish a domestic responsive satellite manufacturing ca-

pability for Department of Defense space operations to be

used—

(1) for the development of components, sys-

tems, structures, and payloads necessary to reconsti-

tute a national security space asset that has been

destroyed, failed, or otherwise determined to be in-

capable of performing mission requirements; and

(2) to rapidly acquire and field necessary space-

based capabilities needed to maintain continuity of

national security space missions and limit capability
disruption to the warfighter.

(b) PLAN FOR RESPONSIVE SATELLITE INFRASTRUC-

ture.—The Secretary of Defense, in consultation with

the Secretary of the Air Force, the Chief of Space Oper-

ations, and the Commander of United States Space Com-

mand, shall develop an operational plan and acquisition

strategy for responsive satellite infrastructure to swiftly

identify need, develop capability, and launch a responsive

satellite to fill a critical capability gap in the event of de-
struction or failure of a space asset or otherwise determined need.

(c) MATTERS INCLUDED.—The plan outlined under subsection (b) shall include the following:

(1) A process for determining whether the reconstitution of a space asset is necessary.

(2) The timeframe in which a developed satellite is determined to be “responsive”.

(3) A plan to leverage domestic commercial entities in the “new space” supply chain that have already demonstrated rapid satellite product development and delivery capability to meet new “mission responsiveness” requirements being passed down by Department of Defense prime satellite contractors in—

(A) power systems and solar arrays;

(B) payloads and integration features; and

(C) buses and structures.

(4) An assessment of acquisition requirements and standards necessary for commercial entities to meet Department of Defense validation of supply chains, processes, and technologies while operating under rapid development cycles needed to maintain a responsive timeframe as determined by paragraph (2).
(5) Such other matters as the Secretary considers appropriate.

(d) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report detailing the plan under subsection (b).

SEC. 1605. POLICY TO ENSURE LAUNCH OF SMALL-CLASS PAYLOADS.

(a) In General.—The Secretary of Defense shall establish a small launch and satellite policy to ensure responsive and reliable access to space through the processing and launch of Department of Defense small-class payloads.

(b) Policy.—The policy under subsection (a) shall include, at a minimum, providing resources and policy guidance to sustain—

(1) the availability of small-class payload launch service providers using launch vehicles capable of delivering into space small payloads designated by the Secretary of Defense as a national security payload;

(2) a robust small-class payload space launch infrastructure and industrial base;

(3) the availability of rapid, responsive, and reliable space launches for national security space programs to—
(A) improve the responsiveness and flexibility of a national security space system;
(B) lower the costs of launching a national security space system; and
(C) maintain risks of mission success at acceptable levels;
(4) a minimum number of dedicated launches each year; and
(5) full and open competition including small launch providers and rideshare opportunities.

(c) ACQUISITION STRATEGY.—The Secretary shall develop and carry out a 5-year phased acquisition strategy, including near and long term, for the small launch and satellite policy under subsection (a).

(d) ELEMENTS.—The acquisition strategy under subsection (c) shall—

(1) provide the necessary—
(A) stability in budgeting and acquisition of capabilities;
(B) flexibility to the Federal Government; and
(C) procedures for fair competition; and
(2) specifically take into account, as appropriate per competition, the effect of—
(A) contracts or agreements for launch services or launch capability entered into by the Department of Defense with small-class payload space launch providers;

(B) the requirements of the Department of Defense, including with respect to launch capabilities and pricing data, that are met by such providers;

(C) the cost of integrating a satellite onto a launch vehicle;

(D) launch performance history (at least three successful launches of the same launch vehicle design) and maturity;

(E) ability of a launch provider to provide the option of dedicated and rideshare launch capabilities; and

(F) any other matters the Secretary considers appropriate.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report describing a plan for the policy under subsection (a), including with respect to the cost of launches and an assessment of mission risk.
SEC. 1606. TACTICALLY RESPONSIVE SPACE LAUNCH OPERATIONS.

The Secretary of the Air Force shall implement a tactically responsive space launch program—

(1) to provide long-term continuity for tactically responsive space launch operations across the future-years defense program submitted to Congress under section 221 of title 10, United States Code;

(2) to accelerate the development of—

(A) responsive launch concepts of operations;

(B) tactics;

(C) training; and

(D) procedures;

(3) to develop appropriate processes for tactically responsive space launch, including—

(A) mission assurance processes; and

(B) command and control, tracking, telemetry, and communications; and

(4) to identify basing capabilities necessary to enable tactically responsive space launch, including mobile launch range infrastructure.
SEC. 1607. LIMITATION ON AVAILABILITY OF FUNDS FOR

PROTOTYPE PROGRAM FOR MULTI-GLOBAL

NAVIGATION SATELLITE SYSTEM RECEIVER

DEVELOPMENT.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for increment 2 of the acquisition of military Global Positioning System user equipment terminals, not more than 80 percent may be obligated or expended until the date on which the Secretary of Defense—

(1) certifies to the congressional defense committees that the Secretary of the Air Force is carrying out the program required under section 1607 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1724); and

(2) provides to the Committees on Armed Services of the House of Representatives and the Senate a briefing on how the Secretary is implementing such program, including with respect to addressing each element specified in subsection (b) of such section.
SEC. 1608. LIMITATION ON AWARDING CONTRACTS TO ENTITIES OPERATING COMMERCIAL TERRESTRIAL COMMUNICATION NETWORKS THAT CAUSE INTERFERENCE WITH THE GLOBAL POSITIONING SYSTEM.

The Secretary of Defense may not enter into a contract, or extend or renew a contract, with an entity that engages in commercial terrestrial operations using the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band unless the Secretary has certified to the congressional defense committees that such operations do not cause harmful interference to a Global Positioning System device of the Department of Defense.

SEC. 1609. PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO THE GLOBAL POSITIONING SYSTEM.

(a) FINDINGS.—Congress finds the following:

(1) On April 19, 2020, the Federal Communications Commission issued an order and authorization granting Ligado Networks LLC the authority to operate a nationwide terrestrial communications network using the 1526–1536 megahertz band, the 1627.5–1637.5 megahertz band, or the 1646.5–1656.5 megahertz band.

(2) In an attempt to address interference to the Global Positioning System operating near those
bands, Ligado Networks LLC has committed to assuming the costs mitigating any interference caused by their network.

(3) In the approval order, the Federal Communications Commission directed that “Ligado takes all necessary mitigation measures to prevent or remediate any potential harmful interference to U.S. Government devices, including devices used by the military, that are identified both pre- and post-deployment of Ligado’s network.”.

(4) In a letter to the Committee on Armed Services of the House of Representatives dated May 21, 2020, Ligado Networks LLC reaffirmed the commitment to bear the costs to the Department of Defense, stating that the “FCC directed Ligado to provide protections to GPS devices using its spectrum by imposing stringent coordination, cooperation, and replacement obligations on Ligado, so that Ligado bears the burden” and “Make no mistake: the obligation is ours, and the burden falls solely on our company.”.

(b) PROHIBITION.—Except as provided by subsection (c), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 or any subsequent fiscal year for the Department of De-
fense may be obligated or expended to retrofit any Global Positioning System device or system, or network that uses the Global Positioning System, in order to mitigate interference from commercial terrestrial operations using the 1526–1536 megahertz band, the 1627.5–1637.5 megahertz band, or the 1646.5–1656.5 megahertz band.

(c) ACTIONS NOT PROHIBITED.—The prohibition in subsection (a) shall not apply to any action taken by the Secretary of Defense relating to—

(1) conducting technical or information exchanges with the entity that operates the commercial terrestrial operations in the megahertz bands specified in such subsection;

(2) seeking compensation for interference from such entity; or

(3) Global Positioning System receiver upgrades needed to address other resiliency requirements.

SEC. 1610. REPORT ON RESILIENT PROTECTED COMMUNICATIONS SATELLITES.

(a) FINDINGS.—Congress finds the following:

(1) The national command, control, and communications system of the Department of Defense is essential to the national security of the United States.
(2) The Department of Defense requires the space segments of such system to be resilient and survivable to address advanced threats from Russia and China.

(3) The next-generation overhead persistent infrared missile warning satellites are being upgraded with enhanced resiliency features to make them much less vulnerable to attack and will begin launch in 2025.

(4) Because missile warning satellites rely on protected communications satellites to relay warnings and response orders, the next-generation overhead persistent infrared missile warning satellites will require protected communications satellites with enhanced resiliency features, however, the current plan of the Space Force is to provide those capabilities with the evolved strategic satellite communications program that will not be available until 2032 or later.

(5) As a result, the Chief of Space Operations should implement an accelerated plan to achieve more resilient protected communications satellites without delay.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Chief of Space Oper-
ations shall submit to the congressional defense committees a report on how the Space Force will address the need for resilient protected communications satellites during the years 2025 through 2032.

SEC. 1610A. PERMANENT PERSONNEL MANAGEMENT AUTHORITY FOR SPACE DEVELOPMENT AGENCY FOR EXPERTS IN SCIENCE AND ENGINEERING.

(a) Program Authorized for Space Development Agency.—Section 1599h(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) SDA.—The Director of the Space Development Agency may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Agency.”.

(b) Personnel Management Authority.—Section 1599h(b)(1) of such title is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by inserting “and” after the semicolon at the end of subparagraph (F); and
(3) by adding at the end the following new sub-
paragraph:

“(G) in the case of the Space Development
Agency, appoint individuals to a total of not
more than 10 positions in the Agency, of which
not more than 5 such positions may be posi-
tions of administration or management of the
Agency;”.

SEC. 1610B. REPORT ON EFFECT OF COVID–19 ON SPACE IN-
DUSTRIAL BASE AND SPACE PROGRAMS OF
DEPARTMENT OF DEFENSE.

Not later than 120 days after the date of the enact-
ment of this Act, the Secretary of Defense shall submit
to the congressional defense committees a report on the
current and projected effects of COVID–19 on the space
industrial base and the space programs of Department of
Defense. The report shall include an assessment of each
of the following:

(1) COVID–19 related and associated impacts
to cost, timeline, and performance to the space in-
dustrial base and the space programs of Depart-
ment, including with respect to—

(A) procurement and acquisition;

(B) research, development, test, and eval-
uation;
(C) partnerships with non-Federal governmental entities, such as universities and not-for-profit organizations; and

(D) labor force disruptions;

(2) Regional and sector-specific disruptions and concerns.

(3) Current mitigation strategies by both the Federal Government and industry.

(4) Any supplemental disaster appropriations requirements to mitigate impacts to such programs.

(5) Recommendations to address risks and threats to the Federal Government and industry relating to such impacts.

SEC. 1610C. SATELLITE GROUND NETWORK FREQUENCY LICENSING.

(a) Report on Department of Defense Satellite Antenna Frequency Licensing Processes.—

(1) Reporting requirement.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Air Force and the Chief of Space Operations, shall submit to the Committees on Armed Services of the House of Representatives and the Senate, and to any other appropriate congressional committee upon request, a report on the De-
department’s processes and procedures for identifying
and securing frequency licenses for national security
space ground assets.

(2) MATTERS INCLUDED.—The report provided
under paragraph (1) shall address the following:

(A) An assessment of current processes,
procedures, requirements, timelines, and enti-
ties necessary to coordinate and secure fre-
quency licensing for Department of Defense
space ground antenna and assets.

(B) A plan to address and streamline pro-
dcedures regarding the ingestion and licensing of
commercial industry antenna in support of the
augmentation of existing network capacity.

(C) A review of FOUO classification re-
quirements for information and specifications
related to the items addressed within this re-
port.

(D) Such other matters as the Secretary
considers appropriate.

(b) DESIGNATION OF ANTENNA SPECIFICATIONS.—
Not later than 1 year after the date of enactment of this
Act, the Secretary of the Air Force, in coordination with
the Chief of Space Operations (CSO), shall identify and
re-designate controlled unclassified information regarding
details and technical antenna specifications, necessary to complete National Telecommunications and Information Administration (NTIA), Federal Communication Commission (FCC), and Friendly Nation frequency licensing processes, so that such information may be shared in regards to the guidelines of “Distribution Statement A” as defined by DoDI 5230.24.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

1. The congressional defense committees.
2. The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

### Subtitle B—Defense Intelligence and Intelligence-Related Activities

#### SEC. 1611. VALIDATION OF CAPABILITY REQUIREMENTS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

Section 442 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) **VALIDATION.**—The National Geospatial-Intelligence Agency shall assist the Joint Chiefs of Staff, combatant commands, and the military departments in estab-
lishing, coordinating, consolidating, and validating mapping, charting, geodetic data, and safety of navigation capability requirements through a formal process governed by the Joint Staff. Consistent with validated requirements, the National Geospatial-Intelligence Agency shall provide aeronautical and nautical charts that are safe for navigation, maps, books, datasets, models, and geodetic products.”.

SEC. 1612. SAFETY OF NAVIGATION MISSION OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) Mission of National Geospatial-Intelligence Agency.—Section 442 of title 10, United States Code, as amended by section 1611, is further amended—

(1) in subsection (b)—

(A) by striking “means of navigating vessels of the Navy and the merchant marine” and inserting “the means for safe navigation”; and

(B) by striking “and inexpensive nautical charts” and all that follows and inserting “geospatial information for use by the departments and agencies of the United States, the merchant marine, and navigators generally.”;

and

(2) in subsection (c)—
(A) by striking “shall prepare and” and inserting “shall acquire, prepare, and”;

(B) by striking “charts” and inserting “safe-for-navigation charts and datasets”; and

(C) by striking “geodetic” and inserting “geomatics”.

(b) MAPS, CHARTS, AND BOOKS.—

(1) IN GENERAL.—Section 451 of title 10, United States Code, is amended—

(A) in the heading, by striking “and books” and inserting “books, and datasets”;

(B) in paragraph (1), by striking “maps, charts, and nautical books” and inserting “nautical and aeronautical charts, topographic and geomatics maps, books, models, and datasets”; and

(C) by amending paragraph (2) to read as follows:

“(2) acquire (by purchase, lease, license, or barter) all necessary rights, including copyrights and other intellectual property rights, required to prepare, publish, and furnish to navigators the products described in paragraph (1).”.
(2) Table of Sections Amendment.—The table of sections at the beginning of subchapter II of chapter 22 of title 10, United States Code, is amended by striking the item relating to section 451 and inserting the following new item:

“451. Maps, charts, books, and datasets.”.

(e) Civil Actions Barred.—Section 456 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

“No civil action may be brought against the United States on the basis of the content of geospatial information prepared or disseminated by the National Geospatial-Intelligence Agency.”.

(d) Definitions.—Section 467 of title 10, United States Code, is amended—

(1) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by inserting “or about” after “boundaries on”;

(B) in subparagraph (A), by striking “statistical”; and

(C) in subparagraph (B)—

(i) by striking “geodetic” and inserting “geomatics”; and

(ii) by inserting “and services” after “products”; and
(2) in paragraph (5), by inserting “or about” after “activities on”.

SEC. 1613. NATIONAL ACADEMIES CLIMATE SECURITY ROUNDTABLE.

(a) IN GENERAL.—The Under Secretary of Defense for Intelligence and Security, in coordination with the Director of National Intelligence, shall enter into a joint agreement with the Academies to create a new “National Academies Climate Security Roundtable” (in this section referred to as the “roundtable”).

(b) PARTICIPANTS.—The roundtable shall include—

(1) the members of the Climate Security Advisory Council established under section 120 of the National Security Act of 1947 (50 U.S.C. 3060);

(2) senior representatives and practitioners from Federal science agencies, elements of the intelligence community, and the Department of Defense, who are not members of the Council; and

(3) key stakeholders in the United States scientific enterprise, including institutions of higher education, Federal research laboratories (including the national security laboratories), industry, and nonprofit research organizations.

(c) PURPOSE.—The purpose of the roundtable is—
(1) to support the duties and responsibilities of the Climate Security Advisory Council under section 120(c) of the National Security Act of 1947 (50 U.S.C. 3060(c));

(2) to develop best practices for the exchange of data, knowledge, and expertise among elements of the intelligence community, elements of the Federal Government that are not elements of the intelligence community, and non-Federal researchers;

(3) to facilitate dialogue and collaboration about relevant collection and analytic priorities among participants of the roundtable with respect to climate security;

(4) to identify relevant gaps in the exchange of data, knowledge, or expertise among participants of the roundtable with respect to climate security, and consider viable solutions to address such gaps; and

(5) to provide any other assistance, resources, or capabilities that the Director of National Intelligence or the Under Secretary determines necessary with respect to the Council carrying out the duties and responsibilities of the Council under such section 120(c).

(d) MEETINGS.—The roundtable shall meet at least quarterly, in coordination with the meetings of the Climate
Security Advisory Council under section 120(c)(1) of the National Security Act of 1947 (50 U.S.C. 3060(c)(1)).

(c) REPORTS AND BRIEFINGS.—The joint agreement under subsection (a) shall specify that—

(1) the roundtable shall organize workshops, on at least a biannual basis, that include both participants of the roundtable and persons who are not participants, and may be conducted in classified or unclassified form in accordance with subsection (f);

(2) on a regular basis, the roundtable shall produce classified and unclassified reports on the topics described in subsection (c) and the activities of the roundtable, and other documents in support of the duties and responsibilities of the Climate Security Advisory Council under section 120(c) of the National Security Act of 1947 (50 U.S.C. 3060(c));

(3) the Academies shall provide recommendations by consensus to the Council on both the topics described in subsection (c) and specific topics as identified by participants of the roundtable;

(4) not later than March 1, 2021, and annually thereafter during the life of the roundtable, the Academies shall provide a briefing to the appropriate congressional committees on the progress and activities of the roundtable; and
(5) not later than September 30, 2025, the Academies shall submit a final report to the appropriate congressional committees on the activities of the roundtable.

(f) Security Clearances.—Each participant of the roundtable shall have a security clearance at the appropriate level to carry out the duties of the participant under this section. A person who is not a participant who attends a workshop under subsection (e)(1) is not required to have a security clearance, and the roundtable shall ensure that any such workshop is held at the appropriate classified or unclassified level.

(g) Termination.—The roundtable shall terminate on September 30, 2025.

(h) Definitions.—In this section:

(1) The term “Academies” means the National Academies of Sciences, Engineering, and Medicine.

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

(A) the Committee on Science, Space, and Technology, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and
(B) the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(3) The term “Federal science agency” means any agency or department of the Federal Government with at least $100,000,000 in basic and applied research obligations in fiscal year 2019.

(4) The term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(5) The term “national security laboratory” has the meaning given the term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SEC. 1614. REPORT ON RISK TO NATIONAL SECURITY POSED BY QUANTUM COMPUTING TECHNOLOGIES.

(a) Report.—

(1) Requirement.—Not later than December 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report containing an assessment of the current and potential threats and risks posed by quantum computing technologies. The Secretary shall conduct the assessment
in a manner that allows the Secretary to better un-
derstand and prepare to counter the risks of quan-
tum computing to national security.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) An identification of national security systems that are vulnerable to current and po-
tential threats and risks posed by quantum computing technologies.

(B) An assessment of quantum-resistant cryptographic standards, including a timeline for the development of such standards.

(C) An assessment of the feasibility of al-
ternate quantum-resistant models.

(D) A description of any funding shortfalls in public and private efforts to develop such standards and models.

(E) Recommendations to counter the threats and risks posed by quantum computing technologies that prioritize, secure, and re-
source the defense of national security systems identified under subparagraph (A).

(b) BRIEFINGS.—During the period preceding the date on which the Secretary submits the report under sub-
section (a), the Secretary shall include in the quarterly
briefings under section 484 of title 10, United States Code, an update on the assessment conducted under such subsection.

(c) FORM.—The report under subsection (a) may be submitted in classified form.

Subtitle C—Cyberspace-Related Matters

SEC. 1621. CYBER MISSION FORCES AND CYBERSPACE OPERATIONS FORCES.

Subsection (a) of section 238, title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “The Secretary” and inserting “Not later than five days after the submission by the President under section 1105(a) of title 31 of the budget, the Secretary”; 

(B) by inserting “in both electronic and print formats” after “submit”; and

(C) by striking “2017” and inserting “2021”; 

(2) in paragraph (1), by inserting “and the cyberspace operations forces” before the semicolon; and

(3) in paragraph (2), by inserting “and the cyberspace operations forces” before the period.


SEC. 1622. CYBERSPACE SOLARIUM COMMISSION.

Section 1652 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by—

(i) striking clauses (i) through (iv);

and

(ii) redesignating clauses (v) through (viii) as clauses (i) through (iv), respectively; and

(B) in subparagraph (B)(i), by striking “and who are appointed under clauses (iv) through (vii) of subparagraph (A)”;

(2) in subsection (d)(2), by striking “Seven” and inserting “Six”;

(3) in subsection (h), by—

(A) striking “(1) IN GENERAL.—(A)” ; and

(B) striking paragraph (2);

(4) in subsection (i)(1)(B), by striking “officers or employees of the United States or” ; and

(5) in subsection (k)(2)—

(A) in subparagraph (A), by striking “at the end of the 120-day period beginning on” and inserting “2 years after”;

(B) in subparagraph (B), by—
(i) striking “may use the 120-day”
and inserting “shall use the 2-year”;

(ii) striking “for the purposes of con-
cluding its activities, including providing
testimony to Congress concerning the final
report referred to in that paragraph and
disseminating the report” and inserting
the following: “for the purposes of—”:

“(i) collecting and assessing com-
ments and feedback from the Executive
Branch, academia, and the public on the
analysis and recommendations contained in
the Commission’s report;

“(ii) collecting and assessing any de-
velopments in cybersecurity that may af-
fect the analysis and recommendations
contained in the Commission’s report;

“(iii) reviewing the implementation of
the recommendations contained in the
Commission’s report;

“(iv) revising, amending, or making
new recommendations based on the assess-
ments and reviews required under clauses
(i)–(iii);
“(v) providing an annual update to the congressional defense committees, the congressional intelligence committees, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security in a manner and format determined by the Commission regarding any such revisions, amendments, or new recommendations; and

“(vi) concluding its activities, including providing testimony to Congress concerning the final report referred to in that paragraph and disseminating the report.”;

and

(C) by adding at the end the following new subparagraph:

“(C) If the Commission is extended, and the effective date of such extension is after the date on which the Commission terminated, the Commission shall be deemed reconstituted with the same mem-
bers and powers that existed on the day before such termination date, except that—

“(i) a member of the Commission may serve only if the member’s position continues to be authorized under subsection (b);

“(ii) no compensation or entitlements relating to a person’s status with the Commission shall be due for the period between the termination and reconstitution of the Commission;

“(iii) nothing in this subparagraph may be construed as requiring the extension or reemployment of any staff member or contractor working for the Commission;

“(iv) the staff of the Commission shall be—

“(I) selected by the co-chairs of the Commission in accordance with subsection (h)(1);

“(II) comprised of not more than four individuals, including a staff director; and

“(III) resourced in accordance with subsection (g)(4)(A);

“(v) with the approval of the co-chairs, may be provided by contract with a nongovernmental organization;
“(vi) any unexpended funds made available for the use of the Commission shall continue to be available for use for the life of the Commission, as well as any additional funds appropriated to the Department of Defense that are made available to the Commission, provided that the total such funds does not exceed $1,000,000 from the reconstitution of the Commission to the completion of the Commission; and

“(vii) the requirement for an assessment of the final report in subsection (l) shall be updated to require annually for a period of 2 years further assessments of the Federal Government’s responses to the Commission’s recommendations contained in such final report.”.

SEC. 1623. TAILORED CYBERSPACE OPERATIONS ORGANIZATIONS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy, in conjunction with the Chief of Naval Operations, shall submit to the congressional defense committees a study of the Navy Cyber Warfare Development Group (NCWDG).
(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An examination of NCWDG’s structure, manning, authorities, funding, and operations.

(2) A review of organizational relationships both within the Navy and to other Department of Defense organizations, as well as non-Department of Defense organizations.

(3) Recommendations for how the NCWDG can be strengthened and improved, without growth in size.

(c) DESIGNATION.—Notwithstanding any other provision of law, the Secretary of the Navy shall designate the NCWDG as a screened command.

(d) RELEASE.—The Secretary of the Navy shall transmit the study required under subsection (a) to the secretaries of the military services and the Commander of United States Special Operations Command.

(e) EXEMPLAR.—The service secretaries and the Commander of United States Special Operations Command are authorized to establish counterpart tailored cyberspace operations organizations of comparable size to the NCWDG within the military service or command, respectively, of each such secretary and Commander. Such counterpart organizations shall have the same authorities
as the NCWDG. Not later than 30 days after receipt by each of the service secretaries and the Commander under subsection (d) of the study required under subsection (a), each such service secretary and Commander, as the case may be, shall brief the congressional defense committees regarding whether or not each such service secretary or Commander intends to utilize the authority under this subsection.

SEC. 1624. RESPONSIBILITY FOR THE SECTOR RISK MANAGEMENT AGENCY FUNCTION OF THE DEPARTMENT OF DEFENSE.

(a) Definitions.—

(1) In general.—In this section:

(A) Critical infrastructure.—The term “critical infrastructure” has the meaning given such term in section 1016(e) of the Unit-ing and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e)).

(B) Sector risk management agency.—The term “Sector Risk Management Agency” means a Federal department or agency designated as a Sector Specific Agency under Presidential Policy Directive–21 to be respon-
sible for providing institutional knowledge and specialized expertise to, as well as leading, fa-
cilitating, or supporting, the security and resil-
ience programs and associated activities of its
designated critical infrastructure sector in the
all-hazards environment.

(2) REFERENCE.—Any reference to a Sector-
Specific Agency in any law, regulation, map, docu-
ment, record, or other paper of the United States
shall be deemed to be a reference to the Sector Risk
Management Agency of the Federal Government for
the relevant critical infrastructure sector.

(b) DESIGNATION.—The Secretary of Defense shall
designate the Principal Cyber Advisor of the Department
of Defense as the lead official, and the Office of the Prin-
cipal Cyber Advisor as the lead component, for the De-
partment’s role and functions as the Sector Risk Manage-
ment Agency for the Defense Industrial Base.

(c) RESPONSIBILITIES.—As the lead official for the
Department of Defense’s Sector Risk Management Agency
functions, the Principal Cyber Advisor of the Department
shall be responsible for all activities performed by the De-
partment in its support of the Defense Industrial Base,
as one of the critical infrastructure sectors of the United
States. Such activities shall include the following:
(1) Synchronization, harmonization, de-confliction, and management for the execution of all Department programs, initiatives, efforts, and communication related to the Department’s Sector Risk Management Agency function, including any Department program, initiative, or effort that addresses the cybersecurity of the Defense Industrial Base.


(d) ADDITIONAL FUNCTIONS.—In carrying out this section, the Principal Cyber Advisor of the Department of Defense shall—

(1) coordinate with relevant Federal departments and agencies, and collaborate with critical infrastructure owners and operators, where appropriate with independent regulatory agencies, and with State, local, territorial, and Tribal entities, as appropriate;
(2) serve as a day-to-day Federal interface for
the dynamic prioritization and coordination of sec-
tor-specific activities;

(3) carry out incident management responsibil-

(4) provide, support, or facilitate technical as-
sistance and consultations for the Defense Industrial
Base to identify cyber or physical vulnerabilities and
help mitigate incidents, as appropriate; and

(5) support the statutorily required reporting
requirements of such relevant Federal departments
and agencies by providing to such departments and
agencies on an annual basis sector-specific critical
infrastructure information.

SEC. 1625. DEPARTMENT OF DEFENSE CYBER WORKFORCE

EFFORTS.

(a) RESOURCES FOR CYBER EDUCATION.—

(1) IN GENERAL.—The Chief Information Offi-
cer of the Department of Defense, in consultation
with the Director of the National Security Agency
(NSA), shall examine the current policies permitting
National Security Agency employees to use up to
140 hours of paid time toward NSA’s cyber edu-
cation programs.

(2) REPORT.—
(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Chief Information Officer shall submit to the congressional defense committees and the congressional intelligence committees a strategy for expanding the policies described in paragraph (1) to—

(i) individuals who occupy positions described in section 1599f of title 10, United States Code; and

(ii) any other individuals who the Chief Information Officer determines appropriate.

(B) IMPLEMENTATION PLAN.—The report required under subparagraph (A) shall detail the utilization of the policies in place at the National Security Agency, as well as an implementation plan that describes the mechanisms needed to expand the use of such policies to accommodate wider participation by individuals described in such subparagraph. Such implementation plan shall detail how such individuals would be able to connect to the instructional and participatory opportunities available through the efforts, programs, initiatives, and
investments accounted for in the report re-
quired under section 1649 of the National De-
fense Authorization Act for Fiscal Year 2020
(Public Law 116–92), including the following
programs:

(i) GenCyber.

(ii) Centers for Academic Excellence –
Cyber Defense.

(iii) Centers for Academic Excellence
– Cyber Operations.

(C) DEADLINE.—Not later than 120 days
after the submission of the report required
under subparagraph (A), the Chief Information
Officer of the Department of Defense shall
carry out the implementation plan contained in
such report.

(b) IMPROVING THE TRAINING WITH INDUSTRY PRO-
gram.—

(1) IN GENERAL.—Not later than 120 days
after the date of the enactment of this Act, the Prin-
cipal Cyber Advisor of the Department of Defense,
in consultation with the Principal Cyber Advisors of
the military services and the Under Secretary of De-
fense for Personnel and Readiness, shall submit to
the congressional defense committees a review of the
current utilization and utility of the Training With Industry (TWI) programs, including relating to the following:

(A) Recommendations regarding how to improve and better utilize such programs, including regarding individuals who have completed such programs.

(B) An implementation plan to carry out such recommendations.

(2) ADDITIONAL.—Not later than 90 days after the submission of the report required under paragraph (1), the Principal Cyber Advisor of the Department of Defense shall carry out the implementation plan required under paragraph (1).

(c) ALIGNMENT OF CYBERSECURITY TRAINING PROGRAMS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing recommendations on how cybersecurity training programs described in section 1649 of the National Defense Authorization Act for Fiscal Year 2020 can be better aligned and harmonized.
(2) REPORT.—The report required under paragraph (1) shall provide recommendations concerning the following topics and information:

(A) Developing a comprehensive mechanism for utilizing and leveraging the Cyber Excepted Service workforce of the Department of Defense referred to in subsection (a), as well as mechanisms for military participation.

(B) Unnecessary redundancies in such programs, or in any related efforts, initiatives, or investments.

(C) Mechanisms for tracking participation and transition of participation from one such program to another.

(D) Department level oversight and management of such programs.

(3) CYBER WORKFORCE PIPELINE AND EARLY CHILDHOOD EDUCATION.—

(A) ELEMENTS.—The Secretary of Defense shall, when completing the report required under paragraph (1), take into consideration existing Federal childhood cyber education programs, including the programs identified in the report required under section 1649 of the National Defense Authorization Act for Fiscal
Year 2020 (Public Law 116–92) and the Department of Homeland Security’s Cybersecurity Education and Training Assistance Program (CETAP), that can provide opportunities to military-connected students and members of the Armed Forces to pursue cyber careers.

(B) DEFINITION.—In this paragraph, the term “military-connected student” means an individual who—

(i) is a dependent a member of the Armed Forces serving on active duty; and

(ii) is enrolled in a preschool, an elementary or secondary school, or an institution of higher education.

SEC. 1626. REPORTING REQUIREMENTS FOR CROSS DOMAIN COMPROMISES AND EXEMPTIONS TO POLICIES FOR INFORMATION TECHNOLOGY.

(a) Compromise Reporting.—

(1) IN GENERAL.—Effective beginning in October 2020, the Secretary of Defense and the secretaries of the military services shall submit to the congressional defense committees a monthly report in writing that documents each instance or indication of a cross-domain compromise within the Department of Defense.
(2) PROCEDURES.—The Secretary of Defense shall submit to the congressional defense committees procedures for complying with the requirements of subsection (a) consistent with the national security of the United States and the protection of operational integrity. The Secretary shall promptly notify such committees in writing of any changes to such procedures at least 14 days prior to the adoption of any such changes.

(3) DEFINITION.—In this subsection, the term “cross domain compromise” means any unauthorized connection between software, hardware, or both designed for use on a network or system built for classified data and the public internet.

(b) EXEMPTIONS TO POLICY FOR INFORMATION TECHNOLOGY.—Not later than 6 months after the date of the enactment of this Act and biannually thereafter, the Secretary of Defense and the secretaries of the military services shall submit to the congressional defense committees a report in writing that enumerates and details each current exemption to information technology policy, interim Authority To Operate (ATO) order, or both. Each such report shall include other relevant information pertaining to each such exemption, including relating to the following:
(1) Risk categorization.

(2) Duration.

(3) Estimated time remaining.

SEC. 1627. ASSESSING PRIVATE-PUBLIC COLLABORATION IN CYBERSECURITY.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a review and assessment of any ongoing public-private collaborative initiatives involving the Department of Defense and the private sector related to cybersecurity and defense of critical infrastructure, including—

(A) the United States Cyber Command’s Pathfinder initiative and any derivative initiative;

(B) the Department’s support to and integration with existing Federal cybersecurity centers and organizations; and

(C) comparable initiatives led by other Federal departments or agencies that support long-term public-private cybersecurity collaboration; and

(2) make recommendations for improvements and the requirements and resources necessary to in-
stitchヌalize and strengthen the initiatives described
in subparagraphs (A) through (C) of paragraph (1).

(b) REPORT.—

(1) IN GENERAL.—The Secretary of Defense
shall submit to the congressional defense committees
a report on the review, assessment, and rec-
ommendations under subsection (a).

(2) FORM.—The report required under para-
graph (1) may be submitted in unclassified or classi-
fied form, as necessary.

(c) DEFINITION.—In this section, the term “critical
infrastructure” has the meaning given such term in sec-
tion 1016(e) of the Uniting and Strengthening America
by Providing Appropriate Tools Required to Intecept and
Obstruct Terrorism (USA PATRIOT ACT) Act of 2001
(42 U.S.C. 5195e(e)).

SEC. 1628. CYBER CAPABILITIES AND INTEROPERABILITY
OF THE NATIONAL GUARD.

(a) EVALUATION.—Not later than 180 days after the
date of the enactment of this Act, the Secretary of De-
fense, in conjunction with the Chief of the National Guard
Bureau, shall submit to the congressional defense commit-
tees, the Committee on Appropriations of the House of
Representatives, and the Committee on Appropriations of
the Senate a review of the statutes, rules, regulations, and
standards that pertain to the use of the National Guard for the response to and recovery from significant cyber incidents.

(b) RECOMMENDATIONS.—The review required under subsection (a) shall address the following:

(1) Regulations promulgated under section 903 of title 32, United States Code, to allow the National Guard to conduct homeland defense activities that the Secretary of Defense determines to be necessary and appropriate in accordance with section 902 of such title in response to a cyber attack.

(2) Compulsory guidance from the Chief of the National Guard Bureau regarding how the National Guard shall collaborate with the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security and the Federal Bureau of Investigation of the Department of Justice through multi-agency task forces, information-sharing groups, incident response planning and exercises, and other relevant forums and activities.

(3) A plan for how the Chief of the National Guard Bureau will collaborate with the Secretary of Homeland Security to develop an annex to the National Cyber Incident Response Plan that details the
regulations and guidance described in paragraphs (1) and (2).

(c) DEFINITION.—The term “significant cyber incident” means a cyber incident that results, or several related cyber incidents that result, in demonstrable harm to—

(1) the national security interests, foreign relations, or economy of the United States; or

(2) the public confidence, civil liberties, or public health and safety of the American people.

SEC. 1629. EVALUATION OF NON-TRADITIONAL CYBER SUPPORT TO THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than 270 days after the date of the enactment of this Act, the Principal Cyber Advisor to the Secretary of Defense, in conjunction with the Under Secretary for Personnel and Readiness of the Department of Defense and the Principal Cyber Advisors of the military services, shall complete an assessment and evaluation of reserve models tailored to the support of cyberspace operations for the Department.

(b) EVALUATION COMPONENTS.—The assessment and evaluation required under subsection (a) shall include the following components:

(1) A current assessment of reserve and National Guard support to Cyber Operations Forces.
(2) An enumeration and evaluation of various reserve, National Guard, auxiliary, and non-traditional support models which are applicable to cyber-space operations, including a consideration of models utilized domestically and internationally.

(3) A utility assessment of a dedicated reserve cadre specific to United States Cyber Command and Cyber Operations Forces.

(4) An analysis of the costs associated with the models evaluated pursuant to paragraph (2).

(5) An assessment of the recruitment programs necessary for implementation of the models evaluated pursuant to paragraph (2).

(b) REPORT.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Principal Cyber Advisor of the Department of Defense, shall submit to the congressional defense committees a report on the assessment and evaluation required under subsection (a).

(2) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form, as necessary.
SEC. 1630. ESTABLISHMENT OF INTEGRATED CYBER CENTER.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Defense, the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall submit to the relevant congressional committees a report on Federal cybersecurity centers and the potential for better coordination of Federal cyber efforts at an integrated cyber center within the national cybersecurity and communications integration center of the Department of Homeland Security established pursuant to section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659).

(b) Contents.—To prepare the report required by subsection (a), the Secretary of Homeland Security shall aggregate information from components of the Department of Homeland Security with information provided to the Secretary of Homeland Security by the Secretary of Defense, the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence. Such aggregated information shall relate to the following topics:

(1) Any challenges regarding capacity and funding identified by the Secretary of Homeland Sec-
(2) Distinct statutory authorities identified by
the Secretary of Homeland Security, the Attorney
General, the Director of the Federal Bureau of In-
vestigation, the Secretary of Defense, or the Direc-
tor of National Intelligence that should not be lever-
aged by an integrated cyber center within the na-
tional cybersecurity and communications integration
center.

(3) Any challenges associated with effective
mission coordination and deconfliction between the
Cybersecurity and Infrastructure Security Agency of
the Department of Homeland Security and other
Federal agencies that could be addressed with the
creation of an integrated cyber center within the na-
tional cybersecurity and communications integration
center.
(4) How capabilities or missions of existing Federal cyber centers could benefit from greater integration or collocation to support cybersecurity collaboration with critical infrastructure at an integrated cyber center within the national cybersecurity and communications integration center, including the following Federal cyber centers:

(A) The National Security Agency’s Cyber Threat Operations Center.

(B) United States Cyber Command’s Joint Operations Center.

(C) The Office of the Director of National Intelligence’s Cyber Threat Intelligence Integration Center.

(D) The Federal Bureau of Investigation’s National Cyber Investigative Joint Task Force.


(F) The Office of the Director of National Intelligence’s Intelligence Community Security Coordination Center.

(c) ELEMENTS.—The report required under subsection (a) shall—

(1) identify any challenges regarding the Cybersecurity and Infrastructure Security Agency’s cur-
rent authorities, structure, resources, funding, ability to recruit and retain its workforce, or inter-agency coordination that negatively impact the ability of the Agency to fulfill its role as the central coordinator for critical infrastructure cybersecurity and resilience pursuant to its authorities under the Homeland Security Act of 2002, and information on how establishing an integrated cyber center within the national cybersecurity and communications integration center would address such challenges;

(2) identify any facility needs for the Cybersecurity and Infrastructure Security Agency to adequately host personnel, maintain sensitive compartmented information facilities, and other resources to serve as the primary coordinating body charged with forging whole-of-government, public-private collaboration in cybersecurity, pursuant to such authorities;

(3) identify any lessons from the United Kingdom’s National Cybersecurity Center model to determine whether an integrated cyber center within the Cybersecurity and Infrastructure Security Agency should be similarly organized into an unclassified environment and a classified environment;

(4) recommend any changes to procedures and criteria for increasing and expanding the participa-
tion and integration of public- and private-sector personnel into Federal cyber defense and security efforts, including continuing limitations or hurdles in the security clearance program for private sector partners and integrating private sector partners into a Cybersecurity and Infrastructure Security Agency integrated cyber center; and

(5) propose policies, programs, or practices that could overcome challenges identified in the aggregated information under subsection (b), including the creation of an integrated cyber center within the national cybersecurity and communications integration center, accompanied by legislative proposals, as appropriate.

(d) PLAN.—Upon submitting the report pursuant to subsection (a), the Secretary of Homeland Security, in coordination with the Secretary of Defense, the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall develop a plan to establish an integrated cyber center within the national cybersecurity and communications integration center.

(e) ESTABLISHMENT.—Not later than 1 year after the submission of the report required under subsection (a), the Secretary of Homeland Security, in coordination with
the Secretary of Defense, the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall begin establishing an integrated cyber center in the national cybersecurity and communications integration center.

(f) Annual Updates.—Beginning 1 year after the submission of the report required under subsection (a) and annually thereafter, the Secretary of Homeland Security, in coordination with the Secretary of Defense, the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall submit to the relevant congressional committees updates regarding efforts to establish and operate an integrated cyber center in the national cybersecurity and communications integration center pursuant to subsection (e), including information on progress made toward overcoming any challenges identified in the report required by subsection (a).

(g) Privacy Review.—The Privacy Officers of the Department of Homeland Security, the Department of Defense, the Department of Justice, and the Federal Bureau of Investigation, and the Director of National Intelligence shall review and provide to the relevant congressional committees comment, as appropriate, on each report and legislative proposal submitted under this section.
(h) DEFINITION.—In this section, the term “relevant congressional committees” means—

(1) in the House of Representatives—

(A) the Committee on Armed Services;

(B) the Committee on the Judiciary;

(C) the Permanent Select Committee on Intelligence; and

(D) the Committee on Homeland Security;

and

(2) in the Senate—

(A) the Committee on Armed Services;

(B) the Committee on the Judiciary;

(C) the Select Committee on Intelligence;

and

(D) the Committee on Homeland Security and Governmental Affairs.

SEC. 1631. CYBER THREAT INFORMATION COLLABORATION ENVIRONMENT.

(a) IN GENERAL.—In consultation with the Cyber Threat Data Standards and Interoperability Council established pursuant to subsection (d), the Secretary of Homeland Security, in coordination with the Secretary of Defense and the Director of National Intelligence (acting through the Director of the National Security Agency), shall develop an information collaboration environment
and associated analytic tools that enable entities to identify, mitigate, and prevent malicious cyber activity to—

(1) provide limited access to appropriate operationally relevant data about cybersecurity risks and cybersecurity threats, including malware forensics and data from network sensor programs, on a platform that enables query and analysis;

(2) allow such tools to be used in classified and unclassified environments drawing on classified and unclassified data sets;

(3) enable cross-correlation of data on cybersecurity risks and cybersecurity threats at the speed and scale necessary for rapid detection and identification;

(4) facilitate a comprehensive understanding of cybersecurity risks and cybersecurity threats; and

(5) facilitate collaborative analysis between the Federal Government and private sector critical infrastructure entities and information and analysis organizations.

(b) IMPLEMENTATION OF INFORMATION COLLABORATION ENVIRONMENT.—

(1) EVALUATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Di-
rector of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, in coordination with the Secretary of Defense and the Director of National Intelligence (acting through the Director of the National Security Agency), shall—

(A) identify, inventory, and evaluate existing Federal sources of classified and unclassified information on cybersecurity threats;

(B) evaluate current programs, applications, or platforms intended to detect, identify, analyze, and monitor cybersecurity risks and cybersecurity threats; and

(C) coordinate with private sector critical infrastructure entities and, as determined appropriate by the Secretary of Homeland Security, in consultation with the Secretary of Defense, other private sector entities, to identify private sector cyber threat capabilities, needs, and gaps.

(2) IMPLEMENTATION.—Not later than 1 year after the evaluation required under paragraph (1), the Secretary of Homeland Security, acting through the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Secretary
of Defense and the Director of National Intelligence (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 such environment to develop and run analytic tools referred to in such subsection on specified data sets for the purpose of identifying, mitigating, and preventing malicious cyber activity that is a threat to government and critical infrastructure. Such environment and use of such tools shall—

(A) operate in a manner consistent with relevant privacy, civil rights, and civil liberties policies and protections, including such policies and protections established pursuant to section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

(B) account for appropriate data standards and interoperability requirements, consistent with the standards set forth in subsection (d);

(C) enable integration of current applications, platforms, data, and information, including classified information, in a manner that supports integration of unclassified and classi-
fied information on cybersecurity risks and cy-
bersecurity threats;

(D) incorporate tools to manage access to
classified and unclassified data, as appropriate;

(E) ensure accessibility by entities the Sec-
retary of Homeland Security, in consultation
with the Secretary of Defense and the Director
of National Intelligence (acting through the Di-
rector of the National Security Agency), deter-
mines appropriate;

(F) allow for access by critical infrastruc-
ture stakeholders and other private sector part-
ners, at the discretion of the Secretary of
Homeland Security, in consultation with the
Secretary of Defense;

(G) deploy analytic tools across classifica-
tion levels to leverage all relevant data sets, as
appropriate;

(H) identify tools and analytical software
that can be applied and shared to manipulate,
transform, and display data and other identified
needs; and

(I) anticipate the integration of new tech-
nologies and data streams, including data from
government-sponsored network sensors or net-
work-monitoring programs deployed in support
of State, local, Tribal, and territorial govern-
ments or private sector entities.

(c) ANNUAL REVIEW OF IMPACTS ON PRIVACY, CIVIL
RIGHTS, AND CIVIL LIBERTIES.—The Secretary of Home-
land Security and the Director of National Intelligence
(acting through the Director of the Cybersecurity and In-
frastructure Security Agency and the Director of the Na-
tional Security Agency, respectively) shall direct the Pri-
vacy, Civil Rights, and Civil Liberties Officers of their re-
spective agencies, in consultation with Privacy, Civil
Rights, and Civil Liberties Officers of other Federal agen-
cies participating in the information collaboration environ-
ment, to conduct an annual review of the information col-
laboration environment for compliance with fair informa-
tion practices and civil rights and civil liberties policies.

Each such report shall be—

(1) unclassified, to the maximum extent pos-
sible, but may contain a non-public or classified
annex to protect sources or methods and any other
sensitive information restricted by Federal law;

(2) with respect to the unclassified portions of
each such report, made available on the public inter-
et websites of the Department of Homeland Secu-
rity and the Office of the Director of National Intel-
ligence—

(A) not later than 30 days after submis-
sion to the appropriate congressional commit-
tees; and

(B) in an electronic format that is fully in-
dexed and searchable; and

(3) with respect to a classified annex, submitted
to the appropriate congressional committees in an
electronic format that is fully indexed and search-
able.

(d) POST-DEPLOYMENT ASSESSMENT.—Not later
than 2 years after the implementation of the information
collaboration environment under subsection (b), the Sec-
retary of Homeland Security, the Secretary of Defense,
and the Director of National Intelligence (acting through
the Director of the National Security Agency) shall jointly
submit to the appropriate congressional committees an as-
sessment of whether to include additional entities, includ-
ing critical infrastructure information sharing and anal-
ysis organizations, in such environment.

(e) CYBER THREAT DATA STANDARDS AND INTER-
OPERABILITY COUNCIL.—

(1) ESTABLISHMENT.—There is established an
interagency council, to be known as the “Cyber
Threat Data Standards and Interoperability Council” (in this subsection referred to as the “council”), chaired by the Secretary of Homeland Security, to establish data standards and requirements for public and private sector entities to participate in the information collaboration environment developed pursuant to subsection (a).

(2) OTHER MEMBERSHIP.—

(A) PRINCIPAL MEMBERS.—In addition to the Secretary of Homeland Security, the council shall be composed of the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, the Secretary of Defense, and the Director of National Intelligence (acting through the Director of the National Security Agency).

(B) ADDITIONAL MEMBERS.—The President shall identify and appoint council members from public and private sector entities who oversee programs that generate, collect, or disseminate data or information related to the detection, identification, analysis, and monitoring of cybersecurity risks and cybersecurity threats, based on recommendations submitted by the Secretary of Homeland Security, the Secretary
of Defense, and the Director of National Intel-
gligence (acting through the Director of the Na-
tional Security Agency).

(3) DATA STREAMS.—The council shall identify,
designate, and periodically update programs that
shall participate in or be interoperable with the in-
formation collaboration environment developed pur-
suant to subsection (a), which may include the fol-
lowing:

(A) Network-monitoring and intrusion de-
tection programs.

(B) Cyber threat indicator sharing pro-
grams.

(C) Certain government-sponsored network
sensors or network-monitoring programs.

(D) Incident response and cybersecurity
technical assistance programs.

(E) Malware forensics and reverse-engi-
neering programs.

(F) The defense industrial base threat in-
telligence program of the Department of De-
fense.

(4) DATA GOVERNANCE.—The council shall es-
establish a committee comprised of the privacy officers
of the Department of Homeland Security, the De-
partment of Defense, and the National Security
Agency. Such committee shall establish procedures
and data governance structures, as necessary, to
protect sensitive data, comply with Federal regula-
tions and statutes, and respect existing consent
agreements with private sector critical infrastructure
entities that apply to critical infrastructure informa-
tion.

(5) RECOMMENDATIONS.—The council shall, as
appropriate, submit recommendations to the Presi-
dent to support the operation, adaptation, and secu-

(6) NO ADDITIONAL ACTIVITIES AUTHORIZED.—
Nothing in section may be construed to—

(1) alter the responsibility of entities to follow
guidelines issued pursuant to section 105(b) of the
Cybersecurity Act of 2015 (6 U.S.C. 1504(b); en-
acted as division N of the Consolidated Appropria-
tions Act, 2016 (Public Law 114–113)) with respect
to data obtained by an entity in connection with ac-
tivities authorized under the Cybersecurity Act of
2015 and shared through the information collabora-
tion environment developed pursuant to subsection
(a); or
authorize Federal or private entities to share information in a manner not already permitted by law.

(g) DEFINITIONS.—In this section:

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

(A) in the House of Representatives—

(i) the Permanent Select Committee on Intelligence;

(ii) the Committee on Homeland Security;

(iii) the Committee on the Judiciary; and

(iv) the Committee on Armed Services; and

(B) in the Senate—

(i) the Select Committee on Intelligence;

(ii) the Committee on Homeland Security and Governmental Affairs;

(iii) the Committee on the Judiciary; and

(iv) the Committee on Armed Services.
(2) **Critical Infrastructure.**—The term “critical infrastructure” has the meaning given such term in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e)).

(3) **Critical Infrastructure Information.**—The term “critical infrastructure information” has the meaning given such term in section 2222 of the Homeland Security Act of 2002 (6 U.S.C. 671).

(4) **Cyber Threat Indicator.**—The term “cyber threat indicator” has the meaning given such term in section 102(6) of the Cybersecurity Act of 2015 (enacted as division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501(6))).

(5) **Cybersecurity Risk.**—The term “cybersecurity risk” has the meaning given such term in section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659).

(6) **Cybersecurity Threat.**—The term “cybersecurity threat” has the meaning given such term in section 102(5) of the Cybersecurity Act of 2015 (enacted as division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501(5))).
(7) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term “information sharing and analysis organization” has the meaning given such term in section 2222 of the Homeland Security Act of 2002 (6 U.S.C. 671).

SEC. 1632. DEFENSE INDUSTRIAL BASE PARTICIPATION IN A THREAT INTELLIGENCE SHARING PROGRAM.

(a) DEFINITION.—In this section, the term “defense industrial base” means the worldwide industrial complex with capabilities to perform research and development, design, produce, deliver, and maintain military weapon systems, subsystems, components, or parts to meet military requirements.

(b) DEFENSE INDUSTRIAL BASE THREAT INTELLIGENCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall establish a threat intelligence program to share with and obtain from the defense industrial base information and intelligence on threats to national security.

(2) PROGRAM REQUIREMENTS.—At a minimum, the Secretary of Defense shall ensure the threat intelligence sharing program established pursuant to paragraph (1) includes the following:
(A) Cybersecurity incident reporting requirements that—

(i) extend beyond current mandatory incident reporting requirements;

(ii) set specific timeframes for all categories of such mandatory incident reporting; and

(iii) create a single clearinghouse for all such mandatory incident reporting to the Department of Defense, including covered unclassified information, covered defense information, and classified information.

(B) A mechanism for developing a shared and real-time picture of the threat environment.

(C) Joint, collaborative, and co-located analytics.

(D) Investments in technology and capabilities to support automated detection and analysis across the defense industrial base.

(E) Coordinated intelligence sharing with relevant domestic law enforcement and counterintelligence agencies, in coordination, respectively, with the Director of the Federal Bureau
of Investigation and the Director of National Intelligence.

(F) A process for direct sharing of threat intelligence related to a specific defense industrial base entity with such entity.

(3) EXISTING INFORMATION SHARING PROGRAMS.—The Secretary of Defense may utilize an existing Department of Defense information sharing program to satisfy the requirement under paragraph (1) if such existing program includes, or is modified to include, two-way sharing of threat information that is specifically relevant to the defense industrial base, including satisfying the requirements specified in paragraph (2).

(4) INTELLIGENCE QUERIES.—As part of a threat intelligence sharing program under this subsection, the Secretary of Defense shall require defense industrial base entities holding a Department of Defense contract to consent to queries of foreign intelligence collection databases related to such entity as a condition of such contract.

(c) THREAT INTELLIGENCE PROGRAM PARTICIPATION.—

(1) PROHIBITION ON PROCUREMENT.—Beginning on the date that is than 1 year after the date
of the enactment of this Act, the Secretary of De-
fense may not procure or acquire, or extend or
renew a contract to procure or acquire, any item,
equipment, system, or service from any entity that
is not a participant in—

(A) the threat intelligence sharing program
established pursuant paragraph (1) of sub-
section (b); or

(B) a comparably widely-utilized threat in-
telligence sharing program described in para-
graph (3) of such subsection.

(2) Application to Subcontractors.—No
entity holding a Department of Defense contract
may subcontract any portion of such contract to an-
other entity unless that second entity—

(A) is a participant in a threat intelligence
sharing program under this section; or

(B) has received a waiver pursuant to sub-
section (d).

(3) Implementation.—In implementing the
prohibition under paragraph (1), the Secretary of
Defense—

(A) may create tiers of requirements and
participation within the applicable threat intel-
ligence sharing program referred to in such paragraph based on—

(i) an evaluation of the role of and relative threats related to entities within the defense industrial base; and

(ii) cybersecurity maturity model certification level; and

(B) shall prioritize available funding and technical support to assist entities as is reasonably necessary for such entities to participate in a threat intelligence sharing program under this section.

(d) WAIVER AUTHORITY.—

(1) WAIVER.—The Secretary of Defense may waive the prohibition under subsection (b)—

(A) with respect to an entity or class of entities, if the Secretary determines that the requirement to participate in a threat intelligence sharing program under this section is unnecessary to protect the interests of the United States; or

(B) at the request of an entity, if the Secretary determines there is compelling justifica-
(2) Periodic Reevaluation.—The Secretary of Defense shall periodically reevaluate any waiver issued pursuant to paragraph (1) and promptly revoke any waiver the Secretary determines is no longer warranted.

(c) Regulations.—

(1) Rulemaking Authority.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate such rules and regulations as are necessary to carry out this section.

(2) CMMC Harmonization.—The Secretary of Defense shall ensure that the threat intelligence sharing program requirements set forth in the rules and regulations promulgated pursuant to paragraph (1) consider an entity’s maturity and role within the defense industrial base, in accordance with the maturity certification levels established in the Department of Defense Cybersecurity Maturity Model Certification program.

SEC. 1633. ASSISTANCE FOR SMALL MANUFACTURERS IN THE DEFENSE INDUSTRIAL SUPPLY CHAIN ON MATTERS RELATING TO CYBERSECURITY.

(a) In General.—Subject to the availability of appropriations, the Secretary of Defense, in consultation
with the Director of the National Institute of Standards and Technology, may award financial assistance to a Center for the purpose of providing cybersecurity services to small manufacturers.

(b) CRITERIA.—If the Secretary carries out subsection (a), the Secretary, in consultation with the Director, shall establish and publish on the grants.gov website, or successor website, criteria for selecting recipients for financial assistance under this section.

(c) USE OF FINANCIAL ASSISTANCE.—Financial assistance under this section—

(1) shall be used by a Center to provide small manufacturers with cybersecurity services relating to—

(A) compliance with the cybersecurity requirements of the Department of Defense Supplement to the Federal Acquisition Regulation, including awareness, assessment, evaluation, preparation, and implementation of cybersecurity services; and

(B) achieving compliance with the Cybersecurity Maturity Model Certification framework of the Department of Defense; and
(2) may be used by a Center to employ trained personnel to deliver cybersecurity services to small manufacturers.

(d) Biennial Reports.—

(1) IN GENERAL.—Not less frequently than once every 2 years, the Secretary shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a biennial report on financial assistance awarded under this section.

(2) CONTENTS.—To the extent practicable, each report submitted under paragraph (1) shall include the following with respect to the years covered by the report:

(A) The number of small manufacturing companies assisted.

(B) A description of the cybersecurity services provided.

(C) A description of the cybersecurity matters addressed.

(D) An analysis of the operational effectiveness and cost-effectiveness of the cybersecurity services provided.
(e) **TERMINATION.**—The authority of the Secretary to award of financial assistance under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

(f) **DEFINITIONS.**—In this section:

(1) The term “Center” has the meaning given such term in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)).

(2) The term “small manufacturer” has the meaning given that term in section 1644(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2224 note).

SEC. 1634. **DEFENSE INDUSTRIAL BASE CYBERSECURITY THREAT HUNTING AND SENSING, DISCOVERY, AND MITIGATION.**

(a) **DEFINITION.**—In this section:

(1) **DEFENSE INDUSTRIAL BASE.**—The term “defense industrial base” means the worldwide industrial complex with capabilities to perform research and development, design, produce, deliver, and maintain military weapon systems, subsystems, components, or parts to meet military requirements.
(2) Advanced Defense Industrial Base.—

The term “advanced defense industrial base” means any entity in the defense industrial base holding a Department of Defense contract that requires a cybersecurity maturity model certification of level 4 or higher.

(b) Defense Industrial Base Cybersecurity Threat Hunting Study.—

(1) In General.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a study of the feasibility and resourcing required to establish the Defense Industrial Base Cybersecurity Threat Hunting Program (in this section referred to as the “Program”) described in subsection (c).

(2) Elements.—The study required under paragraph (1) shall—

(A) establish the resources necessary, governance structures, and responsibility for execution of the Program, as well as any other relevant considerations determined by the Secretary;

(B) include a conclusive determination of the Department of Defense’s capacity to estab-
lish the Program by the end of fiscal year 2021;

and

(C) identify any barriers that would prevent such establishment.

(c) DEFENSE INDUSTRIAL BASE CYBERSECURITY THREAT HUNTING PROGRAM.—

(1) IN GENERAL.—Upon a positive determination of the Program’s feasibility pursuant to the study required under subsection (b), the Secretary of Defense shall establish the Program to actively identify cybersecurity threats and vulnerabilities within the information systems, including covered defense networks containing controlled unclassified information, of entities in the defense industrial base.

(2) PROGRAM LEVELS.—In establishing the Program in accordance with paragraph (1), the Secretary of Defense shall develop a tiered program that takes into account the following:

(A) The cybersecurity maturity of entities in the defense industrial base.

(B) The role of such entities.

(C) Whether each such entity possesses controlled unclassified information and covered defense networks.
(D) The covered defense information to which such an entity has access as a result of contracts with the Department of Defense.

(3) PROGRAM REQUIREMENTS.—The Program shall—

(A) include requirements for mitigating any vulnerabilities identified pursuant to the Program;

(B) provide a mechanism for the Department of Defense to share with entities in the defense industrial base malicious code, indicators of compromise, and insights on the evolving threat landscape;

(C) provide incentives for entities in the defense industrial base to share with the Department of Defense, including the National Security Agency’s Cybersecurity Directorate, threat and vulnerability information collected pursuant to threat monitoring and hunt activities; and

(D) mandate a minimum level of program participation for any entity that is part of the advanced defense industrial base.

(d) THREAT IDENTIFICATION PROGRAM PARTICIPATION.—
(1) **Prohibition on Procurement.**—If the Program is established pursuant to subsection (e), beginning on the date that is 1 year after the date of the enactment of this Act, the Secretary of Defense may not procure or obtain, or extend or renew a contract to procure or obtain, any item, equipment, system, or service from any entity in the defense industrial base that is not in compliance with the requirements of the Program.

(2) **Implementation.**—In implementing the prohibition under paragraph (1), the Secretary of Defense shall prioritize available funding and technical support to assist affected entities in the defense industrial base as is reasonably necessary for such affected entities to commence participation in the Program and satisfy Program requirements.

(3) **Waiver Authority.**—

(A) **Waiver.**—The Secretary of Defense may waive the prohibition under paragraph (1)—

(i) with respect to an entity or class of entities in the defense industrial base, if the Secretary determines that the requirement to participate in the Program is un-
necessary to protect the interests of the United States; or

(ii) at the request of such an entity, if the Secretary determines there is a compelling justification for such waiver.

(B) Periodic Reevaluation.—The Secretary of Defense shall periodically reevaluate any waiver issued pursuant to subparagraph (A) and revoke any such waiver the Secretary determines is no longer warranted.

(e) Use of Personnel and Third-Party Threat Hunting and Sensing Capabilities.—In carrying out the Program, the Secretary of Defense may—

(1) utilize Department of Defense personnel to hunt for threats and vulnerabilities within the information systems of entities in the defense industrial base that have an active contract with Department of Defense;

(2) certify third-party providers to hunt for threats and vulnerabilities on behalf of the Department of Defense;

(3) require the deployment of network sensing technologies capable of identifying and filtering malicious network traffic; or
(4) employ a combination of Department of Defense personnel and third-party providers and tools, as the Secretary determines necessary and appropriate, for the entity described in paragraph (1).

(f) REGULATIONS.—

(1) RULEMAKING AUTHORITY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate such rules and regulations as are necessary to carry out this section.

(2) CMMC HARMONIZATION.—In promulgating rules and regulations pursuant to paragraph (1), the Secretary of Defense shall consider how best to integrate the requirements of this section with the Department of Defense Cybersecurity Maturity Model Certification program.

SEC. 1635. DEFENSE DIGITAL SERVICE.

(a) RELATIONSHIP WITH UNITED STATES DIGITAL SERVICE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the United States Digital Service shall establish a direct relationship between the Department of Defense and the United States Digital Service to address authorities, hiring processes, roles, and responsibilities.
(b) Certification.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the United States Digital Service shall jointly certify to the congressional defense committees that the skills and qualifications of the Department of Defense personnel assigned to and supporting the core functions of the Defense Digital Service are consistent with the skills and qualifications United States Digital Service personnel.

SEC. 1636. LIMITATION OF FUNDING FOR NATIONAL DEFENSE UNIVERSITY.

Of the funds authorized to be appropriated by this Act for fiscal year 2021 for the National Defense University, not more than 60 percent of such funds may be obligated or expended until the Joint Staff and the National Defense University present to the congressional defense committees the following:

(1) A comprehensive plan for resourcing and growing the student population of the College of Information and Cyberspace, including by—

(A) enrolling a minimum of 350 cyber workforce students per academic year; and

(B) graduating a minimum of 42 students (including a minimum of 28 United States military students) in the Joint Professional Military
Education Phase II War College 10-month resident program in fiscal year 2021, and implementing a plan to graduate a minimum of 70 students (including a minimum of 50 United States military and civilian students) in fiscal year 2023 and in each year thereafter through the Future Year Defense Program.

(2) Budget documents for the Future Year Defense Program which show funding for the College of Information and Cyberspace to support the comprehensive plan described in subsection (a).

(3) A comprehensive presentation of how programs of study on cyber-related matters are being expanded and integrated into Joint Professional Military Education at all National Defense University constituent colleges.

SEC. 1637. CRITICAL INFRASTRUCTURE CYBER INCIDENT REPORTING PROCEDURES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Director, and in consultation with Sector Risk Management Agencies and other appropriate Federal departments, shall, after notice and an opportunity for comment, establish requirements and a process for covered critical infrastructure entities to report a covered cyberse-
curity incident to the national cybersecurity and communications integration center of the Department of Homeland Security, in furtherance of its mission with respect to cybersecurity risks as set forth in section 2209.

(b) PROCEDURES.—The cybersecurity incident reporting requirements and process described in subsection (a) shall, at a minimum, include—

(1) a definition of covered critical infrastructure entities that are required to comply with the reporting requirements of this section, based on threshold criteria related to—

(A) the likelihood that such entity may be targeted by a malicious cyber actor, including a foreign country;

(B) consequences that disruption to or compromise of such entity could cause to national security, economic security, or public health and safety; and

(C) maturity of security operations in detecting, investigating, and mitigating a cybersecurity incident;

(2) criteria for the types and thresholds for a covered cybersecurity incident to be reported under this section, including the sophistication or novelty of the cyber attack, the type, volume, and sensitivity
of the data at issue, and the number of individuals
affected or potentially affected by a cybersecurity in-
cident, subject to the limitations described in sub-
section (c); and

(3) procedures to comply with reporting re-
quirements pursuant to subsection (c).

(c) CYBERSECURITY INCIDENT REPORTING RE-
QUIREMENTS FOR COVERED CRITICAL INFRASTRUCTURE
ENTITIES.—

(1) IN GENERAL.—A covered critical infrastruc-
ture entity, as defined by the Director pursuant to
subsection (b), meets the requirements of this para-
graph if, upon becoming aware that a covered cyber-
security incident, including an incident involving
ransomware, social engineering, malware, or unau-
thorized access, has occurred involving any critical
infrastructure system or subsystem of the critical in-
frastucture, the entity—

(A) promptly reports such incident to the
national cybersecurity and communications inte-
gration center, consistent with such require-
ments and process, as soon as practicable (but
in no case later than 72 hours after the entity
first becomes aware that the incident occurred);
(B) provides all appropriate updates to any report submitted under subparagraph (A).

(2) CONTENTS OF REPORT.—Each report submitted under subparagraph (A) of paragraph (1) shall contain such information as the Director prescribes in the reporting procedures issued under subsection (a), including the following information with respect to any cybersecurity incident covered by the report:

(A) The date, time, and time zone when the cybersecurity incident began, if known.

(B) The date, time, and time zone when the cybersecurity incident was detected.

(C) The date, time, and duration of the cybersecurity incident.

(D) The circumstances of the cybersecurity incident, including the specific critical infrastructure systems or subsystems believed to have been accessed and information acquired, if any, as well as any interdependent systems that suffered damage, disruption, or were otherwise impacted by the incident.

(E) Any planned and implemented technical measures to respond to and recover from the incident.
(F) In the case of any report which is an update to a prior report, any additional material information relating to the incident, including technical data, as it becomes available.

(d) Effect of Other Reporting.—A covered critical infrastructure entity shall not be considered to have satisfied the reporting requirements set forth in subsection (c)(1) by reporting information required pursuant to subsection (c)(2) related to a covered cybersecurity incident to any person, agency or organization, including a law enforcement agency, other than to the Director using the incident reporting procedures establish by the national cybersecurity and communications integration center using the incident reporting procedures established by the Director pursuant to subsection (a).

(e) Disclosure, Retention, and Use.—

(1) Authorized Activities.—Covered cybersecurity incidents and related reporting information provided to the Director pursuant to this section may not be disclosed to, retained by, or used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, or any component, officer, employee, or agent of the Federal Government, except if the Director deter-
mines such disclosure, retention, or use is necessary for—

(A) the purpose of identifying—

(i) a cybersecurity threat as such term is defined in section 102(5) of the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501)), including the source of such cybersecurity threat; or

(ii) a security vulnerability;

(B) the purpose of responding to, or otherwise preventing or mitigating, a specific threat of death, serious bodily harm, or serious economic harm, including a terrorist act or a use of a weapon of mass destruction;

(C) the purpose of responding to, investigating, prosecuting, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or

(D) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a threat described in subpara-
(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 cybersecurity incident data and other reported information for the limited purpose of better understanding the cyber threat landscape, subject to appropriate protections for information and removal of any unnecessary personal or identifying information.

(3) PRIVACY AND CIVIL LIBERTIES.—Covered cybersecurity incidents and related reporting information provided to the Director pursuant to this section shall be retained, used, and disseminated, where permissible and appropriate, by the Federal Government—
(A) in a manner that protects from unauthorized use or disclosure any information reported under this section that may contain—

(i) personal information of a specific individual; or

(ii) information that identifies a specific individual; and

(B) in a manner that protects the confidentiality of information reported under this section containing—

(i) personal information of a specific individual; or

(ii) information that identifies a specific individual.

(4) FEDERAL REGULATORY AUTHORITY.—Information regarding a covered cybersecurity incident and related reporting information provided to the Director pursuant to this section may not be used by any Federal, State, Tribal, or local government to regulate, including through an enforcement action, the lawful activities of any non-Federal entity.

(f) LIMITATION.—The Director may not set criteria or develop procedures pursuant to this Act that require a covered critical infrastructure entity, identified pursuant
to subsection (b)(1), to report on any cybersecurity inci-
dent unless such incident—

(1) causes a loss in the confidentiality, integ-

rity, or availability of proprietary, sensitive, or per-

sonal information;

(2) results in a disruption or otherwise inhibits

the ability of an entity to deliver services or conduct

its primary business activity; or

(3) was carried out by a foreign country, or

where there is reason to believe a foreign country

was involved in such incident.

(g) DEFINITIONS.—In this section:

(1) COVERED CRITICAL INFRASTRUCTURE EN-
tity.—The term “covered critical infrastructure en-
tity” is an entity that owns, operates, supports, or
maintains critical infrastructure which meets the
definition set forth by the Director pursuant to sub-
section (b)(1).

(2) COVERED CYBERSECURITY INCIDENT.—The
term “covered cybersecurity incident” means a cy-
bersecurity incident experienced by a covered critical
infrastructure entity that meets the definition and
criteria set forth by the Director in the procedures
prescribed pursuant to subsection (b)(2), subject to
the limitations in subsection (f) that involve, at a minimum, an incident that—

(3) CRITICAL INFRASTRUCTURE.—The term “critical infrastructure” has the meaning given that term in section 2(4) of the Homeland Security Act of 2002 (Public Law 107–196; 6 U.S.C. 101(4)).

(4) CYBERSECURITY RISK.—The term “cybersecurity risk” has the meaning given that term in section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659).

(5) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

(6) DIRECTOR.—The term “Director” means the Director of the Cybersecurity and Infrastructure Security Agency of the Department.

(7) NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.—The term “national cybersecurity and communications integration center” or “Center” means the national cybersecurity and communications integration center described in section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659).

(8) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.
(9) Sector specific agency.—The term “Sector Specific Agency” has the meaning given that term in section 2201(5) of the Homeland Security Act of 2002 (6 U.S.C. 651(5)).

SEC. 1638. FUNDING FOR NATIONAL CENTER FOR HARDWARE AND EMBEDDED SYSTEMS SECURITY AND TRUST.

(a) Increase.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4201 for research, development, test, and evaluation, Air Force, as specified in the corresponding funding table in section 4201, for Aerospace Sensors, line 009, is hereby increased by $3,000,000 for the National Center for Hardware and Embedded Systems Security and Trust.

(b) Offset.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 1402 for chemical agents and munitions destruction, as specified in the corresponding funding table in section 4501, for Chem Demilitarization—RDT&E, is hereby reduced by $3,000,000.

SEC. 1639. STRENGTHENING FEDERAL NETWORKS.

(a) Authority.—Section 3553(b) of title 44, United States Code, is amended—
(1) in paragraph (6)(D), by striking ‘‘; and’’ at
the end and inserting a semicolon;

(2) by redesignating paragraph (7) as para-
graph (8); and

(3) by inserting after paragraph (6) the fol-
lowing new paragraph:

‘‘(7) hunting for and identifying, with or with-
out advance notice, threats and vulnerabilities within
Federal information systems; and’’.

(b) Binding Operational Directive.—Not later
than 1 year after the date of the enactment of this section,
the Secretary of Homeland Security shall issue a binding
operational directive pursuant to subsection (b)(2) of sec-
tion 3553 of title 44, United States Code, to implement
paragraph (7) of section 3553(b) of title 44, United States
Code, as added by subsection (a).

SEC. 1640. DOD CYBER HYGIENE AND CYBERSECURITY MA-
TURITY MODEL CERTIFICATION FRAME-
WORK.

(a) In General.—Not later than 180 days after the
date of the enactment of this Act, the Secretary of Defense
shall submit to the congressional defense committees and
the Comptroller General of the United States a report on
the cyber hygiene practices of the Department of Defense
and the extent to which such practices are effective at pro-
testing Department missions, information, system and networks. The report shall include the following:

(1) An assessment of each Department component’s compliance with the requirements and levels identified in the Cyber Maturity Model Certification framework.

(2) For each Department component that does not achieve the requirements for “good cyber hygiene” as defined in CMMC Model Version 1.02, a plan for how that component will implement security measures to bring it into compliance with good cyber hygiene requirements within 1 year, and a strategy for mitigating potential vulnerabilities and consequences until such requirements are implemented.

(b) COMPTROLLER GENERAL REPORT REQUIRED.—Not later than 180 days after the submission of the report required under subsection (a), the Comptroller General of the United States shall conduct an independent review of the report and provide a briefing to the congressional defense committees on the findings of the review.

SEC. 1640A. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended—

(1) in subsection (a)—
(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph:

“(1) the term ‘cybersecurity purpose’ has the meaning given that term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);”;

(C) in paragraph (6), as so redesignated, by striking “and” at the end;

(D) by redesignating paragraph (7), as so redesignated, as paragraph (8); and

(E) by inserting after paragraph (6), as so redesignated, the following new paragraph:

“(7) the term ‘security vulnerability’ has the meaning given that term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501); and”;

(2) in subsection (c)—

(A) in paragraph (10), by striking “and” at the end;

(B) in paragraph (11), by striking the period at the end and inserting “; and”; and
(C) by adding at the end the following new paragraph:

“(12) detecting, identifying, and receiving information for a cybersecurity purpose about security vulnerabilities relating to critical infrastructure in information systems and devices.”; and

(3) by adding at the end the following new subsection:

“(o) SUBPOENA AUTHORITY.—

“(1) DEFINITION.—In this subsection, the term ‘covered device or system’—

“(A) means a device or system commonly used to perform industrial, commercial, scientific, or governmental functions or processes that relate to critical infrastructure, including operational and industrial control systems, distributed control systems, and programmable logic controllers; and

“(B) does not include personal devices and systems, such as consumer mobile devices, home computers, residential wireless routers, or residential internet enabled consumer devices.

“(2) AUTHORITY.—

“(A) IN GENERAL.—If the Director identifies a system connected to the internet with a
specific security vulnerability and has reason to believe such security vulnerability relates to critical infrastructure and affects a covered device or system, and the Director is unable to identify the entity at risk that owns or operates such covered device or system, the Director may issue a subpoena for the production of information necessary to identify and notify such entity at risk, in order to carry out a function authorized under subsection (c)(12).

“(B) Limit on information.—A subpoena issued pursuant to subparagraph (A) may seek information—

“(i) only in the categories set forth in subparagraphs (A), (B), (D), and (E) of section 2703(c)(2) of title 18, United States Code; and

“(ii) for not more than 20 covered devices or systems.

“(C) Liability protections for disclosing providers.—The provisions of section 2703(e) of title 18, United States Code, shall apply to any subpoena issued pursuant to subparagraph (A).

“(3) Coordination.—
“(A) IN GENERAL.—If the Director exercises the subpoena authority under this subsection, and in the interest of avoiding interference with ongoing law enforcement investigations, the Director shall coordinate the issuance of any such subpoena with the Department of Justice, including the Federal Bureau of Investigation, pursuant to interagency procedures which the Director, in coordination with the Attorney General, shall develop not later than 60 days after the date of the enactment of this subsection.

“(B) CONTENTS.—The inter-agency procedures developed under this paragraph shall provide that a subpoena issued by the Director under this subsection shall be—

“(i) issued to carry out a function described in subsection (c)(12); and

“(ii) subject to the limitations specified in this subsection.

“(4) NONCOMPLIANCE.—If any person, partnership, corporation, association, or entity fails to comply with any duly served subpoena issued pursuant to this subsection, the Director may request that the Attorney General seek enforcement of such sub-
poena in any judicial district in which such person, partnership, corporation, association, or entity resides, is found, or transacts business.

“(5) NOTICE.—Not later than 7 days after the date on which the Director receives information obtained through a subpoena issued pursuant to this subsection, the Director shall notify any entity identified by information obtained pursuant to such subpoena regarding such subpoena and the identified vulnerability.

“(6) AUTHENTICATION.—

“(A) IN GENERAL.—Any subpoena issued pursuant to this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Agency, or other comparable successor technology, that allows the Agency to demonstrate that such subpoena was issued by the Agency and has not been altered or modified since such issuance.

“(B) INVALID IF NOT AUTHENTICATED.— Any subpoena issued pursuant to this subsection that is not authenticated in accordance with subparagraph (A) shall not be considered to be valid by the recipient of such subpoena.
“(7) PROCEDURES.—Not later than 90 days after the date of the enactment of this subsection, the Director shall establish internal procedures and associated training, applicable to employees and operations of the Agency, regarding subpoenas issued pursuant to this subsection, which shall address the following:

“(A) The protection of and restriction on dissemination of nonpublic information obtained through such a subpoena, including a requirement that the Agency not disseminate non-public information obtained through such a subpoena that identifies the party that is subject to such subpoena or the entity at risk identified by information obtained, except that the Agency may share the nonpublic information with the Department of Justice for the purpose of enforcing such subpoena in accordance with paragraph (4), and may share with a Federal agency the nonpublic information of the entity at risk if—

“(i) the Agency identifies or is notified of a cybersecurity incident involving such entity, which relates to the vulner-
ability which led to the issuance of such subpoena;

“(ii) the Director determines that sharing the nonpublic information with another Federal department or agency is necessary to allow such department or agency to take a law enforcement or national security action, consistent with the interagency procedures under paragraph (3)(A), or actions related to mitigating or otherwise resolving such incident;

“(iii) the entity to which the information pertains is notified of the Director’s determination, to the extent practicable consistent with national security or law enforcement interests, consistent with such interagency procedures; and

“(iv) the entity consents, except that the entity’s consent shall not be required if another Federal department or agency identifies the entity to the Agency in connection with a suspected cybersecurity incident.
“(B) The restriction on the use of information obtained through such a subpoena for a cybersecurity purpose.

“(C) The retention and destruction of non-public information obtained through such a subpoena, including—

“(i) destruction of such information that the Director determines is unrelated to critical infrastructure immediately upon providing notice to the entity pursuant to paragraph (5); and

“(ii) destruction of any personally identifiable information not later than 6 months after the date on which the Director receives information obtained through such a subpoena, unless otherwise agreed to by the individual identified by the subpoena respondent.

“(D) The processes for providing notice to each party that is subject to such a subpoena and each entity identified by information obtained under such a subpoena.

“(E) The processes and criteria for conducting critical infrastructure security risk assessments to determine whether a subpoena is
necessary prior to being issued pursuant to this subsection.

“(F) The information to be provided to an entity at risk at the time of the notice of the vulnerability, which shall include—

“(i) a discussion or statement that responding to, or subsequent engagement with, the Agency, is voluntary; and

“(ii) to the extent practicable, information regarding the process through which the Director identifies security vulnerabilities.

“(8) LIMITATION ON PROCEDURES.—The internal procedures established pursuant to paragraph (7) may not require an owner or operator of critical infrastructure to take any action as a result of a notice of vulnerability made pursuant to this Act.

“(9) REVIEW OF PROCEDURES.—Not later than 1 year after the date of the enactment of this subsection, the Privacy Officer of the Agency shall—

“(A) review the internal procedures established pursuant to paragraph (7) to ensure that—

“(i) such procedures are consistent with fair information practices; and
“(ii) the operations of the Agency comply with such procedures; and

“(B) notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of the results of the review under subparagraph (A).

“(10) PUBLICATION OF INFORMATION.—Not later than 120 days after establishing the internal procedures under paragraph (7), the Director shall publish information on the website of the Agency regarding the subpoena process under this subsection, including information regarding the following:

“(A) Such internal procedures.

“(B) The purpose for subpoenas issued pursuant to this subsection.

“(C) The subpoena process.

“(D) The criteria for the critical infrastructure security risk assessment conducted prior to issuing a subpoena.

“(E) Policies and procedures on retention and sharing of data obtained by subpoenas.

“(F) Guidelines on how entities contacted by the Director may respond to notice of a subpoena.
“(11) ANNUAL REPORTS.—The Director shall annually submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report (which may include a classified annex but with the presumption of declassification) on the use of subpoenas issued pursuant to this subsection, which shall include the following:

“(A) A discussion of the following:

“(i) The effectiveness of the use of such subpoenas to mitigate critical infrastructure security vulnerabilities.

“(ii) The critical infrastructure security risk assessment process conducted for subpoenas issued under this subsection.

“(iii) The number of subpoenas so issued during the preceding year.

“(iv) To the extent practicable, the number of vulnerable covered devices or systems mitigated under this subsection by the Agency during the preceding year.

“(v) The number of entities notified by the Director under this subsection, and their responses, during the preceding year.
“(B) For each subpoena issued pursuant to this subsection, the following:

“(i) Information relating to the source of the security vulnerability detected, identified, or received by the Director.

“(ii) Information relating to the steps taken to identify the entity at risk prior to issuing the subpoena.

“(iii) A description of the outcome of the subpoena, including discussion on the resolution or mitigation of the critical infrastructure security vulnerability.

“(12) Publication of the Annual Reports.—The Director shall publish a version of the annual report required under paragraph (11) on the website of the Agency, which shall, at a minimum, include the findings described in clauses (iii), (iv), and (v) of subparagraph (A) of such paragraph.

“(13) Prohibition on Use of Information for Unauthorized Purposes.—Any information obtained pursuant to a subpoena issued under this subsection may not be provided to any other Federal department or agency for any purpose other than a cybersecurity purpose or for the purpose of enforcing a subpoena issued pursuant to this subsection.”.
(b) **Rules of Construction.**—

(1) **Prohibition on new regulatory authority.**—Nothing in this section or the amendments made by this section may be construed to grant the Secretary of Homeland Security, or the head of any another Federal agency or department, any authority to promulgate regulations or set standards relating to the cybersecurity of private sector critical infrastructure that was not in effect on the day before the date of the enactment of this Act.

(2) **Private entities.**—Nothing in this section or the amendments made by this section may be construed to require any private entity to—

(A) to request assistance from the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security; or

(B) implement any measure or recommendation suggested by the Director.

**SEC. 1640B. Extension of Sunset for Pilot Program on Regional Cybersecurity Training Center for the Army National Guard.**

Section 1651(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law
1693

115–232; 32 U.S.C. 501 note) is amended by striking

“shall expire on the date that is two years after the date

of the enactment of this Act” and inserting “shall expire

on August 31, 2022”.

SEC. 1640C. CISA CYBERSECURITY SUPPORT TO AGENCIES.

Section 3553(b) of title 44, United States Code, is
amended—

(1) in paragraph (6)(D), by striking “; and” at
the end and inserting a semicolon;

(2) by redesignating paragraph (7) as para-
graph (8);

(3) by inserting after paragraph (6) the fol-
lowing new paragraph:

“(7) upon request by an agency, and at the
Secretary’s discretion, with or without reimburse-
ment—

“(A) providing services, functions, or capa-
bilities, including operation of the agency’s in-
formation security program, to assist the agen-
cy with meeting the requirements set forth in
section 3554(b); and

“(B) deploying, operating, and maintaining
secure technology platforms and tools, including
networks and common business applications, for
use by the agency to perform agency functions,
including collecting, maintaining, storing, processing, and analyzing information; and”.

SEC. 1640D. ESTABLISHMENT IN DHS OF JOINT CYBER PLANNING OFFICE.

(a) Amendment.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following new section:

“SEC. 2215. JOINT CYBER PLANNING OFFICE.

“(a) Establishment of Office.—There is established in the Agency an office for joint cyber planning (in this section referred to as the ‘Office’) to develop, for public and private sector entities, plans for cyber defense operations, including the development of a set of coordinated actions to protect, detect, respond to, and recover from cybersecurity risks or incidents or limit, mitigate, or defend against coordinated, malicious cyber operations that pose a potential risk to critical infrastructure or national interests. The Office shall be headed by a Deputy Assistant Director of Joint Cyber Planning (in this section referred to as the ‘Director’) within the Cybersecurity Division.

“(b) Planning and Execution.—In leading the development of plans for cyber defense operations pursuant to subsection (a), the Director shall—
“(1) coordinate with relevant Federal departments and agencies to establish processes and procedures necessary to develop and maintain ongoing coordinated plans for cyber defense operations;

“(2) leverage cyber capabilities and authorities of participating Federal departments and agencies, as appropriate, in furtherance of plans for cyber defense operations;

“(3) ensure that plans for cyber defense operations are, to the greatest extent practicable, developed in collaboration with relevant private sector entities, particularly in areas in which such entities have comparative advantages in limiting, mitigating, or defending against a cybersecurity risk or incident or coordinated, malicious cyber operation;

“(4) ensure that plans for cyber defense operations, as appropriate, are responsive to potential adversary activity conducted in response to United States offensive cyber operations;

“(5) facilitate the exercise of plans for cyber defense operations, including by developing and modeling scenarios based on an understanding of adversary threats to, vulnerability of, and potential consequences of disruption or compromise of critical infrastructure;
“(6) coordinate with and, as necessary, support relevant Federal departments and agencies in the establishment of procedures, development of additional plans, including for offensive and intelligence activities in support of cyber defense operations, and creation of agreements necessary for the rapid execution of plans for cyber defense operations when a cybersecurity risk or incident or malicious cyber operation has been identified; and

“(7) support public and private sector entities, as appropriate, in the execution of plans developed pursuant to this section.

“(c) COMPOSITION.—The Office shall be composed of—

“(1) a central planning staff; and

“(2) appropriate representatives of Federal departments and agencies, including—

“(A) the Department;

“(B) United States Cyber Command;

“(C) the National Security Agency;

“(D) the Federal Bureau of Investigation;

“(E) the Department of Justice; and

“(F) the Office of the Director of National Intelligence.
“(d) CONSULTATION.—In carrying out its responsibilities described in subsection (b), the Office shall regularly consult with appropriate representatives of non-Federal entities, such as—

“(1) State, local, federally-recognized Tribal, and territorial governments;

“(2) information sharing and analysis organizations, including information sharing and analysis centers;

“(3) owners and operators of critical information systems;

“(4) private entities; and

“(5) other appropriate representatives or entities, as determined by the Secretary.

“(e) INTERAGENCY AGREEMENTS.—The Secretary and the head of a Federal department or agency referred to in subsection (c) may enter into agreements for the purpose of detailing personnel on a reimbursable or non-reimbursable basis.

“(f) DEFINITIONS.—In this section:

“(1) CYBER DEFENSE OPERATION.—The term ‘cyber defense operation’ means defensive activities performed for a cybersecurity purpose.

“(2) CYBERSECURITY PURPOSE.—The term ‘cybersecurity purpose’ has the meaning given such
term in section 102 of the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501)).

“(3) CYBERSECURITY RISK; INCIDENT.—The terms ‘cybersecurity risk’ and ‘incident’ have the meanings given such terms in section 2209.

“(4) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term ‘information sharing and analysis organization’ has the meaning given such term in section 2222(5).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2214 the following new item:

“Sec. 2215. Joint cyber planning office.”.

SEC. 1640E. IMPLEMENTATION OF CERTAIN CYBERSECURITY RECOMMENDATIONS; CYBER HYGIENE AND CYBERSECURITY MATURITY MODEL CERTIFICATION FRAMEWORK.

(a) REPORT ON IMPLEMENTATION OF CERTAIN CYBERSECURITY RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report regarding the plans of the Secretary
to implement certain cybersecurity recommendations to ensure—

(1) the Chief Information Officer of the Department of Defense takes appropriate steps to ensure implementation of DC3I tasks;

(2) Department components develop plans with scheduled completion dates to implement any remaining CDIP tasks overseen by the Chief Information Officer;

(3) the Deputy Secretary of Defense identifies a Department component to oversee the implementation of any CDIP tasks not overseen by the Chief Information Officer and reports on progress relating to such implementation;

(4) Department components accurately monitor and report information on the extent that users have completed Cyber Awareness Challenge training, as well as the number of users whose access to the Department network was revoked because such users have not completed such training;

(5) the Chief Information Officer ensures all Department components, including DARPA, require their users to take Cyber Awareness Challenge training;
(6) a Department component is directed to monitor the extent to which practices are implemented to protect the Department’s network from key cyberattack techniques; and

(7) the Chief Information Officer assesses the extent to which senior leaders of the Department have more complete information to make risk-based decisions, and revise the recurring reports (or develop a new report) accordingly, including information relating to the Department’s progress on implementing—

(A) cybersecurity practices identified in cyber hygiene initiatives; and

(B) cyber hygiene practices to protect Department networks from key cyberattack techniques.

(b) REPORT ON CYBER HYGIENE AND CYBERSECURITY MATURITY MODEL CERTIFICATION FRAMEWORK.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Comptroller General of the United States a report on the cyber hygiene practices of the Department of Defense and the extent to which such practices are effective at pro-
detecting Department missions, information, system
and networks. The report shall include the following:

(A) An assessment of each Department
component’s compliance with the requirements
and levels identified in the Cybersecurity Maturity
Model Certification framework.

(B) For each Department component that
does not achieve the requirements for “good
cyber hygiene” as defined in CMMC Model
Version 1.02, a plan for how that component
will implement security measures to bring it
into compliance with good cyber hygiene re-
quirements within one year, and a strategy for
mitigating potential vulnerabilities and con-
sequences until such requirements are imple-
mented.

(2) COMPTROLLER GENERAL REVIEW.—Not
later than 180 days after the submission of the re-
port required under paragraph (1), the Comptroller
General of the United States shall conduct an inde-
pendent review of the report and provide a briefing
to the congressional defense committees on the find-
ings of the review.
SEC. 1640F. BIENNIAL NATIONAL CYBER EXERCISE.

(a) REQUIREMENT.—Not later than December 31, 2023, and not less frequently than once every 2 years thereafter until a date that is not less than 10 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense, shall conduct an exercise to test the resilience, response, and recovery of the United States in the case of a significant cyber attack impacting critical infrastructure.

(b) PLANNING AND PREPARATION.—Each exercise under subsection (a) shall be coordinated through the Joint Cyber Planning Office of the Cybersecurity and Infrastructure Security Planning Agency and prepared by expert operational planners from the Department of Homeland Security, in coordination with the Department of Defense, the Federal Bureau of Investigation, and the appropriate intelligence community elements, as identified by the Director of National Intelligence.

(c) PARTICIPANTS.—

(1) FEDERAL GOVERNMENT PARTICIPANTS.—

The following shall participate in each exercise under subsection (a):

(A) Relevant interagency partners, as determined by the Secretary, including relevant interagency partners from—

(i) law enforcement agencies; and
(ii) the intelligence community.

(B) Senior leader representatives from sector-specific agencies, as determined by the Secretary.

(2) STATE AND LOCAL GOVERNMENTS.—The Secretary shall invite representatives from State, local, and Tribal governments to participate the exercises under subsection (a) if the Secretary determines such participation to be appropriate.

(3) PRIVATE SECTOR.—Depending on the nature of an exercise being conducted under subsection (a), the Secretary, in consultation with the senior leader representative of the sector-specific agencies participating in such exercise pursuant to paragraph (1)(A)(ii), shall invite the following individuals to participate:

(A) Representatives from private entities.

(B) Other individuals that the Secretary determines.

(4) INTERNATIONAL PARTNERS.—Depending on the nature of an exercise being conducted under subsection (a), the Secretary may, in consultation with the Secretary of Defense and the Secretary of State, invite allies and partners of the United States to participate in such exercise.
(d) OBSERVERS.—The Secretary shall invite appropriately cleared representatives from the executive and legislative branches of the Federal Government to observe an exercise under subsection (a).

(e) ELEMENTS.—Each exercise under subsection (a) shall include the following elements:

1. Exercising the orchestration of cybersecurity response and the provision of cyber support to Federal, State, local, and Tribal governments and private entities, including the exercise of the command and control and deconfliction of operational responses through the National Security Council, interagency coordinating processes and response groups, and each participating department and agency of the Federal Government.

2. Testing of the information-sharing needs and capabilities of exercise participants.


4. Test the coordination between Federal, State, local, and Tribal governments and private entities.

Test relevant information sharing and operational agreements.

Exercising integrated operations, mutual support, and shared situational awareness of the cybersecurity operations centers of the Federal Government, including the following:

(A) The Cybersecurity and Infrastructure Security Agency.

(B) The Cyber Threat Operations Center of the National Security Agency.

(C) The Joint Operations Center of United States Cyber Command.

(D) The Cyber Threat Intelligence Integration Center of the Office of the Director of National Intelligence.


(F) The Defense Cyber Crime Center of the Department of Defense.
(G) The Intelligence Community Security Coordination Center of the Office of the Director of National Intelligence.

(f) BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date on which each exercise under subsection (a) is conducted, the President shall submit to the appropriate congressional committees a briefing on the participation of the Federal Government participants in each such exercise.

(2) CONTENTS.—Each briefing required under paragraph (1) shall include the following:

(A) An assessment of the decision and response gaps observed in the national level response.

(B) Proposed recommendations to improve the resilience, response, and recovery in the case of a significant cyber attack impacting critical infrastructure.

(C) Plans to implement the recommendations described in subparagraph (B).

(D) Specific timelines for the implementation of such plans.
(g) **REPEAL.**—Subsection (b) of section 1648 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1119) is repealed.

(h) **NATIONAL CYBER EXERCISE PROGRAM.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this section, the Director, in consultation with appropriate representatives from sector-specific agencies, the cybersecurity research community, and Sector Coordinating Councils, shall carry out the National Cyber Exercise Program (referred to in this section as the “Exercise Program”) to evaluate the National Cyber Incident Response Plan, and other related plans and strategies.

(2) **REQUIREMENTS.**—

(A) **IN GENERAL.**—The Exercise Program shall be—

(i) as realistic as practicable, based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(ii) designed, as practicable, to simulate the partial or complete incapacitation of a State, local, or tribal government, or related critical infrastructure, resulting from a cyber incident;
(iii) carried out, as appropriate, with a minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;

(iv) designed to provide for the systematic evaluation of cyber readiness and enhance operational understanding of the cyber incident response system and relevant information sharing agreements; and

(v) designed to promptly develop after-action reports and plans that can be quickly incorporating lessons learned into future operations.

(B) MODEL EXERCISE SELECTION.—The Exercise Program shall include a selection of model exercises that State, local, and Tribal governments can readily adapt for use and aid such governments with the design, implementation, and evaluation of exercises that—

(i) conform to the requirements under subparagraph (A);

(ii) are consistent with any applicable State, local, or Tribal strategy or plan; and
(iii) provide for systematic evaluation
of readiness.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMIT-
TEES.—The term “appropriate congressional com-
mittees” means—

(A) the Committee on Armed Services of
the Senate;

(B) the Committee on Armed Services of
the House of Representatives;

(C) the Committee on Homeland Security
and Governmental Affairs of the Senate; and

(D) the Committee on Homeland Security
of the House of Representatives.

(2) CRITICAL INFRASTRUCTURE.—The term
“critical infrastructure” has the meaning given such
term in section 1016(e) of Public Law 107–56 (42
U.S.C. 5195c(e)).

(3) INTELLIGENCE COMMUNITY.—The term
“intelligence community” has the meaning given such term in section 3(4) of the National Security
Act of 1947 (50 U.S.C. 3003(4)).

(4) PRIVATE ENTITY.—The term “private enti-
ty” has the meaning given the term in section 102

(5) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.


(7) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

Subtitle D—Nuclear Forces

SEC. 1641. COORDINATION IN TRANSFER OF FUNDS BY DEPARTMENT OF DEFENSE TO NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 179(f)(3) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) The Secretary of Defense and the Secretary of Energy shall ensure that a transfer of estimated nuclear budget request authority is carried out in a manner that provides for coordination between the Secretary of De-
fense and the Administrator for Nuclear Security using
appropriate interagency processes during the process in
which the Secretaries develop the budget materials of the
Department of Defense and the National Nuclear Security
Administration, including by beginning such coordination
by not later than June 30 for such budget materials that
will be submitted during the following year.”.

(b) REPORTS.—Subparagraph (B) of such section is
amended by adding at the end the following new clause:

“(iv) A description of the total amount of the
proposed estimated nuclear budget request authority
to be transferred by the Secretary of Defense to the
Secretary of Energy to support the weapons activi-
ties of the National Nuclear Security Administra-
tion, including—

“(A) identification of any trade-offs made
within the budget of the Department of Defense
as part of such proposed transfer; and

“(B) a certification made jointly by the
Secretaries that such proposed transfer was de-
developed in a manner that allowed for the coordi-
nation described in subparagraph (D).”.
SEC. 1642. EXERCISES OF NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

(a) REQUIREMENT.—Chapter 24 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 499b. Exercises of nuclear command, control, and communications system

"(a) REQUIRED EXERCISES.—Except as provided by subsection (b), beginning 2021, the President shall participate in a large-scale exercise of the nuclear command, control, and communications system during the first year of each term of the President, and may participate in such additional exercises as the President determines appropriate.

"(b) WAIVER.—The President may waive, on a case-by-case basis, the requirement to participate in an exercise under subsection (a) if the President—

"(1) determines that participating in such an exercise is infeasible by reason of a war declared by Congress, a national emergency declared by the President or Congress, a public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d), or other similar exigent circumstance; and
“(2) submits to the congressional defense committees a notice of the waiver and a description of such determination.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“499b. Exercises of nuclear command, control, and communications system.”.

SEC. 1643. INDEPENDENT STUDIES ON NUCLEAR WEAPONS PROGRAMS OF CERTAIN FOREIGN STATES.

(a) STUDY.—Not later than 60 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 the nuclear weapons programs of covered foreign countries.

(b) MATTERS INCLUDED.—The study under subsection (a) shall compile open-source data to conduct an analysis of the following for each covered foreign country:

(1) The activities, budgets, and policy documents, regarding the nuclear weapons program.

(2) The known research and development activities with respect to nuclear weapons.

(3) The inventories of nuclear weapons and delivery vehicles with respect to both deployed and nondeployed weapons.
(4) The capabilities of such nuclear weapons and delivery vehicles.

(5) The physical sites used for nuclear processing, testing, and weapons integration.

(6) The human capital of the scientific and technical workforce involved in nuclear programs, including with respect to matters relating to the education, knowledge, and technical capabilities of that workforce.

(7) The known deployment areas for nuclear weapons.

(8) Information with respect to the nuclear command and control system.

(9) The factors and motivations driving the nuclear weapons program and the nuclear command and control system.

(10) Any other information that the federally funded research and development center determines appropriate.

(e) Submission to DOD.—Not later than 14 months after the date of the enactment of this Act, and each year thereafter for the following 2 years, the federally funded research and development center shall submit to the Secretary the study under subsection (a) and any updates to the study.
(d) Submission to Congress.—Not later than 30 days after the date on which the Secretary receives the study under subsection (a) or updates to the study, the Secretary shall submit to the appropriate congressional committees the study or such updates, without change.

(e) Public Release.—The federally funded research and development center shall maintain an internet website on which the center—

(1) publishes the study under subsection (a) by not later than 30 days after the date on which the Secretary receives the study under subsection (c); and

(2) provides on an ongoing basis commentaries, analyses, updates, and other information regarding the nuclear weapons of covered foreign countries.

(f) Form.—The study under subsection (a) shall be in unclassified form.

(g) Modification to Report on Nuclear Forces of the United States and Near-Peer Countries.—Section 1676 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1778) is amended—

(1) in subsection (a), by striking “Not later than February 15, 2020, the Secretary of Defense, in coordination with the Director of National Intel—
ligence, shall” and inserting “Not later than Feb-
uary 15, 2020, and each year thereafter through
2023, the Secretary of Defense and the Director of
National Intelligence shall jointly”; and

(2) in subsection (b), by adding at the end the
following new paragraph:

“(4) With respect to the current and planned
nuclear systems specified in paragraphs (1) through
(3), the factors and motivations driving the develop-
ment and deployment of the systems.”.

(h) DEFINITIONS.—In this section:

(1) The term “appropriate congressional com-
mittees” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs and
the Permanent Select Committee on Intelligence
of the House of Representatives; and

(C) the Committee on Foreign Relations
and the Select Committee on Intelligence of the
Senate.

(2) The term “covered foreign country” means
each of the following:

(A) China.

(B) North Korea.

(C) Russia.
(3) The term “open-source data” includes data derived from, found in, or related to any of the following:

(A) Geospatial information.
(B) Seismic sensors.
(C) Commercial data.
(D) Public government information.
(E) Academic journals and conference proceedings.
(F) Media reports.
(G) Social media.

SEC. 1644. ROLE OF SECRETARY OF DEFENSE AND SECRETARY OF ENERGY ON NUCLEAR WEAPONS COUNCIL.

(a) MEMBERSHIP.—Subsection (a) of section 179 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (3) through (8), respectively; and

(2) by inserting before paragraph (3), as so redesignated, the following new paragraphs:

“(1) The Secretary of Defense.
“(2) The Secretary of Energy.”.

(b) CHAIRMAN; MEETINGS.—Subsection (b) of section 179 of title 10, United States Code, is amended to read as follows:
“(b) CHAIRMAN; MEETINGS.—(1) The Council shall be co-chaired by the Secretary of Defense and the Secretary of Energy. Any reference in any statute or regulation to the Chairman of the Council shall be deemed to be a reference to the Secretary of Defense and the Secretary of Energy jointly.

“(2) The Council shall meet not less often than once every three months. To the extent possible, not later than seven days before a meeting, the Chairman shall disseminate to each member of the Council the agenda and documents for such meeting.”.

SEC. 1645. LIMITATION ON AVAILABILITY OF FUNDS RELATING TO UPDATES ON MEETINGS HELD BY NUCLEAR WEAPONS COUNCIL.

Section 179(g) of title 10, United States Code, is amended to read as follows:

“(g) SEMIANNUAL UPDATES ON COUNCIL MEETINGS.—(1) Not later than February 1 and August 1 of each year, the Council shall provide to the congressional defense committees a semianual update including, with respect to the six-month period preceding the update—

“(A) the dates on which the Council met; and

“(B) except as provided by paragraph (2), a summary of any decisions made by the Council pursuant to subsection (d) at each such meeting and
the rationale for and options that informed such decisions.

“(2) The Council shall not be required to include in a semiannual update under paragraph (1) the matters described in subparagraph (B) of that paragraph with respect to decisions of the Council relating to the budget of the President for a fiscal year if the budget for that fiscal year has not been submitted to Congress under section 1105 of title 31 as of the date of the semiannual update.

“(3) The Council may provide a semiannual update under paragraph (1) either in the form of a briefing or a written report.

“(4)(A) If by February 1 of any year the Council has not provided the semiannual update under paragraph (1) required by that date, not more than 50 percent of the funds authorized to be appropriated for that year for the Office of the Under Secretary of Defense for Acquisition and Sustainment may be obligated or expended until the date on which such semiannual update has been provided.

“(B) If by August 1 of any year the Council has not provided the semiannual update under paragraph (1) required by that date, not more than 90 percent of the funds authorized to be appropriated for that year for the Office of the Under Secretary of Defense for Acquisition and
Sustainment may be obligated or expended until the date on which such semiannual update has been provided.”.

**SEC. 1646. BRIEFING ON NUCLEAR WEAPONS STORAGE AND MAINTENANCE FACILITIES OF THE AIR FORCE.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall provide to the congressional defense committees a briefing on the efforts by the Secretary to harden and modernize the nuclear weapons storage and maintenance facilities of the Air Force. The briefing shall include the plans of the Secretary with respect to the following:

1. Verifying that the Air Force is deploying tested and field-proven physical security designs of such facilities, including with respect to forced entry, blast and ballistic resistant barrier systems, that incorporate multiple reactive countermeasures for protection against the dedicated adversary threat classification level.

2. Streamlining the procurement of the infrastructure to protect ground-based strategic deterrent weapons by ensuring that the physical security designs of such facilities are appropriately tailored to the threat.
Ensuring that competitive procedures are used in awarding a contract for the physical security design of such facilities that include a fair consideration of such designs that are successfully used at other similar facilities.

(4) Ensuring that the physical security design for which such contract is awarded—

(A) meets the security requirements of all planned modernization projects for the nuclear weapons storage and maintenance facilities of the Air Force; and

(B) do not result in higher and additional costs to shore up existing infrastructure at such facilities.

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.

Section 232(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1339), as amended by section 1688 of the National De-
fense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1144), is amended—

(1) in paragraph (1), by striking “through 2020” and inserting “through 2025”; and

(2) in paragraph (2)—

(A) by striking “through 2021” and inserting “through 2026”; and

(B) by adding at the end the following new sentence: “In carrying out this subsection, the Comptroller General shall review emergent issues relating to such programs and accountability and, in consultation with the congressional defense committees, either include any findings from the review in the reports submitted under this paragraph or provide to such committees a briefing on the findings.”.

SEC. 1652. EXTENSION OF TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO MILITARY DEPARTMENTS.


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SEC. 1653. DEVELOPMENT OF HYPERSONIC AND BALLISTIC MISSILE TRACKING SPACE SENSOR PAYLOAD.

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) Subsection (d) of section 1683 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note), as amended by section 1683 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), requires the Director of the Missile Defense Agency to develop a hypersonic and ballistic tracking space sensor payload to address missile defense tracking requirements.

(B) The budget of the President for fiscal year 2021 submitted under section 1105 of title 31, United States Code, did not provide any funding for the Missile Defense Agency to continue the development of such sensor payload.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) regardless of the overall architecture for a missile defense tracking space layer, the Director of the Missile Defense Agency should remain the material developer for the
hypersonic and ballistic tracking space sensor payload to ensure that—

(i) unique hypersonic and ballistic missile tracking requirements are met; and

(ii) the system can be integrated into the existing missile defense system command and control, battle management, and communications system; and

(B) the Secretary of Defense should ensure transparency of funding for this effort to ensure proper oversight can be conducted on this critical capability.

(b) LIMITATION.—Subsection (d) of section 1683 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note), as amended by section 1683 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is amended by adding at the end the following new paragraph:

“(3) LIMITATION.—Of the funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2021 or otherwise made available for fiscal year 2021 for operation and maintenance, Defense-wide, for the Space Defense Agency, not more than 50 percent may be obligated
or expended until the date on which the Secretary submits the certification under paragraph (2)(B).”.

(c) COORDINATION.—Subsection (a) of such section is amended by striking “the Commander of the Air Force Space Command and” and inserting “the Chief of Space Operations, the Commander of the United States Space Command, the Commander of the United States Northern Command, and”.

SEC. 1654. ANNUAL CERTIFICATION ON HYPERSONIC AND BALLISTIC MISSILE TRACKING SPACE SENSOR PAYLOAD.

(a) FINDING; SENSE OF CONGRESS.—

(1) FINDING.—Congress finds that the budget submitted by the President under section 1105(a) of title 31, United States Code, for fiscal year 2021 does not fully fund an operational capability for the hypersonic and ballistic missile tracking space sensor within the tracking layer of the persistent space-based sensor architecture of the Space Development Agency, despite such space sensor being a requirement by the combatant commanders and being highlighted as a needed capability against both hypersonic and ballistic threats in the Missile Defense Review published in 2019.
(2) Sense of Congress.—It is the sense of Congress that the Missile Defense Agency hypersonic and ballistic missile tracking space sensor must be prioritized within the persistent space-based sensor architecture of the Space Development Agency to ensure the delivery of capabilities to the warfighter as soon as possible.

(b) Annual Certification.—Subsection (d) of section 1683 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note), as amended by section 1653, is further amended by adding at the end the following new paragraph:

“(4) Annual Certification.—On an annual basis until the date on which the hypersonic and ballistic tracking space sensor payload achieves full operational capability, the Secretary of Defense, without delegation, shall submit to the appropriate congressional committees a certification that—

“(A) the most recent future-years defense program submitted under section 221 of title 10, United States Code, includes estimated expenditures and proposed appropriations in amounts necessary to ensure the development and deployment of such space sensor payload as
a component of the sensor architecture developed under subsection (a); and

“(B) the Commander of the United States Space Command has validated both the ballistic and hypersonic tracking requirements of, and the timeline to deploy, such space sensor payload.”.

SEC. 1655. ALIGNMENT OF THE MISSILE DEFENSE AGENCY WITHIN THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) Since the Missile Defense Agency was aligned to be under the authority, direction, and control of the Under Secretary of Defense for Research and Engineering pursuant to section 205(b) of title 10, United States Code, the advanced technology development budget requests in the defense budget materials (as defined in section 231(f) of title 10, United States Code) have decreased by more than 650 percent, from a request for $292,000,000 for fiscal year 2018 (the highest such request) to a request for $45,000,000 for fiscal year 2021.

(2) The overwhelming majority of the budget of the Missile Defense Agency is invested in programs that would be categorized as acquisition category 1
efforts if such programs were administered under
the acquisition standards under Department of De-
fense Directive 5000.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that, in light of the findings under subsection (a),
upon the completion of the independent review of the orga-
nization of the Missile Defense Agency required by section
1688 of the National Defense Authorization Act for Fiscal
Year 2020 (Public Law 116–92; 133 Stat. 1787), the Sec-
retary of Defense should reassess the alignment of the
Agency within the Department of Defense to ensure that
missile defense efforts are being given proper oversight
and that the Agency is focused on delivering capability to
address current and future threats.

(c) REPORT.—Not later than February 28, 2021, the
Secretary of Defense shall submit to the congressional de-
fense committees a report on the alignment of the Missile
Defense Agency within the Department of Defense. The
report shall include—

(1) a description of the risks and benefits of
both—

(A) continuing the alignment of the Agen-
cy under the authority, direction, and control of
the Under Secretary of Defense for Research
and Engineering pursuant to section 205(b) of

title 10, United States Code; and

(B) realigning the Agency to be under the
authority, direction, and control of the Under
Secretary of Defense for Acquisition and
Sustainment; and

(2) if the Agency were to be realigned, the ac-
tions that would need to be taken to realign the
Agency to be under the authority, direction, and
control of the Under Secretary of Defense for Acqui-
sition and Sustainment or another element of the
Department of Defense.

SEC. 1656. ANALYSIS OF ALTERNATIVES FOR HOMELAND MISSILE DEFENSE MISSIONS.

(a) ANALYSIS OF ALTERNATIVES.—

(1) REQUIREMENT.—Not later than 90 days
after the date of the enactment of this Act, the Di-
rector of Cost Assessment and Program Evaluation,
in coordination with the Secretary of the Navy, the
Secretary of the Army, and the Director of the Mis-
sile Defense Agency, shall conduct an analysis of al-
ternatives with respect to a complete architecture for
using the regional terminal high altitude area de-
fense system and the Aegis ballistic missile defense
system to conduct homeland defense missions.
(2) SCOPE.—The analysis of alternatives under paragraph (1) shall include the following:

(A) The sensors needed for the architecture described in such paragraph.

(B) An assessment of the locations of each system included in the analysis to provide similar coverage as the ground-based midcourse defense system, including, with respect to such systems that are land-based, by giving preference to locations with completed environmental impact analyses conducted pursuant to section 227 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1678), to the extent practicable.

(C) The acquisition objectives for interceptors of the terminal high altitude area defense system and standard missile–3 interceptors for homeland defense purposes.

(D) Any improvements needed to the missile defense system command and control, battle management, and communications system.

(E) The manning, training, and sustainment needed to support such architecture.
(F) A detailed schedule for the development, testing, production, and deployment of such systems.

(G) A lifecycle cost estimate of such architecture.

(H) A comparison of the capabilities, costs, schedules, and policies with respect to—

(i) deploying regional systems described in subsection (a) to conduct homeland defense missions; and

(ii) deploying future ground-based midcourse defense systems for such missions.

(3) SUBMISSION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(A) the analysis of alternatives under paragraph (1); and

(B) a certification by the Secretary that such analysis is sufficient.

(b) ASSESSMENT.—Not later than February 28, 2021, the Director of the Defense Intelligence Agency, and the head of any other element of the intelligence community that the Secretary of Defense determines appropriate,
shall submit to the congressional defense committees an assessment of the following:

(1) How the development and deployment of regional terminal high altitude area defense systems and Aegis ballistic missile defense systems to conduct longer-range missile defense missions would be perceived by near-peer foreign countries and rogue nations.

(2) How such near-peer foreign countries and rogue nations would likely respond to such deployments.

SEC. 1657. NEXT GENERATION INTERCEPTORS.

(a) Notification of Changed Requirements.—During the acquisition and development process of the next generation interceptor program, not later than 7 days after the date on which any changes are made to the requirements for such program that are established in the equivalent to capability development documentation, the Director of the Missile Defense Agency shall notify the congressional defense committees of such changes.

(b) Briefing on Contract.—Not later than 14 days after the date on which the Director awards a contract for the next generation interceptor, the Director shall provide the congressional defense committees a brief-
ing on such contract, including with respect to the cost, schedule, performance, and requirements of the contract.

(c) **Report on Ground-Based Midcourse Defense System.**—

(1) **Requirement.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Under Secretary of Defense for Policy, the Director of the Missile Defense Agency, and the Commander of the United States Northern Command, shall submit to the congressional defense committees a report on the ground-based midcourse defense system.

(2) **Matters Included.**—The report under paragraph (1) shall include the following:

(A) An explanation of how contracts in existence as of the date of the report could be used to reestablish improvements and sustainment for kill vehicles and boosters for the ground-based midcourse defense system.

(B) An explanation of how such system could be improved through service life extensions or pre-planned product improvements to address some of the requirements of the next generation interceptor by 2026, including an
identification of the costs, schedule, and any risks.

(C) A description of the costs and schedule with respect to restarting booster production to field 20 additional interceptors by 2026.

(D) An analysis of policy implications with respect to the requirements for the ground-based midcourse defense system.

SEC. 1658. OVERSIGHT OF NEXT GENERATION INTERCEPTOR PROGRAM.

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds that the Secretary of Defense discovered major technical problems with the redesigned kill vehicle program, which led to cancelling the program in August 2019 and caused significant delays to the improved defense of the United States against rogue nation ballistic missile threats and wasted $1,200,000,000.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should ensure robust oversight and accountability for the acquisition of the future next generation interceptor program to avoid making the same errors that were experienced in the redesigned kill vehicle effort.
(b) INDEPENDENT COST ASSESSMENT AND VALIDATION.—

(1) ASSESSMENT.—The Director of Cost Assessment and Program Evaluation shall conduct an independent cost assessment of the next generation interceptor program.

(2) VALIDATION.—The Under Secretary of Defense for Acquisition and Sustainment shall validate the preliminary cost assessment conducted under paragraph (1) that will be used to inform the award of the contract for the next generation interceptor.

(3) SUBMISSION.—Not later than the date on which the Director of the Missile Defense Agency awards a contract for the next generation interceptor, the Secretary of Defense shall submit to the congressional defense committees a report containing the preliminary independent cost assessment under paragraph (1) and the validation under paragraph (2).

(c) FLIGHT TESTS.—In addition to the requirements of section 2399 of title 10, United States Code, the Director of the Missile Defense Agency may not make any decision regarding the initial production, or equivalent, of the next generation interceptor unless the Director has—
(1) certified to the congressional defense committees that the Director has conducted not fewer than two successful intercept flight tests of the next generation interceptor; and

(2) provided to such committees a briefing on the details of such tests, including with respect to the operational realism of such tests.

SEC. 1659. MISSILE DEFENSE COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the strong and enduring relationship between the United States and Israel is in the national security interest of both countries;

(2) the memorandum of understanding signed by the United States and Israel on September 14, 2016, including the provisions of the memorandum relating to missile and rocket defense cooperation, continues to be a critical component of the bilateral relationship;

(3) the United States and Israel should continue government-to-government collaboration and information sharing of technical data to investigate the potential operational use of Israeli missile defense systems for United States purposes; and
(4) in addition to the existing Israeli missile defense interceptor systems, there is potential for developing and incorporating directed energy platforms to assist the missile defense capabilities of both the United States and Israel.

(b) COOPERATION.—The Secretary of Defense may seek to extend existing cooperation with Israel to carry out, on a joint basis with Israel, research, development, test, and evaluation activities to establish directed energy capabilities that address missile threats to the United States, the deployed members of the Armed Forces of the United States, or Israel. The Secretary shall ensure that any such activities are conducted—

(1) in accordance with Federal law and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, signed at Geneva October 10, 1980; and

(2) in a manner that appropriately protects sensitive information and the national security interests of the United States and the national security interests of Israel.
SEC. 1660. REPORT ON DEFENSE OF GUAM FROM INTEGRATED AIR AND MISSILE THREATS.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a study on the defense of Guam from integrated air and missile threats, including such threats from ballistic, hypersonic, and cruise missiles.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) The identification of existing deployed land- and sea-based air and missile defense programs of record within the military departments and Defense Agencies, including with respect to interceptors, radars, and ground-, ship-, air-, and space-based sensors that could be used either alone or in coordination with other systems to counter the threats specified in subsection (a) with an initial operational capability by 2025.

(2) A plan of how such programs would be used to counter such threats with an initial operational capability by 2025.

(3) A plan of which programs currently in development but not yet deployed could enhance or substitute for existing programs in countering such
threats with an initial operational capability by 2025.

(4) An analysis of which military department, Defense Agency, or combatant command would have operational control of the mission to counter such threats.

(5) A cost analysis of the various options described in paragraphs (1) and (3), including a breakdown of the cost of weapons systems considered under the various scenarios (including any costs to modify the systems), the cost benefits gained through economies of scale, and the cost of any military construction required.

(6) An analysis of the policy implications regarding deploying additional missile defense systems on Guam, and how such deployments could affect strategic stability, including likely responses from both rogue nations and near-peer competitors.

(c) CONSULTATION.—The Secretary shall carry out this section in consultation with each of the following:

(1) The Director of the Missile Defense Agency.

(2) The Commander of the United States Indo-Pacific Command.

(3) The Commander of the United States Northern Command.
(4) Any other official whom the Secretary of Defense determines for purposes of this section has significant technical, policy, or military expertise.

(d) FORM.—The report submitted under subsection (a) shall be in unclassified form, but may contain a classified annex.

(e) BRIEFING.—Not later than 30 days after the date on which the Secretary submits to the congressional defense committees the report under subsection (a), the Secretary shall provide to such committees a briefing on the report.

SEC. 1661. REPORT ON CRUISE MISSILE DEFENSE.

Not later than January 15, 2021, the Commander of the United States Northern Command, in coordination with the Director of the Missile Defense Agency, shall submit to the congressional defense committees a report containing—

(1) an identification of any vulnerability of the contiguous United States to known cruise missile threats; and

(2) a plan to mitigate any such vulnerability.

Subtitle F—Other Matters

SEC. 1671. CONVENTIONAL PROMPT GLOBAL STRIKE.

(a) INTEGRATION.—Section 1697(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public
Law 116–92; 133 Stat. 1791) is amended by adding at the end the following new sentence: “The Secretary shall initiate such transfer of technologies to DDG–1000 class destroyers by not later than January 1, 2021.”

(b) Report on Strategic Hypersonic Weapons.—

(1) Requirement.—Not later than 120 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff, in coordination with the Under Secretary of Defense for Policy, shall submit to the congressional defense committees a report on strategic hypersonic weapons.

(2) Matters Included.—The report under paragraph (1) shall include the following:

(A) A discussion of the authority to use strategic hypersonic weapons and if, and how, such authorities would be delegated to the commanders of the combatant commands or to the Chiefs of the Armed Forces.

(B) An assessment of escalation and miscalculation risks (including the risk that adversaries may detect initial launch but not reliably detect the entire boost-glide trajectory), how such risks will be addressed and minimized with regards to the use of strategic hypersonic weap-
ons, and whether any risk escalation exercises have been conducted or are planned for the potential use of hypersonic weapons.

(C) A description of any updates needed to war plans with the introduction of strategic hypersonic weapons.

(D) Identification of the element of the Department of Defense that has responsibility for establishing targeting requirements for strategic hypersonic weapons.

(E) A description of how the requirements for land- and sea-based strategic hypersonic weapons will be addressed with the Joint Requirements Oversight Council, and how such requirements will be formally provided to the military departments procuring such weapons through an acquisition program described under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note).

(F) A basing strategy for land-based launch platforms and a description of the actions needed to be taken for future deployment of such platforms.
(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) ANNUAL REPORTS ON ACQUISITION.—

(1) ARMY AND NAVY PROGRAMS.—Except as provided by paragraph (3), not later than 30 days after the date on which the budget of the President for each of fiscal years 2022 through 2025 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the congressional defense committees a report on the conventional prompt global strike programs of the Army and the Navy, including—

(A) the total costs to the respective military departments for such programs;

(B) the strategy for such programs with respect to manning, training, and equipping, including cost estimates; and

(C) a testing strategy and schedule for such programs.

(2) CERTIFICATIONS.—Not later than 60 days after the date on which the budget of the President for each of fiscal years 2022 through 2025 is submitted to Congress pursuant to section 1105 of title
31, United States Code, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees a certification regarding the sufficiency, including any anomalies, with respect to—

(A) the total program costs of the conventional prompt global strike programs of the Army and the Navy; and

(B) the testing strategy for such programs.

(3) TERMINATION.—The requirement to submit a report under paragraph (1) shall terminate on the date on which the Secretary of Defense determines that the conventional prompt global strike programs of the Army and the Navy are unable to be acquired under the authority of section 804 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note).

SEC. 1672. SUBMISSION OF REPORTS UNDER MISSILE DEFENSE REVIEW AND NUCLEAR POSTURE REVIEW.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees—
(1) each report produced by the Department of Defense pursuant to the Missile Defense Review published in 2019; and

(2) each report produced by the Department pursuant to the Nuclear Posture Review published in 2018.

SEC. 1673. REPORT ON CONSIDERATION OF RISKS OF INADVERTENT ESCALATION TO NUCLEAR WAR.

(a) REPORT.—Not later than January 31, 2021, the Under Secretary of Defense for Policy shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report—

(1) detailing the efforts of the Department of Defense with respect to developing and implementing guidance to ensure that the risks of inadvertent escalation to a nuclear war are considered within the decision-making processes of the Department regarding relevant activities (such as developing contingency plans, managing military crises and conflicts, and supporting the Department of State in the development, negotiation, and implementation of cooperative risk-reduction measures); and

(2) identifying the capabilities and factors taken into account in developing such guidance.
(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) BRIEFING.—Not later than December 1, 2020, the Under Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the progress and findings made in carrying out subsection (a).

SEC. 1674. LIMITATION ON AVAILABILITY OF FUNDS RELATING TO REPORTS ON MISSILE SYSTEMS AND ARMS CONTROL TREATIES.

(a) LIMITATION.—

(1) IN GENERAL.—Beginning on October 1, 2020, if the Secretary of Defense has not submitted the covered reports, not more than 25 percent of the funds specified in paragraph (2) may be obligated or expended until the date on which the covered reports have been submitted.

(2) FUNDS SPECIFIED.—The funds specified in this paragraph are the funds authorized to be appropriated by the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 or otherwise made available for fiscal year 2021 for the immediate office of the Secretary of Defense.
(b) COVERED REPORTS DEFINED.—In this section, the term “covered reports” means—

(1) the report under section 1698(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1792); and

(2) the assessment under section 1236(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1650).

SEC. 1675. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY REVIEW.

(a) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall conduct a review of the ability of the Cybersecurity and Infrastructure Security Agency to carry out its mission requirements, as well as the recommendations detailed in the U.S. Cyberspace Solarium Commission’s Report regarding the Agency.

(b) ELEMENTS OF REVIEW.—The review conducted in accordance with subsection (a) shall include the following elements:

(1) An assessment of how additional budget resources could be used by the Cybersecurity and Infrastructure Security Agency for projects and programs that—
(A) support the national risk management mission;

(B) support public and private-sector cybersecurity;

(C) promote public-private integration; and

(D) provide situational awareness of cybersecurity threats.

(2) A force structure assessment of the Cybersecurity and Infrastructure Security Agency, including—

(A) a determination of the appropriate size and composition of personnel to carry out the mission requirements of the Agency, as well as the recommendations detailed in the U.S. Cyberspace Solarium Commission’s Report regarding the Agency;

(B) an assessment of whether existing personnel are appropriately matched to the prioritization of threats in the cyber domain and risks to critical infrastructure;

(C) an assessment of whether the Agency has the appropriate personnel and resources to—
(i) perform risk assessments, threat hunting, and incident response to support both private and public cybersecurity;

(ii) carry out its responsibilities related to the security of Federal information and Federal information systems (as such term is defined in section 3502 of title 44, United States Code); and

(iii) carry out its critical infrastructure responsibilities, including national risk management;

(D) an assessment of whether current structure, personnel, and resources of regional field offices are sufficient to carry out Agency responsibilities and mission requirements; and

(E) an assessment of current Cybersecurity and Infrastructure Security Agency facilities, including a review of the suitability of such facilities to fully support current and projected mission requirements nationally and regionally, and recommendations regarding future facility requirements.

(e) Submission of Review.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on
Homeland Security of the House of Representatives and
the Committee on Homeland Security and Governmental
Affairs of the Senate a report detailing the result of the
review conducted in accordance with subsection (a), in-
cluding recommendations to address any identified gaps.

(d) GENERAL SERVICES ADMINISTRATION REVIEW.—

(1) SUBMISSION OF ASSESSMENT.—Upon sub-
mission to the Committee on Homeland Security of
the House of Representatives and the Committee on
Homeland Security and Governmental Affairs of the
Senate of the report required under subsection (c),
the Director of the Cybersecurity and Infrastructure
Security Agency of the Department of Homeland Se-
curity shall submit to the Administrator of the Gen-
eral Services Administration the results of the as-
essment required under subsection (b)(2)(E).

(2) REVIEW.—The Administrator of the Gen-
eral Services Administration shall—

(A) conduct a review of Cybersecurity and
Infrastructure Security Agency assessment re-
quired under subsection (b)(2)(E); and

(B) make recommendations regarding re-
resources needed to procure or build a new facil-
ity or augment existing facilities to ensure suffi-
cient size and accommodations to fully support current and projected mission requirements, including the integration of personnel from the private sector and other Federal departments and agencies.

(3) Submission of review.—Not later than 30 days after receipt of the assessment under paragraph (1), the Administrator of the General Services Administration shall submit to the President, the Secretary of Homeland Security, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives the review required under paragraph (2).

TITLE XVII—REPORTS AND OTHER MATTERS

Subtitle A—Studies and Reports

SEC. 1701. REVIEW OF SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) Review.—The Comptroller General of the United States shall conduct a review of all support provided, or planned to be provided, under section 127e of title 10, United States Code. Such review shall include an analysis of each of the following:
(1) The strategic alignment between such support and relevant Executive orders, global campaign plans, theatre campaign plans, execute orders, and other guiding documents for currency, relevancy, and efficacy.

(2) The extent to which United States Special Operations Command has the processes and procedures to manage, integrate, and synchronize the authority under section 127e of title 10, United States Code, in support of the objectives and priorities specified by the documents listed in (a)(1) as well as the objectives and priorities of—

(A) the geographic combatant commands;

(B) theatre elements of United States Special Operations Command;

(C) relevant chiefs of mission and other appropriate positions in the Department of State; and

(D) any other interagency organization affected by the use of such authority.

(3) For the activities carried out pursuant to such authority, the extent to which United States Special Operations Command has the processes and procedures to—
(A) determine the professionalism, cohesion, and institutional capacity of the military in the country where forces receiving support are based;

(B) determine the adherence of the forces receiving support to human rights norms and the laws of armed conflict;

(C) establish measures of effectiveness;

(D) assess such activities against established measures of effectiveness as identified in subparagraph (C);

(E) establish criteria to determine the successful completion of such activities;

(F) deconflict and synchronize activities conducted under such authority with other relevant funding authorities;

(G) deconflict and synchronize activities conducted under such authorities with other relevant activities conducted by organizations related to, but outside the purview of, the Department of Defense; and

(H) track the training, support, and facilitation provided to forces receiving support, and the significant activities undertaken by such
forces as a result of such training, support, and facilitation.

(4) The extent to which United States Special Operations Command has processes and procedures to manage the sunset, termination, or transition of activities carried out pursuant to such authority, including—

(A) accountability with respect to equipment provided; and

(B) integrity of the tactics, techniques, and procedures developed.

(5) The extent to which United States Special Operations Command has and uses processes and procedures to—

(A) report to Congress biannually on the matters referred to in paragraph (3); and

(B) notify Congress with respect to the intent to sunset, terminate, or transition activities carried out pursuant to such authority.

(6) Any other issues the Comptroller General determines appropriate with respect to the authority under section 127e of title 10, United States Code.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall provide for the Committees on Armed Services of the
Senate and House of Representatives a briefing on the progress of the review required under subsection (a).

(c) Report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the review required under subsection (a) and the recommendations of the Comptroller General pursuant to such review.

(d) Support Defined.—In this section, the term “support” includes—

(1) personnel who provide capacity for—

(A) training and equipment;

(B) training, advice, and assistance; or

(C) advice, assistance, and accompaniment capacity;

(2) financial assistance; and

(3) equipment and weapons.

SEC. 1702. FFRDC STUDY OF EXPLOSIVE ORDNANCE DISPOSAL AGENCIES.

(a) In General.—The Secretary of Defense shall enter into an agreement with a federally funded research and development corporation under which such corporation shall conduct a study of the responsibilities, authorities, policies, programs, resources, organization, and ac-
tivities of the explosive ordnance disposal agencies of the
Department of Defense, Defense Agencies, and military
departments. In carrying out the study, the federally fund-
ed research and development corporation shall solicit input
from relevant nonprofit organizations, such as the Na-
tional Defense Industrial Association EOD Committee,
United States Army EOD Association, United States
Bomb Technician Association and the EOD Warrior
Foundation.

(b) ELEMENTS OF STUDY.—The study conducted
under subsection (a) shall include, for the Department of
Defense, each Defense Agency, and each the military de-
partments, each of the following:

(1) An identification and evaluation of—

(A) technology research, development, and
acquisition activities related to explosive ord-
nance disposal, including an identification and
evaluation of—

(i) current and future technology and
related industrial base gaps; and

(ii) any technical or operational risks
associated with such technology or related
industrial base gaps;

(B) recruiting, training, education, assign-
ment, promotion, and retention of military and
civilian personnel with responsibilities relating
to explosive ordnance disposal;

(C) administrative and operational force
structure with respect to explosive ordnance dis-
posal, including an identification and assess-
ment of risk associated with force structure ca-
pacity or capability gaps, if any; and

(D) the demand for, and activities con-
ducted in support of, domestic and international
military explosive ordnance disposal operations,
including—

(i) support provided to Department of
Defense agencies and other Federal agen-
cies; and

(ii) an identification and assessment
of risk associated with the prioritization
and availability of explosive ordnance dis-
posal support among supported agencies
and operations.

(2) Recommendations, if any, for changes to—

(A) the organization and distribution of re-
sponsibilities and authorities relating to explo-
sive ordnance disposal;

(B) the explosive ordnance disposal force
structure, management, prioritization, and op-
erating concepts in support of the explosive ord-
nance 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 evalua-
tion, and related 5-year funding profiles.

(e) 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 unclassi-
ified 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 Con-
gress that—
(1) the promotion of human rights and the protection of civilians abroad is an ethical, legal, and strategic interest of the United States;

(2) the Human Rights Office at the United States Southern Command plays an essential role in the promotion of human rights and the professionalization of foreign security forces in the area of responsibility of the United States Southern Command;

(3) the Secretary of Defense should ensure the status of the Human Rights Office at the United States Southern Command and, to the extent possible, ensure the United States Southern Command has the assets necessary to support the activities of the Human Rights Office; and

(4) the Secretary of Defense should ensure the development, at each of the combatant commands, of an office responsible for—

(A) advising the commander of the combatant command on the promotion of human rights and protection of civilians; and

(B) integrating such promotion and protection into command strategy.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense
shall submit to the congressional defense committees a re-
port on—

(1) the activities of the Human Rights Office at
the United States Southern Command to provide
and promote—

(A) analysis and policy support to the
Commander of the United States Southern
Command regarding human rights and the pro-
tection of civilians;

(B) education of employees of the Depart-
ment of Defense regarding human rights and
protection of civilians pursuant to the document
promulgated by the United States Southern
Command on July 1, 1998, titled “Regulation
1-20” (relating to policy and procedures for
human rights administration);

(C) integration of the promotion of human
rights and protection of civilians into the strat-
egy, planning, training, and exercises of the
United States Southern Command, including
into programs of the armed forces of partner
countries through the Human Rights Initiative
program of such Command;
(D) promotion of human rights and the protection of civilians through security cooperation activities;
(E) implementation of section 362 of title 10, United States Code; and
(F) countering trafficking in persons; and
(2) the resources necessary over the period of the future years defense plan for fiscal year 2022 under section 221 of title 10, United States Code, for the United States Southern Command to support the activities of the Human Rights Office at such Command.
(e) FORM.—The report under subsection (b) shall be submitted in unclassified form.

SEC. 1704. REPORT ON JOINT TRAINING RANGE EXERCISES FOR THE PACIFIC REGION.

(a) REPORT.—Not later than March 15, 2021, the Chairman of the Joint Chiefs of Staff, in coordination with the Commander of United States Indo-Pacific Command, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, shall submit to the congressional defense committees a report containing a plan to integrate combined, joint, and multi-domain, training and experimentation in the Pacific region,
including existing ranges, training areas, and test facilities, to achieve the following objectives:

(1) Support future combined and joint exercises and training to test operational capabilities and weapon systems.

(2) Employ multi-domain training to validate joint operational concepts.

(3) Integrate allied and partner countries into national-level exercises.

(b) MATTERS.—The report under subsection (a) shall address the following:

(1) Integration of cyber, space, and electromagnetic spectrum domains.

(2) Mobile and fixed range instrumentation packages for experimentation and training.

(3) Digital, integrated command and control for air defense systems.

(4) Command, control, communications, computer, and information (C4I) systems.

(5) War gaming, modeling, and simulations packages.

(6) Intelligence support systems.

(7) Manpower management, execution, collection, and analysis required for the incorporation of
space and cyber activities into the training range exercise plan contained in such report.

(8) Connectivity requirements to support all domain integration and training.

(9) Any training range upgrades or infrastructure improvements necessary to integrate legacy training and exercise facilities into integrated, operational sites.

(10) Exercises led by the United States Indo-Pacific Command, within the area of operations of the Command, that integrate allied and partnered countries and link to the national-level exercises of the United States.

(11) Incorporation of any other functional and geographic combatant commands required to support the United States Indo-Pacific Command.

(c) FORM.—The report under subsection (a) may be submitted in classified form, and shall include an unclassified summary.

SEC. 1705. STUDY ON CHINESE POLICIES AND INFLUENCE IN THE DEVELOPMENT OF INTERNATIONAL STANDARDS FOR EMERGING TECHNOLOGIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall enter
into an agreement with an appropriate non-governmental entity with relevant expertise, as determined by the Director, to conduct a study and make recommendations with respect to the impact of the policies of the People’s Republic of China and coordination among industrial entities within the People’s Republic of China on international bodies engaged in developing and setting international standards for emerging technologies. The study may include—

(1) an assessment of how the role of the People’s Republic of China in international standards setting organizations has grown over the previous 10 years, including in leadership roles in standards-drafting technical committees, and the quality or value of that participation;

(2) an assessment of the impact of the standardization strategy of the People’s Republic of China, as identified in the “Chinese Standard 2035” on international bodies engaged in developing and setting standards for select emerging technologies, such as advanced communication technologies or cloud computing and cloud services;

(3) an examination of whether international standards for select emerging technologies are being designed to promote interests of the People’s Repub-
lic of China that are expressed in the “Made in
China 2025” plan to the exclusion of other partici-
pants;

(4) an examination of how the previous prac-
tices that the People’s Republic of China has utilized
while participating in international standards setting
organizations may foretell how the People’s Republic
of China will engage in international standardization
activities of critical technologies like artificial intel-
ligence and quantum information science, and what
may be the consequences;

(5) recommendations on how the United States
can take steps to mitigate influence of the People’s
Republic of China and bolster United States public
and private sector participation in international
standards-setting bodies; and

(6) any other areas the Director, in consulta-
tion with the entity selected to conduct the study,
believes is important to address.

(b) REPORT TO CONGRESS.—The agreement entered
into under subsection (a) shall require the entity con-
ducting the study to, not later than 2 years after the date
of the enactment of this Act—

(1) submit to the Committee on Science, Space,
and Technology of the House of Representatives and
the Committee on Commerce, Science, and Trans-
portation of the Senate a report containing the find-
ings and recommendations of the review conducted
under subsection (a); and

(2) make a copy of such report available on a
publicly accessible website.

SEC. 1706. SENSE OF CONGRESS AND STRATEGY ON CATA-
STROPHIC CRITICAL INFRASTRUCTURE FAIL-
URE RESPONSE.

(a) SENSE OF CONGRESS.—It is the sense of Con-
gress that—

(1) the occurrence of a catastrophic critical in-
frastructure failure event, in which key networks fa-
cilitating the delivery of essential services such as
electricity, water, or communications fail for an ex-
tended duration, would constitute a significant
threat to the national security and common welfare
of the United States;

(2) such a catastrophic critical infrastructure
failure event could occur by various means, including
but not limited to those linked to natural phe-
nomenon (including earthquakes, hurricanes, or geo-
magnetic disturbances) or military conflict (includ-
ing cyberattacks, electromagnetic pulse effects, or ki-
netic assault); and
(3) the Department of the Defense should strengthen its preparedness for catastrophic critical infrastructure failure events, including with respect to preemptive infrastructure enhancements, the facilitation of resiliency and relief efforts in the aftermath thereto, and the mitigation of impacts of such an event on activities of the Department.

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes an analysis of each of the following:

(A) Particular threat scenarios involving catastrophic critical infrastructure failure events which the Secretary believes could be adequately addressed by existing Department of Defense plans and resources.

(B) Particular threat scenarios involving catastrophic critical infrastructure failure events which the Secretary believes could not currently be adequately addressed by existing Department of Defense plans and resources.

(C) Unique challenges, with respect to activities and operations of the Department of
Defense, presented by catastrophic critical infrastructure failure events involving geomagnetic disturbance or electromagnetic pulse events.

(D) Strategies to increase future preparedness with respect to any threat scenarios identified pursuant to subparagraph (B).

(2) FORM.—The report under paragraph (1) may be submitted in classified form, but if so submitted, shall be accompanied by an unclassified summary.

SEC. 1707. GAO STUDY ON THE SCHOOL-TO-PRISON PIPELINE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the school to prison pipeline in order to—

(1) highlight this issue;

(2) offer proof of concept to States that evidence-based interventions, such as restorative practices, are—

(A) more effective than punitive, exclusionary measures;

(B) improve student achievement; and

(C) enhance public safety and student-well-being; and
(3) determine the long-term benefits of replacing a punitive approach to discipline with restorative practices in schools, by analyzing the potential savings generated by helping children stay in school and out of the criminal justice system.

(b) COST-BENEFIT ANALYSIS.—The study conducted under subsection (a) shall include a cost-benefit analysis to determine the effectiveness and impact of school resource officers and local law enforcement personnel on school climate and student discipline.

(c) REPORT.—Upon the conclusion of the study under subsection (a), the Comptroller General of the United States shall prepare and submit to Congress a report regarding the study and the conclusions and recommendations generated from the study.

SEC. 1708. DEPARTMENT OF VETERANS AFFAIRS REPORT ON UNCLAIMED PROPERTY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the unclaimed property in the possession of the Department of Veterans Affairs.

(b) REVIEW OF REPORT.—The Comptroller General of the United States shall conduct a review of the report submitted under subsection (a).
(c) Unclaimed Property Defined.—The term “unclaimed property” includes any intangible personal property, including money, liquidated obligations, choses in action, accounts, entrusted funds, deposits, evidences of debt or instruments held by any Federal agency, officer or employee thereof (except bonuses, gratuities, and sums held by the Social Security Administration), which has remained unclaimed by the owner.

SEC. 1709. REPORT REGARDING VETERANS WHO RECEIVE BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall publish a report regarding veterans who receive benefits under laws administered by the Secretary, including the Transition Assistance Program under sections 1142 and 1144 of title 10, United States Code.

(b) Data.—The data regarding veterans published in the report under subsection (a)—

(1) shall be disaggregated by—

(A) sex;

(B) sexual orientation;

(C) gender identity;

(D) minority group member status; and
(E) minority group member status listed by sex; and

(2) may not include any personally identifiable information.

(c) MATTERS INCLUDED.—The report under subsection (a) shall include—

(1) identification of any disparities in the use of benefits under laws administered by the Secretary;

(2) an analysis of the cause of such disparities, and recommendations to address such disparities; and

(3) identification of veterans who are determined to be ineligible for benefits due to discharge status.

(d) MINORITY GROUP MEMBER DEFINED.—In this section, the term “minority group member” has the meaning given that term in section 544 of title 38, United States Code.

SEC. 1710. GAO REPORT ON ZTE COMPLIANCE WITH SETTLEMENT AGREEMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the compliance of Zhongxing Telecommunications Equipment Corporation and ZTE Kangxun Telecommunications...
cations Ltd. (collectively referred to in this section as
“ZTE”) with the Superseding Settlement Agreement and
Superseding Order reached with the Department of Com-
merce on June 8, 2018 (in this section referred to as the
“agreement”).

(b) MATTERS TO BE INCLUDED.—The report re-
quired by subsection (a) shall include a comprehensive
analysis of the following:

(1) The level of compliance by ZTE, past and
present, with the obligations of ZTE under the
agreement.

(2) The transparency and candor of ZTE in
representing such level of compliance.

(3) Efforts by the United States Government to
monitor, report on, and ensure compliance by ZTE
with the agreement.

(4) Whether any actions taken by ZTE since
June 8, 2018, constitute a material breach of the
obligations of ZTE under the agreement.

(5) Recommended courses of action for the
United States Government to improve compliance by
ZTE with the agreement or to respond to a material
breach of the obligations of ZTE under the agree-
ment.
SEC. 1710A. GAO STUDY OF CYBERSECURITY INSURANCE.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to assess and analyze the state and availability of insurance coverage in the United States for cybersecurity risks, which shall include—

(1) identifying the number and dollar volume of cyber insurance policies currently in force and the percentage of businesses, and specifically small businesses, that have cyber insurance coverage;

(2) assessing the extent to which States have established minimum standards for the scope of cyber insurance policies; and

(3) identifying any barriers to modeling and underwriting cybersecurity risks.

(b) REPORT.—Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress setting forth the findings and conclusions of the study conducted pursuant to subsection (a), which shall include recommendations on whether or not Federal intervention would help facilitate the growth and development of insurers offering coverage for cybersecurity risks, the availability and affordability of such coverage, and policyholder education regarding such coverage.
SEC. 1710B. REPORT ON RECOGNITION OF AFRICAN AMERICAN SERVICE MEMBERS IN DEPARTMENT OF DEFENSE NAMING PRACTICES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) A description of current Department of Defense naming conventions for military installations, infrastructure, vessels, and weapon systems.

(2) A list of all military installations (including reserve component facilities), infrastructure (including reserve component infrastructure), vessels, and weapon systems that are currently named after African Americans who served in the Armed Forces.

(3) An explanation of the steps being taken to recognize the service of African Americans who have served in the Armed Forces with honor, heroism, and distinction by increasing the number of military installations, infrastructure, vessels, and weapon systems named after deserving African American members of the Armed Forces.

SEC. 1710C. REPORT ON GOVERNMENT POLICE TRAINING AND EQUIPPING PROGRAMS.

(a) REPORT.—Not later than 1 year after the date of the enactment of this Act, the President shall submit
to Congress a report on United States Government police
training and equipping programs outside the United
States.

(b) **Elements.**—The report required under paragraph (1) shall include the following:

(1) A list of all United States Government de-
partments and agencies involved in implementing po-
lice training and equipping programs.

(2) A description of the scope, size, and compo-
nents of all police training and equipping programs
for fiscal years 2023, 2024, and 2025, including, for
each such program—

(A) the name of each country that received
assistance under the program;

(B) for each training activity, the number
of foreign personnel provided training, their
units of operation, location of the training, cost
of the activity, the United States unit involved,
and the nationality and unit of non-United
States training personnel, if any, involved in
each activity;

(C) the purpose and objectives of the pro-
gram;

(D) the funding and personnel levels for
the program in each such fiscal year;
(E) the authority under which the program is conducted;

(F) the name of the United States Government department or agency with lead responsibility for the program and the mechanisms for oversight of the program; and

(G) the metrics for measuring the results of the program.

(3) An assessment of the requirements for police training and equipping programs, and what changes, if any, are required to improve the capacity of the United States Government to meet such requirements.

(4) An evaluation of the appropriate role of United States Government departments and agencies in coordinating on and carrying out police training and equipping programs.

(5) An evaluation of the appropriate role of contractors in carrying out police training and equipping programs, and what modifications, if any, are needed to improve oversight of such contractors.

(6) Recommendations for legislative modifications, if any, to existing authorities relating to police training and equipping programs.
(c) Form of Report.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

(d) Public Availability Internet.—All unclassified portions of the report required under this section shall be made publicly available on an appropriate internet website.

(e) Definition.—In this section, the term “police” includes national police, gendarmerie, counter-narcotics police, counterterrorism police, formed police units, border security, and customs.

SEC. 1710D. DEEPAKE REPORT.

(a) Definitions.—In this section:

(1) Digital Content Forgery.—The term “digital content forgery” means the use of emerging technologies, including artificial intelligence and machine learning techniques, to fabricate or manipulate audio, visual, or text content with the intent to mislead.

(2) Secretary.—The term “Secretary” means the Secretary of Homeland Security.

(b) Reports on Digital Content Forgery Technology.—

(1) In General.—Not later than 1 year after the date of enactment of this Act and annually
thereafter for 5 years, the Secretary, acting through
the Under Secretary for Science and Technology of
the Department of Homeland Security, and with re-
spect to subparagraphs (F) through (H) of para-
graph (2), in consultation with the Director of Na-
tional Intelligence, shall research the state of digital
content forgery technology and produce a report on
such technology.

(2) CONTENTS.—Each report produced under
paragraph (1) shall include the following:

(A) An assessment of the underlying tech-
nologies used to create or propagate digital con-
tent forgeries, including the evolution of such
technologies.

(B) A description of the types of digital
content forgeries, including those used to com-
mit fraud, cause harm, or violate civil rights
recognized under Federal law.

(C) An assessment of how foreign govern-
ments, and the proxies and networks thereof,
use, or could use, digital content forgeries to
harm national security.

(D) An assessment of how non-govern-
mental entities in the United States use, or
could use, digital content forgeries.
(E) An assessment of the uses, applications, dangers, and benefits, including the impact on individuals, of deep learning technologies used to generate high fidelity artificial content of events that did not occur.

(F) An analysis of the methods used to determine whether content is genuinely created by a human or through digital content forgery technology, and an assessment of any effective heuristics used to make such a determination, as well as recommendations on how to identify and address suspect content and elements to provide warnings to users of such content.

(G) A description of the technological countermeasures that are, or could be, used to address concerns with digital content forgery technology.

(H) Proposed research and development activities for the Science and Technology Directorate of the Department of Homeland Security to undertake related to the identification of forged digital content and related countermeasures.

(I) Any additional information the Secretary determines appropriate.
(3) Consultation and Public Hearings.—

In producing each report required under paragraph (1), the Secretary may—

(A) consult with any other agency of the Federal Government that the Secretary considers necessary; and

(B) conduct public hearings to gather, or otherwise allow interested parties an opportunity to present, information and advice relevant to the production of the report.

(4) Form of Report.—Each report required under paragraph (1) shall be produced in unclassified form, but may contain a classified annex.

(5) Applicability of FOIA.—Nothing in this section, or in a report produced under this section, may be construed to allow the disclosure of information or a record that is exempt from public disclosure under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

(6) Applicability of the Paperwork Reduction Act.—Subchapter I of chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), shall not apply to this section.
SEC. 1710E. STUDY ON UNEMPLOYMENT RATE OF WOMEN VETERANS WHO SERVED ON ACTIVE DUTY IN THE ARMED FORCES AFTER SEPTEMBER 11, 2001.

(a) Study.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in consultation with the Bureau of Labor Statistics of the Department of Labor, shall conduct a study on why Post-9/11 Veterans who are women are at higher risk of unemployment than all other groups of women veterans and their non-veteran counterparts.

(2) Conduct of study.—

(A) In general.—The Secretary shall conduct the study under paragraph (1) primarily through the Center for Women Veterans under section 318 of title 38, United States Code.

(B) Consultation.—In carrying out the study conducted under paragraph (1), the Secretary may consult with—

(i) the Department of Labor;

(ii) other Federal agencies, such as the Department of Defense, the Office of
Personnel Management, and the Small Business Administration;

(iii) foundations; and

(iv) entities in the private sector.

(3) ELEMENTS OF STUDY.—The study conducted under paragraph (1) shall include, with respect to Post-9/11 Veterans who are women, at a minimum, an analysis of the following:

(A) Rank at time of separation from the Armed Forces.

(B) Geographic location upon such separation.

(C) Educational level upon such separation.

(D) The percentage of such veterans who enrolled in an education or employment training program of the Department of Veterans Affairs or the Department of Labor after such separation.

(E) Industries that have employed such veterans.

(F) Military occupational specialties available to such veterans.

(G) Barriers to employment of such veterans.
(H) Causes to fluctuations in employment of such veterans.

(I) Current employment training programs of the Department of Veterans Affairs or the Department of Labor that are available to such veterans.

(J) Economic indicators that impact unemployment of such veterans.

(K) Health conditions of such veterans that could impact employment.

(L) Whether there are differences in the analyses conducted under subparagraphs (A) through (K) based on the race of such veteran.

(M) The difference between unemployment rates of Post-9/11 Veterans who are women compared to unemployment rates of Post-9/11 Veterans who are men, including an analysis of potential causes of such difference.

(b) Report.—

(1) In general.—Not later than 90 days after completing the study under subsection (a), the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on such study.
(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The analyses conducted under subsection (a)(3).

(B) A description of the methods used to conduct the study under subsection (a).

(C) Such other matters relating to the unemployment rates of Post-9/11 Veterans who are women as the Secretary considers appropriate.

(c) POST-9/11 VETERAN DEFINED.—In this section, the term “Post-9/11 Veteran” means a veteran who served on active duty in the Armed Forces on or after September 11, 2001.

SEC. 1710F. REPORT ON THE OKLAHOMA CITY NATIONAL MEMORIAL.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Interior shall submit to Congress a report containing the following information:

(1) A description of the current status of the Oklahoma City National Memorial, an affiliated site of the National Park System.

(2) A summary of non-Federal funding that has been raised in accordance with section 7(2) of the

SEC. 1710G. REPORTS ON MILITARY SERVICE ACADEMIES.

Not later than 180 days after the date of the enactment of this Act, the superintendent of each military service academy shall submit to the Secretary of Defense and the congressional defense committees a report that includes, with respect to the academy overseen by the superintendent, the following:

(1) Anonymized equal opportunity claims and determinations involving the academy over the past 20 years.

(2) Results of a climate survey of cadets or midshipmen (as the case may be) conducted by an external entity.

(3) A review of educational and extracurricular instruction at the academy, including—

(A) a review of courses to ensure the inclusion of minority communities in authorship and course content; and

(B) a review of faculty and staff demographics to determine diversity recruitment practices at the academy.
SEC. 1710H. INDEPENDENT STUDY ON IDENTIFYING AND ADDRESSING THREATS THAT INDIVIDUALLY OR COLLECTIVELY AFFECT NATIONAL SECURITY, FINANCIAL SECURITY, OR BOTH.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of the Treasury in the Secretary’s capacity as the Chair of the Financial Stability Oversight Council and the heads of other relevant departments and agencies, shall seek to enter into a contract with a federally funded research and development center under which the center will conduct a study on identifying and addressing threats that individually or collectively affect national security, financial security, or both.

(b) ELEMENTS OF STUDY.—In carrying out the study referred to in subsection (a), the selected Federally funded research and development center shall be contractually obligated to—

(1) identify threats that individually or collectively affect national security, financial security, or both, including—

(A) foreign entities and governments acquiring financial interests in domestic companies that have access to critical or sensitive na-
tional security materials, technologies, or information;

(B) other currencies being used in lieu of the United States Dollar in international transactions;

(C) foreign influence in companies seeking to access capital markets by conducting initial public offerings in other countries;

(D) the use of financial instruments, markets, payment systems, or digital assets in ways that appear legitimate but may be part of a foreign malign strategy to weaken or undermine the economic security of the United States;

(E) the use of entities, such as corporations, companies, limited liability companies, limited partnerships, business trusts, business associations, or other similar entities to obscure or hide the foreign beneficial owner of such entities; and

(F) any other known or potential threats that individually or collectively affect national security, financial security, or both currently or in the foreseeable future.
(2) assess the extent to which the United States Government is currently able to identify and characterize the threats identified under paragraph (1);

(3) assess the extent to which the United States Government is currently able to mitigate the risk posed by the threats identified under paragraph (1);

(4) assess whether current levels of information sharing and cooperation between the United States Government and allies and partners has been helpful or can be improved upon in order for the United States Government to identify, characterize, and mitigate the threats identified under paragraph (1); and

(5) recommend opportunities, and any such authorities or resources required, to improve the efficiency and effectiveness of the United States Government in identifying the threats identified under paragraph (1) and mitigating the risk posed by such threats.

(c) Submission to Director of National Intelligence.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center selected to conduct the study under subsection (a) shall submit to the Director of National In-
intelligence a report on the results of the study in both classified and unclassified form.

(d) Submission to Congress.—

(1) In general.—Not later than 30 days after the date on which the Director of National Intelligence receives the report under subsection (c), the Director shall submit to the appropriate committees of Congress an unaltered copy of the report in both classified and unclassified form, and such comments as the Director, in coordination with the Secretary of Treasury in his capacity as the Chair of the Financial Stability Oversight Council and the heads of other relevant departments and agencies, may have with respect to the report.

(2) Appropriate committees of Congress.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence,
and the Committee on Financial Services, the
Committee on Foreign Affairs, and the Com-
mittee on Appropriations of the House of Rep-
resentatives.

SEC. 1710l. MARITIME SECURITY AND DOMAIN AWARENESS.

(a) Progress Report on Maritime Security.—

(1) In general.—Not later than 180 days
after the date of the enactment of this Act, the Sec-
retary of Defense, in coordination with the Secretary
of State, the Secretary of the Department in which
the Coast Guard is operating, and the heads of other
appropriate Federal agencies, shall submit to the
congressional defense committees a report on the
steps taken since December 20, 2019, to make fur-
ther use of the following mechanisms to combat IUU
fishing:

(A) Inclusion of counter-IUU fishing in ex-
isting shiprider agreements to which the United
States is a party.

(B) Entry into shiprider agreements that
include counter-IUU fishing with priority flag
states and countries in priority regions with
which the United States does not already have
such agreements.
(C) Inclusion of counter-IUU fishing in the mission of the Combined Maritime Forces.

(D) Inclusion of counter-IUU fishing exercises in the annual at-sea exercises conducted by the Department of Defense, in coordination with the United States Coast Guard.

(E) Development of partnerships similar to the Oceania Maritime Security Initiative and the Africa Maritime Law Enforcement Partnership in other priority regions.

(2) ELEMENT.—The report required by paragraph (1) shall include a description of specific steps taken by the Secretary of the Navy with respect to each mechanism described in paragraph (1), including a detailed description of any security cooperation engagement undertaken to combat IUU fishing by such mechanisms and resulting coordination between the Department of the Navy and the Coast Guard.

(b) ASSESSMENT OF SERVICE COORDINATION ON MARITIME DOMAIN AWARENESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall enter into an agreement with the Secretary of the department in which the Coast Guard is operating, in consultation with the Sec-
retary of Commerce, to assess the available commercial solutions for collecting, sharing, and disseminating among United States maritime services and partner countries maritime domain awareness information relating to illegal maritime activities, including IUU fishing.

(2) ELEMENTS.—The assessment carried out pursuant to an agreement under paragraph (1) shall—

(A) build on the ongoing Coast Guard assessment related to autonomous vehicles;

(B) consider appropriate commercially and academically available technological solutions; and

(C) consider any limitation related to affordability, exportability, maintenance, and sustainment requirements and any other factor that may constrain the suitability of such solutions for use in a joint and combined environment, including the potential provision of such solutions to one or more partner countries.

(3) SUBMITTAL TO CONGRESS.—Not later than 1 year after entering into an agreement under paragraph (1), the Secretary of the Navy shall submit to the Committee on Armed Services, the Committee
on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives the assessment prepared in accordance with the agreement.

(e) Report on Use of Fishing Fleets by Foreign Governments.—

(1) In general.—Not later than 180 days 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, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives a report on the use by governments of foreign countries of distant-water fishing fleets as extensions of the official maritime security forces of such countries.
(2) ELEMENT.—The report required by paragraph (1) shall include the following:

(A) An analysis of the manner in which fishing fleets are leveraged in support of the naval operations and policies of foreign countries more generally.

(B) A consideration of—

(i) threats posed, on a country-by-country basis, to the fishing vessels and other vessels of the United States and partner countries;

(ii) risks to Navy and Coast Guard operations of the United States, and the naval and coast guard operations of partner countries; and

(iii) the broader challenge to the interests of the United States and partner countries.

(3) FORM.—The report required by paragraph (1) shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section, any term that is also used in the Maritime SAFE Act (Public Law 116–92) shall have the meaning given such term in that Act.
SEC. 1710J. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE PROCESSES FOR RESPONDING TO CONGRESSIONAL REPORTING REQUIREMENTS.

(a) Comptroller General Analysis.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an analysis of Department of Defense processes for responding to congressional reporting requirements in the annual National Defense Authorization Acts, or the accompanying committee reports.

(b) Criteria for Evaluation.—The analysis required under subsection (a) shall include an evaluation of funding and changes to policies and business practices by the Department for improving the effectiveness, efficiency, and public transparency of the Department’s compliance with congressional reporting requirements.

(c) Contents of Report.—The report required by subsection (a) shall include each of the following:

(1) A description of—

(A) current laws, guidance, policies for Department of Defense compliance with congressional oversight reporting requirements; and
(B) recent direction from the congressional defense committees for the Department concerning how it designs, modifies, tracks, delivers, and inventories completed reports.

(2) A review and evaluation of the cost and effectiveness of—

(A) the methods the Department of Defense uses to track and respond to reporting requirements; and

(B) the ways in which the Department of Defense ensures suitability of content and timeliness.

(3) An analysis of options for modernizing the preparation and delivery process for reports that includes—

(A) the coordination of Department of Defense business practices and internal policies with legislative processes; and

(B) a determination of the feasibility of maintaining a congressional tracking database that makes unclassified reports publicly available in a searchable online database that identifies, for each report included in the database—

(i) the deadline on which the required report was required to be submitted;
(ii) the date on which the report was received;

(iii) the classification level of the completed report;

(iv) the form in which the report was submitted;

(v) the standard legislative citation and hyperlink to original legislative language that required the report;

(vi) the total cost associated with the report;

(vii) a brief summary of the report;

(viii) a unique identifier for the report; and

(ix) the subject and sub-subject codes associated with the report.

SEC. 1710K. REPORT ON PREDATORY SOCIAL MEDIA AND THE MILITARY COMMUNITY.

(a) In General.—The Comptroller General of the United States shall submit to Congress a report on risks facing service members, military families, and separated veterans on social media.

(b) Contents.—The report required under subsection (a) shall include an analysis of the following:
(1) Content related to predatory loans or financial or educational products.

(2) Content related unproven or unnecessary medical treatments or procedures.

(3) Content related to ethnic or racial violent extremism.

(4) The risks to readiness, morale, and national security posed by such content.

(5) The ways in which social media algorithms may amplify such content.

(6) The steps taken by social media companies and executive agencies to address the risks posed by the content described in paragraphs (1), (2), and (3).

(c) FORM.—The report required under subsection (a) shall be submitted in an unclassified form but may include a classified annex.

(d) EXECUTIVE AGENCY DEFINED.—In this section, the term “executive agency” means an executive department or independent establishment in the executive branch of the Federal Government.

SEC. 1710L. REPORT ON TRANSFORMING BUSINESS PROCESSES FOR REVOLUTIONARY CHANGE.

(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 congressional defense com-
mittees a report on the efforts of the Secretary to imple-
ment the recommendations set forth in the study con-
ducted by the Defense Business Board titled “Trans-
forming Department of Defense’s Core Business Processes
for Revolutionary Change”.

(b) ELEMENTS.—The report required under sub-
section (a) shall include—

(1) a description of the actions carried out by
the Secretary of Defense to implement the rec-
ommendations set forth in the study described in
subsection (a);

(2) identification of the specific recommenda-
tions, if any, that have been implemented by the
Secretary;

(3) the amount of any cost savings achieved as
a result of implementing such recommendations;

(4) identification of any recommendations that
have not been implemented; and

(5) alternative recommendations that may help
the Department of Defense achieve
$125,000,000,000 in cost savings over the period of
5 fiscal years beginning after the year in which the
report is submitted.
SEC. 1710M. REVIEW AND REPORT OF EXPERIMENTATION WITH TICKS AND INSECTS.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of whether the Department of Defense experimented with ticks, other insects, airborne releases of tick-borne bacteria, viruses, pathogens, or any other tick-borne agents regarding use as a biological weapon between the years of 1950 and 1977.

(b) REPORT.—If the Comptroller General of the United States finds that any experiment described under subsection (a) occurred, the Comptroller General shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on—

(1) the scope of such experiment; and

(2) whether any ticks, insects, or other vector-borne agents used in such experiment were released outside of any laboratory by accident or experiment design.

SEC. 1710N. REPORT ON AGILE PROGRAM AND PROJECT MANAGEMENT.

(a) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a publicly available report on agile program and project management
within the Department of Defense. The report shall in-
clude the following:

(1) A review of all statutory provisions enabling
the use of agile program and project management
within the Department of Defense.

(2) An evaluation of the implementation of stat-
utory provisions enabling the use of agile program
and project management within the Department of
Defense and Armed Forces.

(3) An evaluation of the agile program and
project methodologies used within the Department of
Defense and Armed Forces.

(4) An evaluation of the how agile program and
project methodologies have enabled efforts to pre-
pare the Department of Defense and Armed Forces
for the future of work.

(5) An evaluation of the enterprise scalability of
the agile program and project methodologies used
within the Department of Defense and Armed
Forces, including how well agile methods are inte-
grated into the enterprise when used at scale.

(6) An analysis of the impediments to the fur-
ther adoption and enterprise scalability of agile pro-
gram and project management including statutory
impediments, as well as existing policy, guidance,
and instruction of the Department of Defense and Armed Forces.

(7) An analysis of the impact of further adoption and enterprise scalability of agile program and project management on the future of work within the Department of Defense and Armed Forces.

(8) Such other information as the Comptroller General determines appropriate.

(b) INTERIM BRIEFING.—Not later than March 1, 2021, the Comptroller General shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the topics to be covered by the report under subsection (a), including and preliminary data and any issues or concerns of the Comptroller General relating to the report.

(c) ACCESS TO RELEVANT DATA.—For purposes of this section, the Secretary of Defense shall ensure that the Comptroller General has access to all relevant data.

Subtitle B—Electronic Message Preservation

SEC. 1711. SHORT TITLE.

This subtitle may be cited as the “Electronic Message Preservation Act”.

•HR 6395 EH
SEC. 1712. PRESERVATION OF ELECTRONIC MESSAGES AND OTHER RECORDS.

(a) REQUIREMENT FOR PRESERVATION OF ELECTRONIC MESSAGES.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following new section:

“§2912. Preservation of electronic messages and other records

“(a) REGULATIONS REQUIRED.—The Archivist shall promulgate regulations governing Federal agency preservation of electronic messages that are determined to be records. Such regulations shall, at a minimum—

“(1) require the electronic capture, management, and preservation of such electronic records in accordance with the records disposition requirements of chapter 33;

“(2) require that such electronic records are readily accessible for retrieval through electronic searches; and

“(3) include timelines for Federal agency implementation of the regulations that ensure compliance as expeditiously as practicable.

“(b) ENSURING COMPLIANCE.—The Archivist shall promulgate regulations that—

“(1) establish mandatory minimum functional requirements for electronic records management sys-
tems to ensure compliance with the requirements in paragraphs (1) and (2) of subsection (a); and

“(2) establish a process to ensure that the electronic records management system of each Federal agency meets the functional requirements established under paragraph (1).

“(c) COVERAGE OF OTHER ELECTRONIC RECORDS.—To the extent practicable, the regulations promulgated under subsections (a) and (b) shall also include requirements for the capture, management, and preservation of other electronic records.

“(d) COMPLIANCE BY FEDERAL AGENCIES.—Each Federal agency shall comply with the regulations promulgated under subsections (a) and (b).

“(e) REVIEW OF REGULATIONS REQUIRED.—The Archivist shall periodically review and, as necessary, amend the regulations promulgated under subsections (a) and (b).”.

(b) DEADLINE FOR REGULATIONS.—

(1) PRESERVATION OF ELECTRONIC MESSAGES.—Not later than 120 days after the date of the enactment of this Act, the Archivist shall promulgate the regulations required under section 2912(a) of title 44, United States Code, as added by subsection (a).
(2) Ensuring compliance.—Not later than 2 years after the date of the enactment of this Act, the Archivist shall promulgate the regulations required under section 2912(b) of title 44, United States Code, as added by subsection (a).

(c) Reports on implementation of regulations.—

(1) Agency report to Archivist.—Not later than 1 year after the date of the enactment of this Act, the head of each Federal agency shall submit to the Archivist a report on the agency’s compliance with the regulations promulgated under section 2912 of title 44, United States Code, as added by subsection (a), and shall make the report publicly available on the website of the agency.

(2) Archivist report to Congress.—Not later than 90 days after receipt of all reports required by paragraph (1), the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on Federal agency compliance with the regulations promulgated under section 2912(a) of title 44, United States Code, as added by sub-
section (a), and shall make the report publicly avail-
able on the website of the agency.

(3) **Federal agency defined.**—In this sub-
section, the term “Federal agency” has the meaning
given that term in section 2901 of title 44, United
States Code.

(d) **Clerical Amendment.**—The table of sections
at the beginning of chapter 29 of title 44, United States Code, is amended by adding after the item relating to sec-
tion 2911 the following new item:

“2912. Preservation of electronic messages and other records.”.

(e) **Definitions.**—Section 2901 of title 44, United
States Code, is amended—

(1) by striking “and” at the end of paragraph
(14); and

(2) by striking paragraph (15) and inserting
the following new paragraphs:

“(15) the term ‘electronic messages’ means
electronic mail and other electronic messaging sys-
tems that are used for purposes of communicating
between individuals; and

“(16) the term ‘electronic records management
system’ means software designed to manage elec-
tronic records, including by—

“(A) categorizing and locating records;
“(B) ensuring that records are retained as long as necessary;

“(C) identifying records that are due for disposition; and

“(D) ensuring the storage, retrieval, and disposition of records.”.

SEC. 1713. PRESIDENTIAL RECORDS.

(a) ADDITIONAL REGULATIONS RELATING TO PRESIDENTIAL RECORDS.—

(1) IN GENERAL.—Section 2206 of title 44, United States Code, is amended—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “; and”; and

(C) by adding at the end the following:

“(5) provisions for establishing standards necessary for the economical and efficient management of electronic Presidential records during the President’s term of office, including—

“(A) records management controls necessary for the capture, management, and preservation of electronic messages;

“(B) records management controls necessary to ensure that electronic messages are
readily accessible for retrieval through electronic searches; and

“(C) a process to ensure the electronic records management system to be used by the President for the purposes of complying with the requirements in subparagraphs (A) and (B).”.

(2) DEFINITIONS.—Section 2201 of title 44, United States Code, is amended by adding at the end the following new paragraphs:

“(6) The term ‘electronic messages’ has the meaning given that term under section 2901(15).

“(7) The term ‘electronic records management system’ has the meaning given that term under section 2901(16).”.

(b) Certification of President’s Management of Presidential Records.—

(1) Certification required.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following new section:

“§ 2210. Certification of the President’s management of Presidential records

“(a) Annual Certification.—The Archivist shall annually certify whether the electronic records manage-
ment controls established by the President meet require-
ments under sections 2203(a) and 2206(5).

“(b) REPORT TO CONGRESS.—The Archivist shall re-
port annually to the Committee on Homeland Security and
Governmental Affairs of the Senate and the Committee
on Oversight and Reform of the House of Representatives
on the status of the certification.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of chapter 22 of title 44,
United States Code, is amended by adding at the
end the following new item:

“2210. Certification of the President’s management of Presidential
records.”.

(c) REPORT TO CONGRESS.—Section 2203(g) of title
44, United States Code, is amended by adding at the end
the following new paragraph:

“(5) One year following the conclusion of a Presi-
dent’s term of office, or if a President serves consecutive
terms 1 year following the conclusion of the last term, the
Archivist shall submit to the Committee on Homeland Se-
curity and Governmental Affairs of the Senate and the
Committee on Oversight and Reform of the House of Rep-
resentatives a report on—

“(A) the volume and format of electronic Presi-
dential records deposited into that President’s Presi-
dential archival depository; and
“(B) whether the electronic records management controls of that President met the requirements under sections 2203(a) and 2206(5).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

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

SEC. 1721. SHORT TITLE. This subtitle may be cited as the “Space Technology Advancement Report (STAR) Act of 2020”.

SEC. 1722. FINDINGS. Congress finds the following:

(1) As stated in the United States-China Economic and Security Commission’s 2019 Report to Congress, the United States retains many advantages over the People’s Republic of China (PRC) in space, including—

(A) the organization and technical expertise of its space program;

(B) the capabilities of the National Aeronautics and Space Administration for human spaceflight and exploration;

(C) its vibrant commercial space sector;
(D) its long history of space leadership;

and

(E) many international partnerships.

(2) The PRC seeks to establish a leading position in the economic and military use of outer space and views space as critical to its future security and economic interests.

(3) The PRC’s national-level commitment to establishing itself as a global space leader harms United States interests and threatens to undermine many of the advantages the United States has worked so long to establish.

(4) For over 60 years, the United States has led the world in space exploration and human space flight through a robust national program that ensures NASA develops and maintains critical spaceflight systems to enable this leadership, including the Apollo program’s Saturn V rocket, the Space Shuttle, the International Space Station and the Space Launch System and Orion today.

(5) The Defense Intelligence Agency noted in its 2019 “Challenges to U.S. Security in Space” report that the PRC was developing a national super-heavy lift rocket comparable to NASA’s Space Launch System.
(6) The United States space program and commercial space sector risks being hollowed out by the PRC’s plans to attain leadership in key technologies.

(7) It is in the economic and security interest of the United States to remain the global leader in space power.

(8) A recent report by the Air Force Research Laboratory and the Defense Innovation Unit found that China’s strategy to bolster its domestic space industry includes a global program of theft and other misappropriation of intellectual property, direct integration of state-owned entities and their technology with commercial start-ups, the use of front companies to invest in United States space companies, vertical control of supply chains, and predatory pricing.

(9) The United States Congress passed the Wolf Amendment as part of the Fiscal Year 2012 Consolidated and Further Continuing Appropriations Act (Public Law 112–55) and every year thereafter in response to the nefarious and offensive nature of Chinese activities in the space industry.

SEC. 1723. REPORT; STRATEGY.

(a) Report.—
(1) IN GENERAL.—Not later than 1 year after
the date of enactment of this section, and annually
thereafter in fiscal years 2022 and 2023, the Na-
tional Space Council shall submit to the appropriate
congressional committees an interagency assessment
of the ability of the United States to compete with
foreign space programs and in the emerging com-
mmercial space economy.

(2) CONTENT OF REPORT.—The report shall in-
clude information on the following:

(A) An assessment of the human explo-
ration and spaceflight capabilities of the na-
tional space program of the United States rel-
ative to national programs of the PRC.

(B) An assessment of—

(i) the viability of extraction of space-
based precious minerals, onsite exploitation
of space-based natural resources, and utili-
ization of space-based solar power;

(ii) the programs of the United States
and the PRC that are related to the issues
described in clause (i); and

(iii) any potential terrestrial or space
environmental impacts of space-based solar
power.
(C) An assessment of United States strategic interests in or related to cislunar space.

(D) A comparative assessment of future United States space launch capabilities and those of the PRC.

(E) The extent of foreign investment in the commercial space sector of the United States, especially in venture capital and other private equity investments that seek to work with the Federal Government.

(F) The steps by which the National Aeronautics and Space Administration, the Department of Defense, and other United States Federal agencies conduct the necessary due diligence and security reviews prior to investing in private space entities that may have received funding from foreign investment.

(G) Current steps that the United States is taking to identify and help mitigate threats to domestic space industry from influence of the PRC.

(H) An assessment of the current ability, role, costs, and authorities of the Department of Defense to mitigate the threats of commercial communications and navigation in space.
from the PRC’s growing counterspace capabilities, and any actions required to improve this capability.

(I) An assessment of how the PRC’s activities are impacting United States national security, including—

(i) theft by the PRC of United States intellectual property through technology transfer requirements or otherwise; and

(ii) efforts of the PRC to seize control of critical elements of the United States space industry supply chain and United States space industry companies or sister companies with shared leadership; and government cybersecurity capabilities.

(J) An assessment of efforts of the PRC to pursue cooperative agreements with other nations to advance space development.

(K) Recommendations to Congress, including recommendations with respect to—

(i) any legislative proposals to address threats by the PRC to the United States national space programs as well as domestic commercial launch and satellite industries; and
(ii) how the United States Government can best utilize existing Federal entities to investigate and prevent potentially harmful investment by the PRC in the United States commercial space industry.

(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the submission of the report required in subsection (a), the President, in consultation with the National Space Council, shall develop and submit to the appropriate congressional committees a strategy to ensure the United States can—

(A) compete with other national space programs;

(B) maintain leadership in the emerging commercial space economy;

(C) identify market, regulatory, and other means to address unfair competition from the PRC based on the findings of in the report required in subsection (a);
(D) leverage commercial space capabilities to ensure United States national security and the security of United States interests in space;

(E) protect United States supply chains and manufacturing critical to competitiveness in space; and

(F) coordinate with international allies and partners in space.

(3) FORM.—The strategy required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES OF CONGRESS.—The term “appropriate congressional committees” means—

(A) the Committee on Armed services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Science, Space, and Technology of 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 HOME- LAND 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 “Sec- retary of Transportation”; and

(2) in section 302—
(A) in subsection (b), in paragraphs (2), (3), and (4) by inserting “, territorial, tribal,” after “State”; and

(B) in subsection (c)—

(i) in paragraph (1), by inserting “, the Secretary of Homeland Security,” after “Secretary of Transportation”; and

(ii) in paragraph (2), by inserting “, territorial, tribal,” after “State”.

SEC. 1732. AMBER ALERTS ALONG MAJOR TRANSPORTATION ROUTES.

(a) In general.—Section 303 of the PROTECT Act (34 U.S.C. 20503) is amended—

(1) in the section heading, by inserting “AND MAJOR TRANSPORTATION ROUTES” after “ALONG HIGHWAYS”;

(2) in subsection (a)—

(A) by inserting “(referred to in this section as the ‘Secretary’)” after “Secretary of Transportation”; and

(B) by inserting “and at airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States” after “along highways”;

(3) in subsection (b)—
(A) in paragraph (1)—

(i) by striking “other motorist information systems to notify motorists” and inserting “other information systems to notify motorists, aircraft passengers, ship passengers, and travelers”; and

(ii) by inserting “, aircraft passengers, ship passengers, and travelers” after “necessary to notify motorists”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “other motorist information systems to notify motorists” and inserting “other information systems to notify motorists, aircraft passengers, ship passengers, and travelers”;

(ii) in subparagraph (D), by inserting “, aircraft passengers, ship passengers, and travelers” after “support the notification of motorists”;

(iii) in subparagraph (E), by inserting “, aircraft passengers, ship passengers, and travelers” after “motorists”, each place it appears;
(iv) in subparagraph (F), by inserting
"aircraft passengers, ship passengers, and travelers" after "motorists"; and
(v) in subparagraph (G), by inserting
"aircraft passengers, ship passengers, and travelers" after "motorists";
(4) in subsection (c), by striking "other motorist information systems to notify motorists", each place it appears, and inserting "other information systems to notify motorists, aircraft passengers, ship passengers, and travelers";
(5) by amending subsection (d) to read as follows:
"(d) Federal Share.—
(1) In general.—Except as provided in paragraph (2), the Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.
(2) Waiver.—If the Secretary determines that American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, or the Virgin Islands of the United States is unable to comply with the requirement under paragraph (1), the Secretary shall waive such requirement."
(6) in subsection (g)—
(A) by striking “In this section” and inserting “In this subtitle”; and

(B) by striking “or Puerto Rico” and inserting “American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory of the United States”; and

(7) in subsection (h), by striking “fiscal year 2004” and inserting “each of fiscal years 2019 through 2023”.

(b) Technical and Conforming Amendment.—The table of contents in section 1(b) of the PROTECT Act (Public Law 108–21) is amended by striking the item 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 abducted children.”.

SEC. 1733. AMBER ALERT COMMUNICATION PLANS IN THE TERRITORIES.

Section 304 of the PROTECT Act (34 U.S.C. 20504) is amended—

(1) in subsection (b)(4), by inserting “a territorial government or” after “with”;

(2) by amending subsection (c) to read as follows:

“(c) Federal Share.—
“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activities funded by a grant under this section may not exceed 50 percent.

“(2) WAIVER.—If the Attorney General determines that American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, or an Indian tribe is unable to comply with the requirement under paragraph (1), the Attorney General shall waive such requirement.”; and

(3) in subsection (d), by inserting “, including territories of the United States” before the period at the end.

SEC. 1734. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General shall conduct a study assessing—

(1) the implementation of the amendments made by this Act;

(2) any challenges related to integrating the territories of the United States into the AMBER Alert system;
(3) the readiness, educational, technological, and training needs of territorial law enforcement agencies in responding to cases involving missing, abducted, or exploited children; and

(4) any other related matters the Attorney General or the Secretary of Transportation determines appropriate.

(b) Report Required.—The Comptroller General shall submit a report on the findings of the study required under subsection (a) to—

(1) the Committee on the Judiciary and the Committee on Environment and Public Works of the Senate;

(2) the Committee on the Judiciary and the Committee on Transportation and Infrastructure of the House of Representatives; and

(3) each of the delegates or resident commissioner to the House of Representatives from American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

(c) Public Availability.—The Comptroller General shall make the report required under subsection (b) available on a public Government website.

(d) Obtaining Official Data.—
(1) IN GENERAL.—The Comptroller General may secure information necessary to conduct the study under subsection (a) directly from any Federal agency and from any territorial government receiving grant funding under the PROTECT Act. Upon request of the Comptroller General, the head of a Federal agency or territorial government shall furnish the requested information to the Comptroller General.

(2) AGENCY RECORDS.—Notwithstanding paragraph (1), nothing in this subsection shall require a Federal agency or any territorial government to produce records subject to a common law evidentiary privilege. Records and information shared with the Comptroller General shall continue to be subject to withholding under sections 552 and 552a of title 5, United States Code. The Comptroller General is obligated to give the information the same level of confidentiality and protection required of the Federal agency or territorial government. The Comptroller General may be requested to sign a nondisclosure or other agreement as a condition of gaining access to sensitive or proprietary data to which the Comptroller General is entitled.
(3) PRIVACY OF PERSONAL INFORMATION.—

The Comptroller General, and any Federal agency and any territorial government that provides information to the Comptroller General, shall take such actions as are necessary to ensure the protection of the personal information of a minor.

Subtitle E—Other Matters

SEC. 1741. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 127e(g) is amended by striking “Low-Intensity” and inserting “Low Intensity”.

(2) Section 142 is amended—

(A) by striking subsection (d); and

(B) by redesignating the second subsection (c) as subsection (d).

(3) Section 192(c) is amended by striking the first paragraph (1).

(4) Section 231 is amended—

(A) in subsection (a)(1), by striking “and” after the colon;

(B) by striking “quadrennial defense re-

view” each place it appears and inserting “na-

tional defense strategy”; and
(C) in subsection (f)(3), by striking “section 118” and inserting “section 113(g)”.

(5) Section 1073c(a) is amended by redesignating the second paragraph (6) as paragraph (7).

(6) Section 1044e is amended by striking “subsection (h)” each place it appears and inserting “subsection (i)”.

(7) The table of sections at the beginning of chapter 58 is amended by striking the item relating to section 1142 and inserting the following:

“1142. Preseparation counseling; transmittal of certain records to Department of Veterans Affairs.”.

(8) Section 1564(c)(2) is amended in the matter preceding subparagraph (A) by striking “in” and inserting “is”.

(9) The table of sections at the beginning of chapter 113 is amended by striking “Sec.” each place it appears, except for the first “Sec.” preceding the item relating to section 2200g.

(10) The table of sections at the beginning of chapter 135 is amended by striking the item relating to section 2279c.

(11) The table of sections at the beginning of chapter 142 is amended by striking the item relating to section 2417 and inserting the following:

“2417. Administrative and other costs.”.
(12) The table of sections at the beginning of chapter 152 is amended by striking the item relating to section 2568a and inserting the following:

“2568a. Damaged personal protective equipment: award to members separating from the Armed Forces and veterans.”

(13) Section 2417(2) is amended by striking “entities -” and inserting “entities—”.

(14) Section 2641b(a)(3)(B) is amended by striking “subsection (c)(5)” and inserting “subsection (c)(6)”.

(15) Section 2804(b) is amended in the third sentence by striking “; and”.

(16) Section 2890(e)(2) is amended by inserting “a” before “landlord” in the matter preceding subparagraph (A).

(17) Section 2891(e)(1) is amended—

(A) by inserting “unit” after “housing” the third place it appears; and

(B) in subparagraph (B), by inserting “the” before “tenant”.

(18) Section 2891a is amended—

(A) in subsection (b), by adding a period at the end of paragraph (2); and

(B) in subsection (e)(2)(B), by striking “the” before “any basic”.
(19) Section 2894(c)(3) is amended by inserting "‘the office’ after ‘installation housing management office’.

(b) Title 38, United States Code.—Section 1967(a)(3)(D) of title 38, United States Code, is amended in the matter preceding clause (i) by inserting a comma after ‘theater of operations’.

(c) NDAA for Fiscal Year 2019.—Effective as of August 13, 2018, and as if included therein as enacted, the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended as follows:

(1) Section 226(b)(3)(C) (132 Stat. 1686) is amended by striking ‘‘commercial-off the-shelf’’ and inserting ‘‘commercially available off-the-shelf items (as defined in section 104 of title 41, United States Code) that may serve as’’.


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(3) Section 836(a)(2)(B) (132 Stat. 1860) is amended by inserting “of such title” after “Section
104(1)(A)”.

(4) Section 836(c)(8) is amended by striking subparagraphs (A) and (B) and inserting the fol-
lowing new subparagraphs:

“(A) by striking ‘commercial items’ and in-
serting ‘commercial products’; and

“(B) by striking ‘the item’ both places it
appears and inserting ‘commercial product’.”.

(5) Section 889(f) (132 Stat. 1918) is amended
by striking “appropriate congressional committees’”
and inserting “appropriate congressional commit-
tees”.

(6) Section 1286(e)(2)(D) (10 U.S.C. 2358
note; 132 Stat. 2080) is amended by striking “im-
prove” and inserting “improved”.

(7) Section 1757(a) (50 U.S.C. 4816; 132 Stat.
2218) is amended by inserting “to persons” before
“who are potential”.

(8) Section 1759(a)(2) (50 U.S.C. 4818; 132
Stat. 2223) is amended by striking the semicolon at
the end and inserting a period.
(9) Section 1763(c) (50 U.S.C. 4822; 132 Stat. 2231) is amended by striking “December 5, 1991” and inserting “December 5, 1995”.

(10) Section 1773(b)(1) (50 U.S.C. 4842; 132 Stat. 2235) is amended by striking “section 1752(1)(D)” and inserting “section 1752(2)(D)”.

(11) Section 1774(a) (50 U.S.C. 4843; 132 Stat. 2237) is amended in the matter preceding paragraph (1) by inserting “under” before “section 1773”.

(12) Section 2827(b)(1) (132 Stat. 2270) is amended by inserting “in the matter preceding the paragraphs” after “amended”.

(d) NDAA FOR FISCAL YEAR 2016.—Effective as of December 23, 2016, and as if included therein as enacted, section 856(a)(1) the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2377 note) is amended by inserting “United States Code,” after “title 41,”.

(e) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.
SEC. 1742. ADDITION OF CHIEF OF THE NATIONAL GUARD BUREAU TO THE LIST OF OFFICERS PROVIDING REPORTS OF UNFUNDED PRIORITIES.

Section 222a(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

“(5) The Chief of the National Guard Bureau.”.

SEC. 1743. ACCEPTANCE OF PROPERTY BY MILITARY ACADEMIES AND MUSEUMS.

(a) ACCEPTANCE OF PROPERTY.—Section 2601 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by inserting after subparagraph (B) the following new subparagraph:

“(C) The Secretary concerned may display, at a military museum, recognition for an individual or organization that contributes money to a nonprofit entity described in subparagraph (A), or an individual or organization that contributes a gift directly to the armed force concerned for the benefit of a military museum, whether or not the contribution is subject to the condition that recognition be provided. The Secretary of Defense shall prescribe uniform regulations governing the circumstances under which
contributor recognition may be provided, appropriate forms of recognition, and suitable display standards.”; and

(2) in subsection (e)(1)—

(A) by inserting “or personal” after “real” both places it appears; and

(B) by striking “or the Coast Guard Academy” and inserting “the Coast Guard Academy, the National Defense University, the Defense Acquisition University, the Air University, the Army War College, the Army Command and General Staff College, the Naval War College, the Naval Postgraduate School, or the Marine Corps University”.

(b) LEASE OF NON-EXCESS PROPERTY TO MILITARY MUSEUMS.—

(1) IN GENERAL.—Section 2667 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) in paragraph (7), by striking “and” at the end;

(ii) in paragraph (8), by striking the period at the end and inserting “; and”;

and

(iii) by adding at the end the following new paragraph:
“(9) in the case of a lease of a museum facility to a museum foundation, may provide for use in generating revenue for activities of the museum facility and for such administrative purposes as may be necessary to support the facility.”;

(B) in subsection (i), by adding at the end the following new paragraph:

“(6) The term ‘museum foundation’ means any entity—

“(A) qualifying as an exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986; and

“(B) incorporated for the primary purpose of supporting a Department of Defense museum.”; and

(C) in subsection (k)—

(i) in the subsection heading, by inserting “AND MUSEUMS” after “LEASES FOR EDUCATION”; and

(ii) by inserting “or to a museum foundation” before the period at the end.

(2) REPEALS.—

(A) LEASE OR LICENSE OF UNITED STATES NAVY MUSEUM FACILITIES AT WASHINGTON NAVY YARD, DISTRICT OF COLUMBIA.—


SEC. 1744. REAUTHORIZATION OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

(a) NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.—Section 8931 of title 10, United States Code, is amended to read as follows:

“SEC. 8931. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

“(a) ESTABLISHMENT.—The Secretary of the Navy shall establish a program to be known as the ‘National Oceanographic Partnership Program’.

“(b) PURPOSES.—The purposes of the program are as follows:

“(1) To promote the national goals of assuring national security, advancing economic development, protecting quality of life, ensuring environmental stewardship, and strengthening science education
and communication through improved knowledge of the ocean.

“(2) To coordinate and strengthen oceanographic efforts in support of those goals by—

“(A) creating and carrying out partnerships among Federal agencies, academia, industry, and other members of the oceanographic community in the areas of science, data, resources, education, and communication; and

“(B) accepting, planning, and executing oceanographic research projects funded by grants, contracts, cooperative agreements, or other vehicles as appropriate, that contribute to assuring national security, advancing economic development, protecting quality of life, ensuring environmental stewardship, and strengthening science education and communication through improved knowledge of the ocean.”.

(b) OCEAN POLICY COMMITTEE.—

(1) IN GENERAL.—Section 8932 of such title is amended to read as follows:

“§8932. Ocean Policy Committee

“(a) COMMITTEE.—There is established an Ocean Policy Committee (hereinafter referred to as the ‘Committee’). The Committee shall retain the membership, co-
chairs, and subcommittees outlined in Executive Order No. 13840.

“(b) Responsibilities.—The Committee shall continue the activities of that Committee as it was in existence on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021. In discharging its responsibilities and to assist in the execution of the activities delineated in this subsection, the Committee may delegate to a subcommittee, as appropriate. The Committee shall—

“(1) prescribe policies and procedures to implement the National Oceanographic Partnership Program;

“(2) engage and collaborate, pursuant to existing laws and regulations, with stakeholders, including regional ocean partnerships, to address ocean-related matters that may require interagency or intergovernmental solutions;

“(3) facilitate coordination and integration of Federal activities in ocean and coastal waters to inform ocean policy and identify priority ocean research, technology, and data needs; and

“(4) review, select, and identify partnership projects for implementation under the program, based on—
“(A) whether the project addresses important research objectives or operational goals;

“(B) whether the project has, or is designed to have, appropriate participation within the oceanographic community of public, academic, commercial, private participation or support;

“(C) whether the partners have a long-term commitment to the objectives of the project;

“(D) whether the resources supporting the project are shared among the partners; and

“(E) whether the project has been subjected to adequate review according to each of the supporting agencies.

“(c) ANNUAL REPORT AND BRIEFING.—(1) Not later than March 1 of each year, the Committee shall post a report on the National Oceanographic Partnership Program on a publicly available website and brief—

“(A) the Committee on Commerce, Science, and Transportation of the Senate;

“(B) the Committee on Armed Services of the Senate;

“(C) the Committee on Natural Resources of the House of Representatives;
“(D) the Committee on Science, Space, and Technology of the House of Representatives; and
“(E) the Committee on Armed Services of the House of Representatives.
“(2) The report and all briefing materials shall be posted to a publicly available website not later than 30 days after the briefing.
“(3) The report and briefing shall include the following:
“(A) A description of activities of the program carried out during the prior fiscal year.
“(B) A general outline of the activities planned for the program during the current fiscal year.
“(C) A summary of projects, partnerships, and collaborations, including the Federal and non-Federal sources of funding, continued from the prior fiscal year and projects expected to begin during the current and subsequent fiscal years, as required in the program office report outlined in section 8932(f)(2)(C) of this title.
“(D) The amounts requested in the budget submitted to Congress pursuant to section 1105(a) of title 31 for the subsequent fiscal year, for the programs, projects, activities and the estimated expenditures under such programs, projects, and activities,
to execute the National Oceanographic Partnership Program.

“(E) A summary of national ocean research priorities informed by the Ocean Research Advisory Panel required in section 8933(b)(4) of this title.

“(F) A list of the members of the Ocean Research Advisory Panel described in section 8933(a) of this title and any working groups described in section 8932(f)(2)(A) of this title in existence during the fiscal years covered.

“(d) NATIONAL OCEANOGRAPHIC PARTNERSHIP FUND.—(1) There is established in the Treasury a separate account to be known as the National Oceanographic Partnership Program Fund to be jointly managed by the Secretary of the Navy, the Administrator of the National Oceanic and Atmospheric Administration, and any other Federal agency that contributes amounts to the Fund.

“(2) Amounts in the Fund shall be available to the National Oceanic Partnership Program without further appropriation to remain available for up to 5 years from the date contributed or until expended for the purpose of carrying out this section.

“(3) There is authorized to be credited to the Fund the following:
“(A) Such amounts as determined appropriate to be transferred to the Fund by the head of a Federal agency or entity participating in the National Oceanographic Partnership Program.

“(B) Funds provided by a State, local government, tribal government, territory, or possession, or any subdivisions thereof.

“(C) Funds contributed by—

“(i) a non-profit organization, individual, or Congressionally-established foundation; and

“(ii) by private grants, contracts, and donations.

“(4) For the purpose of carrying out this section, as directed by the Committee, departments or agencies represented on the Committee may enter into contracts, make grants, including transactions authorized by paragraph (5), and may transfer funds available to the National Oceanographic Partnership Program under paragraph (3) to participating departments and agencies for such purposes.

“(5) The Committee or any participating Federal agency or entity may enter into an agreement to use, with or without reimbursement, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local
government, Indian tribal government, Territory, District of Columbia, or possession, or of any political subdivision thereof, or of any foreign government or international organization or individual, for the purpose of carrying out this section.

“(e) ESTABLISHMENT AND FORMS OF PARTNERSHIP PROJECTS.—A partnership project under the National Oceanographic Partnership Program—

“(1) may be established by any instrument that the Committee considers appropriate; and

“(2) may include demonstration projects.

“(f) PARTNERSHIP PROGRAM OFFICE.—(1) The Secretary of the Navy and Administrator of the National Oceanic and Atmospheric Administration shall jointly establish a partnership program office for the National Oceanographic Partnership Program. Competitive procedures will be used to select an external operator for the partnership program office.

“(2) The Committee will monitor the performance of the duties of the partnership program office, which shall consist of the following:

“(A) To support working groups established by the Committee or subcommittee and report working group activities to the Committee, including working group proposals for partnership projects.
“(B) To support the process for proposing partnership projects to the Committee, including, where appropriate, managing review of such projects.

“(C) To submit to the Committee and make publicly available an annual report on the status of all partnership projects, including the Federal and non-Federal sources of funding for each project, and activities of the office.

“(D) To perform any additional duties for the administration of the National Oceanographic Partnership Program that the Committee considers appropriate.”.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 893 of title 10, United States Code, is amended by striking the item relating to section 8932 and inserting the following new item:

“8932. Ocean Policy Committee.”.

(e) Ocean Research Advisory Panel.—Section 8933 of such title is amended to read as follows:

“§8933. Ocean Research Advisory Panel

“(a) Establishment.—(1) The Committee shall establish an Ocean Research Advisory Panel consisting of not less than 10 and not more than 18 members appointed by the Co-chairs, including the following:
“(A) Three members who will represent the National Academies of Sciences, Engineering, and Medicine.

“(B) Members selected from among individuals who will represent the views of ocean industries, State, tribal, territorial or local governments, academia, and such other views as the Co-chairs consider appropriate.

“(C) Members selected from among individuals eminent in the fields of marine science, marine technology, and marine policy, or related fields.

“(2) The Committee shall ensure that an appropriate balance of academic, scientific, industry, and geographical interests and gender and racial diversity are represented by the members of the Advisory Panel.

“(b) RESPONSIBILITIES.—The Committee shall assign the following responsibilities to the Advisory Panel:

“(1) To advise the Committee on policies and procedures to implement the National Oceanographic Partnership Program.

“(2) To advise the Committee on matters relating to national oceanographic science, engineering, facilities, or resource requirements.
“(3) To advise the Committee on improving diversity, equity, and inclusion in the ocean sciences and related fields.

“(4) To advise the Committee on national ocean research priorities.

“(5) Any additional responsibilities that the Committee considers appropriate.

“(6) To meet no fewer than two times a year.

“(c) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Administrator of the National Oceanic and Atmospheric Administration shall provide such administrative and technical support as the Ocean Research Advisory Panel may require.

“(d) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Ocean Research Advisory Panel appointed under section 8933.”.

SEC. 1745. REQUIREMENTS RELATING TO PROGRAM AND PROJECT MANAGEMENT.

(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”.

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(b) Program Management Improvement Officers and Program Management Policy Council.—
Section 1126 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by inserting after “senior executive of the agency” the following: “, who has significant program and project management oversight responsibilities,”; and

(2) in subsection (b)(4) by striking “twice” and inserting “four times”.

SEC. 1746. QUARTERLY BRIEFINGS ON JOINT ALL DOMAIN COMMAND AND CONTROL CONCEPT.

(a) In General.—During the period beginning on October 1, 2020, and ending on October 1, 2022, the Director of the Joint All Domain Command and Control (in this section referred to as “JADC2”) Cross Functional Team (in this section referred to as “CFT”), in consultation with the Vice Chairman of the Joint Chiefs of Staff and Chief Information Officer of the Department of Defense, shall provide to the Committee on Armed Services of the House of Representatives quarterly briefings on the progress of the Department’s Joint All Domain Command and Control concept.
(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the JADC2 concept, the following elements:

(1) The status of the joint concept of command and control.

(2) How the JADC2 CFT is identifying gaps and addressing validated requirements based on the joint concept of command and control.

(3) Progress in developing specific plans to evaluate and implement materiel and non-materiel improvements to command and control capabilities.

(4) Clarification on distribution of responsibilities and authorities within the CFT and the Office of the Secretary of Defense with respect to JADC2, and how the CFT and the Office of the Secretary of Defense are synchronizing and aligning with joint and military concepts, solutions, experimentation, and exercises.

(5) The status of and review of any recommendations for resource allocation necessary to achieve operational JADC2.

(6) A sufficiency assessment of planned funding across the future years defense program for the development of JADC2 capabilities.
SEC. 1747. RESOURCES TO IMPLEMENT A DEPARTMENT OF DEFENSE POLICY ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.

(a) RESOURCES TO IMPLEMENT DEPARTMENT OF DEFENSE POLICY ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.—

(1) PURPOSE.—The purpose of this section is to facilitate fulfillment of the requirements in section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 134 note).

(2) PERSONNEL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall do the following:

(A) Add to, and assign within, each of the United States Central Command, the United States Africa Command, the United States Special Operations Command, the United States European Command, the United States Southern Command, the United States Indo-Pacific Command, and the United States Northern Command not fewer than two personnel who shall have primary responsibility for the following in connection with military operations undertaken by such command:
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(i) Providing guidance and oversight relating to prevention of and response to civilian casualties, promotion of observance of human rights, and the protection of civilians and civilian infrastructure.

(ii) Overseeing civilian casualty response functions on behalf of the commander of such command.

(iii) Receiving reports of civilian casualties and conduct of civilian casualty assessments.

(iv) Analyzing civilian casualty incidents and trends.

(v) Offering condolences for casualties, including ex gratia payments.

(vi) Ensuring the integration of activities relating to civilian casualty mitigation, protection of civilians, and promotion of observance of human rights in security cooperation activities.

(vii) Consulting with non-governmental organizations on civilian casualty and human rights matters.

(B) Add to, and assign within, the Office of the Under Secretary for Policy not fewer
than two personnel who shall have primary re-
sponsibility for implementing and overseeing
implementation by the components of the De-
partment of Defense of Department policy on
civilian casualties resulting from United States
military operations.

(C) Add to, and assign within, the Joint
Staff not fewer than two personnel who shall
have primary responsibility for the following:

(i) Overseeing implementation by the
components of the Department of Defense
of Department policy on civilian casualties
resulting from United States military oper-
ations.

(ii) Developing and sharing in the im-
plementation of such policy.

(iii) Communicating operational guid-
ance on such policy.

(3) TRAINING, SOFTWARE, AND OTHER RE-
QUIREMENTS.—

(A) IN GENERAL.—In each of fiscal years
2021 through 2023, the Secretary of Defense
and each Secretary of a military department
may obligate and expend, from amounts speci-
fied in subparagraph (B), not more than $5,000,000 for the following:

(i) Training related to civilian casualty mitigation and response.

(ii) Information technology equipment, support and maintenance, and data storage, in order to implement the policy of the Department related relating to civilian casualties resulting from United States military operations as required by section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

(B) FUNDS.—The funds for a fiscal year specified in this subparagraph are funds as follows:

(i) In the case of the Secretary of Defense, amounts authorized to be appropriated for such fiscal year for operation and maintenance, Defense-wide.

(ii) In the case of a Secretary of a military department, amounts authorized to be appropriated for such fiscal year for operation and maintenance for the compo-
ments of the Armed Forces under the juris-
diction of such Secretary.

(b) United States Military Operations De-
fined.—In this section, the term “United States military
operations” includes any mission, strike, engagement,
raid, or incident involving United States Armed Forces.

SEC. 1748. SENSE OF CONGRESS REGARDING REPORTING
OF CIVILIAN CASUALTIES RESULTING FROM
UNITED STATES MILITARY OPERATIONS.

It is the sense of Congress—

(1) to commend the Department of Defense for
the measures it has implemented and is currently
implementing to prevent, mitigate, track, investigate,
learn from, respond to, and report civilian casualties
resulting from United States military operations;
and

(2) to agree with the Department that civilian
casualties are a tragic and unavoidable part of war,
and to recognize that the Department endeavors to
conduct all military operations in compliance with
the international law of armed conflict and the laws
of the United States, including distinction, propor-
tionality, and the requirement to take feasible pre-
cautions in planning and conducting operations to
reduce the risk of harm to civilians and other pro-
tected persons and objects; and the protection of ci-
vilians and other protected persons and objects, in
addition to a legal obligation and a strategic inter-
est, is a moral and ethical imperative; that the De-
partment has submitted to Congress three successive
annual reports on civilian casualties resulting from
United States military operations for calendar years
2017, 2018, and 2019, and has updated reports as
appropriate; and to recognize the efforts of the De-
partment, both in policy and in practice, to reduce
the harm to civilians and other protected persons
and objects resulting from United States military
operations, and to encourage the Department to
make additional progress in—

(A) developing at all combatant commands
personnel and offices responsible for advising
the commanders of such commands, and inte-
grating into command strategy, the promotion
of observance of human rights and the protec-
tion of civilians and other protected persons
and objects;

(B) finalizing and implementing the policy
of the Department relating to civilian casualties
resulting from United States military oper-
ations, as required by section 936 of the John

(C) finalizing Department-wide regulations to implement section 1213 of the National Defense Authorization for Fiscal Year 2020 (Public Law 116–92) for ex gratia payments for damage, personal injury, or death that is incident to the use of force by the United States Armed Forces, a coalition that includes the United States, a military organization supporting the United States, or a military organization supporting the United States or such coalition; and

(D) professionalizing foreign partner forces to reduce civilian casualties, including in connection with train and equip programs, advise, assist, accompany, and enable missions, and fully combined and coalition operations.

SEC. 1749. PROHIBITION OF PUBLIC DISPLAY OF CONFEDERATE BATTLE FLAG ON DEPARTMENT OF DEFENSE PROPERTY.

(a) PROHIBITION.—Except as provided in subsection (b) the Secretary of Defense shall prohibit the public display of the Confederate battle flag at all Department of Defense property.
(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply to—

(1) a museum located on a Department of Defense installation that addresses the Civil War from a historical or educational perspective;

(2) an educational or historical display depicting a Civil War battle in which the Confederate battle flag is present, but not the main focus of the display;

(3) a State flag that incorporates the Confederate battle flag;

(4) a State-issued license plate with a depiction of the Confederate battle flag; or

(5) a grave site of a Confederate soldier.

(c) DEFINITIONS.—In this section:

(1) The term “Confederate battle flag” means the battle flag carried by Confederate armies during the Civil War.

(2) The term “Department of Defense property” means all installations, workplaces, common-access areas, and public areas of the Department of Defense, including—

(A) office buildings, facilities, naval vessels, aircraft, Government vehicles, hangars, ready rooms, conference rooms, individual of-
offices, cubicles, storage rooms, tool and equipment rooms, workshops, break rooms, galleys, recreational areas, commissaries, Navy and Marine Corps exchanges, and heads;

(B) sensitive compartmented information facilities and other secure facilities;

(C) open-bay barracks and common areas of barracks and living quarters;

(D) all Department of Defense school houses and training facilities including, officer candidate school, the basic school, recruit training command, and recruiting offices;

(E) all areas of the Department of Defense in public or plain view, including outside areas, work office buildings, stores, or barracks, including parking lots;

(F) the front yard or external porch of Government-owned and Government-operated housing and public-private venture housing; and

(G) automobile bumper stickers, clothing, and other apparel that is located on or in any installation, workplace, common-access area, or public area of the Department of Defense.
SEC. 1750. DEPLOYMENT OF REAL-TIME STATUS OF SPECIAL USE AIRSPACE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in consultation, as appropriate, with the Secretary of Defense and the heads of the military services, including the National Guard and Air National Guard, and other appropriate Federal agencies, shall initiate, not later than 180 days after the date of enactment of this Act, a program to enable public dissemination of information on—

(1) the real-time status of the activation or deactivation of military operations areas and restricted areas; and

(2) the reports submitted to the Administrator pursuant to section 73.19 of title 14, Code of Federal Regulations.

(b) STATUS REPORT.—

(1) IN GENERAL.—Not later than 1 year after the Administrator initiates the program required under subsection (a), and every year thereafter until such program is complete, the Administrator shall submit a status report to the appropriate committees of Congress on the implementation of such program.

(2) CONTENTS.—The report required under paragraph (1) shall contain, at a minimum—
(A) an update on the progress of the Administrator in modifying policies, systems, or equipment that may be necessary to enable the public dissemination of information on the real-time status of the activation or deactivation of military operations areas and restricted areas;

(B) a description of any challenges to completing the program initiated pursuant to subsection (a), including challenges in—

   (i) receiving the timely and complete submissions of data concerning airspace usage;

   (ii) modifying policies; and

   (iii) acquiring necessary systems or equipment; and

(C) a timeline of the anticipated completion of the program and the modifications described in subparagraph (A).

(c) Utilization Reports.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to the appropriate committees of Congress—

   (1) describing whether the Department of Defense has submitted the utilization reports required under section 73.19 of title 14, Code of Federal
Regulations for the prior fiscal year, and, if so, to what extent such reports have been submitted; and

(2) providing, if the Secretary discovers that all such reports have not been submitted in a timely and complete manner—

(A) an explanation for the failure to submit any such reports in the manner prescribed by regulation; and

(B) a plan to ensure the timely and complete submission of all such reports.

(d) POLICIES.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit a report to the appropriate committees of Congress on special use airspace, including a review of the Federal Aviation Administration’s—

(1) policies and processes for establishing, reviewing, and revoking military operations areas and restricted areas; and

(2) administration, including release of, underutilized special use airspace.

(e) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—
(A) the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(2) The term “underutilized”, with respect to a military operations area or restricted area, means such an area determined by the Administrator of the Federal Aviation Administrator to have had, during the 2 most recent consecutive fiscal years prior to the date of enactment of this Act, the number of hours actually utilized be less than 75 percent of the number of hours the area was activated, discounted for weather cancellations and delays, loss of use for reasons beyond the control of the Federal agency using the area, and other factors determined appropriate by the Administrator.

SEC. 1751. DUTIES OF SECRETARY UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

(a) Ensuring Ability of Absent Uniformed Services Voters Serving at Diplomatic and Consular Posts To Receive and Transmit Balloting Materials.—In carrying out the Secretary’s duties as the Presidential designee under the Uniformed and Over-
seas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.), the Secretary shall take such actions as may be neces-

sary to ensure that an absent uniformed services voter under such Act who is absent from the United States by reason of active duty or service at a diplomatic and consular post of the United States is able to receive and transmit balloting materials in the same manner and with the same rights and protections as an absent uniformed services voter under such Act who is absent from the United States by reason of active duty or service at a military installation.

(b) EFFECTIVE DATE.—This section shall apply with respect to elections held on or after the date of the enactment of this Act.

SEC. 1752. PUBLICLY AVAILABLE DATABASE OF CASUALTIES OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall publish on an appropriate publicly available website of the Department of Defense a database of all casualties of members of the Armed Forces of the United States that occur during military operations that take place during 1990 or any subsequent year.

(b) REQUIREMENTS.—The Secretary shall ensure that the database published under subsection (a) has the following capabilities:

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(1) The capability of generating a machine readable report, to the extent practicable, through searches based on each, and any combination, of the casualty attributes.

(2) The capability of downloading individual records as the result of a search based on each, and any combination, of the casualty attributes.

(c) NEXT-OF-KIN OPT OUT.—The Secretary shall develop a mechanism under which the next-of-kin (as determined by the Secretary) of any individual whose information would be included in the database required under subsection (a) may elect to have such information excluded from the database.

(d) CASUALTY ATTRIBUTES.—In this section, the term “casualty attributes” means each of the following with respect to the casualty of a member of the Armed Forces:

(1) The conflict in which the casualty occurred.

(2) The country where the casualty occurred.

(3) The attributes of the member of the Armed Forces, including—

(A) service;

(B) component;

(C) name;

(D) rank;
(E) date of death; and
(F) any other information as determined
by the Secretary.

SEC. 1753. NOTICE AND COMMENT FOR PROPOSED AC-
TIONS OF THE SECRETARY OF DEFENSE RE-
LATING TO FOOD AND BEVERAGE INGREDI-
ENTS.

(a) Notice and Comment.—Before promulgating
any service-wide or Department-wide final rule, statement,
or determination relating to the limitation or prohibition
of an ingredient in a food or beverage item provided to
members of the Armed Forces by the Department of De-
fense (including an item provided through a commissary
store, a dining facility on a military installation, or a mili-
tary medical treatment facility), the Secretary of Defense
shall—

(1) publish in the Federal Register a notice of
the proposed rule, statement, or determination (in
this section referred to as a “proposed action”); and

(2) provide interested persons an opportunity to
submit public comments with respect to the pro-
posed action.

(b) Matters To Be Included in Notice.—The
Secretary shall include in any notice published under sub-
section (a)(2) the following:
(1) A summary of the notice.

(2) The date of publication of the notice.

(3) The contact information for the office of the Department of Defense responsible for the proposed action.

(4) The deadline for comments to be submitted with respect to the proposed action and a description of the method to submit such comments.

(5) A description of the proposed action.

(6) Findings and a statement of reason supporting the proposed action.

(c) WAIVER AUTHORITY.—The Director of the Defense Logistics Agency may waive subsections (a) and (b) if the Director determines such waiver is necessary for military operations or for the response to a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.), a medical emergency, or a pandemic.

(d) REPORTS.—

(1) REPORTS.—On a quarterly basis, the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report containing an identification of any waiver under subsection (c) issued or in effect during the quarter preceding submission of the report.
(2) MATTERS.—A report under paragraph (1) shall include, with respect to each waiver identified, the following:

(A) The date, time, and location of the issuance of such waiver.

(B) A detailed justification for the issuance of such waiver.

(C) An identification of the rule, statement, or determination for which the Director issued such waiver, including the proposed duration of such rule, statement, or determination.

SEC. 1754. SPACE STRATEGIES AND ASSESSMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should support activities in space by—

(1) ensuring robust, innovative, and increasingly capable civil and national security space programs;

(2) supporting effective and stable space partnerships with allies of the United States;

(3) leveraging, to the greatest extent practicable and appropriate, commercial space capabilities; and

(4) ensuring freedom of navigation and providing measures to assure the supply chain related
to such space assets and manufacturing processes of such assets.

(b) STRATEGY REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the President, in consultation with the National Space Council, shall develop and maintain a strategy to ensure that the United States, as appropriate, strengthens civil and national security capabilities and operations in space through—

(1) challenging and inspiring civil space goals and programs;

(2) partnerships with allies of the United States;

(3) leveraging of commercial space capabilities;

(4) ensuring supply chain and manufacturing processes for space assets;

(5) sustaining a highly skilled, world-class workforce; and

(6) considering the financial security and cybersecurity concerns threatening commercial and Federal Government launch sites of the United States.

(c) SUBMISSION OF STRATEGY AND PLAN.—Not later than 1 year after the date of the enactment of this Act, the Chair of the National Space Council, in consultation with relevant departments and agencies of the Fed-
eral Government, shall submit to the appropriate congressional committees a report setting forth—

(1) the strategy under subsection (b); and

(2) a plan to implement the strategy, including
to—

(A) ensure the freedom of navigation of space assets and protect the supply chain relating to such assets and manufacturing process of such assets from threats from China, Russia, Iran, and North Korea, which may include protection from intellectual property theft and threats with respect to electronic warfare capabilities;

(B) identify capabilities required to ensure civil and national security space leadership;

(C) provide contingency and resiliency for civil and national security space operations; and

(D) strengthen relations with the allies of the United States with respect to space.

(d) ASSESSMENT AND REPORT.—

(1) ASSESSMENT AND REPORT REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence and the Administrator of the National Aero-
nautics and Space Administration, shall submit to the appropriate congressional committees a report that includes—

(A) an assessment of the capabilities and role of relevant departments and agencies of the Federal Government to—

(i) ensure access to launch, communications, and freedom of navigation and other relevant infrastructure and services for civil and national security space programs and activities; and

(ii) identify vulnerabilities that could affect access to space infrastructure; and

(iii) address financial security and cybersecurity concerns threatening commercial and Federal Government launch sites of the United States; and

(B) recommendations and costs to improve the capabilities assessed pursuant to subparagraph (A), including recommendations with respect to—

(i) the electronic warfare capabilities of China, Russia, Iran, and North Korea; and
(ii) the use of counterspace weapons and cyber attacks by China, Russia, Iran, and North Korea.

(2) FORM.—The report under paragraph (1) may include a classified annex.

(e) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services of the House of Representatives;

(B) the Committee on Science, Space, and Technology of the House of Representatives;

(C) the Committee on Foreign Affairs of the House of Representatives;

(D) the Committee on Energy and Commerce of the House of Representatives;

(E) the Permanent Select Committee on Intelligence of the House of Representatives;

(F) the Committee on Armed Services of the Senate;

(G) the Committee on Foreign Relations of the Senate;

(H) the Committee on Commerce, Science, and Transportation of the Senate; and
(I) the Select Committee on Intelligence of
the Senate.

(2) The term “launch site” has the meaning
given that term under section 50902 of title 51,
United States Code.

SEC. 1755. NONIMMIGRANT STATUS FOR CERTAIN NATIONALS OF PORTUGAL.

For purposes of clauses (i) and (ii) of section
101(a)(15)(E) of the Immigration and Nationality Act (8
U.S.C. 1101(a)(15)(E)), Portugal shall be considered to
be a foreign state described in such section if the Govern-
ment of Portugal provides similar nonimmigrant status to
nationals of the United States.

SEC. 1756. SENSE OF CONGRESS ON EXTENSION OF LIMITA-
TIONS ON IMPORTATION OF URANIUM FROM
RUSSIAN FEDERATION.

It is the sense of Congress that—

(1) a secure nuclear fuel supply chain is essen-
tial to the economic and national security of the
United States;

(2) the Government of the Russian Federation
uses its control over energy resources, including in
the civil nuclear sector, to exert political influence
and create economic dependency in other countries;
(3) the Agreement Suspending the Antidumping
Investigation on Uranium from the Russian Federation (commonly referred to as the “Russian Suspension Agreement”), which limits imports of Russian uranium to 20 percent of the market share, is vital to averting American dependence on Russian energy;

(4) the United States should—

(A) expeditiously complete negotiation of an extension of the Russian Suspension Agreement to cap the market share for Russian uranium at 20 percent or lower; or

(B) if an agreement to extend the Russian Suspension Agreement cannot be reached, complete the antidumping investigation under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) with respect to imports of uranium from the Russian Federation—

(i) to avoid unfair trade in uranium and maintain a nuclear fuel supply chain in the United States, consistent with the national security and nonproliferation goals of the United States; and

(ii) to protect the United States nuclear fuel supply chain from the continued manipulation of the global and United
States uranium markets by the Russian Federation and Russian-influenced competitors;

(5) a renegotiated, long-term extension of the Russian Suspension Agreement can prevent adversaries of the United States from monopolizing the nuclear fuel supply chain;

(6) as was done in 2008, upon completion of a new negotiated long-term extension of the Russian Suspension Agreement, Congress should enact legislation to codify the terms of extension into law to ensure long-term stability for the domestic nuclear fuel supply chain; and

(7) if the negotiations to extend the Russian Suspension Agreement prove unsuccessful, Congress should be prepared to enact legislation to prevent the manipulation by the Russian Federation of global uranium markets and potential domination by the Russian Federation of the United States uranium market.

SEC. 1757. AUTHORITY TO ESTABLISH A MOVEMENT CO-ORDINATION CENTER PACIFIC IN THE

INDOPACIFIC REGION.

(a) Authority To Establish.—
(1) **IN GENERAL.**—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize—

(A) the establishment of a Movement Coordination Center Pacific (in this section referred to as the “Center”); and

(B) participation of the Department of Defense in an Air Transport and Air-to-Air refueling and other Exchanges of Services program (in this section referred to as the “ATARES program”) of the Center.

(2) **SCOPE OF PARTICIPATION.**—Participation in the ATARES program under paragraph (1)(B) shall be limited to the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind or the exchange of air transportation or air refueling services of an equal value with foreign militaries.

(3) **LIMITATIONS.**—The Department of Defense’s balance of executed transportation hours, whether as credits or debits, in participation in the ATARES program under paragraph (1)(B) may not exceed 500 hours. The Department of Defense’s balance of executed flight hours for air refueling in the
ATARES program under paragraph (1)(B) may not exceed 200 hours.

(b) Written Arrangement or Agreement.—

(1) Arrangement or Agreement Required.—The participation of the Department of Defense in the ATARES or exchange like program under subsection (a) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State.

(2) Funding Arrangements.—If Department of Defense facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost-sharing or other funding arrangement.

(3) Other Elements.—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits and liabilities resulting from an unequal exchange or transfer of air transportation or air refueling services shall be liquidated, not less than once every 5 years, through the ATARES program.
(c) IMPLEMENTATION.—In carrying out any written arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

(1) pay the Department of Defense’s equitable share of the operating expenses of the Center and the ATARES program from funds available to the Department of Defense for operation and maintenance; and

(2) assign members of the Armed Forces or Department of Defense civilian personnel, within billets authorized for the United States Indo-Pacific Command, to duty at the Center as necessary to fulfill the Department of Defense obligations under that arrangement or agreement.

(d) REPORT.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report that contains—

(1) a summary of the coordination structure of the center and program, and details related to its formation and implementation;

(2) list of the military services, by country, participating or seeking to participate in the program;

(3) for each country on the list under paragraph (2), a description of completed agreements
and those still to be completed with host nations, as applicable; and

(4) any other relevant matters that the Secretary determines should be included.

SEC. 1758. ESTABLISHMENT OF VETTING PROCEDURES AND MONITORING REQUIREMENTS FOR CERTAIN MILITARY TRAINING.

(a) Establishment of Vetting Procedures.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish procedures to vet covered individuals for eligibility for physical access to Department of Defense installations and facilities within the United States.

(2) Criteria for Procedures.—The procedures established under paragraph (1) shall include biographic and biometric screening of covered individuals, continuous review of whether covered individuals should continue to be authorized for physical access, biographic checks of the immediate family members of covered individuals, and any other measures that the Secretary determines appropriate for vetting.

(3) Collection of Information.—The Secretary shall—
(A) collect the information required to vet individuals under the procedures established under this subsection;

(B) as required for the effective implementation of this section, seek to enter into agreements with the relevant departments and agencies of the United States to facilitate the sharing of information in the possession of such departments and agencies concerning covered individuals; and

(C) ensure that the initial vetting of covered individuals is conducted as early and promptly as practicable, to minimize disruptions to United States programs to train foreign military students.

(b) Determination Authority.—

(1) Review of vetting results.—The Secretary shall assign to an organization within the Department with responsibility for security and counterintelligence the responsibility of—

(A) reviewing the results of the vetting of a covered individual conducted under subsection (a); and

(B) making a recommendation regarding whether such individual should be given phys-
(2) NEGATIVE RECOMMENDATION.—If the recommendation with respect to a covered individual under paragraph (1)(B) is that the individual should not be given physical access to a Department of Defense installation or facility—

(A) such individual may only be given such access if such access is authorized by the Secretary of Defense or the Deputy Secretary of Defense; and

(B) the Secretary of Defense shall ensure that the Secretary of State is promptly provided with notification of such recommendation.

(c) ADDITIONAL SECURITY MEASURES.—

(1) SECURITY MEASURES REQUIRED.—The Secretary of Defense shall ensure that—

(A) all Department of Defense common access cards issued to foreign nationals in the United States comply with the credentialing standards issued by the Office of Personnel Management;

(B) all such common access cards issued to foreign nationals in the United States include a visual indicator as required by the standard de-
developed by the Department of Commerce National Institute of Standards and Technology;

(C) physical access by covered individuals is limited, as appropriate, to those Department of Defense installations or facilities within the United States directly associated with the training or education or necessary for such individuals to access authorized benefits;

(D) a policy is in place covering possession of firearms on Department of Defense property by covered individuals;

(E) covered individuals who have been granted physical access to Department of Defense installations and facilities are incorporated into the Insider Threat Program of the Department of Defense; and

(F) covered individuals are prohibited from transporting, possessing, storing, or using personally owned firearms on Department of Defense installations or property consistent with the Secretary of Defense policy memorandum dated January 16, 2020.

(2) EFFECTIVE DATE.—The security measures required under paragraph (1) shall take effect on
the date that is 181 days after the date of the enactment of this Act.

(3) Notification required.—Upon the establishment of the security measures required under paragraph (1), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives notice of the establishment of such security measures.

(d) Reporting Requirements.—

(1) Briefing requirement.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committee on Armed Services of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representative a briefing on the establishment of any policy or guidance related to the implementation of this section.

(2) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall submit to such committees a report on the implementation and effects of this section. Such report shall include a description of—

(A) any positive or negative effects on the training of foreign military students as a result of this section;
(B) the effectiveness of the vetting procedures implemented pursuant to this section in preventing harm to members of the Armed Forces and United States persons;

(C) any mitigation strategies used to address any negative effects of the implementation of this section; and

(D) a proposed plan to mitigate any ongoing negative effects to the vetting and training of foreign military students by the Department of Defense.

(3) REPORT BY COMPTROLLER GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress an unclassified report (which may contain a classified annex) on the safety and security of United States personnel and international students assigned to United States military bases participating in programs authorized under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) (relating to international military education and training), particularly with respect to whether—

(A) relevant United States diplomatic and consular personnel properly vet foreign per-
sonnel participating in such programs and enter-
ing such bases;

(B) existing screening protocols with re-
spect to such vetting include counter-terrorism
screening and are sufficiently effective at ensur-
ing 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

(e) VETTING PROCEDURES REVIEW FOR DEPART-
MENT OF STATE REGIONAL AND COUNTRY STRATE-
gIES.—The Secretary of State shall ensure that any com-
prehensive regional strategy, such as a joint regional strat-
egy 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
a review of vetting procedures for diplomatic visas that
includes—

(1) an evaluation of the vetting procedures of
diplomatic and consular posts for issuing visas to
diplomats and government officials;

(2) an analysis of the frequency and regularity
of the review of such procedures;

(3) a description of the methods and resources
used to vet applications for diplomatic visas;

(4) a description of the methodologies employed
for ensuring any such diplomatic visas issued for
purposes of security assistance (as such term is de-
defined for purposes of section 502B of the Foreign
Assistance Act of 1961) are vetted 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); and

(5) a description of the methods and resources
used to conduct recurring reviews of individuals re-
main ing in the United States for more than one year
from the date of the issuance of a visa, and recur-
ring reviews of individuals entering the United
States on a multi-entry visa over a period of time
longer than 1 year.
(f) Definitions.—In this section:

(1) The term “covered individual” means any foreign national (except foreign nationals of Australia, Canada, New Zealand, and the United Kingdom who have been granted a security clearance that is reciprocally accepted by the United States for access to classified information) who—

(A) is seeking physical access to a Department of Defense installation or facility within the United States; and

(B) is—

(i) selected, nominated, or accepted for training or education for a period of more than 14 days occurring on a Department of Defense installation or facility within the United States; or

(ii) an immediate family member accompanying any foreign national who has been selected, nominated, or accepted for such training or education.

(2) The term “United States” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and Guam.

(3) The term “immediate family member” with respect to any individual means the parent, step-par-
ent, sibling, step-sibling, half-sibling, child, or step-child of the individual.

SEC. 1759. WOMEN, PEACE, AND SECURITY ACT IMPLEMENTATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that $15,000,000 annually is an appropriate allocation of funding to be made available for activities consistent with the Women, Peace, and Security Act of 2017 (Public Law 115–68; 131 Stat. 1202) and with any guidance specified in this section, in order to fully implement such Act and in furtherance of the national security priorities of the United States.

(b) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2025, the Secretary of Defense shall carry out activities consistent with the Women, Peace, and Security Act of 2017 and with the guidance specified in this section, including by carrying out—

(1) any Defense-wide directives and programs that advance the implementation of the Women, Peace, and Security Act of 2017, including directives relating to military doctrine, programs that are applicable across the Department, and programs that are specific to a combatant command;
(2) the hiring and training of full-time equivalent personnel as gender advisors of the Department;

(3) the integration of gender analysis into training for military personnel across ranks, to include special emphasis on senior level training and support for women, peace, and security; and

(4) security cooperation activities that further implement the Women, Peace, and Security Act of 2017.

(c) Security Cooperation Activities.—Consistent with the Women, Peace, and Security Act of 2017, the Secretary of Defense, in coordination with the Secretary of State, shall incorporate gender analysis and participation by women into security cooperation activities conducted with the national security forces of foreign countries pursuant to subsection (b)(4), including by—

(1) incorporating gender analysis (including data disaggregated by sex) and priorities for women, peace, and security into educational, training, and capacity-building materials and programs, including as authorized by section 333 of title 10, United States Code;

(2) advancing and advising on the recruitment, employment, development, retention, and promotion
of women in the national security forces of such foreign countries, including by—

(A) identifying available military career opportunities for women;
(B) promoting such career opportunities among women and girls;
(C) promoting the skills necessary for such careers;
(D) encouraging the interest of women and girls in such careers, including by highlighting as role models women in such careers in the United States or in applicable foreign countries; and
(E) advising on best practices to prevent the harassment and abuse of women serving in the national security forces of such foreign countries;

(3) incorporating training and advising to address sexual harassment and abuse against women within such national security forces;
(4) integrating gender analysis into policy and planning;
(5) ensuring any infrastructure constructed pursuant to the security cooperation activity addresses the requirements of women serving in such
national security forces, including by addressing appropriate equipment; and

(6) including Department of Defense personnel who are women in security cooperation activities of the United States conducted abroad.

(d) PARTNER COUNTRY ASSESSMENTS.—The Secretary of Defense shall include in any partner country assessment conducted in the course of carrying out security cooperation activities specified in subsection (b)(4) consideration of any barriers or opportunities with respect to women in the national security forces of such partner countries, including any barriers or opportunities relating to—

(1) protections against exploitation, abuse, and harassment; or

(2) recruitment, employment, development, retention, or promotion of the women.

(e) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State—

(A) shall direct and carry out a pilot program to conduct partner country assessments referred to in subsection (d) on barriers to the participation of women in the national security 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
the combatant commands and relevant United States ambassadors, shall select one partner country from within the geographic area of responsibility of each geographic combatant command for participation in the pilot program.

(B) CONSIDERATION.—In making the selection under subparagraph (A), the demonstrated political commitment of the partner country to increasing the participation of women in the security sector and the national security priorities and theater campaign strategies of the United States shall be considered.

(3) PILOT BARRIER ASSESSMENT.—A pilot barrier assessment under this subsection shall be—

(A) adapted to the local context of the partner country being assessed;

(B) conducted in collaboration with the security sector of the partner country being assessed; and

(C) based on tested methodologies.

(4) FINDINGS.—

(A) IN GENERAL.—The Secretary of Defense should use findings from each pilot barrier assessment to inform effective security cooperation activities and security sector assist-
ance interventions by the United States in the partner country assessed. Such activities and interventions shall substantially increase opportunities for the recruitment, employment, development, retention, deployment, and promotion of women in the national security forces of such partner country (including for deployments to peace operations and for participation in counterterrorism operations and activities).

(B) Model Methodology.—The Secretary of Defense, in coordination with the Secretary of State, shall develop a model barrier assessment methodology from the findings of the pilot program for use across the geographic combatant commands.

(5) Reports on Pilot Program.—

(A) Initial Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress an initial report on the implementation of the pilot program under this subsection, including an identification of the partner counties selected for par-
ticipation in the program and the justifications for such selections.

(B) UPDATE TO REPORT.—Not later than 2 years after the date on which the initial report under subparagraph (A) is submitted, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress an update to the initial report.

(C) REPORT ON METHODOLOGY.—On the date on which the Secretary of Defense determines the pilot program to be complete, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a report on the model barrier assessment methodology developed under paragraph (4)(B).

(f) BUILDING UNITED STATES CAPACITY.—

(1) MILITARY SERVICE ACADEMIES.—Consistent with subsection (c)(6), the Secretary of Defense shall make every effort to encourage the admission of diverse individuals (including individuals who are women) to each military service academy, including by—
(A) establishing programs that hold commanding officers accountable for removing biases with respect to such individuals;

(B) ensuring that each military service academy fosters a zero tolerance environment for harassment towards such individuals; and

(C) ensuring that each military service academy fosters equal opportunities for growth that enable the full participation of such individuals in all training programs, career tracks, and elements of the Department, especially in elements of the Armed Forces previously closed to women, such as infantry and special operations forces.

(2) Partnerships with Schools and Non-profit Organizations.—The Secretary of Defense shall make every effort to enter into partnerships with elementary schools, secondary schools, postsecondary educational institutions, and nonprofit organizations, to support activities relating to the implementation of the Women, Peace, and Security Act of 2017.

(g) Standardization of Policies.—

(1) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary
of Defense shall initiate a process to standardize policies relating to women, peace, and security across the Department of Defense.

(2) Roles, responsibilities, and requirements.—In carrying out the process initiated under paragraph (1), the Secretary shall establish roles, responsibilities, and requirements for gender advisors, gender focal points, and women, peace, and security subject matter experts, including with respect to commander and senior official-level engagement and support for women, peace, and security commitments.

(h) Department education, and training.—The Secretary of Defense shall—

(1) integrate gender analysis into relevant training for all members of the Armed Forces and civilian employees of the Department of Defense;

(2) develop standardized training, across the Department, for gender advisors, gender focal points, and women, peace, and security subject matter experts;

(3) ensure that gender analysis and the meaningful participation of women and their relationship to security outcomes is addressed in professional military education curriculum; and
(4) build the capacity of the Department to conduct the partner country assessments referred to in subsection (d).

(i) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Director of the Defense Security Cooperation Agency shall provide a briefing to the appropriate committees of Congress on the efforts to build partner defense institution and security force capacity pursuant to this section.

(j) REPORTS.—During the period beginning on the date of the enactment and ending on January 1, 2025, on a basis that is not less frequently than annually, the Secretary of Defense shall submit to the appropriate committees of Congress reports on the steps the Department has taken to implement the Women, Peace, and Security Act of 2017, including with respect to activities carried out under this section.

(k) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and
(B) the Committee on Armed Services and
the Committee on Foreign Relations of the Sen-
ate.

(2) The term “gender analysis” has the mean-
ing given that term in the Women’s Entrepreneur-
ship and Economic Empowerment Act of 2018
(Public Law 115–428; 132 Stat. 5509).

(3) The terms “elementary school” and “sec-
ondary school” have the meanings given those terms
in section 8101 of the Elementary and Secondary

(4) The term “postsecondary educational insti-
tution” has the meaning given that term in section
3 of the Carl D. Perkins Career and Technical Edu-

SEC. 1760. DEVELOPING CRISIS CAPABILITIES TO MEET
NEEDS FOR HOMELAND SECURITY-CRITICAL
SUPPLIES.

(a) IN GENERAL.—The Secretary of Homeland Secu-
rity shall coordinate with the Secretary of Health and
Human Services, the Administrator of the Environmental
Protection Agency, and the heads of other relevant Fed-
eral departments and agencies—

(1) to identify categories of homeland security-
critical supplies that would be needed to address po-
tential national emergencies or disasters, including any public health emergency, act of terrorism (as defined in section 3077 of title 18, United States Code), cyber attack, and other attack;

(2) to develop plans, designs, and guidance relating to the production, in accordance with other applicable law, of the categories of homeland security-critical supplies identified pursuant to paragraph (1) to address the respective national emergencies and disasters, including such production by nontraditional manufacturers; and

(3) based on such final plans, designs, and guidance, to enter into such contingent arrangements with governmental and private entities, in accordance with other applicable law, as may be necessary to expedite the production of homeland security-critical supplies in the event of a national emergency or disaster.

(b) PROCESS.—In coordinating the development or revision of a plan, design, or guidance with respect to any homeland security-critical supply under this section:

(1) The Secretary of Homeland Security shall give each Federal department or agency with responsibility for regulating the supply an opportunity—
(A) to contribute to the development or revision of the plan, design, or guidance; and

(B) to approve or disapprove the plan, design, or guidance under regulations appropriate to approving the supply for emergency or disaster use.

(2) If a Federal department or agency with responsibility for regulating the homeland security-critical supply disapproves of the plan, design, or guidance with respect to the supply, the head of the disapproving department or agency shall provide to the Secretary of Homeland Security the rationale for the disapproval.

(3) The Secretary of Homeland Security may—

(A) if no Federal department or agency disapproves a plan, design, or guidance as described in paragraphs (1)(B) and (2), finalize the plan, design, or guidance for purposes of subsections (a)(3) and (e); and

(B) if a Federal department or agency does disapprove a plan, design, or guidance as described in paragraphs (1)(B) and (2), provide an updated plan, design, or guidance for review and approval or disapproval in accordance with paragraphs (1) and (2).
(c) Public Posting.—The Secretary of Homeland Security shall publish each final plan, design, or guidance that is developed under this section on a public Internet website, except that the Secretary may withhold publication of, or redact information from the publication of, a plan, design, or guidance if—

(1) publicly posting the information would not be in the interest of homeland security;

(2) the information is protected from public disclosure by other applicable law; or

(3) the information is protected from public disclosure by contract.

(d) Relation to Other Law.—Nothing in this section shall be construed to expand, repeal, limit, or otherwise affect the provisions of other applicable law pertaining to the regulation of a homeland security-critical supply.

(e) Biennial Review.—Not less than every 2 years, in accordance with subsections (a) through (e), the Secretary of Homeland Security shall coordinate the review and, as needed, revision of each plan, design, and guidance in effect under this section.

(f) Definition.—In this section:

(1) The term “homeland security-critical supply”—
(A) means any supply needed to ensure public safety and welfare during—

(i) a national emergency or disaster, including any public health emergency, act of terrorism (as defined in section 3077 of title 18, United States Code), cyber attack, and other attack; or

(ii) any other reasonably foreseeable contingency of grave consequence to the United States during which shortages are reasonably anticipated; and

(B) includes a vaccine, a medication, medical equipment, and personal protective equipment.

(2) The term “nontraditional manufacturer” may include (as determined by the Secretary)—

(A) a home craftsperson;

(B) a distiller;

(C) a cosmetic manufacturer;

(D) a manufacturing facility primarily designed for an industry other than manufacturing homeland security-critical supplies;

(E) an institution of higher education;

(F) an advanced manufacturing facility;

(G) a machine shop; and
(H) a research laboratory.

SEC. 1761. ESTABLISHMENT OF WESTERN EMERGENCY Refined Petroleum Products Reserve.

(a) Establishment.—The Secretary of Defense, acting through the Director of the Defense Logistics Agency, shall establish a reserve, to be known as the “Western Emergency Refined Petroleum Products Reserve” (in this section referred to as the “Reserve”), to store refined petroleum products that may be made available to military and governmental entities during an emergency situation, as determined appropriate by the Secretary of Defense.

(b) Use of Reserve.—In accordance with subsection (a), the Secretary of Defense may make refined petroleum products stored in the Reserve available to other Federal agencies, State and local governments, and any other public entity determined appropriate by the Secretary of Defense.

(c) Reimbursement.—The Secretary of Defense shall require reimbursement for associated costs for storage capacity or refined petroleum products made available to other Federal agencies, State or local governments, or any other public entity pursuant to this section.

(d) Location.—The Reserve shall—
(1) be located in the western region of the United States;

(2) utilize salt cavern storage; and

(3) be in immediate proximity to existing pipeline, rail, and highway infrastructure.

(c) **CONDITION ON COMMENCEMENT.**—Commencement of the program shall be subject to the availability of appropriations for the program.

**SEC. 1762. FOREIGN STATE COMPUTER INTRUSIONS.**

(a) **IN GENERAL.**—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605B the following:

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§ 1605C. Computer intrusions by a foreign state

“A foreign state shall not be immune from the jurisdiction of the courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state by a national of the United States for personal injury, harm to reputation, or damage to or loss of property resulting from any of the following activities, whether occurring in the United States or a foreign state:

“(1) Unauthorized access to or access exceeding authorization to a computer located in the United States.
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“(2) Unauthorized access to confidential, electronic stored information located in the United States.

“(3) The transmission of a program, information, code, or command to a computer located in the United States, which, as a result of such conduct, causes damage without authorization.

“(4) The use, dissemination, or disclosure, without consent, of any information obtained by means of any activity described in paragraph (1), (2), or (3).

“(5) The provision of material support or resources for any activity described in paragraph (1), (2), (3), or (4), including by an official, employee, or agent of such foreign state.”.

(b) Clerical Amendment.—The table of sections for chapter 97 of title 28, United States Code, is amended by inserting after the item relating to section 1605B the following:

“1605C. Computer intrusions by a foreign state.”.

(c) Application.—This section and the amendments made by this section shall apply to any action pending on or filed on or after the date of the enactment of this Act.
SEC. 1763. ONLINE AND DISTANCE EDUCATION CLASSES AND NONIMMIGRANT VISAS.

(a) In General.—Notwithstanding any other provision of law, for the period described in subsection (b), a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) may engage in online or distance education classes or programs that are determined necessary by an institution or program described in such subparagraph for the protection of health and safety, and such classes or programs shall count towards the requirement to pursue a full course of study to maintain nonimmigrant status.

(b) Period Described.—The period described in this section—

(1) begins on March 13, 2020; and

(2) ends on the date that is the later of—

(A) June 30, 2021; or

(B) the date that is 90 days after the date on which the public health emergency declared with respect to COVID–19 by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) is terminated.
SEC. 1764. TRANSFER OF MARE ISLAND NAVAL CEMETERY TO SECRETARY OF VETERANS AFFAIRS FOR MAINTENANCE BY NATIONAL CEMETARY ADMINISTRATION.

(a) AGREEMENT.—Beginning on the date that is 180 days after the date on which the Secretary submits the report required by subsection (c)(1), the Secretary of Veterans Affairs shall seek to enter into an agreement with the city of Vallejo, California, under which the city of Vallejo shall transfer to the Secretary all right, title, and interest in the Mare Island Naval Cemetery in Vallejo, California, at no cost to the Secretary. The Secretary shall seek to enter into such agreement before the date that is 1 year after the date on which such report is submitted.

(b) MAINTENANCE BY NATIONAL CEMETARY ADMINISTRATION.—If the Mare Island Naval Cemetery is transferred to the Secretary of Veterans Affairs pursuant to subsection (a), the National Cemetery Administration shall maintain the cemetery as a national shrine.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a re-
port on the feasibility and advisability of exercising the authority granted by subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the feasibility and advisability of exercising the authority granted by subsection (a).

(B) An estimate of the costs, including both direct and indirect costs, that the Department of Veterans Affairs would incur by exercising such authority.

SEC. 1765. MITIGATION OF HELICOPTER NOISE.

(a) IN GENERAL.—The Secretary of Defense shall take the following actions to mitigate helicopter noise and to receive, track, and analyze complaints on an ongoing basis from individuals in the National Capital Region:

(1) Develop a noise inquiry website, to assist in directing mitigation efforts toward concentrated areas of inquiry, that is based off of the websites of the Ronald Reagan Washington National Airport and the Dulles International Airport. Such website shall—

(A) provide a form to collect inquiry information;
(B) geo-tag the location of the inquiry to an exportable map;

(C) export information to an Excel spreadsheet; and

(D) send an email response to the individual making the inquiry.

(2) Establish a helicopter noise abatement working group led by the Department of Defense to collect, correlate, and identify trends associated with helicopter noise within the National Capital Region, with officials of the Department of Defense and the Federal Aviation Administration in attendance. The working group shall recommend procedural changes to mitigate the impact of helicopter noise on the community only to the extent consistent with aviation safety and airspace efficiency and while sustaining aircrew readiness, training, and mission support.

(b) Definition of National Capital Region.—In this section, the term “National Capital Region” has the meaning given the term in section 2574 of title 10, United States Code.
SEC. 1766. DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN SPORTING EVENTS.

Section 2564 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “the Paralympics,” after “the Olympics,”; and

(2) in subsection (c)—

(A) in the subsection heading, by striking “INAPPLICABILITY TO” and inserting “SUPPORT OF”;

(B) by striking “Subsections (a) and (b) do not apply to” and inserting “The Secretary of Defense may authorize technical, contracting, and specialized equipment support to”;

(C) in paragraph (4), by inserting “and Paralympic” after “Olympic”; and

(D) in paragraph (5)(A)(iii), by inserting “and Paralympic” after “Olympic”.

SEC. 1767. PILOT PROGRAM FOR ONLINE REAL ESTATE INVENTORY TOOL.

(a) IN GENERAL.—The Secretary of the Army in consultation with Administrator of the General Services Administration and Assistant Secretary of Defense for Sustainment shall establish a pilot program for developing an online real estate tool of existing inventory of space available at Army installations.
(b) PURPOSE.—The purpose of the online inventory tool is to—

(1) achieve efficiencies in real estate property management consistent with the National Defense Strategy goal of finding greater efficiencies within the Department of Defense operations;

(2) provide a public tool to better market space available at Army installations for better utilization of existing space; and

(3) provide a tool to better quantify existing space and how it is utilize for current missions and requirements.

(c) CONSIDERATIONS.—The Secretary of the Army shall consider—

(1) innovative approaches to establishing this pilot program including use of other transaction authorities consistent with section 2371 of title 10, United States Code, as well as use of commercial off-the-shelf technologies;

(2) developing appropriate protections of sensitive or classified information from being included with the online inventory tool; and

(3) developing appropriate levels of access for private sector users of the system.
(d) **Establishment of Policy.**—After the pilot program has been established and locations identified, the Secretary of the Army shall develop policy requiring the use of the system described in subsection (a) to query for existing inventory before any military construction or off-post leases are agreed to. The Secretary of the Army shall ensure that all relevant notifications to congressional defense committees include certification that the system in subsection (a) was queried.

(e) **Rule of Construction.**—Nothing in this section shall be construed to effect the application of title V of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411 et seq.).

**SEC. 1768. ESTABLISHMENT OF SOUTHERN NEW ENGLAND REGIONAL COMMISSION.**

(a) **Establishment.**—Section 15301(a) of title 40, United States Code, is amended by adding at the end the following:

“(4) The Southern New England Regional Commission.”.

(b) **Designation of Region.**—

(1) **In General.**—Subchapter II of chapter 157 of such title is amended by adding at the end the following:
“§ 15734. Southern New England Regional Commission

“The region of the Southern New England Regional Commission shall include the following counties:

“(1) RHODE ISLAND.—The counties of Providence, Washington, Newport, and Bristol in the State of Rhode Island.


“(3) MASSACHUSETTS.—The counties of Hampden and Bristol in the State of Massachusetts.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for Subchapter II of chapter 157 of such title is amended by adding at the end the following:

“15734. Southern New England Regional Commission.”.

(e) AUTHORIZATION OF APPROPRIATIONS.—The authorization of appropriations in section 15751 of title 40, United States Code, shall apply with respect to the Southern New England Regional Commission beginning with fiscal year 2021.

SEC. 1769. FEDRAMP AUTHORIZATION ACT.

(a) SHORT TITLE.—This section may be cited as the “Federal Risk and Authorization Management Program

(b) Codification of the FedRAMP Program.—

(1) Amendment.—Chapter 36 of title 44, United States Code, is amended by adding at the end the following new sections:

“§ 3607. Federal Risk and Authorization Management Program

“(a) Establishment.—There is established within the General Services Administration the Federal Risk and Authorization Management Program. The Administrator of General Services, in accordance with the guidelines established pursuant to section 3612, shall establish a governmentwide program that provides the authoritative standardized approach to security assessment and authorization for cloud computing products and services that process unclassified information used by agencies.

“(b) Components of FedRAMP.—The Joint Authorization Board and the FedRAMP Program Management Office are established as components of FedRAMP.

“§ 3608. FedRAMP Program Management Office

“(a) GSA Duties.—

“(1) Roles and responsibilities.—The Administrator of General Services shall—
“(A) determine the categories and characteristics of cloud computing information technology goods or services that are within the jurisdiction of FedRAMP and that require FedRAMP authorization from the Joint Authorization Board or the FedRAMP Program Management Office;

“(B) develop, coordinate, and implement a process for the FedRAMP Program Management Office, the Joint Authorization Board, and agencies to review security assessments of cloud computing services pursuant to subsections (b) and (c) of section 3611, and appropriate oversight of continuous monitoring of cloud computing services; and

“(C) ensure the continuous improvement of FedRAMP.

“(2) IMPLEMENTATION.—The Administrator shall oversee the implementation of FedRAMP, including—

“(A) appointing a Program Director to oversee the FedRAMP Program Management Office;

“(B) hiring professional staff as may be necessary for the effective operation of the
FedRAMP Program Management Office, and such other activities as are essential to properly perform critical functions;

“(C) entering into interagency agreements to detail personnel on a reimbursable or non-reimbursable basis to assist the FedRAMP Program Management Office and the Joint Authorization Board in discharging the responsibilities of the Office under this section; and

“(D) such other actions as the Administrator may determine necessary to carry out this section.

“(b) DUTIES.—The FedRAMP Program Management Office shall have the following duties:

“(1) Provide guidance to independent assessment organizations, validate the independent assessments, and apply the requirements and guidelines adopted in section 3609(e)(5).

“(2) Oversee and issue guidelines regarding the qualifications, roles, and responsibilities of independent assessment organizations.

“(3) Develop templates and other materials to support the Joint Authorization Board and agencies in the authorization of cloud computing services to increase the speed, effectiveness, and transparency
of the authorization process, consistent with standards defined by the National Institute of Standards and Technology.

“(4) Establish and maintain a public comment process for proposed guidance before the issuance of such guidance by FedRAMP.

“(5) Issue FedRAMP authorization for any authorizations to operate issued by an agency that meets the requirements and guidelines described in paragraph (1).

“(6) Establish frameworks for agencies to use authorization packages processed by the FedRAMP Program Management Office and Joint Authorization Board.

“(7) Coordinate with the Secretary of Defense and the Secretary of Homeland Security to establish a framework for continuous monitoring and reporting required of agencies pursuant to section 3553.

“(8) Establish a centralized and secure repository to collect and share necessary data, including security authorization packages, from the Joint Authorization Board and agencies to enable better sharing and reuse to such packages across agencies.

“(c) EVALUATION OF AUTOMATION PROCEDURES.—
“(1) IN GENERAL.—The FedRAMP Program Management Office shall assess and evaluate available automation capabilities and procedures to improve the efficiency and effectiveness of the issuance of provisional authorizations to operate issued by the Joint Authorization Board and FedRAMP authorizations, including continuous monitoring of cloud environments and among cloud environments.

“(2) MEANS FOR AUTOMATION.—Not later than 1 year after the date of the enactment of this section and updated annually thereafter, the FedRAMP Program Management Office shall establish a means for the automation of security assessments and reviews.

“(d) METRICS FOR AUTHORIZATION.—The FedRAMP Program Management Office shall establish annual metrics regarding the time and quality of the assessments necessary for completion of a FedRAMP authorization process in a manner that can be consistently tracked over time in conjunction with the periodic testing and evaluation process pursuant to section 3554 in a manner that minimizes the agency reporting burden.

§ 3609. Joint Authorization Board

“(a) ESTABLISHMENT.—There is established the Joint Authorization Board which shall consist of cloud
computing experts, appointed by the Director in consultation with the Administrator, from each of the following:

“(1) The Department of Defense.
“(3) The General Services Administration.
“(4) Such other agencies as determined by the Director, in consultation with the Administrator.

“(b) Issuance of Provisional Authorizations To Operate.—The Joint Authorization Board shall conduct security assessments of cloud computing services and issue provisional authorizations to operate to cloud service providers that meet FedRAMP security guidelines set forth in section 3608(b)(1).

“(c) Duties.—The Joint Authorization Board shall—

“(1) develop and make publicly available on a website, determined by the Administrator, criteria for prioritizing and selecting cloud computing services to be assessed by the Joint Authorization Board;

“(2) provide regular updates on the status of any cloud computing service during the assessment and authorization process of the Joint Authorization Board;
“(3) review and validate cloud computing services and independent assessment organization security packages or any documentation determined to be necessary by the Joint Authorization Board to evaluate the system security of a cloud computing service;

“(4) in consultation with the FedRAMP Program Management Office, serve as a resource for best practices to accelerate the FedRAMP process;

“(5) establish requirements and guidelines for security assessments of cloud computing services, consistent with standards defined by the National Institute of Standards and Technology, to be used by the Joint Authorization Board and agencies;

“(6) perform such other roles and responsibilities as the Administrator may assign, in consultation with the FedRAMP Program Management Office and members of the Joint Authorization Board; and

“(7) establish metrics and goals for reviews and activities associated with issuing provisional authorizations to operate and provide to the FedRAMP Program Management Office.

“(d) DETERMINATIONS OF DEMAND FOR CLOUD COMPUTING SERVICES.—The Joint Authorization Board
shall consult with the Chief Information Officers Council established in section 3603 to establish a process for prioritizing and accepting the cloud computing services to be granted a provisional authorization to operate through the Joint Authorization Board, which shall be made available on a public website.

“(e) DETAIL OF PERSONNEL.—To assist the Joint Authorization Board in discharging the responsibilities under this section, personnel of agencies may be detailed to the Joint Authorization Board for the performance of duties described under subsection (c).

“§ 3610. Independent assessment organizations

“(a) REQUIREMENTS FOR ACCREDITATION.—The Joint Authorization Board shall determine the requirements for certification of independent assessment organizations pursuant to section 3609. Such requirements may include developing or requiring certification programs for individuals employed by the independent assessment organizations who lead FedRAMP assessment teams.

“(b) ASSESSMENT.—Accredited independent assessment organizations may assess, validate, and attest to the quality and compliance of security assessment materials provided by cloud service providers.
“§ 3611. Roles and responsibilities of agencies

“(a) IN GENERAL.—In implementing the requirements of FedRAMP, the head of each agency shall, consistent with guidance issued by the Director pursuant to section 3612—

“(1) create policies to ensure cloud computing services used by the agency meet FedRAMP security requirements and other risk-based performance requirements as defined by the Director;

“(2) issue agency-specific authorizations to operate for cloud computing services in compliance with section 3554;

“(3) confirm whether there is a provisional authorization to operate in the cloud security repository established under section 3608(b)(10) issued by the Joint Authorization Board or a FedRAMP authorization issued by the FedRAMP Program Management Office before beginning an agency authorization for a cloud computing product or service;

“(4) to the extent practicable, for any cloud computing product or service the agency seeks to authorize that has received either a provisional authorization to operate by the Joint Authorization Board or a FedRAMP authorization by the FedRAMP Program Management Office, use the existing assess-
ments of security controls and materials within the
authorization package; and

“(5) provide data and information required to
the Director pursuant to section 3612 to determine
how agencies are meeting metrics as defined by the
FedRAMP Program Management Office.

“(b) Submission of Policies Required.—Not
later than 6 months after the date of the enactment of
this section, the head of each agency shall submit to the
Director the policies created pursuant to subsection (a)(1)
for review and approval.

“(c) Submission of Authorizations To Operate
Required.—Upon issuance of an authorization to oper-
ate or a provisional authorization to operate issued by an
agency, the head of each agency shall provide a copy of
the authorization to operate letter and any supplementary
information required pursuant to section 3608(b) to the
FedRAMP Program Management Office.

“(d) Presumption of Adequacy.—

“(1) In general.—The assessment of security
controls and materials within the authorization
package for provisional authorizations to operate
issued by the Joint Authorization Board and agency
authorizations to operate that receive FedRAMP au-

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ment Office shall be presumed adequate for use in
agency authorizations of cloud computing products
and services.

“(2) INFORMATION SECURITY REQUIRE-
MENTS.—The presumption under paragraph (1)
does not modify or alter the responsibility of any
agency to ensure compliance with subchapter II of
chapter 35 for any cloud computing products or
services used by the agency.

“§3612. Roles and responsibilities of the Office of

Management and Budget

“The Director shall have the following duties:

“(1) Issue guidance to ensure that an agency
does not operate a Federal Government cloud com-
puting service using Government data without an
authorization to operate issued by the agency that
meets the requirements of subchapter II of chapter
35 and FedRAMP.

“(2) Ensure agencies are in compliance with
any guidance or other requirements issued related to
FedRAMP.

“(3) Review, analyze, and update guidance on
the adoption, security, and use of cloud computing
services used by agencies.
“(4) Ensure the Joint Authorization Board is in compliance with section 3609(e).

“(5) Adjudicate disagreements between the Joint Authorization Board and cloud service providers seeking a provisional authorization to operate through the Joint Authorization Board.

“(6) Promulgate regulations on the role of FedRAMP authorization in agency acquisition of cloud computing products and services that process unclassified information.

“§ 3613. Authorization of appropriations for FEDRAMP

“'There is authorized to be appropriated $20,000,000 each year for the FedRAMP Program Management Office and the Joint Authorization Board.

“§ 3614. Reports to Congress

“'Not later than 12 months after the date of the enactment of this section, and annually thereafter, the Director shall submit to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes the following:

“(1) The status, efficiency, and effectiveness of FedRAMP Program Management Office and agencies during the preceding year in supporting the
speed, effectiveness, sharing, reuse, and security of authorizations to operate for cloud computing products and services, including progress towards meeting the metrics adopted by the FedRAMP Program Management Office pursuant to section 3608(d) and the Joint Authorization Board pursuant to section 3609(c)(5).

“(2) Data on agency use of provisional authorizations to operate issued by the Joint Authorization Board and agency sponsored authorizations that receive FedRAMP authorization by the FedRAMP Program Management Office.

“(3) The length of time for the Joint Authorization Board to review applications for and issue provisional authorizations to operate.

“(4) The length of time for the FedRAMP Program Management Office to review agency applications for and issue FedRAMP authorization.

“(5) The number of provisional authorizations to operate issued by the Joint Authorization Board and FedRAMP authorizations issued by the FedRAMP Program Management Office for the previous year.

“(6) A review of progress made during the preceding year in advancing automation techniques to
securely automate FedRAMP processes and to accelerate reporting as described in this section.

“(7) The number and characteristics of authorized cloud computing services in use at each agency consistent with guidance provided by the Director in section 3612.

“§ 3615. Federal Secure Cloud Advisory Committee

“(a) Establishment, Purposes, and Duties.—

“(1) Establishment.—There is established a Federal Secure Cloud Advisory Committee (referred to in this section as the ‘Committee’) to ensure effective and ongoing coordination of agency adoption, use, authorization, monitoring, acquisition, and security of cloud computing products and services to enable agency mission and administrative priorities.

“(2) Purposes.—The purposes of the Committee are the following:

“(A) To examine the operations of FedRAMP and determine ways that authorization processes can continuously be improved, including the following:

“(i) Measures to increase agency reuse of provisional authorizations to operate issued by the Joint Authorization Board.
“(ii) Proposed actions that can be adopted to reduce the cost of provisional authorizations to operate and FedRAMP authorizations for cloud service providers.

“(iii) Measures to increase the number of provisional authorizations to operate or FedRAMP authorizations for cloud computing services offered by small businesses (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a))).

“(B) Collect information and feedback on agency compliance with and implementation of FedRAMP requirements.

“(C) Serve as a forum that facilitates communication and collaboration among the FedRAMP stakeholder community.

“(3) DUTIES.—The duties of the Committee are, at a minimum, the following:

“(A) Provide advice and recommendations to the Administrator, the Joint Authorization Board, and to agencies on technical, financial, programmatic, and operational matters regarding secure adoption of cloud computing services.

“(B) Submit reports as required.

“(b) MEMBERS.—
“(1) COMPOSITION.—The Committee shall be comprised of not more than 15 members who are qualified representatives from the public and private sectors, appointed by the Administrator, in consultation with the Administrator of the Office of Electronic Government, as follows:

“(A) The Administrator or the Administrator’s designee, who shall be the Chair of the Committee.

“(B) At least one representative each from the Cybersecurity and Infrastructure Security Agency and the National Institute of Standards and Technology.

“(C) At least two officials who serve as the Chief Information Security Officer within an agency, who shall be required to maintain such a position throughout the duration of their service on the Committee.

“(D) At least one official serving as Chief Procurement Officer (or equivalent) in an agency, who shall be required to maintain such a position throughout the duration of their service on the Committee.

“(E) At least one individual representing an independent assessment organization.
“(F) No fewer than five representatives from unique businesses that primarily provide cloud computing services or products, including at least two representatives from a small business (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a))).

“(G) At least two other government representatives as the Administrator determines to be necessary to provide sufficient balance, insights, or expertise to the Committee.

“(2) DEADLINE FOR APPOINTMENT.—Each member of the Committee shall be appointed not later than 30 days after the date of the enactment of this Act.

“(3) PERIOD OF APPOINTMENT; VACANCIES.—

“(A) IN GENERAL.—Each non-Federal member of the Committee shall be appointed for a term of 3 years, except that the initial terms for members may be staggered 1-, 2-, or 3-year terms to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

“(B) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall
be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office.

“(c) Meetings and Rules of Procedures.—

“(1) Meetings.—The Committee shall hold not fewer than three meetings in a calendar year, at such time and place as determined by the Chair.

“(2) Initial Meeting.—Not later than 120 days after the date of the enactment of this section, the Committee shall meet and begin the operations of the Committee.

“(3) Rules of Procedure.—The Committee may establish rules for the conduct of the business of the Committee, if such rules are not inconsistent with this section or other applicable law.

“(d) Employee Status.—

“(1) In General.—A member of the Committee (other than a member who is appointed to the Committee in connection with another Federal appointment) shall not be considered an employee of
the Federal Government by reason of any service as such a member, except for the purposes of section 5703 of title 5, relating to travel expenses.

“(2) PAY NOT PERMITTED.—A member of the Committee covered by paragraph (1) may not receive pay by reason of service on the panel.

“(e) APPLICABILITY TO THE FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding any other provision of law, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

“(f) HEARINGS AND EVIDENCE.—The Committee, or on the authority of the Committee, any subcommittee, may, for the purposes of carrying out this section, hold hearings, sit and act at such times and places, take testimony, receive evidence, and administer oaths.

“(g) CONTRACTING.—The Committee, may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Committee to discharge its duties under this section.

“(h) INFORMATION FROM FEDERAL AGENCIES.—

“(1) IN GENERAL.—The Committee is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the
Government, information, suggestions, estimates, and statistics for the purposes of the Committee. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Committee, upon request made by the Chair, the Chair of any subcommittee created by a majority of the Committee, or any member designated by a majority of the Committee.

“(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information may only be received, handled, stored, and disseminated by members of the Committee and its staff consistent with all applicable statutes, regulations, and Executive orders.

“(i) DETAIL OF EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement from the Committee, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

“(j) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as agencies.

“(k) EXPERT AND CONSULTANT SERVICES.—The Committee is authorized to procure the services of experts
and consultants in accordance with section 3109 of title 5, but at rates not to exceed the daily rate paid a person occupying a position at Level IV of the Executive Schedule under section 5315 of title 5.

“(l) Reports.—

“(1) INTERIM REPORTS.—The Committee may submit to the Administrator and Congress interim reports containing such findings, conclusions, and recommendations as have been agreed to by the Committee.

“(2) ANNUAL REPORTS.—Not later than 18 months after the date of the enactment of this section, and annually thereafter, the Committee shall submit to the Administrator and Congress a final report containing such findings, conclusions, and recommendations as have been agreed to by the Committee.

§ 3616. Definitions

“(a) IN GENERAL.—Except as provided under subsection (b), the definitions under sections 3502 and 3552 apply to sections 3607 through this section.

“(b) ADDITIONAL DEFINITIONS.—In sections 3607 through this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.
“(2) Authorization package.—The term ‘authorization package’—

“(A) means the essential information used to determine whether to authorize the operation of an information system or the use of a designated set of common controls; and

“(B) at a minimum, includes the information system security plan, privacy plan, security control assessment, privacy control assessment, and any relevant plans of action and milestones.

“(3) Cloud computing.—The term ‘cloud computing’ has the meaning given that term by the National Institutes of Standards and Technology in NIST Special Publication 800–145 and any amending or superseding document thereto.

“(4) Cloud service provider.—The term ‘cloud service provider’ means an entity offering cloud computing services to agencies.

“(5) Director.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(7) FedRAMP Authorization.—The term ‘FedRAMP authorization’ means a cloud computing product or service that has received an agency authorization to operate and has been approved by the FedRAMP Program Management Office to meet requirements and guidelines established by the FedRAMP Program Management Office.

“(8) FedRAMP Program Management Office.—The term ‘FedRAMP Program Management Office’ means the office that administers FedRAMP established under section 3608.

“(9) Independent Assessment Organization.—The term ‘independent assessment organization’ means a third-party organization accredited by the Program Director of the FedRAMP Program Management Office to undertake conformity assessments of cloud service providers.

“(10) Joint Authorization Board.—The term ‘Joint Authorization Board’ means the Joint Authorization Board established under section 3609.”.

(2) Technical and Conforming Amendment.—The table of sections for chapter 36 of title 44, United States Code, is amended by adding at the end the following new items:

(3) **SUNSET.**—This section and any amendment made by this section shall be repealed on the date that is 10 years after the date of the enactment of this section.

(4) **RULE OF CONSTRUCTION.**—Nothing in this section or any amendment made by this section shall be construed as altering or impairing the authorities of the Director of the Office of Management and Budget or the Secretary of Homeland Security under subchapter II of chapter 35 of title 44, United States Code.

**SEC. 1770. TAXPAYERS RIGHT-TO-KNOW ACT.**

(a) **SHORT TITLE.**—This section may be cited as the “Taxpayers Right-To-Know Act”.

(b) **INVENTORY OF GOVERNMENT PROGRAMS.**—Section 1122(a) of title 31, United States Code, is amended—

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

(2) by inserting before paragraph (2), as so redesignated, the following:
“(1) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘Federal financial assistance’ has the meaning given that term under section 7501;

“(B) the term ‘open Government data asset’ has the meaning given that term under section 3502 of title 44;

“(C) the term ‘program’ means a single program activity or an organized set of aggregated, disaggregated, or consolidated program activities by one or more agencies directed toward a common purpose or goal; and

“(D) the term ‘program activity’ has the meaning given that term in section 1115(h).”;

(3) in paragraph (2), as so redesignated—

(A) by striking “IN GENERAL.—Not later than October 1, 2012, the Office of Management and Budget shall” and inserting “WEBSITE AND PROGRAM INVENTORY.—The Director of the Office of Management and Budget shall”;

(B) in subparagraph (A), by inserting “that includes the information required under
subsections (b) and (c)” after “a single website”; and

(C) by striking subparagraphs (B) and (C) and inserting the following:

“(B) include on the website described in subparagraph (A), or another appropriate Federal Government website where related information is made available, as determined by the Director—

“(i) a program inventory that shall identify each program; and

“(ii) for each program identified in the program inventory, the information required under paragraph (3);

“(C) make the information in the program inventory required under subparagraph (B) available as an open Government data asset; and

“(D) at a minimum—

“(i) update the information required to be included on the single website under subparagraph (A) on a quarterly basis; and
“(ii) update the program inventory re-
quired under subparagraph (B) on an an-
nual basis.”;

(4) in paragraph (3), as so redesignated—

(A) in the matter preceding subparagraph

(A), by striking “described under paragraph (1)

shall include” and inserting “identified in the

program inventory required under paragraph

(2)(B) shall include”;

(B) in subparagraph (B), by striking

“and” at the end;

(C) in subparagraph (C), by striking the

period at the end and inserting “and,”; and

(D) by adding at the end the following:

“(D) for each program activity that is part

of a program—

“(i) a description of the purposes of

the program activity and the contribution

of the program activity to the mission and

goals of the agency;

“(ii) a consolidated view for the cur-

rent fiscal year and each of the 2 fiscal

years before the current fiscal year of—

“(I) the amount appropriated;

“(II) the amount obligated; and
“(III) the amount outlayed;

“(iii) to the extent practicable and permitted by law, links to any related evaluation, assessment, or program performance review by the agency, an inspector general, or the Government Accountability Office (including program performance reports required under section 1116), and other related evidence assembled in response to implementation of the Foundations for Evidence-Based Policymaking Act of 2018 (Public Law 115–435; 132 Stat. 5529);

“(iv) an identification of the statutes that authorize the program activity or the authority under which the program activity was created or operates;

“(v) an identification of any major regulations specific to the program activity;

“(vi) any other information that the Director of the Office of Management and Budget determines relevant relating to program activity data in priority areas most 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;
“(IV) to the extent practicable, the percentage of the amount appropriated for the assistance listing that is used for management and administration;

“(V) the identification of each award of Federal financial assistance and, to the extent practicable, the name of each direct or indirect recipient of the award; and

“(VI) any information relating to the award of Federal financial assistance that is required to be included on the website established under section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).”; and

(5) by adding at the end the following:

“(4) ARCHIVING.—The Director of the Office of Management and Budget shall—

“(A) archive and preserve the information included in the program inventory required under paragraph (2)(B) after the end of the period during which such information is made available under paragraph (3); and
“(B) make information archived in accordance with subparagraph (A) publicly available as an open Government data asset.”.

(c) GUIDANCE, IMPLEMENTATION, REPORTING, AND REVIEW.—

(1) DEFINITIONS.—In this subsection—

(A) the term “appropriate congressional committees” means the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the term “Director” means the Director of the Office of Management and Budget;

(C) the term “program” has the meaning given that term in section 1122(a)(1) of title 31, United States Code, as amended by subsection (b) of this section;

(D) the term “program activity” has the meaning given that term in section 1115(h) of title 31, United States Code; and

(E) the term “Secretary” means the Secretary of the Treasury.

(2) PLAN FOR IMPLEMENTATION AND RECONCILING PROGRAM DEFINITIONS.—Not later than 180 days after the date of enactment of this Act, the Di-
rector, in consultation with the Secretary, shall submit to the appropriate congressional committees a report that—

(A) includes a plan that—

(i) discusses how making available on a website the information required under subsection (a) of section 1122 of title 31, United States Code, as amended by subsection (b), will leverage existing data sources while avoiding duplicative or overlapping information in presenting information relating to program activities and programs;

(ii) indicates how any gaps in data will be assessed and addressed;

(iii) indicates how the Director will display such data; and

(iv) discusses how the Director will expand the information collected with respect to program activities to incorporate the information required under the amendments made by subsection (b);

(B) sets forth details regarding a pilot program, developed in accordance with best practices for effective pilot programs—
(i) to develop and implement a functional program inventory that could be limited in scope; and

(ii) under which the information required under the amendments made by subsection (b) with respect to program activities shall be made available on the website required under section 1122(a) of title 31, United States Code;

(C) establishes an implementation timeline for—

(i) gathering and building program activity information;

(ii) developing and implementing the pilot program;

(iii) seeking and responding to stakeholder comments;

(iv) developing and presenting findings from the pilot program to the appropriate congressional committees;

(v) notifying the appropriate congressional committees regarding how program activities will be aggregated, disaggregated, or consolidated as part of identifying programs; and
(vi) implementing a Governmentwide program inventory through an iterative approach; and

(D) includes recommendations, if any, to reconcile the conflicting definitions of the term “program” in relevant Federal statutes, as it relates to the purpose of this section.

(3) IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director shall make available online all information required under the amendments made by subsection (b) with respect to all programs.

(B) EXTENSIONS.—The Director may, based on an analysis of the costs of implementation, and after submitting to the appropriate congressional committees a notification of the action by the Director, extend the deadline for implementation under subparagraph (A) by not more than a total of 1 year.

(4) REPORTING.—Not later than 2 years after the date on which the Director makes available online all information required under the amendments made by subsection (b) with respect to all programs, the Comptroller General of the United States shall
submit to the appropriate congressional committees a report regarding the implementation of this section and the amendments made by this section, which shall—

(A) review how the Director and agencies determined how to aggregate, disaggregate, or consolidate program activities to provide the most useful information for an inventory of Government programs;

(B) evaluate the extent to which the program inventory required under section 1122 of title 31, United States Code, as amended by this section, provides useful information for transparency, decision-making, and oversight;

(C) evaluate the extent to which the program inventory provides a coherent picture of the scope of Federal investments in particular areas; and

(D) include the recommendations of the Comptroller General, if any, for improving implementation of this section and the amendments made by this section.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) In general.—Section 1122 of title 31, United States Code, is amended—
(A) in subsection (b), in the matter preceding paragraph (1), by inserting “described in subsection (a)(2)(A)” after “the website” each place it appears;

(B) in subsection (c), in the matter preceding paragraph (1), by inserting “described in subsection (a)(2)(A)” after “the website”; and

(C) in subsection (d)—

(i) in the subsection heading, by striking “ON WEBSITE”; and

(ii) in the first sentence, by striking “on the website”.

(2) OTHER AMENDMENTS.—

(A) Section 1115(a) of title 31, United States Code, is amended in the matter preceding paragraph (1) by striking “the website provided under” and inserting “a website described in”.

(B) Section 10 of the GPRA Modernization Act of 2010 (31 U.S.C. 1115 note) is amended—

(i) in subsection (a)(3), by striking “the website described under” and inserting “a website described in”; and

(ii) in subsection (b)—
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(I) in paragraph (1), by striking “the website described under” and inserting “a website described in”; and

(II) in paragraph (3), by striking “the website as required under” and inserting “a website described in”.

(C) Section 1120(a)(5) of title 31, United States Code, is amended by striking “the website described under” and inserting “a website described in”.

(D) Section 1126(b)(2)(E) of title 31, United States Code, is amended by striking “the website of the Office of Management and Budget pursuant to” and inserting “a website described in”.

(E) Section 3512(a)(1) of title 31, United States Code, is amended by striking “the website described under” and inserting “a website described in”.

SEC. 1771. BUILDING UNITED STATES CAPACITY FOR VERIFICATION AND MANUFACTURING OF ADVANCED MICROELECTRONICS.

(a) IN GENERAL.—The Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, shall carry out research and
development to enable advances and breakthroughs in
measurement science, standards, material characteriza-
tion, instrumentation, testing, and manufacturing capa-
bilities that will accelerate the underlying research and de-
velopment for design, development, and manufacturability
of next generation microelectronics and ensure the com-
petitiveness and leadership of the United States within the
microelectronics sector.

(b) ELEMENTS.—The activities under subsection (a)
shall include research and development in the following
areas:

(1) Advanced metrology and characterization
for manufacturing of microchips using 3 nanometer
transistor processes or more advanced processes.

(2) Metrology for security and supply chain
verification, including pre-silicon security verification
of the design for logical and physical vulnerabilities
beyond current functional analysis.

SEC. 1772. THRESHOLD FOR REPORTING ADDITIONS TO
TOXICS RELEASE INVENTORY.

Section 7321 of the PFAS Act of 2019 (Public Law
116–92) is amended—

(1) in subsection (b), by adding at the end the
following:
“(3) LIMITATION.—Section 372.38 of title 40, Code of Federal Regulations (or any successor regulation), shall not apply to a chemical described in paragraph (1) unless the Administrator, in accordance with paragraph (2)(B), revises the threshold for reporting such chemical to 10,000 pounds.”;

(2) in subsection (c), by adding at the end the following:

“(3) LIMITATION.—Section 372.38 of title 40, Code of Federal Regulations (or any successor regulation), shall not apply to the substances and classes of substances included in the toxics release inventory under paragraph (1) unless the Administrator, in accordance with paragraph (2)(B), revises the threshold for reporting such substances and class of substances to 10,000 pounds.”; and

(3) in subsection (d), by adding at the end the following:

“(4) LIMITATION.—Section 372.38 of title 40, Code of Federal Regulations (or any successor regulation), shall not apply to the substances and classes of substances described in paragraph (2) unless the Administrator sets a 10,000 pound reporting threshold for such substances and classes of substances.”.
SEC. 1773. HEMP PRODUCTS.

The Secretary of Defense may not prohibit, on the basis of a product containing hemp or any ingredient derived from hemp, the possession, use, or consumption of such product by a member of the Armed Forces if—

(1) the hemp meets the definition in section 297A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o); and

(2) such possession, use, or consumption is in compliance with applicable Federal, State, and local law.

SEC. 1774. EXEMPTION FROM PAPERWORK REDUCTION ACT.

(a) UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2117. Exemption from Paperwork Reduction Act

“Subchapter I of chapter 35 of title 44 shall not apply to the voluntary collection of information during the conduct of research by the University.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2116 the following new item:

“2117. Exemption from Paperwork Reduction Act.”.
SEC. 1775. SUPPORT FOR THE DESIGNATION OF NATIONAL BORINQUENEERS DAY.

(a) Sense of Congress.—It is the Sense of Congress that—

(1) in 1898, Puerto Rico became a territory of the United States and, the following year, Congress authorized raising a military unit of volunteer soldiers on the island, which was organized as the "Puerto Rico Regiment of Volunteer Infantry";

(2) in 1908, Congress incorporated the regiment as part of the regular United States Army as the "Puerto Rico Regiment of Infantry";

(3) in 1917, after the United States entry into World War I, the Puerto Rico Regiment of Infantry was sent to Panama to defend the Panama Canal Zone;

(4) in 1920, Congress redesignated the unit as the 65th Infantry Regiment of the United States Army;

(5) during World War II, the 65th Infantry Regiment served in North Africa and Europe, including combat operations in France and Germany for which members of the unit received commendations for valiant service, including 1 Distinguished Service Cross, 2 Silver Stars, 2 Bronze Stars, and 90 Purple Hearts;
(6) in 1950, the 65th Infantry Regiment deployed to South Korea, and during the voyage the soldiers nicknamed the unit the “Borinqueneers”, a reference to the native Taíno Tribe’s name for the island of Puerto Rico;

(7) during the Korean war, the 65th Infantry Regiment (hereinafter, the “Borinqueneers”) engaged in substantial combat operations on the Korean Peninsula, and the unit played a central role in several important offensives and counter-offensives that earned it well-deserved admiration and commendation;

(8) the Borinqueneers’ extraordinary service during the Korean war resulted in the Regiment receiving 2 Presidential Unit Citations (Army and Navy), 2 Republic of Korea Presidential Unit Citations, a Meritorious Unit Commendation (Army), a Navy Unit Commendation, the Chryssoun Aristion Andrias (Bravery Gold Medal of Greece), and campaign participation credits for United Nations Offensive, Chinese Communist Forces (CCF) Intervention, First United Nations Counteroffensive, CCF Spring Offensive, United Nations Summer-Fall Offensive, Second Korean Winter, Korea Summer-Fall
1952, Third Korean Winter, and Korea Summer 1953;

(9) the Borinqueneers’ extraordinary service
during the Korean war also resulted in numerous in-
dividual commendations and awards for its soldiers,
including 1 Medal of Honor, 9 Distinguished Service
Crosses, more than 250 Silver Stars, more than 600
Bronze Stars, and more than 2,700 Purple Hearts;

(10) in 1956, the 65th Infantry Regiment was
deactivated from the regular United States Army
and, in 1959, its units and regimental number were
assigned to the Puerto Rico National Guard;

(11) in 1982, the United States Army Center
of Military History officially authorized designating
the 65th Infantry Regiment as the “Borinqueneers”;
and

(12) on April 13, 2016, Congress awarded the
Congressional Gold Medal to the 65th Infantry Regi-
ment in recognition of the Borinqueneers’ numerous
contributions to American history and outstanding
military service from World War I through the re-
cent conflicts in Afghanistan and Iraq.

(b) RESOLUTION.—The House of Representatives—

(1) expresses support for the designation of
“National Borinqueneers Day”;

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(2) recognizes the bravery, service, and sacrifice of the Puerto Rican soldiers of the 65th Infantry Regiment in the armed conflicts of the United States in the 20th and 21st centuries;

(3) expresses deep gratitude for the contributions to the Armed Forces that have been made by hundreds of thousands of patriotic United States citizens from Puerto Rico; and

(4) urges individuals and communities across the United States to participate in activities that are designed—

(A) to celebrate the distinguished service of the military veterans who served in the 65th Infantry Regiment, known as the “Borinqueneers”;

(B) to pay tribute to the sacrifices made and adversities overcome by Puerto Rican and Hispanic military service members; and

(C) to recognize the significant contributions to American history made by the 65th Infantry Regiment, known as the “Borinqueneers”.
SEC. 1776. TEMPORARY RELIEF FOR PRIVATE STUDENT LOAN BORROWERS.

(a) IN GENERAL.—A servicer of a private education loan extended to a covered borrower shall suspend all payments on such loan through September 30, 2021.

(b) NO ACCRUAL OF INTEREST.—Interest shall not accrue on a loan described under subsection (a) for which payment was suspended for the period of the suspension.

(c) CONSIDERATION OF PAYMENTS.—A servicer of a private education loan extended to a covered borrower shall deem each month for which a loan payment was suspended under this section as if the borrower of the loan had made a payment for the purpose of any loan forgiveness program or loan rehabilitation program for which the borrower would have otherwise qualified.

(d) REPORTING TO CONSUMER REPORTING AGENCIES.—During the period in which a loan payment was suspended under this section, the servicer of the loan shall ensure that, for the purpose of reporting information about the loan to a consumer reporting agency, any payment that has been suspended is treated as if it were a regularly scheduled payment made by a borrower.

(e) SUSPENDING INVOLUNTARY COLLECTION.—During the period for which a loan payment was suspended under this section, the servicer or holder of the loan shall suspend all involuntary collection related to the loan.
(f) NOTICE TO BORROWERS AND TRANSITION PERIOD.—To inform covered borrowers of the actions taken in accordance with this section and ensure an effective transition, the servicer of a private education loan extended to a covered borrower shall—

(1) not later than 15 days after the date of enactment of this Act, notify covered borrowers—

(A) of the actions taken in accordance with subsections (a) and (b) for whom payments have been suspended and interest waived;

(B) of the actions taken in accordance with subsection (e) for whom collections have been suspended;

(C) of the option to continue making payments toward principal; and

(D) that the program under this section is a temporary program; and

(2) beginning on August 1, 2020, carry out a program to provide not less than 6 notices by postal mail, telephone, or electronic communication to covered borrowers indicating when the borrower’s normal payment obligations will resume.

(g) DEFINITIONS.—In this section:
(1) COVERED BORROWER.—The term “covered borrower” means a borrower of a private education loan.

(2) PRIVATE EDUCATION LOAN.—The term “private education loan” has the meaning given the term in section 140 of the Truth in Lending Act (15 U.S.C. 1650).

SEC. 1777. SUPPORT FOR NATIONAL MARITIME HERITAGE GRANTS PROGRAM.

Of the funds authorized to be appropriated by this Act for fiscal year 2021 for the Department of Defense, the Secretary of Defense may contribute $5,000,000 to support the National Maritime Heritage Grants Program established under section 308703 of title 54, United States Code.

SEC. 1778. EXTENSION OF TIME TO REVIEW WORLD WAR I VALOR MEDALS.

(a) IN GENERAL.—Section 584(f) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1281) is amended by striking “five” and inserting “seven”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on the date of the enactment of the National Defense Authorization Act

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SEC. 1779. ENSURING CHINESE DEBT TRANSPARENCY.

(a) UNITED STATES POLICY AT THE INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) that it is the policy of the United States to use the voice and vote of the United States at the respective institution to seek to secure greater transparency with respect to the terms and conditions of financing provided by the government of the People’s Republic of China to any member state of the respective institution that is a recipient of financing from the institution, consistent with the rules and principles of the Paris Club.

(b) REPORT REQUIRED.—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall include in the annual report required by section 1701 of the International Financial Institutions Act—

(1) a description of progress made toward advancing the policy described in subsection (a) of this section; and
(2) a discussion of financing provided by entities owned or controlled by the government of the People’s Republic of China to the member states of international financial institutions that receive financing from the international financial institutions, including any efforts or recommendations by the Chairman to seek greater transparency with respect to the former financing.

(e) SUNSET.—Subsections (a) and (b) of this section shall have no force or effect after the earlier of—

(1) the date that is 7 years after the date of the enactment of this Act; or

(2) 30 days after the date that the Secretary reports to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the People’s Republic of China is in substantial compliance with the rules and principles of the Paris Club.

SEC. 1780. STRATEGY TO SECURE EMAIL.

(a) In general.—Not later than December 31, 2021, the Secretary of Homeland Security shall develop and submit to Congress a strategy, including recommendations, to implement across all United States-based email providers Domain-based Message Authentication, Reporting, and Conformance standard at scale.
(b) ELEMENTS.—The strategy required under subsection (a) shall include the following:

(1) A recommendation for the minimum size threshold for United States-based email providers for applicability of Domain-based Message Authentication, Reporting, and Conformance.

(2) A description of the security and privacy benefits of implementing the Domain-based Message Authentication, Reporting, and Conformance standard at scale, including recommendations for national security exemptions, as appropriate, as well as the burdens of such implementation and an identification of the entities on which such burdens would most likely fall.

(3) An identification of key United States and international stakeholders associated with such implementation.

(4) An identification of any barriers to such implementing, including a cost-benefit analysis where feasible.

(5) An initial estimate of the total cost to the Federal Government and implementing entities in the private sector of such implementing, including recommendations for defraying such costs, if applicable.
(c) Consultation.—In developing the strategies and recommendations under subsection (a), the Secretary of Homeland Security may, as appropriate, consult with representatives from the information technology sector.

(d) Definition.—In this section, the term “Domain-based Message Authentication, Reporting, and Conformance” means an email authentication, policy, and reporting protocol that verifies the authenticity of the sender of an email and blocks and reports to the sender fraudulent accounts.

SEC. 1781. REPORT ON THREATPOSED BY DOMESTIC TERRORISTS.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, the Under Secretary of Homeland Security for Intelligence and Analysis, and the Director of National Intelligence (acting through the National Counterterrorism Center) shall jointly submit to the appropriate congressional committees a report that includes an evaluation of the nature and extent of the domestic terror threat and domestic terrorist groups.

(b) Elements.—The report under subsection (a) shall—

(1) describe the manner in which domestic terror activity is tracked and reported;
(2) identify all known domestic terror groups, whether formal in nature or loosely affiliated ideologies;

(3) include a breakdown of the ideology of each group; and

(4) describe the efforts of such groups, if any, to infiltrate or target domestic constitutionally protected activity by citizens for cooption or to carry out attacks, and the number of individuals associated or affiliated with each group that engages in such efforts.

SEC. 1782. DOMESTIC PROCUREMENT OF TUNGSTEN AND TUNGSTEN POWDER.

To the extent practicable, the Secretary of Defense shall prioritize the procurement of tungsten and tungsten powder from only domestic producers.

SEC. 1783. DEPARTMENT OF DEFENSE MECHANISM FOR PROVISION OF DISSenting VIEWS.

(a) In General.—The Secretary of Defense shall establish a mechanism through which members of the Armed Forces and civilian employees of the Department of Defense may privately provide dissenting views regarding the Department of Defense and United States national security policy without fear of retribution.
(b) Briefing.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the congressional defense committees a briefing on the status of the mechanism required by subsection (a).

(c) Rule of Construction.—Nothing in this section shall be construed to alleviate the duty of any individual to follow the military chain of command or to follow the policies of the Department of Defense and Federal Government.

SEC. 1784. SECTOR RISK MANAGEMENT AGENCIES.

(a) Definitions.—In this Act:

(1) Appropriate Congressional Committees.—The term “appropriate congressional committees” means the Committee on Homeland Security and the Committee on Armed Services in the House of Representatives and the Committee on Homeland Security and Governmental Affairs and Committee on Armed Services in the Senate.

(2) Critical Infrastructure.—The term “critical infrastructure” has the meaning given that term in section 2(4) of the Homeland Security Act of 2002.

(3) Department.—The term “Department” means the Department of Homeland Security.
(4) **DIRECTOR.**—The term “Director” means the Director of the Cybersecurity and Infrastructure Security Agency of the Department.

(5) **INFORMATION SHARING AND ANALYSIS ORGANIZATION.**—The term “information sharing and analysis organization” has the meaning given that term in section 2222(5) of the Homeland Security Act of 2002.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

(7) **SECTOR RISK MANAGEMENT AGENCY.**—The term “sector risk management agency” has the meaning given that term in section 2201(5) of the Homeland Security Act of 2002.

(b) **CRITICAL INFRASTRUCTURE SECTOR DESIGNATION.**—

(1) **INITIAL REVIEW.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall review the current framework for securing critical infrastructure, as described in section 2202(c)(4) of the Homeland Security Act and Presidential Policy Directive 21, and submit a report to the President containing recommendations for—

(A) any revisions to the current framework for securing critical infrastructure;
(B) any revisions to the list of critical infrastructure sectors set forth in Presidential Policy Directive 21 or previously designated subsectors; and

(C) any revisions to the list of designated Federal departments or agencies that serve as the Sector Risk Management Agency for a sector or subsector, necessary to comply with paragraph (3)(B).

(2) Periodic evaluation by the Secretary.—At least once every 5 years, the Secretary, in consultation with the Director, shall—

(A) evaluate the current list of critical infrastructure sectors and subsectors and the appropriateness of Sector Risk Management Agency designations, as set forth in Presidential Policy Directive 21, or any successor document or policy; and

(B) recommend to the President—

(i) any revisions to the list of critical infrastructure sectors or subsectors; and

(ii) any revisions to the designation of any Federal department or agency designated as the Sector Risk Management Agency for a sector or subsector.
(3) Review and revision by the President.—

(A) In general.—Not later than 180 days after a recommendation by the Secretary pursuant to paragraph (2), the President shall—

(i) review the recommendation and revise, as appropriate, the designation of a critical infrastructure sector or subsector or the designation of a Sector Risk Management Agency; or

(ii) submit a report to appropriate congressional committees, and the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives, explaining the basis for rejecting the recommendations of the Secretary.

(B) Limitation.—The President may only designate an agency under this subsection if the agency is referenced in section 205 of the Chief Financial Officers Act of 1990 (42 U.S.C. 901).

(4) Publication.—Any designation of critical infrastructure sectors shall be published in the Federal Register.
(c) Sector Risk Management Agencies.—

(1) References.—Any reference to a sector-specific agency in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Sector Risk Management Agency of the relevant critical infrastructure sector.

(2) Sector Risk Management Agency.—Subtitle A of title XXII of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

“SEC. 2215. SECTOR RISK MANAGEMENT AGENCIES.
“(a) In General.—Each Sector Risk Management Agency, as designated by law or presidential directive, shall—

“(1) provide specialized sector-specific expertise to critical infrastructure owners and operators within the relevant sector; and

“(2) support programs and associated activities of its designated critical infrastructure sector in coordination with the Director.

“(b) Coordination.—In carrying out this section, Sector Risk Management Agencies shall—
“(1) coordinate with the Department and other relevant Federal departments and agencies, as appropriate;

“(2) collaborate with critical infrastructure owners and operators within the designated critical infrastructure sector or subsector; and

“(3) coordinate with independent regulatory agencies, and State, local, Tribal, and territorial entities, as appropriate.

“(c) RESPONSIBILITIES.—Each Sector Risk Management Agency shall utilize its specialized expertise about its designated critical infrastructure sector or subsector and authorities under applicable law to—

“(1) support sector risk management, including—

“(A) establishing and carrying out programs, in coordination with the Director, to assist critical infrastructure owners and operators within the designated sector in identifying, understanding, and mitigating threats, vulnerabilities, and risks to their systems or assets, or within a region or sector; and

“(B) recommending security measures to mitigate the consequences of destruction, compromise, and disruption of systems and assets;
“(2) assess sector risk, including—

“(A) identifying, assessing, and prioritizing risks within the designated sector, considering physical and cyber threats, vulnerabilities, and consequences; and

“(B) supporting national risk assessment efforts led by the Department, through the Director;

“(3) sector coordination, including—

“(A) serving as a day-to-day Federal interface for the prioritization and coordination of sector-specific activities and responsibilities under this section;

“(B) serving as the government coordinating council chair for the designated sector or subsector; and

“(C) participating in cross-sector coordinating councils, as appropriate;

“(4) facilitating the sharing of information about cyber and physical threats within the sector to the Department, including—

“(A) facilitating, in coordination with the Director, access to, and exchange of, information and intelligence necessary to strengthen the security of critical infrastructure, including
through information sharing and analysis organizations and the national cybersecurity and communications integration center established in section 2209 of the Homeland Security Act of 2002;

“(B) facilitating the identification of intelligence needs and priorities of critical infrastructure owners and operators in the sector, in coordination with the Director, the Office of Director of National Intelligence, and other Federal departments and agencies, as appropriate;

“(C) providing the Director ongoing, and where possible, real-time awareness of identified threats, vulnerabilities, mitigations, and other actions related to the security of the sector; and

“(D) supporting the reporting requirements of the Department of Homeland Security under applicable law by providing, on an annual basis, sector-specific critical infrastructure information;

“(5) supporting incident management, including—

“(A) supporting, in coordination with the Director, incident management and restoration
efforts during or following a security incident; and

“(B) supporting the Director, upon request, in conducting vulnerability assessments and asset response activities for critical infrastructure; and

“(6) contributing to emergency preparedness efforts, including—

“(A) coordinating with critical infrastructure owners and operators within the designated sector, as well as the Director, in the development of planning documents for coordinated action in the event of a natural disaster, act of terrorism, or other man-made disaster or emergency;

“(B) conducting exercises and simulations of potential natural disasters, acts of terrorism, or other man-made disasters or emergencies within the sector; and

“(C) supporting the Department and other Federal departments or agencies in developing planning documents or conducting exercises or simulations relevant to their assigned sector.”.

(3) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act
of 2002 is amended by inserting after the item relating to section 2214 the following new item:

“Sec. 2215. Sector risk management agencies.”.

(d) REPORTING AND AUDITING.—Not later than 2 years after the date of the enactment of this Act and every 4 years thereafter, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the effectiveness of Sector Risk Management Agencies in carrying out their responsibilities under section 2215 of the Homeland Security Act of 2002, as added by this section.

SEC. 1785. INTEGRATION OF MEMBERS OF THE ARMED FORCES WHO ARE MINORITIES.

Each Secretary of a military department shall—

(1) share lessons learned and best practices on the progress of plans to integrate members of the Armed Forces who identify as belonging to a minority group into the military department under the jurisdiction of the Secretary; and

(2) strategically communicate such progress with other military departments and the public.
SEC. 1786. POLICY ON CONSCIOUS AND UNCONSCIOUS GENDER BIAS.

The Secretary of Defense shall develop a policy that defines conscious and unconscious gender bias and provides guidance to eliminate conscious and unconscious gender bias.

SEC. 1787. PROTECTIONS FOR PREGNANT MEMBERS OF THE ARMED FORCES.

Each Secretary of a military department shall develop and implement policies to ensure that the career of a member of the Armed Forces is not negatively affected as a result of such member becoming pregnant.

SEC. 1788. RELEASE OF DEPARTMENT OF DEFENSE DOCUMENTS ON THE 1981 EL MOZOTE MASSACRE IN EL SALVADOR.

(a) Release of Materials.—Not more than 30 days after the date of the enactment of this Act, the Secretary of Defense shall direct all Defense Agency bureaus, departments, agencies, and entities to identify and release to Salvadoran judicial authorities, including to the Salvadoran presiding judge investigating and prosecuting the El Mozote massacre case, all materials that might be relevant to the El Mozote massacre that occurred in December of 1981.

(b) Materials Described.—The materials required to be released under subsection (a) include—
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(1) all documents, correspondence, reproductions of Salvadoran documents, and other similar materials dated during, or originating from, the period beginning on January 1, 1981, and ending on January 30, 1983, that are relevant to the massacre that occurred at El Mozote, El Salvador, and surrounding communities, in December of 1981;

(2) all materials dated during, or originating from, the period referred to in paragraph (1) related to the establishment, operations, command structure, officers and troops of the Atlacatl Battalion; and

(3) any other materials the Secretary determines are relevant to the El Mozote massacre.

(c) TIMELINE FOR COMPLETION.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a specific timeline for the completion of the release of the materials as required under subsection (a). Such timeline for completion may not exceed 150 days after the date of the enactment of this Act.

SEC. 1789. STUDY AND ESTABLISHMENT OF THE ASSISTANT DEPUTY SECRETARY FOR ENVIRONMENT AND RESILIENCE.

(a) Study.—
(1) IN GENERAL.—The Secretary of Defense shall carry out a study on the creation of a position of Assistant Deputy Secretary for Environment and Resilience, which would broaden the responsibilities and authorities of the Deputy Assistant Secretary for Environment. The Secretary shall determine the scope of duties for this position by evaluating which defense activities outside of sustainment are impacted by the threat of anticipated or unanticipated changes in environmental conditions, or extreme weather events. The Secretary shall also consider whether the position of Assistant Deputy Secretary for Environment and Resilience should—

(A) update and execute on the Department of Defense’s 2014 Climate Change Adaptation Roadmap;

(B) collaborate with other Assistant Deputy Secretaries of Defense and Assistant Secretaries of Defense to develop recommendations on how to factor climate risks into Department of Defense policies; and

(C) undertake such other duties related to environmental resilience as the Secretary may determine appropriate.
(2) REPORT TO CONGRESS.—Not later than the end of the 60-day period beginning on the date of enactment of this Act, the Secretary shall issue a report to the Congress containing all findings and determinations made in carrying out the study required under paragraph (1).

(b) ESTABLISHMENT.—After issuing the report required under subsection (a), the Secretary shall establish the position of Assistant Deputy Secretary for Environment and Resilience and delegate such duties to the position as the Secretary determines appropriate, taking into account the results of the study required under subsection (a).

(e) ANNUAL REPORT.—The Assistant Deputy Secretary for Environment and Resilience shall issue an annual report to the Secretary of Defense and the Congress containing a description of the actions taken by the Assistant Deputy Secretary during the previous year.

SEC. 1790. EXPANSION OF ELIGIBILITY FOR HUD–VASH.

(a) HUD PROVISIONS.—Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following new subparagraph:

“(D) VETERAN DEFINED.—In this paragraph, the term ‘veteran’ has the meaning given
that term in section 2002(b) of title 38, United States Code.”.

(b) VHA CASE MANAGERS.—Subsection (b) of section 2003 of title 38, United States Code, is amended by adding at the end the following: “In the case of vouchers provided under the HUD–VASH program under section 8(o)(19) of such Act, for purposes of the preceding sentence, the term ‘veteran’ shall have the meaning given such term in section 2002(b) of this title.”.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not less frequently than once each year, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the homelessness services provided under programs of the Department of Veterans Affairs, including services under HUD–VASH program under section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)).

(2) INCLUDED INFORMATION.—Each such annual report shall include, with respect to the year preceding the submittal of the report, a statement of the number of eligible individuals who were furnished such homelessness services and the number of
individuals furnished such services under each such
program, disaggregated by the number of men who
received such services and the number of women
who received such services, and such other informa-
tion as the Secretary considers appropriate.

SEC. 1791. WAIVER AUTHORITY WITH RESPECT TO INSTITU-
TIONS LOCATED IN AN AREA AFFECTED BY
HURRICANE MARIA.

(a) WAIVER AUTHORITY.—Notwithstanding any
other provision of law, unless enacted with specific ref-
ence to this section or section 392 of the Higher Edu-
cation Act of 1965 (20 U.S.C. 1068a), for any affected
institution that was receiving assistance under title III of
such Act (20 U.S.C. 1051 et seq.) at the time of a covered
hurricane disaster, the Secretary of Education shall, for
each of the fiscal years 2020 through 2022 (and may, for
each of the fiscal years 2023 and 2024)—

(1) waive—

(A) the eligibility data requirements set
forth in section 391(d) of the Higher Education
Act of 1965 (20 U.S.C. 1068(d));

(B) the wait-out period set forth in section
313(d) of the Higher Education Act of 1965
(20 U.S.C. 1059(d));
(C) the allotment requirements under section 324 of the Higher Education Act of 1965 (20 U.S.C. 1063); and

(D) the use of the funding formula developed pursuant to section 326(f)(3) of the Higher Education Act of 1965 (20 U.S.C. 1063b(f)(3));

(2) waive or modify any statutory or regulatory provision to ensure that affected institutions that were receiving assistance under title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.) at the time of a covered hurricane disaster are not adversely affected by any formula calculation for fiscal year 2020 or for any of the 4 succeeding fiscal years, as necessary; and

(3) make available to each affected institution an amount that is not less than the amount made available to such institution under title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.) for fiscal year 2017, except that for any fiscal year for which the funds appropriated for payments under such title are less than the appropriated level for fiscal year 2017, the amount made available to such institutions shall be ratably reduced among the institutions receiving funds under such title.
(b) DEFINITIONS.—In this section:

(1) AFFECTED INSTITUTION.—The term “affected institution” means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that—

(A) is—

(i) a part A institution (which term shall have the meaning given the term “eligible institution” under section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b))); or

(ii) a part B institution, as such term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), or as identified in section 326(e) of such Act (20 U.S.C. 1063b(e));

(B) is located in a covered area affected by a hurricane disaster; and

(C) is able to demonstrate that, as a result of the impact of a covered hurricane disaster, the institution—

(i) incurred physical damage;

(ii) has pursued collateral source compensation from insurance, the Federal Emergency Management Agency, and the
Small Business Administration, as appropriate; and

(iii) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane enrollment levels during the 30-day period beginning on September 7, 2017.

(2) COVERED AREA AFFECTED BY A HURRICANE DISASTER.—The term "covered area affected by a hurricane disaster" means an area for which the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Maria.

(3) COVERED HURRICANE DISASTER.—The term "covered hurricane disaster" means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), and that was caused by Hurricane Maria or Hurricane Irma.

SEC. 1792. CREDIT MONITORING.

Section 605A(k) of the Fair Credit Reporting Act (15 U.S.C. 1681c–1(k)) is amended by striking paragraph (4).
(a) In General.—Subsection (b) of section 2202 of the Homeland Security Act of 2002 (6 U.S.C. 652) is amended by—

(1) redesignating paragraph (2) as paragraph (4); and

(2) inserting after paragraph (1) the following new paragraphs:

“(2) Qualifications.—

“(A) In general.—The Director shall be appointed from among individuals who have—

“(i) extensive knowledge in at least two of the areas specified in subparagraph (B); and

“(ii) not fewer than 5 years of demonstrated experience in efforts to foster coordination and collaboration between the Federal Government, the private sector, and other entities on issues related to cybersecurity, infrastructure security, or security risk management.

“(B) Specified areas.—The areas specified in this subparagraph are the following:

“(i) Cybersecurity.

“(ii) Infrastructure security.
“(iii) Security risk management.

“(3) Term.—Effective with respect to an individual appointed to be the Director by the President, by and with the advice and consent of the Senate, after the date of the enactment of this paragraph, the term of office of such an individual so appointed shall be 5 years, and such an individual may not serve more than two terms. The term of office of the individual serving as the Director as of such date of enactment shall be 5 years beginning on the date on which the Director began serving.”.

(b) Change of Title of Assistant Director to Executive Assistant Director.—

(1) Cybersecurity Division.—Section 2203 of the Homeland Security Act of 2002 (6 U.S.C. 653) is amended—

(A) in subsection (a)—

(i) in the heading for paragraph (2), by striking “Assistant Director” and inserting “Executive Assistant Director”; and

(ii) in paragraph (2), by striking “Assistant Director for Cybersecurity (in this section referred to as the ‘Assistant Director’)” and inserting “Executive Assistant Director”.
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Director for Cybersecurity (in this section referred to as the ‘Executive Assistant Director’); and

(B) by striking “Assistant Director” each place it appears and inserting “Executive Assistant Director”.

(2) INFRASTRUCTURE SECURITY DIVISION.—


(A) in subsection (a)—

(i) in the heading for paragraph (2), by striking “ASSISTANT DIRECTOR” and inserting “EXECUTIVE ASSISTANT DIRECTOR”; and

(ii) in paragraph (2), by striking “Assistant Director for Infrastructure Security (in this section referred to as the ‘Assistant Director’)” and inserting “Executive Assistant Director for Infrastructure Security (in this section referred to as the ‘Executive Assistant Director’)”; and

(B) by striking “Assistant Director” each place it appears and inserting “Executive Assistant Director”.

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(c) Amendment Relating to Qualifications for Certain CISA Executive Assistant Directors.—

The Homeland Security Act of 2002 is amended—

(1) in subparagraph (B) of section 2203(a)(2)
(6 U.S.C. 653(a)(2)), by striking “President without the advice and consent of the Senate” and inserting “Secretary”; and

(2) in subparagraph (B) of section 2204(a)(2)
(6 U.S.C. 654(a)(2)), by striking “President without the advice and consent of the Senate” and inserting “Secretary”.

(d) Amendment to Position Level of CISA Director.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5313, by inserting after “Administrator of the Transportation Security Administra-
tion.” the following:

“Director, Cybersecurity and Infrastructure Security Agency.”; and

(2) in section 5314, by striking “Director, Cy-
bersecurity and Infrastructure Security Agency.”.

SEC. 1794. WORKFORCE ISSUES FOR MILITARY REALIGN-
MENTS IN THE PACIFIC.

Section 6(b)(1)(B)(i) of the Joint Resolution entitled “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 “contract”; (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 federally funded military projects” after “and in the Commonwealth”.


(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 Memorial 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.
(b) Required Consultation.—The Secretary of Defense shall consult with the Secretary of the Interior, the American Battlefield Monuments Commission, and other applicable authorities with respect to any adjustments to the nomenclature and placement of names pursuant to subsection (a) to address any space limitations on the placement of additional names on the Vietnam Veterans Memorial Wall.

(e) Nonapplicability of Commemorative Works Act.—Chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”), shall not apply to any activities carried out under subsection (a) or (b).

SEC. 1796. Study on Viability of Seawater Mining for Critical Minerals.

(a) Finding.—The Congress finds that—

(1) extracting minerals from seawater has the potential to provide a domestic source for minerals that are critical to the defense industrial base of the United States, which would reduce the dependence of the United States on imports of the minerals while strengthening the national security and the defense industrial base of the United States;
(2) the cost of extracting uranium from seawater has dropped significantly to nearly $400 per kilogram; and

(3) extracting uranium from seawater is an environmentally friendly, emerging technology solution that has the potential to transform how uranium is extracted.

(b) STUDY.—Within 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the head of any other relevant Federal agency and relevant stakeholders, shall conduct a study of the viability of extracting minerals, such as uranium, that are critical to the defense industrial base of the United States, from seawater.

(c) REPORT.—Within 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Armed Services and the Committee on Environment and Public Works of the Senate a written report which contains the results of the study required by subsection (b).

SEC. 1797. RESTRICTIONS ON CONFUCIUS INSTITUTES.

(a) Restrictions on Confucius Institutes.—An institution of higher education or other postsecondary edu-
cational institution (referred to in this section as an “institu-
tion”) shall not be eligible to receive Federal funds from
the Department of Defense, other than educational assist-
ance funds that are provided directly to students, unless—

(1) the institution submits any contract or
agreement between the institution and a Confucius
Institute to the National Academies of Sciences, En-
gineering, and Medicine; and

(2) the National Academies of Sciences, Engi-
neering, and Medicine issues a written determination
that the contract or agreement includes clear provi-
sions that—

(A) protect academic freedom at the insti-
tution;

(B) prohibit the application of any foreign
law on any campus of the institution; and

(C) grant full managerial authority of the
Confucius Institute to the institution, including
full control over what is being taught, the ac-
tivities carried out, the research grants that are
made, and who is employed at the Confucius
Institute.

(b) Confucius Institute Defined.—In this sec-
tion, the term “Confucius Institute” means a cultural in-
stitute directly or indirectly funded by the Government of the People’s Republic of China.

(c) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, as specified in the corresponding funding table in section 4201, for research, development, test, and evaluation, Defense-wide, basic research, basic research initiatives (PE 0601110D8Z), line 003 is hereby increased by $1,000,000 (to be used in support of the National Academies of Sciences, Engineering, and Medicine assessments under subsection (a)).

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance as specified in the corresponding funding table in section 4301, for operation and maintenance, Defense-wide, admin & servicewide activities, Defense Information Systems Agency, line 280 is hereby reduced by $1,000,000.
SEC. 1798. DISCLOSURE REQUIREMENT.

(a) IN GENERAL.—Section 104 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214) is amended by adding at the end the following:

“(i) DISCLOSURE REGARDING FOREIGN JURISDICTIONS THAT PREVENT INSPECTIONS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘covered issuer’ means an issuer that is required to file reports under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)); and

“(B) the term ‘non-inspection year’ means, with respect to a covered issuer, a year—

“(i) during which the Commission identifies the covered issuer under paragraph (2)(A) with respect to every report described in subparagraph (A) filed by the covered issuer during that year; and

“(ii) that begins after the date of enactment of this subsection.

“(2) DISCLOSURE TO COMMISSION.—The Commission shall—

“(A) identify each covered issuer that, with respect to the preparation of the audit report on the financial statement of the covered issuer that is included in a report described in para-
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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 jurisdic-

tion;

“(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 posi-

tion taken by an authority in the foreign

jurisdiction described in clause (i), as de-

termined 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 wheth-

er 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 de-

termines 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 pro-
hibition 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-
uriities 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;
(C) the term “covered form”—

(i) means—

(I) the form described in section 249.310 of title 17, Code of Federal Regulations, or any successor regulation; and

(II) the form described in section 249.220f of title 17, Code of Federal Regulations, or any successor regulation; and

(ii) includes a form that—

(I) is the equivalent of, or substantially similar to, the form described in subclause (I) or (II) of clause (i); and

(II) a foreign issuer files with the Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or rules issued under that Act;

(D) the terms “covered issuer” and “non-inspection year” have the meanings given the terms in subsection (i)(1) of section 104 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214), as added by subsection (a) of this section; and
(E) the term “foreign issuer” has the meaning given the term in section 240.3b–4 of title 17, Code of Federal Regulations, or any successor regulation.

(2) REQUIREMENT.—Each covered issuer that is a foreign issuer and for which, during a non-inspection year with respect to the covered issuer, a registered public accounting firm described in subsection (i)(2)(A) of section 104 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214), as added by subsection (a) of this section, has prepared an audit report shall disclose in each covered form filed by that issuer that covers such a non-inspection year—

(A) that, during the period covered by the covered form, such a registered public accounting firm has prepared an audit report for the issuer;

(B) the percentage of the shares of the issuer owned by governmental entities in the foreign jurisdiction in which the issuer is incorporated or otherwise organized;

(C) whether governmental entities in the applicable foreign jurisdiction with respect to that registered public accounting firm have a
controlling financial interest with respect to the
issuer;

(D) the name of each official of the Chi-
nese Communist Party who is a member of the
board of directors of—

(i) the issuer; or

(ii) the operating entity with respect
to the issuer; and

(E) whether the articles of incorporation of
the issuer (or equivalent organizing document)
contains any charter of the Chinese Communist
Party, including the text of any such charter.

(e) RULEMAKING.—Not later than 90 days after the
date of enactment of this Act, the Commission shall issue
rules to implement this section, and the amendments made
by this section, consistent with the Commission’s mandate,
including—

(1) the protection of investors; and

(2) maintaining fair, orderly, and efficient mar-
kets.
SEC. 1799. INCREASED REALISM AND TRAINING EFFEC-
TIVENESS FOR AIRBORNE ANTI-SUBMARINE
WARFARE TRAINING AT OFFSHORE TRAINING
RANGES.

(a) IN GENERAL.—The Secretary of Defense shall
provide for greater training effectiveness for aircrews by
procuring contract services that will realistically simulate
real-world, manned submersible, diesel-powered vessels
that are very similar to third-world and near-peer adver-
saries.

(b) GOALS AND BEST PRACTICES.—In carrying out
subsection (a), the Secretary shall apply the following
goals and best practices:

(1) Provide for on-demand services available on
training range scheduling services within 3 days of
training exercises.

(2) Meet the demand for scalable, highly rel-
evant, and robust training assets for use by fixed
and rotary-wing Navy anti-submarine communities
on both coasts.

(3) Minimize the use of foreign naval vessels,
reserving them only for large, joint and allied exer-
cises.

(4) Ensure that such vessels are classed for use
on sea-based ranges and equipped for safe operation
with Unite States naval air, surface, and submarine forces.

SEC. 1800. REVIEW OF USE OF INNOVATIVE WOOD PRODUCT TECHNOLOGY.

(a) IN GENERAL.—The Secretary of Defense, in collaboration with the Secretary of Agriculture, shall review the potential to incorporate innovative wood product technologies (such as mass timber and cellulose nanomaterials) in constructing or renovating facilities owned or managed by the Department of Defense.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Agriculture of the House of Representatives and the Committee on Armed Services and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) includes the findings of the review required under subsection (a); and

(2) identifies any barriers to incorporating innovative wood product technologies (such as mass timber and cellulose nanomaterials) in constructing or renovating facilities owned or managed by the Department of Defense.
SEC. 1801. STRATEGY TO INCREASE PARTICIPATION IN INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees a plan to increase the number of foreign female participants receiving training under the International Military Education and Training program authorized under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) and any other military exchange program offered to foreign participants, with the goal of doubling such participation over the 10-year period beginning on the date of the enactment of this Act.

(b) INTERIM PROGRESS REPORTS.—Not later than 2 years after the date of the submission of the plan required by subsection (a), and every 2 years thereafter until the end of the 10-year period beginning on the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees a report that includes the most recently available data on foreign female participation in activities conducted under the International Military Education and Training program and any other military exchange programs and describes the
manner and extent to which the goal described in subsection (a) has been achieved as of the date of the submission of the report.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1802. ESTABLISHMENT OF OFFICE OF CYBER ENGAGEMENT OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) ESTABLISHMENT.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 324. Office of Cyber Engagement

“(a) ESTABLISHMENT.—There is established in the Department an office to be known as the ‘Office of Cyber Engagement’ (in this section referred to as the ‘Office’).

“(b) HEAD OF OFFICE.—(1) The head of the Office shall be known as the ‘Director of Cyber Engagement’ (in this section referred to as the ‘Director’).
“(2) The Director shall be responsible for the functions of the Office and appointed by the Secretary in the Senior Executive Service.

“(3) The Director shall report to the Deputy Secretary or Secretary.

“(c) FUNCTIONS.—The functions of the Office are the following:

“(1) To address cyber risks (including identity theft) to veterans, their families, caregivers, and survivors.

“(2) To develop, promote, and disseminate information and best practices regarding such cyber risks.

“(3) To coordinate with the Cybersecurity and Infrastructure Agency of the Department of Homeland Security and other Federal agencies.

“(4) Other functions determined by the Secretary.

“(d) RESOURCES.—The Secretary shall ensure that appropriate personnel, funding, and other resources are provided to the Office to carry out its responsibilities.

“(e) INCLUSION OF INFORMATION ON OFFICE IN ANNUAL REPORT ON DEPARTMENT ACTIVITIES.—The Secretary shall include in each annual Performance and Accountability report submitted by the Secretary to Congress...
a description of the activities of the Office during the fiscal
year covered by such report.”

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such chapter is amended by adding
the following:

“324. Office of Cyber Engagement.”.

c) DEADLINE.—The Secretary of Veterans Affairs
shall establish the Office of Cyber Engagement under sec-
tion 324 of such title, as added by subsection (a), not later
than 90 days after the date of the enactment of this Act.

(d) REPORTING.—Not later than 180 days after the
date of the enactment of this Act and thrice semiannually
thereafter, the Secretary of Veterans Affairs shall submit
to the Committees on Veterans’ Affairs of the Senate and
House of Representatives a report regarding the progress
of the Office of Cyber Engagement established under sec-
tion 324 of such title, as added by subsection (a). Each
report shall include the following:

(1) The number of individuals assisted by the
Office of Cyber Engagement.

(2) The results of any assessments conducted
by the Office.

(3) Progress in convening the working group
described in subsection (c)(3) of such section.

(4) Other matters the Secretary determines ap-
propriate.
SEC. 1803. CERTIFIED NOTICE AT COMPLETION OF AN ASSESSMENT.

(a) IN GENERAL.—Section 721(b)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(3)) is amended—

(1) in subparagraph (A)—

(A) in the heading, by adding “OR ASSESSMENT” at the end; and

(B) by striking “subsection (b) that concludes action under this section” and inserting “this subsection that concludes action under this section, or upon the Committee making a notification under paragraph (1)(C)(v)(III)(aa)(DD)”;

(2) in subparagraph (C)(i)—

(A) in subclause (I), by striking “and” at the end;

(B) in subclause (II), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(III) whether the transaction is described under clause (i), (ii), (iii), (iv), or (v) of subsection (a)(4)(B).”.

(b) TECHNICAL CORRECTIONS.—
(1) **IN GENERAL.**—Section 1727(a) of the Foreign Investment Risk Review Modernization Act of 2018 (Public Law 115–232) is amended—

(A) in paragraph (3), by striking “(4)(C)(v)” and inserting “(4)(F)”;

(B) in paragraph (4), by striking “subparagraph (B)” and inserting “subparagraph (C)”.

(2) **EFFECTIVE DATE.**—The amendments under paragraph (1) shall take effect on the date of enactment of the Foreign Investment Risk Review Modernization Act of 2018.

**SEC. 1804. DEPARTMENT OF HOMELAND SECURITY ACQUISITION DOCUMENTATION.**

(a) **IN GENERAL.**—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

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SEC. 711. ACQUISITION DOCUMENTATION.

“(a) **IN GENERAL.**—For each major acquisition program, the Secretary, acting through the Under Secretary for Management, shall require the head of a relevant component or office to—

“(1) maintain acquisition documentation that is complete, accurate, timely, and valid, and that includes, at a minimum—
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“(A) operational requirements that are validated consistent with departmental policy and changes to such requirements, as appropriate;

“(B) a complete lifecycle cost estimate with supporting documentation;

“(C) verification of such lifecycle cost estimate against independent cost estimates, and reconciliation of any differences;

“(D) a cost-benefit analysis with supporting documentation;

“(E) an integrated master schedule with supporting documentation;

“(F) plans for conducting systems engineering reviews and test and evaluation activities throughout development to support production and deployment decisions;

“(G) an acquisition plan that outlines the procurement approach, including planned contracting vehicles;

“(H) a logistics and support plan for operating and maintaining deployed capabilities until such capabilities are disposed of or retired; and
“(I) an acquisition program baseline that is traceable to the program’s operational requirements under subparagraph (A), life-cycle cost estimate under subparagraph (B), and integrated master schedule under subparagraph (E).

“(2) prepare cost estimates and schedules for major acquisition programs, as required under subparagraphs (B) and (E), in a manner consistent with best practices as identified by the Comptroller General of the United States;

“(3) ensure any revisions to the acquisition documentation maintained pursuant to paragraph (1) are reviewed and approved in accordance with departmental policy; and

“(4) submit certain acquisition documentation to the Secretary to produce for submission to Congress an annual comprehensive report on the status of departmental acquisitions.

“(b) WAIVER.—On a case-by-case basis with respect to any major acquisition program under this section, the Secretary may waive the requirement under paragraph (3) of subsection (a) for a fiscal year if either—

“(1) such program has not—
“(A) entered the full rate production phase in the acquisition lifecycle;

“(B) had a reasonable cost estimate established; and

“(C) had a system configuration defined fully; or

“(2) such program does not meet the definition of capital asset, as such term is defined by the Director of the Office of Management and Budget.

“(c) CONGRESSIONAL OVERSIGHT.—At the same time the President’s budget is submitted for a fiscal year under section 1105(a) of title 31, United States Code, the Secretary shall make information available, as applicable, to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding the requirement described in subsection (a) in the prior fiscal year that includes the following specific information regarding each major acquisition program for which the Secretary has issued a waiver under subsection (b):

“(1) The grounds for granting a waiver for such program.

“(2) The projected cost of such program.
“(3) The proportion of a component’s or office’s annual acquisition budget attributed to such program, as available.

“(4) Information on the significance of such program with respect to the component’s or office’s operations and execution of its mission.

“(d) DEFINITIONS.—In this section:

“(1) ACQUISITION PROGRAM BASELINE.—The term ‘acquisition program baseline’, with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which shall be met to accomplish the goals of such program.

“(2) MAJOR ACQUISITION PROGRAM.—The term ‘major acquisition program’ means a Department acquisition program that is estimated by the Secretary to require an eventual total expenditure of at least $300 million (based on fiscal year 2019 constant dollars) over its lifecycle cost.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding after the item related to section 710 the following new item:

“Sec. 711. Acquisition documentation.”.
SEC. 1805. LARGE-SCALE NON-INTRUSIVE INSPECTION SCANNING PLAN.

(a) DEFINITIONS.—In this section:

(1) LARGE-SCALE NON-INTRUSIVE INSPECTION SYSTEM.—The term “large-scale, non-intrusive inspection system” means a technology, including x-ray, gamma-ray, and passive imaging systems, capable of producing an image of the contents of a commercial or passenger vehicle or freight rail car in 1 pass of such vehicle or car.

(2) SCANNING.—The term “scanning” means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a commercial or passenger vehicle or freight rail car.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives for increasing to 100 percent the rate of high-throughput scanning of commercial and passenger vehicles and freight rail traffic entering the United States at land ports of entry and rail-border crossings along the border using large-scale non-intrusive in-
inspection systems or similar technology to enhance border security.

(c) Baseline Information.—The plan under subsection (b) shall include, at a minimum, the following information regarding large-scale non-intrusive inspection systems or similar technology operated by U.S. Customs and Border Protection at land ports of entry and rail-border crossings as of the date of the enactment of this Act:

1. An inventory of large-scale non-intrusive inspection systems or similar technology in use at each land port of entry.

2. For each system or technology identified in the inventory under paragraph (1)—

   (A) the scanning method of such system or technology;

   (B) the location of such system or technology at each land port of entry that specifies whether in use in pre-primary, primary, or secondary inspection area, or some combination of such areas;

   (C) the percentage of commercial and passenger vehicles and freight rail traffic scanned by such system or technology;
(D) seizure data directly attributed to scanned commercial and passenger vehicles and freight rail traffic; and

(E) the number of personnel required to operate each system or technology.

(3) Information regarding the continued use of other technology and tactics used for scanning, such as canines and human intelligence in conjunction with large scale, nonintrusive inspection systems.

(d) ELEMENTS.—The plan under subsection (b) shall include the following information:

(1) Benchmarks for achieving incremental progress towards 100 percent high-throughput scanning within the next 6 years of commercial and passenger vehicles and freight rail traffic entering the United States at land ports of entry and rail-border crossings along the border with corresponding projected incremental improvements in scanning rates by fiscal year and rationales for the specified timeframes for each land port of entry.

(2) Estimated costs, together with an acquisition plan, for achieving the 100 percent high-throughput scanning rate within the timeframes specified in paragraph (1), including acquisition, operations, and maintenance costs for large-scale, non-
intrusive inspection systems or similar technology, and associated costs for any necessary infrastructure enhancements or configuration changes at each port of entry. Such acquisition plan shall promote, to the extent practicable, opportunities for entities that qualify as small business concerns (as defined under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(3) Any projected impacts, as identified by the Commissioner of U.S. Customs and Border Protection, on the total number of commercial and passenger vehicles and freight rail traffic entering at land ports of entry and rail-border crossings where such systems are in use, and average wait times at peak and non-peak travel times, by lane type if applicable, as scanning rates are increased.

(4) Any projected impacts, as identified by the Commissioner of U.S. Customs and Border Protection, on land ports of entry and rail-border crossings border security operations as a result of implementation actions, including any changes to the number of U.S. Customs and Border Protection officers or their duties and assignments.

(c) ANNUAL REPORT.—Not later than 1 year after the submission of the plan under subsection (b), and bien-
nially thereafter for the following 6 years, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes the progress implementing the plan and includes—

(1) an inventory of large-scale, nonintrusive inspection systems or similar technology operated by U.S. Customs and Border Protection at each land port of entry;

(2) for each system or technology identified in the inventory required under paragraph (1)—

(A) the scanning method of such system or technology;

(B) the location of such system or technology at each land port of entry that specifies whether in use in pre-primary, primary, or secondary inspection area, or some combination of such areas;

(C) the percentage of commercial and passenger vehicles and freight rail traffic scanned by such system or technology; and

(D) seizure data directly attributed to scanned commercial and passenger vehicles and freight rail traffic;
(3) the total number of commercial and passenger vehicles and freight rail traffic entering at each land port of entry at which each system or technology is in use, and information on average wait times at peak and non-peak travel times, by lane type if applicable;

(4) a description of the progress towards reaching the benchmarks referred to in subsection (d)(1), and an explanation if any of such benchmarks are not achieved as planned;

(5) a comparison of actual costs (including information on any awards of associated contracts) to estimated costs set forth in subsection (d)(2);

(6) any realized impacts, as identified by the Commissioner of U.S. Customs and Border Protection, on land ports of entry and rail-border crossings operations as a result of implementation actions, including any changes to the number of U.S. Customs and Border Protection officers or their duties and assignments;

(7) any proposed changes to the plan and an explanation for such changes, including changes made in response to any Department of Homeland Security research and development findings or
changes in terrorist or transnational criminal organizations tactics, techniques, or procedures; and

(8) any challenges to implementing the plan or meeting the benchmarks, and plans to mitigate any such challenges.

SEC. 1806. NATIONAL SUPPLY CHAIN DATABASE.

(a) Establishment of National Supply Chain Database.—Subject to the availability of funds as authorized under subsection (3), the Director of the National Institute of Standards and Technology (referred to in this Act as the “NIST”) shall establish a National Supply Chain Database that will assist the Nation in minimizing disruptions in the supply chain by having an assessment of United States manufacturers’ capabilities.

(b) Connections With State Manufacturing Extension Partnership.—

(1) In general.—The infrastructure for the National Supply Chain Database shall be created through the Hollings Manufacturing Extension Partnership (MEP) program of the National Institute of Standards and Technology by connecting the Hollings Manufacturing Extension Partnerships Centers through the National Supply Chain Database.

(2) National view.—The connection provided through the National Supply Chain Database shall
provide a national view of the supply chain and enable the National Institute of Standards and Technology to understand whether there is a need for some manufacturers to retool in some key areas to meet the need of urgent products, such as defense supplies, food, and medical devices, including personal protective equipment.

(3) **Individual State Databases.**—Each State’s supply chain database maintained by the NIST-recognized Manufacturing Extension Partnership Center within the State shall be complementary in design to the National Supply Chain Database.

(c) **Maintenance of National Supply Chain Database.**—The Hollings Manufacturing Extension Partnership program or its designee shall maintain the National Supply Chain Database as an integration of the State level databases from each State’s Manufacturing Extension Partnership Center and may be populated with information from past, current, or potential Center clients.

(d) **Database Content.**—

(1) **In General.**—The National Supply Chain Database may—

(A) provide basic company information;

(B) provide an overview of capabilities, accreditations, and products;
(2) **SEARCHABLE DATABASE.**—The National Supply Chain Database shall use the North American Industry Classification System (NAICS) Codes as follows:

(A) Sector 31-33 – Manufacturing.

(B) Sector 54 – Professional, Scientific, and Technical Services.

(C) Sector 48-49 – Transportation and Warehousing.

(3) **LEVELS.**—The National Supply Chain Database shall be multi-leveled as follows:

(A) Level 1 shall have basic company information and shall be available to the public.

(B) Level 2 shall have a deeper overview into capabilities, products, and accreditations and shall be available to all companies that contribute to the database and agree to terms of mutual disclosure.

(C) Level 3 shall hold proprietary information.

(4) **EXEMPT FROM PUBLIC DISCLOSURE.**—The National Supply Chain Database and any informa-
tion related to it not publicly released by the NIST shall be exempt from public disclosure under section 552 of title 5, United States Code, and access to non-public content shall be limited to the contributing company and Manufacturing Extension Partnership Center staff who sign an appropriate non-disclosure agreement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There authorized to be appropriated to the Director of the NIST $10,000,000 for fiscal year 2021 to develop and launch the National Supply Chain Database.

SEC. 1807. COORDINATION WITH HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP CENTERS.

Notwithstanding section 34(d)(2)(A)(iv) of the National Institute for Standards and Technology Act (15 U.S.C. 278s(d)(2)(A)(iv)), each Manufacturing USA Institute (established under subsection (d) of such Act) shall, as appropriate, contract with a Hollings Manufacturing Extension Partnership Center (established under section 25 of such Act) in each State in which such Institute provides services, either directly or through another such Center, to provide defense industrial base-related outreach, technical assistance, workforce development, and technology transfer assistance to small and medium-sized manufacturers. No Center shall charge in excess of its...
standard rate for such services. Funds received by a Center through such a contract shall not constitute financial assistance under 25(e) of such Act.

SEC. 1808. COVID–19 EMERGENCY MEDICAL SUPPLIES ENHANCEMENT.

(a) DETERMINATION ON EMERGENCY SUPPLIES AND RELATIONSHIP TO STATE AND LOCAL EFFORTS.—

(1) DETERMINATION.—For the purposes of section 101 of the Defense Production Act of 1950 (50 U.S.C. 4511), the following materials shall be deemed to be scarce and critical materials essential to the national defense and otherwise meet the requirements of section 101(b) of such Act during the COVID–19 emergency period:

(A) Diagnostic tests, including serological tests, for COVID–19 and the reagents and other materials necessary for producing or conducting such tests.

(B) Personal protective equipment, including face shields, N–95 respirator masks, and any other masks determined by the Secretary of Health and Human Services to be needed to respond to the COVID–19 pandemic, and the materials to produce such equipment.
(C) Medical ventilators, the components necessary to make such ventilators, and medicines needed to use a ventilator as a treatment for any individual who is hospitalized for COVID–19.

(D) Pharmaceuticals and any medicines determined by the Food and Drug Administration or another Government agency to be effective in treating COVID–19 (including vaccines for COVID–19) and any materials necessary to produce or use such pharmaceuticals or medicines (including self-injection syringes or other delivery systems).

(E) Any other medical equipment or supplies determined by the Secretary of Health and Human Services or the Secretary of Homeland Security to be scarce and critical materials essential to the national defense for purposes of section 101 of the Defense Production Act of 1950 (50 U.S.C. 4511).

(2) EXERCISE OF TITLE I AUTHORITIES IN RELATION TO CONTRACTS BY STATE AND LOCAL GOVERNMENTS.—In exercising authorities under title I of the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.) during the COVID–19 emergency pe-
period, the President (and any officer or employee of
the United States to which authorities under such
title I have been delegated)—

(A) may exercise the prioritization or allo-
cation authority provided in such title I to ex-
clude any materials described in paragraph (1)
ordered by a State or local government that are
scheduled to be delivered within 15 days of the
time at which—

(i) the purchase order or contract by
the Federal Government for such materials
is made; or

(ii) the materials are otherwise allo-
cated by the Federal Government under
the authorities contained in such Act; and

(B) shall, within 24 hours of any exercise
of the prioritization or allocation authority pro-
vided in such title I—

(i) notify any State or local govern-
ment if the exercise of such authorities
would delay the receipt of such materials
ordered by such government; and

(ii) take such steps as may be nec-
essary to ensure that such materials or-
ordered by such government are delivered in the shortest possible period.

(3) Update to the Federal Acquisition Regulation.—Not later than 15 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to reflect the requirements of paragraph (2)(A).

(b) Engagement With the Private Sector.—

(1) Sense of Congress.—The Congress—

(A) appreciates the willingness of private companies not traditionally involved in producing items for the health sector to volunteer to use their expertise and supply chains to produce essential medical supplies and equipment;

(B) encourages other manufacturers to review their existing capacity and to develop capacity to produce essential medical supplies, medical equipment, and medical treatments to address the COVID–19 emergency; and

(C) commends and expresses deep appreciation to individual citizens who have been producing personal protective equipment and other materials for, in particular, use at hospitals in their community.
(2) OUTREACH REPRESENTATIVE.—

(A) DESIGNATION.—Consistent with the authorities in title VII of the Defense Production Act of 1950 (50 U.S.C. 4551 et seq.), the Administrator of the Federal Emergency Management Agency, in consultation with the Secretary of Health and Human Services, shall designate or shall appoint, pursuant to section 703 of such Act (50 U.S.C. 4553), an individual to be known as the “Outreach Representative”. Such individual shall—

(i) be appointed from among individuals with substantial experience in the private sector in the production of medical supplies or equipment; and

(ii) act as the Government-wide single point of contact during the COVID–19 emergency for outreach to manufacturing companies and their suppliers who may be interested in producing medical supplies or equipment, including the materials described under subsection (a).

(B) ENCOURAGING PARTNERSHIPS.—The Outreach Representative shall seek to develop 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-
retary of Health and Human Services, the Sec-

retary of Veterans Affairs, and heads of other

Federal agencies (as appropriate), shall submit
to the appropriate congressional committees a
report assessing the immediate needs described
in subparagraph (B) to combat the COVID–19
pandemic and the plan for meeting those imme-
diate needs.

(B) ASSESSMENT.—The report required by
this paragraph shall include—

(i) an assessment of the needs for
medical supplies or equipment necessary to
address the needs of the population of the
United States infected by the virus SARS–
CoV–2 that causes COVID–19 and to pre-
vent an increase in the incidence of
COVID–19 throughout the United States,
including diagnostic tests, serological tests,
medicines that have been approved by the
Food and Drug Administration to treat
COVID–19, and ventilators and medicines
needed to employ ventilators;

(ii) based on meaningful consultations
with relevant stakeholders, an identifica-
tion of the target rate of diagnostic testing
for each State and an assessment of the need for personal protective equipment and other supplies (including diagnostic tests) required by—

(I) health professionals, health workers, and hospital staff including supplies needed for worst case scenarios for surges of COVID–19 infections and hospitalizations;

(II) workers in industries and sectors described in the “Advisory Memorandum on Identification of Essential Critical Infrastructure Workers during the COVID–19 Response” issued by the Director of Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security on April 17, 2020 (and any expansion of industries and sectors included in updates to such advisory memorandum);

(III) students, teachers, and administrators at primary and secondary schools; and
(IV) other workers determined to be essential based on such consultation;

(iii) an assessment of the quantities of equipment and supplies in the Strategic National Stockpile (established under section 319F–2 of the Public Health Service Act ((42 U.S.C. 247d–6b(a)(1))) as of the date of the report, and the projected gap between the quantities of equipment and supplies identified as needed in the assessment under clauses (i) and (ii) and the quantities in the Strategic National Stockpile;

(iv) an identification of the industry sectors and manufacturers most ready to fulfill purchase orders for such equipment and supplies (including manufacturers that may be incentivized) through the exercise of authority under section 303(e) of the Defense Production Act of 1950 (50 U.S.C. 4533(e)) to modify, expand, or improve production processes to manufacture such equipment and supplies to respond
immediately to a need identified in clause (i) or (ii);

(v) an identification of Government-owned and privately-owned stockpiles of such equipment and supplies not included in the Strategic National Stockpile that could be repaired or refurbished;

(vi) an identification of previously distributed critical supplies that can be redistributed based on current need;

(vii) a description of any exercise of the authorities described under paragraph (1)(E) or (2)(A) of subsection (a); and

(viii) an identification of critical areas of need, by county and by areas identified by the Indian Health Service, in the United States and the metrics and criteria for identification as a critical area.

(C) PLAN.—The report required by this paragraph shall include a plan for meeting the immediate needs to combat the COVID–19 pandemic, including the needs described in subparagraph (B). Such plan shall include—

(i) each contract the Federal Government has entered into to meet such needs,
including the purpose of each contract, the

type and amount of equipment, supplies, or

services to be provided under the contract,

the entity performing such contract, and

the dollar amount of each contract;

(ii) each contract that the Federal

Government intends to enter into within

14 days after submission of such report,

including the information described in sub-

paragraph (B) for each such contract; and

(iii) whether any of the contracts de-

scribed in clause (i) or (ii) have or will

have a priority rating under the Defense

Production Act of 1950 (50 U.S.C. 4501

et seq.), including purchase orders pursu-

ant to Department of Defense Directive

4400.1 (or any successor directive), sub-

part A of part 101 of title 45, Code of

Federal Regulations, or any other applica-

ble authority.

(D) ADDITIONAL REQUIREMENTS.—The

report required by this paragraph, and each up-

date required by subparagraph (E), shall in-

clude—
(i) any requests for equipment and
supplies from State or local governments
and Indian Tribes, and an accompanying
list of the employers and unions consulted
in developing these requests;

(ii) any modeling or formulas used to
determine allocation of equipment and sup-
plies, and any related chain of command
issues on making final decisions on alloca-
tions;

(iii) the amount and destination of
equipment and supplies delivered;

(iv) an explanation of why any portion
of any contract described under subpara-
graph (C), whether to replenish the Stra-
tegic National Stockpile or otherwise, will
not be filled;

(v) of products procured under such
contract, the percentage of such products
that are used to replenish the Strategic
National Stockpile, that are targeted to
COVID–19 hotspots, and that are used for
the commercial market;

(vi) a description of the range of
prices for goods described in subsection
(a), or other medical supplies and equipment that are subject to shortages, purchased by the United States Government, transported by the Government, or otherwise known to the Government, which shall also identify all such prices that exceed the prevailing market prices of such goods prior to March 1, 2020, and any actions taken by the Government under section 102 of the Defense Production Act of 1950 or similar provisions of law to prevent hoarding of such materials and charging of such increased prices between March 1, 2020, and the date of the submission of the first report required by this paragraph, and, for all subsequent reports, within each reporting period;

(vii) metrics, formulas, and criteria used to determine COVID–19 hotspots or areas of critical need for a State, county, or an area identified by the Indian Health Service;

(viii) production and procurement benchmarks, where practicable; and
(ix) results of the consultation with
the relevant stakeholders required by sub-
paragraph (B)(ii).

(E) UPDATES.—The President, in coordi-
nation with the National Response Coordination
Center of the Federal Emergency Management
Agency, the Administrator of the Defense Lo-
gistics Agency, the Secretary of Health and
Human Services, the Secretary of Veterans Af-
fairs, and heads of other Federal agencies (as
appropriate), shall update such report every 14
days.

(F) PUBLIC AVAILABILITY.—The President
shall make the report required by this para-
graph and each update required by subpara-
graph (E) available to the public, including on
a Government website.

(2) RESPONSE TO LONGER-TERM NEEDS.—

(A) IN GENERAL.—Not later than 14 days
after the date of enactment of this Act, the
President, in coordination with the National
Response Coordination Center of the Federal
Emergency Management Agency, the Adminis-
trator of the Defense Logistics Agency, the Sec-
retary of Health and Human Services, the Sec-
Secretary of Veterans Affairs, and heads of other Federal agencies (as appropriate), shall submit to the appropriate congressional committees a report containing an assessment of the needs described in subparagraph (B) to combat the COVID–19 pandemic and the plan for meeting such needs during the 6-month period beginning on the date of submission of the report.

(B) ASSESSMENT.—The report required by this paragraph shall include—

(i) an assessment of the elements describe in clauses (i) through (v) and clause (viii) of paragraph (1)(B);

(ii) an assessment of needs related to COVID–19 vaccines;

(iii) an assessment of the manner in which the Defense Production Act of 1950 could be exercised to increase services related to health surveillance to ensure that the appropriate level of contact tracing related to detected infections is available throughout the United States to prevent future outbreaks of COVID–19 infections; and
(iv) an assessment of any additional services needed to address the COVID–19 pandemic.

(C) PLAN.—The report required by this paragraph shall include a plan for meeting the longer-term needs to combat the COVID–19 pandemic, including the needs described in subparagraph (B). This plan shall include—

(i) a plan to exercise authorities under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) necessary to increase the production of the medical equipment, supplies, and services that are essential to meeting the needs identified in subparagraph (B), including the number of N–95 respirator masks and other personal protective equipment needed, based on meaningful consultations with relevant stakeholders, by the private sector to resume economic activity and by the public and nonprofit sectors to significantly increase their activities;

(ii) results of the consultations with the relevant stakeholders required by clause (i);
(iii) an estimate of the funding and other measures necessary to rapidly expand manufacturing production capacity for such equipment and supplies, including—

(I) any efforts to expand, retool, or reconfigure production lines;

(II) any efforts to establish new production lines through the purchase and installation of new equipment; or

(III) the issuance of additional contracts, purchase orders, purchase guarantees, or other similar measures;

(iv) each contract the Federal Government has entered into to meet such needs or expand such production, the purpose of each contract, the type and amount of equipment, supplies, or services to be provided under the contract, the entity performing such contract, and the dollar amount of each contract;

(v) each contract that the Federal Government intends to enter into within 14 days after submission of such report,
including the information described in clause (iv) for each such contract;

(vi) whether any of the contracts described in clause (iv) or (v) have or will have a priority rating under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.), including purchase orders pursuant to Department of Defense Directive 4400.1 (or any successor directive), subpart A of part 101 of title 45, Code of Federal Regulations, or any other applicable authority; and

(vii) the manner in which the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) could be used to increase services necessary to combat the COVID–19 pandemic, including services described in subparagraph (B)(ii).

(D) UPDATES.—The President, in coordination with the National Response Coordination Center of the Federal Emergency Management Agency, the Administrator of the Defense Logistics Agency, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, 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—
(i) an explanation of the purpose of
the applicable contract, purchase order, or
other exercise of authority (including an
allocation of materials, services, and facili-
ties under section 101(a)(2) of the Defense
Production Act of 1950 (50 U.S.C.
4511(a)(2));

(ii) the cost of such exercise of au-

(iii) if applicable—

(I) the amount of goods that
were purchased or allocated;

(II) an identification of the entity
awarded a contract or purchase order
or that was the subject of the exercise
of authority; and

(III) an identification of any en-
tity that had shipments delayed by the
exercise of any authority under the
Defense Production Act of 1950 (50
U.S.C. 4501 et seq.).

(C) UPDATES.—The President shall up-
date the report required under subparagraph
(A) every 14 days.
(D) **Public Availability.**—The President shall make the report required by this subsection and each update required by subparagraph (C) available to the public, including on a Government website.

(4) **Quarterly Reporting.**—The President shall submit to Congress, and make available to the public (including on a Government website), a quarterly report detailing all expenditures made pursuant to titles I, III, and VII of the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.).

(5) **Exercise of Loan Authorities.**—

(A) **In General.**—Any loan made pursuant to section 302 or 303 of the Defense Production Act of 1950, carried out by the International Development Finance Corporation pursuant to the authorities delegated by Executive Order No. 13922, shall be subject to the notification requirements contained in section 1446 of the BUILD Act of 2018 (22 U.S.C. 9656).

(B) **Appropriate Congressional Committees.**—For purposes of the notifications required by subparagraph (A), the term “appropriate congressional committees”, as used section 1446 of the BUILD Act of 2018, shall be...
deemed to include the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing and Urban Development of the Senate.

(6) SUNSET.—The requirements of this sub-section shall terminate on the later of—

(A) December 31, 2021; or

(B) the end of the COVID–19 emergency period.

(e) ENHANCEMENTS TO THE DEFENSE PRODUCTION ACT OF 1950.—

(1) HEALTH EMERGENCY AUTHORITY.—Section 107 of the Defense Production Act of 1950 (50 U.S.C. 4517) is amended by adding at the end the following:

“(e) HEALTH EMERGENCY AUTHORITY.—With respect to a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act, or preparations for such a health emergency, the Secretary of Health and Human Services and the Administrator of the Federal Emergency Management Agency are authorized to carry out the authorities provided under this section to the same extent as the President.”.
(2) EMPHASIS ON BUSINESS CONCERNS OWNED
BY WOMEN, MINORITIES, VETERANS, AND NATIVE
AMERICANS.—Section 108 of the Defense Produc-
tion Act of 1950 (50 U.S.C. 4518) is amended—

(A) in the heading, by striking “MOD-
ERNIZATION OF SMALL BUSINESS SUP-
PLIERS” and inserting “SMALL BUSINESS
PARTICIPATION AND FAIR INCLUSION”;

(B) by amending subsection (a) to read as

follows:

“(a) PARTICIPATION AND INCLUSION.—

“(1) IN GENERAL.—In providing any assistance
under this Act, the President shall accord a strong
preference for subcontractors and suppliers that
are—

“(A) small business concerns; or

“(B) businesses of any size owned by
women, minorities, veterans, and the disabled.

“(2) SPECIAL CONSIDERATION.—To the max-
imum extent practicable, the President shall accord
the preference described under paragraph (1) to
small business concerns and businesses described in
paragraph (1)(B) that are located in areas of high
unemployment or areas that have demonstrated a
continuing pattern of economic decline, as identified by the Secretary of Labor.”; and

(C) by adding at the end the following:

“(c) MINORITY DEFINED.—In this section, the term ‘minority’—

“(1) has the meaning given the term in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; and

“(2) includes any indigenous person in the United States, including any territories of the United States.”.

(3) ADDITIONAL INFORMATION IN ANNUAL REPORT.—Section 304(f)(3) of the Defense Production Act of 1950 (50 U.S.C. 4534(f)(3)) is amended by striking “year.” and inserting “year, including the percentage of contracts awarded using Fund amounts to each of the groups described in section 108(a)(1)(B) (and, with respect to minorities, disaggregated by ethnic group), and the percentage of the total amount expended during such fiscal year on such contracts.”.

(4) DEFINITION OF NATIONAL DEFENSE.—Section 702(14) of the Defense Production Act of 1950 is amended by striking “and critical infrastructure protection and restoration” and inserting “, critical
infrastructure protection and restoration, and health
emergency preparedness and response activities’’.

(f) Securing Essential Medical Materials.—

(1) Statement of Policy.—Section 2(b) of
the Defense Production Act of 1950 (50 U.S.C.
4502) is amended—

(A) by redesignating paragraphs (3)
through (8) as paragraphs (4) through (9), re-
spectively; and

(B) by inserting after paragraph (2) the
following:

“(3) authorities under this Act should be used
when appropriate to ensure the availability of med-
ical materials essential to national defense, including
through measures designed to secure the drug sup-
ply chain, and taking into consideration the impor-
tance of United States competitiveness, scientific
leadership and cooperation, and innovative capac-
ity;’’.

(2) Strengthening Domestic Capability.—

Section 107 of the Defense Production Act of 1950
(50 U.S.C. 4517) is amended—

(A) in subsection (a), by inserting ‘‘(in-
cluding medical materials)’’ after ‘‘materials’’;

and
(B) in subsection (b)(1), by inserting “(including medical materials such as drugs to diagnose, cure, mitigate, treat, or prevent disease that essential to national defense)” after “essential materials”.

(3) Strategy on Securing Supply Chains for Medical Articles.—Title I of the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.) is amended by adding at the end the following:

“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR MEDICAL MATERIALS.

“(a) In General.—Not later than 180 days after the date of the enactment of this section, the President, in consultation with the Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of Defense, shall transmit a strategy to the appropriate Members of Congress that includes the following:

“(1) A detailed plan to use the authorities under this title and title III, or any other provision of law, to ensure the supply of medical materials (including drugs to diagnose, cure, mitigate, treat, or prevent disease) essential to national defense, to the extent necessary for the purposes of this Act.
“(2) An analysis of vulnerabilities to existing supply chains for such medical articles, and recommendations to address the vulnerabilities.

“(3) Measures to be undertaken by the President to diversify such supply chains, as appropriate and as required for national defense; and

“(4) A discussion of—

“(A) any significant effects resulting from the plan and measures described in this subsection on the production, cost, or distribution of vaccines or any other drugs (as defined under section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321));

“(B) a timeline to ensure that essential components of the supply chain for medical materials are not under the exclusive control of a foreign government in a manner that the President determines could threaten the national defense of the United States; and

“(C) efforts to mitigate any risks resulting from the plan and measures described in this subsection to United States competitiveness, scientific leadership, and innovative capacity, including efforts to cooperate and proactively engage with United States allies.
“(b) PROGRESS REPORT.—Following submission of the strategy under subsection (a), the President shall submit to the appropriate Members of Congress an annual progress report evaluating the implementation of the strategy, and may include updates to the strategy as appropriate. The strategy and progress reports shall be submitted in unclassified form but may contain a classified annex.

“(c) APPROPRIATE MEMBERS OF CONGRESS.—The term ‘appropriate Members of Congress’ means the Speaker, majority leader, and minority leader of the House of Representatives, the majority leader and minority leader of the Senate, the Chairman and Ranking Member of the Committees on Armed Services and Financial Services of the House of Representatives, and the Chairman and Ranking Member of the Committees on Armed Services and Banking, Housing, and Urban Affairs of the Senate.”.

(g) GAO REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on ensuring that the United States Government has access to the medical
supplies and equipment necessary to respond to future pandemics and public health emergencies, including recommendations with respect to how to ensure that the United States supply chain for diagnostic tests (including serological tests), personal protective equipment, vaccines, and therapies is better equipped to respond to emergencies, including through the use of funds in the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4534) to address shortages in that supply chain.

(2) REVIEW OF ASSESSMENT AND PLAN.—

(A) IN GENERAL.—Not later than 30 days after each of the submission of the reports described in paragraphs (1) and (2) of subsection (d), the Comptroller General of the United States shall submit to the appropriate congressional committees an assessment of such reports, including identifying any gaps and providing any recommendations regarding the subject matter in such reports.

(B) MONTHLY REVIEW.—Not later than a month after the submission of the assessment under subparagraph (A), and monthly thereafter, the Comptroller General shall issue a re-
port to the appropriate congressional commit-
tees with respect to any updates to the reports
described in paragraph (1) and (2) of sub-
section (d) that were issued during the previous
1-month period, containing an assessment of
such updates, including identifying any gaps
and providing any recommendations regarding
the subject matter in such updates.

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMIT-
tees.—The term “appropriate congressional com-
mittees” means the Committees on Appropriations,
Armed Services, Energy and Commerce, Financial
Services, Homeland Security, and Veterans’ Affairs
of the House of Representatives and the Committees
on Appropriations, Armed Services, Banking, Hous-
ing, and Urban Affairs, Health, Education, Labor,
and Pensions, Homeland Security and Governmental
Affairs, and Veterans’ Affairs of the Senate.

(2) COVID–19 EMERGENCY PERIOD.—The
term “COVID–19 emergency period” means the pe-
riod beginning on the date of enactment of this Act
and ending after the end of the incident period for
the emergency declared on March 13, 2020, by the
President under Section 501 of the Robert T. Staff-
ford Disaster Relief and Emergency Assistance Act

(42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019 (COVID–19) pandemic.

(3) RELEVANT STAKEHOLDER.—The term “relevant stakeholder” means—

(A) representative private sector entities;

(B) representatives of the nonprofit sector;

(C) representatives of primary and secondary school systems; and

(D) representatives of labor organizations representing workers, including unions that represent health workers, manufacturers, teachers, other public sector employees, and service sector workers.

(4) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. 1809. PROHIBITION ON PROVISION OF GRANT FUNDS TO ENTITIES THAT HAVE VIOLATED INTELLECTUAL PROPERTY RIGHTS OF UNITED STATES ENTITIES.

(a) AMENDMENT.—Section 47110 of title 49, United States Code, is amended by adding at the end the following:
“(j) Prohibition on Provision of Grant Funds to Entities That Have Violated Intellectual Property Rights of United States Entities.—

“(1) In general.—Beginning on the date that is 30 days after the date of the enactment of this subsection, amounts provided as project grants under this subchapter may not be used to enter into a contract described in paragraph (2) with any entity on the list required by paragraph (3).

“(2) Contract described.—A contract described in this paragraph is a contract or other agreement for the procurement of infrastructure or equipment for a passenger boarding bridge at an airport.

“(3) List required.—

“(A) In general.—Not later than 30 days after the date of the enactment of this section, and thereafter as required by subparagraphs (B) and (C), the Administrator of the Federal Aviation Administration shall, based on information provided by the United States Trade Representative and the Attorney General, make available to the public a list of entities that—
“(i)(I) are owned or controlled by, or receive subsidies from, the government of a country—

“(aa) identified by the Trade Representative under subsection (a)(1) of section 182 of the Trade Act of 1974 (19 U.S.C. 2242) in the most recent report required by that section; and

“(bb) subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416); and

“(II) have been determined by a Federal court to have misappropriated intellectual property or trade secrets from an entity organized under the laws of the United States or any jurisdiction within the United States; or

“(ii) own or control, are owned or controlled by, are under common ownership or control with, or are successors to, an entity described in clause (i).

“(B) UPDATES TO LIST.—The Administrator 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 sub-
paragraph (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 sub-
paragraph (B)(ii), the Administrator shall
make a determination with respect to
whether continuing to update the list re-
quired 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 Ad-
ministrator 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 determination.”.

(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—
(A) imported, directly or indirectly, from an entity that manufactures goods, including electronics, food products, textiles, shoes, and teas, that originated in the XUAR; or

(B) manufactured with materials that originated or are sourced in the XUAR; and

(2) with respect to any goods or materials described under subparagraph (A) or (B) of paragraph (1)—

(A) whether the goods or materials originated in forced labor camps; and

(B) whether the company or any affiliate of the company intends to continue with such importation.

(b) GAO REPORT.—The Comptroller General of the United States shall periodically evaluate and report to Congress on the effectiveness of the disclosures required under subsection (a).

(c) DEFINITIONS.—In this section:

(1) FORCED LABOR CAMP.—The term “forced labor camp” means—

(A) any entity engaged in the “pairing assistance” program which subsidizes the establishment of manufacturing facilities in XUAR;
(B) any entity using convict labor, forced labor, or indentured labor described under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

(C) any other entity that the Secretary of Defense determines is appropriate.

(2) XUAR.—The term “XUAR” means the Xinjiang Uyghur Autonomous Region.

SEC. 1811. TED STEVENS CENTER FOR ARCTIC SECURITY STUDIES.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees a plan to establish a Department of Defense Regional Center for Security Studies for the Arctic.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) A description of the benefits of establishing such a center, including the manner in which the establishment of such a center would benefit United States and Department interests in the Arctic region.
(B) A description of the mission and purpose of such a center, including specific policy guidance from the Office of the Secretary of Defense.

(C) An analysis of suitable reporting relationships with the applicable combatant commands.

(D) An assessment of suitable locations for such a center that are—

(i) in proximity to other academic institutions that study security implications with respect to the Arctic region;

(ii) in proximity to the designated lead for Arctic affairs of the United States Northern Command;

(iii) in proximity to a central hub of assigned Arctic-focused Armed Forces so as to suitably advance relevant professional development of skills unique to the Arctic region; and

(iv) in a State located outside the contiguous United States.

(E) A description of the establishment and operational costs of such a center, including for—
(i) military construction for required facilities;
(ii) facility renovation;
(iii) personnel costs for faculty and staff; and
(iv) other costs the Secretary considers appropriate.

(F) An evaluation of the existing infrastructure, resources, and personnel available at military installations and at universities and other academic institutions that could reduce the costs described in accordance with subparagraph (E).

(G) An examination of partnership opportunities with United States allies and partners for potential collaboration and burden sharing.

(H) A description of potential courses and programs that such a center could carry out, including—
(i) core, specialized, and advanced courses;
(ii) potential planning workshops;
(iii) seminars;
(iv) confidence-building initiatives; and
(v) academic research.

(I) A description of any modification to title 10, United States Code, necessary for the effective operation of such a center.

(3) FORM.—The plan required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not earlier than 30 days after the submittal of the plan required by subsection (a), and subject to the availability of appropriations, the Secretary of Defense may establish and administer a Department of Defense Regional Center for Security Studies for the Arctic, to be known as the “Ted Stevens Center for Arctic Security Studies”, for the purpose described in section 342(a) of title 10, United States Code.

(2) LOCATION.—The Ted Stevens Center for Arctic Security Studies may be located—

(A) in proximity to other academic institutions that study security implications with respect to the Arctic region;

(B) in proximity to the designated lead for Arctic affairs of the United States Northern Command; and
(C) in proximity to a central hub of assigned Arctic-focused Armed Forces so as to suitably advance relevant professional development of skills unique to the Arctic region.

SEC. 1812. PAYMENTS FOR PRIVATE EDUCATION LOAN BORROWERS, AS A RESULT OF COVID–19.

(a) Relief for Covered Borrowers as a Result of the COVID–19 National Emergency.—

(1) Student Loan Relief as a Result of the COVID–19 National Emergency.—The Secretary of the Treasury shall carry out a program under which the Secretary shall make payments, on behalf of a covered borrower, with respect to the private education loans of such borrower.

(2) Payment Amount.—Payments made under paragraph (1) with respect to a covered borrower shall be in an amount equal to the lesser of—

(A) the total amount of each private education loan of the borrower; or

(B) $10,000.

(3) Notification of Borrowers.—Not later than 15 days following the date of enactment of this subsection, the Secretary shall notify each covered borrower of—
(A) the requirements to make payments
under this section; and

(B) the opportunity for such borrower to
make an election under paragraph (4)(A) with
respect to the application of such payments to
the private education loans of such borrower.

(4) DISTRIBUTION OF FUNDING.—

(A) ELECTION BY BORROWER.—Not later
than 45 days after a notice is sent under para-
graph (3), a covered borrower may elect to
apply the payments made under this subsection
with respect to such borrower under paragraph
(1) to any private education loan of the bor-
rower.

(B) AUTOMATIC PAYMENT.—

(i) IN GENERAL.—In the case of a
covered borrower who does not make an
election under subparagraph (A) before the
date described in such subparagraph, the
Secretary shall apply the amount deter-
mined with respect to such borrower under
paragraph (1) in order of the private edu-
cation loan of the borrower with the high-
est interest rate.
(ii) **Equal interest rates.**—In case of two or more private education loans described in clause (i) with equal interest rates, the Secretary shall apply the amount determined with respect to such borrower under paragraph (1) first to the loan with the highest principal.

(5) **Data to implement.**—Holders and servicers of private education loans made to covered borrowers shall report, to the satisfaction of the Secretary, the information necessary to calculate the amount to be paid under this subsection.

(6) **Ratable reduction.**—To the extent that amounts appropriated to carry out this section are insufficient to fully comply with the payments required under paragraph (2), the Secretary shall distribute available funds by ratably reducing the amounts required to be paid under such paragraph.

(b) **Additional protections for covered borrowers.**—

(1) **Loan modification after payment.**—Each private education loan holder who receives a payment pursuant to subsection (a) shall, before the first payment due on the private education loan after the receipt of such payment (and taking into
account any suspension of payments that may be re-
quired under any other provision of law), modify the
loan, based on the payment made under subsection
(a), to lower monthly payments due on the loan.
Such modification may take the form of a re-amorti-
zation, a lowering of the applicable interest rate, or
any other modification that would lower such pay-
ments.

(2) Repayment Plan and Forgiveness
Terms.—Each private education loan holder who re-
ceives a payment pursuant to subsection (a) shall
modify all private education loan contracts with re-
spect to covered borrowers that it holds to provide
for the same repayment plan and forgiveness terms
available to Direct Loans borrowers under section
685.209(c) of title 34, Code of Federal Regulations,
in effect as of January 1, 2020.

(3) Treatment of State Statutes of Limi-
tation.—For a covered borrower who has defaulted
on a private education loan under the terms of the
promissory note prior to any loan payment made
under subsection (a), no payment made under such
subsection shall be considered an event that impacts
the calculation of the applicable State statutes of
limitation.
(4) Prohibition on pressuring borrowers.—

(A) In general.—A private education loan debt collector or creditor may not pressure a covered borrower to elect to apply any amount received pursuant to subsection (a) to any private education loan.

(B) Violations.—A violation of this paragraph is deemed—

(i) an unfair, deceptive, or abusive act or practice under Federal law in connection with any transaction with a consumer for a consumer financial product or service under section 1031 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5531); and

(ii) with respect to a violation by a debt collector, an unfair or unconscionable means to collect or attempt to collect any debt under section 808 of the Federal Debt Collection Practices Act (15 U.S.C. 1692f).

(C) Pressure defined.—In this paragraph, the term “pressure” means any communication, recommendation, or other similar com-
munition, other than providing basic information about a borrower’s options, urging a borrower to make an election described under subsection (a).

(c) DEFINITIONS.—In this section:

(1) COVERED BORROWER.—The term “covered borrower” means a borrower of a private education loan.

(2) FAIR DEBT COLLECTION PRACTICES ACT TERMS.—The terms “creditor” and “debt collector” have the meaning given those terms, respectively, under section 803 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a).

(3) PRIVATE EDUCATION LOAN.—The term “private education loan” has the meaning given the term in section 140 of the Truth in Lending Act (15 U.S.C. 1650).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

Subtitle F—Semiconductor Manufacturing Incentives

SEC. 1821. SEMICONDUCTOR INCENTIVE GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term “appropriate committees of Congress” means—
(A) the Select Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Appropriations, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives;

(2) the term “covered entity” means a private entity, a consortium of private entities, or a consortium of public and private entities with a demonstrated ability to construct, expand, or modernize a facility relating to the fabrication, assembly, testing, advanced packaging, or advanced research and development of semiconductors;
(3) the term “covered incentive” means an incentive offered by a governmental entity to a covered entity for the purposes of constructing within the jurisdiction of the governmental entity, or expanding or modernizing an existing facility within that jurisdiction, a facility described in paragraph (2);

(4) the term “governmental entity” means a State or local government;

(5) the term “Secretary” means the Secretary of Commerce; and

(6) the term “semiconductor” has the meaning given the term by the Secretary.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish in the Department of Commerce a program that, in accordance with the requirements of this section, provides grants to covered entities to incentivize investment of semiconductor fabrication facilities, or assembly, testing, advanced packaging, or advanced research and development of semiconductors in the United States.

(2) PROCEDURE.—

(A) IN GENERAL.—A covered entity shall submit to the Secretary an application that de-
scribes the project for which the covered entity is seeking a grant under this section.

(B) Eligibility.—In order for a covered entity to qualify for a grant under this section, the covered entity shall demonstrate to the Secretary, in the application submitted by the covered entity under subparagraph (A), that—

(i) the covered entity has a documented interest in constructing, expanding, or modernizing a facility described in subsection (a)(2); and

(ii) with respect to the project described in clause (i), the covered entity has—

(I) been offered a covered incentive;

(II) made commitments to worker and community investment, including through—

(aa) training and education benefits paid by the covered entity; and

(bb) programs to expand employment opportunity for eco-
onomically disadvantaged individuals; and

(III) secured commitments from regional educational and training entities and institutions of higher education to provide workforce training, including programming for training and job placement of economically disadvantaged individuals.

(C) CONSIDERATIONS FOR REVIEW.—With respect to the review by the Secretary of an application submitted by a covered entity under subparagraph (A)—

(i) the Secretary may not approve the application unless the Secretary—

(I) confirms that the covered entity has satisfied the eligibility criteria under subparagraph (B);

(II) determines that the project to which the application relates is in the interest of the United States; and

(III) has notified the appropriate committees of congress 15 days before making any commitment to provide a
grant to any covered entity that exceeds $10,000,000; and

(ii) the Secretary may consider whether—

(I) the covered entity has previously received a grant made under this subsection;

(II) the governmental entity offering the applicable covered incentive has benefitted from a grant previously made under this subsection; and

(III) to the extent practicable, the covered entity is considered a small business concern, as defined under section 3 of the Small Business Act (15 U.S.C. 632), notwithstanding section 121.103 of title 13, Code of Federal Regulations.

(3) AMOUNT.—The Secretary shall not award more than $3,000,000,000 to a covered entity under this subsection.

(4) USE OF FUNDS.—A covered entity that receives a grant under this subsection may only use the grant amounts to—
(A) finance the construction, expansion, or modernization of a facility described in subsection (a)(2), as documented in the application submitted by the covered entity under paragraph (2)(A), or for similar uses in state of practice and legacy facilities, as determined necessary by the Secretary for purposes relating to the national security and economic competitiveness of the United States;

(B) support workforce development for the facility described in subparagraph (A); or

(C) support site development for the facility described in subparagraph (A).

(5) CLAWBACK.—

(A) The Secretary shall recover the full amount with interest of a grant provided to a covered entity under this subsection if—

(i) as of the date that is 5 years after the date on which the Secretary makes the grant, the project to which the grant relates has not been completed, except that the Secretary may issue a waiver with respect to the requirement under this subparagraph if the Secretary determines that
issuing such a waiver is appropriate and in
the interests of the United States; or

(ii) during the applicable term with
respect to the grant, the covered entity en-
gages in any joint research or technology
licensing effort—

(I) with the Government of the
People’s Republic of China, the Gov-
ernment of the Russian Federation,
the Government of Iran, the Govern-
ment of North Korea, or other foreign
entity of concern; and

(II) that relates to a sensitive
technology or product, as determined
by the Secretary; and

(B) the Secretary shall recover up to the
full amount with interest of a grant provided to
a covered entity if the Secretary determines
that commitments required under paragraph
(2) have not been fully implemented, except
that the Secretary may issue a waiver with re-
spect to the requirement under this subpara-
graph if the Secretary determines that issuing
such a waiver is appropriate and in the inter-
est of the United States.
(c) Consultation and Coordination Required.—In carrying out the program established under subsection (b), the Secretary shall consult and coordinate with the Secretary of State and the Secretary of Defense.

(d) Inspector General Reviews.—The Inspector General of the Department of Commerce shall—

(1) not later than 2 years after the date of enactment of this Act, and biennially thereafter until the date that is 10 years after that date of enactment, conduct a review of the program established under subsection (b), which shall include, at a minimum—

(A) a determination of the number of instances in which grants were provided under that subsection during the period covered by the review in violation of a requirement of this section;

(B) an evaluation of how—

(i) the program is being carried out, including how recipients of grants are being selected under the program; and

(ii) other Federal programs are leveraged for manufacturing, research, and training to complement the grants awarded under the program; and
(C) a description of the outcomes of projects supported by grants made under the program, including a description of—

(i) facilities described in subsection (a)(2) that were constructed, expanded, or modernized as a result of grants made under the program;

(ii) research and development carried out with grants made under the program; and

(iii) workforce training programs carried out with grants made under the program, including efforts to hire individuals from disadvantaged populations; and

(2) submit to the appropriate committees of Congress the results of each review conducted under paragraph (1).

SEC. 1822. DEPARTMENT OF COMMERCE STUDY ON STATUS OF SEMICONDUCTORS TECHNOLOGIES IN THE UNITED STATES INDUSTRIAL BASE.

(a) In General.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce and the Secretary of Homeland Security, in consultation with the Secretary of Defense and the heads of other appropriate Federal departments and agen-
cies, shall undertake a review, which shall include a sur-
vey, using authorities in section 705 of the Defense Pro-
duction Act (50 U.S.C. 4555), to assess the capabilities
of the United States industrial base to support the na-
tional defense in light of the global nature of the supply
chain and significant interdependencies between the
United States industrial base and the industrial base of
foreign countries with respect to the manufacture, design,
and end use of semiconductors.

(b) RESPONSE TO SURVEY.—The Secretary shall en-
sure compliance with the survey from among all relevant
potential respondents, including the following:

(1) Corporations, partnerships, associations, or
any other organized groups domiciled and with sub-
stantial operations in the United States.

(2) Corporations, partnerships, associations, or
any other organized groups domiciled in the United
States with operations outside the United States.

(3) Foreign domiciled corporations, partner-
ships, associations, or any other organized groups
with substantial operations or business presence in,
or substantial revenues derived from, the United
States.

(c) INFORMATION REQUESTED.—The information
sought from a responding entity pursuant to the survey
required by subsection (a) shall include, at minimum, information on the following with respect to the manufacture, design, or end use of semiconductors by such entity:

(1) An identification of the geographic scope of operations.

(2) Information on relevant cost structures.

(3) An identification of types of semiconductors development, manufacture, assembly, test, and packaging equipment in operation at such entity.

(4) An identification of all relevant intellectual property, raw materials, and semi-finished goods and components sourced domestically and abroad by such entity.

(5) Specifications of the semiconductors manufactured or designed by such entity, descriptions of the end-uses of such semiconductors, and a description of any technical support provided to end-users of such semiconductors by such entity.

(6) Information on domestic and export market sales by such entity.

(7) Information on the financial performance, including income and expenditures, of such entity.

(8) A list of all foreign and domestic subsidies, and any other financial incentives, received by such entity in each market in which such entity operates.
(9) A list of regulatory or other informational requests about the entities’ operations, sales, or other proprietary information by the Government of the People’s Republic of China, entities under its direction or officials of the CCP, a description of the nature of the request, and the type of information provided.

(10) Information on any joint ventures, technology licensing agreements, and cooperative research or production arrangements of such entity.

(11) A description of efforts by such entity to evaluate and control supply chain risks it faces.

(12) A list and description of any sales, licensing agreements, or partnerships between such entity and the People’s Liberation Army or People’s Armed Police, including any business relationships with entities through which such sales, licensing agreements, or partnerships may occur.

(d) REPORT.—

(1) IN GENERAL.—The Secretary of Commerce shall, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other appropriate Federal departments and agencies, submit to Congress a report on the results of
the review required by subsection (a). The report shall include the following:

(A) An assessment of the results of the survey.

(B) A list of critical technology areas impacted by potential disruptions in production of semiconductors, and a detailed description and assessment of the impact of such potential disruptions on such areas.

(C) A description and assessment of gaps and vulnerabilities in the semiconductors supply chain and the national industrial supply base.

(2) FORM.—The report required by paragraph (1) may be submitted appropriate committees of Congress in classified form.

SEC. 1823. FUNDING FOR DEVELOPMENT AND ADOPTION OF SECURE SEMICONDUCTOR AND SECURE SEMICONDUCTOR SUPPLY CHAINS.

(a) MULTILATERAL SEMICONDUCTOR SECURITY FUND.—

(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund, to be known as the “Multilateral Semiconductor Security Fund” (in this section referred
to as the “Fund”), consisting of any appropriated funds credited to the Fund.

(2) PURPOSE.—The purpose of the Fund shall be to work with and support a variety of stakeholders, including governments, businesses, academia, and civil society, and allies or partner nations who are members of the Fund and are critical to the global semiconductor supply chain in order to build safe and secure semiconductor supply chains outside of and devoid of entities from countries subject to a United States embargo. Considerations for building safe and secure semiconductor supply chains include, but are not limited to—

(A) relevant semiconductor designs;

(B) chemicals and materials relevant to the semiconductor industry;

(C) semiconductor design tools;

(D) semiconductor manufacturing equipment; and

(E) basic and applied semiconductor research capability.

(3) RESTRICTION OF USE OF FUNDS.—

(A) AVAILABILITY CONTINGENT ON INTERNATIONAL AGREEMENT.—Amounts in the Fund shall be available to the Secretary of State, sub-
ject to appropriation, on and after the date on which the Secretary enters into an agreement with at least 5 other governments of countries that are allies or partners of the United States that are critical to the global semiconductor supply chain to participate in the common funding mechanism under subsection (b)(1) and the commitments described in paragraph (2) of that subsection.

(B) LIMITATION.—At no point during fiscal years 2021 through 2030 shall a United States contribution cause the cumulative total of United States contributions to exceed 33 percent of the total contributions to the Fund from all sources.

(C) NOTIFICATION.—The Secretary of State shall notify the appropriate congressional committees not later than 15 days in advance of making a contribution to the Fund, including—

(i) the amount of the proposed contribution;

(ii) the total of funds contributed by other donors; and
(iii) the national interests served by United States participation in the Fund.

(D) WITHHOLDINGS.—

(i) SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—If at any time the Secretary of State determines that the Fund has provided assistance to a country, the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) has repeatedly provided support for acts of international terrorism, the United States shall immediately withhold contributions to the Fund and cease participating in Fund activities.

(ii) SUPPORT FOR EMBARGOED COUNTRIES.—If at any time the Secretary of State determines that the Fund, or any investments made by the fund, has supported the semiconductor supply chain of or an entity with a substantial nexus to the semiconductor supply chain of a country under a United States embargo, the United States shall immediately withhold contributions and no longer make any con-
tributions until it certifies that non-market
economies do not stand to benefit from in-
vestments made from the Fund.

(iii) Excessive Salaries.—If at any
time during any of the fiscal years 2021
through 2025, the Secretary of State de-
termines that the salary of any individual
employed by the Fund exceeds the salary
of the Vice President of the United States
for that fiscal year, then the United States
should withhold from its contribution for
the next fiscal year an amount equal to the
aggregate amount by which the salary of
each such individual exceeds the salary of
the Vice President of the United States.

(4) Ensuring Permanent Member Status.—
If at any time the Secretary of State certifies that
the United States does not have a permanent rep-
resentative to the Board of Trustees as established
in paragraph (6), the Secretary shall withhold con-
tributions to the Fund until the Secretary certifies
that the United States is given a permanent seat.

(5) Composition.—

(A) In General.—The Fund should be
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 in-
clude—

(i) 5 permanent member countries,
who qualify based upon meeting an estab-
lished initial contribution threshold, whose
contributions should cumulatively be not
less than 50 percent of total contributions,
and who should hold veto power over pro-
grams and projects; and

(ii) 5 term members, as appropriate,
who are selected by the permanent mem-
bers on the basis of their commitment to
building a free secure semiconductor sup-
ply chain.

(B) QUALIFICATIONS.—Individuals ap-
pointed to the Board shall have demonstrated
knowledge and experience in the fields of semi-
conductors, semiconductor manufacturing, and
supply chain management.

(C) UNITED STATES REPRESENTATION.—

(i) IN GENERAL.—

(I) FOUNDING PERMANENT MEM-
BER.—The Secretary of State shall
seek to establish the United States as a founding permanent member of the Fund.

(II) COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO ADVANCE SEMICONDUCTOR SUPPLY CHAIN SECURITY.—The Secretary of State shall appoint an individual qualified as according to subparagraph (B) of this subsection to represent the United States on the Board of Trustees.

(ii) EFFECTIVE AND TERMINATION DATES.—

(I) EFFECTIVE DATE.—This paragraph shall take effect upon the date the Secretary of State, in coordination with the Secretary of the Treasury, certifies and transmits to Congress an agreement establishing the Fund.

(II) TERMINATION DATE.—The membership established pursuant to clause (i) shall terminate upon the date of termination of the Fund.
(D) **Removal procedures.**—The Fund shall establish procedures for the removal of member donors of the Board who do not abide by the Fund’s core objectives as defined in paragraph (4) of this section.

(6) **Availability of amounts.**—

(A) **In general.**—Amounts in the Fund shall remain available through the end of the 10th fiscal year beginning after the date of the enactment of this Act.

(B) **Remainder to treasury.**—Any amounts remaining in the Fund after the end of the fiscal year described in subparagraph (A) shall be deposited in the general fund of the Treasury.

(b) **Common funding mechanism for development and adoption of secure semiconductor and secure semiconductor supply chains.**—

(1) **In general.**—The Secretary of State, in consultation with the Secretary of Commerce, Secretary of Energy, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of the Treasury, and the Director of National Intelligence, shall seek to establish a common funding mechanism, in coordination with the governments of coun-
tries that are Members of the Fund, that uses
amounts from the Fund, and amounts committed by
such governments, to support those efforts described
in subsection (a).

(2) MUTUAL COMMITMENTS.—The Secretary of
State, in consultation with the United States Trade
Representative, the Secretary of Treasury, and the
Secretary of Commerce, shall seek to negotiate a set
of mutual commitments with the governments of
countries that are Members of the Fund upon which
to condition any expenditure of funds pursuant to
the common funding mechanism described in para-
graph (1). Such commitments shall, at a min-
imum—

(A) develop common policies for the protec-
tion of basic and applied research in both aca-
demic and commercial settings;

(B) develop common reporting require-
ments for researchers participating in talents
programs of countries subject to a United
States arms embargo;

(C) establish substantially similar if not
identical export controls licensing requirements
for all segments of the semiconductor supply
chain;
(D) establish substantially similar if not identical policies for inbound investment from entities with a substantial nexus to countries subject to an embargo in all segments of the semiconductor supply chain;

(E) establish harmonized treatment of semiconductors and verification processes for the importation of semiconductors or items incorporating semiconductors from embargoed countries;

(F) establish common policies on protecting knowledge, know-how, and personnel from migrating to embargoed countries or taking employment with entities with a substantial nexus to these countries;

(G) develop common policies, including disclosure requirements and restrictions, on outbound investments, including index funds, into entities that support or contribute to the development of the semiconductor industry in countries subject to an embargo;

(H) establish transparency requirements for any subsidies or other financial benefits (including revenue foregone) provided to semicon-
ductor firms located in or outside such countries;

(I) establish consistent policies with respect to countries that—

(i) are not participating in the common funding mechanism; and

(ii) do not meet transparency requirements established under subparagraph (H);

(J) promote harmonized treatment of semiconductor and verification processes for items being exported to a country considered a national security risk by a country participating in the common funding mechanism;

(K) establish a consistent policies and common external policies to address nonmarket economies as the behavior of such countries pertains to semiconductor; and

(L) align policies on supply chain integrity and semiconductor security.

(3) Annual report to Congress.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Fund are available under subsection (a), the Secretary of State shall submit to
Congress a report on the status of the implementation of this section that includes a description of—

(A) any commitments made by the governments of countries that are partners of the United States to providing funding for the common funding mechanism described in subsection (b)(1) and the specific amount so committed;

(B) the criteria established for expenditure of funds through the common funding mechanism;

(C) how, and to whom, amounts have been expended from the Fund;

(D) amounts remaining in the Fund;

(E) the progress of the Secretary of State toward entering into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism and the commitments described in subsection (b)(2); and

(F) any additional authorities needed to enhance the effectiveness of the Fund in achieving the security goals of the United States.

(4) GAO REPORT ON TRUST FUND EFFECTIVENESS.—Not later than 2 years after the date that the Fund is formally established, the Comptroller
General of the United States shall submit to the appropriate congressional committees a report evaluating the effectiveness of the Fund, including—

(A) the effectiveness of the programs, projects, and activities supported by the Fund; and

(B) an assessment of the merits of continued United States participation in the Fund.

SEC. 1824. ADVANCED SEMICONDUCTOR RESEARCH AND DESIGN.

(a) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Health, Education, Labor, and Pensions and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce,
the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Financial Services, the Committee on Education and Labor and the Committee on Homeland Security of the House of Representatives.

(b) Sense of Congress.—It is the sense of Congress that the leadership of the United States in semiconductor technology and innovation is critical to the economic growth and national security of the United States.

(c) Subcommittee on Semiconductor Leadership.—

(1) Establishment Required.—The President shall establish in the National Science and Technology Council a subcommittee on matters relating to leadership of the United States in semiconductor technology and innovation.

(2) Duties.—The duties of the subcommittee established under paragraph (1) are as follows:

(A) National Strategy on Semiconductor Research.—

(i) Development.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, the Secretary
of Homeland Security, the Secretary of Labor, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology and in consultation with the semiconductor industry and academia, develop a national strategy on semiconductor research, development, manufacturing, and supply chain security, including guidance for the funding of research, and strengthening of the domestic semiconductors workforce.

(ii) REPORTING AND UPDATES.—Not less frequently than once every 5 years, to update the strategy developed under clause (i) and to submit the revised strategy to the appropriate committees of Congress.

(iii) IMPLEMENTATION.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology, on an annual
basis coordinate and recommend each
agency’s semiconductor related research
and development programs and budgets to
ensure consistency with the National Semi-
conductor Strategy.

(B) Foster ing Co ordin ation of Re search and Development.—To foster the co-
ordination of semiconductor research and devel-
opment.

(3) Sunset.—The subcommittee established
under paragraph (1) shall terminate on the date
that is 10 years after the date of enactment of this
Act.

(d) Industrial Advisory Committee.—The Presi-
dent shall establish a standing subcommittee of the Presi-
dent’s Council of Advisors on Science and Technology to
advise the United States Government on matters relating
to semiconductors policy.

(e) National Semiconductor Technology Cen-
ter.—

(1) Establishment.—The Secretary of Com-
merce shall establish a national semiconductor tech-
nology center to conduct research and prototyping of
advanced semiconductor technology to strengthen
the economic competitiveness and security of the do-
mestic supply chain, which will be operated as a public private-sector consortium with participation from the private sector, the Department of Defense, the Department of Energy, the Department of Homeland Security, the National Science Foundation, and the National Institute of Standards and Technology.

(2) FUNCTIONS.—The functions of the center established under paragraph (1) shall be as follows:

(A) To conduct advanced semiconductor manufacturing, design research, and prototyping that strengthens the entire domestic ecosystem and is aligned with the National Strategy on Semiconductor Research.

(B) To establish a National Advanced Packaging Manufacturing Program led by the National Institute of Standards and Technology, in coordination with the Center, to strengthen semiconductor advanced test, assembly, and packaging capability in the domestic ecosystem, and which shall coordinate with the Manufacturing USA institute established under paragraph (4).

(C) To establish an investment fund, in partnership with the private sector, to support
startups in the domestic semiconductor eco-
system.

(D) To establish a Semiconductor Manu-
ufacturing Program through the Director of the
National Institute of Standards and Technology
to enable advances and breakthroughs in meas-
urement science, standards, material character-
ization, instrumentation, testing, and manufac-
turing capabilities that will accelerate the un-
derlying research and development for metrol-
ogy of next generation semiconductors and en-
sure the competitiveness and leadership of the
United States within this sector.

(E) To work with the Secretary of Labor,
the private sector, educational institutions, and
workforce training entities to develop workforce
training programs and apprenticeships in ad-
vanced semiconductor packaging capabilities.

(3) COMPONENTS.—The fund established under
paragraph (2)(C) shall cover the following:

(A) Advanced metrology and characteriza-
tion for manufacturing of microchips using 3
nanometer transistor processes or more ad-
vanced processes.
(B) Metrology for security and supply chain verification.

(4) Creation of a Manufacturing USA Institute.—The fund established under paragraph (2)(C) may also cover the creation of a Manufacturing USA institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)) that is focused on semiconductor manufacturing. Such institute may emphasize the following:

(A) Research to support the virtualization and automation of maintenance of semiconductor machinery.

(B) Development of new advanced test, assembly and packaging capabilities.

(C) Developing and deploying educational and skills training curricula needed to support the industry sector and ensure the United States can build and maintain a trusted and predictable talent pipeline.

(f) Authorizations of Appropriations.—

(1) National Semiconductor Technology Center.—
(A) IN GENERAL.—There is authorized to be appropriated to carry out subsection (e), $914,000,000 for fiscal year 2021—

(i) of which, $300,000,000 shall be available to carry out subsection (e)(2)(A);

(ii) of which, $500,000,000 shall be available to carry out subsection (e)(2)(B);

(iii) of which, $50,000,000 shall be available to carry out subsection (e)(2)(C);

(iv) of which, $50,000,000 shall be available to carry out subsection (e)(2)(D)—

(I) of which, $2,000,000 shall be available for each of fiscal year 2021 to carry out subsection (e)(3)(A);

(II) of which, $2,000,000 shall be available for fiscal years 2021 to carry out subsection (e)(3)(B); and

(III) of which, $5,000,000 shall be available for fiscal year 2021 to carry out subsection (e)(4); and

(v) of which, $14,000,000 shall be available to carry out subsection (e)(2)(E).

(2) SEMICONDUCTOR RESEARCH AT NATIONAL SCIENCE FOUNDATION.—There is authorized to be
appropriated to carry out programs at the National Science Foundation on semiconductor research in alignment with the National Strategy on Semiconductor Research, $300,000,000 for fiscal year 2021.

(3) SEMICONDUCTORS RESEARCH AT THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There is authorized to be appropriated to carry out semiconductors research at the National Institute of Standards and Technology $50,000,000 for fiscal year 2021.

(g) SUPPLEMENT, NOT SUPPLANT.—The amounts authorized to be appropriated under paragraphs (1) through (3) of subsection (f) shall supplement and not supplant amounts already appropriated to carry out the purposes described in such paragraphs.

(h) DOMESTIC PRODUCTION REQUIREMENTS.—The head of any executive agency receiving funding under this section shall develop policies to require domestic production, to the extent possible, for any intellectual property resulting from semiconductors research and development conducted as a result of these funds and domestic control requirements to protect any such intellectual property from foreign adversaries.
SEC. 1825. PROHIBITION RELATING TO FOREIGN ENTITIES OF CONCERN.

(a) DEFINITION.—

(1) In this subtitle, the term “foreign entity” means—

(A) any person—

(i) controlled by, or is subject to the jurisdiction or direction of a foreign government;

(ii) who acts as an agent, representative, is an employee of, or acts in any other capacity at the order, request, or under the direction or control, of a foreign government;

(iii) whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in majority part by an interest as described in subparagraph (B) of this subsection;

(iv) who directly or indirectly through any contract, arrangement, understanding, relationship, or otherwise, owns 25 percent or more of the equity interests of an interest as described in subparagraph (B) of this subsection, or has significant responsi-
bility to control, manage, or such an interest;

(v) who is a citizen or resident, wherever located, of a nation-state controlled by a foreign government; or

(B) any organization, corporation, partnership or association—

(i) organized under the laws of a nation-state controlled by a foreign government; or

(ii) wherever organized or doing business, that is owned or controlled by a foreign government.

(2) In this subtitle, the term “foreign entity of concern” means any foreign entity (as defined by paragraph (1) of this section)—

(A) designated as a foreign terrorist organization by the Secretary of State under section 1189 of title 8;

(B) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury; or

(C) alleged by the Attorney General to have been involved in activities for which a con-
vicition 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.).


(v) Section 2274, 2275, 2276, 2277, 2278, or 2284 of title 42.

(vi) Export Control Reform Act (50 U.S.C. 4801 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”.
SEC. 1832. FINDINGS.

Congress finds the following:

(1) The people of the United States celebrate cultural and linguistic diversity and seek to prepare students with skills to succeed in the 21st century.

(2) It is fitting to commend the dedication of students who have achieved proficiency in multiple languages and to encourage their peers to follow in their footsteps.

(3) The congressionally requested Commission on Language Learning, in its 2017 report “America’s Languages: Investing in Language Education for the 21st Century”, notes the pressing national need for more people of the United States who are proficient in two or more languages for national security, economic growth, and the fulfillment of the potential of all people of the United States.

(4) The Commission on Language Learning also notes the extensive cognitive, educational, and employment benefits deriving from biliteracy.

(5) Biliteracy in general correlates with higher graduation rates, higher grade point averages, higher rates of matriculation into higher education, and higher earnings for all students, regardless of background.
(6) The study of America’s languages in elementary and secondary schools should be encouraged because it contributes to a student’s cognitive development and to the national economy and security.

(7) Recognition of student achievement in language proficiency will enable institutions of higher education and employers to readily recognize and acknowledge the valuable expertise of bilingual students in academia and the workplace.

(8) States such as Utah, Arizona, Washington, and New Mexico have developed innovative testing methods for languages, including Native American languages, where no formal proficiency test currently exists.

(9) The use of proficiency in a government-recognized official Native American language as the base language for a Seal of Biliteracy, with proficiency in any additional partner language demonstrated through tested proficiency, has been successfully demonstrated in Hawaii.

(10) Students in every State and every school should be able to benefit from a Seal of Biliteracy program.

SEC. 1833. DEFINITIONS.

In this subtitle:
(1) **ESEA Definitions.**—The terms “English learner”, “secondary school”, and “State” have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **Native American Languages.**—The term “Native American languages” has the meaning given the term in section 103 of the Native American Languages Act (25 U.S.C. 2902).

(3) **Seal of Biliteracy Program.**—The term “Seal of Biliteracy program” means any program described in section 1834(a) that is established or improved, and carried out, with funds received under this subtitle.

(4) **Second Language.**—The term “second language” means any language other than English (or a Native American language, pursuant to section 1834(a)(2)), including Braille, American Sign Language, or a Classical language.

(5) **Secretary.**—The term “Secretary” means the Secretary of Education.

**Sec. 1834. Grants for State Seal of Biliteracy Programs.**

(a) ** Establishment of Program.**—
(1) IN GENERAL.—From amounts made available under subsection (f), the Secretary shall award grants, on a competitive basis, to States to enable the States to establish or improve, and carry out, Seal of Biliteracy programs to recognize student proficiency in speaking, reading, and writing in both English and a second language.

(2) INCLUSION OF NATIVE AMERICAN LANGUAGES.—Notwithstanding paragraph (1), each Seal of Biliteracy program shall contain provisions allowing the use of Native American languages, including allowing speakers of any Native American language recognized as official by any American government, including any Tribal government, to use equivalent proficiency in speaking, reading, and writing in the Native American language in lieu of proficiency in speaking, reading, and writing in English.

(3) DURATION.—A grant awarded under this section shall be for a period of 2 years, and may be renewed at the discretion of the Secretary.

(4) RENEWAL.—At the end of a grant term, a State that receives a grant under this section may reapply for a grant under this section.

(5) LIMITATIONS.—A State shall not receive more than 1 grant under this section at any time.
(6) Return of Unspent Grant Funds.—
Each State that receives a grant under this section shall return any unspent grant funds not later than 6 months after the date on which the term for the grant ends.

(b) Grant Application.—A State that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including—

(1) a description of the criteria a student must meet to demonstrate the proficiency in speaking, reading, and writing in both languages necessary for the State Seal of Biliteracy program;

(2) a detailed description of the State’s plan—
(A) to ensure that English learners and former English learners are included in the State Seal of Biliteracy program;
(B) to ensure that—
(i) all languages, including Native American languages, can be tested for the State Seal of Biliteracy program; and
(ii) Native American language speakers and learners are included in the State Seal of Biliteracy program, including stu-
students at tribally controlled schools and at
schools funded by the Bureau of Indian
Education; and
(C) to reach students, including eligible
students described in subsection (c)(2) and
English learners, their parents, and schools
with information regarding the State Seal of
Biliteracy program;
(3) an assurance that a student who meets the
requirements under paragraph (1) and subsection
(c) receives—
(A) a permanent seal or other marker on
the student’s secondary school diploma or its
equivalent; and
(B) documentation of proficiency on the
student’s official academic transcript; and
(4) an assurance that a student is not charged
a fee for providing information under subsection
(c)(1).
(e) Student Participation in a Seal of
Biliteracy Program.—
(1) In general.—To participate in a Seal of
Biliteracy program, a student shall provide informa-
tion to the State that serves the student at such
time, in such manner, and including such informa-
tion and assurances as the State may require, in-
cluding an assurance that the student has met the
criteria established by the State under subsection
(b)(1).

(2) STUDENT ELIGIBILITY FOR PARTICIPA-
TION.—A student who gained proficiency in a second
language outside of school may apply under para-
graph (1) to participate in a Seal of Biliteracy pro-
gram.

(d) USE OF FUNDS.—Grant funds made available
under this section shall be used for—

(1) the administrative costs of establishing or
improving, and carrying out, a Seal of Biliteracy
program that meets the requirements of subsection
(b); and

(2) public outreach and education about the
Seal of Biliteracy program.

(e) REPORT.—Not later than 18 months after receiv-
ing a grant under this section, a State shall issue a report
to the Secretary describing the implementation of the Seal
of Biliteracy program for which the State received the
grant.

(f) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated to carry out this section
$10,000,000 for each of fiscal years 2021 through 2025.
Subtitle H—Accountability for World Bank Loans to China

SEC. 1841. SHORT TITLE.

This subtitle may be cited as the “Accountability for World Bank Loans to China Act of 2019”.

SEC. 1842. FINDINGS.

The Congress finds as follows:

(1) Possessing more than $3,000,000,000,000 in foreign exchange reserves, the People’s Republic of China has devoted state resources to establish the Asian Infrastructure Investment Bank, the New Development Bank, and activities under the Belt and Road Initiative, potentially creating rivals to the multilateral development banks led by the United States and its allies.

(2) The International Bank for Reconstruction and Development (IBRD), the World Bank’s primary financing institution for middle-income countries, ceases to finance (“graduates”) countries that are able to sustain long-term development without recourse to Bank resources.

(3) The IBRD examines a country’s potential graduation when the country reaches the Graduation Discussion Income (GDI), which amounts to a Gross National Income (GNI) per capita of $6,975.
(4) The World Bank calculates China’s GNI per capita as equivalent to $9,470.

(5) According to the Center for Global Development, China has received $7,800,000,000 in IBRD commitments since crossing the GDI threshold in 2016.

SEC. 1843. UNITED STATES SUPPORT FOR GRADUATION OF CHINA FROM WORLD BANK ASSISTANCE.

(a) In General.—The United States Governor of the International Bank for Reconstruction and Development (IBRD) shall instruct the United States Executive Director at the IBRD that it is the policy of the United States to—

(1) pursue the expeditious graduation of the People’s Republic of China from assistance by the IBRD, consistent with the lending criteria of the IBRD; and

(2) until the graduation of China from IBRD assistance, prioritize projects in China that contribute to global public goods, to the extent practicable.

(b) Sunset.—Subsection (a) shall have no force or effect on or after the earlier of—

(1) the date that is 7 years after the date of the enactment of this Act; or
(2) the date that the Secretary of the Treasury reports to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that termination of subsection (a) is important to the national interest of the United States, with a detailed explanation of the reasons therefor.

SEC. 1844. ACCOUNTABILITY FOR WORLD BANK LOANS TO THE PEOPLE’S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the United States Governor of the International Bank for Reconstruction and Development (in this section referred to as the “IBRD”) shall submit the report described in subsection (b) to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate.

(b) REPORT DESCRIBED.—The report described in this subsection shall include the following:

(1) A detailed description of the efforts of the United States Governor of the IBRD to enforce the timely graduation of countries from the IBRD, with a particular focus on the efforts with regard to the People’s Republic of China.
(2) If the People’s Republic of China is a member country of the IBRD, an explanation of any economic or political factors that have prevented the graduation of the People’s Republic of China from the IBRD.

(3) A discussion of any effects resulting from fungibility and IBRD lending to China, including the potential for IBRD lending to allow for funding by the government of the People’s Republic of China of activities that may be inconsistent with the national interest of the United States.

(4) An action plan to help ensure that the People’s Republic of China graduates from the IBRD within 2 years after submission of the report, consistent with the lending eligibility criteria of the IBRD.

(c) WAIVER OF REQUIREMENT THAT REPORT INCLUDE ACTION PLAN.—The Secretary of the Treasury may waive the requirement of subsection (b)(4) on reporting to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the waiver is important to the national interest of the United States, with a detailed explanation of the reasons therefor.
SEC. 1845. ENSURING DEBT TRANSPARENCY WITH RESPECT TO THE BELT AND ROAD INITIATIVE.

Within 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall, in consultation with the Secretary of State, submit to the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report (which should be submitted in unclassified form but may include a classified annex) that includes the following:

(1) An assessment of the level of indebtedness of countries receiving assistance through the Belt and Road Initiative that are also beneficiary countries of the international financial institutions, including the level and nature of indebtedness to the People’s Republic of China or an entity owned or controlled by the government of the People’s Republic of China.

(2) An analysis of debt management assistance provided by the World Bank, the International Monetary Fund, and the Office of Technical Assistance of the Department of the Treasury to borrowing countries of the Belt and Road Initiative of the People’s Republic of China (or any comparable initiative or successor initiative of China).
(3) An assessment of the effectiveness of United States efforts, including bilateral efforts and multilateral efforts, at the World Bank, the International Monetary Fund, other international financial institutions and international organizations to promote debt transparency.

Subtitle I—Employment Fairness for Taiwan

SEC. 1851. SHORT TITLE.

This subtitle may be cited as the “Employment Fairness for Taiwan Act of 2020”.

SEC. 1852. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) Taiwan is responsible for remarkable achievements in economic and democratic development, with its per capita gross domestic product rising in purchasing power parity terms from $3,470 in 1980 to more than $55,000 in 2018;

(2) the experience of Taiwan in creating a vibrant and advanced economy under democratic governance and the rule of law can inform the work of the international financial institutions, including through the contributions and insights of Taiwan nationals; and
Taiwan nationals who seek employment at the international financial institutions should not be held at a disadvantage in hiring because the economic success of Taiwan has rendered it ineligible for financial assistance from such institutions.

SEC. 1853. FAIRNESS FOR TAIWAN NATIONALS REGARDING EMPLOYMENT AT INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) In General.—The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to use the voice and vote of the United States to seek to ensure that Taiwan nationals are not discriminated against in any employment decision by the institution, including employment through consulting or part-time opportunities, on the basis of—

(1) whether they are citizens or nationals of, or holders of a passport issued by, a member country of, or a state or other jurisdiction that receives assistance from, the international financial institution; or

(2) any other consideration that, in the determination of the Secretary, unfairly disadvantages Taiwan nationals with respect to employment at the institution.
(b) **INTERNATIONAL FINANCIAL INSTITUTION DEFINED.**—In this section, the term “international financial institution” has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act.

(c) **WAIVER AUTHORITY.**—The Secretary of the Treasury may waive subsection (a) for not more than 1 year at a time after reporting to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that providing the waiver—

(1) will substantially promote the objective of equitable treatment for Taiwan nationals at the international financial institutions; or

(2) is in the national interest of the United States, with a detailed explanation of the reasons therefor.

(d) **PROGRESS REPORT.**—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall submit to the committees specified in subsection (c) an annual report, in writing, that describes the progress made toward advancing the policy described in subsection (a), and a summary of employment trends with respect to Taiwan nationals at the international financial institutions.
(e) SUNSET.—The preceding provisions of this section shall have no force or effect beginning with the earlier of—

(1) the date that is 7 years after the date of the enactment of this Act; or

(2) the date that the Secretary of the Treasury reports to the committees specified in subsection (c) that each international financial institution has adopted the policy described in subsection (a).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2021”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Invest-
ment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2023; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2023; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2024 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2020; or

(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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>$91,500,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Yuma Proving Ground</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Gillem</td>
<td>$71,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Gordon</td>
<td>$80,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Fort Shafter</td>
<td>$26,000,000</td>
</tr>
<tr>
<td></td>
<td>Schofield Barracks</td>
<td>$39,000,000</td>
</tr>
<tr>
<td></td>
<td>Wheeler Army Air Field</td>
<td>$89,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>McAlester Army Ammunition Plant</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Humphreys Engineer Center</td>
<td>$51,000,000</td>
</tr>
</tbody>
</table>

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...
and supporting facilities) at the installations, and in the amounts, set forth in the following table:

**Army: Family Housing**

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Vicenza</td>
<td>Family Housing New Construction</td>
<td>$84,100,000</td>
</tr>
<tr>
<td>Kwajalein</td>
<td>Kwajalein Atoll</td>
<td>Family Housing Replacement Construction</td>
<td>$32,000,000</td>
</tr>
</tbody>
</table>

(b) Planning and Design.—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 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 $3,300,000.

**SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost
of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. LIMITATION ON MILITARY CONSTRUCTION PROJECT AT KWAJALEIN ATOLL.

The Secretary of the Army may not commence the military construction project authorized by section 2101(b) at Kwajalein Atoll, as specified in the funding table in section 4601, and none of the funds authorized to be appropriated by this Act for that military construction project may be obligated or expended, until the Secretary submits to Committees on Armed Services of the House of Representatives and the Senate a design plan for the project that ensures that, upon completion of the project, the project will be resilient to 15 inches of sea level rise and periods of complete inundation and wave-overwash predicted during the 10-year period beginning on the date of the enactment of this Act.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECT.

In the case of the authorization contained in the table in section 2102(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2689) for Camp Walker, Korea, for family housing new
construction, as specified in the funding table in section 4601 of such Act (130 Stat. 2883), the Secretary of the Army may construct an elevated walkway between two existing parking garages to connect children’s playgrounds.

**TITLE XXII—NAVY MILITARY CONSTRUCTION**

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside 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 inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station Yuma</td>
<td>$99,600,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Base Camp Pendleton</td>
<td>$68,530,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station Lemoore</td>
<td>$187,220,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base San Diego</td>
<td>$128,500,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Ground Combat Center</td>
<td>$76,500,000</td>
</tr>
<tr>
<td></td>
<td>Twentynine Palms</td>
<td></td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$21,280,000</td>
</tr>
<tr>
<td></td>
<td>Joint Region Marianas</td>
<td>$546,550,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$114,900,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Portsmouth Naval Shipyard</td>
<td>$715,000,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Fallon Range Training Complex</td>
<td>$29,040,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Station Norfolk</td>
<td>$30,400,000</td>
</tr>
</tbody>
</table>

(b) **OUTSIDE THE UNITED STATES.**—Using amounts 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**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain Island</td>
<td>Naval Support Activity Bahrain</td>
<td>$68,340,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Naval Support Activity Souda Bay</td>
<td>$50,180,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Naval Station Rota</td>
<td>$60,110,000</td>
</tr>
</tbody>
</table>

**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
in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $37,043,000.

SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military con-
struction projects inside the United States as specified in
the funding table in section 4601, the Secretary of the
Air Force may acquire real property and carry out mili-
tary construction projects for the installations or locations
inside the United States, and in the amounts, set forth
in the following table:

**Air Force: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Edwards Air Force Base</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$56,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Joint Base McGuire-Dix-Lakehurst</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$19,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Joint Base Langley-Eustis</td>
<td>$19,500,000</td>
</tr>
</tbody>
</table>

(b) **Outside the United States.**—Using amounts
appropriated pursuant to the authorization of appropria-
tions in section 2303(a) and available for military con-
struction projects outside the United States as specified
in the funding table in section 4601, the Secretary of the
Air Force may acquire real property and carry out mili-
tary construction projects for the installation or location
outside the United States, and in the amount, set forth
in the following table:

**Air Force: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qatar</td>
<td>Al Udeid</td>
<td>$26,000,000</td>
</tr>
</tbody>
</table>
SEC. 2302. FAMILY HOUSING AND IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) FAMILY HOUSING.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force 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 $2,969,000.

(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 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $94,245,000.

SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.
(b) LIMITATION ON TOTAL COST OF CONSTRUCTION

PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2304. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECT.

(a) MODIFICATION OF PROJECT AUTHORITY.—In the case of the authorization contained in the table in section 2301(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1826) for Royal Air Force Lakenheath, United Kingdom, for construction of a 2,384 square-meter Consolidated Corrosion Control Facility, as specified in the funding table in section 4601 of such Act (131 Stat. 2004), the Secretary of the Air Force may construct a 2,700 square-meter Consolidated Corrosion Control and Wash Rack Facility.

(b) MODIFICATION OF PROJECT AMOUNTS.—

(1) DIVISION B TABLE.—The authorization table in section 2301(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1826) is amended in the item re-
lating to Royal Air Force Lakenheath, United King-
dom, by striking “$136,992,000” and inserting
“$172,292,000” to reflect the project modification
made by subsection (a).

(2) DIVISION D TABLE.—The funding table in
section 4601 of the National Defense Authorization
Act for Fiscal Year 2018 (Public Law 115–91; 131
Stat. 2004) is amended in the item relating to Royal
Air Force Lakenheath, Consolidated Corrosion Con-
trol Facility, by striking “$20,000” in the Con-
ference Authorized column and inserting “$55,300”
to reflect the project modification made by sub-
section (a).

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT
CERTAIN FISCAL YEAR 2019 PROJECTS.

(a) EIELSON AIR FORCE BASE, ALASKA.—In the
case of the authorization contained in the table in section
2301(a) of the National Defense Authorization Act for
Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2246)
for Eielson Air Force Base, Alaska, for construction of
a F–35 CATM Range, as specified in the funding table
in section 4601 of such Act (132 Stat. 2404), the Sec-
retary of the Air Force may construct a 426 square-meter
outdoor range with covered and heated firing lines.

(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 construction 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 authorization 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).

(e) 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.
(d) FORCE PROTECTION AND SAFETY.—The funding table in section 4601 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2406) is amended in the item relating to Force Protection and Safety under Military Construction, Air Force, by striking “$35,000” in the Conference Authorized column and inserting “$50,000” to reflect amounts appropriated for such purpose.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 PROJECTS.

(a) TYNDALL AIR FORCE BASE, FLORIDA.—In the case of the authorizations contained in the table in section 2912(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1913) for Tyndall Air Force Base, Florida—

(1) for construction of an Auxiliary Ground Equipment Facility, as specified in the funding table in section 4603 of such Act (133 Stat. 2103), the Secretary of the Air Force may construct up to 4,770 square meters of aircraft support equipment storage;

(2) for construction of Dorm Complex Phase 1, as specified in such funding table, the Secretary of the Air Force may construct up to 18,770 square meters of visiting quarters;
(3) for construction of Lodging Facilities Phase 1, as specified in such funding table, the Secretary of the Air Force may construct up to 12,471 meters of visiting quarters.

(4) for construction of an Operations Group/Maintenance Group HQ at the installation, as specified in such funding table, the Secretary of the Air Force may construct up to 3,420 square meters of headquarters;

(5) for construction of Ops/Aircraft Maintenance Unit/Hangar number 2 and Ops/Aircraft Maintenance Unit/Hangar number 3, as specified in such funding table, the Secretary of the Air Force may construct 2,127 square meters of squadron operations and 2,875 square meters of aircraft maintenance unit for each project;

(6) for construction of a Security Forces Mobility Storage Facility, as specified in such funding table, the Secretary of the Air Force may construct up to 930 square meters of equipment storage; and

(7) for construction of Site Development, Utilities, and Demolition Phase 2, as specified in such funding table, the Secretary of the Air Force may construct up to 7,000 meters of storm water piping,
box culverts, underground detention, and grading for surface detention.

(b) OFFUTT AIR FORCE BASE, NEBRASKA.—In the case of the authorizations contained in the table in section 2912(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1913) for Offutt Air Force Base, Nebraska—

(1) for construction of an Emergency Power Microgrid, as specified in the funding table in section 4603 of such Act (133 Stat. 2104), the Secretary of the Air Force may construct seven 2.5-megawatt diesel engine generators, seven diesel exhaust fluid systems, 15-kV switchgear, two import/export inter-ties, five import-only inter-ties, and 800 square meters of switchgear facility;

(2) for construction of a Flightline Hangars Campus, as specified in such funding table, the Secretary of the Air Force may construct 445 square meter of petroleum operations center, 268 square meters of de-icing liquid storage, and 173 square meters of warehouse; and

(3) for construction of a Lake Campus, as specified in such funding table, the Secretary of the Air Force may construct 240 square meters of recreation complex and 270 square meters of storage;
(4) for construction of a Logistics Readiness Squadron Campus, as specified in such funding table, the Secretary of the Air Force may construct 2,536 square meters of warehouse; and

(5) for construction of a Security Campus, as specified in such funding table, the Secretary of the Air Force may construct 4,218 square meters of operations center and 1,343 square meters of military working dog kennel.

(c) Joint Base Langley-Eustis, Virginia.—In the case of the authorization contained in the table in section 2912(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1913) for Joint Base Langley-Eustis, Virginia, for construction of a Dormitory at the installation, as specified in the funding table in section 4603 of such Act (133 Stat. 2104), the Secretary of the Air Force may construct up to 6,720 square meters of dormitory.

SEC. 2307. TECHNICAL CORRECTIONS RELATED TO AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 FAMILY HOUSING PROJECTS.

(a) Authorization of Omitted Spangdahlem Air Base Family Housing Project.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) of the National Defense Author-
ization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1869) and available for military family housing functions, the Secretary of the Air Force may carry out the military family housing project at Spangdahlem Air Base, Germany, as specified in the funding table in section 4601 of such Act (133 Stat. 2099).

(b) Correction of Amount Authorized for Family Housing Improvements.—Section 2303 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1869) is amended by striking “$53,584,000” and inserting “$46,638,000” to reflect the amount specified in the funding table in section 4601 of such Act (133 Stat. 2099) for Construction Improvements under Family Housing Construction, Air Force.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense 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:

**Defense Agencies: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Anniston Army Depot</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Greely</td>
<td>$48,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>$33,728,000</td>
</tr>
<tr>
<td>California</td>
<td>Beale Air Force Base</td>
<td>$22,800,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$15,600,000</td>
</tr>
<tr>
<td>CONUS Unspecified</td>
<td>CONUS Unspecified</td>
<td>$14,400,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Hurlburt Field</td>
<td>$83,120,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Knox</td>
<td>$69,310,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>$46,600,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$113,800,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$23,500,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$32,700,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Joint Expeditionary Base Little Creek-Story</td>
<td>$112,500,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$21,800,000</td>
</tr>
<tr>
<td></td>
<td>Navy Fuel Depot Manchester</td>
<td>$82,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amount, set forth in the following table:

**Defense Agencies: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>Defense Fuel Support Point Tsurumi</td>
<td>$49,500,000</td>
</tr>
</tbody>
</table>
SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROGRAM PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama ..............</td>
<td>Fort Rucker ........................................</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Arkansas .............</td>
<td>Ebbing Air National Guard Base ...................</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>California ...........</td>
<td>Marine Corps Air Ground Combat Center .........</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Twenty nine Palms ..................................</td>
<td>$11,646,000</td>
</tr>
<tr>
<td></td>
<td>Military Ocean Terminal Concord ...............</td>
<td>$29,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval Support Activity Monterey ...............</td>
<td>$10,540,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Weapons Station China Lake ..........</td>
<td>$8,950,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Joint Base Anacostia-Bolling ....................</td>
<td>$44,313,000</td>
</tr>
<tr>
<td>Georgia ..............</td>
<td>Fort Benning ........................................</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Maryland .............</td>
<td>Naval Support Activity Bethesda ................</td>
<td>$13,840,000</td>
</tr>
<tr>
<td></td>
<td>Naval Support Activity South Potomac ..........</td>
<td>$18,460,000</td>
</tr>
<tr>
<td>Missouri .............</td>
<td>Whiteman Air Force Base ..........................</td>
<td>$17,310,000</td>
</tr>
<tr>
<td>Nevada ...............</td>
<td>Creech Air Force Base .............................</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>North Carolina ......</td>
<td>Fort Bragg ..........................................</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Ohio ..................</td>
<td>Wright-Patterson Air Force Base ...............</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>Tennessee ............</td>
<td>Memphis Air National Guard Base ...............</td>
<td>$4,780,000</td>
</tr>
<tr>
<td>Virginia .............</td>
<td>Naval Medical Center Portsmouth ................</td>
<td>$611,000</td>
</tr>
<tr>
<td></td>
<td>Surface Combat Systems Center Wallops Island ....</td>
<td>$9,100,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

...
4601, the Secretary of Defense may carry out energy con-
servation projects under chapter 173 of title 10, United
States Code, for the installation or location outside the
United States, and in the amount, set forth in the fol-
lowing table:

**ERCIP Projects: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Naval Support Activity Naples</td>
<td>$3,490,000</td>
</tr>
</tbody>
</table>

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-
FENSE AGENCIES.**

(a) **Authorization of Appropriations.—** Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for military con-
struction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) **Limitation on Total Cost of Construction Projects.—** Notwithstanding the cost variations author-
ized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appro-
priated under subsection (a), as specified in the funding table in section 4601.
SEC. 2404. MILITARY CONSTRUCTION INFRASTRUCTURE AND WEAPON SYSTEM SYNCHRONIZATION FOR GROUND BASED STRATEGIC DETERRENT.

(a) Authorization for Planning and Design.—Of the amounts authorized to be appropriated for research, development, test, and evaluation, Air Force, for fiscal year 2021, for the Ground Based Strategic Deterrent, as specified in the funding table in section 4201, the Secretary of the Air Force may use not more than $15,000,000 for the purpose of obtaining or carrying out necessary planning and construction design in connection with military construction projects and other infrastructure projects necessary to support the development and fielding of the Ground Based Strategic Deterrent weapon system.

(b) Air Force Project Management and Supervision.—Each contract entered into by the United States for a military construction project or other infrastructure project in connection with the development and fielding of the Ground Based Strategic Deterrence weapon system shall be carried out under the direction and supervision of the Secretary of the Air Force. The Secretary may utilize and consult with the Air Force Civil Engineer Center, the Army Corps of Engineers, and the Naval Facilities Engineering Command for subject matter expertise, con-
tracting capacity, and other support as determined to be
necessary by the Secretary to carry out this section.

(c) USE OF SINGLE PRIME CONTRACTOR.—The Sec-
retary of the Air Force may award contracts for planning
and construction design and for military construction
projects and other infrastructure projects authorized by
law in connection with the development and fielding of the
Ground Based Strategic Deterrent weapon system to a
single prime contractor if the Secretary determines that
awarding the contracts to a single prime contractor—

(1) is in the best interest of the Government;

and

(2) is necessary to ensure the proper synchroni-
ization and execution of work related to the develop-
ment and fielding of the Ground Based Strategic
Deterrent weapon system and its associated military
construction projects and other infrastructure
projects.

(d) EXCEPTIONS TO CURRENT LAW.—The Secretary
of the Air Force may carry out this section without regard
to the following provisions of law:

(1) Section 2304 of title 10, United States
Code.

(2) Section 2807(a) of such title.

(3) Section 2851(a) of such title.
(e) Expiration of Authority.—The authorities provided by this section shall expire upon the earlier of the following:

(1) The date that is 15 years after the date of the enactment of this Act.

(2) The date on which the Secretary of the Air Force submits to the congressional defense committees a certification that the fielding of the Ground Based Strategic Deterrent weapon system is complete.

(f) Report Required.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report describing the plans to synchronize the development and fielding of the Ground Based Strategic Deterrent weapon system and its associated military construction projects and other infrastructure projects. The report shall contain, at minimum, the following elements:

(1) A description of the estimated total cost, scope of work, location, and schedule for the planning and design, military construction, and other infrastructure investments necessary to support the development and fielding of the Ground Based Strategic Deterrent weapon system.
(2) A recommendation regarding the methods by which a programmatic military construction authorization, authorization of appropriations, and appropriation, on an installation-by-installation basis, could be used to support the synchronized development and fielding of the Ground Based Strategic Deterrent and its associated military construction projects and other infrastructure projects.

(3) Identification of the specific provisions of law, if any, that the Secretary determines may adversely impact or delay the development and fielding of the Ground Based Strategic Deterrent weapon system and its associated construction projects, assuming, as described in paragraph (2), the use of a programmatic military construction authorization on an installation-by-installation basis.

(4) A plan to ensure sufficient capability and capacity to cover civilian and military manning for oversight and contract management related to the development and fielding of the Ground Based Strategic Deterrent weapon system and its associated construction projects.
TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

(a) Authorization.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified 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:

<table>
<thead>
<tr>
<th>Component</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army .......</td>
<td>Camp Carroll ..........</td>
<td>Site Development ......................</td>
<td>$49,000,000</td>
</tr>
<tr>
<td>Army .......</td>
<td>Camp Humphreys ..........</td>
<td>Attack Reconnaissance Battalion</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hangar ................................</td>
<td>$99,000,000</td>
</tr>
<tr>
<td>Army .......</td>
<td>Camp Humphreys ..........</td>
<td>Hot Refuel Point ......................</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>Navy .......</td>
<td>COMROKFLT Naval Base,</td>
<td>Maritime Operations Center ...........</td>
<td>$26,000,000</td>
</tr>
<tr>
<td></td>
<td>Busan ...............</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Force ...</td>
<td>Daegu Air Base ..........</td>
<td>AEG Facility and Parking Apron ........</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>Air Force ...</td>
<td>Kunsan Air Base ..........</td>
<td>Backup Generator Plant ...............</td>
<td>$19,000,000</td>
</tr>
</tbody>
</table>
Republic of Korea Funded Construction Projects—Continued

<table>
<thead>
<tr>
<th>Component</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Force</td>
<td>Osan Air Base</td>
<td>Aircraft Corrosion Control Facility</td>
<td>$12,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Phase 3)</td>
<td></td>
</tr>
<tr>
<td>Air Force</td>
<td>Osan Air Base</td>
<td>Child Development Center</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Defense-Wide</td>
<td>Camp Humphreys</td>
<td>Munitions Storage Area Delta (Phase 1)</td>
<td>$84,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Elementary School</td>
<td>$58,000,000</td>
</tr>
</tbody>
</table>

1 SEC. 2512. STATE OF QATAR FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the State of Qatar for required in-kind contributions, the Secretary of Defense may accept military construction projects for Al Udeid Air Base in the State of Qatar, and in the amounts, set forth in the following table:

State of Qatar Funded Construction Projects

<table>
<thead>
<tr>
<th>Component</th>
<th>Installation</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Force</td>
<td>Al Udeid</td>
<td>Billet (A12)</td>
<td>$63,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Billet (B12)</td>
<td>$63,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Billet (D12)</td>
<td>$77,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Billet (D10)</td>
<td>$77,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Billet (009)</td>
<td>$77,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Billet (007)</td>
<td>$77,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Armory/Mount</td>
<td>$7,200,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Billet (A06)</td>
<td>$77,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dining Facility</td>
<td>$14,600,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Billet (B08)</td>
<td>$77,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Billet (B04)</td>
<td>$77,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Billet (A04)</td>
<td>$77,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Billet (A08)</td>
<td>$77,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dining Facility</td>
<td>$14,600,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MSG (Base Operations Support Facility)</td>
<td>$9,300,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ITN (Communications Facility)</td>
<td>$3,500,000</td>
</tr>
</tbody>
</table>
TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD 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 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 following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>National Guard Armory Tucson</td>
<td>$18,100,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Peterson Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Army Aviation Support Facility Shelbyville</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Boone National Guard Center Frankfort</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>National Guard Armory Brandon</td>
<td>$10,400,000</td>
</tr>
<tr>
<td>Nebraska</td>
<td>National Guard Armory North Platte</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Joint Base McGuire-Dix-Lakehurst</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Beightler Armory Columbus</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Hermiston National Guard Armory</td>
<td>$25,035,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Fort Allen</td>
<td>$37,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Joint Base Charleston</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>National Guard Armory McMinnville</td>
<td>$11,200,000</td>
</tr>
<tr>
<td>Texas</td>
<td>National Guard Readiness Center Fort Worth</td>
<td>$13,800,000</td>
</tr>
<tr>
<td>Utah</td>
<td>National Guard Armory Nephi</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>LTC Lionel A. Jackson Armory St. Croix</td>
<td>$39,400,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>National Guard Armory Appleton</td>
<td>$11,600,000</td>
</tr>
</tbody>
</table>

SEC. 2602. AUTHORIZED ARMY 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 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

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Reserve Center Gainesville</td>
<td>$36,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Devens Reserve Forces Training Area</td>
<td>$8,700,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Reserve Center Asheville</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$14,600,000</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Reserve Training Center, Camp Fretterd</td>
<td>$39,500,000</td>
</tr>
<tr>
<td></td>
<td>Reisterstown</td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$25,010,000</td>
</tr>
</tbody>
</table>
SEC. 2604. AUTHORIZED AIR NATIONAL GUARD 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 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:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Montgomery Regional Airport Air National Guard Base</td>
<td>$11,600,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Joint Base Andrews</td>
<td>$9,400,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$10,800,000</td>
</tr>
</tbody>
</table>

SEC. 2605. AUTHORIZED AIR FORCE 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 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

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas</td>
<td>Naval Air Station Joint Reserve Base</td>
<td>$14,200,000</td>
</tr>
<tr>
<td></td>
<td>Fort Worth</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

SEC. 2607. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 PROJECT.

In the case of the authorization contained in the table in section 2601 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1875) for Anniston Army Depot, Alabama, for construction of an Enlisted Transient Barracks, as specified in the funding table in section 4601 of such Act (133 Stat. 2096), the Secretary of the Army may carry out the project at Fort McClellan, Alabama.
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.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.
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.

(a) LIMITATION ON AMOUNT OF FUNDS AVAILABLE FOR NATIONAL EMERGENCY.—Section 2808 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (e) and (f), respectively; and

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

“(c) LIMITATION ON AMOUNT OF FUNDS AVAILABLE FOR NATIONAL EMERGENCY.—(1) Except as provided in paragraph (2), in the event of a declaration by the President of a national emergency in which the construction authority described in subsection (a) is used, the total cost of all military construction projects undertaken using that authority during the national emergency may not exceed $500,000,000.
“(2) In the event of a national emergency declaration in which the construction authority described in subsection (a) will be used only within the United States, the total cost of all military construction projects undertaken using that authority during the national emergency may not exceed $100,000,000.”.

(b) ADDITIONAL CONDITIONS ON SOURCE OF FUNDS.—Section 2808(a) of title 10, United States Code, is amended by striking the second sentence and inserting the following new subsection:

“(b) CONDITIONS ON SOURCES OF FUNDS.—A military construction project to be undertaken using the construction authority described in subsection (a) may be undertaken only within the total amount of funds that have been appropriated for military construction, including funds appropriated for family housing, that—

“(1) remain unobligated as of the date on which the first contract would be entered into in connection with that military construction project undertaken using such authority; and

“(2) are available because the military construction project for which the funds were appropriated—

“(A) has been canceled; or

“(B) has reduced costs as a result of project modifications or other cost savings.”.
(c) WAIVER OF OTHER PROVISIONS OF LAW.—Section 2808 of title 10, United States Code, is amended by inserting after subsection (c), as added by subsection (a), the following new subsection:

“(d) WAIVER OF OTHER PROVISIONS OF LAW IN EVENT OF NATIONAL EMERGENCY.—In the event of a declaration by the President of a national emergency in which the construction authority described in subsection (a) is used, the authority provided by such subsection to waive or disregard another provision of law that would otherwise apply to a military construction project authorized by this section may be used only if—

“(1) such other provision of law does not provide a means by which compliance with the requirements of the law may be waived, modified, or expedited; and

“(2) the Secretary of Defense determines that the nature of the national emergency necessitates the noncompliance with the requirements of the law.”.

(d) ADDITIONAL NOTIFICATION REQUIREMENTS.—Subsection (e) of section 2808 of title 10, United States Code, as redesignated by subsection (a)(1), is amended—
(1) by striking “of the decision” and all that follows through the end of the subsection and inserting the following: “of the following:

“(A) The reasons for the decision to use the construction authority described in subsection (a), including, in the event of a declaration by the President of a national emergency, the reasons why use of the armed forces is required in response to the declared national emergency.

“(B) The construction projects to be undertaken using the construction authority described in subsection (a), including, in the event of a declaration by the President of a national emergency, an explanation of how each construction project directly supports the immediate security, logistical, or short-term housing and ancillary supporting facility needs of the members of the armed forces used in the national emergency.

“(C) The estimated cost of the construction projects to be undertaken using the construction authority described in subsection (a), including the cost of any real estate action pertaining to the construction projects, and certification of compliance with the funding conditions imposed by subsections (b) and (c).
“(D) Any determination made pursuant to subsection (d)(2) to waive or disregard another provision of law to undertake any construction project using the construction authority described in subsection (a).

“(E) The military construction projects, including any military family housing and ancillary supporting facility projects, whose cancellation, modification, or other cost savings result in funds being available to undertake construction projects using the construction authority described in subsection (a) and the possible impact of the cancellation or modification of such military construction projects on military readiness and the quality of life of members of the armed forces and their dependents.”; and

(2) by adding at the end the following new paragraph:

“(2) In the event of a declaration by the President of a national emergency in which the construction authority described in subsection (a) is used, a construction project to be undertaken using such construction authority may be carried out only after the end of the five-day period beginning on the date the notification required by paragraph (1) is received by the appropriate committees of Congress.”.
(e) Clerical Amendments.—Section 2808 of title 10, United States Code, is further amended—

(1) in subsection (a), by inserting “Construction Authorized.—” after “(a)”;

(2) in subsection (e), as redesignated by subsection (a)(1), by inserting “Notification Requirement.—(1)” after “(e)”; and

(3) in subsection (f), as redesignated by subsection (a)(1), by inserting “Termination of Authority.—” after “(f)”.

(f) Exception for Pandemic Mitigation and Response Projects.—Subsections (b), (c), (d) of section 2808 of title 10, United States Code, as added by this section, shall not apply to a military construction project commenced under the authority of subsection (a) of such section 2808 during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)) if the Secretary of Defense determines that the military construction project will directly support pandemic mitigation and response efforts of health care providers or support members of the Armed Forces directly participating in such pandemic mitigation and response efforts. Subsection (e) of section 2808 of title 10, United States Code, as redesignated by subsection
(a)(1) and amended by subsection (d) of this section, shall still apply to any such military construction project.

SEC. 2802. EXTENSION OF SUNSET FOR ANNUAL LOCALITY ADJUSTMENT OF DOLLAR THRESHOLDS APPLICABLE TO UNSPECIFIED MINOR MILITARY CONSTRUCTION AUTHORITIES.

Section 2805(f)(3) of title 10, United States Code, is amended by striking “2022” and inserting “2027”.

SEC. 2803. MODIFICATION OF REPORTING REQUIREMENT REGARDING COST INCREASES ASSOCIATED WITH CERTAIN MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

(a) ELIMINATION OF SUBMISSION TO COMPTROLLER GENERAL.—Section 2853(f) of title 10, United States Code, is amended—

(1) in paragraphs (1) and (3), by striking “and the Comptroller General of the United States”; and

(2) by striking paragraph (6).

(b) SYNCHRONIZATION OF NOTIFICATION REQUIREMENTS.—Section 2853(e)(1) of title 10, United States Code, is amended by inserting after “cost increase” in the matter preceding subparagraph (A) the following: “(subject to subsection (f))”.

•HR 6395 EH
SEC. 2804. EXPANSION OF DEPARTMENT OF DEFENSE LAND EXCHANGE AUTHORITY.

(a) ADDITIONAL PURPOSES AUTHORIZED.—Paragraph (1) of section 2869(a) of title 10, United States Code, is amended by striking “the real property, to transfer” and all that follows through the end of the paragraph and inserting the following: “the real property—

“(A) to transfer to the United States all right, title, and interest of the person in and to a parcel of real property, including any improvements thereon under the person’s control;

“(B) to carry out a land acquisition, including the acquisition of all right, title, and interest or a lesser interest in real property under an agreement entered into under section 2684a of this title to limit encroachments and other constraints on military training, testing, and operations; or

“(C) to provide installation-support services (as defined in 2679(e) of this title), a replacement facility, or improvements to an existing facility, as agreed upon between the Secretary concerned and the person.”.

(b) REQUIREMENTS FOR ACCEPTANCE OF REPLACE-MENT FACILITIES.—Section 2869(a) of title 10, United States Code, is further amended by adding at the end the following new paragraph:
“(3) The Secretary concerned may agree to accept a replacement facility or improvements to an existing facility under paragraph (1)(C) only if the Secretary concerned determines that the replacement facility or improvements—

“(A) are completed and usable, fully functional, and ready for occupancy;

“(B) satisfy all operational requirements; and

“(C) meet all Federal, State, and local requirements applicable to the facility relating to health, safety, and the environment.”.

(c) FAIR MARKET VALUE REQUIREMENT.—Section 2869(b)(1) of title 10, United States Code, is amended—

(1) in the first sentence, by striking “of the land to be” and inserting “of the real property, installation-support services, replacement facility, or improvements to an existing facility”; and

(2) in the second sentence, by striking “of the land is less than the fair market value of the real property to be conveyed” and inserting “of the real property conveyed by the Secretary concerned exceeds the fair market value of the real property, installation-support services, replacement facility, or improvements received by the Secretary”.

•HR 6395 EH
(d) Relation to Other Military Construction Requirements.—Section 2869 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) Relation to Other Military Construction Requirements.—The acquisition of real property or an interest therein, a replacement facility, or improvements to an existing facility using the authority provided by this section shall not be treated as a military construction project for which an authorization is required by section 2802 of this title.”.

(e) Delayed Implementation of Amendments.—The amendments made by this section shall take effect on the date of the enactment of this Act, but the Secretary concerned (as defined in section 2801(c)(5) of title 10, United States Code) may not enter into any real estate transaction authorized by such amendments until after the date on which the Secretary of Defense issues final regulations providing for the implementation of such amendments by the Department of Defense.
SEC. 2805. CONGRESSIONAL PROJECT AUTHORIZATION REQUIRED FOR MILITARY CONSTRUCTION PROJECTS FOR ENERGY RESILIENCE, ENERGY SECURITY, AND ENERGY CONSERVATION.

(a) Replacement of Notice and Wait Authority.—Section 2914 of title 10, United States Code, is amended to read as follows:

"§ 2914. Military construction projects for energy resilience, energy security, and energy conservation

"(a) Project Authorization Required.—The Secretary of Defense may carry out such military construction projects for energy resilience, energy security, and energy conservation as are authorized by law, using funds appropriated or otherwise made available for that purpose.

"(b) Submission of Project Proposals.—(1) As part of the Department of Defense Form 1391 submitted to the appropriate committees of Congress for a military construction project covered by subsection (a), the Secretary of Defense shall include the following information:

"(A) The project title.

"(B) The location of the project.

"(C) A brief description of the scope of work.
“(D) The original project cost estimate and the current working cost estimate, if different.

“(E) Such other information as the Secretary considers appropriate.

“(2) In the case of a military construction project for energy conservation, the Secretary also shall include the following information:

“(A) The original expected savings-to-investment ratio and simple payback estimates and measurement and verification cost estimate.

“(B) The most current expected savings-to-investment ratio and simple payback estimates and measurement and verification plan and costs.

“(C) A brief description of the measurement and verification plan and planned funding source.

“(3) In the case of a military construction project for energy resilience or energy security, the Secretary also shall include the rationale for how the project would enhance mission assurance, support mission critical functions, and address known vulnerabilities.”.

(b) Clerical Amendment.—The table of sections at the beginning of subchapter I of chapter 173 of title 10, United States Code, is amended by striking the item relating to section 2914 and inserting the following new item:
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.


(1) in paragraph (1), by striking “December 31, 2020” and inserting “December 31, 2021”; and

(2) paragraph (2), by striking “fiscal year 2021” and inserting “fiscal year 2022”.

(b) Continuation of Limitation on Use of Authority.—Subsection (e) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2807(b) of the Military Construction Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2264), is further amended—
(1) by striking “either” and inserting “each”; and

(2) by inserting after the first paragraph (2) the following new subparagraph:

“(C) The period beginning October 1, 2020, and ending on the earlier of December 31, 2021, or the date of the enactment of an Act authorizing funds for military activities of the Department of Defense for fiscal year 2022.”.

(c) TECHNICAL CORRECTIONS.—Subsection (c) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2807(b) of the Military Construction Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2264) and subsection (b) of this section, is further amended—

(1) by redesignating the second paragraph (1) as subparagraph (A); and

(2) by redesignating the first paragraph (2) as subparagraph (B).
SEC. 2807. PILOT PROGRAM TO SUPPORT COMBATANT COMMAND MILITARY CONSTRUCTION PRIORITIES.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program to evaluate the usefulness of reserving a portion of the military construction funds of the military departments to help the combatant commands satisfy their military construction priorities in a timely manner.

(b) LOCATION.—The Secretary of Defense shall conduct the pilot program for the benefit of the United States Indo-Pacific Command in the area of responsibility of the United States Indo-Pacific Command.

(c) REQUIRED INVESTMENT.—For each fiscal year during which the pilot program is conducted, the Secretary of Defense shall reserve to carry out military construction projects under the pilot program an amount equal to 10 percent of the total amount authorized to be appropriated for military construction projects by titles XXI, XXII, and XXIII of the Military Construction Authorization Act for that fiscal year.

(d) COMMENCEMENT AND DURATION.—

(1) COMMENCEMENT.—The Secretary of Defense shall commence the pilot program no later than October 1, 2023. The Secretary may commence the pilot program as early as October 1, 2022, if the
Secretary determines that compliance with the reservation of funds requirement under subsection (e) is practicable beginning with fiscal year 2023.

(2) DURATION.—The pilot program shall be in effect for the fiscal year in which the Secretary commences the pilot program, as described in paragraph (1), and the subsequent 2 fiscal years. Any construction commenced under the pilot program before the expiration date may continue to completion.

(e) PROGRESS REPORT.—Not later than February 15 of the final fiscal year of the pilot program, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the success of the pilot program in improving the timeliness of the United States Indo-Pacific Command in achieving its military construction priorities. The Secretary shall include in the report—

(1) an evaluation of the likely positive and negative impacts were the pilot program extended or made permanent and, if extended or made permanent, the likely positive and negative impacts of expansion to cover all or additional combatant commands; and

(2) the recommendations of the Secretary regarding whether the pilot program should be extended or made permanent and expanded.
SEC. 2808. BIANNUAL REPORT REGARDING MILITARY INSTALLATIONS SUPPORTED BY DISASTER RELIEF APPROPRIATIONS.

(a) REPORT REQUIRED.—Biannually through September 30, 2025, both the Secretary of the Air Force and the Secretary of the Navy shall submit to the relevant congressional committees a report regarding the obligation and expenditure at military installations under the jurisdiction of the Secretary concerned of appropriations made available to the Secretary concerned in title V of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2020 (division F of Public Law 116–94).

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include for the period covered by the report the following elements:

(1) The timeline for award of contracts for each military construction project to be funded with appropriations referred to in subsection (a).

(2) The status, including obligations and expenditures, of each contract already awarded for such military construction projects.

(3) An assessment of the contracting capacity of the communities in the vicinity of such military installations to support such contracts.
(4) The expectations that such local communities will be required to address.

(c) Public Availability of Report.—The information in each report specific to a particular military installation shall be made available online using a public forum commonly used in the locality in which the installation is located.

(d) Early Termination.—Notwithstanding the date specified in subsection (a), the Secretary of the Air Force and the Secretary of the Navy may terminate the reporting requirement applicable to the Secretary concerned under such subsection effective on the date on which the Secretary concerned certifies to the relevant congressional committees that at least 90 percent of the appropriations referred to in such subsection and made available to the Secretary concerned have been expended.

(e) Relevant Congressional Committees Defined.—In this section, the term “relevant congressional committees” means—

(1) the Committee on Armed Services and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on 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 DEPART-
MENT 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 sub-
paragraph:

“(B) The Secretary of Defense shall require that eli-
gible 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 re-
newed on or after the date of the enactment of this Act
between the Secretary of a military department and a
landlord regarding privatized military housing. In this subsection, the terms “landlord” and “privatized military housing” have the meanings given those terms in section 3001(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1916; 10 U.S.C. 2821 note).

SEC. 2812. PROMULGATION OF GUIDANCE TO FACILITATE RETURN OF MILITARY FAMILIES DISPLACED FROM PRIVATIZED MILITARY HOUSING.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall promulgate guidance for commanders of military installations and installation housing management offices to facilitate and manage the return of tenants who are displaced from privatized military housing—

(1) as a result of an environmental hazard or other damage adversely affecting the habitability of the privatized military housing; or

(2) during remediation or repair activities in response to the hazard or damages.

(b) AVAILABILITY OF REIMBURSEMENT.—As part of the guidance, the Secretary of Defense shall identify situations in which a tenant of privatized military housing should be reimbursed for losses to personal property of the tenant that are not covered by insurance and are in-
curred by the tenant in the situations described in sub-
section (a).

(c) CONSULTATION.—The Secretary of Defense shall
promulgate the guidance in consultation with the Secre-
taries of the military departments, the Chief Housing Offi-
cer, landlords, and other interested persons.

(d) IMPLEMENTATION.—The Secretaries of the mili-
tary departments shall be responsible for ensuring the im-
plementation of the guidance at military installations
under the jurisdiction of the Secretary concerned.

(e) DEFINITIONS.—In this section, the terms “land-
lord”, “privatized military housing”, and “tenant” have
the meanings given those terms in section 3001(a) of the
Military Construction Authorization Act for Fiscal Year
2020 (division B of Public Law 116–92; 133 Stat. 1916;

SEC. 2813. PROMULGATION OF GUIDANCE ON MOLD MITI-
GATION IN PRIVATIZED MILITARY HOUSING.

(a) GUIDANCE REQUIRED.—The Secretary of De-
fense shall establish a working group to promulgate guid-
ance regarding best practices for mold mitigation in
privatized military housing and for making the determina-
tion regarding when the presence of mold in a unit of
home privatized military housing is an emergency situa-
tion requiring the relocation of the residents of the unit.
(b) MEMBERS.—The working groups shall include the Surgeon Generals of the Armed Forces and such other subject-matter experts as the Secretary considers appropriate.

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.

(a) UNIFORM CODE OF BASIC STANDARDS FOR MILITARY HOUSING.—The Secretary of Defense shall expand the uniform code of basic housing standards for safety, comfort, and habitability for privatized military housing established pursuant to section 3051(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1941; 10 U.S.C. 2871 note) to include Government-owned and Government-controlled military family housing located inside or outside the United States and occupied by members of the Armed Forces.

(b) INSPECTION AND ASSESSMENT PLAN.—The Secretary of Defense shall expand the Department of Defense housing inspection and assessment plan prepared pursu-
ant to section 3051(b) of the Military Construction Au-
uthorization Act for Fiscal Year 2020 (division B of Public
Law 116–92; 133 Stat. 1941; 10 U.S.C. 2871 note) to
include Government-owned and Government-controlled
military family housing located inside or outside the
United States and occupied by members of the Armed
Forces and commence inspections and assessments of such
military family housing pursuant to the plan.

SEC. 2815. ESTABLISHMENT OF EXCEPTIONAL FAMILY
MEMBER PROGRAM HOUSING LIAISON.

(a) Establishment.—Not later than September 30,
2021, each Secretary of a military department shall ap-
point at least one Exceptional Family Member Program
housing liaison for that military department.

(b) Duties.—The duties of a Exceptional Family
Member Program housing liaison are to assist military
families enrolled in that Program, and who are
disproportionally housed in facilities under the Military
Housing Privatization Initiative, in obtaining cost-effective
services needed by such families.
SEC. 2816. DEPARTMENT OF DEFENSE REPORT ON CRITERIA AND METRICS USED TO EVALUATE PERFORMANCE OF LANDLORDS OF PRIVATIZED MILITARY HOUSING THAT RECEIVE INCENTIVE FEES.

(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 Committees on Armed Services of the Senate and the House of Representatives a report—

(1) describing the criteria and metrics currently used by the Department of Defense to analyze the performance of landlords that receive incentive fees;

(2) evaluating the effectiveness of such criteria and metrics in accurately judging the performance of such landlords; and

(3) containing such recommendations as the Secretary considers appropriate to revise such criteria and metrics to better evaluate the performance of such landlords.

(b) PREPARATION OF REPORT.—To prepare the report required by subsection (a), the Secretary of Defense first shall solicit the views of the Secretaries of the military departments.

(c) DEFINITIONS.—In this section, the terms “incentive fees” and “landlord” have the meanings given those
SEC. 2817. REPORT ON DEPARTMENT OF DEFENSE EFFORTS REGARDING OVERSIGHT AND ROLE IN MANAGEMENT OF PRIVATIZED MILITARY HOUSING.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress made by the Department of Defense in implementing the recommendations contained in the report of the Comptroller General regarding military housing entitled “DOD Needs to Strengthen Oversight and Clarify Its Role in the Management of Privatized Housing” and dated March 2020 (GAO–20–281).

SEC. 2818. IMPROVED DEPARTMENT OF DEFENSE AND LANDLORD RESPONSE TO IDENTIFICATION AND REMEDIATION OF SEVERE ENVIRONMENTAL HEALTH HAZARDS IN MILITARY HOUSING.

(a) Definitions.—In this section:

(1) The terms “landlord”, “privatized military housing”, and “tenant” have the meanings given those terms in section 3001(a) of the Military Con-

(2) The term “severe environmental health hazard” means asbestos, radon, lead, and such other hazardous substances as the Secretary of Defense may designate.

(b) GUIDANCE REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary of Defense shall issue guidance regarding hazard assessments conducted under section 3052(b) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 10 U.S.C. 2821 note) subsection (b) and under the process developed under section 3053(a) of such Act (10 U.S.C. 2821 note) to improve Department of Defense and landlord identification and resolution of severe environmental health hazards in housing under the jurisdiction of the Department of Defense (including privatized military housing).

(2) TESTING AND INSPECTION REQUIREMENTS.—The guidance issued under this subsection shall specifically require, on an annual basis or at
more frequent intervals as the Secretary considers appropriate, the following:

(A) Testing in housing under the jurisdiction of the Department of Defense (including privatized military housing) for known severe environmental health hazards.

(B) Inspections of such housing to determine the efficacy of mitigation or encapsulation measures regarding severe environmental health hazards. Such inspections shall be performed by qualified home inspectors (as described in section 3051(d) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 10 U.S.C. 2821 note) and adhere to recognized industry practices and standards.

(3) ADDITIONAL REQUIREMENT FOR LEAD ENCAPSULATION.—The guidance issued under this subsection shall specifically require that testing of the integrity of lead encapsulation will be performed on an emergency basis at the request of the affected tenant.

(4) PROMPT NOTIFICATION REQUIREMENT.—The results of testing and inspections described in paragraphs (2) and (3) shall be shared with the ten-
ant of the affected housing within 48 hours after re-
ceipt of the results by the housing management of-
fee of the military installation for which the housing
is provided, the installation commander, or the land-
lord, whichever occurs first.

(5) **ALTERNATIVE HOUSING.**—The Secretary of
the military department concerned shall provide al-
ternative housing to affected tenants until any dis-
crepancies are resolved, as provided in the depart-
ment’s displaced tenants policy.

(c) **ADDITIONAL PROTECTIONS FOR CERTAIN MEM-
BERS.**—Members of the Armed Forces assigned to a mili-
tary installation who are required to reside in on-installa-
tion housing (including privatized military housing on the
installation) because of the members’ essential status shall
be provided the following information before occupying the
housing (and, in the case of privatized military housing,
signing lease documents):

(1) The most recent results of testing and in-
spections described in paragraphs (2) and (3) of
subsection (b) regarding the housing.

(2) If any of the tests and inspections were
positive, information on the mitigation or encapsula-
tion measures in place in the housing.
(3) Information on required maintenance of mitigation measures.

SEC. 2819. INCLUSION OF ASSESSMENT OF PERFORMANCE METRICS IN ANNUAL PUBLICATION ON USE OF INCENTIVE FEES FOR PRIVATIZED MILITARY HOUSING PROJECTS.

(a) REQUIRED INCLUSION OF ASSESSMENT OF PERFORMANCE METRICS.—Section 2891c(b)(1) of title 10, United States Code, is amended by striking ‘‘, on a publicly accessible website, information’’ and inserting the following: ‘‘the following on a publicly accessible website:

“(A) For each contract for the provision or management of housing units:

“(i) An assessment of indicators underlying the performance metrics under such contract to ensure such indicators adequately measure the condition and quality of each housing unit covered by the contract, including the following:

“(I) Tenant satisfaction.

“(II) Maintenance management.

“(III) Project safety.

“(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)”;

(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 2891e of title 10, United States Code, is amended to read as follows:
§ 2891c. Transparency regarding finances and performance metrics.

(B) Subsection Heading.—Section 2891c(b) of title 10, United States Code, is amended in the subsection heading by striking “Availability of Information on Use of Incentive Fees” and inserting “Public Availability of Certain Information”.

(C) Table of Sections.—The table of sections at the beginning of subchapter V of chapter 169 of title 10, United States Code, is amended by striking the item relating to section 2891c and inserting the following new item:

“2891c. Transparency regarding finances and performance metrics.”.

Subtitle C—Real Property and Facilities Administration

SEC. 2821. CODIFICATION OF REPORTING REQUIREMENTS REGARDING UNITED STATES OVERSEAS MILITARY ENDURING LOCATIONS AND CONTINGENCY LOCATIONS.

(a) Inclusion of Information in Existing Annual Report.—Section 2687a(a) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “Master Plans” and inserting “Overseas Military Locations”;
(2) in paragraph (1), by striking subparagraph (B) and inserting the following new subparagraph:

“(B) overseas military locations, whether such a location is designated as an enduring location or contingency location.”; and

(3) by striking paragraph (2) and inserting the following new paragraphs:

“(2) To satisfy the reporting requirement specified in paragraph (1)(B), a report under paragraph (1) shall contain the following:

“(A) A description of the strategic goal and operational requirements supported by each overseas military location.

“(B) A summary of the terms of agreements for each overseas military location, including—

“(i) the type of implementing agreement;

“(ii) any annual lease or access costs to the United States under the agreement; and

“(iii) any limitation on United States military presence, activities, or operations at the overseas military location.

“(C) A list of all infrastructure investments made at each overseas military location during the previous fiscal year, delineated by project location, project title or description, cost of project, any
amount paid by a host nation to cover all or part of
the project cost, and authority used to undertake the
project.

“(D) A list of all infrastructure requirements
for each overseas military location anticipated dur-
ing the fiscal year in which the report is submitted
and the next four fiscal years, delineated as de-
scribed in subparagraph (C).

“(E) A list of any overseas military locations
newly established during the previous fiscal year.

“(F) A description of any plans to transition an
existing contingency overseas military location to an
enduring overseas military location or to upgrade or
downgrade the designation of an existing enduring
or contingency overseas military location during the
fiscal year in which the report is submitted or the
next four fiscal years.

“(G) A list of any overseas military locations
that, during the previous fiscal year, were trans-
ferred to the control of security forces of the host
country or another military force, closed, or for any
other reason no longer used by the armed forces, in-
cluding a summary of any costs associated with the
transfer or closure of the overseas military location.
“(H) A summary of the impact that the establishment or maintenance of each overseas military location has on security commitments undertaken by the United States pursuant to any international security treaty or the current security environments in the combatant commands, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

“(I) A summary of any force protection risks identified for each overseas military location, the actions proposed to mitigate such risks, and the resourcing and implementation plan to implement the mitigation actions.

“(J) An assessment of force protection measures by host nations for each overseas military location and recommendations to mitigate any potential risks identified.

“(K) Such other such matters related to overseas military locations as the Secretary of Defense considers appropriate.

“(3)(A) In this subsection, the term ‘overseas military location’ covers both enduring locations and contingency locations established outside the United States.
“(B) An enduring location is primarily characterized either by the presence of permanently assigned United States forces with robust infrastructure and quality of life amenities to support that presence, by the sustained presence of allocated United States forces with infrastructure and quality of life amenities consistent with that presence, or by the periodic presence of allocated United States forces with little or no permanent United States military presence or controlled infrastructure. Enduring locations include main operating bases, forward operating sites, and cooperative security locations.

“(C) A contingency location refers to a location outside of the United States that is not covered by subparagraph (B), but that is used by United States forces to support and sustain operations during named and unnamed contingency operations or other operations as directed by appropriate authority and is categorized by mission life-cycle requirements as initial, temporary, or semi-permanent.

“(4) The Secretary of Defense shall prepare the report under paragraph (1) in coordination with the Under Secretary of Defense for Policy and the Under Secretary of Defense for Acquisition and Sustainment.
“(5) A report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as necessary.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—Section 2687a(e)(2) of title 10, United States Code, is amended by striking “host nation” both places it appears and inserting “host country”.

(2) SECTION HEADING.—The heading of section 2687a of title 10, United States Code, is amended to read as follows:

“§2687a. Overseas base closures and realignments and status of United States overseas military locations”.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 159 of title 10, United States Code, is amended by striking the item relating to section 2687a and inserting the following new item:

“2687a. Overseas base closures and realignments and status of United States overseas military locations.”.

(c) REPEAL OF SUPERCEDED REPORTING REQUIREMENT.—Section 2816 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1176) is repealed.
SEC. 2822. LIMITATIONS ON RENEWAL OF UTILITY PRIVATIZATION CONTRACTS.

(a) CONTRACT RENEWAL AUTHORITY.—Section 2688(d)(2) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(2)”; and

(2) by inserting after the first sentence the following new subparagraph:

“(B) A longer-term contract entered into under the authority of subparagraph (A) may be renewed in the manner provided in such subparagraph, except that such a contract renewal may only be awarded during the final five years of the existing contract term.”.

(b) CONFORMING AMENDMENTS.—Section 2688(d)(2) of title 10, United States Code, is further amended—

(1) by striking “The determination of cost effectiveness” and inserting the following:

“(C) A determination of cost effectiveness under this paragraph”; and

(2) by striking “the contract” and inserting “the contract or contract renewal”.

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SEC. 2823. VESTING EXERCISE OF DISCRETION WITH SERVICE SECRETARIES REGARDING ENTERING INTO LONGER-TERM CONTRACTS FOR UTILITY SERVICES.

Section 2688(d)(2) of title 10, United States Code, as amended by section 2822, is further amended—

(1) by striking “The Secretary of Defense, or the designee of the Secretary,” and inserting “The Secretary concerned”; and

(2) by striking “if the Secretary” and inserting “if the Secretary concerned”.

SEC. 2824. USE OF ON-SITE ENERGY PRODUCTION TO PROMOTE MILITARY INSTALLATION ENERGY RESILIENCE AND ENERGY SECURITY.

(a) Promotion of On-Site Energy Security and Energy Resilience.—Section 2911 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) Promotion of On-Site Energy Security and Energy Resilience.—(1) Consistent with the energy security and resilience goals of the Department of Defense and the energy performance master plan referred to in this section, the Secretary concerned shall consider, when feasible, projects for the production of installation energy that benefits military readiness and promotes in-
installation energy security and energy resilience in the following manner:

“(A) Location of the energy-production infrastructure on the military installation that will consume the energy.

“(B) Incorporation of energy resilience features, such as microgrids, to ensure that energy remains available to the installation even when the installation is not connected to energy sources located off the installation.

“(C) Reduction in periodic refueling needs from sources off the installation to not more than once every two years.

“(3) In this subsection, the term ‘microgrid’ means an integrated energy system consisting of interconnected loads and energy resources that, if necessary, can be removed from the local utility grid and function as an integrated, stand-alone system.”.

(b) Evaluation of Feasibility of Expanding Use of On-Site Energy Production.—

(1) Projects Authorized.—Subsection (h) of section 2911 of title 10, United States Code, as added by subsection (a), is amended by inserting after paragraph (1) the following new paragraph:
“(2)(A) Using amounts made available for military construction projects under section 2914 of this title, the Secretary of Defense shall carry out at least four projects to promote installation energy security and energy resilience in the manner described in paragraph (1).

“(B) At least one project shall be designed to develop technology that demonstrates the ability to connect an existing on-site energy generation facility that uses solar power with one or more installation facilities performing critical missions in a manner that allows the generation facility to continue to provide electrical power to these facilities even if the installation is disconnected from the commercial power supply.

“(C) At least one project shall be designed to develop technology that demonstrates that one or more installation facilities performing critical missions can be isolated, for purposes of electrical power supply, from the remainder of the installation and from the commercial power supply in a manner that allows an on-site energy generation facility that uses a renewable energy source, other than solar energy, to provide the necessary power exclusively to these facilities.

“(D) At least two projects shall be designed to develop technology that demonstrates the ability to store sufficient electrical energy from an on-site energy generation
facility that uses a renewable energy source to provide the
electrical energy required to continue operation of installa-
tion facilities performing critical missions during night-
time operations.

“(E) The Secretary of Defense may not select as the
site of a project under this paragraph a military installa-
tion that already has the ability to satisfy any of the
project requirements described in subparagraph (B), (C),
or (D).

“(F) The authority of the Secretary of Defense to
commence a project under this paragraph expires on Sep-
tember 30, 2025.”.

(2) BRIEFING.—Not later than March 1, 2021,
the Secretary of Defense shall brief the congress-
sional defense committees regarding the plan to
carry out the on-site energy production projects au-
thorized by paragraph (2) of section 2911 of title
10, United States Code, as added by paragraph (1).

SEC. 2825. AVAILABILITY OF ENERGY RESILIENCE AND
CONSERVATION INVESTMENT PROGRAM
FUNDS FOR CERTAIN ACTIVITIES RELATED
TO PRIVATIZED UTILITY SYSTEMS.

Section 2914(a) of title 10, United States Code, is
amended—
(1) by inserting “(1)” before “The Secretary of Defense”; and

(2) by adding at the end the following new paragraph:

“(2) For purposes of this section, a military construction project is deemed to include activities related to utility systems authorized under subsections (h), (j), and (k) of section 2688 or section 2913 of this title, notwithstanding that the United States does not own the utility system, and energy-related activities included as a separate requirement in an energy savings performance contract (as defined in section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287e(3))).”.

SEC. 2826. IMPROVING WATER MANAGEMENT AND SECURITY ON MILITARY INSTALLATIONS.

(a) RISK-BASED APPROACH TO INSTALLATION WATER MANAGEMENT AND SECURITY.—

(1) GENERAL REQUIREMENT.—The Secretary concerned shall adopt a risk-based approach to water management and security for each military installation under the jurisdiction of the Secretary.

(2) IMPLEMENTATION PRIORITIES.—The Secretary concerned shall begin implementation of paragraph (1) by prioritizing those military installations
under the jurisdiction of the Secretary that the Secretary determines—

(A) are experiencing the greatest risks to sustainable water management and security; and

(B) face the most severe existing or potential adverse impacts to mission assurance as a result of such risks.

(3) DETERMINATION METHOD.—Determinations under paragraph (2) shall be made on the basis of the water management and security assessments made by the Secretary concerned under subsection (b).

(b) WATER MANAGEMENT AND SECURITY ASSESSMENTS.—

(1) ASSESSMENT METHODOLOGY.—The Secretaries concerned, acting jointly, shall develop a methodology to assess risks to sustainable water management and security and mission assurance.

(2) ELEMENTS.—Required elements of the assessment methodology shall include the following:

(A) An evaluation of the water sources and supply connections for a military installation, including water flow rate and extent of competition for the water sources.
(B) An evaluation of the age, condition, and jurisdictional control of water infrastructure serving the military installation.

(C) An evaluation of the military installation’s water-security risks related to drought-prone climates, impacts of defense water usage on regional water demands, water quality, and legal issues, such as water rights disputes.

(D) An evaluation of the resiliency of the military installation’s water supply and the overall health of the aquifer basin of which the water supply is a part, including the robustness of the resource, redundancy, and ability to recover from disruption.

(E) An evaluation of existing water metering and consumption at the military installation, considered at a minimum—

(i) by type of installation activity, such as training, maintenance, medical, housing, and grounds maintenance and landscaping; and

(ii) by fluctuations in consumption, including peak consumption by quarter.

(c) EVALUATION OF INSTALLATIONS FOR POTENTIAL NET ZERO WATER USAGE.—
(1) Evaluation Required.—The Secretary concerned shall conduct an evaluation of each military installation under the jurisdiction of the Secretary to determine the potential for the military installation, or at a minimum certain installation activities, to achieve net zero water usage.

(2) Elements.—Required elements of each evaluation shall include the following:

(A) An evaluation of alternative water sources to offset use of freshwater, including water recycling and harvested rainwater for use as non-potable water.

(B) An evaluation of the practicality of implementing Department of Energy guidelines for net zero water usage, when practicable to minimize water consumption and wastewater discharge in buildings scheduled for renovation.

(C) An evaluation of the practicality of implementing net zero water usage technology into new construction in water-constrained areas, as determined by water management and security assessments conducted under subsection (b).

(d) Improved Landscaping Management Practices.—
(1) Landscaping Management.—The Secretary concerned shall implement, to the maximum extent practicable, at each military installation under the jurisdiction of the Secretary landscaping management practices to increase water resilience and ensure greater quantities of water availability for operational, training, and maintenance requirements.

(2) Arid or Semi-arid Climates.—For military installations located in arid or semi-arid climates, landscaping management practices shall include the use of xeriscaping.

(3) Non-arid Climates.—For military installations located in arid or non-arid climates, landscaping management practices shall include the use of plants common to the region in which the installation is located and native grasses and plants.

(4) Pollinator Conservation Reference Guide.—The Secretary concerned shall follow the recommendations of the Department of Defense Pollinator Conservation Reference Guide (September 2018) to the maximum extent practicable in order to reduce operation and maintenance costs related to landscaping management, while improving area management. Consistent with such guide, in the
preparation of a military installation landscaping
plan, the Secretary concerned should consider the
following:

(A) Adding native flowering plants to
sunny open areas and removing overhanging
tree limbs above open patches within forested
areas or dense shrub.

(B) Removing or controlling invasive
plants to improve pollinator habitat.

(C) Preserving known and potential polli-
nator nesting and overwintering sites.

(D) Eliminating or minimizing pesticide
use in pollinator habitat areas.

(E) Mowing in late fall or winter after
plants have bloomed and set seed, adjusting
timing to avoid vulnerable life stages of special
status pollinators.

(F) Mowing mid-day when adult polli-
nators can avoid mowing equipment.

(e) IMPLEMENTATION REPORT.—

(1) REPORT REQUIRED.—Not later than 1 year
after the date of the enactment of this Act, the Sec-
retary of Defense, in coordination with the other
Secretaries concerned, shall submit to the Commit-
tees on Armed Services of the Senate and the House
of Representatives a report on the progress made in implementing this section.

(2) REPORT ELEMENTS.—The report shall include the following:

(A) The methodology developed under subsection (b) to conduct water management and security assessments.

(B) A list of the military installations that have been assessed using such methodology and a description of the findings.

(C) A list of planned assessments for the one-year period beginning on the date of the submission of the report.

(D) An evaluation of the progress made on implementation of xeriscaping and other regionally appropriate landscaping practices at military installations.

(f) DEFINITIONS.—In this section:

(1) The term “net zero water usage”, with respect to a military installation or installation activity, means a situation in which the combination of limitations on the consumption of water resources and the return of water to an original water source by the installation or activity is sufficient to prevent any reduction in the water resources of the area in
both quantity and quality over a reasonable period of time.

(2) The terms “Secretary concerned” and “Secretary” mean the Secretary of a military department and the Secretary of Defense with respect to the Pentagon Reservation.

(3) The term “xeriscaping’’ means landscape design that emphasizes low water use and drought-tolerant plants that require little or no supplemental irrigation.

SEC. 2827. PILOT PROGRAM TO TEST USE OF EMERGENCY DIESEL GENERATORS IN A MICROGRID CONFIGURATION AT CERTAIN MILITARY INSTALLATIONS.

(a) Pilot Program Authorized.—The Secretary of Defense may conduct a pilot program (to be known as the Emergency Diesel Generator Microgrid Program) to evaluate the feasibility and cost effectiveness of connecting existing diesel generators at a military installation selected pursuant to subsection (c) to create and support one or more microgrid configurations at the installation capable of providing full-scale electrical power for the defense critical facilities located at the installation during an emergency involving the loss of external electric power supply
caused by an extreme weather condition, manmade inten-
tional infrastructure damage, or other circumstances.

(b) Goal of Pilot Program.—The goals of the
Emergency Diesel Generator Microgrid Program are—

(1) to test assumptions about lower operating
and maintenance costs, parts interchangeability,
lower emissions, lower fuel usage, increased resil-
liency, increased reliability, and reduced need for
emergency diesel generators; and

(2) to establish design criteria that could be
used to build and sustain emergency diesel generator
microgrids at other military installations.

(c) Pilot Program Locations.—As the locations
to conduct the Emergency Diesel Generator Microgrid
Program, the Secretary of Defense shall select two major
military installations located in different geographical re-
gions of the United States that the Secretary deter-
mines—

(1) are defense critical electric infrastructure
sites or contain, or are served by, defense critical
electric infrastructure;

(2) contain more than one defense critical func-
tion for national defense purposes and the mission
assurance of such critical defense facilities are para-
mount to maintaining national defense and force
projection capabilities at all times; and

(3) face unique electric energy supply, delivery,
and distribution challenges that, based on the geo-
graphic location of the installations and the overall
physical size of the installations, adversely impact
rapid electric infrastructure restoration after an
interruption.

(d) Specifications of Diesel Generators and
Microgrid.—

(1) Generator specifications.—The Sec-
retary of Defense shall use existing diesel generators
that are sized $\geq 750kW$ output.

(2) Microgrid specifications.—The Sec-
retary of Defense shall create the microgrid using
commercially available and proven designs and tech-
nologies. The existing diesel generators used for the
microgrid should be spaced within 1.0 to 1.5 mile of
each other and, using a dedicated underground elec-
tric cable network, be tied into a microgrid configu-
ration sufficient to supply mission critical facilities
within the service area of the microgrid. A selected
military installation may contain more than one such
microgrid under the Emergency Diesel Generator
Microgrid Program.
(e) PROGRAM AUTHORITIES.—The Secretary of Defense may use the authority under section 2914 of title 10, United States Code (known as the Energy Resilience and Conservation Investment Program) and energy savings performance contracts to conduct the Emergency Diesel Generator Microgrid Program.

(f) DEFINITIONS.—For purposes of the Emergency Diesel Generator Microgrid Program:

(1) The term “defense critical electric infrastructure” has the meaning given that term in section 215A of the Federal Power Act (16 U.S.C. 824o–1).

(2) The term “energy savings performance contract” has the meaning given that term in section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)).

(3) The term “existing diesel generators” means diesel generators located, as of the date of the enactment of this Act, at a major military installation selected as a location for the Emergency Diesel Generator Microgrid Program and intended for emergency use.

(4) The term “major military installation” has the meaning given that term in section 2864 of title 10, United States Code.
SEC. 2828. IMPROVED ELECTRICAL METERING OF DEPARTMENT OF DEFENSE INFRASTRUCTURE SUPPORTING CRITICAL MISSIONS.

(a) Options to Improve Electrical Metering.—The Secretary of Defense and the Secretaries of the military departments shall improve the metering of electrical energy usage of covered defense structures to accurately determine energy consumption by such a structure to increase energy efficiency and improve energy resilience, using any combination of the options specified in subsection (b) or such other methods as the Secretary concerned considers practicable.

(b) Metering Options.—Electrical energy usage options to be considered for a covered defense structure include the following:

(1) Installation of a smart meter at the electric power supply cable entry point of the covered defense structure, with remote data storage and retrieval capability using cellular communication, to provide historical energy usage data on an hourly basis to accurately determine the optimum cost effective energy efficiency and energy resilience measures for the covered defense structure.

(2) Use of an energy usage audit firm to individually meter the covered defense structure using clamp-on meters and data storage to provide year—
long electric energy load profile data, particularly in
the case of a covered defense structure located in cli-
mates with highly variable use based on weather or
temperature changes to accurately identify electric
energy usage demand for both peak and off peak pe-
riods for a covered defense structure.

(3) Manual collection and calculation of the
connected load via nameplate data survey of all the
connected electrical devices for the covered defense
structure and comparing it to the designed max-
imum rating of the incoming electric supply to deter-
mine the maximum electrical load for the covered de-
fense structure.

(e) CONSIDERATION OF PARTNERSHIPS.—The Sec-
retary of Defense and the Secretaries of the military de-
partments shall consider the use of arrangements (known
as public-private partnerships) with appropriate entities
outside the Government to reduce the cost of carrying out
this section.

(d) DEFINITIONS.—In this section:

(1) The term "covered defense structure"
means any infrastructure under the jurisdiction of
the Department of Defense inside the United States
that the Secretary of Defense or the Secretary of the
military department concerned determines—
(A) is used to support a critical mission of the Department; and

(B) is located at a military installation with base-wide resilient power.

(2) The term “energy resilience” has the meaning given that term in section 101(e)(6) of title 10, United States Code.

(e) IMPLEMENTATION REPORT.—As part of the Department of Defense energy management report to be submitted under section 2925 of title 10, United States Code, during fiscal year 2022, the Secretary of Defense shall include information on the progress being made to comply with the requirements of this section.

SEC. 2829. RENAMING CERTAIN MILITARY INSTALLATIONS AND OTHER DEFENSE PROPERTY.

(a) DEFINITIONS.—In this section:

(1) The term “advisory panel” means an advisory panel established by the Secretary concerned to assist the Secretary concerned in the renaming process required by this section.

(2) The term “covered defense property” means any real property, including any building, structure, or other improvement to real property thereon, under the jurisdiction of the Secretary concerned that is named after any person who served in the po-
litical or military leadership of any armed rebellion against the United States.

(3) The term “covered military installation” means a military installation or reserve component facility that is named after any person who served in the political or military leadership of any armed rebellion against the United States.

(4) The term “identification report” means the initial report required by subsection (c) that identifies covered military installations and covered defense property.

(5) The term “military installation” has the meaning given that term in section 2801(c) of title 10, United States Code.

(6) The term “other improvement” includes any library, classroom, parade ground or athletic field, training range, roadway, or similar physical feature.

(7) The term “process report” means the report required by subsection (d) that describes the renaming process to be used by the Secretary concerned.

(8) The term “renaming report” means the final report required by subsection (f) that provides new names for covered military installations and covered defense property.
(9) The term “reserve component facility” has the meaning given the term “facility” in section 18232 of title 10, United States Code, and covers those facilities for which title is vested in the United States or for which the Secretary of Defense contributed funds under section 18233(a) of such title or former section 2233 of such title.

(10) The term “Secretary concerned” means the Secretary of a military department and includes the Secretary of Defense with respect to matters concerning the Defense Agencies.

(b) Renaming Required; Deadline.—Not later than 1 year after the date of the enactment of this Act, the Secretary concerned shall—

(1) complete the renaming process required by this section; and

(2) commence the renaming of each covered military installation and covered defense property identified in the renaming report pursuant to the guidance issued by the Secretary concerned under subsection (f).

(c) Identification Report; Deadline.—Not later than 60 days after the date of the enactment of this Act, each Secretary concerned shall submit to the congressional defense committees a report that identifies each covered
military installation and all covered defense property
under the jurisdiction of the Secretary concerned that the
Secretary concerned determines satisfies the definitions
given those terms in subsection (a).

(d) Process Report; Deadline.—

(1) Report required.—Not later than 90
days after the date of the enactment of this Act,
each Secretary concerned shall submit to the con-
gressional defense committees a report describing
the process by which the Secretary concerned will re-
name each covered military installation and covered
defense property identified in the renaming report
prepared by the Secretary concerned.

(2) Report elements.—At minimum, the
process report shall contain the following elements:

(A) A detailed description of the process to
be used by the Secretary concerned to develop
a list of potential names for renaming covered
military installations and covered defense prop-
erty.

(B) An explanation regarding whether or
not the Secretary concerned established, or will
establish, an advisory panel to support the re-
view process and make recommendations to the
Secretary concerned. If the Secretary concerned
has established, or will establish, an advisory panel, the report shall include the names and positions of the individuals who will serve on the advisory panel that represent:

(i) Military leadership from covered military installations.

(ii) Military leadership from military installations containing covered defense property.

(iii) State leaders and leaders of the locality in which a covered military installation or covered defense property is located.

(iv) Representatives from military museums, military historians, or relevant historians from the impacted States and localities with relevant expertise.

(v) Community civil rights leaders.

(C) The criteria the Secretary concerned will use to inform the renaming process.

(D) A description of the process for accepting and considering public comments from members of the Armed Forces, veterans, and members of the local community on potential
names for renaming covered military installations and covered defense property.

(E) A timeline for the renaming process consistent with the deadline specified in subsection (b).

(c) CONGRESSIONAL GUIDANCE ON RENAMING CRITERIA.—

(1) PREFERENCES.—As part of the renaming process established by the Secretary concerned and described in the process report required by subsection (c), the Secretary concerned shall give a preference for renaming covered military installations and covered defense property after either—

(A) a battlefield victory by the Armed Forces consistent with current Department of Defense naming conventions; or

(B) a deceased member of the Armed Forces (other than the limited exception described in clause (iv)) who satisfies one of more of the following:

(i) Was a recipient of the Congressional Medal of Honor.

(ii) Was recognized for heroism in combat or for other significant contributions to the United States.
(iii) Was a member of a minority group who overcame prejudice and adversity to perform distinguished military service.

(iv) Is a deceased woman who overcame prejudice and adversity to perform distinguished military service on behalf of the United States, including a woman who performed such distinguished military service (whether temporary service, auxiliary service, or other qualifying military service) before 1948 when women were allowed to officially join the Armed Forces.

(v) Has links to the community or State where the military installation or covered property is located.

(vi) Served at the covered military installation, in a unit of the Armed Forces based at the covered installation; or at the military installation containing the covered defense property.

(2) OTHER CONSIDERATIONS.—

(A) JUNIOR SERVICEMEMBERS.—Junior 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-
strued to have any effect on grave markers or cemeteries that may exist on real property under the jurisdiction of the Department of Defense.

**Subtitle D—Land Conveyances**

**SEC. 2831. LAND CONVEYANCE, CAMP NAVAJO, ARIZONA.**

(a) **Conveyance Authorized.**—The Secretary of the Army may convey, without consideration, to the State of Arizona Department of Emergency and Military Affairs (in this section referred to as the “State”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of not more than 3,000 acres at Camp Navajo, Arizona, for the purpose of permitting the State to use the property—

(1) for training the Arizona Army National Guard and Air National Guard; and

(2) for defense industrial base economic development purposes that are compatible with the environmental security and primary National Guard training purpose of Camp Navajo.

(b) **Condition of Conveyance.**—

(1) **Use of Revenues.**—The authority of the Secretary of the Army to make the conveyance described in subsection (a) is subject to the condition that the State agree that all revenues generated
from the use of the property conveyed under such subsection will be used to support the training requirements of the Arizona Army National Guard and Air National Guard, including necessary infrastructure maintenance and capital improvements.

(2) Audit.—The United States Property and Fiscal Office for Arizona shall—

(A) conduct periodic audits of all revenues generated by uses of the conveyed property and the use of such revenues; and

(B) provide the audit results to the Chief of the National Guard Bureau.

(c) Reversionary Interest.—

(1) Interest Retained.—If the Secretary of the Army determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, or that the State has not complied with the condition imposed by subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto the Property.
(2) Determination.—A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) Alternative Consideration Option.—

(1) Consideration Option.—In lieu of exercising the reversionary interest retained under subsection (c), the Secretary of the Army may accept an offer by the State to pay to the United States an amount equal to the fair market value of the property conveyed under subsection (a), excluding the value of any improvements on the conveyed property constructed without Federal funds after the date of the conveyance is completed, as determined by the Secretary.

(2) Treatment of Consideration Received.—Consideration received by the Secretary under paragraph (1) shall be deposited in the special account in the Treasury established for the Secretary under subsection (e) of section 2667 of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) Payment of Costs of Conveyance.—

(1) Payment Required.—The Secretary of the Army shall require the State to cover costs to be
incurred by the Secretary, or to reimburse the Sec-
retary for such costs incurred by the Secretary, to
carry out the conveyance under subsection (a), in-
cluding survey costs, costs for environmental docu-
mentation related to the conveyance, and any other
administrative costs related to the conveyance. If
amounts are collected from the State in advance of
the Secretary incurring the actual costs, and the
amount collected exceeds the costs actually incurred
by the Secretary to carry out the conveyance, the
Secretary shall refund the excess amount to the
State.

(2) TREATMENT OF AMOUNTS RECEIVED.—
Amounts received as reimbursement under para-
graph (1) shall be credited to the fund or account
that was used to cover those costs incurred by the
Secretary in carrying out the conveyance or, if the
period of availability for obligations for that appro-
priation has expired, to the fund or account cur-
rently available to the Secretary for the same pur-
pose. Amounts so credited shall be merged with
amounts in such fund or account, and shall be avail-
able for the same purposes, and subject to the same
conditions and limitations, as amounts in such fund
or account.
(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(g) **SAVINGS PROVISION.**—Nothing in this section shall be construed to alleviate, alter, or affect the responsibility of the United States for cleanup and remediation of the property to be conveyed under subsection (a) in accordance with the Defense Environmental Restoration Program under section 2701 of title 10, United States Code, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States. These additional terms may include a requirement for the State to consult with the Secretary of the Navy regarding use of the conveyed property.
SEC. 2832. MODIFICATION OF LAND EXCHANGE INVOLVING NAVAL INDUSTRIAL RESERVE ORDNANCE PLANT, SUNNYVALE, CALIFORNIA.

(a) Elements of Exchange.—Section 2841(a) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1860) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) real property, including improvements thereon, located in Titusville, Florida, that will replace the NIROP and meet the readiness requirements of the Department of the Navy, as determined by the Secretary; and

“(2) reimbursement for the costs of relocation of contractor and Government personnel and equipment from the NIROP to the replacement facilities, to the extent specified in the land exchange agreement contemplated in subsection (b).”.

(b) Elements of Land Exchange Agreement.—Section 2841(b)(1) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1860) is amended by inserting after “identifies” the following: “the costs of relocation to be reimbursed by the Exchange Entity,”.

(c) Valuation of Properties and Compensation.—Section 2841 of the Military Construction Author-
ization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1860) is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(3) by inserting after subsection (b) the following new subsections:

"(c) VALUATION.—The Secretary shall determine the fair market value of the properties, including improvements thereon, to be exchanged by the Secretary and the Exchange Entity under subsection (a).

"(d) COMPENSATION.—

"(1) COMPENSATION REQUIRED.—The Exchange Entity shall provide compensation under the land exchange agreement described in subsection (b) that is equal to or exceeds the fair market value of the NIROP, as determined under subsection (c).

"(2) IN-KIND CONSIDERATION.—As part of the compensation under the land exchange agreement, the Secretary and the Exchange Entity may agree for the Exchange Entity to provide the following forms of in-kind consideration at any property or facility under the control of the Secretary:
“(A) Alteration, repair, improvement, or restoration (including environmental restoration) of property.

“(B) Use of facilities by the Secretary.

“(C) Provision of real property maintenance services.

“(D) Provision of or payment of utility services.

“(E) Provision of such other services relating to activities that will occur on the property as the Secretary considers appropriate.

“(3) DEPOSIT.—The Secretary shall deposit any cash payments received under the land exchange agreement, other than cash payments accepted under section 2695 of title 10, United States Code, in the account in the Treasury established pursuant to section 572(b) of title 40, United States Code.

“(4) USE OF PROCEEDS.—Proceeds deposited pursuant to paragraph (3) in the account referred to in such paragraph shall be available to the Secretary in such amounts as provided in appropriations Acts for the following activities:

“(A) Maintenance, protection, alternation, repair, improvement, or restoration (including
environmental restoration) of property or facilities.

“(B) Payment of utilities services.

“(C) Real property maintenance services.”.

(d) Treatment of Certain Amounts Received.—Subsection (f) of section 2841 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1861), as redesignated by subsection (c)(2) of this section, is amended by striking “(a), (c)(2), and (d)” and inserting “(a) and (e)”.

(e) Sunset.—Subsection (j) of section 2841 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1861), as redesignated by subsection (c)(2) of this section, is amended by striking “October 1, 2023” and inserting “October 1, 2026, if the Secretary and the Exchange Entity have not entered into a land exchange agreement described in subsection (b) before that date”.

SEC. 2833. LAND CONVEYANCE, SHARPE ARMY DEPOT, LATHROP, CALIFORNIA.

(a) Conveyance Authorized.—If the Secretary of the Army determines that no department or agency of the Federal Government will accept the transfer of a parcel of real property consisting of approximately 525 acres at
Sharpe Army Depot in Lathrop, California, the Secretary may convey to the Port of Stockton, California, all right, title, and interest of the United States in and to the property, including any improvements thereon, for the purpose of permitting the Port of Stockton to use the property for the development or operation of a port facility.

(b) Modification of Parcel Authorized for Conveyance.—If a department or agency of the Federal Government will accept the transfer of a portion of the parcel of real property described in subsection (a), the Secretary shall modify the conveyance authorized by such subsection to exclude the portion of the parcel to be accepted by that department or agency.

(c) Consideration.—

(1) Public benefit conveyance.—The Secretary of the Army may assign the property for conveyance under subsection (a) as a public benefit conveyance without monetary consideration to the Federal Government if the Port of Stockton satisfies the conveyance requirements specified in section 554 of title 40, United States Code.

(2) Fair market value.—If the Port of Stockton fails to qualify for a public benefit conveyance under paragraph (1) and still desires to acquire the real property described in subsection (a), the
Port of Stockton shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The Secretary shall determine the fair market value of the property using an independent appraisal based on the highest and best use of the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Port of Stockton.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) SUNSET.—If the real property authorized for conveyance by subsection (a) is not conveyed within 1 year after the date of the enactment of this Act, the Secretary of the Army may report the property excess for disposal in accordance with existing law.

SEC. 2834. LAND EXCHANGE, SAN BERNARDINO COUNTY, CALIFORNIA.

(a) DEFINITIONS.—In this section:
(1) COUNTY.—The term “County” means the County of San Bernardino, California.


(3) NON-FEDERAL LAND.—The term “non-Federal land” means the approximately 71 acres of land owned by the County generally depicted as “Non-Federal Land Proposed for Exchange” on the map referred to in paragraph (2).

(b) EXCHANGE AUTHORIZED.—Subject to valid existing rights and the terms of this section, no later than 1 year after the date that the portion of the Pacific Crest National Scenic Trail is relocated in accordance with subsection (i), if the County offers to convey the non-Federal land to the United States, the Secretary of Agriculture shall—

(1) convey to the County all right, title, and interest of the United States in and to the Federal land; and

(2) accept from the County a conveyance of all right, title, and interest of the County in and to the non-Federal land.
(c) Equal Value and Cash Equalization.—

(1) Equal value exchange.—The land exchange under this section shall be for equal value, or the values shall be equalized by a cash payment as provided for under this subsection or an adjustment in acreage. At the option of the County, any excess value of the non-Federal lands may be considered a gift to the United States.

(2) Cash equalization payment.—The County may equalize the values of the lands to be exchanged under this section by cash payment without regard to any statutory limit on the amount of such a cash equalization payment.

(3) Deposit and use of funds received from county.—Any cash equalization payment received by the Secretary of Agriculture under this subsection shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act). The funds so deposited shall remain available to the Secretary of Agriculture, until expended, for the acquisition of lands, waters, and interests in land for the San Bernardino National Forest.
(d) Appraisal.—The Secretary of Agriculture shall complete an appraisal of the land to be exchanged under this section in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(2) the Uniform Standards of Professional Appraisal Practice.

(e) Title Approval.—Title to the land to be exchanged under this section shall be in a format acceptable to the Secretary of Agriculture and the County.

(f) Survey of Non-Federal Lands.—Before completing the exchange under this section, the Secretary of Agriculture shall inspect the non-Federal lands to ensure that the land meets Federal standards, including hazardous materials and land line surveys.

(g) Costs of Conveyance.—As a condition of the conveyance of the Federal land under this section, any costs related to the exchange under this section shall be paid by the County.

(h) Management of Acquired Lands.—The Secretary of Agriculture shall manage the non-Federal land acquired under this section in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.; commonly known as the Weeks Act), and other laws and regulations pertaining to National Forest System lands.
(i) Pacific Crest National Scenic Trail Relocation.—No later than 3 years after the date of enactment of this Act, the Secretary of Agriculture, in accordance with applicable laws, shall relocate the portion of the Pacific Crest National Scenic Trail located on the Federal land—

(1) to adjacent National Forest System land;

(2) to land owned by the County, subject to County approval;

(3) to land within the Federal land, subject to County approval; or

(4) in a manner that combines two or more of the options described in paragraphs (1), (2), and (3).

(j) Map and Legal Descriptions.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall finalize a map and legal descriptions of all land to be conveyed under this section. The Secretary may correct any minor errors in the map or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Forest Service.
SEC. 2835. LAND CONVEYANCE, OVER-THE-HORIZON BACKSCATTER RADAR SYSTEM RECEIVING STATION, MODOC COUNTY, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—

(1) IN GENERAL.—As soon as practicable after receiving a request from Modoc County, California (in this section referred to as the “County”) regarding the conveyance required by this section, but subject to paragraph (2), the Secretary of Agriculture shall convey to the County all right, title, and interest of the United States in and to a parcel of National Forest System land, including improvements thereon, consisting of approximately 927 acres in Modoc National Forest in the State of California and containing an obsolete Over-the-Horizon Backscatter Radar System receiving station established on the parcel pursuant to a memorandum of agreement between the Department of the Air Force and Forest Service dated May 18 and 23, 1987.

(2) APPLICABLE LAW AND NATIONAL SECURITY DETERMINATION.—The Secretary of Agriculture shall carry out the conveyance under subsection (a) in accordance with this section and all other applicable law, including the condition that the conveyance not take place until the Secretary, in consultation with the Secretary of the Air Force, determines that
the conveyance will not harm the national security
interests of the United States.

(b) PURPOSE OF CONVEYANCE.—The purpose of the
conveyance under subsection (a) is to preserve and utilize
the improvements constructed on the parcel of National
Forest System land described in such subsection and to
permit the County to use the conveyed property, including
improvements thereon, for the development of renewable
energy, including solar and biomass cogeneration.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the con-
veyance under subsection (a), the County shall pay
to the Secretary of Agriculture an amount that is
not less than the fair market value of the parcel of
land to be conveyed, as determined in accordance
with the Uniform Appraisal Standards for Federal
Land Acquisition and the Uniform Standards of
Professional Appraisal Practice.

(2) TREATMENT OF CASH CONSIDERATION.—
The Secretary shall deposit the payment received
under paragraph (1) in the account in the Treasury
established by Public Law 90–171 (commonly known
as the Sisk Act; 16 U.S.C. 484a). The amount de-
posited shall be available to the Secretary, in such
amounts as may be provided in advance in appro-
appropriation Acts, to pay any necessary and incidental
costs incurred by the Secretary in connection with
the improvement, maintenance, reconstruction, or
construction of a facility or improvement for the Na-
tional Forest System located in the State of Cali-
ifornia.

(d) Reservation of Easement Related to Con-
tinued Use of Water Wells.—The conveyance re-
quired by subsection (a) shall be conditioned on the res-
ervation of an easement by the Secretary of Agriculture,
subject to such terms and conditions as the Secretary
deems appropriate, necessary to provide access for use au-
thorized by the Secretary of the four water wells in exist-
ence on the date of the enactment of this Act and associ-
ated water conveyance infrastructure on the parcel of Na-
tional Forest System lands to be conveyed.

(e) Withdrawal.—The National Forest System
land described in subsection (a) is withdrawn from the op-
eration of the mining and mineral leasing laws of the
United States.

(f) Payment of Costs of Conveyance.—

(1) Payment Required.—The Secretary of
Agriculture shall require the County to cover costs
(except costs for environmental remediation of the
property) to be incurred by the Secretary, or to re-
imburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

(2) Treatment of Amounts Received.—
Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary of Agriculture in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(g) Environmental Remediation.—

(1) In General.—To expedite the conveyance of the parcel of National Forest System land described in subsection (a), including improvements thereon, environmental remediation of the land by
the Department of the Air Force shall be limited to
the removal of the perimeter wooden fence, which
was treated with an arsenic-based weatherproof
coating, and treatment of soil affected by leaching of
such chemical.

(2) Potential future environmental remediation responsibilities.—Notwithstanding
the conveyance of the parcel of National Forest Sys-
tem land described in subsection (a), the Secretary
of the Air Force shall be responsible for the remedi-
ation of any environmental contamination, discov-
ered post-conveyance, that is attributed to Air Force
occupancy of and operations on the parcel pre-con-
veyance.

(h) Compliance with environmental laws.—
Notwithstanding the requirements of section 120(h) of the
Comprehensive Environmental Response, Compensation,
and Liability Act of 1980 (42 U.S.C. 9620(h)), the Sec-
retary of Agriculture shall not be required to provide any
of the covenants and warranties otherwise required under
such section in connection with the conveyance of the
property under subsection (a).

(i) Description of property.—The exact acreage
and legal description of the property to be conveyed under
subsection (a) shall be determined by a survey satisfactory to the Secretary of Agriculture.

SEC. 2836. TRANSFER OF ADMINISTRATIVE JURISDICTION, NAVAL SUPPORT ACTIVITY PANAMA CITY, FLORIDA, PARCEL.

(a) TRANSFER TO THE SECRETARY OF THE NAVY.—Administrative jurisdiction over the parcel of Federal land consisting of approximately 1.23 acres located within Naval Support Activity Panama City, Florida, and used by the Department of the Navy pursuant to Executive Order No. 10355 of May 26, 1952, and Public Land Order Number 952 of April 6, 1954, is transferred from the Secretary of the Interior to the Secretary of the Navy.

(b) LAND SURVEY.—The exact acreage and legal description of the Federal land transferred by subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy and the Secretary of the Interior.

(c) CONSIDERATION AND REIMBURSEMENT.—

(1) NO CONSIDERATION.—The transfer made by subsection (a) shall be without consideration.

(2) REIMBURSEMENT.—The Secretary of the Navy shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior under subsection (b) in conducting the survey.
and preparing the legal description of the Federal
land transferred by subsection (a).

(d) Status of Land After Transfer.—Upon
transfer of the Federal land by subsection (a), the land
shall cease to be public land and shall be treated as prop-
erty (as defined in section 102(9) of title 40, United
States Code) under the administrative jurisdiction of the
Secretary of the Navy.

SEC. 2837. LAND CONVEYANCE, MILAN ARMY AMMUNITION
PLANT, TENNESSEE.

(a) Conveyance Authorized.—The Secretary of
the Army may convey to the City of Milan, Tennessee (in
this section referred to as the “City”), all right, title, and
interest of the United States in and to parcels of real
property, including any improvements thereon, at Milan
Army Ammunition Plant, Tennessee, consisting of ap-
proximately 292 acres and commonly referred to as Par-
cels A, B and C.

(b) Consideration.—

(1) Consideration Required.—As consider-
ation for the conveyance under subsection (a), the
City shall provide consideration an amount equiva-
 lent to the fair market value of the property con-
veyed under such subsection, as determined by an
appraisal approved by the Secretary of the Army.
The consideration may be in the form of cash payment, in-kind consideration, or a combination thereof, provided at such time as the Secretary may require.

(2) In-kind Consideration.—In-kind consideration provided by the City under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facility, real property, or infrastructure under the jurisdiction of the Secretary.

(c) Payment of Costs of Conveyance.—

(1) Payment Required.—The Secretary of the Army shall require the City to pay costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, appraisal costs, costs for environmental documentation related to the conveyance, and any other administrative costs related to the conveyance.

(2) Treatment of Amounts Received.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to pay the costs incurred by the Sec-
retary in carrying out the conveyance under sub-
section (a) or, if the period of availability of obliga-
tions for that appropriation has expired, to the ap-
propriations of fund that is currently available to the
Secretary for the same purpose. Amounts so credited
shall be merged with amounts in such fund or ac-
count and shall be available for the same purposes,
and subject to the same conditions and limitations,
as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage
and legal description of the property to be conveyed under
subsection (a) shall be determined by a survey satisfactory
to the Secretary of the Army.

(e) ADDITIONAL TERMS AND CONDITIONS.—The
Secretary of the Army may require such additional terms
and conditions in connection with the conveyance under
subsection (a) as the Secretary considers appropriate to
protect the interests of the United States.

Subtitle E—Military Land
Withdrawals

SEC. 2841. RENEWAL OF LAND WITHDRAWAL AND RES-
ERVATION TO BENEFIT NAVAL AIR FACILITY,
EL CENTRO, CALIFORNIA.

Section 2925 of the El Centro Naval Air Facility
Ranges Withdrawal Act (subtitle B of title XXIX of Public
Law 104–201; 110 Stat. 2816) is amended by striking “25 years after the date of the enactment of this subtitle” and inserting “on November 6, 2046”.

SEC. 2842. RENEWAL OF FALLON RANGE TRAINING COMPLEX LAND WITHDRAWAL AND RESERVATION.

Notwithstanding section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 892), the withdrawal and reservation of lands (known as the Fallon Range Training Complex) made by section 3011(a) of such Act (113 Stat. 885) shall terminate on November 6, 2046.

SEC. 2843. RENEWAL OF NEVADA TEST AND TRAINING RANGE LAND WITHDRAWAL AND RESERVATION.

Notwithstanding section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 892), the withdrawal and reservation of lands (known as the Nevada Test and Training Range) made by section 3011(b) of such Act (113 Stat. 886) shall terminate on November 6, 2046.

SEC. 2844. ADDITIONAL REQUIREMENTS REGARDING NEVADA TEST AND TRAINING RANGE.

(a) DEFINITIONS.—In this section:
(1) The term “affected Indian tribe” means an Indian tribe that has historical connections to—

(A) the land withdrawn and reserved as the Nevada Test and Training Range; or

(B) the land included as part of the Desert National Wildlife Refuge.

(2) The term “current memorandum of understanding” means the memorandum of understanding referred to in section 3011(b)(5)(E) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 888) as in effect on the date of the enactment of this Act.

(3) The term “heavy force” means a military unit with armored motorized equipment, such as tanks, motorized artillery, and armored personnel carriers.

(4) The term “large force” means a military unit designated as a battalion or larger organizational unit.

(5) The term “Nevada Test and Training Range” means the land known as the Nevada Test and Training Range withdrawn and reserved by section 3011(b) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 886).
(6) The term “overlapping lands” means land withdrawn and reserved as the Nevada Test and Training Range that also is included as part of the Desert National Wildlife Refuge. This land is commonly referred to as the Joint-Use Area.

(7) The term “revised memorandum of understanding” means the current memorandum of understanding revised as required by subsection (c)(1) and other provisions of this section.

(8) The term “Secretaries” means the Secretary of the Air Force and the Secretary of the Interior acting jointly.

(9) The term “small force” means a military force of squad, platoon, or equivalent or smaller size.

(b) IMPROVED COORDINATION AND MANAGEMENT OF OVERLAPPING LANDS.—The Secretaries shall coordinate the management of the overlapping lands for military use and wildlife refuge purposes consistent with their respective jurisdictional authorities described in paragraphs (3) and (5) of section 3011(b) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 887).

(e) REVISION AND EXTENSION OF CURRENT MEMORANDUM OF UNDERSTANDING.—
(1) **Revision Required.**—Not later than 2 years after the date of the enactment of this Act, the Secretaries shall revise the current memorandum of understanding to facilitate the management of the overlapping lands—

(A) for the purposes for which the Desert National Wildlife Refuge was established; and

(B) to support military training needs consistent with the uses described under section 3011(b)(1) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 886), as modified by subsection (f).

(2) **Relation to Current Law.**—Upon completion of the revision process, the revised memorandum of understanding shall supersede the current memorandum of understanding. Subject to paragraph (1) and subsection (d), clauses (i), (ii), (iii), and (iv) of section 3011(b)(5)(E) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 888) shall apply to the revised memorandum of understanding in the same manner as such clauses applied to the current memorandum of understanding.

(d) **Elements of Revised Memorandum of Understanding.**—
(1) IN GENERAL.—The revised memorandum of understanding shall include, at a minimum, provisions to address the following:

(A) The proper management and protection of the natural and cultural resources of the overlapping lands.

(B) The sustainable use by the public of such resources to the extent consistent with existing laws and regulations, including applicable environmental laws.

(C) The use of the overlapping lands for the military training needs for which the lands are withdrawn and reserved and for wildlife conservation purposes for which the Desert National Wildlife Refuge was established, consistent with their respective jurisdictional authorities.

(2) CONSULTATION.—The Secretaries shall prepare the revised memorandum of understanding in consultation with the following:

(A) The resource consultative committee.

(B) Affected Indian tribes.

(3) TRIBAL ISSUES.—The revised memorandum of understanding shall include provisions to address
the manner in which the Secretary of the Air Force will accomplish the following:

(A) Meet the United States trust responsibilities with respect to affected Indian tribes, tribal lands, and rights reserved by treaty or Federal law affected by the withdrawal and reservation of the overlapping lands.

(B) Guarantee reasonable access to, and use by members of affected Indian tribes of high priority cultural sites throughout the Nevada Test and Training Range, including the overlapping lands, consistent with the reservation of the lands for military use.

(C) Protect identified cultural and archaeological sites throughout the Nevada Test and Training Range, including the overlapping lands, and, in the event of an inadvertent ground disturbance of such a site, implement appropriate response activities to once again facilitate historic and subsistence use of the site by members of affected Indian tribes.

(D) Provide for timely consultation with affected Indian tribes as required by paragraph (2).
(4) Guaranteeing Department of the Interior access.—The revised memorandum of understanding shall guarantee that the Secretary of the Interior, acting through the United States Fish and Wildlife Service, has access to the overlapping lands for not less than 54 days during each calendar year to carry out the management responsibilities of the United States Fish and Wildlife Service regarding the Desert National Wildlife Refuge.

(5) Elements of USFWS access.—The United States Fish and Wildlife Service may carry out more than one management responsibility on the overlapping lands on an access day guaranteed by paragraph (4). Recognized United States Fish and Wildlife Service management responsibilities include the following:

(A) The installation or maintenance of wildlife water development projects, for which at least 15 access days guaranteed by paragraph (4) shall be annually allotted during spring or winter months.

(B) The conduct of annual desert bighorn sheep surveys.

(C) The management of the annual desert bighorn sheep hunt in accordance with the Na-
ternal Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), for which at least 16 access days guaranteed by paragraph (4) shall be allotted.

(D) The conduct of annual biological surveys for the Agassiz’s desert tortoise and other federally protected species, State-listed and at-risk species, migratory birds, golden eagle nests and rare plants, for which at least 30 access days guaranteed by paragraph (4) shall be annually allotted during spring or summer months.

(E) The conduct of annual invasive species surveys and treatment, for which at least 15 access days guaranteed by paragraph (4) shall be annually allotted during spring or summer months.

(F) The conduct of annual contaminant surveys of soil, springs, groundwater and vegetation, for which at least 10 access days guaranteed by paragraph (4) shall be annually allotted during spring or summer months.

(G) The regular installation and maintenance of climate monitoring systems.
(H) Such additional access opportunities, as needed, for wildlife research, including Global Positioning System collaring of desert bighorn sheep, bighorn sheep disease monitoring, investigation of wildlife mortalities, and deploying, maintaining, and retrieving output from wildlife camera traps.

(6) **HUNTING, FISHING, AND TRAPPING.**—The revised memorandum of understanding shall continue to require that any hunting, fishing, and trapping on the overlapping lands is conducted in accordance with section 3020 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 896).

(7) **OTHER REQUIRED MATTERS.**—The revised memorandum of understanding also shall include provisions regarding the following:

(A) The identification of current test and target impact areas and related buffer or safety zones, to the extent consistent with military purposes.

(B) The design and construction of all gates, fences, and barriers in the overlapping lands, to be constructed after the date of the enactment of this Act, in a manner to allow
wildlife access, to the extent practicable and consistent with military security, safety, and sound wildlife management use.

(C) The incorporation of any existing management plans pertaining to the overlapping lands to the extent that the Secretaries, upon review of such plans, determine that incorporation into the revised memorandum of understanding is appropriate.

(D) Procedures to ensure periodic reviews of the revised memorandum of understanding are conducted by the Secretaries, and that the State of Nevada, affected Indian tribes, and the public are provided a meaningful opportunity to comment upon any proposed substantial revisions.

(e) RESOURCE CONSULTATIVE COMMITTEE.—

(1) ESTABLISHMENT REQUIRED.—Pursuant to the revised memorandum of understanding, the Secretaries shall establish a resource consultative committee comprised of members, designated at the discretion of the Secretaries, from the following:

(A) Interested Federal agencies.

(B) At least one elected official (or other authorized representative) from the State of
Nevada generally and at least one representative from the Nevada Department of Wildlife.

(C) At least one elected official (or other authorized representative) from each local and tribal government impacted by the Nevada Test and Training Range.

(D) At least one representative of an interested conservation organization.

(E) At least one representative of a sportsmen’s organization.

(F) At least one member of the general public familiar with the overlapping lands and resources thereon.

(2) PURPOSE.—The resource consultative committee shall be established solely for the purpose of exchanging views, information, and advice relating to the management of the natural and cultural resources of the Nevada Test and Training Range.

(3) OPERATIONAL BASIS.—The resource consultative committee shall operate in accordance with the terms set forth in the revised memorandum of understanding, which shall specify the Federal agencies and elected officers or representatives of State, local, and tribal governments to be invited to participate. The memorandum of understanding shall es-
establish procedures for creating a forum for exchanging views, information, and advice relating to the management of natural and cultural resources on the lands concerned, procedures for rotating the chair of the committee, and procedures for scheduling regular meetings.

(4) COORDINATOR.—The Secretaries shall appoint an individual to serve as coordinator of the resource consultative committee. The duties of the coordinator shall be specified in the revised memorandum of understanding. The coordinator shall not be a member of the committee.

(f) AUTHORIZED AND PROHIBITED ACTIVITIES.—

(1) ADDITIONAL AUTHORIZED ACTIVITIES.—
Additional military activities on the overlapping lands are authorized to be conducted, in a manner consistent with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), as follows:

(A) Emergency response.

(B) Establishment and use of existing or new electronic tracking and communications sites.

(C) Continued use of roads in existence as of the date of the enactment of this Act and
maintenance of such a road consistent with the
types of purposes for which the road has been
used as of that date.

(D) Small force readiness training by Air
Force, Joint, or Coalition forces.

(2) Prohibited activities.—Military activi-
ties on the overlapping lands are prohibited for the
following purposes:

(A) Large force or heavy force activities.

(B) Designation of new weapon impact
areas.

(C) Any ground disturbance activity not
authorized by paragraphs (1) and (2) of sub-
section (c).

(3) Rules of construction.—Nothing in
this subsection shall be construed to preclude the
following regarding the overlapping lands:

(A) Low-level overflights of military air-
craft, except that low-level flights of military
aircraft over the United States Fish and Wild-
life Service Corn Creek field station and visitor
center are prohibited.

(B) The designation of new units of special
use airspace.
(C) The use or establishment of military
flight training routes.

(g) TRIBAL LIaison Positions.—

(1) Access Coordinator.—The Secretary of
the Air Force shall create a tribal liaison position for
the Nevada Test and Training Range, to be held by
a member of an affected Indian tribe, who will help
coordinate access to cultural and archaeological sites
throughout the Nevada Test and Training Range
and accompany members of Indian tribes accessing
such sites.

(2) Cultural Resources Liaison.—The Sec-
retary of the Air Force shall create a tribal liaison
position for the Nevada Test and Training Range, to
be held by a member of an affected Indian tribe,
who will serve as a tribal cultural resources liaison
to ensure that—

(A) appropriate steps are being taken to
protect cultural and archaeological sites
throughout the Nevada Test and Training
Range; and

(B) the management plan for the Nevada
Test and Training Range is being followed.

(h) Fish and Wildlife Liaison.—The Secretaries
shall create a Fish and Wildlife Service liaison position
for the Nevada Test and Training Range, to be held by
a Fish and Wildlife Service official designated by the Di-
rector of the United States Fish and Wildlife Service, who
will serve as a liaison to ensure that—

(1) appropriate steps are being taken to protect
Fish and Wildlife Service managed resources
throughout the Nevada Test and Training Range;
and

(2) the management plan for the Nevada Test
and Training Range is being followed.

SEC. 2845. SPECIFIED DURATION OF WHITE SANDS MISSILE
RANGE LAND WITHDRAWAL AND RESERVA-
TION AND ESTABLISHMENT OF SPECIAL RES-
ERVATION AREA FOR NORTHERN AND WEST-
ERN EXTENSION AREAS.

(a) Duration of Land Withdrawal and Res-
ervation.—The withdrawal and reservation of lands
(known as the White Sands Missile Range) made by sec-
tion 2951 of the Military Land Withdrawals Act of 2013
(title XXIX of Public Law 113–66; 127 Stat. 1039), and
the special reservation area established by this section,
shall terminate on October 1, 2046.

(b) Special Reservation Area.—

(1) Establishment.—There is hereby estab-
lished a special reservation area consisting of the ap-
proximately 341,415 acres of public land (including interests in land) in Socorro and Torrance Counties, New Mexico, and the approximately 352,115 acres of public land (including interests in land) in Sierra, Socorro, and Doña Ana Counties, New Mexico, depicted as Northern Call-Up Area and Western Call-Up Area, respectively, on the maps entitled “WSMR Northern Call-Up Area” and “WSMR Western Call-Up Area”, both dated August 16, 2016. These lands include approximately 10,775 acres under the administrative jurisdiction of the Secretary of the Army.

(2) Reservation Generally.—The special reservation area, excluding the portion of the special reservation area under the administrative jurisdiction of the Secretary of the Army, is reserved for use by the Secretary of the Army for military purposes consisting of overflight research, development, test, and evaluation and training.

(3) Army Lands.—The portion of the special reservation area under the administrative jurisdiction of the Secretary of the Army is reserved for use by the Secretary of the Army for military purposes as determined by the Secretary of the Army.
(c) Exception from Special Reservation.—The Secretary of the Army may permit, on a case-by-case basis and consistent with section 44718 of title 49, United States Code, the erection in the special reservation area established by subsection (b) of a structure that extends higher than 50 feet in height above the surface estate.

(d) Maps and Legal Descriptions.—Section 3012 of the Military Land Withdrawals Act of 2013 (title XXIX of Public Law 113–66; 127 Stat. 1026) shall apply with respect to the maps referred to in subsection (a) and the preparation of legal descriptions of the special reservation area established by subsection (b), except that the reference to the date of the enactment of that Act shall be deemed to refer to the date of the enactment of this Act.

(e) Rules of Construction.—The establishment of the special reservation area by subsection (b) shall not be construed—

(1) to alter the terms, operation, or duration of any agreement entered into by the Secretary of the Army or the Secretary of the Interior involving any portion of the lands included in the special reservation area, and the Secretaries shall continue to comply with the terms of any such agreement; or

(2) to vest in the Secretary of the Army or the Secretary of the Interior any authority vested in the
Secretary of Transportation or the Administrator of
the Federal Aviation Administration.

SEC. 2846. GRAND CANYON CENTENNIAL PROTECTION ACT.

(a) SHORT TITLE.—This section may be cited as the
“Grand Canyon Centennial Protection Act”.

(b) WITHDRAWAL OF CERTAIN FEDERAL LAND IN
THE STATE OF ARIZONA.—

(1) DEFINITION OF MAP.—In this section, the
term “Map” means the map prepared by the Bureau
of Land Management entitled “Grand Canyon Cen-
tennial Protection Act” and dated July 11, 2019.

(2) WITHDRAWAL.—Subject to valid existing
rights, the approximately 1,006,545 acres of Federal
land in the State of Arizona, generally depicted on
the Map as “Federal Mineral Estate to be With-
drawn”, including any land or interest in land that
is acquired by the United States after the date of
the enactment of this section, are hereby withdrawn
from—

(A) all forms of entry, appropriation, and
disposal under the public land laws;

(B) location, entry, and patent under the
mining laws; and

(C) operation of the mineral leasing, min-
eral materials, and geothermal leasing laws.
(3) Availability of map.—The Map shall be kept on file and made available for public inspection in the appropriate offices of the Forest Service and the Bureau of Land Management.

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.

Section 2835(e)(1) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 10 U.S.C. 2687 note) is amended—

(1) in the paragraph heading, by striking “ANNUAL” and inserting “BIENNIAL”; and

(2) in the matter preceding subparagraph (A)—

(A) by striking “February 1 of each year” and inserting “February 1, 2022, and every second February 1 thereafter”;

(B) by striking “fiscal year” and inserting “2 fiscal years”;

(C) by striking “such year” and inserting “such years”; and

(D) by striking “the year” and inserting “the years”.

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SEC. 2852. ADDITIONAL EXCEPTION TO RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH REALIGNMENT OF MARINE CORPS FORCES IN ASIA-PACIFIC REGION.

Notwithstanding section 2821(b) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 10 U.S.C. 2687 note), the Secretary of Defense may proceed with the public infrastructure project on Guam intended to provide a new public health laboratory, as identified in the report prepared by the Secretary of Defense under section 2822(d)(2) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1017) and entitled “Economic Adjustment Committee Implementation Plan Supporting the Preferred Alternative for the Relocation of Marine Corps Forces to Guam”, subject to the availability of funds for the project.

SEC. 2853. DEVELOPMENT OF MASTER PLAN FOR INFRASTRUCTURE TO SUPPORT ROTATIONAL ARMED FORCES IN AUSTRALIA.

(a) MASTER PLAN REQUIRED.—The Secretary of Defense shall develop a master plan for the construction of infrastructure required to support the rotational presence of units and members the United States Armed Forces in the Northern Territory of the Commonwealth
of Australia (in this section referred to as the “Northern Territory”).

(b) MASTER PLAN ELEMENTS.—The master plan shall include the following:

(1) A list and description of the scope, cost, and schedule for each military construction, repair, or other infrastructure project carried out at installations or training areas in the Northern Territory since October 1, 2011.

(2) A list and description of the scope, cost, and schedule for each military construction, repair, or other infrastructure project anticipated to be necessary at installations or training areas in the Northern Territory during the 10-year period beginning on the date of the enactment of this Act.

(3) The site plans for each installation and training area in the Northern Territory.

(4) For each project included in the master plan pursuant to paragraph (1) or (2), an explanation of—

(A) whether the proponent of the project was the Secretary of a military department, a combat support agency, a combatant command, or the Commonwealth of Australia; and
(B) the funding source, or anticipated re-
source sponsor, for the project, including
whether the project is funded by the United
States, by the Commonwealth of Australia, or
jointly by both countries.

(5) Such other issues as determined by the Sec-
retary of Defense to be appropriate.

(c) COORDINATION.—The Secretary of Defense shall
coordinate with the Commander of United States Indo-
Pacific Command and the Secretaries of the military de-
partments to develop the master plan.

(d) REPORT REQUIREMENT.—Not later than 180
days after the date of the enactment of this Act, the Sec-
retary of Defense shall submit to the congressional defense
committees a report containing a copy of the master plan.
The report shall be submitted in unclassified form, but
may include a classified annex.

SEC. 2854. STUDY AND STRATEGY REGARDING BULK FUELS
MANAGEMENT IN UNITED STATES INDO-PACIFIC COMMAND AREA OF RESPONSIBILITY.

(a) FINDINGS.—Congress makes the following find-
ings:

(1) The ordering and delivery of bulk fuels is
organizationally bifurcated to the detriment of the
Department of Defense.
(2) Legacy bulk fuel management will not meet the accelerated pace of operations required to support the National Defense Strategy and the emphasis on disaggregated operations.

(3) The number of United States flagged tanking vessels continues to decline, which has resulted in an excessive reliance on foreign flagged tanking vessels to be available to support the National Defense Strategy.

(4) A foreign flagged tanking vessel support strategy induces excessive risk to support United States disaggregated operations in a highly contested environment.

(5) The inadequacies of the legacy bulk fuel management strategy is particularly acute in the United States Indo-Pacific Command Area of Responsibility.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a single organizational element should be responsible for the bulk fuel management and delivery throughout the United States Indo-Pacific Command Area of Responsibility.

(e) STUDY AND STRATEGY REQUIRED.—The Secretary of the Navy shall—
(1) conduct a study of current and projected bulk fuel management strategies in the United States Indo-Pacific Command Area of Responsibility; and

(2) prepare a proposed bulk fuel management strategy that optimally supports bulk fuel management in the United States Indo-Pacific Command Area of Responsibility.

(d) ELEMENTS OF STUDY.—The study required by subsection (c) shall include the following elements:

(1) A description of current organizational responsibility of bulk fuel management in the United States Indo-Pacific Command Area of Responsibility from ordering, storage, strategic transportation, and tactical transportation to the last tactical mile.

(2) A description of legacy bulk fuel management assets that can be used to support the United States Indo-Pacific Command.

(3) Options for congressional consideration to better align organizational responsibility through the entirety of the bulk fuel management system in the United States Indo-Pacific Command Area of Responsibility, as proposed in the bulk fuel management strategy prepared pursuant to paragraph (2) of such subsection.
(c) COORDINATION.—The Secretary of the Navy shall conduct the study and prepare the bulk fuel management strategy required by subsection (e) in coordination with subject-matter experts of the United States Indo-Pacific Command, the United States Transportation Command, and the Defense Logistics Agency.

(f) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report containing the results of the study required by subsection (e) and the bulk fuel management strategy required by such subsection.

(g) PROHIBITION ON CERTAIN CONSTRUCTION PENDING REPORT.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Navy for construction related to additional bulk fuel storage in the United States Indo-Pacific Command Area of Responsibility may be obligated or expended until the report required by subsection (f) is submitted to the congressional defense committees.

SEC. 2855. DEPARTMENT OF DEFENSE REPORT ON EASEMENTS AND LEASED LANDS IN HAWAI‘I.

(a) FINDINGS.—Congress finds the following:

(1) Lands throughout the State of Hawai‘i currently owned and leased by the Department of De-
fense or in which the Department of Defense other-
wise has a real property interest are critical to main-
taining the readiness of the Armed Forces now sta-
tioned or to be stationed in Hawai‘i and throughout
the Indo-Pacific region and elsewhere.

(2) Securing long-term continued utilization of
those lands by the Armed Forces is thus critical to
the national defense.

(3) As a result of various factors, including
complex land ownership and utilization issues and
competing actual and potential uses, the inter-
dependency of the various military components, and
the necessity of maintaining public support for the
presence and operations of the Armed Forces, the
realization of the congressional and Department of
Defense goals of ensuring the continuity of critical
land and facilities infrastructure requires a sus-
tained, dedicated, funded, top-level effort to coordi-
nate realization of these goals across the Armed
Forces, between the Department of Defense and
other agencies of the Federal Government, and be-
tween the Department of Defense and the State of
Hawai‘i and its civilian sector.

(4) The end result of this effort must account
for military and civilian concerns and for the chang-
ing missions and needs of all components of the Armed Forces stationed or otherwise operating out of the State of Hawai‘i as the Department of Defense adjusts to meet the objectives outlined in the National Defense Strategy.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committee a report describing the progress being made by the Department of Defense to renew Department of Defense land leases and easements in the State of Hawai‘i that encompass one acre or more and will expire before January 1, 2030. The report shall include the following:

(1) The location, size, and expiration date of each lease and easement.

(2) Major milestones and expected timelines for maintaining access to the land covered by each lease and easement.

(3) Actions completed over the preceding 2 years for each lease and easement.

(4) Department-wide and service-specific authorities governing each lease and easement extension.
(5) A summary of coordination efforts between the Secretary of Defense and the Secretaries of the military departments.

(6) The status of efforts to develop an inventory of military land in Hawai‘i, to include current possible future uses, that would assist in land negotiations with the State of Hawai‘i.

(7) The risks and potential solutions to ensure the renewability of required and critical leases and easements.

**Subtitle G—Other Matters**

**SEC. 2861. DEFENSE COMMUNITY INFRASTRUCTURE PROGRAM.**

(a) Prioritization of Community Infrastructure Projects.—Section 2391(d)(1) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(1)”;

(2) by striking “, if the Secretary determines that such assistance will enhance the military value, resilience, or military family quality of life at such military installation”; and

(3) by adding at the end the following new subparagraph:

“(B) The Secretary shall establish criteria for the selection of community infrastructure projects to receive as-
istance under this subsection, including selection of community infrastructure projects in the following order of priority:

“(i) Projects that will enhance military installation resilience.

“(ii) Projects that will enhance military value at a military installation.

“(iii) Projects that will enhance military family quality of life at a military installation.”.

(b) COST-SHARING REQUIREMENTS.—Paragraph (2) of section 2391(d) of title 10, United States Code, is amended to read as follows:

“(2)(A) The criteria established for the selection of community infrastructure projects to receive assistance under this subsection shall include a requirement that, except as provided in subparagraph (B), the State or local government agree to contribute not less than 30 percent of the funding for the community infrastructure project.

“(B) If a proposed community infrastructure project will be carried out in a rural area or the Secretary of Defense determines that a proposed community infrastructure project is advantageous for reasons related to national security, the Secretary—

“(i) shall not penalize a State or local government for offering to make a contribution of 30 per-
cent or less of the funding for the community infra-
structure project; and

“(ii) may reduce the requirement for a State or
local government contribution to 30 percent or less
or waive the cost-sharing requirement entirely.”.

(e) Specified Duration of Program.—Section
2391(d)(4) of title 10, United States Code, is amended
by striking “upon the expiration of the 10-year period
which begins on the date of the enactment of the National
Defense Authorization Act for Fiscal Year 2019” and in-
serting “on September 30, 2028”.

(d) Clarification of Military Family Quality
of Life Criteria.—Section 2391(e)(4) of title 10,
United States Code, is amended by adding at the end the
following new subparagraph:

“(C) For the purposes of determining whether
proposed community infrastructure will enhance
quality of life, the Secretary of Defense shall con-
sider the impact of the community infrastructure on
alleviating installation commuter workforce issues
and the benefit of schools or other local infrastruc-
ture located off of a military installation that will
support members of the armed forces and their de-
pendents residing in the community.”.
SEC. 2862. PILOT PROGRAM ON REDUCTION OF EFFECTS OF MILITARY AVIATION NOISE ON CERTAIN COVERED PROPERTY.

(a) IN GENERAL.—The Secretary of Defense shall carry out a 5-year pilot program under which the commander of a military installation may provide funds for the purpose of installing noise insulation on covered property impacted by military aviation noise from aircraft utilizing the installation.

(b) COST SHARING REQUIREMENT.—To be eligible to receive funds under the pilot program, a recipient shall enter into an agreement with the commander to cover at least 50 percent of the cost to acquire and install the noise insulation for the covered property.

(c) NOISE REDUCTION THRESHOLD.—To be eligible to receive funds under the pilot program, the commander must determine that, if noise insulation is installed as requested, noise at the covered property would be reduced by at least five dB.

(d) OTHER FUNDING LIMITATIONS.—Funds provided under the pilot program shall be used for the installation of noise insulation for covered property—

(1) located within a Department of Defense noise contour between 65 dB day-night average sound level and 75 dB day-night average sound level as validated on a National Environmental Policy
Act-compliant assessment within the past three years; and

(2) where interior noise has been measured at 45 dB day-night average sound level by the installation.

(e) GOALS AND BEST PRACTICES.—In carrying out the pilot program, a commander shall pursue the following goals and use the following best practices:

(1) Minimize cost in order to maximize the quantity of covered property served.

(2) Focus efforts on covered property newly impacted by increased noise levels.

(f) COVERED PROPERTY DEFINED.—For purposes of the pilot program, the term “covered property” means the following:

(1) A private residence.

(2) A hospital.

(3) A daycare facility.

(4) A school.

(5) A facility whose primary purpose is serving senior citizens.

(g) CONDITION ON COMMENCEMENT.—Commencement of the pilot program shall be subject to the availability of appropriations for the program.
SEC. 2863. DEPARTMENT OF DEFENSE POLICY FOR REGULATION OF DANGEROUS DOGS IN MILITARY COMMUNITIES.

(a) Policy Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, through the Veterinary Service Activity of the Department of Defense, shall establish a standardized policy applicable across all military communities for the regulation of dangerous dogs that is—

(1) breed-neutral; and

(2) consistent with advice from professional veterinary and animal behavior experts in regard to effective regulation of dangerous dogs.

(b) Regulations.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations implementing the policy established under subsection (a).

(2) Best Practices.—The regulations prescribed under paragraph (1) shall include strategies, for implementation within all military communities, for the prevention of dog bites that are consistent with the following best practices:

(A) Enforcement of comprehensive, nonbreed-specific regulations relating to dangerous dogs, with emphasis on identification of...
dangerous dog behavior and chronically irresponsible owners.

(B) Enforcement of animal control regulations, such as leash laws and stray animal control policies.

(C) Promotion and communication of resources for pet spaying and neutering.

(D) Investment in community education initiatives, such as teaching criteria for pet selection, pet care best practices, owner responsibilities, and safe and appropriate interaction with dogs.

(e) DEFINITIONS.—In this section:

(1) The term “dangerous dog” means a dog that—

(A) has attacked a person or another animal without justification, causing injury or death to the person or animal; or

(B) exhibits behavior that reasonably suggests the likely risk of such an attack.

(2) The term “military communities” means—

(A) all installations of the Department; 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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>Rota</td>
<td>$59,230,000</td>
</tr>
</tbody>
</table>

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
for the installations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Ramstein</td>
<td>$36,345,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base</td>
<td>$25,824,000</td>
</tr>
<tr>
<td>Romania</td>
<td>Campia Turzii</td>
<td>$130,500,000</td>
</tr>
</tbody>
</table>

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2020, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602.

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.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for the activities of
the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:


Project 21–D–511, Savannah River Plutonium Processing Facility, Savannah River Site, Aiken, South Carolina, $241,896,000.

Project 21–D–512, Plutonium Pit Production Project, Los Alamos National Laboratory, Los Alamos, New Mexico, $116,900,000 for planning and design and $79,100,000 for construction.

Project 21–D–530, Steam and Condensate Upgrade, Knolls Atomic Power Laboratory, Schenectady, New York, $50,200,000.

General Purpose Project, TA–15 Dual-Axis Radiographic Hydrodynamic Test facility, Hydro Vessel Repair facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $16,491,000.
General Purpose Project, U1a.03 Test Bed Facility Improvements, Nevada National Security Site, Mercury, Nevada, $16,000,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant projects:

Project 21–D–401, Hoisting Capability Project, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $10,000,000.

**SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for other defense activities in carrying out programs as specified in the funding table in section 4701.
SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2021 for nuclear energy as specified in the funding table in section 4701.

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

SEC. 3111. NUCLEAR WARHEAD ACQUISITION PROCESSES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in its 25th year, the science-based Stockpile Stewardship Program established under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) has succeeded in providing the United States with a credible nuclear deterrent in the absence of nuclear explosive testing;

(2) maintaining global moratoria on nuclear explosive testing is in the national security interest of the United States;

(3) a robust, second-to-none science and technology enterprise is required to maintain and certify the nuclear weapons stockpile of the United States; and

(4) the National Nuclear Security Administration must continue to improve program management
and execution of the major acquisition programs of
the Administration.

(b) REQUIREMENTS.—

(1) PHASES.—Subtitle A of title XLII of the
Atomic Energy Defense Act (50 U.S.C. 4201 et
seq.) is amended by adding at the end the following
new section:

“SEC. 4223. REQUIREMENTS FOR CERTAIN JOINT NUCLEAR
WEAPONS LIFE CYCLE PHASES.

“(a) DESIGN AND ENGINEERING REQUIREMENTS.—
The Administrator shall ensure the following:

“(1) The national security laboratories engage
in peer review of proposed designs of nuclear weap-
ons.

“(2) The nuclear weapons production facilities
are involved early and often during the design and
engineering process of nuclear weapons in order to
take into account how such design and engineering
will affect the production of the nuclear weapons.

“(b) REQUIREMENTS AFTER PHASE 1.—After the
Administrator completes phase 1 of the joint nuclear
weapons life cycle for a nuclear weapon, the Nuclear
Weapons Council shall submit to the congressional defense
committees a report containing the following:
“(1) A description of the potential military characteristics of the nuclear weapon.

“(2) A description of the stockpile-to-target sequence requirements of the nuclear weapon.

“(3) A description of any other requirements of the Administration or the Department of Energy that will affect the nuclear weapon, including the first product unit date, the initial operational capability date, the final operational capability date, or requirements relating to increased safety and surety.

“(4) Initial assessments of the effect to the nuclear security enterprise workforce and any required new or recapitalized major facilities or capabilities relating to the nuclear weapon.

“(c) REQUIREMENTS ENTERING INTO PHASE 2.—

Not later than 15 days after the date on which the Nuclear Weapons Council approves a nuclear weapon for phase 2 of the joint nuclear weapons life cycle, the Administrator shall submit to the congressional defense committees a plan to implement an independent peer-review process, a board of experts, or both, with respect to the non-nuclear weapon component and subsystem design and engineering aspects of such nuclear weapon. The Administrator shall ensure that such process—
“(1) uses all relevant capabilities of the Federal Government, the defense industrial base, and academia, and other capabilities that the Administrator determines necessary; and

“(2) informs the entire development life cycle of such nuclear weapon.

“(d) REQUIREMENTS ENTERING INTO PHASE 3.—

“(1) INDEPENDENT COST ASSESSMENT.—Before the Nuclear Weapons Council approves a nuclear weapon for phase 3 of the joint nuclear weapons life cycle, the Administrator shall ensure that an independent cost assessment is conducted for phase 3 that includes assigning a percentage of confidence level with respect to the Administrator being able to carry out phase 3 within the estimated schedule and cost objectives.

“(2) CERTIFICATIONS AND REPORTS.—Not later than 15 days after the date on which the Nuclear Weapons Council approves a nuclear weapon for phase 3 of the joint nuclear weapons life cycle—

“(A) the Administrator shall certify to the congressional defense committees that—

“(i) the joint nuclear weapons life cycle process for phases 1 through 5 of the nuclear weapon has equal or greater rigor
as the life extension process under each part of phase 6; and

“(ii) the level of design and technology maturity of the proposed design of the nuclear weapon can be carried out within the estimated schedule and cost objectives specified in the cost assessment under paragraph (1); and

“(B) the Commander of the United States Strategic Command shall submit to the congressional defense committees a report containing—

“(i) the specific warhead requirements for the delivery system of the nuclear weapon, including such planned requirements during the 15-year period following the date of the report; and

“(ii) an identification of the tail numbers of the warheads for that delivery system that may require life extensions, be retired, or be altered during such period, and a description of the considerations for deciding on such actions.

“(e) WAIVERS.—Subsections (b) through (d) may be waived during a period of war declared by Congress after
the date of the enactment of the National Defense Author-
ization Act for Fiscal Year 2021.

“(f) JOINT NUCLEAR WEAPONS LIFE CYCLE DE-
FINED.—In this section, the term ‘joint nuclear weapons
life cycle’ has the meaning given that term in section
4220.”.

(2) CLERICAL AMENDMENT.—The table of con-
tents for the Atomic Energy Defense Act is amended
by inserting after the item relating to section 4222
the following new item:

“Sec. 4223. Requirements for certain joint nuclear weapons life cycle phases.”.

(c) SELECTED ACQUISITION REPORTS AND INDE-
pendent Cost Estimates.—Section 4217(b)(1) of such
Act (50 U.S.C. 2537(b)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “phase 6.2A”
and inserting “phase 2A and phase 6.2A”; 
(B) in clause (ii), by striking “phase 6.3”
and inserting “phase 3 and phase 6.3”; 
(C) in clause (iii)—

(i) by striking “phase 6.4” and insert-
ing “phase 4 and phase 6.4”; and 
(ii) by striking “phase 6.5” and in-
serting “phase 5 and phase 6.5”; and 
(2) in subparagraph (B), by striking “phase
6.2” and inserting “phase 2 and phase 6.2”.
(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director for Cost Estimating and Program Evaluation of the National Nuclear Security Administration shall submit to the congressional defense committees a report containing recommendations to strengthen governance, program execution, and program management controls with respect to the process of the joint nuclear weapons life cycle (as defined in section 4220 of the Atomic Energy Defense Act (50 U.S.C. 2538b)).

SEC. 3112. UNCOSTED AND UNOBLIGATED AMOUNTS OF NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Section 3251(b) of the National Nuclear Security Administration Act (50 U.S.C. 2451(b)) is amended by adding at the end the following new paragraph:

“(3) In the budget justification materials for each of fiscal years 2022 through 2026 submitted to Congress in support of each such budget, the Administrator shall include a detailed description of the uncosted and unobligated amounts that the Administrator maintains, listed by the year for which the amounts were appropriated, including—

“(A) the gross uncosted and unobligated amounts for each individual program element (using
thresholds specified in the report submitted by the Secretary of Energy to Congress titled ‘Report on Uncosted Balances for Fiscal Year Ended September 30, 2014’); and

“(B) an explanation for why the uncosted and unobligated amounts have not been expended.”.

SEC. 3113. EXTENSION OF LIMITATION RELATING TO RECLASSIFICATION OF HIGH-LEVEL WASTE.

Section 3121 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1953) is amended by striking “fiscal year 2020” and inserting “fiscal year 2020 or fiscal year 2021”.

SEC. 3114. EXTENSION OF PILOT PROGRAM ON UNAVAILABILITY FOR OVERHEAD COSTS OF AMOUNTS SPECIFIED FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.

Section 3119 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 50 U.S.C. 2791 note) is amended—

(1) in subsection (c)(2), by striking “four” and inserting “five”; and

(2) in subsection (d), by striking “February 15, 2020” and inserting “December 31, 2020”.

SEC. 3115. PLUTONIUM PIT PRODUCTION.

(a) INDEPENDENT COST ESTIMATE.—
(1) REQUIREMENT.—The Secretary of Energy shall conduct an independent cost estimate of the Savannah River Plutonium Processing Facility project in accordance with Department of Energy Directive 413.3b, as in effect on the date of the enactment of this Act.

(2) CONFIDENCE LEVEL.—The assessment under paragraph (1) shall assign a percentage of confidence level with respect to the Secretary being able to carry out the Facility project within the estimated schedule and cost objectives.

(3) SUBMISSION.—The Secretary shall submit to the congressional defense committees the independent cost estimate under paragraph (1).

(b) CONDITIONAL REPORTS AND CERTIFICATIONS.—

(1) LOW CONFIDENCE.—If the assessment under subsection (a) assigns a confidence level below 90 percent pursuant to paragraph (2) of such subsection—

(A) the Secretary shall submit to the congressional defense committees the report described in paragraph (2); and

(B) the Commander of the United States Strategic Command shall certify to such committees that either—
(i) the requirement to produce not less than 80 war reserve plutonium pits during 2030 pursuant to section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a) cannot be extended by up to five years without causing a grave threat to the national security of the United States, taking into account options for temporarily surging the production of such pits at Los Alamos National Laboratory and other mitigation strategies available to the Commander; or

(ii) such requirement can be so extended without causing a grave threat to the national security of the United States.

(2) REPORT.—The report described in this paragraph is a report by the Secretary that contains either of the following:

(A) A certification by the Secretary, without delegation, that, notwithstanding the confidence level contained in the assessment under subsection (a), the Secretary has a confidence level of 90 percent or greater with respect to being able to carry out the Facility project
within the estimated schedule and cost objectives.

(B) If the Secretary cannot make the certification under subparagraph (A), a plan by the Secretary to achieve such a confidence level of 90 percent or greater, including with respect to changing the costs, schedule, and scope of the Facility project.

SEC. 3116. PROGRAM FOR RESEARCH AND DEVELOPMENT OF ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.

(a) Establishment.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall establish a program to assess the viability of using low-enriched uranium in naval nuclear propulsion reactors, including such reactors located on aircraft carriers and submarines, that meet the requirements of the Navy.

(b) Activities.—In carrying out the program under subsection (a), the Administrator shall carry out activities to develop an advanced naval nuclear fuel system based on low-enriched uranium, including activities relating to—

(1) down-blending of high-enriched uranium into low-enriched uranium;
(2) manufacturing of candidate advanced low-enriched uranium fuels;

(3) irradiation tests and post-irradiation examination of these fuels; and

(4) modification or procurement of equipment and infrastructure relating to such activities.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a plan outlining the activities the Administrator will carry out under the program established under subsection (a), including the funding requirements associated with developing a low-enriched uranium fuel.

SEC. 3117. INDEPENDENT STUDY ON EFFECTS OF USE OF NUCLEAR WEAPONS.

(a) STUDY.—The Administrator for Nuclear Security shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine under which the National Academies conduct a study on the atmospheric effects of nuclear explosions.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) An evaluation of the non-fallout atmospheric effects of likely and plausible scenarios for nuclear war, ranging from relatively small, regional
exchanges to large exchanges associated with nuclear war between major powers.

(2) An examination of the effects evaluated under paragraph (1) by—

(A) the yield, type, and number of nuclear weapons;

(B) the types and locations of targets;

(C) the time distribution of the explosions;

(D) the atmospheric conditions; and

(E) other factors that may have a significant impact on the effects.

(3) An assessment of current models of nuclear explosions, including with respect to—

(A) the fires such explosions may cause;

(B) the atmospheric transport of the gases from such explosions;

(C) the radioactive material from such explosions; and

(D) the soot and other debris from such explosions and fires, the atmospheric effects of such soot and debris, and the consequences of such effects, including the consequences relating to extreme weather, air pollution, stratospheric ozone, agriculture, and marine and terrestrial ecosystems.
(4) Identification of the capabilities and limitations of the models described in paragraph (3) for assessing the impacts of nuclear war, including—

(A) an evaluation of the relevant uncertainties;

(B) a highlight of the key data gaps; and

(C) recommendations for how such models can be improved to inform decision making.

(e) Report.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the National Academies shall submit to the Administrator for National Security and the congressional defense committees a report on the study under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) INFORMATION.—The Secretary of Defense shall provide to the National Academies the information of the Department of Defense necessary for the National Academies to conduct the study under subsection (a), including information relating to relevant scenarios described in subsection (b).
SEC. 3118. REPORTS ON DIVERSITY OF CERTAIN CONTRACTOR EMPLOYEES OF NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Annual Reports.—Not later than December 31, 2020, and each year thereafter through 2022, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on the diversity of contractor employees of the National Nuclear Security Administration.

(b) Matters Included.—Subject to subsection (c), each report under subsection (a) shall include, for each covered element of the Administration, the following:

(1) With respect to the fiscal year covered by the report and the previous fiscal year, demographic data of—

(A) the contractor employees of the covered element;

(B) the contractor employees hired at the covered element during each such year; and

(C) the contractor employees of the covered element who voluntarily separated during each such year.

(2) To the extent practical, a breakdown of the data under subparagraph (A) by each position in the Standard Occupational Classification System by the Bureau of Labor Statistics.
(3) A description of the plan to increase diversity at the covered element, and how such plan responds to any trends identified with respect to the data under paragraph (1).

(4) An identification of the official of the covered element responsible for implementing such plan and a description of how the person determines whether the covered element is meeting the goals of the plan.

(5) A description of the training resources relating to diversity, equality, and inclusion are available to contractor employees of the covered element with hiring authority, and an identification of how many such contractor employees have been trained.

(c) DATA.—The Administrator shall carry out this section using data that is—

(1) otherwise available to the Administrator and to the management and operating contractors of the nuclear security enterprise;

(2) collected in accordance with applicable laws and regulations of the Equal Employment Opportunity Commission, regulations of the Office of Federal Contract Compliance Programs of the Department of Labor, and applicable provisions of Federal law on privacy; and
(3) obtained from relevant elements of the Federal Government pursuant to a memorandum of understanding specifying the terms and conditions for the sharing of such data, including by identifying—

(A) the statutory authority governing such sharing;

(B) the minimum amount of data needed to be shared;

(C) the exact data to be shared;

(D) the method of securely sharing such data; and

(E) the limitations on the use and disclosure of such data.

(d) PUBLICATION.—The Administrator shall make publicly available on the internet website of the Department of Energy each report under subsection (a), subject to the regulations and Federal law specified in subsection (c)(2).

(e) GAO REVIEW.—Not later than 1 year after the date on which the Administrator submits the first report under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a review of—
(1) the diversity of contractor employees with respect to both the hiring and retention of such employees;

(2) the demographic composition of such employees; and

(3) the issues relating to diversity that such report identifies and the steps taken by the Administrator to address such issues.

(f) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) National Nuclear Security Administration is undertaking the largest and most complex workload since the end of the Cold War;

(2) ensuring that the nuclear security enterprise hires, trains, and retains a diverse and highly educated workforce is a national security priority of the United States;

(3) more than 5,000 employees were hired at the laboratories, plants, and sites of the National Nuclear Security Administration during fiscal year 2019; and

(4) the National Nuclear Security Administration has taken important actions to hire and retain the best and brightest workforce and is encouraged
to continue to build upon these efforts, particularly as its aging workforce continues to retire.

(g) DEFINITIONS.—In this section:

(1) The term “contractor employee” means an employee of a management and operating contractor of the nuclear security enterprise.

(2) The term “covered element” means each national security laboratory and nuclear weapons production facility (as such terms are defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

(3) The term “nuclear security enterprise” has the meaning that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

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.

It is the sense of Congress that the United States should compensate and recognize all of the miners, workers, downwinders, and others suffering from the effects of uranium mining and nuclear testing carried out during the Cold War.

SEC. 3121. PROHIBITION ON USE OF FUNDS FOR NUCLEAR WEAPONS TEST EXPLOSIONS.

(a) In General.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021, or authorized to be appropriated or otherwise made available for any fiscal year before fiscal year 2021 and available for obligation as of the date of the enactment of this Act, may be obligated or expended to conduct or make preparations for any explosive nuclear weapons test that produces any yield.

(b) Rule of Construction.—Nothing in subsection (a) shall be construed to apply to nuclear stockpile stewardship activities that are consistent with the zero-yield standard and other requirements under law.

SEC. 3122. SENSE OF CONGRESS ON THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

It is the sense of Congress that—
(1) the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was enacted as part of the Fiscal Year 2001 Defense Authorization Act (Public Law 106–398) to ensure fairness and equity to the civilian men and women who, since the commencement of the Manhattan Project, have performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy (DOE) and its predecessor agencies and were made ill from exposure to toxic substances related to such work;

(2) as part of EEOICPA, Congress provided for a system of efficient, uniform, and adequate compensation and health care to assist the defense nuclear workers who were employed by the DOE, its contractors, and certain private vendors;

(3) as part of reforms to this program enacted as part of the Fiscal Year 2005 Defense Authorization Act (Public Law 108–375), Congress created the Office of the Ombudsman for the Energy Employees Occupational Illness Compensation Program (although such Office is within the Department of Labor, the Office of the Ombudsman is independent of the other officers and employees of the Depart-
ment of Labor engaged in activities related to the administration of the provisions of EEOICPA);

(4) the Office of the Ombudsman provides guidance and assistance to claimants navigating the claims application process and prepares an annual report to Congress with—

(A) the number and types of complaints, grievances, and requests for assistance received by the Ombudsman during the preceding year; and

(B) an assessment of the most common difficulties encountered by claimants and potential claimants during the preceding year;

(5) claimants rely on the Office of the Ombudsman in the Department of Labor to provide impartial advice and guidance in navigating what can be a challenging claims process, and its operations should be continued;

(6) Congress has reauthorized the Office of the Ombudsman on a bipartisan basis as part of the National Defense Authorization Act on multiple occasions, including most recently in the Fiscal Year 2020 Defense Authorization Act (Public Law 116–48); and
(7) the Office of the Ombudsman is critical to the successful implementation of EEOICPA.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2021, $28,836,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) Amount.—There are hereby authorized to be appropriated to the Secretary of Energy $13,006,000 for fiscal year 2021 for the purpose of carrying out activities under chapter 869 of title 10, United States Code, relating to the naval petroleum reserves.

(b) Period of Availability.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.
TITLE XXXV—MARITIME MATTERS
Subtitle A—Maritime Administration

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(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
(B) $30,500,000 shall remain available
until expended for maintenance and repair of
State maritime academy training vessels.

(3) For expenses necessary to support the Na-
tional Security Multi-Mission Vessel Program,
$388,815,000, which shall remain available until ex-

(4) For expenses necessary to support Maritime
Administration operations and programs,
$55,853,000.

(5) For expenses necessary to dispose of vessels
in the National Defense Reserve Fleet, $4,200,000,
which shall remain available until expended.

(6) For expenses necessary to maintain and
preserve a United States flag merchant marine to
serve the national security needs of the United
States under chapter 531 of title 46, United States
Code, $494,008,000.

(7) For expenses necessary for the loan guar-
antee program authorized under chapter 537 of title
46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be used for the cost
(as defined in section 502(5) of the Federal
Credit Reform Act of 1990 (2 U.S.C. 661a(5)))
of loan guarantees under the program; and
(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide small shipyards and maritime communities grants under section 54101 of title 46, United States Code, $20,000,000.

(b) AMOUNT OF FISCAL YEAR 2021 CONTRACTOR PAYMENTS UNDER OPERATING AGREEMENTS.—Section 53106(a)(1)(B) of title 46, United States Code, is amended by striking “$5,233,463” and inserting “$8,233,463”.

(c) CONFORMING AMENDMENT.—Section 53111(2) of title 46, United States Code, is amended by striking “$314,007,780” and inserting “$494,008,000”.

SEC. 3502. SENSE OF CONGRESS REGARDING ROLE OF DOMESTIC MARITIME INDUSTRY IN NATIONAL SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States domestic maritime industry, with a fleet of nearly 40,000 vessels, supports nearly 650,000 American jobs and provides more than $150,000,000 in annual economic output.

(2) The vessel innovations of the domestic trades that transformed worldwide maritime com-
merce include the development of container ships, self-unloading vessels, articulated tug-barges, trailer barges, chemical parcel tankers, railroad-on-barge carfloats, and river flotilla towing systems.

(3) The domestic fleet is essential to national security is needed to crew United States Government-owned and other sealift vessels to protect the Nation.

(4) The Department of Defense and the entire national security infrastructure of the United States benefits from a robust commercial shipyard and ship repair industry, which helps provide both economic and military sealift support.

(5) The Department of Defense depends on the United States domestic trades’ fleet of container ships, roll-on/roll-off ships, product tankers, and other vessels to assist with the flow of military cargoes during both peace time and war time.

(b) Sense of Congress.—It is the sense of Congress that—

(1) United States coastwise trade laws promote a strong domestic trade maritime industry, which supports the national security and economic vitality of the United States and the efficient operation of the United States transportation system; and
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(2) a strong commercial maritime industry makes the United States more secure.

SEC. 3503. NONAPPLICABILITY OF REQUIREMENT RELATING TO MINIMUM NUMBER OF OPERATING DAYS FOR VESSELS OPERATING UNDER MSP OPERATING AGREEMENTS.

Notwithstanding part 296 of title 46, Code of Federal Regulations, until December 31, 2020, or upon the written determination of the Secretary of Transportation until June 31, 2021, the operator of a vessel operating such vessel under an MSP Operating Agreement (as such term is defined in section 296.2 of title 46, Code of Federal Regulations)—

(1) shall not be required to comply with any requirement with respect to operating days (as such term is defined in such section) contained in such agreement; and

(2) shall maintain such vessel in a state of operational readiness, including through the employment of the vessel’s crew complement, until the applicable date.

SEC. 3504. IMPROVEMENTS TO PROCESS FOR WAIVING NAVIGATION AND VESSEL-INSPECTION LAWS.

(a) IMPROVEMENTS TO WAIVER PROCESS.—Section 501 of title 46, United States Code, is amended—
(1) in subsection (a), by adding “to address an immediate adverse effect on military operations” after “national defense”;

(2) in subsection (b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following new paragraph:

“(2) DURATION OF WAIVER.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a waiver issued under this subsection shall be for a period of not more than 10 days.

“(B) WAIVER EXTENSION.—Upon the termination of the period of a waiver issued under this subsection, the head of an agency may extend the waiver for an additional period of not more than 10 days, if the Maritime Administrator makes the determinations referred to in paragraph (1).

“(C) AGGREGATE DURATION.—The aggregate duration of the period of all waivers and extensions of waivers under this subsection with respect to any one set of events shall not exceed 45 days.”; and
(C) in paragraph (4), as so redesignated—

(i) in subparagraph (B)(ii), by strik-
ing “paragraph (2)(A)” and inserting
“paragraph (3)(A)”; and

(ii) by adding at the end the following
new subparagraph:

“(C) NOTIFICATION REQUIRED FOR EX-
tENSIONS.—For purposes of this paragraph, an
extension requested or issued under paragraph
(2)(B) shall be treated in the same manner as
a waiver requested or issued under this sec-
tion.”;

(3) by redesignating subsection (c) as sub-
section (d); and

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

“(c) REPORT.—

“(1) IN GENERAL.—Not later than 10 days
after the date of the conclusion of the voyage of a
vessel that, during such voyage, operated under a
waiver issued under this section, the owner or oper-
ator of the vessel shall submit to the Maritime Ad-
ministrator a report that includes—

“(A) the name and flag of the vessel;

“(B) the dates of the voyage;
“(C) any relevant ports of call; and
“(D) any other information the Maritime Administrator determines necessary.
“(2) PUBLICATION.—Not later than 48 hours after receiving a report under paragraph (1), the Maritime Administrator shall publish such report on an appropriate website of the Department of Transportation.”.
(b) APPLICABILITY.—The amendments made by this section shall apply with respect to waivers issued after the date of the enactment of this Act.

SEC. 3505. MARITIME TRANSPORTATION SYSTEM EMERGENCY RELIEF PROGRAM.
(a) IN GENERAL.—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

“§ 50308. Maritime transportation system emergency relief program
“(a) DEFINITIONS.—In this section the following definitions shall apply:
“(1) ELIGIBLE STATE ENTITY.—The term ‘eligible State entity’ means a port authority, or a State-owned or -operated vessel and facilities associated with the operation of such vessel, in any State.
“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a public or private entity that is created or organized in the United States or under the laws of the United States, with significant operations in and a majority of its employees based in the United States, that is engaged in—

“(A) vessel construction, transportation by water, or support activities for transportation by water with an assigned North American Industry Classification System code beginning with 3366, 483, or 4883; or

“(B) as determined by the Secretary of Transportation—

“(i) construction related to activities described in subparagraph (A); or

“(ii) maritime education and training.

“(3) ELIGIBLE OPERATING COSTS.—The term ‘eligible operating costs’ means costs relating to—

“(A) emergency response;

“(B) cleaning;

“(C) sanitization;

“(D) janitorial services;

“(E) staffing;

“(F) workforce retention;

“(G) paid leave;
“(H) procurement and use of protective health equipment, testing, and training for employees and contractors;

“(I) debt service payments;

“(J) infrastructure repair projects; and

“(K) other maritime transportation system operations;

“(4) EMERGENCY.—The term ‘emergency’ means a natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, severe storm, or landslide) or a catastrophic failure from any external cause, that impacts the United States maritime transportation system and as a result of which—

“(A) the Governor of a State has declared an emergency and the Maritime Administrator, in consultation with the Administrator of the Federal Emergency Management Administration, has concurred in the declaration;

“(B) the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);
“(C) national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) is in effect; or
“(D) a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) is in effect.

“(b) GENERAL AUTHORITY.—The Maritime Administrator may—

“(1) make grants to eligible State entities for eligible operating costs; and

“(2) make grants and enter into contracts and other agreements with eligible entities for—

“(A) the costs of capital projects to protect, repair, reconstruct, or replace equipment and facilities of the United States maritime transportation system that the Maritime Administrator determines is in danger of suffering serious physical damage, or has suffered serious physical damage, as a result of an emergency; and

“(B) eligible operating costs of United States maritime transportation equipment and facilities in an area directly affected by an emergency during—
“(i) the 1-year period beginning on the date of a declaration described in sub-
sections (a)(4)(A) and (a)(4)(B); and

“(ii) an additional 1-year period be-
ginning 1 year after the date of a declara-
tion described in subsections (a)(4)(A) and
(a)(4)(B), if the Maritime Administrator,
in consultation with the Administrator of
the Federal Emergency Management Ad-
ministration, determines there is a compel-
ling need arising out of the emergency for
which the declaration is made.

“(c) ALLOCATION.—The Maritime Administrator
shall determine an appropriate method for the equitable
allocation and distribution of funds under this section to
eligible State entities and eligible entities.

“(d) APPLICATIONS.—An applicant for assistance
under this section shall submit an application for such as-
sistance to the Maritime Administrator at such time, in
such manner, and containing such information and assur-
ances as the Maritime Administrator may require.

“(e) COORDINATION OF EMERGENCY FUNDS.—

“(1) USE OF FUNDS.—Funds appropriated to
carry out this section shall be in addition to any
other funds available under this chapter.
“(2) NO EFFECT ON OTHER GOVERNMENT ACTIVITY.—The provision of funds under this section shall not affect the ability of any other agency of the Government, including the Federal Emergency Management Agency, or a State agency, a local governmental entity, organization, or person, to provide any other funds otherwise authorized by law.

“(f) GRANT REQUIREMENTS.—A grant awarded under this section that is made to address an emergency defined under subsection (a)(4)(B) shall be—

“(1) subject to the terms and conditions the Maritime Administrator determines are necessary; and

“(2) made only for expenses that are not reim-bursed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or any Federal, State, or local assistance pro-

“(g) FEDERAL SHARE OF COSTS.—The Federal share payable of the costs for which a grant is made under this section shall be 100 percent.

“(h) ADMINISTRATIVE COSTS.—Of the amounts available to carry out this section, not more than one-half of one percent may be used for administration of this sec-

“(i) QUALITY ASSURANCE.—The Maritime Administrator shall institute adequate policies, procedures, and internal controls to prevent waste, fraud, abuse, and program mismanagement for the distribution of funds under this section.

“(j) REPORTS.—The Maritime Administrator shall annually report to the Congress regarding financial assistance provided under this section, including a description of such assistance.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“50308. Port development; maritime transportation system emergency relief program.”.

(c) INCLUSION OF COVID–19 PANDEMIC PUBLIC HEALTH EMERGENCY.—For purposes of section 50308 of title 46, United States Code, as amended by subsection (a), the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID–19 pandemic shall be treated as an emergency.

SEC. 3506. CENTERS OF EXCELLENCE FOR DOMESTIC MARITIME WORKFORCE TRAINING AND EDUCATION: TECHNICAL AMENDMENTS.

(a) Redesignation and Transfer of Section.—Section 54102 of title 46, United States Code, is redesig-
nated as section 51706 of such title and transferred to appear after section 51705 of such title.

(b) Clerical Amendments.—Title 46, United States Code, is amended—

(1) in the analysis for chapter 541, by striking the item relating to section 54102; and

(2) in the analysis for chapter 517, by striking the item relating to section 51705 and inserting the following:

"51705. Training for use of force against piracy.  
51706. Center of excellence for domestic maritime workforce training and education.".

SEC. 3507. MERCHANT MARINER EDUCATION LOAN PROGRAM.

(a) In General.—Chapter 517 of title 46, United States Code, as amended by this Act, is further amended by adding at the end the following:

§ 51707. Merchant mariner career training loan program

“(a) Establishment.—The Secretary of Transportation shall establish the Elijah E. Cummings Merchant Mariner Career Training Loan Program (in this section referred to as the ‘program’) in accordance with the requirements of this section.

“(b) Purpose.—The purpose of the program shall be to make merchant mariner career training loans available to eligible students to provide for the training of
United States merchant mariners, including those working to receive a Standards of Training, Certification and Watchkeeping endorsement under subchapter B of chapter I of title 46, Code of Federal Regulations.

“(c) ADMINISTRATION.—The program shall be carried out by the Secretary, acting through the Administrator of the Maritime Administration.

“(d) DUTIES.—The Secretary shall—

“(1) allocate, on an annual basis, the award of loans under the program based on the needs of students;

“(2) develop an application process and eligibility criteria for the award of loans under the program;

“(3) approve applications for loans under the program based on the eligibility criteria and allocations made under paragraph (1); and

“(4) designate maritime training institutions at which loans made under the program may be used.

“(e) DESIGNATION OF MARITIME TRAINING INSTITUTIONS.—

“(1) IN GENERAL.—In designating maritime training institutions under subsection (d)(4), the Secretary—
“(A) may include Federal, State, and commercial training institutions and nonprofit training organizations, including centers of excellence designated under section 51706;

“(B) shall designate institutions based on geographic diversity and scope of classes offered;

“(C) shall ensure that designated institutions have the ability to administer the program; and

“(D) shall ensure that designated institutions meet requirements to provide training instruction for appropriate Coast Guard-approved training instruction.

“(2) EXCLUSIONS.—The Secretary—

“(A) may exclude from participation in the program a maritime training institution that has had severe performance deficiencies, including deficiencies demonstrated by audits or program reviews conducted during the 5 calendar years immediately preceding the present year;

“(B) shall exclude from participation in the program a maritime training institution that has delinquent or outstanding debts to the United States, unless such debts are being re-
paid under or in accordance with a repayment arrangement satisfactory to the United States, or the Secretary in the Secretary’s discretion determines that the existence or amount of any such debts has not been finally determined by the appropriate Federal agency;

“(C) may exclude from participation in the program a maritime training institution that has failed to comply with quality standards established by the Department of Labor, the Coast Guard, or a State; and

“(D) may establish such other criteria as the Secretary determines will protect the financial interest of the United States and promote the purposes of this section.

“(f) State Maritime Academies.—

“(1) Use of Funds for Loans to Students Attending State Maritime Academies.—The Secretary may obligate not more than 50 percent of the amounts appropriated to carry out this section for a fiscal year for loans to undergraduate students attending State maritime academies receiving assistance under chapter 515 of this title.

“(2) Academic Standards for Students.— Students at State maritime academies receiving
loans under the program shall maintain satisfactory progress toward the completion of their course of study as evidenced by the maintenance of a cumulative C average, or its equivalent, or academic standing consistent with the requirements for graduation, as determined by the institution.

``(g) LOAN AMOUNTS AND USE.—

“(1) MAXIMUM AMOUNTS.—

“(A) IN GENERAL.—The Secretary may not make loans to a student under the program in an amount that exceeds $30,000 in a calendar year or $120,000 in the aggregate.

“(B) ADJUSTMENT FOR INFLATION.—The Secretary shall, every 5 years for the life of a loan under the program, adjust the maximum amounts described in subparagraph (A) in accordance with any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor that occurs since the previous adjustment.

“(2) USE OF LOAN PROCEEDS.—A student who receives a loan under the program may use the proceeds of the loan only for postsecondary expenses incurred at an institution designated by the Secretary.
under subsection (d)(4) for books, tuition, required
fees, travel to and from training facilities, and room
and board.

“(h) **STUDENT ELIGIBILITY.**—

“(1) **IN GENERAL.**—Subject to paragraph (2),
to be eligible to receive a loan under the program,
a student shall—

“(A) be eligible to hold a license or mer-
chant mariner document issued by the Coast
Guard;

“(B) provide to the Secretary such infor-
mation as the Secretary may require, including
all current Coast Guard documents, certifi-
cations, proof of United States citizenship or
permanent legal status, and a statement of in-
tent to enter a maritime career;

“(C) meet the enrollment requirements of
a maritime training institution designated by
the Secretary under subsection (d)(4); and

“(D) sign an agreement to—

“(i) complete a course of instruction
at such a maritime training institution;
and

“(ii) maintain a license or document
and work under the authority of the license
or document and any associated endorse-
ments for at least 18 months following the
date of graduation from the maritime pro-
gram for which the loan proceeds will be
used.

“(2) LIMITATION.—An undergraduate student
at the United States Merchant Marine Academy
shall not be eligible for a loan under the program.

“(i) ADMINISTRATION OF LOANS.—

“(1) CONTENTS OF LOAN AGREEMENTS.—Any
agreement between the Secretary and a student bor-
rower for a loan under the program shall—

“(A) be evidenced by a note or other writ-
ten instrument that provides for the repayment
of the principal amount of the loan and any
origination fee, together with interest thereon,
in equal installments (or, if the student bor-
rrower so requests, in graduated periodic install-
ments determined in accordance with such
schedules as may be approved by the Secretary)
payable quarterly, bimonthly, or monthly, at the
option of the student borrower, over a period
beginning 9 months from the date on which the
student borrower completes study or discon-
tinues attendance at the maritime program for
which the loans are used at the institution approved by the Secretary and not exceeding 10 years;

“(B) include provision for acceleration of repayment of the whole, or any part, of such loan, at the option of the student borrower;

“(C) provide the loan without security and without endorsement;

“(D) provide that the liability to repay the loan shall be canceled upon the death of the student borrower, or if the student borrower becomes permanently and totally disabled, as determined in accordance with regulations to be issued by the Secretary;

“(E) contain a notice of the system of disclosure of information concerning default on such loan to credit bureau organizations; and

“(F) include provisions for deferral of repayment, as determined by the Secretary.

“(2) RATE OF INTEREST.—A student borrower who receives a loan under the program shall be obligated to repay the loan amount to the Secretary, together with interest beginning in the period referred to in paragraph (1)(A), at a rate of interest determined by the Secretary, in consultation with the
Secretary of Education, in accordance with section
455 of the Higher Education Act of 1965 (20

“(3) Disclosure required prior to dis-
bursement.—

“(A) In general.—The Secretary shall at
or prior to the time the Secretary makes a loan
to a student borrower under the program, pro-
vide thorough and adequate loan information on
such loan to the student borrower. The disclo-
sures required by this paragraph may be made
as part of the written application material pro-
vided to the student borrower, as part of the
promissory note evidencing the loan, or on a
separate written form provided to the student
borrower.

“(B) Contents.—The disclosures shall
include—

“(i) the address to which communica-
tions and payments should be sent;

“(ii) the principal amount of the loan;

“(iii) the amount of any charges col-
lected at or prior to the disbursal of the
loan and whether such charges are to be
deducted from the proceeds of the loan or paid separately by the student borrower;

“(iv) the stated interest rate on the loan;

“(v) the yearly and cumulative maximum amounts that may be borrowed;

“(vi) an explanation of when repayment of the loan will be required and when the student borrower will be obligated to pay interest that accrues on the loan;

“(vii) a statement as to the minimum and maximum repayment term that the Secretary may impose, and the minimum monthly payment required by law and a description of any penalty imposed as a consequence of default, such as liability for expenses reasonably incurred in attempts by the Secretary to collect on a loan;

“(viii) a statement of the total cumulative balance, including the loan applied for, owed by the student borrower to the Secretary, and an estimate of the projected monthly payment, given such cumulative balance;
“(ix) an explanation of any special options the student borrower may have for loan consolidation or other refinancing of the loan;

“(x) a statement that the student borrower has the right to prepay all or part of the loan, at any time, without penalty;

“(xi) a statement summarizing circumstances in which repayment of the loan or interest that accrues on the loan may be deferred, and a brief notice of the program for repayment of loans, on the basis of military service, pursuant to the Department of Defense educational loan repayment program (10 U.S.C. 16302);

“(xii) a definition of default and the consequences to the student borrower if the student borrower defaults, together with a statement that the disbursement of, and the default on, a loan under this part shall be reported to a credit bureau or credit reporting agency;

“(xiii) to the extent practicable, the effect of accepting the loan on the eligi-
bility of the student borrower for other
forms of student assistance; and

“(xiv) an explanation of any cost the
student borrower may incur in the making
or collection of the loan.

“(C) INFORMATION TO BE PROVIDED
WITHOUT COST.—The information provided
under this paragraph shall be available to the
Secretary without cost to the student borrower.

“(4) REPAYMENT AFTER DEFAULT.—The Sec-
retary may require any student borrower who has
defaulted on a loan made under the program to—

“(A) pay all reasonable collection costs as-
associated with such loan; and

“(B) repay the loan pursuant to an income
contingent repayment plan.

“(5) AUTHORIZATION TO REDUCE RATES AND
FEES.—Notwithstanding any other provision of this
section, the Secretary may prescribe by regulation
any reductions in the interest rate or origination fee
paid by a student borrower of a loan made under the
program as the Secretary determines appropriate to
courage ontime repayment of the loan. Such re-
ductions may be offered only if the Secretary deter-
mines the reductions are cost neutral and in the best
financial interest of the United States.

“(6) COLLECTION OF REPAYMENTS.—The Sec-
retary shall collect repayments made under the pro-
gram and exercise due diligence in such collection,
including maintenance of all necessary records to en-
sure that maximum repayments are made. Collection
and servicing of repayments under the program shall
be pursued to the full extent of the law, including
wage garnishment if necessary. The Secretary of the
Department in which the Coast Guard is operating
shall provide the Secretary of Transportation with
any information regarding a merchant mariner that
may aid in the collection of repayments under this
section.

“(7) REPAYMENT SCHEDULE.—A student bor-
rower who receives a loan under the program shall
repay the loan quarterly, bimonthly, or monthly, at
the option of the student borrower, over a period be-
ginning 9 months from the date the student bor-
rower completes study or discontinues attendance at
the maritime program for which the loan proceeds
are used and ending not more than 10 years after
the date repayment begins. Provisions for deferral of
repayment shall be determined by the Secretary.
“(8) CONTRACTS FOR SERVICING AND COLLECTION OF LOANS.—The Secretary may—

“(A) enter into a contract or other arrangement with State or nonprofit agencies and, on a competitive basis, with collection agencies for servicing and collection of loans under this section; and

“(B) conduct litigation necessary to carry out this section.

“(j) REVOLVING LOAN FUND.—

“(1) ESTABLISHMENT.—The Secretary shall establish a revolving loan fund consisting of amounts deposited in the fund under paragraph (2).

“(2) DEPOSITS.—The Secretary shall deposit in the fund—

“(A) receipts from the payment of principal and interest on loans made under the program; and

“(B) any other monies paid to the Secretary by or on behalf of individuals under the program.

“(3) AVAILABILITY OF AMOUNTS.—Subject to the availability of appropriations, amounts in the fund shall be available to the Secretary—
“(A) to cover the administrative costs of
the program, including the maintenance of
records and making collections under this sec-
tion; and

“(B) to the extent that amounts remain
available after paying such administrative costs,
to make loans under the program.

“(4) MAINTENANCE OF RECORDS.—The Sec-
retary shall maintain accurate records of the admin-
istrative costs referred to in paragraph (3)(A).

“(k) ANNUAL REPORT.—The Secretary, on an an-
nual basis, shall submit to the Committee on Transpor-
tation and Infrastructure of the House of Representatives
and the Committee on Commerce, Science, and Transpor-
tation of the Senate a report on the program, including—

“(1) the total amount of loans made under the
program in the preceding year;

“(2) the number of students receiving loans
under the program in the preceding year; and

“(3) the total amount of loans made under pro-
gram that are in default as of the date of the report.

“(l) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated for each of fiscal years
2021 through 2026—
“(1) $10,000,000 for making loans under the program; and

“(2) $1,000,000 for administrative expenses of the Secretary in carrying out the program.

“§ 51708. Merchant mariner recruitment, training, and retention grant program

“(a) Strategic Plan.—

“(1) In general.—Not later than 1 year after the date of enactment of this section, and at least once every 3 years thereafter, the Secretary of Transportation, acting through the Administrator of the Maritime Administration, shall publish in the Federal Register a plan to recruit, train, and retain merchant mariners for the 5-year period following the date of publication of the most recently published plan under this paragraph.

“(2) Contents.—A plan published under paragraph (1) shall contain—

“(A) a strategy to address merchant mariner recruitment, training, and retention issues in the United States; and

“(B) demonstration and research priorities concerning merchant mariner recruitment, training, and retention.
“(3) FACTORS.—In developing a plan under paragraph (1), the Secretary shall take into account, at a minimum—

“(A) the availability of existing research (as of the date of publication of the plan); and

“(B) the need to ensure results that have broad applicability.

“(4) CONSULTATION.—In developing a plan under paragraph (1), the Secretary shall consult with representatives of the maritime industry, labor organizations, including the Commander of the Transportation Command and the Commander of the Military Sealift Command, and other governmental entities and persons with an interest in the maritime industry.

“(5) TRANSMITTAL TO CONGRESS.—The Secretary shall transmit copies of a plan published under paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) DEMONSTRATION AND RESEARCH PROJECTS.—

“(1) IN GENERAL.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, a maritime training institutions
designated under section 51607(e) or a consortium such institutions, to carry out demonstration and re-
search projects that implement the priorities identi-
fied in the plan prepared under subsection (a)(1),
for the purpose of recruiting, training, or retaining
United States merchant mariners.

“(2) COMPETITIVE AWARDS.—Grants shall be
awarded, and contracts and cooperative agreements
shall be entered into, under this subsection on a
competitive basis under guidelines and requirements
to be established by the Secretary.

“(3) APPLICATIONS.—To be eligible to receive a
grant or enter into a contract or cooperative agree-
ment under this section for a project under this sub-
section, a maritime training institution shall submit
to the Secretary a proposal that includes, at a min-
imum—

“(A) a description of the project; and

“(B) a method for evaluating the effective-
ness of the project.

“(4) ELIGIBLE PROJECTS.—Projects eligible for
grants, contracts, and cooperative agreements under
this subsection—
“(A) shall carry out the demonstration and research priorities included in the plan published under subsection (a)(1); and

“(B) may—

“(i) provide training to upgrade the skills of United States merchant mariners, including training to acquire a Standards of Training, Certification and Watchkeeping endorsement under subchapter B of chapter I of title 46, Code of Federal Regulations;

“(ii) promote the use of distance learning that enables students to take courses through the use of teleconferencing, the Internet, and other media technology;

“(iii) assist in providing services to address merchant mariner recruitment and training of youth residing in targeted high poverty areas within empowerment zones and enterprise communities;

“(iv) implement partnerships with national and regional organizations with special expertise in developing, organizing,
and administering merchant mariner recruitment and training services;

“(v) design, develop, and test an array of approaches to providing recruitment, training, or retention services, including to one or more targeted populations;

“(vi) in conjunction with employers, organized labor, other groups (such as community coalitions), and Federal, State, or local agencies, design, develop, and test various training approaches in order to determine effective practices; or

“(vii) assist in the development and replication of effective service delivery strategies for the national maritime industry as a whole.

§ 51709. Authorization of appropriations

“‘There are authorized to be appropriated for each of fiscal years 2021 through 2026—

“(1) $10,000,000 for making grants and entering into cooperative agreements under sections 51707 and 51708; and

“(2) $1,000,000 for administrative expenses of the Secretary in carrying out such sections.’’.
(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“51707. Merchant mariner career training loan program.
“51708. Merchant mariner recruitment, training, and retention program.
“51709. Authorization of appropriations.”.

SEC. 3508. ASSISTANCE FOR INLAND AND SMALL COASTAL PORTS AND TERMINALS.

Section 50302 of title 46, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) by inserting “and subsection (d)” after “this subsection”; and

(ii) by adding at the end the following:

“(H) In the case of a small project funded under subsection (d), a private entity or group of entities.”;

(B) in paragraph (6) by striking subparagraph (C);

(C) in paragraph (7)(B) by striking “paragraph (3)(A)” and inserting “subsection (d)”;

(D) in paragraph (8)(B)—

(i) in clause (i) by striking “under this subsection” and inserting “under this subsection and subsection (d)”;

...
(ii) in clause (ii) by inserting “under subsection (d) or” after “project”; and

(E) in paragraph (11) by—

(i) striking “under this subsection” and inserting “under this subsection and subsection (d)” each place such phrase appears; and

(ii) striking “fiscal year.” and inserting “fiscal year, and shall be awarded as grants under the subsection for which the original grant was made.”;

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (e) the following:

“(d) ASSISTANCE FOR INLAND AND SMALL COASTAL PORTS AND TERMINALS.—

“(1) IN GENERAL.—Of amounts reserved under subsection (c)(7)(B), the Secretary, acting through the Administrator of the Maritime Administration, shall make grants under this subsection—

“(A) to the owners or operators of a facility at a port, as such term is defined in subsection (e), to and from which the average annual 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.—
“(A) IN GENERAL.—Assistance provided under this subsection may be used to—

“(i) make capital improvements;

“(ii) construct, improve, repair, or maintain transportation or physical infra-
structure, buildings, equipment, or facility security;

“(iii) perform planning activities related to carrying out an activity described in clause (i); and

“(iv) otherwise fulfill the purposes for which such assistance is provided.

“(B) ACQUISITION METHODS.—The Secretary may not require as a condition of issuing a grant under this subsection—

“(i) direct ownership of either a facility or equipment to be procured using funds awarded under this subsection; or

“(ii) that equipment procured using such funds be new.

“(4) PROHIBITED USES.—Funds provided under this subsection may not be used for—

“(A) projects conducted on property lying outside port or terminal boundaries and not owned or leased by the applicant;
“(B) any single grant award more than 10 percent of total allocation of funds to carry out this subsection per fiscal year appropriation; or

“(C) activities, including channel improvements or harbor deepening, authorized, as of the date of the application for assistance under this subsection, to be carried out by of the Corps of Engineers.

“(5) Matching requirements.—

“(A) In general.—The Secretary may not provide assistance under this subsection unless the Secretary determines that sufficient funding is available to meet the matching requirements of subsection (e)(8). Any costs of the project to be paid by the recipient’s matching share may be incurred prior to the date on which assistance is provided.

“(B) Inclusions.—For the purpose of making the determination under subparagraph (A), funding may include a loan agreement, a commitment from investors, cash on balance sheet, or other contributions determined acceptable by the Secretary.

“(6) Application and award.—
“(A) Minimum standards for payment or reimbursement.—Each application submitted shall include a comprehensive description of—

“(i) the project;
“(ii) the need for the project;
“(iii) the methodology for implementing the project; and
“(iv) documentation of matching funds as described in paragraph (5).

“(B) Demonstration of effectiveness.—In determining whether a project will achieve the purposes for which such assistance is requested under this subsection, the Secretary shall accept documentation used to obtain a commitment of the matching funds described in paragraph (5), including feasibility studies, business plans, investor prospectuses, loan applications, or similar documentation.

“(C) Project approval required.—

The Secretary may not award a grant under this subsection unless the Secretary determines that the—

“(i) project will be completed without unreasonable delay; and
“(ii) recipient has authority to carry
out the proposed project.

“(7) PROCEDURAL SAFEGUARDS, AUDITS, AND
EXAMINATIONS.—

“(A) PROCEDURAL SAFEGUARDS.—The
Administrator shall issue guidelines to establish
appropriate accounting, reporting, and review
procedures to ensure that—

“(i) assistance provided under this
subsection is used for the purposes for
which such assistance made available; and

“(ii) grantees have properly accounted
for all expenditures of grant funds.

“(B) AUDITS AND EXAMINATIONS.—All
grantees under this subsection shall maintain
such records as the Administrator may require
and make such records available for review and
audit by the Administrator.

“(8) LIMITATION.—Not more than 10 percent
of the funds made available under subsection
(c)(7)(B) may be used to the planning and design of
eligible projects described in paragraph (3)(A)(iii).

“(9) DEFINITION OF PROJECT.—In this sub-
section, the term ‘project’ has the meaning given
such term in subsection (c).”.

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SEC. 3509. NATIONAL SHIPPER ADVISORY COMMITTEE.

(a) IN GENERAL.—Part B of subtitle IV of title 46, United States Code, is amended by adding at the end the following:

“CHAPTER 425—NATIONAL SHIPPER ADVISORY COMMITTEE

§ 42501. Definitions

In this chapter:

“(1) COMMISSION.—The term ‘Commission’ means the Federal Maritime Commission.

“(2) COMMITTEE.—The term ‘Committee’ means the National Shipper Advisory Committee established by section 42502.

§ 42502. National Shipper Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Shipper Advisory Committee.

“(b) FUNCTION.—The Committee shall advise the Federal Maritime Commission on policies relating to the competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system.

“(c) MEMBERSHIP.—
“(1) IN GENERAL.—The Committee shall consist of 24 members appointed by the Commission in accordance with this section.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) Twelve members shall represent entities who import cargo to the United States using ocean common carriers.

“(B) Twelve members shall represent entities who export cargo from the United States using ocean common carriers.

“§ 42503. Administration

“(a) MEETINGS.—The Committee shall, not less than once each year, meet at the call of the Commission or a majority of the members of the Committee.

“(b) EMPLOYEE STATUS.—A member of the Committee shall not be considered an employee of the Federal Government by reason of service on such Committee, except for the purposes of the following:

“(1) Chapter 81 of title 5.
“(2) Chapter 171 of title 28 and any other Federal law relating to tort liability.

“(c) Acceptance of Volunteer Services.—Notwithstanding any other provision of law, a member of the Committee may serve on such committee on a voluntary basis without pay.

“(d) Status of Members.—

“(1) In general.—Except as provided in paragraph (2), with respect to a member of the Committee whom the Commission appoints to represent an entity or group—

“(A) the member is authorized to represent the interests of the applicable entity or group; and

“(B) requirements under Federal law that would interfere with such representation and that apply to a special Government employee (as defined in section 202(a) of title 18), including requirements relating to employee conduct, political activities, ethics, conflicts of interest, and corruption, do not apply to the member.

“(2) Exception.—Notwithstanding subsection (b), a member of the Committee shall be treated as a special Government employee for purposes of the
committee service of the member if the member, without regard to service on the Committee, is a special Government employee.

“(e) Service on Committee.—

“(1) Solicitation of nominations.—Before appointing an individual as a member of the Committee, the Commission shall publish a timely notice in the Federal Register soliciting nominations for membership on such Committee.

“(2) Appointments.—

“(A) In General.—After considering nominations received pursuant to a notice published under paragraph (1), the Commission may appoint a member to the Committee.

“(B) Prohibition.—The Commission shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

“(3) Service at pleasure of the Commission.—Each member of the Committee shall serve at the pleasure of the Commission.

“(4) Security background examinations.—

The Commission may require an individual to have
passed an appropriate security background examination before appointment to the Committee.

“(5) PROHIBITION.—A Federal employee may not be appointed as a member of the Committee.

“(6) TERMS.—

“(A) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

“(B) CONTINUED SERVICE AFTER TERM.—

When the term of a member of the Committee ends, the member, for a period not to exceed 1 year, may continue to serve as a member until a successor is appointed.

“(7) VACANCIES.—A vacancy on the Committee shall be filled in the same manner as the original appointment.

“(8) SPECIAL RULE FOR REAPPOINTMENTS.—

Notwithstanding paragraphs (1) and (2), the Commission may reappoint a member of a committee for any term, other than the first term of the member, without soliciting, receiving, or considering nominations for such appointment.

“(f) STAFF SERVICES.—The Commission shall furnish to the Committee any staff and services considered
by the Commission to be necessary for the conduct of the 
Committee’s functions.

“(g) Chair; Vice Chair.—

“(1) In general.—The Committee shall elect 
a Chair and Vice Chair from among the committee’s 
members.

“(2) Vice Chairman acting as Chairman.—
The Vice Chair shall act as Chair in the absence or 
incapacity of, or in the event of a vacancy in the of-
face of, the Chair.

“(h) Subcommittees and Working Groups.—

“(1) In general.—The Chair of the Com-
mittee may establish and disestablish subcommittees 
and working groups for any purpose consistent with 
the function of the Committee.

“(2) Participants.—Subject to conditions im-
posed by the Chair, members of the Committee may 
be assigned to subcommittees and working groups 
established under paragraph (1).

“(i) Consultation, Advice, Reports, and Rec-
ommendations.—

“(1) Consultation.—Before taking any sig-
ificant action, the Commission shall consult with, 
and consider the information, advice, and rec-
ommendations of, the Committee if the function of
the Committee is to advise the Commission on matters related to the significant action.

“(2) ADVICE, REPORTS, AND RECOMMENDATIONS.—The Committee shall submit, in writing, to the Commission its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the Committee.

“(3) EXPLANATION OF ACTIONS TAKEN.—Not later than 60 days after the date on which the Commission receives recommendations from the Committee under paragraph (2), the Commission shall—

“(A) publish the recommendations on a public website; and

“(B) respond, in writing, to the Committee regarding the recommendations, including by providing an explanation of actions taken regarding the recommendations.

“(4) SUBMISSION TO CONGRESS.—The Commission shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the advice, reports, and recommendations received from the Committee under paragraph (2).
“(j) OBSERVERS.—The Commission may designate a representative to—

“(1) attend any meeting of the Committee; and

“(2) participate as an observer at such meeting.

“(k) TERMINATION.—The Committee shall terminate on September 30, 2029.”.

(b) CLERICAL AMENDMENT.—The analysis for sub-title IV of title 46, United States Code, is amended by inserting after the item related to chapter 423 the following:

“425. National Shipper Advisory Committee ..................42501”.

SEC. 3510. SEA YEAR CADETS ON CABLE SECURITY FLEET AND TANKER SECURITY FLEET VESSELS.

Section 51307 of title 46, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) SEA YEAR CADETS ON CABLE SECURITY FLEET AND TANKER SECURITY FLEET VESSELS.—The Secretary shall require an operator of a vessel participating in the Maritime Security Program under chapter 531 of this title, the Cable Security Fleet under chapter 532 of this title, or the Tanker Security Fleet under chapter 534 of this title to carry on each Maritime Security Program vessel, Cable Security Fleet vessel, or Tanker Security Fleet vessel 2 United States Merchant Marine Academy cadets, if available, on each voyage.”.
SEC. 3510A. SUPERINTENDENT OF THE UNITED STATES MERCHANT MARINE ACADEMY.

Section 51301(e) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following:

“(1) SENSE OF CONGRESS.—It is the sense of Congress that, due to the unique mission of the United States Merchant Marine Academy, it is highly desirable that the Superintendent of the Academy be a graduate of the Academy in good standing and have attained an unlimited merchant marine officer’s license.”; and

(3) in paragraph (3), as so redesignated—

(A) in subparagraph (A)(i), by inserting after “attained” the following “the rank of Captain, Chief Mate, or Chief Engineer in the merchant marine of the United States, or”; and

(B) in subparagraphs (B)(i)(I) and (C)(i), by inserting “merchant marine,” before “Navy,.”.

SEC. 3510B. MARITIME ACADEMY INFORMATION.

Not later than 1 year after the date of enactment of this title, the Maritime Administrator shall make avail-
able on a public website data, as available, on the fol-
lowing:

(1) The number of graduates from the United
States Merchant Marine Academy and each State
Maritime Academy for the previous 5 years.

(2) The number of graduates from the United
States Merchant Marine Academy and each State
Maritime Academy for the previous 5 years who
have become employed in, or whose status qualifies
under, each of the following categories:

(A) Maritime Afloat.

(B) Maritime Ashore.

(C) Armed Forces of the United States.

(D) Non-maritime.

(E) Graduate studies.

(F) Unknown.

(3) The number of students at each State Mar-
time Academy class receiving or who have received
for the previous 5 years funds under the student in-
centive payment program under section 51509 of
title 46, United States Code.

(4) The number of students described under
paragraph (3) who used partial student incentive
payments who graduated without an obligation
under the program.
(5) The number of students described under paragraph (3) who graduated with an obligation under the program.

SEC. 3510C. MARINER LICENSING AND CREDENTIALING.

(a) In general.—Except as provided in subsection (b) and subject to subsection (c), for purposes of licensing and credentialing of mariners, the Secretary of Homeland Security shall prescribe a tonnage measurement as a small passenger vessel, as defined in section 2101 of title 46, United States Code, for the M/V LISERON (United States official number 971339) for purposes of applying the optional regulatory measurement under section 14305 and under chapter 145 of that title.

(b) Exception.—Subsection (a) shall not apply with respect to the vessel referred to in such subsection if the length of the vessel exceeds its length on the date of enactment of this Act.

(c) Restrictions.—The vessel referred to in subsection (a) is subject to the following restrictions:

(1) The vessel may not operate outside the inland waters of the United States, as established under section 151 of title 33, United States Code, when carrying passengers for hire and operating under subsection (a).
(2) The Secretary may issue a restricted credential as appropriate for a licensed individual employed to serve on such vessel under prescribed regulations.

SEC. 3510D. NATIONAL SHIPPER ADVISORY COMMITTEE.

(a) IN GENERAL.—Part B of subtitle IV of title 46, United States Code, is amended by adding at the end the following:

"CHAPTER 425—NATIONAL SHIPPER ADVISORY COMMITTEE"

"§ 42501. Definitions"

"In this chapter:

"(1) COMMISSION.—The term ‘Commission’ means the Federal Maritime Commission.

"(2) COMMITTEE.—The term ‘Committee’ means the National Shipper Advisory Committee established by section 42502.

"§ 42502. National Shipper Advisory Committee"

"(a) ESTABLISHMENT.—There is established a National Shipper Advisory Committee.

"(b) FUNCTION.—The Committee shall advise the Federal Maritime Commission on policies relating to the
competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system.

"(c) Membership.—

"(1) In general.—The Committee shall consist of 24 members appointed by the Commission in accordance with this section.

"(2) Expertise.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

"(3) Representation.—Members of the Committee shall be appointed as follows:

"(A) Twelve members shall represent entities who import cargo to the United States using ocean common carriers.

"(B) Twelve members shall represent entities who export cargo from the United States using ocean common carriers.

§42503. Administration

"(a) Meetings.—The Committee shall, not less than once each year, meet at the call of the Commission or a majority of the members of the Committee.

"(b) Employee Status.—A member of the Committee shall not be considered an employee of the Federal
Government by reason of service on such Committee, except for the purposes of the following:

“(1) Chapter 81 of title 5.

“(2) Chapter 171 of title 28 and any other Federal law relating to tort liability.

“(c) ACCEPTANCE OF VOLUNTEER SERVICES.—Notwithstanding any other provision of law, a member of the Committee may serve on such committee on a voluntary basis without pay.

“(d) STATUS OF MEMBERS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a member of the Committee whom the Commission appoints to represent an entity or group—

“(A) the member is authorized to represent the interests of the applicable entity or group; and

“(B) requirements under Federal law that would interfere with such representation and that apply to a special Government employee (as defined in section 202(a) of title 18), including requirements relating to employee conduct, political activities, ethics, conflicts of interest, and corruption, do not apply to the member.
“(2) Exception.—Notwithstanding subsection (b), a member of the Committee shall be treated as a special Government employee for purposes of the committee service of the member if the member, without regard to service on the Committee, is a special Government employee.

“(e) Service on Committee.—

“(1) Solicitation of Nominations.—Before appointing an individual as a member of the Committee, the Commission shall publish a timely notice in the Federal Register soliciting nominations for membership on such Committee.

“(2) Appointments.—

“(A) In General.—After considering nominations received pursuant to a notice published under paragraph (1), the Commission may appoint a member to the Committee.

“(B) Prohibition.—The Commission shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

“(3) Service at Pleasure of the Commission.—Each member of the Committee shall serve at the pleasure of the Commission.
“(4) Security background examinations.—
The Commission may require an individual to have
passed an appropriate security background examina-
tion before appointment to the Committee.

“(5) Prohibition.—A Federal employee may
not be appointed as a member of the Committee.

“(6) Terms.—

“(A) In general.—The term of each
member of the Committee shall expire on De-
cember 31 of the third full year after the effect-
tive date of the appointment.

“(B) Continued service after term.—
When the term of a member of the Committee
ends, the member, for a period not to exceed 1
year, may continue to serve as a member until
a successor is appointed.

“(7) Vacancies.—A vacancy on the Committee
shall be filled in the same manner as the original ap-
pointment.

“(8) Special rule for reappointments.—
Notwithstanding paragraphs (1) and (2), the Com-
mision may reappoint a member of a committee for
any term, other than the first term of the member,
without soliciting, receiving, or considering nomina-
tions for such appointment.
“(f) Staff Services.—The Commission shall furnish to the Committee any staff and services considered by the Commission to be necessary for the conduct of the Committee’s functions.

“(g) Chair; Vice Chair.—

“(1) In general.—The Committee shall elect a Chair and Vice Chair from among the committee’s members.

“(2) Vice chairman acting as chairman.— The Vice Chair shall act as Chair in the absence or incapacity of, or in the event of a vacancy in the office of, the Chair.

“(h) Subcommittees and Working Groups.—

“(1) In general.—The Chair of the Committee may establish and disestablish subcommittees and working groups for any purpose consistent with the function of the Committee.

“(2) Participants.—Subject to conditions imposed by the Chair, members of the Committee may be assigned to subcommittees and working groups established under paragraph (1).

“(i) Consultation, Advice, Reports, and Recommendations.—

“(1) Consultation.—Before taking any significant action, the Commission shall consult with,
and consider the information, advice, and recommenda-
tions of, the Committee if the function of the Committee is to advise the Commission on mat-
ters related to the significant action.

“(2) Advice, reports, and recommendations.—The Committee shall submit, in writing, to the Commission its advice, reports, and recommenda-
tions, in a form and at a frequency determined appropriate by the Committee.

“(3) Explanation of actions taken.—Not later than 60 days after the date on which the Com-
mission receives recommendations from the Com-
mittee under paragraph (2), the Commission shall—

“(A) publish the recommendations on a public website; and

“(B) respond, in writing, to the Committee regarding the recommendations, including by providing an explanation of actions taken re-
garding the recommendations.

“(4) Submission to Congress.—The Commiss-
ion shall submit to the Committee on Transpor-
tation and Infrastructure of the House of Represent-
atives and the Committee on Commerce, Science, and Transportation of the Senate the advice, re-
ports, and recommendations received from the Committee under paragraph (2).

“(j) OBSERVERS.—The Commission may designate a representative to—

“(1) attend any meeting of the Committee; and
“(2) participate as an observer at such meeting.

“(k) TERMINATION.—The Committee shall terminate on September 30, 2029.”.

(b) CLERICAL AMENDMENT.—The analysis for subtitle IV of title 46, United States Code, is amended by inserting after the item related to chapter 423 the following:

“425. National Shipper Advisory Committee ..........................42501”.

Subtitle B—Tanker Security Fleet

SEC. 3511. TANKER SECURITY FLEET.

(a) IN GENERAL.—Part C of subtitle V of title 46, United States Code, is amended by inserting after chapter 531 the following new chapter:

“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.
§ 53201. Definitions

“In this chapter:

“(1) FOREIGN COMMERCE.—The term ‘foreign commerce’ means—

“(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

“(B) commerce or trade between foreign countries including trade between foreign ports in accordance with normal commercial bulk shipping practices in such a manner as will permit vessels of the United States freely to compete with foreign-flag liquid bulk carrying vessels in their operation or in competing charters, subject to rules and regulations promulgated by the Secretary of Transportation pursuant to this chapter or subtitle.

“(2) PARTICIPATING FLEET VESSEL.—The term ‘participating Fleet vessel’ means any tank vessel covered by an operating agreement under this chapter on or after January 1, 2021.

“(3) PERSON.—The term ‘person’ includes corporations, partnerships, and associations existing under, or authorized by, laws of the United States,
or any State, territory, district, or possession thereof, or any foreign country.

“(4) TANK VESSEL.—The term ‘tank vessel’ has the meaning that term has under section 2101.

“(5) UNITED STATES CITIZEN TRUST.—The term ‘United States citizen trust’—

“(A) means a trust for which—

“(i) each of the trustees is a citizen of the United States; and

“(ii) the application for documentation of the vessel under chapter 121 includes an affidavit of each trustee stating that the trustee is not aware of any reason involving a beneficiary of the trust that is not a citizen of the United States, or involving any other person who is not a citizen of the United States, as a result of which the beneficiary or other person would hold more than 25 percent of the aggregate power to influence or limit the exercise of the authority of the trustee with respect to matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States;
“(B) does not include a trust for which any person that is not a citizen of the United States has authority to direct, or participate in directing, a trustee for a trust in matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States or in removing a trustee without cause, either directly or indirectly through the control of another person, unless the trust instrument provides that persons who are not citizens of the United States may not hold more than 25 percent of the aggregate authority to so direct or remove a trustee; and

“(C) may include a trust for which a person who is not a citizen of the United States holds more than 25 percent of the beneficial interest in the trust.

“§ 53202. Establishment of the Tanker Security Fleet

“(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Defense, shall establish a fleet of active, commercially viable, militarily useful, privately owned product tankers to meet national defense and other security requirements and maintain a United States presence in international commercial shipping. The fleet shall consist of privately owned vessels of
the United States for which there are in effect operating agreements under this chapter, and shall be known as the ‘Tanker Security Fleet’ (hereinafter in this chapter referred to as the ‘Fleet’).

“(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if the vessel—

“(1) meets the requirements under paragraph (1), (2), (3), or (4) of subsection (c);

“(2) is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in United States foreign commerce;

“(3) is self-propelled;

“(4) is not more than 10 years of age on the date the vessel is first included in the Fleet and not more than 25 years of age at any time during which the vessel is included in the Fleet;

“(5) is determined by the Secretary of Defense to be suitable for use by the United States for national defense or military purposes in time of war or national emergency;

“(6) is commercially viable, as determined by the Secretary of Transportation; and

“(7) is—

“(A) a vessel of the United States; or
“(B) not a vessel of the United States, but—

“(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 if it is included in the Fleet; and

“(ii) at the time an operating agreement is entered into under this chapter, the vessel is eligible for documentation under chapter 121.

“(c) Requirements Regarding Citizenship of Owners, Charterers, and Operators.—

“(1) Vessels owned and operated by section 50501 citizens.—A vessel meets the requirements of this paragraph if, during the period of an operating agreement under this chapter that applies to the vessel, the vessel will be owned and operated by one or more persons that are citizens of the United States under section 50501.

“(2) Vessels owned by a section 50501 citizen, or United States citizen trust, and chartered to a documentation citizen.—A vessel meets the requirements of this paragraph if—
“(A) during the period of an operating agreement under this chapter that applies to the vessel, the vessel will be—

“(i) owned by a person that is a citizen of the United States under section 50501 or that is a United States citizen trust; and

“(ii) demise chartered to a person—

“(I) that is eligible to document the vessel under chapter 121;

“(II) the chairman of the board of directors, chief executive officer, and a majority of the members of the board of directors of which are citizens of the United States under section 50501, and are appointed and subjected to removal only upon approval by the Secretary; and

“(III) that certifies to the Secretary that there are no treaties, statutes, regulations, or other laws that would prohibit the owner or operator for the vessel from performing its obligations under an operating agreement under this chapter;
“(B) in the case of a vessel that will be demise chartered to a person that is owned or controlled by another person that is not a citizen of the United States under section 50501, the other person enters into an agreement with the Secretary not to influence the operation of the vessel in a manner that will adversely affect the interests of the United States; and

“(C) the Secretary of Transportation and the Secretary of Defense notify the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives that the Secretaries concur with the certification required under subparagraph (A)(ii)(III), and have reviewed and agree that there are no legal, operational, or other impediments that would prohibit the owner or operator for the vessel from performing its obligations under an operating agreement under this chapter.

“(3) VESSELS OWNED AND OPERATED BY A DEFENSE OWNER OR OPERATOR.—A vessel meets the requirements of this paragraph if—
“(A) during the period of an operating agreement under this chapter that applies to the vessel, the vessel will be owned and operated by a person that—

“(i) is eligible to document a vessel under chapter 121;

“(ii) operates or manages other vessels of the United States for the Secretary of Defense, or charters other vessels to the Secretary of Defense;

“(iii) has entered into a special security agreement for the purpose of this paragraph with the Secretary of Defense;

“(iv) makes the certification described in paragraph (2)(A)(ii)(III); and

“(v) in the case of a vessel described in paragraph (2)(B), enters into an agreement referred to in that subparagraph; and

“(B) the Secretary of Transportation and the Secretary of Defense notify the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives that
they concur with the certification required
under subparagraph (A)(iv), and have reviewed
and agree that there are no legal, operational,
or other impediments that would prohibit the
owner or operator for the vessel from per-
forming its obligations under an operating
agreement under this chapter.

“(4) VESSELS OWNED BY DOCUMENTATION
CITIZENS AND CHARTERED TO SECTION 50501 CITI-
ZENS.—A vessel meets the requirements of this
paragraph if, during the period of an operating
agreement under this chapter, the vessel will be—

“(A) owned by a person who is eligible to
document a vessel under chapter 121; and

“(B) demise chartered to a person that is
a citizen of the United States under section
50501.

“(d) REQUEST BY SECRETARY OF DEFENSE.—The
Secretary of Defense shall request that the Commandant
of the Coast Guard issue any waiver under section 501
that the Secretary of Defense determines is necessary for
purposes of this chapter.

“(e) VESSEL STANDARDS.—

“(1) CERTIFICATE OF INSPECTION.—A vessel
used to provide oceangoing transportation that the
Commandant of the Coast Guard determines meets the criteria of subsection (b) but which, on the date of enactment of this section, is not documented under chapter 121, shall be eligible for a certificate of inspection if the Commandant of the Coast Guard determines that—

“(A) the vessel is classed by and designed in accordance with the rules of the American Bureau of Shipping, or another classification society accepted by the Commandant of the Coast Guard;

“(B) the vessel complies with applicable international agreements and associated guidelines, as determined by the country in which the vessel was documented immediately before becoming documented under chapter 121; and

“(C) the country has not been identified by the Commandant of the Coast Guard as inadequately enforcing international vessel regulations as to that vessel.

“(2) RELIANCE ON CLASSIFICATION SOCIETY.—

“(A) IN GENERAL.—The Commandant of the Coast Guard may rely on a certification from the American Bureau of Shipping or, subject to subparagraph (B), another classification society.
society accepted by the Commandant of the Coast Guard, to establish that a vessel is in compliance with the requirements of paragraph (1).

“(B) FOREIGN CLASSIFICATION SOCIETY.—The Secretary may accept certification from a foreign classification society under subparagraph (A) only—

“(i) to the extent that the government of the foreign country in which the society is headquartered provides access on a reciprocal basis to the American Bureau of Shipping; and

“(ii) if the foreign classification society has offices and maintains records in the United States.

“§ 53203. Vessel standards

“(a) CERTIFICATE OF INSPECTION.—A vessel used to provide transportation service as a common carrier that the Secretary of Transportation determines meets the criteria of section 53102(b), which on the date of enactment of this section is not a documented vessel, shall be eligible for a certificate of inspection if the Secretary determines that—
“(1) the vessel is classed by and designed in accordance with the rules of the American Bureau of Shipping or another classification society accepted by the Secretary;

“(2) the vessel complies with applicable international agreements and associated guidelines, as determined by the country in which the vessel was documented immediately before becoming a documented vessel (as defined in that section); and

“(3) that country has not been identified by the Secretary as inadequately enforcing international vessel regulations as to that vessel.

“(b) CONTINUED ELIGIBILITY FOR CERTIFICATE.—Subsection (a) does not apply to any vessel that has failed to comply with the applicable international agreements and association guidelines referred to in subsection (a)(2).

“(c) RELIANCE ON CLASSIFICATION SOCIETY.—

“(1) IN GENERAL.—The Secretary may rely on a certification from the American Bureau of Shipping or, subject to paragraph (2), another classification society accepted by the Secretary, to establish that a vessel is in compliance with the requirements of subsections (a) and (b).
“(2) FOREIGN CLASSIFICATION SOCIETY.—The Secretary may accept certification from a foreign classification society under paragraph (1) only—

“(A) to the extent that the government of the foreign country in which the society is headquartered provides access on a reciprocal basis to the American Bureau of Shipping; and

“(B) if the foreign classification society has offices and maintains records in the United States.

“§ 53204. Award of operating agreements

“(a) IN GENERAL.—The Secretary of Transportation shall require, as a condition of including any vessel in the Fleet, that the owner or operator of the vessel enter into an operating agreement with the Secretary under this section.

“(b) PROCEDURE FOR APPLICATIONS.—

“(1) PARTICIPATING FLEET VESSELS.—

“(A) IN GENERAL.—The Secretary of Transportation shall accept an application for an operating agreement for a participating Fleet vessel under the priority under paragraph (2) only from a person that has authority to enter into an operating agreement under this chapter.
“(B) VESSEL UNDER DEMISE CHARTER.—
For purposes of subparagraph (A), in the case of a vessel that is subject to a demise charter that terminates by its own terms on September 30, 2035 (without giving effect to any extension provided therein for completion of a voyage or to effect the actual redelivery of the vessel), or that is terminable at the will of the owner of the vessel after such date, only the owner of the vessel shall be treated as having the authority referred to in subparagraph (A).

“(C) VESSEL OWNED BY A UNITED STATES CITIZEN TRUST.—For purposes of subparagraph (B), in the case of a vessel owned by a United States citizen trust, the term ‘owner of the vessel’ includes the beneficial owner of the vessel with respect to such trust.

“(2) DISCRETION WITHIN PRIORITY.—The Secretary of Transportation—

“(A) may award operating agreements under paragraph (1) according to such priorities as the Secretary considers appropriate; and

“(B) shall award operating agreements within any such priority—
“(i) in accordance with operational requirements specified by the Secretary of Defense;

“(ii) in the case of operating agreements awarded under subparagraph (B) of paragraph (1), according to applicants’ records of owning and operating vessels; and

“(iii) subject to approval of the Secretary of Defense.

“(c) LIMITATION.—For any fiscal year, the Secretary may not award operating agreements under this chapter that require payments under section 53207 for more than 10 vessels.

§ 53205. Effectiveness of operating agreements

“(a) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Transportation may enter into an operating agreement under this chapter for fiscal year 2021 and any subsequent fiscal year. Each such agreement may be renewed annually for up to 7 years.

“(b) VESSELS UNDER CHARTER TO THE UNITED STATES.—The owner or operator of a vessel under charter to the United States is eligible to receive payments pursuant to any operating agreement that covers such vessel.
“(c) Termination.—

“(1) Termination by Secretary for Lack of Owner or Operator Compliance.—If the owner or operator with respect to an operating agreement materially fails to comply with the terms of the agreement—

“(A) the Secretary shall notify the owner or operator and provide a reasonable opportunity to comply with the operating agreement; and

“(B) the Secretary shall terminate the operating agreement if the owner or operator fails to achieve such compliance.

“(2) Termination by Owner or Operator.—

“(A) In General.—If an owner or operator provides notice of the intent to terminate an operating agreement under this chapter by not later than 60 days prior to the date specified by the owner or operator for such termination, such agreement shall terminate on the date specified by the owner or operator.

“(B) Replacement.—An operating agreement with respect to a vessel shall terminate on the date that is three years after the date on
which the vessel begins operating under the
agreement, if—

“(i) the owner or operator notifies the
Secretary, by not later than 2 years after
the date the vessel begins operating under
the agreement, that the owner or operator
intends to terminate the agreement under
this subparagraph; and

“(ii) the Secretary of Transportation,
in coordination with the Secretary of De-
fense, determines that—

“(I) an application for an oper-
ating agreement under this chapter
has been received for a replacement
vessel that is acceptable to the Secre-
taries; and

“(II) during the period of an op-
erating agreement under this chapter
that applies to the replacement vessel,
the replacement vessel will be—

“(aa) owned and operated
by one or more persons that are
citizens of the United States
under section 50501; or
“(bb) owned by a person who is eligible to document the vessel under chapter 121, and operated by a person that is a citizen of the United States under section 50501.

“(d) NONRENEWAL FOR LACK OF FUNDS.—

“(1) IN GENERAL.—If sufficient funds are not made available to carry out an operating agreement under this chapter—

“(A) the Secretary of Transportation shall submit to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives notice that such agreement shall be not renewed effective on the 60th day of the fiscal year, unless such funds are made available before such day; and

“(B) effective on the 60th day of such fiscal year, terminate such agreement and provide notice of such termination to the owner or operator of the vessel covered by the agreement.
“(2) Release of vessels from obligations.—If an operating agreement for a vessel under this chapter is not renewed pursuant to paragraph (1), then the owner or operator of the vessel is released from any further obligation under the operating agreement as of the date of such termination or nonrenewal.

“(3) Foreign transfer and registration.—The owner or operator of a vessel covered by an operating agreement under this chapter may transfer and register such vessel under a foreign registry that is acceptable to the Secretary and the Secretary of Defense, notwithstanding section 53201.

“(4) Requisition.—If chapter 563 is applicable to a vessel after registration, then the vessel is available to be requisitioned by the Secretary pursuant to chapter 563.

“§ 53206. Obligations and rights under operating agreements

“(a) Operation of vessel.—An operating agreement under this chapter shall require that, during the period the vessel covered by the agreement is operating under the agreement the vessel shall—
“(1) be operated in the United States foreign
commerce, mixed United States foreign commerce
and domestic trade allowed under a registry endorse-
ment issued under section 12111, in foreign-to-for-
ey commerce, or under a charter to the United
States;

“(2) not be operated in the coastwise trade ex-
cept as described in paragraph (1); and

“(3) be documented under chapter 121.

“(b) OPERATING AGREEMENT IS AN OBLIGATION OF
the United States Government.—An operating
agreement under this chapter constitutes a contractual ob-
lication of the United States Government to pay the
amounts provided for in the agreement to the extent of
actual appropriations.

“(c) OBLIGATIONS OF OWNER OR OPERATOR.—

“(1) IN GENERAL.—The owner or operator of a
vessel covered by an operating agreement under this
chapter shall agree, as a condition of such agree-
ment, to remain obligated to carry out the require-
ments described in paragraph (2) until the termi-
nation date specified in the agreement, even in the
case of early termination of the agreement under
section 53205(c). This subsection shall not apply in
the case of an operating agreement terminated for lack of funds under section 53205(d).

“(2) REQUIREMENTS.—The requirements described in this paragraph are the following:

“(A) To continue the documentation of the vessel under chapter 121.

“(B) To be bound by the requirements of section 53208.

“(C) That all terms and conditions of an emergency preparedness agreement entered into under section 53208 shall remain in effect, except that the terms of such emergency preparedness agreement may be modified by the mutual consent of the owner or operator, the Secretary and the Secretary of Defense as provided in such section.

“(d) TRANSFER OF OPERATING AGREEMENTS.—The owner or operator of a vessel covered by an operating agreement under this chapter may transfer that agreement (including all rights and obligations under the agreement) to any person that is eligible to enter into that operating agreement under this chapter, if the transfer is approved by the Secretary of Transportation and the Secretary of Defense.
“(e) Replacement of Vessels Covered by Agreements.—An owner or operator of a vessel covered by an operating agreement under this chapter may replace the vessel with another vessel that is eligible to be included in the Fleet under section 53202(b), if the Secretary of Transportation, in coordination with the Secretary of Defense, approves the replacement of the vessel. In selecting a replacement vessel, the owner or operator shall give primary consideration to—

“(1) the commercial viability of the vessel;

“(2) the utility of the vessel with respect to the operating requirements of the owner or operator; and

“(3) ensuring that the commercial and military utility of any replacement vessel is not less than that of the initial vessel.

“§ 53207. Payments

“(a) Annual Payment.—Subject to the availability of appropriations for such purpose and the other provisions of this chapter, the Secretary shall pay to the owner or operator of a vessel covered by an operating agreement under this chapter an amount equal to $6,000,000 for each vessel covered by the agreement for each fiscal year that the vessel is covered by the agreement. Such amount shall be paid in equal monthly installments on the last day
of each month. The amount payable under this subsection may not be reduced except as provided by this section.

“(b) Certification Required for Payment.—As a condition of receiving payment under this section for a fiscal year for a vessel, the owner or operator of the vessel shall certify, in accordance with regulations issued by the Secretary, that the vessel has been and will be operated in accordance with section 53206 for at least 320 days during the fiscal year. Days during which the vessel is drydocked, surveyed, inspected, or repaired shall be considered days of operation for purposes of this subsection.

“(c) General Limitations.—The Secretary may not make any payment under this chapter for a vessel with respect to any days for which the vessel is—

“(1) not operated or maintained in accordance with an operating agreement under this chapter; or

“(2) more than 25 years of age.

“(d) Reductions in Payments.—With respect to payments under this chapter for a vessel covered by an operating agreement, the Secretary—

“(1) except as provided in paragraph (2), may not reduce such a payment for the operation of the vessel to carry military or other preference cargoes under section 55302(a), 55304, 55305, or 55314,
section 2631 of title 10, or any other cargo preference law of the United States;

“(2) may not make such a payment for any day that the vessel is engaged in transporting more than 7,500 tons of civilian bulk preference cargoes pursuant to section 55302(a), 55305, or 55314, that is bulk cargo; and

“(3) shall make a pro rata reduction for each day less than 320 in a fiscal year that the vessel is not operated in accordance with section 53206.

“(e) LIMITATIONS REGARDING NONCONTIGUOUS DOMESTIC TRADE.—

“(1) IN GENERAL.—No owner or operator shall receive payments pursuant to this chapter during a period in which it participates in noncontiguous domestic trade.

“(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to a owner or operator that is a citizen of the United States within the meaning of section 50501, applying the 75 percent ownership requirement of that section.

“(3) PARTICIPATES IN A NONCONTIGUOUS TRADE DEFINED.—In this subsection the term ‘participates in a noncontiguous domestic trade’ means directly or indirectly owns, charters, or operates a
vessel engaged in transportation of cargo between a
dpoint in the contiguous 48 States and a point in
Alaska, Hawaii, or Puerto Rico, other than a point
in Alaska north of the Arctic Circle.

“§ 53208. National security requirements

“(a) Emergency Preparedness Agreement Re-
quired.—The Secretary of Transportation, in coordina-
tion with the Secretary of Defense, shall establish an
emergency preparedness program under this section under
which the owner or operator of a vessel covered by an op-
erating agreement under this chapter shall agree, as a
condition of the operating agreement, to enter into an
emergency preparedness agreement with the Secretaries.
Each such emergency preparedness agreement shall be en-
tered into as promptly as practicable after the owner or
operator has entered into the operating agreement.

“(b) Terms of Agreement.—The terms of an
agreement under this section—

“(1) shall provide that upon request by the Sec-
retary of Defense during time of war or national
emergency, or whenever determined by the Secretary
of Defense to be necessary for national security or
contingency operation (as that term is defined in
section 101 of title 10), the owner or operator shall
make available commercial transportation resources
(including services) described in subsection (d) to
the Secretary of Defense;

“(2) shall include such additional terms as may
be established by the Secretary of Transportation
and the Secretary of Defense; and

“(3) shall allow for the modification or addition
of terms upon agreement by the Secretary of Trans-
portation and the owner or operator and the ap-
proval by the Secretary of Defense.

“(c) Participation After Expiration of Oper-
at ing Agreement.—Except as provided by section
53206, the Secretary may not require, through an emer-
gency preparedness agreement or an operating agreement,
that an owner or operator of a vessel covered by an oper-
ating agreement continue to participate in an emergency
preparedness agreement after the operating agreement
has expired according to its terms or is otherwise no
longer in effect. After the expiration of an emergency pre-
paredness agreement, a owner or operator may voluntarily
continue to participate in the agreement.

“(d) Resources Made Available.—The commer-
cial transportation resources to be made available under
an emergency preparedness agreement shall include ves-
sels or capacity in vessels, terminal facilities, management
services, and other related services, or any agreed portion
of such nonvessel resources for activation as the Secretary of Defense may determine to be necessary, seeking to minimize disruption of the owner or operator’s service to commercial customers.

“(e) COMPENSATION.—

“(1) In general.—Each emergency preparedness agreement under this section shall provide that the Secretary of Defense shall pay fair and reasonable compensation for all commercial transportation resources provided pursuant to this section.

“(2) Specific requirements.—Compensation under this subsection—

“(A) shall not be less than the owner or operator’s commercial market charges for like transportation resources;

“(B) shall be fair and reasonable considering all circumstances;

“(C) shall be provided from the time that a vessel or resource is required by the Secretary of Defense until the time it is redelivered to the owner or operator and is available to reenter commercial service; and
“(D) shall be in addition to and shall not in any way reflect amounts payable under section 53207.

“(f) TEMPORARY REPLACEMENT VESSELS.—Notwithstanding section 55302(a), 55304, 55305, or 55314, section 2631 of title 10, or any other cargo preference law of the United States—

“(1) an owner or operator may operate or employ in foreign commerce a foreign-flag vessel or foreign-flag vessel capacity as a temporary replacement for a vessel of the United States or vessel of the United States capacity that is activated by the Secretary of Defense under an emergency preparedness agreement or a primary Department of Defense sealift readiness program; and

“(2) such replacement vessel or vessel capacity shall be eligible during the replacement period to transport preference cargoes subject to sections 55302(a), 55304, 55305, and 55314 and section 2631 of title 10 to the same extent as the eligibility of the vessel or vessel capacity replaced.

“(g) REDELIVERY AND LIABILITY OF THE UNITED STATES FOR DAMAGES.—

“(1) IN GENERAL.—All commercial transportation 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
to a vessel for any day the operator of the vessel is receiv-
ing payments for the operation of that vessel under an
operating agreement under this chapter.

“(c) TELECOMMUNICATIONS EQUIPMENT.—The tele-
communications and other electronic equipment on an ex-
isting vessel that is redocumented under the laws of the
United States for operation under an operating agreement
under this chapter shall be deemed to satisfy all Federal
Communications Commission equipment certification re-
quirements, if—

“(1) such equipment complies with all applica-
bale international agreements and associated guide-
tines as determined by the country in which the ves-
sel was documented immediately before becoming
documented under the laws of the United States;

“(2) that country has not been identified by the
Secretary as inadequately enforcing international
regulations as to that vessel; and

“(3) at the end of its useful life, such equip-
ment shall be replaced with equipment that meets
Federal Communications Commission equipment
certification standards.
§ 53210. Special rule regarding age of participating Fleet vessels

“Any age restriction under section 53202(b)(4) shall not apply to a participating Fleet vessel during the 30-month period beginning on the date the vessel begins operating under an operating agreement under this chapter, if the Secretary of Transportation determines that the owner or operator of the vessel has entered into an arrangement to obtain and operate under the operating agreement for the participating Fleet vessel a replacement vessel that, upon commencement of such operation, will be eligible to be included in the Fleet under section 53202(b).

§ 53211. Regulations

“The Secretary of Transportation and the Secretary of Defense may each prescribe rules as necessary to carry out their respective responsibilities under this chapter.

§ 53212. Authorization of appropriations

“There is authorized to be appropriated for payments under section 53207, $60,000,000 for each of fiscal years 2021 through 2035, to remain available until expended.

§ 53213. Acquisition of Fleet vessels

“(a) In General.—Upon replacement of a Fleet vessel under an operating agreement under this chapter, and subject to agreement by the owner or operator of the vessel, the Secretary of Transportation may, subject to the
concurrence of the Secretary of Defense, acquire the vessel
being replaced for inclusion in the National Defense Re-
serve Fleet.

“(b) REQUIREMENTS.—To be eligible for acquisition
by the Secretary of Transportation under this section a
vessel shall—

“(1) have been covered by an operating agree-
ment under this chapter for not less than 3 years;

and

“(2) meet recapitalization requirements for the
Ready Reserve Force.

“(c) FAIR MARKET VALUE.—A fair market value
shall be established by the Maritime Administration for
acquisition of an eligible vessel under this section.

“(d) APPROPRIATIONS.—Vessel acquisitions under
this section shall be subject to the availability of appro-
priations. Amounts made available to carry out this sec-
tion shall be derived from amounts authorized to be appro-
priated for the National Defense Reserve Fleet. Amounts
authorized to be appropriated to carry out the Maritime
Security Program may not be use to carry out this sec-
tion.”.

(b) CLERICAL AMENDMENT.—The table of chapters
for subtitle VII of title 46, United States Code, is amend-
ed by adding at the end the following:

“532. Tanker Security Fleet .......................................................... 53201".
(c) **Deadline for Accepting Applications.**—

(1) **In General.**—The Secretary of Transportation shall begin accepting applications for enrollment of vessels in the Tanker Security Fleet established under chapter 532 of title 46, United States Code, as added by subsection (a), by not later than 30 days after the date of the enactment of this Act.

(2) **Approval.**—Not later than 90 days after receipt of an application for the enrollment of a vessel in the Tanker Security Fleet, the Secretary, in coordination with the Secretary of Defense, shall—

(A) approve the application and enter into an operating agreement with the applicant; or

(B) provide to the applicant a written explanation for the denial of the application.

**TITLE XXXVI—FARM AND RANCH MENTAL HEALTH**

**SEC. 3601. PUBLIC SERVICE ANNOUNCEMENT CAMPAIGN TO ADDRESS FARM AND RANCH MENTAL HEALTH.**

(a) **In General.**—The Secretary of Agriculture, in consultation with the Secretary of Health and Human Services, shall carry out a public service announcement campaign to address the mental health of farmers and ranchers.
(b) Requirements.—The public service announcement campaign under subsection (a) shall include television, radio, print, outdoor, and digital public service announcements.

(c) Contractor.—

(1) In general.—The Secretary of Agriculture may enter into a contract or other agreement with a third party to carry out the public service announcement campaign under subsection (a).

(2) Requirement.—In awarding a contract under paragraph (1), the Secretary shall use a competitive bidding process.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section $3,000,000, to remain available until expended.

SEC. 3602. EMPLOYEE TRAINING PROGRAM TO MANAGE FARMER AND RANCHER STRESS.

(a) In general.—Not later than 180 days after the date of enactment of this section, the Secretary of Agriculture shall expand the pilot program carried out by the Secretary in fiscal year 2019 that trained employees of the Farm Service Agency in the management of stress experienced by farmers and ranchers, to train employees of the Farm Service Agency, the Risk Management Agency,
and the Natural Resources Conservation Service in the management of stress experienced by farmers and ranchers, including the detection of stress and suicide prevention.

(b) REPORT.—Not less frequently than once every 2 years, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the implementation of this section.

SEC. 3603. TASK FORCE FOR ASSESSMENT OF CAUSES OF MENTAL STRESS AND BEST PRACTICES FOR RESPONSE.

(a) IN GENERAL.—The Secretary of Agriculture shall convene a task force of agricultural and rural stakeholders at the national, State, and local levels—

(1) to assess the causes of mental stress in farmers and ranchers; and

(2) to identify best practices for responding to that mental stress.

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of enactment of this Act, the task force convened under subsection (a) shall submit to the Secretary of Agriculture a report containing the assessment and best practices under paragraphs (1) and (2), respectively, of subsection (a).
(c) COLLABORATION.—In carrying out this section, the task force convened under subsection (a) shall collaborate with nongovernmental organizations and State and local agencies.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding
tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1512 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) Applicability to Classified Annex.—This section applies to any classified annex that accompanies this Act.

(e) Oral and Written Communications.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

**TITLE XLI—PROCUREMENT**

**SEC. 4101. PROCUREMENT.**
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**TOTA AIRCRAFT PROCUREMENT, ARMY**

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**MISSILE PROCUREMENT, ARMY**

**SURFACE-TO-AIR MISSILE SYSTEM**

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**MODIFICATIONS**

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**SPARES AND REPAIR PARTS**

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**SUPPORT EQUIPMENT & FACILITIES**

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**TOTAL MISSILE PROCUREMENT, ARMY**

3,491,507 3,402,757

**PROCUREMENT OF WATCV, ARMY**

**TRACKED COMBAT VEHICLES**

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**MODIFICATION OF TRACKED COMBAT VEHICLES**

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**CONCLUSION**

5,974 5,974

**HR 6395 EH**
## SEC. 4101. PROCUREMENT

### (In Thousands of Dollars)

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### MISCELLANEOUS

- **ROCKETS**
  - Shoulder launched munitions, all types
  - Rocket, Hydra 70, all types
- **ARTILLERY AMMUNITION**
  - 81mm mortar, all types
  - 120mm mortar, all types
- **MINES & CLEARING CHARGES**
  - All types
- **CLOSE TERRAIN SHAPING OBSTACLE**
  - All types

### TOTAL PROCUREMENT OF W&TCV, ARMY

**2021 Request** 3,696,740
**House Authorized** 3,916,038

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### SEC. 4101. PROCUREMENT

#### (In Thousands of Dollars)

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#### AIRCRAFT PROCUREMENT, NAVY

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#### TRAINER AIRCRAFT

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**WEAPONS PROCUREMENT, NAVY**

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<td>Standard Missile</td>
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<td>017</td>
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<td>018</td>
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**MODIFICATION OF MISSILES**

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<td>ESSM</td>
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<td>HARM MODS</td>
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<td>STANDARD MISSILES MODS</td>
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**SUPPORT EQUIPMENT & FACILITIES**

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<td>SSTD</td>
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<td>029</td>
<td>MK-48 TORPEDO</td>
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**MOD OF TORPEDOES AND RELATED EQUIP**

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<td>MK-48 MODP MOD ACAP MODS</td>
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<td>MARKET MINE</td>
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**SUPPORT EQUIPMENT**

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<td>ASW RANGE SUPPORT</td>
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**DESTINATION TRANSPORTATION**

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**GUNS AND GUN MOUNTS**

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**MODIFICATION OF GUNS AND GUN MOUNTS**

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<td>COAST GUARD WEAPONS</td>
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<td>GUN MOUNT MODS</td>
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<td>041</td>
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**SPARES AND REPAIR PARTS**

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<th>Item</th>
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<td>SPARES AND REPAIR PARTS</td>
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**TOTAL WEAPONS PROCUREMENT, NAVY**

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**NAVY AMMUNITION**

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<td>002</td>
<td>JSAM</td>
<td>64,631</td>
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<td>003</td>
<td>AIRBORNE ROCKETS, ALL TYPES</td>
<td>60,719</td>
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<td>004</td>
<td>MACHINE GUN AMMUNITION</td>
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<td>005</td>
<td>PRAC/THER BOMBS</td>
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<td>006</td>
<td>CARTRIDGES &amp; CART ACTUATED DEVICES</td>
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<td>007</td>
<td>AMMUNITION SUPPORT EQUIPMENT</td>
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<td>OTHER SHIP GUN AMMUNITION</td>
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<td>013</td>
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**MARINE CORPS AMMUNITION**

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<td>AMMO MODERNIZATION</td>
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<td>ARTILLERY MUNITIONS</td>
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**TOTAL PROCUREMENT OF AMMO, NAVY & MC**

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**SHIPBUILDING AND CONVERSION, NAVY**

<table>
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**OTHER WARSHIPS**

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**CNC-81**

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**VIRGINIA CLASS SUBMARINE**

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**Restores second Virginia-class SSN**

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**[HR 6395 EH]**
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<td>Restore second Virginia-class SSN</td>
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<td>EXPEDIENTARY FAST TRANSIT (RF)</td>
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<td>One additional ship</td>
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<td>LCS-5</td>
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<td>028</td>
<td>COMPLETION OF FY SHIPBUILDING PROGRAMS</td>
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**OTHER PROCUREMENT, NAVY**

**SHIP PROPULSION EQUIPMENT**

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**GENERATORS**

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**NAVIGATION EQUIPMENT**

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**OTHER SHIPBOARD EQUIPMENT**

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<td>DDG MOD</td>
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<td>531,169</td>
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<td>FIERFIGHTING EQUIPMENT</td>
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<td>COMMANL AND CONTROL-SHIPBOARD</td>
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**REACTOR PLANT EQUIPMENT**

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**OCEAN ENGINEERING**

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**SMALL BOATS**

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**HR 6395 EH**
## SEC. 4101. PROCUREMENT

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**Ships**

- **Line Item** (In Thousands of Dollars)
- **Request**
- **House Authorized**

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**Procurement, Marine Corps**

**Tracked Combat Vehicles**

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**Artillery and Other Weapons**

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**Other Support**

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**Guided Missiles**

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**Miscellaneous**

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**HR 6395 EH**
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**AIRCRAFT PROCUREMENT, AIR FORCE**

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**HELICOPTERS**

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**MISSION SUPPORT AIRCRAFT**

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**SEC. 4101. PROCUREMENT**

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**AIRBORNE WARN AND CSTL SYS (AWACS) MODS**

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**SPARES**

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**TOTAL PROCUREMENT, SPACE FORCE**

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**CARGO AND UTILITY VEHICLES**

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**ELECTRONICS PROGRAMS**

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**SPCL COMM-ELECTRONICS PROJECTS**

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### Line Item FY 2021 Request House Authorized

#### AIR FORCE COMMUNICATIONS
- **041** BASE INFORMATION TRANSPRT INFRASTR (HIT) WIRED 19,147 19,147
- **042** AFNET 84,515 84,515
- **043** JOINT COMMUNICATIONS SUPPORT ELEMENT (JUSEC) 6,185 6,185
- **044** USENTCOM 19,649 19,649
- **045** USSTRATCOM 4,317 4,317

#### 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 EQI
- **052** POWER CONDITIONING EQUIPMENT 11,454 11,454
- **053** MEBIANIZED MATERIAL HANDLING EQI 12,110 12,110

#### BASE SUPPORT EQUIPMENT
- **054** BASE PRODUCED EQUIPMENT 21,142 21,142
- **055** ENGINEERING AND R&D EQUIPMENT 7,700 7,700
- **056** MOBILITY EQUIPMENT 18,266 22,966
- **057** FUELS SUPPORT EQUIPMENT (FSE) 9,001 9,001
- **058** BASE MAINTENANCE AND SUPPORT EQUIPMENT 42,078 30,378

#### SPECIAL SUPPORT PROJECTS
- **060** DARPA R&D 27,164 27,164
- **061** DCIS-AF 121,528 121,528
- **063** SPECIAL UPDATE PROGRAM 782,641 782,641

#### CLASSIFIED PROGRAMS
- **064** CLASSIFIED PROGRAMS 23,096,112 21,026,112

#### SPARES AND REPAIR PARTS
- **065** SPARES AND REPAIR PARTS 1,864 1,864

#### TOTAL OTHER PROCUREMENT, AIR FORCE
- **2411** 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, SSA
- **048** INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) 101 101

#### MAJOR EQUIPMENT, WHS
- **051** MAJOR EQUIPMENT, WHS 515 515

#### MAJOR EQUIPMENT, DISA
- **011** INFORMATION SYSTEMS SECURITY 17,211 17,211
- **012** TELEPORT PROGRAM 29,841 29,841
- **031** JOINT FORC SRCS HEADQUARTERS—DODDN 3,091 3,091
- **014** ITEMS LESS THAN $5 MILLION 41,569 41,569
- **015** 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 88,741

#### MAJOR EQUIPMENT, DLA
- **020** JOINT SERVICE PROVIDER 157,518 157,518
- **019** FOURTH ESTATE NETWORK OPTIMIZATION (4ENO) 42,084 42,084

#### MAJOR EQUIPMENT, DHRA
- **023** MAJOR EQUIPMENT 417,459 417,459

#### MAJOR EQUIPMENT, DCSA
- **026** MAJOR EQUIPMENT 2,212 2,212

#### MAJOR EQUIPMENT, TJS
- **050** MAJOR EQUIPMENT 8,329 8,329
- **051** MAJOR EQUIPMENT—TJS CYBER 1,247 1,247

#### MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY
- **011** THAAD 493,196 601,296
- **014** ABM BMD 356,195 356,195
- **035** ABM BMD AP 44,901 44,901
- **017** SM-3 ILS 236,222 335,322

#### MAJOR EQUIPMENT, DHRA
- **042** ABM BMD HARDWARE AND SOFTWARE 104,241 104,241

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**HR 6395 EH**
### SEC. 4101. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

#### 1. SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

#### 2. OPERATIONS.

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TOTAL PROCUREMENT: 130,684,160

### 3. HR 6395 EH
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**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**

(In Thousands of Dollars)

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**PROCUREMENT, MARINE CORPS**

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**AIRCRAFT PROCUREMENT, AIR FORCE**

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<td>MQ-9</td>
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**STRATEGIC AIRCRAFT**

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**MISSILE PROCUREMENT, AIR FORCE**

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**PROCUREMENT OF AMMUNITION, AIR FORCE**

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<td>FUZES</td>
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<td>SMALL ARMS</td>
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**OTHER PROCUREMENT, AIR FORCE**

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*HR 6395 EH*
## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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**TOTAL OTHER PROCUREMENT, AIR FORCE** 355,339 355,339

**PROCUREMENT, DEFENSE-WIDE**

**MAJOR EQUIPMENT, DISA**

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**CLASSIFIED PROGRAMS**

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**AVIATION PROGRAMS**

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**AMMUNITION PROGRAMS**

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<td>WARRIOR SYSTEMS &lt;$5M</td>
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**OTHER PROCUREMENT PROGRAMS**

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<td>OPERATIONAL ENHANCEMENTS INTELLIGENCE</td>
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**TOTAL PROCUREMENT, DEFENSE-WIDE** 258,491 303,591

**PROTECTION, NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT**

**UNDISTRIBUTED**

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**TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT** 150,000

**TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT** 150,000

**TOTAL PROCUREMENT** 5,128,098 5,485,788
### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### Table of Research, Development, Test & Evaluation (in Thousands of Dollars)

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### ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES

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Command post integrated infrastructure contract delay .......... [−10,000]
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**SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT** | 1,978,539 | 1,742,481

**TOTAL**

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**SUBTOTAL MANAGEMENT SUPPORT** | 1,333,123 | 1,362,623

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**OPERATIONAL SYSTEMS DEVELOPMENT**

**TOTAL**

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**TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY:**

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12,382,906

**RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY**

**BASIC RESEARCH**

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**APPLIED RESEARCH**

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**ADVANCED TECHNOLOGY DEVELOPMENT**

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**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

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SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(In Thousands of Dollars)
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2424
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CH–53K RDTE .......................................................................................
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COMMON AVIONICS ............................................................................
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T-AO 205 CLASS ...................................................................................
UNMANNED CARRIER AVIATION (UCA) ........................................
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RDT&E SHIP AND AIRCRAFT SUPPORT ........................................
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OPERATIONAL TEST AND EVALUATION CAPABILITY .............
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NAVY STRATEGIC COMMUNICATIONS ...........................................
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## SEC. 1201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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**Total Advanced Technology Development**

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**Advanced Component Development & Prototypes**

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**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

(In Thousands of Dollars)
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**SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS**

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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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### SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

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### SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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### TITLE XLIII—OPERATION AND MAINTENANCE

### SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE

(In Thousands of Dollars)

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OPERATION & MAINTENANCE, ARMY

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**HR 6395 EH**

**SEC. 4301. OPERATION AND MAINTENANCE**

(In Thousands of Dollars)
## Section 4301. Operation and Maintenance (In Thousands of Dollars)

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### Operation & Maintenance, Army Operating Forces

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### Admin & ServiceWide Activities

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### Operation & Maintenance, ARNG Operating Forces

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### Admin & ServiceWide Activities

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*HR 6395 EH*
### SEC. 4301. OPERATION AND MAINTENANCE (NAVY)

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### SEC. 4301. OPERATION AND MAINTENANCE

#### (In Thousands of Dollars)

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#### MOBILIZATION

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#### TRAINING AND RECRUITING

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#### ADMIN & SRVWD ACTIVITIES

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#### OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES

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• HR 6395 EH
### SEC. 4301. OPERATION AND MAINTENANCE (in Thousands of Dollars)

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### OPERATION & MAINTENANCE, AIR FORCE

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### MOBILIZATION

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### TRAINING AND RECRUITING

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**HR 6395 EH**
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**SEC. 4301. OPERATION AND MAINTENANCE**

**In Thousands of Dollars**

**HR 6395 EH**
## SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)

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## OPERATION & MAINTENANCE, ANG OPERATING FORCES

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## ADMINISTRATION AND SERVICEWIDE ACTIVITIES

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## OPERATION AND MAINTENANCE, DEFENSEWIDE OPERATING FORCES

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### SEC. 4301. OPERATION AND MAINTENANCE

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

#### (In Thousands of Dollars)

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## SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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*HR 6395 EH*
### TOTAL AFGHANISTAN SECURITY FORCES FUND

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### Operation & Maintenance, Navy Operating Forces

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### Mobilization

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### Admin & SRVWD Activities

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### Total Operation & Maintenance, Navy

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### Operation & Maintenance, Marine Corps Operating Forces

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*HR 6395 EH*
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*HR 6395 EH*
### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(Lin Thousands of Dollars)

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#### OPERATING FORCES

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#### OPERATING FORCES

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#### OPERATING FORCES

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<td><strong>175,642</strong></td>
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#### OPERATING AND MAINTENANCE, DEFENSE-WIDE OPERATING FORCES

<table>
<thead>
<tr>
<th>Line</th>
<th>Item</th>
<th>FY 2021 Request</th>
<th>House Authorized</th>
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<tbody>
<tr>
<td>010</td>
<td>JOINT CHIEFS OF STAFF</td>
<td>3,799</td>
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<tr>
<td>020</td>
<td>JOINT CHIEFS OF STAFF—CERT2</td>
<td>6,634</td>
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<td>040</td>
<td>SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES</td>
<td>893,024</td>
<td>883,024</td>
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<td></td>
<td>Maritime Support Vessel</td>
<td>[–5,000]</td>
<td>[–5,000]</td>
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<td>060</td>
<td>SPECIAL OPERATIONS COMMAND INTELLIGENCE</td>
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<td>Program decrease</td>
<td>[–30,000]</td>
<td>[–30,000]</td>
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<td>070</td>
<td>SPECIAL OPERATIONS COMMAND MAINTENANCE</td>
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<td>090</td>
<td>SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT</td>
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<td>100</td>
<td>SPECIAL OPERATIONS COMMAND THEATER FORCES</td>
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<td></td>
<td>Unjustified growth</td>
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<td>[–25,000]</td>
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<td><strong>SUBTOTAL OPERATING FORCES</strong></td>
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#### ADMIN & SRVWD ACTIVITIES

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<td>180</td>
<td>DEFENSE CONTRACT AUDIT AGENCY</td>
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<td>210</td>
<td>DEFENSE CONTRACT MANAGEMENT AGENCY</td>
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<td>280</td>
<td>DEFENSE INFORMATION SYSTEMS AGENCY</td>
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<td>DEFENSE INFORMATION SYSTEMS AGENCY—CYBER</td>
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<td>330</td>
<td>DEFENSE LEGAL SERVICES AGENCY</td>
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<td>350</td>
<td>DEFENSE MEDIA ACTIVITY</td>
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<td>Stars and Stripes</td>
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*HR 6395 EH*
### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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<th>Line</th>
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<td></td>
<td>Program increase—security cooperation</td>
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<td></td>
<td>Transfer to Ukraine Security Assistance</td>
<td>[–250,000]</td>
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<td>410</td>
<td>DEFENSE THREAT REDUCTION AGENCY</td>
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<td>490</td>
<td>OFFICE OF THE SECRETARY OF DEFENSE</td>
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<td>530</td>
<td>WASHINGTON HEADQUARTERS SERVICES</td>
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<td>535</td>
<td>CLASSIFIED PROGRAMS</td>
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<td>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</td>
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<td>UKRAINE SECURITY ASSISTANCE INITIATIVE</td>
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<td></td>
<td>Transfer from Defense Security Cooperation Agency</td>
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<td>SUBTOTAL UKRAINE SECURITY ASSISTANCE</td>
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<td></td>
<td>TOTAL UKRAINE SECURITY ASSISTANCE</td>
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<td>TOTAL OPERATION &amp; MAINTENANCE</td>
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### TITLE XLIV—MILITARY PERSONNEL

### SEC. 4401. MILITARY PERSONNEL.

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<th>Item</th>
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<td>Military Personnel Appropriations</td>
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<td>149,384,304</td>
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<td>Historical unobligated balances</td>
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<td>Foreign Currency adjustments</td>
<td>–169,800</td>
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<tr>
<td>Standardization of payment of hazardous duty incentive pay</td>
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<td>Program decrease—Marine Corps</td>
<td>–96,000</td>
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<td>Medicare-Eligible Retiree Health Fund Contributions</td>
<td>8,372,741</td>
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### SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

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•HR 6395 EH
TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

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<td>WORKING CAPITAL FUND, ARMY</td>
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<td>ARMY ARSENALS INITIATIVE</td>
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<td>ARMY SUPPLY MANAGEMENT</td>
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<td>TOTAL WORKING CAPITAL FUND, ARMY</td>
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<td>WORKING CAPITAL FUND, AIR FORCE</td>
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<td>WORKING CAPITAL FUND</td>
<td>95,712</td>
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<td>TOTAL WORKING CAPITAL FUND, AIR FORCE</td>
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<td>95,712</td>
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<tr>
<td>WORKING CAPITAL FUND, DEFENSE-WIDE</td>
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<td>WORKING CAPITAL FUND SUPPORT</td>
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<td>49,821</td>
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<td>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE</td>
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<td>WORKING CAPITAL FUND, DECA</td>
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<td>WORKING CAPITAL FUND SUPPORT</td>
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<td>TOTAL WORKING CAPITAL FUND, DECA</td>
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<td>NATIONAL DEFENSE SEALIFT FUND</td>
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<td>SEALIFT RECAPITALIZATION</td>
<td>170,000</td>
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<tr>
<td>Accelerate design of a commercial-based sealift ship ...</td>
<td>[50,000]</td>
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<tr>
<td>Transfer from OMN–300 for acquisition of four used sealift vessels</td>
<td>[120,000]</td>
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<td>SHIP PREPOSITIONING AND SURGE</td>
<td>314,193</td>
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<td>Transfer from OMN–290</td>
<td>[314,193]</td>
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<td>EXPEDITIONARY HEALTH SERVICES</td>
<td>57,212</td>
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<tr>
<td>Transfer from OMN–320</td>
<td>[57,212]</td>
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<td>TOTAL NATIONAL DEFENSE SEALIFT FUND</td>
<td>541,405</td>
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<tr>
<td>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</td>
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<tr>
<td>CHEM DEMILITARIZATION—O&amp;M</td>
<td>106,691</td>
<td>101,691</td>
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<td>Program decrease</td>
<td>[–5,000]</td>
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<td>CHEM DEMILITARIZATION—RDT&amp;E</td>
<td>782,193</td>
<td>774,193</td>
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<td>Program decrease</td>
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<td>CHEM DEMILITARIZATION—PROC</td>
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<td>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION</td>
<td>889,500</td>
<td>876,500</td>
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<td>DRUG INTERDICATION &amp; CTR-DRUG ACTIVITIES, DEF</td>
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<tr>
<td>COUNTER-NARCOTICS SUPPORT</td>
<td>546,203</td>
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<td>DRUG DEMAND REDUCTION PROGRAM</td>
<td>123,704</td>
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<td>NATIONAL GUARD COUNTER-DRUG PROGRAM</td>
<td>94,211</td>
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<td>NATIONAL GUARD COUNTER-DRUG SCHOOLS</td>
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<td>TOTAL DRUG INTERDICATION &amp; CTR-DRUG ACTIVITIES, DEF</td>
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<td>OFFICE OF THE INSPECTOR GENERAL</td>
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<tr>
<td>OFFICE OF THE INSPECTOR GENERAL</td>
<td>388,536</td>
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<tr>
<td>Additional oversight of coronavirus relief</td>
<td>[16,257]</td>
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<tr>
<td>OFFICE OF THE INSPECTOR GENERAL—CYBER</td>
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## SEC. 4501. OTHER AUTHORIZATIONS

(In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Item</th>
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<tr>
<td>OFFICE OF THE INSPECTOR GENERAL—CYBER</td>
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<td>OFFICE OF THE INSPECTOR GENERAL—RDTE</td>
<td>1,098</td>
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<tr>
<td>OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT</td>
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<td><strong>TOTAL OFFICE OF THE INSPECTOR GENERAL</strong></td>
<td><strong>371,439</strong></td>
<td><strong>387,696</strong></td>
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**DEFENSE HEALTH PROGRAM**

<table>
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<tr>
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<th>FY 2021 Request</th>
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<tr>
<td>IN-HOUSE CARE</td>
<td>9,560,564</td>
<td>9,565,564</td>
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<td>Program decrease</td>
<td>[–31,000]</td>
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<tr>
<td>Reverse DWR savings from downsizing MTFs</td>
<td>[36,000]</td>
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<tr>
<td>PRIVATE SECTOR CARE</td>
<td>15,841,887</td>
<td>15,841,887</td>
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<tr>
<td>CONSOLIDATED HEALTH SUPPORT</td>
<td>1,348,269</td>
<td>1,348,269</td>
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<tr>
<td>Global Emerging Infectious Surveillance Program</td>
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<td>INFORMATION MANAGEMENT</td>
<td>2,039,910</td>
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<td>MANAGEMENT ACTIVITIES</td>
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<tr>
<td>EDUCATION AND TRAINING</td>
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<td>341,691</td>
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<tr>
<td>Health Professions Scholarship Program</td>
<td>[10,000]</td>
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<tr>
<td>Restoring funding for Tri-Service Nursing Research Program within USUHS</td>
<td>[6,000]</td>
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<tr>
<td>Reverse DWR cuts to USUHS</td>
<td>[10,000]</td>
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<tr>
<td>BASE OPERATIONS/COMMUNICATIONS</td>
<td>1,922,605</td>
<td>1,927,605</td>
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<td>Medical Surge Partnership Pilot</td>
<td>[5,000]</td>
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<td>R&amp;D RESEARCH</td>
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<td>R&amp;D EXPLORATORY DEVELOPMENT</td>
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<td>R&amp;D ADVANCED DEVELOPMENT</td>
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<td>R&amp;D DEMONSTRATION/VALIDATION</td>
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<td>R&amp;D ENGINEERING DEVELOPMENT</td>
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<td>Freeze-dried platelets</td>
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<td>R&amp;D MANAGEMENT AND SUPPORT</td>
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<td>R&amp;D CAPABILITIES ENHANCEMENT</td>
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<td>PROC INITIAL OUTFITTING</td>
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<td>PROC REPLACEMENT &amp; MODERNIZATION</td>
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<td>PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER</td>
<td>70,872</td>
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<td>PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION</td>
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<td>SOFTWARE &amp; DIGITAL TECHNOLOGY PILOT PROGRAMS</td>
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<tr>
<td>UNDISTRIBUTED</td>
<td>[–9,800]</td>
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<td><strong>36,069,850</strong></td>
<td><strong>36,665,712</strong></td>
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### 1 SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

(In Thousands of Dollars)

<table>
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<th>Item</th>
<th>FY 2021 Request</th>
<th>House Authorized</th>
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<tbody>
<tr>
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<tr>
<td>ARMY ARSENALS INITIATIVE</td>
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<td>ARMY SUPPLY MANAGEMENT</td>
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<td><strong>TOTAL WORKING CAPITAL FUND, ARMY</strong></td>
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OFFICE OF THE INSPECTOR GENERAL

• HR 6395 EH
2455

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

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<td>DEFENSE HEALTH PROGRAM</td>
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<td>IN-HOUSE CARE</td>
<td>65,072</td>
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<td>PRIVATE SECTOR CARE</td>
<td>296,828</td>
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<td>CONSOLIDATED HEALTH SUPPORT</td>
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<td>TOTAL DEFENSE HEALTH PROGRAM</td>
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<td>TOTAL OTHER AUTHORIZATIONS</td>
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1

TITLE XLVI—MILITARY

2

CONSTRUCTION

3

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

<table>
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<td>Worldwide Unspecified Locations</td>
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<td>Army</td>
<td>Unspecified Minor Construction</td>
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California

AP Edwards AFB Flight Test Engineering Laboratory Complex | 0 | 40,000 |

Colorado

AP Schriever AFB Consolidated Space Operations Facility, Inc 2 | 88,000 | 88,000 |

Florida

AP Eglin Advanced Munitions Technology Complex | 0 | 35,000 |

Illinois

AP Joint Region Marianas Stand Off Weapons Complex, USA 2 | 56,000 | 56,000 |

South Dakota

AP Scott Add/Alter Consolidated Communications Facility | 0 | 3,000 |

New Mexico

AP Holloman AFB Airfield Development Phase 2, Inc 2 | 20,000 | 0 |

North Carolina

AP Joint Base Andrews Consolidated Communications Center | 0 | 13,000 |

North Dakota

AP Minot Weapons Storage & Maintenance Facility, Inc 2 | 25,000 | 0 |

Ohio

AP Joint Base McGuire-Dix-Lakehurst Munitions Storage Area | 22,000 | 22,000 |

Texas

AP Joint Base San Antonio T-X ADAL Ground Based Trng Sys Sim | 19,500 | 19,500 |

Utah

AP Hill AFB GBSD Mission Integration Facility, Inc 2 | 68,000 | 68,000 |

Virginia

AP Joint Base Langley-Eustis Access Control Point Main Gate With Land Acq | 19,500 | 19,500 |

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**Military Construction, Air Force Total**

| 767,132 | 661,249 |

### Alabama
- Def Wide: Anniston Army Depot
  - Demolitization Facility: 18,000
  - Construct 10Mw Generation & Microgrid: 0

### Alaska
- Def Wide: Fairbanks
  - Communications Center: 48,000

### Arizona
- Def Wide: Fort Huachuca
  - Laboratory Building: 33,728

### Arkansas
- Def Wide: Fort Smith ANG
  - PV Arrays and Battery Storage: 0

### California
- Def Wide: Bolling
  - Industrial Controls System Modernization: 10,343
  - PV Carports: 0

### Colorado
- Def Wide: Fort Carson, Colorado
  - 10 Mw Battery Energy Storage for Various Buildings: 22,900

### District of Columbia
- Def Wide: Joint Base Anacostia-Bolling
  - MEDCEN Addition/Alteration Inc: 100,000
  - NSA Bethesda Nsab–16 Replace Chillers 3 Through 9: 13,840

### Florida
- Def Wide: Hurlburt Field
  - 10 Mw Combined Heat and Power Plant: 17,310

### Georgia
- Def Wide: Fort Benning
  - Construct 4.8mw Generation & Microgrid: 0

### Germany
- Def Wide: Rhine Ordnance Barracks
  - Medical Center Replacement Inc 9: 200,000

### Italy
- Def Wide: Naples
  - Smart Grid—NSA Naples: 3,490

### Japan
- Def Wide: Yokota
  - Fuel Wharf: 49,500

### Maryland
- Def Wide: Fort Knox
  - Van Voehis Elementary School: 69,310

### Missouri
- Def Wide: Fort Leonard Wood
  - Hospital Replacement Inc 3: 40,000

### Missouri
- Def Wide: Fort Leonard Wood
  - Next NGA West (NGW) Complex Phase 2 Inc: 119,000

### Nevada
- Def Wide: Creech AFB
  - Central Standby Generators: 32,000

### New Mexico
- Def Wide: Kirtland AFB
  - Administrative Building: 46,600

### North Carolina
- Def Wide: Fort Bragg
  - 10 Mw Combined Heat and Power Plant: 17,310

### Ohio
- Def Wide: Fort Bragg
  - 80TF Chilled Water Upgrade: 0
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Military Construction, Defense-Wide Total | 2,027,520 | 2,073,760 |

Worldwide Unspecified

NATO

NATO Security Investment Program

NATO Security Investment Program Total | 173,030 | 173,030 |

Arizona

Army NG Tucson, Colorado | National Guard Readiness Center | 18,100 | 18,100 |

Army NG Peterson AFB, Indiana | National Guard Readiness Center | 15,000 | 15,000 |

Army NG Shelbyville, Kentucky | National Guard/Reserve Center Building A&AI | 12,000 | 12,000 |

Army NG Frankfort, Kentucky | National Guard/Reserve Center Building | 15,000 | 15,000 |

Army NG Brandon, Mississippi | National Guard Vehicle Maintenance Shop | 10,400 | 10,400 |

Army NG North Platte, Nebraska | National Guard Vehicle Maintenance Shop | 9,300 | 9,300 |

Army NG New Jersey | National Guard Readiness Center | 15,000 | 15,000 |

Ohio

Army NG Columbus, Ohio | National Guard Readiness Center | 15,000 | 15,000 |

Army NG Oregon | National Guard Readiness Center | 15,000 | 15,000 |

Army NG Puerto Rico | National Guard Readiness Center | 15,000 | 15,000 |

Army NG South Carolina | National Guard Readiness Center | 15,000 | 15,000 |

Army NG Tennessee | National Guard Readiness Center | 15,000 | 15,000 |

Army NG Texas | National Guard Readiness Center | 11,200 | 11,200 |

Army NG Fort Worth, Texas | Aircraft Maintenance Hangar Addition/Alt | 6,000 | 6,000 |

Army NG Fort Worth, Texas | National Guard Vehicle Maintenance Shop | 7,800 | 7,800 |

Army NG Utah | National Guard Readiness Center | 12,000 | 12,000 |

Army NG Virgin Islands | National Guard Readiness Center | 12,000 | 12,000 |

Army NG St. Croix | Army Aviation Support Facility (AASF) | 28,000 | 28,000 |
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*HR 6395 EH*
### SEC. 4601. MILITARY CONSTRUCTION

**(In Thousands of Dollars)**

<table>
<thead>
<tr>
<th>Account</th>
<th>State/Country and Installation</th>
<th>Project Title</th>
<th>FY 2021 Request</th>
<th>House Agreement</th>
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<tbody>
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<td>FH Ops DW</td>
<td>Unspecified Worldwide Locations</td>
<td>Furnishings</td>
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<td>FH Ops DW</td>
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Family Housing Operation And Maintenance, Defense-Wide Total: 54,728

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<th>WorldWide Unspecified</th>
<th>DOD Family Housing Improvement Fund Total</th>
<th>FHIF</th>
<th>Administrative Expenses—FHIF</th>
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<td>UHIF</td>
<td>Administrative Expenses—UHIF</td>
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<table>
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<th>WorldWide Unspecified</th>
<th>Base Realignment and Closure—Total</th>
<th>DOD BRAC Activities—Air Force</th>
<th>109,222</th>
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<td>BRAC—Army</td>
<td>Base Realignment &amp; Closure, Army</td>
<td>Planning &amp; Design</td>
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<td>BRAC—Navy</td>
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<td>Base Realignment &amp; Closure</td>
<td>125,165</td>
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Total, Military Construction: 7,813,563

### SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS

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<th>Account</th>
<th>State/Country and Installation</th>
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<th>House Agreement</th>
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Military Construction, Army Total: 15,873

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<th>Rota</th>
<th>EOD Boat Shop</th>
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Military Construction, Navy Total: 70,020

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<th>Ramstein</th>
<th>EOR Rapid Airfield Damage Repair Storage</th>
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<td>AP</td>
<td>Spangdahlem AB</td>
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<td>AP</td>
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<td>AP</td>
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<td>EOR RCSAM DADS-FERI Storage Complex</td>
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<td>AP</td>
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<td>AP</td>
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<td>EOR FUEL Increase Capacity</td>
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Military Construction, Worldwide Unspecified: 16,400

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**HR 6395 EH**
SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

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Military Construction, Air Force Total .......................................................... 263,869 263,869

Total, Military Construction ............................................................................ 349,762 349,762

1 TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

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 .................................. 2,831,000 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 ................................ 4,883,608 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
W80 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

• HR 6395 EH
### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### (In Thousands of Dollars)

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<td><strong>Total, Construction</strong></td>
<td>1,508,319</td>
<td>1,508,319</td>
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<tr>
<td><strong>Total, Infrastructure and operations</strong></td>
<td>4,383,577</td>
<td>4,383,577</td>
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<tr>
<td><strong>Secure transportation asset</strong></td>
<td></td>
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<tr>
<td>Operations and equipment</td>
<td>266,390</td>
<td>266,390</td>
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<tr>
<td>Program direction</td>
<td>123,684</td>
<td>123,684</td>
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<tr>
<td><strong>Total, Secure transportation asset</strong></td>
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<td>390,074</td>
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<tr>
<td><strong>Defense Nuclear Security</strong></td>
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<td></td>
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<tr>
<td>Operations and maintenance</td>
<td>815,895</td>
<td>815,895</td>
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<tr>
<td><strong>Construction:</strong></td>
<td></td>
<td></td>
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<tr>
<td>17–D–710 West end protected area reduction project, Y–12</td>
<td>11,000</td>
<td>11,000</td>
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<tr>
<td><strong>Total, Defense nuclear security</strong></td>
<td>826,895</td>
<td>826,895</td>
</tr>
<tr>
<td>Information technology and cybersecurity</td>
<td>375,511</td>
<td>375,511</td>
</tr>
</tbody>
</table>

*HR 6395 EH*
## SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

*(In Thousands of Dollars)*

<table>
<thead>
<tr>
<th>Program</th>
<th>FY 2021 Request</th>
<th>House Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legacy contractor pensions</td>
<td>101,668</td>
<td>101,668</td>
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<tr>
<td><strong>Total, Weapons Activities</strong></td>
<td><strong>15,602,000</strong></td>
<td><strong>15,602,000</strong></td>
</tr>
</tbody>
</table>

### 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] / 73,340
- 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**
- 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

**Legacy contractor pensions**: 14,348 / 14,348

#### Defense nuclear nonproliferation R&D

- Proliferation Detection: 265,220 / 265,220
- Nuclear verification and detection, next-gen technologies: [30,000] / [30,000]
- Nonproliferation Stewardship Program: 59,900 / 59,900
- LEU Research and Development: 0 / 20,000
- LEU R&D for Naval Pressurized Water Reactors: [20,000] / [20,000]

**Total, Defense nuclear nonproliferation R&D**: 581,651 / 581,651

**Nonproliferation Construction**

**Total, Nonproliferation construction**: 1,684,000 / 1,740,139

**Legacy contractor pensions**: 14,348 / 14,348

#### Naval Reactors

- Naval reactors development: 580,306 / 580,306
- Columbia-Class reactor systems development: 64,700 / 64,700
- SSG Prototype refueling: 135,000 / 135,000
- Nuclear counterterrorism and incident response program: 377,513 / 377,513

**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: 253,949 / 253,949
- Program restoration: [181,000] / [181,000]
<table>
<thead>
<tr>
<th>Program</th>
<th>FY 2021 Request</th>
<th>House Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central plateau remediation</td>
<td>498,335</td>
<td>658,335</td>
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<tr>
<td>Program restoration</td>
<td>[160,000]</td>
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<tr>
<td>Richland community and regulatory support</td>
<td>2,500</td>
<td>10,100</td>
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<tr>
<td>Program restoration</td>
<td>[7,600]</td>
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<tr>
<td><strong>Total, Hanford site</strong></td>
<td><strong>555,784</strong></td>
<td><strong>904,384</strong></td>
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<td><strong>Office of River Protection:</strong></td>
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<tr>
<td>Waste Treatment Immobilization Plant Commissioning</td>
<td>50,000</td>
<td>50,000</td>
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<tr>
<td>Rad liquid tank waste stabilization and disposition</td>
<td>597,757</td>
<td>597,757</td>
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<td>Tank farm activities</td>
<td>0</td>
<td>180,000</td>
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<tr>
<td>Program restoration</td>
<td></td>
<td>[180,000]</td>
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<tr>
<td><strong>Construction:</strong></td>
<td></td>
<td></td>
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<tr>
<td>18-D-16 Waste treatment and immobilization plant—LBL/Direct feed LAW</td>
<td>609,924</td>
<td>779,924</td>
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<tr>
<td>Program restoration</td>
<td></td>
<td>[170,000]</td>
</tr>
<tr>
<td><strong>Total, Construction</strong></td>
<td><strong>609,924</strong></td>
<td><strong>779,924</strong></td>
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<tr>
<td><strong>Total, Office of River Protection</strong></td>
<td><strong>1,257,681</strong></td>
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<td><strong>Idaho National Laboratory:</strong></td>
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<tr>
<td>Idaho cleanup and waste disposition</td>
<td>257,554</td>
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<td>Idaho community and regulatory support</td>
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<td><strong>Total, Idaho National Laboratory</strong></td>
<td><strong>259,954</strong></td>
<td><strong>259,954</strong></td>
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<tr>
<td><strong>NNSA sites and Nevada off-sites</strong></td>
<td></td>
<td></td>
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<tr>
<td>Lawrence Livermore National Laboratory</td>
<td>1,764</td>
<td>1,764</td>
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<tr>
<td><strong>Nuclear facility D &amp; D</strong></td>
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<tr>
<td>Separations Process Research Unit</td>
<td>15,000</td>
<td>15,000</td>
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<tr>
<td>Nevada</td>
<td>60,757</td>
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<td>Sandia National Laboratories</td>
<td>4,860</td>
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<tr>
<td>Los Alamos National Laboratory</td>
<td>120,000</td>
<td>165,000</td>
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<td>Program increase</td>
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<td>[45,000]</td>
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<td><strong>Total, NNSA sites and Nevada off-sites</strong></td>
<td><strong>202,361</strong></td>
<td><strong>247,361</strong></td>
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<td><strong>Oak Ridge Reservation:</strong></td>
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<tr>
<td>OR Nuclear facility D &amp; D</td>
<td>109,077</td>
<td>109,077</td>
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<tr>
<td><strong>Total, OR Nuclear facility D &amp; D</strong></td>
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<td>U233 Disposition Program</td>
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<td>OR cleanup and disposition</td>
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<td><strong>Construction:</strong></td>
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<tr>
<td>17-D-401 On-site waste disposal facility</td>
<td>22,380</td>
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<td>14-D-403 Outfall 200 Mercury Treatment Facility</td>
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<td><strong>Total, Construction</strong></td>
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<td><strong>42,880</strong></td>
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<td><strong>Total, OR cleanup and waste disposition</strong></td>
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<td><strong>145,880</strong></td>
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<td>OR community &amp; regulatory support</td>
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<td>OR technology development and deployment</td>
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<td><strong>Total, Oak Ridge Reservation</strong></td>
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<td><strong>262,887</strong></td>
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<td><strong>Savannah River Sites:</strong></td>
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<td>Savannah River risk management operations</td>
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<td>495,122</td>
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<td>Savannah River risk management operations</td>
<td>455,122</td>
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<tr>
<td>Total, risk management operations</td>
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<tr>
<td>OR community and regulatory support</td>
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<td>Secure payment in lieu of taxes funding</td>
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<td>[6,500]</td>
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<td>Radioactive liquid tank waste stabilization and disposition</td>
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<td><strong>Construction:</strong></td>
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<tr>
<td>20-D-402 Advanced Manufacturing Collaborative Facility (AMC)</td>
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<td>18-D-402 Saltstone Disposal Unit #8/9</td>
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<td>17-D-402 Saltstone Disposal Unit #7</td>
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<td><strong>Total, Construction</strong></td>
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<td><strong>Total, Savannah River site</strong></td>
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<td><strong>1,578,159</strong></td>
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<td><strong>Waste Isolation Pilot Plant</strong></td>
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<tr>
<td>Waste Isolation Pilot Plant</td>
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<td><strong>Construction:</strong></td>
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<tr>
<td>15-D-412 Utility Saft</td>
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*HR 6395 EH*
SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Program</th>
<th>FY 2021 Request</th>
<th>House Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>21-D-401 Hoisting Capability Project</td>
<td>10,000</td>
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</tr>
<tr>
<td>Total, Construction</td>
<td>60,000</td>
<td>60,000</td>
</tr>
<tr>
<td>Total, Waste Isolation Pilot Plant</td>
<td>383,260</td>
<td>383,260</td>
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<tr>
<td>Program direction</td>
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<td>275,285</td>
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<td>Program support</td>
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<tr>
<td>Technology development</td>
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<td>Safeguards and Security</td>
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<td>Total, Safeguards and Security</td>
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<td>Prior year balances credited</td>
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<tr>
<td>Total, Defense Environmental Cleanup</td>
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<td>5,773,708</td>
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<tr>
<td>Other Defense Activities</td>
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<td></td>
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<tr>
<td>Environment, health, safety and security</td>
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<td></td>
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<tr>
<td>Environment, health, safety and security</td>
<td>134,320</td>
<td>134,320</td>
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<tr>
<td>Program direction</td>
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<tr>
<td>Total, Environment, Health, safety and security</td>
<td>209,688</td>
<td>209,688</td>
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<tr>
<td>Independent enterprise assessments</td>
<td></td>
<td></td>
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<tr>
<td>Independent enterprise assessments</td>
<td>26,949</td>
<td>26,949</td>
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<tr>
<td>Program direction</td>
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<tr>
<td>Total, Independent enterprise assessments</td>
<td>81,584</td>
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<tr>
<td>Specialized security activities</td>
<td>258,411</td>
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<tr>
<td>Office of Legacy Management</td>
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<tr>
<td>Legacy management</td>
<td>293,873</td>
<td>138,435</td>
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<tr>
<td>Rejection of proposed transfer</td>
<td>[-155,438]</td>
<td>[-155,438]</td>
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<tr>
<td>Program direction</td>
<td>23,120</td>
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<tr>
<td>Total, Office of Legacy Management</td>
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<td>Defense related administrative support</td>
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<td>Office of hearings and appeals</td>
<td>4,262</td>
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<tr>
<td>Subtotal, Other defense activities</td>
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<tr>
<td>Total, Other Defense Activities</td>
<td>1,054,727</td>
<td>899,289</td>
</tr>
</tbody>
</table>

DIVISION E—NATIONAL ARTIFICIAL INTELLIGENCE INITIATIVE ACT OF 2020

SEC. 5001. SHORT TITLE.

This division may be cited as the “National Artificial Intelligence Initiative Act of 2020”.

SEC. 5002. FINDINGS.

Congress finds the following:
(1) Artificial intelligence is a tool that has the potential to change and possibly transform every sector of the United States economy and society.

(2) The Federal Government should continue to play an important role advancing research, development, standards, and education activities in artificial intelligence through coordination and collaboration between government, academia, and the private sector to leverage the intellectual, physical, and digital resources of each stakeholder.

(3) The Federal Government lacks clear understanding of the capabilities of artificial intelligence and its potential to affect various social and economic sectors, including ethical concerns, national security implications, and workforce impacts.

(4) Researchers from academia, Federal laboratories, and much of the private sector have limited access to many high-quality datasets, computing resources, or real-world testing environments to design and deploy safe and trustworthy artificial intelligence systems.

(5) There is a lack of standards and benchmarking for artificial intelligence systems that academia and the public and private sectors can use
to evaluate the performance of these systems before and after deployment.

(6) Artificial intelligence is increasingly becoming a highly interdisciplinary field with expertise required from a diverse range of scientific and other scholarly disciplines that traditionally work independently and continue to face cultural and institutional barriers to large scale collaboration.

(7) Current Federal investments and funding mechanisms are largely insufficient to incentivize and support the large-scale interdisciplinary and public-private collaborations that will be required to advance trustworthy artificial intelligence systems in the United States.

(8) The United States education pipeline for artificial intelligence fields faces significant challenges. Not only does the artificial intelligence research field lack the gender and racial diversity of the American population as a whole, but it is failing to both retain researchers and adequately support educators to meet the demands of the next generation of students studying artificial intelligence.

(9) In order to help drive forward advances in trustworthy artificial intelligence across all sectors and to the benefit of all Americans, the Federal
Government must provide sufficient resources and use its convening power to facilitate the growth of artificial intelligence human capital, research, and innovation capacity in academia and other nonprofit research organizations, companies of all sizes and across all sectors, and within the Federal Government.

SEC. 5003. DEFINITIONS.

In this division:

(1) Advisory Committee.—The term “Advisory Committee” means the National Artificial Intelligence Advisory Committee established under section 5104(a).

(2) Agency head.—The term “agency head” means the head of any Executive agency (as defined in section 105 of title 5, United States Code).

(3) Artificial intelligence.—The term “artificial intelligence” means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments. Artificial intelligence systems use machine and human-based inputs to—

(A) perceive real and virtual environments;
(B) abstract such perceptions into models through analysis in an automated manner; and

(C) use model inference to formulate options for information or action.

(4) INITIATIVE.—The term “Initiative” means the National Artificial Intelligence Initiative established under section 5101(a).

(5) INITIATIVE OFFICE.—The term “Initiative Office” means the National Artificial Intelligence Initiative Office established under section 5102(a).

(6) INSTITUTE.—The term “Institute” means an Artificial Intelligence Research Institute described in section 5201(b)(1).

(7) INTERAGENCY COMMITTEE.—The term “Interagency Committee” means the interagency committee established under section 5103(a).

(8) K–12 EDUCATION.—The term “K–12 education” means elementary school and secondary education, as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) MACHINE LEARNING.—The term “machine learning” means an application of artificial intelligence that is characterized by providing systems the ability to automatically learn and improve on the
basis of data or experience, without being explicitly
programmed.

**TITLE I—NATIONAL ARTIFICIAL INTELLIGENCE INITIATIVE**

**SEC. 5101. NATIONAL ARTIFICIAL INTELLIGENCE INITIATIVE.**

(a) Establishment; Purposes.—The President shall establish and implement an initiative to be known as the “National Artificial Intelligence Initiative”. The purposes of the Initiative shall be to—

(1) ensure continued United States leadership in artificial intelligence research and development;

(2) lead the world in the development and use of trustworthy artificial intelligence systems in the public and private sectors;

(3) maximize the benefits of artificial intelligence systems for all American people; and

(4) prepare the present and future United States workforce for the integration of artificial intelligence systems across all sectors of the economy and society.

(b) Initiative Activities.—In carrying out the Initiative, the President, acting through the Initiative Office, the Interagency Committee, and agency heads as the
President considers appropriate, shall carry out activities that include the following:

(1) Sustained, consistent, and coordinated support for artificial intelligence research and development through grants, cooperative agreements, testbeds, and access to data and computing resources.

(2) Support for the development of voluntary standards, best practices, and benchmarks for the development and use of trustworthy artificial intelligence systems.

(3) Support for educational programs at all levels, in both formal and informal learning environments, to prepare the American workforce and the general public to be able to use and interact with artificial intelligence systems, as well as adapt to the potentially transformative impact of artificial intelligence on society and the economy.

(4) Support for interdisciplinary research, education, and training programs for students and researchers that promote learning in the methods and systems used in artificial intelligence and foster interdisciplinary perspectives and collaborations among subject matter experts in relevant fields, including computer science, mathematics, statistics,
engineering, social sciences, psychology, behavioral science, ethics, security, legal scholarship, and other disciplines that will be necessary to advance artificial intelligence research and development responsibly.

(5) Support for partnerships to leverage knowledge, computing resources, access to open datasets, and other resources from industry, government, non-profit organizations, Federal laboratories, State programs, and institutions of higher education to advance activities under the Initiative.

(6) Interagency planning and coordination of Federal artificial intelligence research, development, demonstration, standards engagement, and other activities under the Initiative.

(7) Establish the public sector infrastructure and artificial intelligence capabilities necessary to respond to pressing national challenges, including economic and public health emergencies such as pandemics.

(8) Outreach to diverse stakeholders, including citizen groups and industry, to ensure public input is taken into account in the activities of the Initiative.

(9) Leveraging existing Federal investments to advance objectives of the Initiative.
(10) Support for a network of interdisciplinary artificial intelligence research institutes, as described in section 5201(b)(7)(B).

(11) Support opportunities for international co-operation with strategic allies, as appropriate, on the research and development, assessment, and resources for trustworthy artificial intelligence systems and the development of voluntary consensus standards for those systems.

SEC. 5102. NATIONAL ARTIFICIAL INTELLIGENCE INITIATIVE OFFICE.

(a) IN GENERAL.—The Director of the Office of Science and Technology Policy shall establish or designate, and appoint a director of, an office to be known as the “National Artificial Intelligence Initiative Office” to carry out the responsibilities described in subsection (b) with respect to the Initiative. The Initiative Office shall have sufficient staff to carry out such responsibilities, including staff detailed from the Federal departments and agencies described in section 5103(c).

(b) RESPONSIBILITIES.—The Director of the Initiative Office shall—

(1) provide technical and administrative support to the Interagency Committee and the Advisory Committee;
(2) serve as the point of contact on Federal artificial intelligence activities carried out under the Initiative for Federal departments and agencies, industry, academia, nonprofit organizations, professional societies, State governments, and such other persons as the Initiative Office considers appropriate to exchange technical and programmatic information;

(3) conduct regular public outreach to diverse stakeholders, including through the convening of conferences and educational events, the publication of information about significant Initiative activities on a publicly available website, and the dissemination of findings and recommendations of the Advisory Committee, as appropriate; and

(4) promote access to and early adoption of the technologies, innovations, lessons learned, and expertise derived from Initiative activities to agency missions and systems across the Federal Government, and to industry, including startup companies.

(c) FUNDING ESTIMATE.—The Director of the Office of Science and Technology Policy shall develop an estimate of the funds necessary to carry out the activities of the Initiative Coordination Office, including an estimate of how much each participating Federal department and
agency described in section 5103(c) will contribute to such funds, and submit such estimate to Congress not later than 90 days after the enactment of this Act. The Director shall update this estimate each year based on participating agency investments in artificial intelligence.

SEC. 5103. COORDINATION BY INTERAGENCY COMMITTEE.

(a) INTERAGENCY COMMITTEE.—The Director of the Office of Science and Technology Policy, acting through the National Science and Technology Council, shall establish or designate an Interagency Committee to coordinate Federal programs and activities in support of the Initiative.

(b) CO-CHAIRS.—The Interagency Committee shall be co-chaired by the Director of the Office of Science and Technology Policy and, on an annual rotating basis, a representative from 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.

(c) AGENCY PARTICIPATION.—The Committee shall include representatives from—

(1) the National Institute of Standards and Technology;

(2) the National Science Foundation;

(3) the Department of Energy;
(4) the National Aeronautics and Space Administration;
(5) the Department of Defense;
(6) the Defense Advanced Research Projects Agency;
(7) the Department of Commerce;
(8) the Office of the Director of National Intelligence;
(9) the Office of Management and Budget;
(10) the Office of Science and Technology Policy;
(11) the Department of Health and Human Services;
(12) the Department of Education;
(13) the Department of Labor;
(14) the Department of the Treasury;
(15) the General Services Administration;
(16) the Department of Transportation;
(17) the Department of State;
(18) the Privacy and Civil Liberties Oversight Board;
(19) the Department of Veterans Affairs;
(20) the National Oceanic and Atmospheric Administration; and
(21) any other Federal agency as considered appropriate by the Director of the Office of Science and Technology Policy.

(d) RESPONSIBILITIES.—The Interagency Committee shall—

(1) provide for interagency coordination of Federal artificial intelligence research, development, and demonstration activities, development of voluntary consensus standards and guidelines for research, development, testing, and adoption of ethically developed, safe, and trustworthy artificial intelligence systems, and education and training activities and programs of Federal departments and agencies undertaken pursuant to the Initiative;

(2) not later than 2 years after the date of the enactment of this Act, develop a strategic plan for artificial intelligence (to be updated not less than every 3 years) that—

(A) establishes goals, priorities, and metrics for guiding and evaluating the Initiative’s activities; and

(B) describes how the agencies carrying out the Initiative will—

(i) determine and prioritize areas of artificial intelligence research, develop-
ment, and demonstration requiring Federal
Government leadership and investment;

(ii) support long-term funding for
interdisciplinary artificial intelligence re-
search, development, demonstration, edu-
cation and public outreach activities;

(iii) support research and other activi-
ties on ethical, legal, environmental, safety,
security, and other appropriate societal
issues related to artificial intelligence;

(iv) provide or facilitate the avail-
ability of curated, standardized, secure,
representative, and privacy-protected data
sets for artificial intelligence research and
development;

(v) provide or facilitate the necessary
computing, networking, and data facilities
for artificial intelligence research and de-
velopment;

(vi) support and coordinate Federal
education and workforce activities related
to artificial intelligence;

(vii) reduce barriers to transferring
artificial intelligence systems from the lab-
oratory into application for the benefit of society and United States competitiveness;

(viii) support and coordinate the network of artificial intelligence research institutes described in section 5201(b)(7)(B);

(ix) in consultation with the Council of Economic Advisers, measure and track the contributions of artificial intelligence to United States economic growth and other societal indicators;

(x) leverage the resources of the Initiative to respond to pressing national challenges, including economic and public health emergencies such as pandemics; and

(xi) protect the privacy rights and civil liberties of individuals;

(3) propose an annually coordinated interagency budget for the Initiative to the Office of Management and Budget that is intended to ensure that the balance of funding across the Initiative is sufficient to meet the goals and priorities established for the Initiative; and

(4) in carrying out this section, take into consideration the recommendations of the Advisory Committee, existing reports on related topics, and
the views of academic, State, industry, and other appropriate groups.

(c) Annual Report.—For each fiscal year beginning with fiscal year 2022, not later than 90 days after submission of the President’s annual budget request for such fiscal year, the Interagency Committee shall prepare and submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(1) a summarized budget in support of the Initiative for such fiscal year and the preceding fiscal year, including a disaggregation of spending for each Federal agency participating in the Initiative and for the development and acquisition of any research facilities and instrumentation; and

(2) an assessment of how Federal agencies are implementing the plan described in subsection (d)(2), and a description of those efforts.

SEC. 5104. NATIONAL ARTIFICIAL INTELLIGENCE ADVISORY COMMITTEE.

(a) In General.—The Secretary of Energy shall, in consultation with the Director of the Office of Science and Technology Policy, establish an advisory committee to be
known as the “National Artificial Intelligence Advisory Committee”.

(b) QUALIFICATIONS.—The Advisory Committee shall consist of members, appointed by the Secretary of Energy, who are representing broad and interdisciplinary expertise and perspectives, including from academic institutions, companies across diverse sectors, nonprofit and civil society entities, and Federal laboratories, that are qualified to provide advice and information on science and technology research, development, ethics, standards, education, technology transfer, commercial application, security, and economic competitiveness related to artificial intelligence.

(c) MEMBERSHIP CONSIDERATION.—In selecting the members of the Advisory Committee, the Secretary of Energy may seek and give consideration to recommendations from the Congress, industry, nonprofit organizations, the scientific community (including the National Academy of Sciences, scientific professional societies, and academic institutions), the defense community, and other appropriate organizations.

(d) DUTIES.—The Advisory Committee shall advise the President and the Initiative Office on matters related to the Initiative, including recommendations related to—
(1) the current state of United States competitiveness and leadership in artificial intelligence, including the scope and scale of United States investments in artificial intelligence research and development in the international context;

(2) the progress made in implementing the Initiative, including a review of the degree to which the Initiative has achieved the goals under the metrics established by the Interagency Committee under section 5103(d)(2);

(3) the state of the science around artificial intelligence, including progress towards artificial general intelligence;

(4) the workforce of the United States, including matters relating to the potential for using artificial intelligence for rapid retraining of workers, due to the possible effect of technological displacement and to increase the labor force participation of traditionally underrepresented populations, including minorities, low-income populations, and persons with disabilities;

(5) how to leverage the resources of the initiative to streamline operations in various areas of government operations, including health care, cybersecurity, infrastructure, and disaster recovery;
(6) the need to update the Initiative;

(7) the balance of activities and funding across the Initiative;

(8) whether the strategic plan developed or updated by the Interagency Committee established under section 5103(d)(2) is helping to maintain United States leadership in artificial intelligence;

(9) the management, coordination, and activities of the Initiative;

(10) whether ethical, legal, safety, security, and other appropriate societal issues are adequately addressed by the Initiative;

(11) opportunities for international cooperation with strategic allies on artificial intelligence research activities and standards development; and

(12) how artificial intelligence can enhance opportunities for diverse geographic regions of the United States, including urban and rural communities.

(e) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than once every 3 years thereafter, the Advisory Committee shall submit to the President, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transport-
tation of the Senate, a report on the Advisory Committee’s
findings and recommendations under subsection (d).

(f) TRAVEL EXPENSES OF NON-FEDERAL MEM-
BERS.—Non-Federal members of the Advisory Committee,
while attending meetings of the Advisory Committee or
while otherwise serving at the request of the head of the
Advisory Committee away from their homes or regular
places of business, may be allowed travel expenses, includ-
ing per diem in lieu of subsistence, as authorized by sec-
tion 5703 of title 5, United States Code, for individuals
in the Government serving without pay. Nothing in this
subsection shall be construed to prohibit members of the
Advisory Committee who are officers or employees of the
United States from being allowed travel expenses, includ-
ing per diem in lieu of subsistence, in accordance with ex-
isting law.

(g) FACA EXEMPTION.—The Secretary of Energy
shall charter the Advisory Committee in accordance with
the Federal Advisory Committee Act (5 U.S.C. App.), ex-
cept that the Advisory Committee shall be exempt from
section 14 of such Act.

SEC. 5105. NATIONAL ACADEMIES ARTIFICIAL INTEL-
LIGENCE IMPACT STUDY ON WORKFORCE.

(a) IN GENERAL.—Not later than 90 days after the
date of the enactment of this Act, the National Science
Foundation shall enter into a contract with the National Research Council of the National Academies of Sciences, Engineering, and Medicine to conduct a study of the current and future impact of artificial intelligence on the workforce of the United States across sectors.

(b) CONTENTS.—The study shall address—

(1) workforce impacts across sectors caused by the increased adoption of artificial intelligence, automation, and other related trends;

(2) workforce needs and employment opportunities generated by the increased adoption of artificial intelligence across sectors;

(3) opportunities for artificial intelligence to increase the labor force participation of traditionally underrepresented populations, including minorities, low-income populations, and persons with disabilities;

(4) research gaps and data needed to better understand and track both workforce impacts and workforce needs and opportunities generated by adoption of artificial intelligence systems across sectors; and

(5) recommendations to address the challenges and opportunities described in paragraphs (1), (2), (3), and (4).
(c) STAKEHOLDERS.—In conducting the study, the National Academies of Sciences, Engineering, and Medicine shall seek input from a wide range of stakeholders in the public and private sectors.

(d) REPORT TO CONGRESS.—The contract entered into under subsection (a) shall require the National Academies of Sciences, Engineering, and Medicine, not later than 2 years after the date of the enactment of this Act, to—

(1) submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings and recommendations of the study conducted under subsection (a); and

(2) make a copy of such report available on a publicly accessible website.

SEC. 5106. GAO REPORT ON COMPUTATIONAL NEEDS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of artificial intelligence computer hardware and computing required in order to maintain United States leadership in artificial intelligence research and development. The Comptroller 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
(ii) to propose a roadmap detailing
how such resource should be established
and sustained.

(B) DESIGNATION.—The task force estab-
lished by subparagraph (A) shall be known as
the “National Artificial Intelligence Research
Resource Task Force” (in this section referred
to as the “Task Force”).

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Task Force shall
be composed of 12 members selected by the co-
chairpersons of the Task Force from among
technical experts in artificial intelligence or re-
lated subjects, of whom—

(i) 4 shall be representatives from the
Interagency Committee established in sec-
tion 5103, including the co-chairpersons of
the Task Force;

(ii) 4 shall be representatives from in-
stitutions of higher education (as such
term is defined in section 101 of the High-
er Education Act of 1965 (20 U.S.C.
1001)); and

(iii) 4 shall be representatives from
private organizations.
(B) APPOINTMENT.—Not later than 120 days after enactment of this Act, the co-chairpersons of the Task Force shall appoint members to the Task Force pursuant to subparagraph (A).

(C) TERM OF APPOINTMENT.—Members of the Task Force shall be appointed for the life of the Task Force.

(D) VACANCY.—Any vacancy occurring in the membership of the Task Force shall be filled in the same manner in which the original appointment was made.

(E) CO-CHAIRPERSONS.—The Director of the Office of Science and Technology Policy and the Director of the National Sciences Foundation, or their designees, shall be the co-chairpersons of the Task Force. If the role of the Director of the National Science Foundation is vacant, the Chair of the National Science Board shall act as a co-chairperson of the Task Force.

(F) EXPENSES FOR NON-FEDERAL MEMBERS.—Non-Federal Members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized 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.
(C) A model for governance and oversight to establish strategic direction, make programmatic decisions, and manage the allocation of resources.

(D) Capabilities required to create and maintain a shared computing infrastructure to facilitate access to computing resources for researchers across the country, including scalability, secured access control, resident data engineering and curation expertise, provision of curated, data sets, compute resources, educational tools and services, and a user interface portal.

(E) An assessment of, and recommend solutions to, barriers to the dissemination and use of high-quality government data sets as part of the national artificial intelligence research resource.

(F) An assessment of security requirements associated with the national artificial intelligence research resource and its research and recommend a framework for the management of access controls.

(G) An assessment of privacy and civil liberties requirements associated with the national
artificial intelligence research resource and its research.

(H) A plan for sustaining the resources, including through Federal funding and partnerships with the private sector.

(I) The parameters for the establishment and sustainment of the national artificial intelligence resource, including agency roles and responsibilities and milestones to implement the resource.

(c) CONSULTATIONS.—In conducting its duties required under subsection (b), the Task Force shall consult with the following:

(1) The National Science Foundation.

(2) The Office of Science and Technology Policy.

(3) The National Academies of Sciences, Engineering, and Medicine.

(4) The National Institute of Standards and Technology.


(6) The Intelligence Advanced Research Projects Activity.

(7) The Department of Energy.
(8) The Department of Defense.

(9) The General Services Administration.

(10) Private industry.

(11) Institutions of higher education.

(12) Such other persons as the Task Force considers appropriate.

(d) Staff.—Staff of the Task Force shall comprise detailees with expertise in artificial intelligence, or related fields from the Office of Science and Technology Policy, the National Science Foundation, or any other agency the co-chairs deem appropriate, with the consent of the head of the agency. The co-chairs shall also be authorized to hire staff from outside the Federal government for the duration of the task force.

(e) Task Force Reports.—

(1) Initial report.—Not later than 12 months after the date on which all of the appointments have been made under subsection (a)(2)(B), the Task Force shall submit to Congress and the President an interim report containing the findings, conclusions, and recommendations of the Task Force. The report shall include specific recommendations regarding steps the Task Force believes necessary for the establishment and sustainment of a national artificial intelligence research resource.
(2) Final report.—Taking into account the findings of the Government Accountability Office report required in section 106 of this Act, not later than 6 months after the submittal of the interim report under paragraph (1), the Task Force shall submit to Congress and the President a final report containing the findings, conclusions, and recommendations of the Task Force, including the specific recommendations required by subsection (b).

(f) Termination.—

(1) In general.—The Task Force shall terminate 90 days after the date on which it submits the final report under subsection (e)(2).

(2) Records.—Upon termination of the Task Force, all of its records shall become the records of the National Archives and Records Administration.

(g) Definitions.—In this section:

(1) National artificial intelligence research resource and resource.—The terms “National Artificial Intelligence Research Resource” and “Resource” mean a system that provides researchers and students across scientific fields and disciplines with access to compute resources, co-located with publicly-available, artificial intelligence-ready government and non-government data sets and
a research environment with appropriate educational
tools and user support.

(2) OWNERSHIP.—The term “ownership”
means responsibility and accountability for the im-
plementation, deployment, and ongoing development
of the National Artificial Intelligence Research Re-
source, and for providing staff support to that ef-
fort.

SEC. 5108. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) artificial intelligence systems have the po-
tential to transform every sector of the United
States economy, boosting productivity, enhancing
scientific research, and increasing U.S. competitiveness; and

(2) the United States Government should use
this Initiative to enable the benefits of trustworthy
artificial intelligence while preventing the creation
and use of artificial intelligence systems that behave
in ways that cause harm, including—

(A) high-risk systems that lack sufficient
robustness to prevent adversarial attacks;

(B) high-risk systems that harm the pri-
vacy or security of users or the general public;
(C) artificial general intelligence systems that may become self-aware or uncontrollable; and

(D) artificial intelligence systems that may perpetuate societal biases against protected classes of persons, including on the basis of sex, race, age, disability, color, creed, national origin, or religion, or otherwise automate discriminatory decision-making.

SEC. 5109. RULE OF CONSTRUCTION REGARDING ETHICAL ARTIFICIAL INTELLIGENCE.

For purposes of this division, the term “ethical” (when used in the context of artificial intelligence) shall be deemed to include efforts to minimize or eliminate discriminatory algorithmic bias, particularly as it pertains to protected classes of persons, including on the basis of sex, race, age, disability, color, creed, national origin, or religion.

TITLE II—NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH INSTITUTES

SEC. 5201. NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH INSTITUTES.

(a) In General.—As part of the Initiative, the Director of the National Science Foundation shall establish
a program to award financial assistance for the planning, establishment, and support of Institutes (as described in subsection (b)(2)) in accordance with this section.

(b) Financial Assistance To Establish and Support National Artificial Intelligence Research Institutes.—

(1) In general.—Under the Initiative, the Secretary of Energy, the Secretary of Commerce, the Director of the National Science Foundation, and every other agency head may award financial assistance to an eligible entity, or consortia thereof, as determined by an agency head, to establish and support an Institute.

(2) Artificial intelligence institutes.—An Institute described in this subsection is an artificial intelligence research institute that—

(A) is focused on—

(i) a particular economic or social sector, including health, education, manufacturing, agriculture, security, energy, and environment, and includes a component that addresses the ethical, societal, safety, and security implications relevant to the application of artificial intelligence in that sector; or
(ii) a cross-cutting challenge for artificial intelligence systems, including trustworthiness, or foundational science;

(B) requires partnership among public and private organizations, including, as appropriate, Federal agencies, research universities, community colleges, nonprofit research organizations, Federal laboratories, State, local, and tribal governments, and industry (or consortia thereof);

(C) has the potential to create an innovation ecosystem, or enhance existing ecosystems, to translate Institute research into applications and products, as appropriate to the topic of each Institute;

(D) supports interdisciplinary research and development across multiple institutions and organizations involved in artificial intelligence research and related disciplines, including physics, engineering, mathematical sciences, computer and information science, robotics, biological and cognitive sciences, material science, social and behavioral sciences, cybersecurity, and technology ethics;
(E) supports interdisciplinary education activities, including curriculum development, research experiences, and faculty professional development across two-year, undergraduates, masters, and doctoral level programs; and

(F) supports workforce development in artificial intelligence related disciplines in the United States, including broadening participation of underrepresented communities.

(3) USE OF FUNDS.—Financial assistance awarded under paragraph (1) may be used by an Institute for—

(A) managing and making available to researchers accessible, curated, standardized, secure, and privacy protected data sets from the public and private sectors for the purposes of training and testing artificial intelligence systems and for research using artificial intelligence systems, pursuant to section 5301(b) and 5301(e);

(B) developing and managing testbeds for artificial intelligence systems, including sector-specific test beds, designed to enable users to evaluate artificial intelligence systems prior to deployment;
(C) conducting research and education activities involving artificial intelligence systems to solve challenges with social, economic, health, scientific, and national security implications;

(D) providing or brokering access to computing resources, networking, and data facilities for artificial intelligence research and development relevant to the Institute’s research goals;

(E) providing technical assistance to users, including software engineering support, for artificial intelligence research and development relevant to the Institute’s research goals;

(F) engaging in outreach and engagement to broaden participation in artificial intelligence research and workforce; and

(G) such other activities that an agency head, whose agency’s missions contribute to or are affected by artificial intelligence, considers consistent with the purposes described in section 5101(a).

(4) DURATION.—

(A) INITIAL PERIODS.—An award of financial assistance under paragraph (1) shall be awarded for an initial period of 5 years.
(B) EXTENSION.—An established Institute may apply for, and the agency head may grant, extended funding for periods of 5 years on a merit-reviewed basis using the merit review criteria of the sponsoring agency.

(5) APPLICATION FOR FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—A person or group of persons seeking financial assistance under paragraph (1) shall submit to an agency head an application at such time, in such manner, and containing such information as the agency head may require.

(B) REQUIREMENTS.—An application submitted under subparagraph (A) for an Institute shall, at a minimum, include the following:

(i) A plan for the Institute to include—

(I) the proposed goals and activities of the Institute;

(II) how the Institute will form partnerships with other research institutions, industry, and nonprofits to leverage expertise in artificial intelligence and access to data, including
non-governmental data and computing resources;

   (III) how the institute will support long-term and short-term education and workforce development in artificial intelligence, including broadening participation of underrepresented communities; and

   (IV) a plan for how the Institute will transition from planning into operations.

   (ii) A description of the anticipated sources and nature of any non-Federal contributions, including privately held data sets, computing resources, and other types of in-kind support.

   (iii) A description of the anticipated long-term impact of such Institute.

(6) COMPETITIVE, MERIT REVIEW.—In awarding financial assistance under paragraph (1), the agency head shall—

   (A) use a competitive, merit review process that includes peer review by a diverse group of individuals with relevant expertise from both the private and public sectors; and
(B) ensure the focus areas of the Institute do not substantially duplicate the efforts of any other Institute.

(7) **COLLABORATION.**—

(A) In general.—In awarding financial assistance under paragraph (1), an agency head may collaborate with Federal departments and agencies whose missions contribute to or are affected by artificial intelligence systems, including the agencies outlined in section 5103(c).

(B) Coordinating network.—The Director of the National Science Foundation shall establish a network of Institutes receiving financial assistance under this subsection, to be known as the “Artificial Intelligence Leadership Network”, to coordinate cross-cutting research and other activities carried out by the Institutes.

(C) Funding.—The head of an agency may request, accept, and provide funds from other Federal departments and agencies, State, United States territory, local, or tribal government agencies, private sector for-profit entities, and nonprofit entities, to be available to the extent 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 artifi-
cial intelligence systems and the use of com-
mon, open licenses;

(D) safety and robustness of artificial in-
telligence systems, including assurance,
verification, validation, security, control, and
the ability for artificial intelligence systems to
withstand unexpected inputs and adversarial at-
tacks;

(E) auditing mechanisms and benchmarks
for accuracy, transparency, verifiability, and
safety assurance for artificial intelligence sys-
tems;

(F) applications of machine learning and
artificial intelligence systems to improve other
scientific fields and engineering;

(G) model documentation, including per-
formance metrics and constraints, measures of
fairness, training and testing processes, and re-
sults;

(H) system documentation, including con-
nections and dependences within and between
systems, and complications that may arise from
such connections; and
(I) all other areas deemed by the Director to be critical to the development and deployment of trustworthy artificial intelligence;

(2) produce curated, standardized, representative, secure, and privacy protected data sets for artificial intelligence research, development, and use, prioritizing data for high-value, high-risk research;

(3) support one or more institutes as described in section 5201(a) for the purpose of advancing the field of artificial intelligence;

(4) support and strategically engage in the development of voluntary consensus standards, including international standards, through open, transparent, and consensus-based processes;

(5) taking into account the findings from the National Academies study in section 5105, develop taxonomies and lexica to describe artificial intelligence tasks, knowledge, skills, abilities, competencies, and work roles to guide career development, education, and training activities in industry, academia, nonprofit organizations, and the Federal government, identify workforce gaps in the public and private sector, and create criteria and measurement for credentials in artificial intelligence-related careers; and
(6) enter into and perform such contracts, including cooperative research and development arrangements and grants and cooperative agreements or other transactions, as may be necessary in the conduct of the work of the National Institute of Standards and Technology and on such terms as the Director considers appropriate, in furtherance of the purposes of this division.

(b) Risk Management Framework.—Not later than 2 years after the date of the enactment of this Act, the Director shall work to develop, and periodically update, in collaboration with other public and private sector organizations, including the National Science Foundation and the Department of Energy, a voluntary risk management framework for the trustworthiness of artificial intelligence systems. The framework shall—

(1) identify and provide standards, guidelines, best practices, methodologies, procedures, and processes for assessing the trustworthiness of, and mitigating risks to, artificial intelligence systems;

(2) establish common definitions and characterizations for aspects and levels of trustworthiness, including explainability, transparency, safety, privacy, security, robustness, fairness, bias, ethics, validation, verification, interpretability, and other properties re-
lated to artificial intelligence systems that are common across all sectors;

(3) provide guidance and implementation steps for risk management of artificial intelligence systems;

(4) provide sector-specific case studies of implementation of the framework;

(5) align with voluntary consensus standards, including international standards, to the fullest extent possible;

(6) incorporate voluntary consensus standards and industry best practices; and

(7) not prescribe or otherwise require—

(A) the use of specific solutions; or

(B) the use of specific information or communications technology products or services.

(c) Data Sharing and Documentation Best Practices.—Not later than 1 year after the date of enactment of this Act, the Director shall, in collaboration with other public and private sector organizations, develop guidance to facilitate the creation of voluntary data sharing arrangements between industry, federally funded research centers, and Federal agencies for the purpose of advancing artificial intelligence research and technologies, including—
(1) options for partnership models between government entities, industry, universities, and non-profits that incentivize each party to share the data they collected; and

(2) best practices for datasets used to train artificial intelligence systems, including—

(A) standards for metadata that describe the properties of datasets, including—

(i) the origins of the data;

(ii) the intent behind the creation of the data;

(iii) authorized uses of the data;

(iv) descriptive characteristics of the data, including what populations are included and excluded from the datasets; and

(v) any other properties as determined by the Director; and

(B) standards for privacy and security of datasets with human characteristics.

(d) STAKEHOLDER OUTREACH.—In carrying out the activities under this subsection, the Director shall—

(1) solicit input from university researchers, private sector experts, relevant Federal agencies, Federal laboratories, State and local governments, civil society groups, and other relevant stakeholders;
(2) solicit input from experts in relevant fields of social science, technology ethics, and law; and

(3) provide opportunity for public comment on guidelines and best practices developed as part of the Initiative, as appropriate.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the National Institute of Standards and Technology to carry out this section $64,000,000 for fiscal year 2021.

SEC. 5302. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ARTIFICIAL INTELLIGENCE CENTER.

(a) In General.—The Administrator of the National Oceanic and Atmospheric Administration (hereafter referred to as “the Administrator”) shall establish, a Center for Artificial Intelligence (hereafter referred to as “the Center”).

(b) Center Goals.—The goals of the Center shall be to—

(1) coordinate and facilitate the scientific and technological efforts across the National Oceanic and Atmospheric Administration; and

(2) expand external partnerships, and build workforce proficiency to effectively transition artificial intelligence applications to operations.
(c) CENTER PRIORITIES.—Through the Center, the Administrator shall implement a comprehensive program to improve the use of artificial intelligence systems across the agency in support of the mission of the National Oceanic and Atmospheric Administration. The priorities of the Center shall be to—

(1) coordinate and facilitate artificial intelligence research and innovation, tools, systems, and capabilities across the National Oceanic and Atmospheric Administration;

(2) establish data standards and develop and maintain a central repository for agency-wide artificial intelligence applications;

(3) accelerate the transition of artificial intelligence research to applications in support of the mission of the National Oceanic and Atmospheric Administration;

(4) develop and conduct training for the workforce of the National Oceanic and Atmospheric Administration related to artificial intelligence research and application of artificial intelligence for such agency;

(5) facilitate partnerships between the National Oceanic and Atmospheric Administration and other public sector organizations, private sector organiza-
tions, and institutions of higher education for re-
search, personnel exchange, and workforce develop-
ment with respect to artificial intelligence systems;
and

(6) make data of the National Oceanic and At-
mospheric Administration accessible, available, and
ready for artificial intelligence applications.

(d) Stakeholder Engagement.—In carrying out
the activities authorized in this section, the Administrator
shall—

(1) collaborate with a diverse set of stake-
holders including private sector entities and institu-
tions of higher education;

(2) leverage the collective body of research on
artificial intelligence and machine learning; and

(3) engage with relevant Federal agencies, re-
search communities, and potential users of informa-
tion produced under this section.

(e) Authorization of Appropriations.—There
are authorized to be appropriated to the Administrator to
carry out this section $10,000,000 for fiscal year 2021.
TITLE IV—NATIONAL SCIENCE FOUNDATION ARTIFICIAL INTELLIGENCE ACTIVITIES

SEC. 5401. ARTIFICIAL INTELLIGENCE RESEARCH AND EDUCATION.

(a) In General.—As part of the Initiative, the Director of the National Science Foundation shall fund research and education activities in artificial intelligence systems and related fields, including competitive awards or grants to institutions of higher education or eligible nonprofit organizations (or consortia thereof).

(b) Uses of Funds.—In carrying out the activities under subsection (a), the Director of the National Science Foundation shall—

(1) support research, including interdisciplinary research on artificial intelligence systems and related areas;

(2) support collaborations among researchers across disciplines, including between social scientists and computer and data scientists, to advance research critical to the development and deployment of trustworthy artificial intelligence systems, including support for interdisciplinary research relating advances in artificial intelligence to changes in the future workplace, in a social and economic context;
(3) use the existing programs of the National Science Foundation, in collaboration with other Federal departments and agencies, as appropriate to—

(A) improve the teaching and learning of artificial intelligence systems at all levels of education; and

(B) increase participation in artificial intelligence related fields, including by individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunity Act (42 U.S.C. 1885a and 1885b);

(4) engage with institutions of higher education, research communities, industry, Federal laboratories, nonprofit organizations, State and local governments, and potential users of information produced under this section, including through the convening of workshops and conferences, to leverage the collective body of knowledge across disciplines relevant to artificial intelligence, facilitate new collaborations and partnerships, and identify emerging research needs;

(5) support partnerships among institutions of higher education and industry that facilitate collaborative research, personnel exchanges, and workforce
development with respect to artificial intelligence systems;

(6) ensure adequate access to research and education infrastructure with respect to artificial intelligence systems, including through the development of new computing resources and partnership with the private sector for the provision of cloud-based computing services;

(7) conduct prize competitions, as appropriate, pursuant to section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719);

(8) coordinate research efforts funded through existing programs across the directorates of the National Science Foundation;

(9) provide guidance on data sharing by grantees to public and private sector organizations consistent with the standards and guidelines developed under section 5301(c); and

(10) evaluate opportunities for international collaboration with strategic allies on artificial intelligence research and development.

(e) ARTIFICIAL INTELLIGENCE RESEARCH GRANTS.—
(1) IN GENERAL.—The Director shall award grants for research on artificial intelligence systems. Research areas may include—

(A) artificial intelligence systems, including machine learning, computer vision, robotics, and hardware for accelerating artificial intelligence systems;

(B) artificial intelligence-enabled systems;

(C) fields and research areas that will contribute to the advancement of artificial intelligence systems, including information theory, causal and statistical inference, data mining, information extraction, human-robot interaction, and intelligent interfaces;

(D) fields and research areas that increase understanding of human characteristics relevant to artificial intelligence systems, including computational neuroscience, reasoning and representation, speech and language, multi-agent systems, intelligent interfaces, human-artificial intelligence cooperation, and artificial intelligence-augmented human problem solving;

(E) fields and research areas that increase understanding of learning, adaptability, and resilience beyond the human cognitive model, in-
including topics in developmental biology, zoology, botany, morphological computation, and organismal systems;

(F) fields and research areas that will contribute to the development and deployment of trustworthy artificial intelligence systems, including—

(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 control;

(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 emergencies;
(I) societal, ethical, safety, education, workforce, and security implications of artificial intelligence systems, including social impact of artificial intelligence systems on different groups within society, especially historically marginalized groups; and

(J) qualitative and quantitative forecasting of future capabilities, applications, and impacts.

(2) ENGINEERING SUPPORT.—In soliciting proposals for funding under this section, the Director shall permit applicants to include in their proposed budgets funding for software engineering support to assist with the proposed research.

(3) ETHICS.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that—

(i) a number of emerging areas of research, including artificial intelligence, have potential ethical, social, safety, and security implications that might be apparent as early as the basic research stage;

(ii) the incorporation of ethical, social, safety, and security considerations into the research design and review process for
Federal awards may help mitigate potential harms before they happen;

(iii) the National Science Foundation’s intent to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study and make recommendations with respect to governance of research in emerging technologies is a positive step toward accomplishing this goal; and

(iv) the National Science Foundation should continue to work with stakeholders to understand and adopt policies that promote best practices for governance of research in emerging technologies at every stage of research.

(B) ETHICS STATEMENTS.—

(i) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director shall amend grant proposal instructions to include a requirement for an ethics statement to be included as part of any proposal for funding prior to making the award. Such statement shall be considered by the Director in the review of
proposals, taking into consideration any relevant input from the peer-reviewers for the proposal, and shall factor into award decisions as deemed necessary by the Director.

(ii) CONTENTS.—Such statements may include, as appropriate—

(I) the potential societal benefits of the research;

(II) any foreseeable or quantifiable risks to society, including how the research could enable products, technologies, or other outcomes that could intentionally or unintentionally cause significant societal harm; and

(III) how technical or social solutions can mitigate such risks and, as appropriate, a plan to implement such mitigation measures.

(iii) GUIDANCE.—The Director shall issue clear guidance on what constitutes a foreseeable or quantifiable risk described in clause (ii)(II), and to the extent practical harmonize this policy with existing ethical
policies or related requirements for human
subjects.

(iv) Annual reports.—The Director
shall encourage grantees to update their
ethics statements as appropriate as part of
the annual reports required by all grantees
under the grant terms and conditions.

(d) Education.—

(1) In general.—The Director of the National
Science Foundation shall award grants for education
programs at the K–12, community college, under-
graduate, graduate, postdoctoral, adult learning, and
retraining stages of education that—

(A) support the development of a diverse
workforce pipeline for science and technology
with respect to artificial intelligence systems;

(B) increase awareness of ethical, social,
safety, and security implications of artificial in-
telligence systems; and

(C) promote the widespread understanding
of artificial intelligence principles and methods
to create an educated workforce and general
public able to use products enabled by artificial
intelligence systems and adapt to future societal
and economic changes caused by artificial intelligence systems.

(2) USE OF FUNDS.—Grants awarded under this section for education activities referred to in paragraph (1) may be used for—

(A) collaborative interdisciplinary research, development, testing, and dissemination of K–12, undergraduate, and community college curriculum development, dissemination, and other educational tools and methods in artificial intelligence related fields;

(B) curriculum development in the field of technology ethics;

(C) support for informal education activities for K–12 students to engage with artificial intelligence systems, including mentorship programs for underrepresented populations;

(D) efforts to achieve equitable access to K–12 artificial intelligence education for populations and geographic areas traditionally underrepresented in the artificial intelligence field;

(E) training and professional development programs, including innovative pre-service and
in-service programs, in artificial intelligence and related fields for K–12 teachers;

(F) efforts to improve the retention rate for researchers focusing on artificial intelligence systems at institutions of higher learning and other nonprofit research institutions;

(G) outreach programs to educate the general public about the uses of artificial intelligence and its societal implications;

(H) assessments of activities conducted under this subsection; and

(I) any other relevant activities the Director determines will accomplish the aim described in paragraph (1).

(3) ARTIFICIAL INTELLIGENCE TRAINEESHIPS AND FELLOWSHIPS.—

(A) ARTIFICIAL INTELLIGENCE TRAINEESHIPS.—

(i) IN GENERAL.—The Director of the National Science Foundation shall award grants to institutions of higher education to establish traineeship programs for graduate students who pursue artificial intelligence-related research leading to a masters or doctorate degree by providing fund-
ing and other assistance, and by providing graduate students opportunities for research experiences in government or industry related to the students’ artificial intelligence studies.

(ii) USE OF FUNDS.—An institution of higher education shall use grant funds provided under clause (i) for the purposes of—

(I) providing traineeships to students who are pursuing research in artificial intelligence leading to a masters or doctorate degree;

(II) paying tuition and fees for students receiving traineeships who are citizens, nationals, or lawfully admitted permanent resident aliens of the United States;

(III) creating and requiring courses or training programs in technology ethics for students receiving traineeships;

(IV) creating opportunities for research in technology ethics for students receiving traineeships;
(V) establishing scientific internship programs for students receiving traineeships in artificial intelligence at for-profit institutions, nonprofit research institutions, or government laboratories; and

(VI) other costs associated with the administration of the program.

(B) Artificial Intelligence Fellowships.—The Director of the National Science Foundation shall award fellowships to masters and doctoral students and postdoctoral researchers at institutions of higher education who are pursuing degrees or research in artificial intelligence and related fields, including in the field of technology ethics. In making such awards, the Director shall—

(i) ensure recipients of artificial intelligence fellowships are citizens, nationals, or lawfully admitted permanent resident aliens of the United States; and

(ii) conduct outreach, including through formal solicitations, to solicit proposals from students and postdoctoral researchers seeking to carry out research in
aspects of technology ethics with relevance to artificial intelligence systems.

(C) **Faculty Recruitment Fellowships.**—

(i) **In General.**—The Director of the National Science Foundation shall establish a program to award grants to institutions of higher education to recruit and retain tenure-track or tenured faculty in artificial intelligence and related fields.

(ii) **Use of Funds.**—An institution of higher education shall use grant funds provided under clause (i) for the purposes of—

(I) recruiting new tenure-track or tenured faculty members to that conduct research and teaching in artificial intelligence and related fields and research areas, including technology ethics; and

(II) paying salary and benefits for the academic year of newly recruited tenure-track or tenured faculty members for a duration of up to 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.
(iii) Uses of Funds.—A fellowship may include salary and benefits for up to one academic year and additional expenses to support coursework or equivalent training in artificial intelligence systems.

(E) Update to Robert Noyce Teacher Scholarship Program.—Section 10(i)(5) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1(i)(5)) is amended by inserting “and artificial intelligence” after “computer science”.

(4) Update to Advanced Technological Education Program.—

(A) In General.—Section 3(b) of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862(i)) is amended by striking “10” and inserting “12”.

(B) Artificial Intelligence Centers of Excellence.—The Director of the National Science Foundation shall establish national centers of scientific and technical education to advance education and workforce development in areas related to artificial intelligence pursuant to Section 3 of the Scientific and Advanced-Technology Act of 1992 (42
U.S.C. 1862(i)). Activities of such centers may include—

(i) the development, dissemination, and evaluation of curriculum and other educational tools and methods in artificial intelligence related fields and research areas, including technology ethics;

(ii) the development and evaluation of artificial intelligence related certifications for 2-year programs; and

(iii) interdisciplinary science and engineering research in employment-based adult learning and career retraining related to artificial intelligence fields.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the National Science Foundation to carry out this section $868,000,000 for fiscal year 2021.
TITLE V—DEPARTMENT OF ENERGY ARTIFICIAL INTELLIGENCE RESEARCH PROGRAM

SEC. 5501. DEPARTMENT OF ENERGY ARTIFICIAL INTELLIGENCE RESEARCH PROGRAM.

(a) In General.—The Secretary shall carry out a cross-cutting research and development program to advance artificial intelligence tools, systems, capabilities, and workforce needs and to improve the reliability of artificial intelligence methods and solutions relevant to the mission of the Department. In carrying out this program, the Secretary shall coordinate across all relevant offices and programs at the Department, including the Office of Science, the Office of Energy Efficiency and Renewable Energy, the Office of Nuclear Energy, the Office of Fossil Energy, the Office of Electricity, the Office of Cybersecurity, Energy Security, and Emergency Response, the Advanced Research Projects Agency-Energy, and any other relevant office determined by the Secretary.

(b) Research Areas.—In carrying out the program under subsection (a), the Secretary shall award financial assistance to eligible entities to carry out research projects on topics including—
(1) the application of artificial intelligence systems to improve large-scale simulations of natural and other phenomena;

(2) the study of applied mathematics, computer science, and statistics, including foundations of methods and systems of artificial intelligence, causal and statistical inference, and the development of algorithms for artificial intelligence systems;

(3) the analysis of existing large-scale datasets from science and engineering experiments and simulations, including energy simulations and other priorities at the Department as determined by the Secretary using artificial intelligence tools and techniques;

(4) the development of operation and control systems that enhance automated, intelligent decisionmaking capabilities;

(5) the development of advanced computing hardware and computer architecture tailored to artificial intelligence systems, including the codesign of networks and computational hardware;

(6) the development of standardized datasets for emerging artificial intelligence research fields and applications, including methods for addressing data scarcity; and
(7) the development of trustworthy artificial intelligence systems, including—

(A) algorithmic explainability;

(B) analytical methods for identifying and mitigating bias in artificial intelligence systems; and

(C) safety and robustness, including assurance, verification, validation, security, and control.

(e) Technology Transfer.—In carrying out the program under subsection (a), the Secretary shall support technology transfer of artificial intelligence systems for the benefit of society and United States economic competitiveness.

(d) Facility Use and Upgrades.—In carrying out the program under subsection (a), the Secretary shall—

(1) make available high-performance computing infrastructure at national laboratories;

(2) make any upgrades necessary to enhance the use of existing computing facilities for artificial intelligence systems, including upgrades to hardware;

(3) establish new computing capabilities necessary to manage data and conduct high perform-
ance computing that enables the use of artificial intelligence systems; and

(4) maintain and improve, as needed, networking infrastructure, data input and output mechanisms, and data analysis, storage, and service capabilities.

(e) Ethics.—

(1) In General.—Not later than 18 months after the date of enactment of this Act, the Secretary shall amend grant proposal instructions to include a requirement for an ethics statement to be included as part of any proposal for funding prior to making the award. Such statement shall be considered by the Secretary in the review of proposals, taking into consideration any relevant input from the peer-reviewers for the proposal, and shall factor into award decisions as deemed necessary by the Secretary. Such statements may include, as appropriate—

(A) the potential societal benefits of the research;

(B) any foreseeable or quantifiable risks to society, including how the research could enable products, technologies, or other outcomes that
could intentionally or unintentionally cause sign-
ificant societal harm; and
(C) how technical or social solutions can
mitigate such risks and, as appropriate, a plan
to implement such mitigation measures.

(2) GUIDANCE.—The Secretary shall issue clear
guidance on what constitutes risks as described in
section (1)(B), and to the extent practical harmonize
this policy with existing ethical policies or related re-
quirements for human subjects.

(3) ANNUAL REPORTS.—The Secretary shall
encourage awardees to update their ethics state-
ments as appropriate as part of the annual reports
required by all awardees under the grant terms and
conditions.

(f) RISK MANAGEMENT.—The Secretary shall review
agency policies for risk management in artificial intel-
ligence related projects and issue as necessary policies and
principles that are consistent with the framework de-
veloped under section 5301(b).

(g) DATA PRIVACY AND SHARING.—The Secretary
shall review agency policies for data sharing with other
public and private sector organizations and issue as nec-
essary policies and principles that are consistent with the
standards and guidelines submitted under section 5301(e).
In addition, the Secretary shall establish a streamlined mechanism for approving research projects or partnerships that require sharing sensitive public or private data with the Department.

(h) **Partnerships With Other Federal Agencies.**—The Secretary may request, accept, and provide funds from other Federal departments and agencies, State, United States territory, local, or Tribal government agencies, private sector for-profit entities, and nonprofit entities, to be available to the extent provided by appropriations Acts, to support a research project or partnership carried out under this section. The Secretary may not give any special consideration to any agency or entity in return for a donation.

(i) **Stakeholder Engagement.**—In carrying out the activities authorized in this section, the Secretary shall—

1. collaborate with a range of stakeholders including small businesses, institutes of higher education, industry, and the National Laboratories;
2. leverage the collective body of knowledge from existing artificial intelligence and machine learning research; and
(3) engage with other Federal agencies, re-
search communities, and potential users of informa-
tion produced under this section.

(j) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means
the Secretary of Energy.

(2) DEPARTMENT.—The term “Department”
means the Department of Energy.

(3) NATIONAL LABORATORY.—The term “na-
tional laboratory” has the meaning given such term
in section 2 of the Energy Policy Act of 2005 (42

(4) ELIGIBLE ENTITIES.—The term “eligible
entities” means—

(A) an institution of higher education;

(B) a National Laboratory;

(C) a Federal research agency;

(D) a State research agency;

(E) a nonprofit research organization;

(F) a private sector entity; or

(G) a consortium of 2 or more entities de-
scribed in subparagraph (A) through (F).

(k) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated to the Department to
carry out this section $200,000,000 for fiscal year 2021.
(a) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given that term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(b) PURPOSES.—The purposes of this section are to advance Department of Energy expertise in artificial intelligence and high-performance computing in order to improve health outcomes for veteran populations by—

(1) supporting basic research through the application of artificial intelligence, high-performance computing, modeling and simulation, machine learning, and large-scale data analytics to identify and solve outcome-defined challenges in the health sciences;

(2) maximizing the impact of the Department of Veterans Affairs’ health and genomics data housed at the National Laboratories, as well as data from other sources, on science, innovation, and health care outcomes through the use and advance-
ment of artificial intelligence and high-performance computing capabilities of the Department of Energy;

(3) promoting collaborative research through the establishment of partnerships to improve data sharing between Federal agencies, National Laboratories, institutions of higher education, and non-profit institutions;

(4) establishing multiple scientific computing user facilities to house and provision available data to foster transformational outcomes; and

(5) driving the development of technology to improve artificial intelligence, high-performance computing, and networking relevant to mission applications of the Department of Energy, including modeling, simulation, machine learning, and advanced data analytics.

(c) DEPARTMENT OF ENERGY VETERANS HEALTH RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary shall establish and carry out a research program in artificial intelligence and high-performance computing, focused on the development of tools to solve big data challenges associated with veteran’s healthcare, and to support the efforts of the Department of Veterans Affairs to identify potential health risks and challenges uti-
lizing data on long-term healthcare, health risks, and genomic data collected from veteran populations. The Secretary shall carry out this program through a competitive, merit-reviewed process, and consider applications from National Laboratories, institutions of higher education, multi-institutional collaborations, and other appropriate entities.

(2) Program Components.—In carrying out the program established under paragraph (1), the Secretary may—

(A) conduct basic research in modeling and simulation, machine learning, large-scale data analytics, and predictive analysis in order to develop novel or optimized algorithms for prediction of disease treatment and recovery;

(B) develop methods to accommodate large data sets with variable quality and scale, and to provide insight and models for complex systems;

(C) develop new approaches and maximize the use of algorithms developed through artificial intelligence, machine learning, data analytics, natural language processing, modeling and simulation, and develop new algorithms suitable for high-performance computing systems and large biomedical data sets;
(D) advance existing and construct new data enclaves capable of securely storing data sets provided by the Department of Veterans Affairs, Department of Defense, and other sources; and

(E) promote collaboration and data sharing between National Laboratories, research entities, and user facilities of the Department by providing the necessary access and secure data transfer capabilities.

(3) COORDINATION.—In carrying out the program required under paragraph (1), the Secretary is authorized to—

(A) enter into memoranda of understanding in order to carry out reimbursable agreements with the Department of Veterans Affairs and other entities in order to maximize the effectiveness of Department of Energy research and development to improve veterans’ healthcare;

(B) consult with the Department of Veterans Affairs and other Federal agencies as appropriate; and

(C) ensure that data storage meets all privacy and security requirements established by
the Department of Veterans Affairs, and that access to data is provided in accordance with relevant Department of Veterans Affairs data access policies, including informed consent.

(4) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Science, Space, and Technology and the Committee on Veterans’ Affairs of the House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Veterans’ Affairs of the Senate, a report detailing the effectiveness of—

(A) the interagency coordination between each Federal agency involved in the research program carried out under this subsection;

(B) collaborative research achievements of the program; and

(C) potential opportunities to expand the technical capabilities of the Department.

(5) FUNDING.—There are authorized to be appropriated to the Secretary of Veterans Affairs to carry out this section $5,400,000 for fiscal year 2021.

(d) INTERAGENCY COLLABORATION.—
(1) IN GENERAL.—The Secretary is authorized to carry out research, development, and demonstration activities to develop tools to apply to big data that enable Federal agencies, institutions of higher education, nonprofit research organizations, and industry to better leverage the capabilities of the Department to solve complex, big data challenges. The Secretary shall carry out these activities through a competitive, merit-reviewed process, and consider applications from National Laboratories, institutions of higher education, multi-institutional collaborations, and other appropriate entities.

(2) ACTIVITIES.—In carrying out the research, development, and demonstration activities authorized under paragraph (1), the Secretary may—

(A) utilize all available mechanisms to prevent duplication and coordinate research efforts across the Department;

(B) establish multiple user facilities to serve as data enclaves capable of securely storing data sets created by Federal agencies, institutions of higher education, nonprofit organizations, or industry at National Laboratories; and

(C) promote collaboration and data sharing between National Laboratories, research enti-
ties, and user facilities of the Department by
providing the necessary access and secure data
transfer capabilities.

(3) REPORT.—Not later than 2 years after the
date of the enactment of this Act, the Secretary
shall submit to the Committee on Science, Space,
and Technology of the House of Representatives and
the Committee on Energy and Natural Resources of
the Senate a report evaluating the effectiveness of
the activities authorized under paragraph (1).

(4) FUNDING.—There are authorized to be ap-
propriated to the Secretary of Energy to carry out
paragraph (1) $15,000,000 for fiscal year 2021.

DIVISION F—CORPORATE
TRANSPARENCY ACT OF 2019

SEC. 6001. SHORT TITLE.
This division may be cited as the “Corporate Trans-
parency Act of 2019”.

SEC. 6002. FINDINGS.
Congress finds the following:

(1) Nearly 2,000,000 corporations and limited
liability companies are being formed under the laws
of the States each year.
(2) Very few States require information about the beneficial owners of the corporations and limited liability companies formed under their laws.

(3) A person forming a corporation or limited liability company within the United States typically provides less information at the time of incorporation than is needed to obtain a bank account or driver’s license and typically does not name a single beneficial owner.

(4) Criminals have exploited State formation procedures to conceal their identities when forming corporations or limited liability companies in the United States, and have then used the newly created entities to commit crimes affecting interstate and international commerce such as terrorism, proliferation financing, drug and human trafficking, money laundering, tax evasion, counterfeiting, piracy, securities fraud, financial fraud, and acts of foreign corruption.

(5) Law enforcement efforts to investigate corporations and limited liability companies suspected of committing crimes have been impeded by the lack of available beneficial ownership information, as documented in reports and testimony by officials from the Department of Justice, the Department of
Homeland Security, the Department of the Treasury, and the Government Accountability Office, and others.

(6) In July 2006, the leading international antimony laundering standard-setting body, the Financial Action Task Force on Money Laundering (in this section referred to as the “FATF”), of which the United States is a member, issued a report that criticizes the United States for failing to comply with a FATF standard on the need to collect beneficial ownership information and urged the United States to correct this deficiency by July 2008. In December 2016, FATF issued another evaluation of the United States, which found that little progress has been made over the last ten years to address this problem. It identified the “lack of timely access to adequate, accurate and current beneficial ownership information” as a fundamental gap in United States efforts to combat money laundering and terrorist finance.

(7) In response to the 2006 FATF report, the United States has urged the States to obtain beneficial ownership information for the corporations and limited liability companies formed under the laws of such States.
(8) In contrast to practices in the United States, all 28 countries in the European Union are required to have corporate registries that include beneficial ownership information.

(9) To reduce the vulnerability of the United States to wrongdoing by United States corporations and limited liability companies with hidden owners, to protect interstate and international commerce from criminals misusing United States corporations and limited liability companies, to strengthen law enforcement investigations of suspect corporations and limited liability companies, to set a clear, universal standard for State incorporation practices, and to bring the United States into compliance with international anti-money laundering standards, Federal legislation is needed to require the collection of beneficial ownership information for the corporations and limited liability companies formed under the laws of such States.

SEC. 6003. TRANSPARENT INCORPORATION PRACTICES.

(a) In General.—

(1) Amendment to the Bank Secrecy Act.—Chapter 53 of title 31, United States Code, is amended by inserting after section 5332 the following new section:
§ 5333 Transparent incorporation practices

(a) Reporting Requirements.—

(1) Beneficial ownership reporting.—

(A) In general.—Each applicant to form a corporation or limited liability company under the laws of a State or Indian Tribe shall file a report with FinCEN containing a list of the beneficial owners of the corporation or limited liability company that—

(i) except as provided in paragraphs (3) and (4), and subject to paragraph (2), identifies each beneficial owner by—

(I) full legal name;

(II) date of birth;

(III) current residential or business street address; and

(IV) a unique identifying number from a non-expired passport issued by the United States, a non-expired personal identification card, or a non-expired driver’s license issued by a State; and

(ii) if the applicant is not a beneficial owner, also provides the identification information described in clause (i) relating to such applicant.
“(B) UPDATED INFORMATION.—Each corpo-
ration or limited liability company formed
under the laws of a State or Indian Tribe
shall—

“(i) submit to FinCEN an annual fil-
ing containing a list of—

“(I) the current beneficial owners
of the corporation or limited liability
company and the information de-
scribed in subparagraph (A) for each
such beneficial owner; and

“(II) any changes in the bene-
ficial owners of the corporation or lim-
ited liability company during the pre-
vious year; and

“(ii) pursuant to any rule issued by
the Secretary of the Treasury under sub-
paragraph (C), update the list of the bene-
ficial owners of the corporation or limited
liability company within the time period
prescribed by such rule.

“(C) RULEMAKING ON UPDATING INFOR-
MATION.—Not later than 9 months after the
completion of the study required under section
4(a)(1) of the Corporate Transparency Act of
2019, the Secretary of the Treasury shall consider the findings of such study and, if the Secretary determines it to be necessary or appropriate, issue a rule requiring corporations and limited liability companies to update the list of the beneficial owners of the corporation or limited liability company within a specified amount of time after the date of any change in the list of beneficial owners or the information required to be provided relating to each beneficial owner.

“(D) STATE NOTIFICATION.—Each State in which a corporation or limited liability company is being formed shall notify each applicant of the requirements listed in subparagraphs (A) and (B).

“(2) CERTAIN BENEFICIAL OWNERS.—If an applicant to form a corporation or limited liability company or a beneficial owner, or similar agent of a corporation or limited liability company who is required to provide identification information under this subsection, does not have a nonexpired passport issued by the United States, a nonexpired personal identification card, or a non-expired driver’s license issued by a State, each such person shall provide to FinCEN the full legal name, current residential or
business street address, a unique identifying number
from a non-expired passport issued by a foreign gov-
ernment, and a legible and credible copy of the
pages of a non-expired passport issued by the gov-
ernment of a foreign country bearing a photograph,
date of birth, and unique identifying information for
each beneficial owner, and each application described
in paragraph (1)(A) and each update described in
paragraph (1)(B) shall include a written certification
by a person residing in the State or Indian country
under the jurisdiction of the Indian Tribe forming
the entity that the applicant, corporation, or limited
liability company—

“(A) has obtained for each such beneficial
owner, a current residential or business street
address and a legible and credible copy of the
pages of a non-expired passport issued by the
government of a foreign country bearing a pho-
tograph, date of birth, and unique identifying
information for the person;

“(B) has verified the full legal name, ad-
dress, and identity of each such person;

“(C) will provide the information described
in subparagraph (A) and the proof of
verification described in subparagraph (B) upon request of FinCEN; and

“(D) will retain the information and proof of verification under this paragraph until the end of the 5-year period beginning on the date that the corporation or limited liability company terminates under the laws of the State or Indian Tribe.

“(3) EXEMPT ENTITIES.—

“(A) IN GENERAL.—With respect to an applicant to form a corporation or limited liability company under the laws of a State or Indian Tribe, if such entity is described in subparagraph (C) or (D) of subsection (d)(4) and will be exempt from the beneficial ownership disclosure requirements under this subsection, such applicant, or a prospective officer, director, or similar agent of the applicant, shall file a written certification with FinCEN—

“(i) identifying the specific provision of subsection (d)(4) under which the entity proposed to be formed would be exempt from the beneficial ownership disclosure requirements under paragraphs (1) and (2);
“(ii) stating that the entity proposed to be formed meets the requirements for an entity described under such provision of subsection (d)(4); and

“(iii) providing identification information for the applicant or prospective officer, director, or similar agent making the certification in the same manner as provided under paragraph (1) or (2).

“(B) EXISTING CORPORATIONS OR LIMITED LIABILITY COMPANIES.—On and after the date that is 2 years after the final regulations are issued to carry out this section, a corporation or limited liability company formed under the laws of the State or Indian Tribe before such date shall be subject to the requirements of this subsection unless an officer, director, or similar agent of the entity submits to FinCEN a written certification—

“(i) identifying the specific provision of subsection (d)(4) under which the entity is exempt from the requirements under paragraphs (1) and (2);
“(ii) stating that the entity meets the requirements for an entity described under such provision of subsection (d)(4); and

“(iii) providing identification information for the officer, director, or similar agent making the certification in the same manner as provided under paragraph (1) or (2).

“(C) EXEMPT ENTITIES HAVING OWNERSHIP INTEREST.—If an entity described in subparagraph (C) or (D) of subsection (d)(4) has or will have an ownership interest in a corporation or limited liability company formed or to be formed under the laws of a State or Indian Tribe, the applicant, corporation, or limited liability company in which the entity has or will have the ownership interest shall provide the information required under this subsection relating to the entity, except that the entity shall not be required to provide information regarding any natural person who has an ownership interest in, exercises substantial control over, or receives substantial economic benefits from the entity.

“(4) FINCEN ID NUMBERS.—
“(A) Issuance of FinCEN ID Number.—

“(i) In general.—FinCEN shall issue a FinCEN ID number to any individual who requests such a number and provides FinCEN with the information described under subclauses (I) through (IV) of paragraph (1)(A)(i).

“(ii) Updating of Information.—An individual with a FinCEN ID number shall submit an annual filing with FinCEN updating any information described under subclauses (I) through (IV) of paragraph (1)(A)(i).

“(B) Use of FinCEN ID Number in Reporting Requirements.—Any person required to report the information described under paragraph (1)(A)(i) with respect to an individual may instead report the FinCEN ID number of the individual.

“(C) Treatment of Information Submitted for FinCEN ID Number.—For purposes of this section, any information submitted under subparagraph (A) shall be deemed to be beneficial ownership information.
“(5) Retention and Disclosure of Beneficial Ownership Information by FinCEN.—

“(A) Retention of Information.—Beneficial ownership information relating to each corporation or limited liability company formed under the laws of the State or Indian Tribe shall be maintained by FinCEN until the end of the 5-year period (or such other period of time as the Secretary of the Treasury may, by rule, determine) beginning on the date that the corporation or limited liability company terminates.

“(B) Disclosure of Information.—Beneficial ownership information reported to FinCEN pursuant to this section shall be provided by FinCEN only upon receipt of—

“(i) subject to subparagraph (C), a request, through appropriate protocols, by a local, Tribal, State, or Federal law enforcement agency;

“(ii) a request made by a Federal agency on behalf of a law enforcement agency of another country under an international treaty, agreement, or convention,
or an order under section 3512 of title 18
or section 1782 of title 28; or

“(iii) a request made by a financial
institution, with customer consent, as part
of the institution’s compliance with due
diligence requirements imposed under the
Bank Secrecy Act, the USA PATRIOT
Act, or other applicable Federal, State, or
Tribal law.

“(C) APPROPRIATE PROTOCOLS.—

“(i) PRIVACY.—The protocols de-
scribed in subparagraph (B)(i) shall—

“(I) protect the privacy of any
beneficial ownership information pro-
vided by FinCEN to a local, Tribal,
State, or Federal law enforcement
agency;

“(II) ensure that a local, Tribal,
State, or Federal law enforcement
agency requesting beneficial ownership
information has an existing investiga-
tory basis for requesting such infor-
mation;

“(III) ensure that access to bene-
ficial ownership information is limited
to authorized users at a local, Tribal, State, or Federal law enforcement agency who have undergone appropriate training, and refresher training no less than every 2 years, and that the identity of such authorized users is verified through appropriate mechanisms, such as two-factor authentication;

“(IV) include an audit trail of requests for beneficial ownership information by a local, Tribal, State, or Federal law enforcement agency, including, as necessary, information concerning queries made by authorized users at a local, Tribal, State, or Federal law enforcement agency;

“(V) require that every local, Tribal, State, or Federal law enforcement agency that receives beneficial ownership information from FinCEN conducts an annual audit to verify that the beneficial ownership information received from FinCEN has been
accessed and used appropriately, and consistent with this paragraph; and

“(VI) require FinCEN to conduct an annual audit of every local, Tribal, State, or Federal law enforcement agency that has received beneficial ownership information to ensure that such agency has requested beneficial ownership information, and has used any beneficial ownership information received from FinCEN, appropriately, and consistent with this paragraph.

“(ii) LIMITATION ON USE.—Beneficial ownership information provided to a local, Tribal, State, or Federal law enforcement agency under this paragraph may only be used for law enforcement, national security, or intelligence purposes.

“(D) ACCESS PROCEDURES.—FinCEN shall establish stringent procedures for the protection and proper use of beneficial ownership information disclosed pursuant to subparagraph (B), including procedures to ensure such infor-
mation is not being inappropriately accessed or
misused by law enforcement agencies.

“(E) REPORT TO CONGRESS.—FinCEN
shall issue an annual report to Congress stat-
ing—

“(i) the number of times law enforce-
ment agencies and financial institutions
have accessed beneficial ownership infor-
mination pursuant to subparagraph (B);

“(ii) the number of times beneficial
ownership information reported to
FinCEN pursuant to this section was inap-
propriately accessed, and by whom; and

“(iii) the number of times beneficial
ownership information was disclosed under
subparagraph (B) pursuant to a subpoena.

“(F) DISCLOSURE OF NON-PII DATA.—
Notwithstanding subparagraph (B), FinCEN
may issue guidance and otherwise make mate-
rials available to financial institutions and the
public using beneficial ownership information
reported pursuant to this section if such infor-
mation is aggregated in a manner that removes
all personally identifiable information. For pur-
poses of this subparagraph, ‘personally identifi-
able information’ includes information that
would allow for the identification of a particular
corporation or limited liability company.

“(b) No Bearer Share Corporations or Lim-
ited Liability Companies.—A corporation or limited li-
ability company formed under the laws of a State or In-
dian Tribe may not issue a certificate in bearer form evi-
dencing either a whole or fractional interest in the cor-
poration or limited liability company.

“(c) Penalties.—

“(1) In general.—It shall be unlawful for any
person to affect interstate or foreign commerce by—

“(A) knowingly providing, or attempting to
provide, false or fraudulent beneficial ownership
information, including a false or fraudulent
identifying photograph, to FinCEN in accord-
ance with this section;

“(B) willfully failing to provide complete or
updated beneficial ownership information to
FinCEN in accordance with this section; or

“(C) knowingly disclosing the existence of
a subpoena or other request for beneficial own-
ership information reported pursuant to this
section, except—
“(i) to the extent necessary to fulfill
the authorized request; or
“(ii) as authorized by the entity that
issued the subpoena, or other request.
“(2) CIVIL AND CRIMINAL PENALTIES.—Any
person who violates paragraph (1)—
“(A) shall be liable to the United States
for a civil penalty of not more than $10,000;
and
“(B) may be fined under title 18, United
States Code, imprisoned for not more than 3
years, or both.
“(3) LIMITATION.—Any person who negligently
violates paragraph (1) shall not be subject to civil or
criminal penalties under paragraph (2).
“(4) WAIVER.—The Secretary of the Treasury
may waive the penalty for violating paragraph (1) if
the Secretary determines that the violation was due
to reasonable cause and was not due to willful ne-
glect.
“(5) CRIMINAL PENALTY FOR THE MISUSE OR
UNAUTHORIZED DISCLOSURE OF BENEFICIAL OWN-
ERSHIP INFORMATION.—The criminal penalties pro-
vided for under section 5322 shall apply to a viola-
tion of this section to the same extent as such crimi-
nal penalties apply to a violation described in section 5322, if the violation of this section consists of the misuse or unauthorized disclosure of beneficial ownership information.

“(d) DEFINITIONS.—For the purposes of this section:

“(1) APPLICANT.—The term ‘applicant’ means any natural person who files an application to form a corporation or limited liability company under the laws of a State or Indian Tribe.

“(2) BANK SECRECY ACT.—The term ‘Bank Secrecy Act’ means—

“(A) section 21 of the Federal Deposit Insurance Act;

“(B) chapter 2 of title I of Public Law 91–508; and

“(C) this subchapter.

“(3) BENEFICIAL OWNER.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘beneficial owner’ means a natural person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise—

“(i) exercises substantial control over a corporation or limited liability company;
'“(ii) owns 25 percent or more of the
1 equity interests of a corporation or limited
2 liability company; or
3
4 “(iii) receives substantial economic
5 benefits from the assets of a corporation or
6 limited liability company.
7
8 “(B) EXCEPTIONS.—The term ‘beneficial
9 owner’ shall not include—
10
11 “(i) a minor child, as defined in the
12 State or Indian Tribe in which the entity
13 is formed;
14
15 “(ii) a person acting as a nominee, 
16 intermediary, custodian, or agent on behalf
17 of another person;
18
19 “(iii) a person acting solely as an em-
20 ployee of a corporation or limited liability
21 company and whose control over or eco-
22 nomic benefits from the corporation or lim-
23 ited liability company derives solely from
24 the employment status of the person;
25
26 “(iv) a person whose only interest in
27 a corporation or limited liability company
28 is through a right of inheritance; or
29
30 “(v) a creditor of a corporation or
31 limited liability company, unless the cred-
itor also meets the requirements of sub-
paragraph (A).

“(C) SUBSTANTIAL ECONOMIC BENEFITS
DEFINED.—

“(i) IN GENERAL.—For purposes of
subparagraph (A)(ii), a natural person re-
ceives substantial economic benefits from
the assets of a corporation or limited liabil-
ity company if the person has an entitle-
ment to more than a specified percentage
of the funds or assets of the corporation or
limited liability company, which the Sec-
retary of the Treasury shall, by rule, estab-
lish.

“(ii) RULEMAKING CRITERIA.—In es-
tablishing the percentage under clause (i),
the Secretary of the Treasury shall seek
to—

“(I) provide clarity to corpora-
tions and limited liability companies
with respect to the identification and
disclosure of a natural person who re-
ceives substantial economic benefits
from the assets of a corporation or
limited liability company; and
“(II) identify those natural persons who, as a result of the substantial economic benefits they receive from the assets of a corporation or limited liability company, exercise a dominant influence over such corporation or limited liability company.

“(4) CORPORATION; LIMITED LIABILITY COMPANY.—The terms ‘corporation’ and ‘limited liability company’—

“(A) have the meanings given such terms under the laws of the applicable State or Indian Tribe;

“(B) include any non-United States entity eligible for registration or registered to do business as a corporation or limited liability company under the laws of the applicable State or Indian Tribe;

“(C) do not include any entity that is—

“(i) a business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of that Act (15 U.S.C. 78o(d));
“(ii) a business concern constituted, sponsored, or chartered by a State or Indian Tribe, a political subdivision of a State or Indian Tribe, under an interstate compact between two or more States, by a department or agency of the United States, or under the laws of the United States;

“(iii) a bank, as defined under—

“(I) section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)); or

“(II) section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a));

“(iv) a credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752));

“(v) a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841)) or a savings and loan holding company (as defined in section 10(a) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a));

“(vii) an exchange or clearing agency (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)) that is registered under section 6 or 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78f and 78q–1);

“(viii) an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3)) or an investment adviser (as defined in section 202(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(11))), if the company or adviser is registered with the Securities and Exchange Commission, has filed an application for registration which has not been denied, under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) or the Investment Adviser Act of 1940 (15 U.S.C. 80b–1 et seq.), or is an investment adviser described under section

“(ix) an insurance company (as defined in section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a–2));

“(x) a registered entity (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)), or a futures commission merchant, introducing broker, commodity pool operator, or commodity trading advisor (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)) that is registered with the Commodity Futures Trading Commission;

“(xi) a public accounting firm registered in accordance with section 102 of the Sarbanes-Oxley Act (15 U.S.C. 7212) or an entity controlling, controlled by, or under common control of such a firm;

“(xii) a public utility that provides telecommunications service, electrical power, natural gas, or water and sewer services, within the United States;

“(xiii) a church, charity, nonprofit entity, or other organization that is described
in section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code of 1986, that has not been denied tax exempt status, and that has filed the most recently due annual information return with the Internal Revenue Service, if required to file such a return;

“(xiv) a financial market utility designated by the Financial Stability Oversight Council under section 804 of the Dodd-Frank Wall Street Reform and Consumer Protection Act;

“(xv) an insurance producer (as defined in section 334 of the Gramm-Leach-Bliley Act);

“(xvi) any pooled investment vehicle that is operated or advised by a person described in clause (iii), (iv), (v), (vi), (viii), (ix), or (xi);

“(xvii) any business concern that—

“(I) employs more than 20 employees on a full-time basis in the United States;

“(II) files income tax returns in the United States demonstrating more
than $5,000,000 in gross receipts or
sales; and

“(III) has an operating presence
at a physical office within the United
States; or

“(xviii) any corporation or limited li-
ability company formed and owned by an
entity described in this clause or in clause
(i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix),
(x), (xi), (xii), (xiii), (xiv), (xv), or (xvi);
and

“(D) do not include any individual busi-
ness concern or class of business concerns
which the Secretary of the Treasury and the
Attorney General of the United States have
jointly determined, by rule of otherwise, to be
exempt from the requirements of subsection (a),
if the Secretary and the Attorney General joint-
ly determine that requiring beneficial ownership
information from the business concern would
not serve the public interest and would not as-
sist law enforcement efforts to detect, prevent,
or prosecute terrorism, money laundering, tax
evasion, or other misconduct.
“(5) FinCEN.—The term ‘FinCEN’ means the Financial Crimes Enforcement Network of the Department of the Treasury.

“(6) Indian country.—The term ‘Indian country’ has the meaning given that term in section 1151 of title 18.

“(7) Indian Tribe.—The term ‘Indian Tribe’ has the meaning given that term under section 102 of the Federally Recognized Indian Tribe List Act of 1994.

“(8) Personal identification card.—The term ‘personal identification card’ means an identification document issued by a State, Indian Tribe, or local government to an individual solely for the purpose of identification of that individual.

“(9) State.—The term ‘State’ means any State, commonwealth, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, or the United States Virgin Islands.”.

(2) Rulemaking.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall issue regulations to
carry out this division and the amendments made by this division, including, to the extent necessary, to clarify the definitions in section 5333(d) of title 31, United States Code.

(B) Revision of final rule.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall revise the final rule titled “Customer Due Diligence Requirements for Financial Institutions” (May 11, 2016; 81 Fed. Reg. 29397) to—

(i) bring the rule into conformance with this division and the amendments made by this division;

(ii) account for financial institutions’ access to comprehensive beneficial ownership information filed by corporations and limited liability companies, under threat of civil and criminal penalties, under this division and the amendments made by this division; and

(iii) reduce any burdens on financial institutions that are, in light of the enactment of this division and the amendments made by this division, unnecessary or duplicative.
(3) CONFORMING AMENDMENTS.—Title 31, United States Code, is amended—

(A) in section 5321(a)—

(i) in paragraph (1), by striking “sections 5314 and 5315” each place it appears and inserting “sections 5314, 5315, and 5333”; and

(ii) in paragraph (6), by inserting “(except section 5333)” after “subchapter” each place it appears; and

(B) in section 5322, by striking “section 5315 or 5324” each place it appears and inserting “section 5315, 5324, or 5333”.

(4) TABLE OF CONTENTS.—The table of contents of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5332 the following:

“5333. Transparent incorporation practices.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 for each of fiscal years 2021 and 2022 to the Financial Crimes Enforcement Network to carry out this division and the amendments made by this division.

(e) FEDERAL CONTRACTORS.—Not later than the first day of the first full fiscal year beginning at least 1 year after the date of the enactment of this Act, the Ad-
ministrator for Federal Procurement Policy shall revise
the Federal Acquisition Regulation maintained under sec-
tion 1303(a)(1) of title 41, United States Code, to require
any contractor or subcontractor who is subject to the re-
quirement to disclose beneficial ownership information
under section 5333 of title 31, United States Code, to pro-
vide the information required to be disclosed under such
section to the Federal Government as part of any bid or
proposal for a contract with a value threshold in excess
of the simplified acquisition threshold under section 134
of title 41, United States Code.

SEC. 6004. STUDIES AND REPORTS.

(a) Updating of Beneficial Ownership Infor-
mation.—

(1) Study.—The Secretary of the Treasury, in
consultation with the Attorney General of the United
States, shall conduct a study to evaluate—

(A) the necessity of a requirement for cor-
porations and limited liability companies to up-
date the list of their beneficial owners within a
specified amount of time after the date of any
change in the list of beneficial owners or the in-
formation required to be provided relating to
each beneficial owner, taking into account the
annual filings required under section
5333(a)(1)(B)(i) of title 31, United States Code, and the information contained in such annual filings; and

(B) the burden that a requirement to update the list of beneficial owners within a specified period of time after a change in such list of beneficial owners would impose on corporations and limited liability companies.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report on the study required under paragraph (1) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) PUBLIC COMMENT.—The Secretary of the Treasury shall seek and consider public input, comments, and data in order to conduct the study required under subparagraph paragraph (1).

(b) OTHER LEGAL ENTITIES.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the Congress a report—

(1) identifying each State or Indian Tribe that has procedures that enable persons to form or reg-
ister under the laws of the State or Indian Tribe partnerships, trusts, or other legal entities, and the nature of those procedures;

(2) identifying each State or Indian Tribe that requires persons seeking to form or register partnerships, trusts, or other legal entities under the laws of the State or Indian Tribe to provide information about the beneficial owners (as that term is defined in section 5333(d)(1) of title 31, United States Code, as added by this division) or beneficiaries of such entities, and the nature of the required information;

(3) evaluating whether the lack of available beneficial ownership information for partnerships, trusts, or other legal entities—

(A) raises concerns about the involvement of such entities in terrorism, money laundering, tax evasion, securities fraud, or other misconduct;

(B) has impeded investigations into entities suspected of such misconduct; and

(C) increases the costs to financial institutions of complying with due diligence requirements imposed under the Bank Secrecy Act, the
USA PATRIOT Act, or other applicable Federal, State, or Tribal law; and

(4) evaluating whether the failure of the United States to require beneficial ownership information for partnerships and trusts formed or registered in the United States has elicited international criticism and what steps, if any, the United States has taken or is planning to take in response.

(e) Effectiveness of Incorporation Practices.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the Congress a report assessing the effectiveness of incorporation practices implemented under this division and the amendments made by this division in—

(1) providing law enforcement agencies with prompt access to reliable, useful, and complete beneficial ownership information; and

(2) strengthening the capability of law enforcement agencies to combat incorporation abuses, civil and criminal misconduct, and detect, prevent, or punish terrorism, money laundering, tax evasion, or other misconduct.

(d) Annual Report on Beneficial Ownership Information.—
(1) REPORT.—The Secretary of the Treasury shall issue an annual report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with respect to the beneficial ownership information collected pursuant to section 5333 of title 31, United States Code, that contains—

(A) aggregate data on the number of beneficial owners per reporting corporation or limited liability company;

(B) the industries or type of business of each reporting corporation or limited liability company; and

(C) the locations of the beneficial owners.

(2) PRIVACY.—In issuing reports under paragraph (1), the Secretary shall not reveal the identities of beneficial owners or names of the reporting corporations or limited liability companies.

SEC. 6005. DEFINITIONS.

In this division, the terms “Bank Secrecy Act”, “beneficial owner”, “corporation”, and “limited liability company” have the meaning given those terms, respectively, under section 5333(d) of title 31, United States Code.
DIVISION G—COUNTER ACT OF 2019

SEC. 7001. SHORT TITLE.

This division may be cited as the “Coordinating Oversight, Upgrading and Innovating Technology, and Examiner Reform Act of 2019” or the “COUNTER Act of 2019”.

SEC. 7002. BANK SECRECY ACT DEFINITION.

Section 5312(a) of title 31, United States Code, is amended by adding at the end the following:

“(7) BANK SECRECY ACT.—The term ‘Bank Secrecy Act’ means—

“(A) section 21 of the Federal Deposit Insurance Act;

“(B) chapter 2 of title I of Public Law 91–508; and

“(C) this subchapter.”.

TITLE I—STRENGTHENING TREASURY

SEC. 7101. IMPROVING THE DEFINITION AND PURPOSE OF THE BANK SECRECY ACT.

Section 5311 of title 31, United States Code, is amended—
(1) by inserting “to protect our national security, to safeguard the integrity of the international financial system, and” before “to require”; and

(2) by inserting “to law enforcement and” before “in criminal”.

SEC. 7102. SPECIAL HIRING AUTHORITY.

(a) In General.—Section 310 of title 31, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (g); and

(2) by inserting after subsection (c) the following:

“(d) SPECIAL HIRING AUTHORITY.—

“(1) IN GENERAL.—The Secretary of the Treasury may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, candidates directly to positions in the competitive service (as defined in section 2102 of that title) in FinCEN.

“(2) PRIMARY RESPONSIBILITIES.—The primary responsibility of candidates appointed pursuant to paragraph (1) shall be to provide substantive support in support of the duties described in subparagraphs (A), (B), (E), and (F) of subsection (b)(2).”.

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(b) Report.—Not later than 360 days after the date of enactment of this Act, and every year thereafter for 7 years, the Director of the Financial Crimes Enforcement Network shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that includes—

(1) the number of new employees hired since the preceding report through the authorities described under section 310(d) of title 31, United States Code, along with position titles and associated pay grades for such hires; and

(2) a copy of any Federal Government survey of staff perspectives at the Office of Terrorism and Financial Intelligence, including findings regarding the Office and the Financial Crimes Enforcement Network from the most recently administered Federal Employee Viewpoint Survey.

SEC. 7103. CIVIL LIBERTIES AND PRIVACY OFFICER.

(a) Appointment of Officers.—Not later than the end of the 3-month period beginning on the date of enactment of this Act, a Civil Liberties and Privacy Officer shall be appointed, from among individuals who are attorneys with expertise in data privacy laws—
(1) within each Federal functional regulator, by
the head of the Federal functional regulator;

(2) within the Financial Crimes Enforcement
Network, by the Secretary of the Treasury; and

(3) within the Internal Revenue Service Small
Business and Self-Employed Tax Center, by the Sec-
retary of the Treasury.

(b) DUTIES.—Each Civil Liberties and Privacy Offi-
cer shall, with respect to the applicable regulator, Net-
work, or Center within which the Officer is located—

(1) be consulted each time Bank Secrecy Act or
anti-money laundering regulations affecting civil lib-
erties or privacy are developed or reviewed;

(2) be consulted on information-sharing pro-
grams, including those that provide access to person-
ally identifiable information;

(3) ensure coordination and clarity between
anti-money laundering, civil liberties, and privacy
regulations;

(4) contribute to the evaluation and regulation
of new technologies that may strengthen data pri-
vacy and the protection of personally identifiable in-
formation collected by each Federal functional regu-
lator; and

(5) develop metrics of program success.
(c) Definitions.—For purposes of this section:

(1) Bank Secrecy Act.—The term “Bank Secrecy Act” has the meaning given that term under section 5312 of title 31, United States Code.

(2) Federal Functional Regulator.—The term “Federal functional regulator” means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

SEC. 7104. CIVIL LIBERTIES AND PRIVACY COUNCIL.

(a) Establishment.—There is established the Civil Liberties and Privacy Council (hereinafter in this section referred to as the “Council”), which shall consist of the Civil Liberties and Privacy Officers appointed pursuant to section 7103.

(b) Chair.—The Director of the Financial Crimes Enforcement Network shall serve as the Chair of the Council.

(c) Duty.—The members of the Council shall coordinate on activities related to their duties as Civil Liberties Privacy Officers, but may not supplant the individual agency determinations on civil liberties and privacy.
(d) MEETINGS.—The meetings of the Council—

(1) shall be at the call of the Chair, but in no case may the Council meet less than quarterly;

(2) may include open and partially closed sessions, as determined necessary by the Council; and

(3) shall include participation by public and private entities, law enforcement agencies, and a representative of State bank supervisors (as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).

(e) REPORT.—The Chair of the Council shall issue an annual report to the Congress on the program and policy activities, including the success of programs as measured by metrics of program success developed pursuant to section 7103(b)(5), of the Council during the previous year and any legislative recommendations that the Council may have.

(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

SEC. 7105. INTERNATIONAL COORDINATION.

(a) IN GENERAL.—The Secretary of the Treasury shall work with the Secretary’s foreign counterparts, including through the Financial Action Task Force, the International Monetary Fund, the World Bank, the
Egmont Group of Financial Intelligence Units, the Organisation for Economic Co-operation and Development, and the United Nations, to promote stronger anti-money laundering frameworks and enforcement of anti-money laundering laws.

(b) Cooperation Goal.—In carrying out subsection (a), the Secretary of the Treasury may work directly with foreign counterparts and other organizations where the goal of cooperation can best be met.

(c) International Monetary Fund.—

(1) Support for capacity of the International Monetary Fund to prevent money laundering and financing of terrorism.—Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.) is amended by adding at the end the following:

"SEC. 1629. SUPPORT FOR CAPACITY OF THE INTERNATIONAL MONETARY FUND TO PREVENT MONEY LAUNDERING AND FINANCING OF TERRORISM.

"The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to support the increased use of the administrative budget of the Fund for technical assistance that
strengthens the capacity of Fund members to prevent
money laundering and the financing of terrorism.”.

(2) NATIONAL ADVISORY COUNCIL REPORT TO
CONGRESS.—The Chairman of the National Advisory
Council on International Monetary and Financial
Policies shall include in the report required by sec-
tion 1701 of the International Financial Institutions
Act (22 U.S.C. 262r) a description of—

(A) the activities of the International Mon-
etary Fund in the most recently completed fis-
cal year to provide technical assistance that
strengthens the capacity of Fund members to
prevent money laundering and the financing of
terrorism, and the effectiveness of the assist-
ance; and

(B) the efficacy of efforts by the United
States to support such technical assistance
through the use of the Fund’s administrative
budget, and the level of such support.

(3) SUNSET.—Effective on the date that is the
end of the 4-year period beginning on the date of en-
actment of this Act, section 1629 of the Inter-
national Financial Institutions Act, as added by
paragraph (1), is repealed.
SEC. 7106. TREASURY ATTACHÉS PROGRAM.

(a) IN GENERAL.—Title 31, United States Code, is amended by inserting after section 315 the following:

“§ 316. Treasury Attachés Program

“(a) IN GENERAL.—There is established the Treasury Attachés Program, under which the Secretary of the Treasury shall appoint employees of the Department of the Treasury, after nomination by the Director of the Financial Crimes Enforcement Network (‘FinCEN’), as a Treasury attaché, who shall—

“(1) be knowledgeable about the Bank Secrecy Act and anti-money laundering issues;

“(2) be co-located in a United States embassy;

“(3) perform outreach with respect to Bank Secrecy Act and anti-money laundering issues;

“(4) establish and maintain relationships with foreign counterparts, including employees of ministries of finance, central banks, and other relevant official entities;

“(5) conduct outreach to local and foreign financial institutions and other commercial actors, including—

“(A) information exchanges through FinCEN and FinCEN programs; and

“(B) soliciting buy-in and cooperation for the implementation of—
“(i) United States and multilateral sanctions; and

“(ii) international standards on anti-money laundering and the countering of the financing of terrorism; and

“(6) perform such other actions as the Secretary determines appropriate.

“(b) NUMBER OF ATTACHÉS.—The number of Treasury attachés appointed under this section at any one time shall be not fewer than 6 more employees than the number of employees of the Department of the Treasury serving as Treasury attachés on March 1, 2020.

“(c) COMPENSATION.—Each Treasury attaché appointed under this section and located at a United States embassy shall receive compensation at the higher of—

“(1) the rate of compensation provided to a Foreign Service officer at a comparable career level serving at the same embassy; or

“(2) the rate of compensation the Treasury attaché would otherwise have received, absent the application of this subsection.

“(d) BANK SECRECY ACT DEFINED.—In this section, the term ‘Bank Secrecy Act’ has the meaning given that term under section 5312.”.
(b) Clerical Amendment.—The table of contents for chapter 3 of title 31, United States Code, is amended by inserting after the item relating to section 315 the following:

“316. Treasury Attachés Program.”.

SEC. 7107. INCREASING TECHNICAL ASSISTANCE FOR INTERNATIONAL COOPERATION.

(a) In General.—There is authorized to be appropriated for each of fiscal years 2021 through 2025 to the Secretary of the Treasury for purposes of providing technical assistance that promotes compliance with international standards and best practices, including in particular those aimed at the establishment of effective anti-money laundering and countering the financing of terrorism regimes, in an amount equal to twice the amount authorized for such purpose for fiscal year 2020.

(b) Activity and Evaluation Report.—Not later than 360 days after enactment of this Act, and every year thereafter for 5 years, the Secretary of the Treasury shall issue a report to the Congress on the assistance (as described under subsection (a)) of the Office of Technical Assistance of the Department of the Treasury containing—

(1) a narrative detailing the strategic goals of the Office in the previous year, with an explanation
of how technical assistance provided in the previous year advances the goals;

(2) a description of technical assistance provided by the Office in the previous year, including the objectives and delivery methods of the assistance;

(3) a list of beneficiaries and providers (other than Office staff) of the technical assistance;

(4) a description of how technical assistance provided by the Office complements, duplicates, or otherwise affects or is affected by technical assistance provided by the international financial institutions (as defined under section 1701(c) of the International Financial Institutions Act); and

(5) a copy of any Federal Government survey of staff perspectives at the Office of Technical Assistance, including any findings regarding the Office from the most recently administered Federal Employee Viewpoint Survey.

**SEC. 7108. FINCEN DOMESTIC LIAISONS.**

Section 310 of title 31, United States Code, as amended by section 7102, is further amended by inserting after subsection (d) the following:

“(e) FINCEN DOMESTIC LIAISONS.—
“(1) IN GENERAL.—The Director of FinCEN shall appoint at least 6 senior FinCEN employees as FinCEN Domestic Liaisons, who shall—

“(A) each be assigned to focus on a specific region of the United States;

“(B) be located at an office in such region (or co-located at an office of the Board of Governors of the Federal Reserve System in such region); and

“(C) perform outreach to BSA officers at financial institutions (including non-bank financial institutions) and persons who are not financial institutions, especially with respect to actions taken by FinCEN that require specific actions by, or have specific effects on, such institutions or persons, as determined by the Director.

“(2) DEFINITIONS.—In this subsection:

“(A) BSA OFFICER.—The term ‘BSA officer’ means an employee of a financial institution whose primary job responsibility involves compliance with the Bank Secrecy Act, as such term is defined under section 5312.
“(B) FINANCIAL INSTITUTION.—The term ‘financial institution’ has the meaning given that term under section 5312.”.

SEC. 7109. FINCEN EXCHANGE.

Section 310 of title 31, United States Code, as amended by section 7108, is further amended by inserting after subsection (e) the following:

“(f) FINCEN EXCHANGE.—

“(1) ESTABLISHMENT.—The FinCEN Exchange is hereby established within FinCEN, which shall consist of the FinCEN Exchange program of FinCEN in existence on the day before the date of enactment of this paragraph.

“(2) PURPOSE.—The FinCEN Exchange shall facilitate a voluntary public-private information sharing partnership among law enforcement, financial institutions, and FinCEN to—

“(A) effectively and efficiently combat money laundering, terrorism financing, organized crime, and other financial crimes;

“(B) protect the financial system from illicit use; and

“(C) promote national security.

“(3) REPORT.—
“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter for the next 5 years, the Secretary of the Treasury shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing—

“(i) an analysis of the efforts undertaken by the FinCEN Exchange and the results of such efforts;

“(ii) an analysis of the extent and effectiveness of the FinCEN Exchange, including any benefits realized by law enforcement from partnership with financial institutions; and

“(iii) any legislative, administrative, or other recommendations the Secretary may have to strengthen FinCEN Exchange efforts.

“(B) CLASSIFIED ANNEX.—Each report under subparagraph (A) may include a classified annex.

“(4) INFORMATION SHARING REQUIREMENT.— Information shared pursuant to this subsection shall
be shared in compliance with all other applicable Federal laws and regulations.

“(5) Rule of Construction.—Nothing under this subsection may be construed to create new information sharing authorities related to the Bank Secrecy Act (as such term is defined under section 5312 of title 31, United States Code).

“(6) Financial institution defined.—In this subsection, the term ‘financial institution’ has the meaning given that term under section 5312.”

SEC. 7110. STUDY AND STRATEGY ON TRADE-BASED MONEY LAUNDERING.

(a) Study.—The Secretary of the Treasury shall carry out a study, in consultation with appropriate private sector stakeholders and Federal departments and agencies, on trade-based money laundering.

(b) Report.—Not later than the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall issue a report to the Congress containing—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) proposed strategies to combat trade-based money laundering.
(c) CLASSIFIED ANNEX.—The report required under this section may include a classified annex.

(d) CONTRACTING AUTHORITY.—The Secretary may contract with a private third-party to carry out the study required under this section. The authority of the Secretary to enter into contracts under this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

SEC. 7111. STUDY AND STRATEGY ON DE-RISKING.

(a) REVIEW.—The Secretary of the Treasury, in consultation with appropriate private sector stakeholders, examiners, the Federal functional regulators (as defined under section 7103), State bank supervisors, and other relevant stakeholders, shall undertake a formal review of—

(1) any adverse consequences of financial institutions de-risking entire categories of relationships, including charities, embassy accounts, money services businesses (as defined under section 1010.100(ff) of title 31, Code of Federal Regulations) and their agents, countries, international and domestic regions, and respondent banks;

(2) the reasons why financial institutions are engaging in de-risking;
(3) the association with and effects of de-risking on money laundering and financial crime actors and activities;

(4) the most appropriate ways to promote financial inclusion, particularly with respect to developing countries, while maintaining compliance with the Bank Secrecy Act, including an assessment of policy options to—

(A) more effectively tailor Federal actions and penalties to the size of foreign financial institutions and any capacity limitations of foreign governments; and

(B) reduce compliance costs that may lead to the adverse consequences described in paragraph (1);

(5) formal and informal feedback provided by examiners that may have led to de-risking;

(6) the relationship between resources dedicated to compliance and overall sophistication of compliance efforts at entities that may be experiencing de-risking versus those that have not experienced de-risking; and

(7) any best practices from the private sector that facilitate correspondent bank relationships.
(b) DE-RISKING STRATEGY.—The Secretary shall de-
velop a strategy to reduce de-risking and adverse con-
sequences related to de-risking.

c) REPORT.—Not later than the end of the 1-year
period beginning on the date of the enactment of this Act,
the Secretary, in consultation with the Federal functional
regulators, State bank supervisors, and other relevant
stakeholders, shall issue a report to the Congress con-
taining—

(1) all findings and determinations made in car-
rying out the study required under subsection (a);
and

(2) the strategy developed pursuant to sub-
section (b).

d) DEFINITIONS.—In this section:

(1) DE-RISKING.—The term “de-risking”
means the wholesale closing of accounts or limiting
of financial services for a category of customer due
to unsubstantiated risk as it relates to compliance
with the Bank Secrecy Act.

(2) BSA TERMS.—The terms “Bank Secrecy
Act” and “financial institution” have the meaning
given those terms, respectively, under section 5312
off title 31, United States Code.
(3) STATE BANK SUPERVISOR.—The term “State bank supervisor” has the meaning given that term under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

SEC. 7112. AML EXAMINATION AUTHORITY DELEGATION STUDY.

(a) Study.—The Secretary of the Treasury, in consultation with State bank supervisors (as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and other relevant stakeholders, shall carry out a study on the Secretary’s delegation of examination authority under the Bank Secrecy Act, including—

(1) an evaluation of the efficacy of the delegation, especially with respect to the mission of the Bank Secrecy Act;

(2) whether the delegated agencies have appropriate resources to perform their delegated responsibilities; and

(3) whether the examiners in delegated agencies have sufficient training and support to perform their responsibilities.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Financial Services of the House of Representatives and the Committee on
Banking, Housing, and Urban Affairs of the Senate a report containing—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) recommendations to improve the efficacy of delegation authority, including the potential for delegation of any or all such authority where it may be appropriate.

(c) BANK SecrecY Act DEFINED.—The term “Bank Secrecy Act” has the meaning given that term under section 5312 of title 31, United States Code.

SEC. 7113. STUDY AND STRATEGY ON CHINESE MONEY LAUNDERING.

(a) Study.—The Secretary of the Treasury shall carry out a study on the extent and effect of Chinese money laundering activities in the United States, including territories and possessions of the United States, and worldwide.

(b) Strategy To Combat Chinese Money Laundering.—Upon the completion of the study required under subsection (a), the Secretary shall, in consultation with such other Federal departments and agencies as the Secretary determines appropriate, develop a strategy to combat Chinese money laundering activities.
(c) Report.—Not later than the end of the 1-year period beginning on the date of enactment of this Act, the Secretary of the Treasury shall issue a report to Congress containing—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) the strategy developed under subsection (b).

TITLE II—IMPROVING AML/CFT OVERSIGHT

SEC. 7201. PILOT PROGRAM ON SHARING OF SUSPICIOUS ACTIVITY REPORTS WITHIN A FINANCIAL GROUP.

(a) In General.—

(1) Sharing with foreign branches and affiliates.—Section 5318(g) of title 31, United States Code, is amended by adding at the end the following:

“(5) Pilot program on sharing with foreign branches, subsidiaries, and affiliates.—

“(A) In general.—The Secretary of the Treasury shall issue rules establishing the pilot program described under subparagraph (B), subject to such controls and restrictions as the Director of the Financial Crimes Enforcement
Network determines appropriate, including controls and restrictions regarding participation by financial institutions and jurisdictions in the pilot program. In prescribing such rules, the Secretary shall ensure that the sharing of information described under such subparagraph (B) is subject to appropriate standards and requirements regarding data security and the confidentiality of personally identifiable information.

“(B) PILOT PROGRAM DESCRIBED.—The pilot program required under this paragraph shall—

“(i) permit a financial institution with a reporting obligation under this subsection to share reports (and information on such reports) under this subsection with the institution’s foreign branches, subsidiaries, and affiliates for the purpose of combating illicit finance risks, notwithstanding any other provision of law except subparagraphs (A) and (C);

“(ii) terminate on the date that is 5 years after the date of enactment of this paragraph, except that the Secretary may extend the pilot program for up to 2 years
upon submitting a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that includes—

“(I) a certification that the extension is in the national interest of the United States, with a detailed explanation of the reasons therefor;

“(II) an evaluation of the usefulness of the pilot program, including a detailed analysis of any illicit activity identified or prevented as a result of the program; and

“(III) a detailed legislative proposal providing for a long-term extension of the pilot program activities, including expected budgetary resources for the activities, if the Secretary determines that a long-term extension is appropriate.

“(C) PROHIBITION INVOLVING CERTAIN JURISDICTIONS.—In issuing the regulations required under subparagraph (A), the Secretary may not permit a financial institution to share
information on reports under this subsection with a foreign branch, subsidiary, or affiliate located in—

“(i) the People’s Republic of China;

“(ii) the Russian Federation; or

“(iii) a jurisdiction that—

“(I) is subject to countermeasures imposed by the Federal Government;

“(II) is a state sponsor of terrorism; or

“(III) the Secretary has determined cannot reasonably protect the privacy and confidentiality of such information or would otherwise use such information in a manner that is not consistent with the national interest of the United States.

“(D) IMPLEMENTATION UPDATES.—Not later than 360 days after the date rules are issued under subparagraph (A), and annually thereafter for 3 years, the Secretary, or the Secretary’s designee, shall brief the Committee on Financial Services of the House of Rep-
resentatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on—

“(i) the degree of any information sharing permitted under the pilot program, and a description of criteria used by the Secretary to evaluate the appropriateness of the information sharing;

“(ii) the effectiveness of the pilot program in identifying or preventing the violation of a United States law or regulation, and mechanisms that may improve such effectiveness; and

“(iii) any recommendations to amend the design of the pilot program.

“(E) Rule of construction.—Nothing in this paragraph shall be construed as limiting the Secretary’s authority under provisions of law other than this paragraph to establish other permissible purposes or methods for a financial institution sharing reports (and information on such reports) under this subsection with the institution’s foreign headquarters or with other branches of the same institution.

“(F) Notice of use of other authority.—If the Secretary, pursuant to any author-
ity other than that provided under this para-
graph, permits a financial institution to share
information on reports under this subsection
with a foreign branch, subsidiary, or affiliate lo-
cated in a foreign jurisdiction, the Secretary
shall notify the Committee on Financial Serv-
ices 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 fi-
nancial institution from a foreign affiliate with re-
spect to a suspicious transaction relevant to a pos-
sible 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 “trans-
action has been reported” the following: “or
otherwise reveal any information that would re-
veal that the transaction has been reported’’;

and

(B) in clause (ii), by inserting after ‘‘trans-
action has been reported,’’ the following: ‘‘or
otherwise reveal any information that would re-
veal that the transaction has been reported,’’.

(b) Rulemaking.—Not later than the end of the
360-day period beginning on the date of enactment of this
Act, the Secretary of the Treasury shall issue regulations
to carry out the amendments made by this section.

SEC. 7202. SHARING OF COMPLIANCE RESOURCES.

(a) In General.—Section 5318 of title 31, United
States Code, is amended by adding at the end the fol-
lowing:

‘‘(o) Sharing of Compliance Resources.—

‘‘(1) Sharing permitted.—Two or more fi-
nancial institutions may enter into collaborative ar-
rangements in order to more efficiently comply with
the requirements of this subchapter.

‘‘(2) Outreach.—The Secretary of the Treas-
ury and the appropriate supervising agencies shall
carry out an outreach program to provide financial
institutions with information, including best prac-
tices, with respect to the sharing of resources de-
scribed under paragraph (1).’’.
(b) Rule of Construction.—The amendment made by subsection (a) may not be construed to require financial institutions to share resources.

SEC. 7203. GAO STUDY ON FEEDBACK LOOPS.

(a) Study.—The Comptroller General of the United States shall carry out a study on—

(1) best practices within the United States Government for providing feedback (“feedback loop”) to relevant parties (including regulated private entities) on the usage and usefulness of personally identifiable information (“PII”), sensitive-but-unclassified (“SBU”) data, or similar information provided by such parties to Government users of such information and data (including law enforcement or regulators); and

(2) any practices or standards inside or outside the United States for providing feedback through sensitive information and public-private partnership information sharing efforts, specifically related to efforts to combat money laundering and other forms of illicit finance.

(b) Report.—Not later than the end of the 18-month period beginning on the date of the enactment of this Act, the Comptroller General shall issue a report to the Committee on Banking, Housing, and Urban Affairs...
of the Senate and the Committee on Financial Services of the House of Representatives containing—

(1) all findings and determinations made in carrying out the study required under subsection (a);

(2) with respect to each of paragraphs (1) and (2) of subsection (a), any best practices or significant concerns identified by the Comptroller General, and their applicability to public-private partnerships and feedback loops with respect to United States efforts to combat money laundering and other forms of illicit finance; and

(3) recommendations to reduce or eliminate any unnecessary Government collection of the information described under subsection (a)(1).

SEC. 7204. FINCEN STUDY ON BSA VALUE.

(a) STUDY.—The Director of the Financial Crimes Enforcement Network shall carry out a study on Bank Secrecy Act value.

(b) REPORT.—Not later than the end of the 30-day period beginning on the date the study under subsection (a) is completed, the Director shall issue a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing all findings and
determinations made in carrying out the study required under this section.

(c) CLASSIFIED ANNEX.—The report required under this section may include a classified annex, if the Director determines it appropriate.

(d) BANK SECRECY ACT DEFINED.—For purposes of this section, the term “Bank Secrecy Act” has the meaning given that term under section 5312 of title 31, United States Code.

SEC. 7205. SHARING OF THREAT PATTERN AND TREND INFORMATION.

Section 5318(g) of title 31, United States Code, as amended by section 7201(a)(1), is further amended by adding at the end the following:

“(7) SHARING OF THREAT PATTERN AND TREND INFORMATION.—

“(A) SAR ACTIVITY REVIEW.—The Director of the Financial Crimes Enforcement Network shall restart publication of the ‘SAR Activity Review – Trends, Tips & Issues’, on not less than a semi-annual basis, to provide meaningful information about the preparation, use, and value of reports filed under this subsection 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 laun-
dering and counter terror financing threat pat-
terns 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 appro-
priation Acts, use criminal fine, civil penalty, or forfeiture
amounts recovered based on the original information with
respect to which the reward is being paid.”.
(b) Whistleblower Incentives.—Chapter 53 of title 31, United States Code, is amended—

(1) by inserting after section 5323 the following:

“§ 5323A. Whistleblower incentives

“(a) Definitions.—In this section:

“(1) Covered judicial or administrative action.—The term ‘covered judicial or administrative action’ means any judicial or administrative action brought by FinCEN under the Bank Secrecy Act that results in monetary sanctions exceeding $1,000,000.

“(2) FinCEN.—The term ‘FinCEN’ means the Financial Crimes Enforcement Network.

“(3) Monetary sanctions.—The term ‘monetary sanctions’, when used with respect to any judicial or administrative action, means—

“(A) any monies, including penalties, disgorgement, and interest, ordered to be paid; and

“(B) any monies deposited into a disgorgement fund as a result of such action or any settlement of such action.

“(4) Original information.—The term ‘original information’ means information that—
“(A) is derived from the independent knowledge or analysis of a whistleblower;

“(B) is not known to FinCEN from any other source, unless the whistleblower is the original source of the information; and

“(C) is not exclusively derived from an allegation made in a judicial or administrative hearing, in a governmental report, hearing, audit, or investigation, or from the news media, unless the whistleblower is a source of the information.

“(5) RELATED ACTION.—The term ‘related action’, when used with respect to any judicial or administrative action brought by FinCEN, means any judicial or administrative action that is based upon original information provided by a whistleblower that led to the successful enforcement of the action.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(7) WHISTLEBLOWER.—The term ‘whistleblower’ means any individual who provides, or 2 or more individuals acting jointly who provide, information relating to a violation of laws enforced by FinCEN, in a manner established, by rule or regulation, by FinCEN.
“(b) Awards.—

“(1) In general.—In any covered judicial or administrative action, or related action, the Secretary, under such rules as the Secretary may issue and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to FinCEN that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action.

“(2) Source of awards.—For the purposes of paying any award under paragraph (1), the Secretary may, subject to amounts made available in advance by appropriation Acts, use monetary sanction amounts recovered based on the original information with respect to which the award is being paid.

“(c) Determination of amount of award; denial of award.—

“(1) Determination of amount of award.—
“(A) DISCRETION.—The determination of the amount of an award made under subsection (b) shall be in the discretion of the Secretary.

“(B) CRITERIA.—In responding to a disclosure and determining the amount of an award made, FinCEN staff shall meet with the whistleblower to discuss evidence disclosed and rebuttals to the disclosure, and shall take into consideration—

“(i) the significance of the information provided by the whistleblower to the success of the covered judicial or administrative action;

“(ii) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in a covered judicial or administrative action;

“(iii) the mission of FinCEN in determining violations of the law by making awards to whistleblowers who provide information that lead to the successful enforcement of such laws; and

“(iv) such additional relevant factors as the Secretary may establish by rule.
“(2) DENIAL OF AWARD.—No award under subsection (b) shall be made—

“(A) to any whistleblower who is, or was at the time the whistleblower acquired the original information submitted to FinCEN, a member, officer, or employee of—

“(i) an appropriate regulatory agency;
“(ii) the Department of Justice;
“(iii) a self-regulatory organization; or
“(iv) a law enforcement organization;

“(B) to any whistleblower who is convicted of a criminal violation, or who the Secretary has a reasonable basis to believe committed a criminal violation, related to the judicial or administrative action for which the whistleblower otherwise could receive an award under this section;

“(C) to any whistleblower who gains the information through the performance of an audit of financial statements required under the Bank Secrecy Act and for whom such submission would be contrary to its requirements; or

“(D) to any whistleblower who fails to submit information to FinCEN in such form as the Secretary may, by rule, require.
“(3) Statement of reasons.—For any decision granting or denying an award, the Secretary shall provide to the whistleblower a statement of reasons that includes findings of fact and conclusions of law for all material issues.

“(d) Representation.—

“(1) Permitted representation.—Any whistleblower who makes a claim for an award under subsection (b) may be represented by counsel.

“(2) Required representation.—

“(A) In general.—Any whistleblower who anonymously makes a claim for an award under subsection (b) shall be represented by counsel if the whistleblower anonymously submits the information upon which the claim is based.

“(B) Disclosure of identity.—Prior to the payment of an award, a whistleblower shall disclose their identity and provide such other information as the Secretary may require, directly or through counsel for the whistleblower.

“(e) Appeals.—Any determination made under this section, including whether, to whom, or in what amount to make awards, shall be in the discretion of the Secretary. Any such determination, except the determination of the
amount of an award if the award was made in accordance
with subsection (b), may be appealed to the appropriate
court of appeals of the United States not more than 30
days after the determination is issued by the Secretary.
The court shall review the determination made by the Sec-
retary in accordance with section 706 of title 5.

“(f) EMPLOYEE PROTECTIONS.—The Secretary of
the Treasury shall issue regulations protecting a whistle-
blower from retaliation, which shall be as close as prac-
ticable to the employee protections provided for under sec-
tion 1057 of the Consumer Financial Protection Act of
2010.”; and

(2) in the table of contents for such chapter, by
inserting after the item relating to section 5323 the
following new item:

“5323A. Whistleblower incentives.”.

SEC. 7207. CERTAIN VIOLATORS BARRED FROM SERVING
ON BOARDS OF UNITED STATES FINANCIAL
INSTITUTIONS.

Section 5321 of title 31, United States Code, is
amended by adding at the end the following:

“(f) CERTAIN VIOLATORS BARRED FROM SERVING
ON BOARDS OF UNITED STATES FINANCIAL INSTITU-
TIONS.—

“(1) IN GENERAL.—An individual found to
have committed an egregious violation of a provision
of (or rule issued under) the Bank Secrecy Act shall be barred from serving on the board of directors of a United States financial institution for a 10-year period beginning on the date of such finding.

“(2) Egregious violation defined.—With respect to an individual, the term ‘egregious violation’ means—

“(A) a felony criminal violation for which the individual was convicted; and

“(B) a civil violation where the individual willfully committed such violation and the violation facilitated money laundering or the financing of terrorism.”.

SEC. 7208. ADDITIONAL DAMAGES FOR REPEAT BANK SECREGENCY ACT VIOLATORS.

(a) In General.—Section 5321 of title 31, United States Code, as amended by section 7208, is further amended by adding at the end the following:

“(g) Additional damages for repeat violators.—In addition to any other fines permitted by this section and section 5322, with respect to a person who has previously been convicted of a criminal provision of (or rule issued under) the Bank Secrecy Act or who has admitted, as part of a deferred- or non-prosecution agreement, to having previously committed a violation of a

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criminal provision of (or rule issued under) the Bank Sec-
crecy Act, the Secretary may impose an additional civil
penalty against such person for each additional such viola-
tion in an amount equal to up three times the profit
gained or loss avoided by such person as a result of the
violation.”.

(b) Prospective Application of Amendment.—
For purposes of determining whether a person has com-
mited a previous violation under section 5321(g) of title
31, United States Code, such determination shall only in-
clude violations occurring after the date of enactment of
this Act.

SEC. 7209. JUSTICE ANNUAL REPORT ON DEFERRED AND
NON-PROSECUTION AGREEMENTS.

(a) Annual Report.—The Attorney General shall
issue an annual report, every year for the 5 years begin-
ing on the date of enactment of this Act, to the Commit-
tees on Financial Services and the Judiciary of the House
of Representatives and the Committees on Banking, Hous-
ing, and Urban Affairs and the Judiciary of the Senate
containing—

(1) a list of deferred prosecution agreements
and non-prosecution agreements that the Attorney
General has entered into during the previous year
with any person with respect to a violation or suspected violation of the Bank Secrecy Act;

(2) the justification for entering into each such agreement;

(3) the list of factors that were taken into account in determining that the Attorney General should enter into each such agreement; and

(4) the extent of coordination the Attorney General conducted with the Financial Crimes Enforcement Network prior to entering into each such agreement.

(b) Classified Annex.—Each report under subsection (a) may include a classified annex.

(e) Bank Secrecy Act Defined.—For purposes of this section, the term “Bank Secrecy Act” has the meaning given that term under section 5312 of title 31, United States Code.

SEC. 7210. RETURN OF PROFITS AND BONUSES.

(a) In General.—Section 5322 of title 31, United States Code, is amended by adding at the end the following:

“(e) Return of Profits and Bonuses.—A person convicted of violating a provision of (or rule issued under) the Bank Secrecy Act shall—
“(1) in addition to any other fine under this section, be fined in an amount equal to the profit gained by such person by reason of such violation, as determined by the court; and

“(2) if such person is an individual who was a partner, director, officer, or employee of a financial institution at the time the violation occurred, repay to such financial institution any bonus paid to such individual during the Federal fiscal year in which the violation occurred or the Federal fiscal year after which the violation occurred.”.

(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.

SEC. 7211. APPLICATION OF BANK SECRECY ACT TO DEALERS IN ANTIQUITIES.

(a) In General.—Section 5312(a)(2) of title 31, United States Code, is amended—

(1) in subparagraph (Y), by striking “or” at the end;
(2) by redesignating subparagraph (Z) as subparagraph (AA); and

(3) by inserting after subsection (Y) the following:

“(Z) a person trading or acting as an intermediary in the trade of antiquities, including an advisor, consultant or any other person who engages as a business in the solicitation of the sale of antiquities; or”.

(b) STUDY ON THE FACILITATION OF MONEY LAUNDERING AND TERROR FINANCE THROUGH THE TRADE OF WORKS OF ART OR ANTIQUITIES.—

(1) STUDY.—The Secretary of the Treasury, in coordination with Federal Bureau of Investigation, the Attorney General, and Homeland Security Investigations, shall perform a study on the facilitation of money laundering and terror finance through the trade of works of art or antiquities, including an analysis of—

(A) the extent to which the facilitation of money laundering and terror finance through the trade of works of art or antiquities may enter or affect the financial system of the United States, including any qualitative data or statistics;
(B) whether thresholds and definitions should apply in determining which entities to regulate;

(C) an evaluation of which markets, by size, entity type, domestic or international geographical locations, or otherwise, should be subject to regulations, but only to the extent such markets are not already required to report on the trade of works of art or antiquities to the Federal Government;

(D) an evaluation of whether certain exemptions should apply; and

(E) any other points of study or analysis the Secretary determines necessary or appropriate.

(2) REPORT.—Not later than the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall issue a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing all findings and determinations made in carrying out the study required under paragraph (1).
(c) Rulemaking.—Not later than the end of the 180-day period beginning on the date the Secretary issues the report required under subsection (b)(2), the Secretary shall issue regulations to carry out the amendments made by subsection (a).

SEC. 7212. GEOGRAPHIC TARGETING ORDER.

The Secretary of the Treasury shall issue a geographic targeting order, similar to the order issued by the Financial Crimes Enforcement Network on November 15, 2018, that—

(1) applies to commercial real estate to the same extent, with the exception of having the same thresholds, as the order issued by FinCEN on November 15, 2018, applies to residential real estate; and

(2) establishes a specific threshold for commercial real estate.

SEC. 7213. STUDY AND REVISIONS TO CURRENCY TRANSACTION REPORTS AND SUSPICIOUS ACTIVITY REPORTS.

(a) Currency Transaction Reports.—

(1) CTR Indexed for Inflation.—

(A) In General.—Every 5 years after the date of enactment of this Act, the Secretary of the Treasury shall revise regulations issued
with respect to section 5313 of title 31, United States Code, to update each $10,000 threshold amount in such regulation to reflect the change in the Consumer Price Index for All Urban Consumers published by the Department of Labor, rounded to the nearest $100. For purposes of calculating the change described in the previous sentence, the Secretary shall use $10,000 as the base amount and the date of enactment of this Act as the base date.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary may make appropriate adjustments to the threshold amounts described under subparagraph (A) in high-risk areas (e.g., High Intensity Financial Crime Areas or HIFCAs), if the Secretary has demonstrable evidence that shows a threshold raise would increase serious crimes, such as trafficking, or endanger national security.

(2) GAO CTR STUDY.—

(A) STUDY.—The Comptroller General of the United States shall carry out a study of currency transaction reports. Such study shall include—
(i) a review (carried out in consultation with the Secretary of the Treasury, the Financial Crimes Enforcement Network, the United States Attorney General, the State Attorneys General, and State, Tribal, and local law enforcement) of the effectiveness of the current currency transaction reporting regime;

(ii) an analysis of the importance of currency transaction reports to law enforcement; and

(iii) an analysis of the effects of raising the currency transaction report threshold.

(B) REPORT.—Not later than the end of the 1-year period beginning on the date of enactment of this Act, the Comptroller General shall issue a report to the Secretary of the Treasury and the Congress containing—

(i) all findings and determinations made in carrying out the study required under subparagraph (A); and

(ii) recommendations for improving the current currency transaction reporting regime.
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(b) Modified SARs Study and Design.—

(1) Study.—The Director of the Financial Crimes Enforcement Network shall carry out a study, in consultation with industry stakeholders (including money services businesses, community banks, and credit unions), the Federal functional regulators, State bank supervisors, and law enforcement, of the design of a modified suspicious activity report form for certain customers and activities. Such study shall include—

(A) an examination of appropriate optimal SARs thresholds to determine the level at which a modified SARs form could be employed;

(B) an evaluation of which customers or transactions would be appropriate for a modified SAR, including—

(i) seasoned business customers;

(ii) financial technology (Fintech) firms;

(iii) structuring transactions; and

(iv) any other customer or transaction that may be appropriate for a modified SAR; and

(C) an analysis of the most effective methods to reduce the regulatory burden imposed on
financial institutions in complying with the Bank Secrecy Act, including an analysis of the effect of—

(i) modifying thresholds;

(ii) shortening forms;

(iii) combining Bank Secrecy Act forms;

(iv) filing reports in periodic batches;

and

(v) any other method that may reduce the regulatory burden.

(2) Study Considerations.—In carrying out the study required under paragraph (1), the Director shall seek to balance law enforcement priorities, regulatory burdens experienced by financial institutions, and the requirement for reports to have a “high degree of usefulness to law enforcement” under the Bank Secrecy Act.

(3) Report.—Not later than the end of the 1-year period beginning on the date of enactment of this Act, the Director shall issue a report to Congress containing—

(A) all findings and determinations made in carrying out the study required under subsection (a); and
(B) sample designs of modified SARs forms based on the study results.

(4) CONTRACTING AUTHORITY.—The Director may contract with a private third-party to carry out the study required under this subsection. The authority of the Director to enter into contracts under this paragraph shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

(c) DEFINITIONS.—For purposes of this section:

(1) BANK SECRECY ACT.—The term “Bank Secrecy Act” has the meaning given that term under section 5312 of title 31, United States Code.

(2) FEDERAL FUNCTIONAL REGULATOR.—The term “Federal functional regulator” has the meaning given that term under section 7103.

(3) REGULATORY BURDEN.—The term “regulatory burden” means the man-hours to complete filings, cost of data collection and analysis, and other considerations of chapter 35 of title 44, United States Code (commonly referred to as the Paperwork Reduction Act).

(4) SAR; SUSPICIOUS ACTIVITY REPORT.—The term “SAR” and “suspicious activity report” mean
a report of a suspicious transaction under section 5318(g) of title 31, United States Code.

(5) Seasoned business customer.—The term “seasoned business customer”, shall have such meaning as the Secretary of the Treasury shall prescribe, which shall include any person that—

(A) is incorporated or organized under the laws of the United States or any State, or is registered as, licensed by, or otherwise eligible to do business within the United States, a State, or political subdivision of a State;

(B) has maintained an account with a financial institution for a length of time as determined by the Secretary; and

(C) meet such other requirements as the Secretary may determine necessary or appropriate.

(6) State bank supervisor.—The term “State bank supervisor” has the meaning given that term under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).
SEC. 7214. STREAMLINING REQUIREMENTS FOR CURRENCY TRANSACTION REPORTS AND SUSPICIOUS ACTIVITY REPORTS.

(a) Review.—The Secretary of the Treasury (in consultation with Federal law enforcement agencies, the Director of National Intelligence, the Federal functional regulators, State bank supervisors, and other relevant stakeholders) shall undertake a formal review of the current financial institution reporting requirements under the Bank Secrecy Act and its implementing regulations and propose changes to further reduce regulatory burdens, and ensure that the information provided is of a “high degree of usefulness” to law enforcement, as set forth under section 5311 of title 31, United States Code.

(b) Contents.—The review required under subsection (a) shall include a study of—

(1) whether the timeframe for filing a suspicious activity report should be increased from 30 days;

(2) whether or not currency transaction report and suspicious activity report thresholds should be tied to inflation or otherwise periodically be adjusted;

(3) whether the circumstances under which a financial institution determines whether to file a “continuing suspicious activity report”, or the processes
followed by a financial institution in determining
whether to file a “continuing suspicious activity re-
port” (or both) can be narrowed;

(4) analyzing the fields designated as “critical”
on the suspicious activity report form and whether
the number of fields should be reduced;

(5) the increased use of exemption provisions to
reduce currency transaction reports that are of little
or no value to law enforcement efforts;

(6) the current financial institution reporting
requirements under the Bank Secrecy Act and its
implementing regulations and guidance; and

(7) such other items as the Secretary deter-
mines appropriate.

(c) REPORT.—Not later than the end of the 1-year
period beginning on the date of the enactment of this Act,
the Secretary of the Treasury, in consultation with law
enforcement and persons subject to Bank Secrecy Act re-
quirements, shall issue a report to the Congress containing
all findings and determinations made in carrying out the
review required under subsection (a).

(d) DEFINITIONS.—For purposes of this section:

(1) FEDERAL FUNCTIONAL REGULATOR.—The
term “Federal functional regulator” has the mean-
ing given that term under section 7103.
(2) **State bank supervisor.**—The term “State bank supervisor” has the meaning given that term under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(3) **Other terms.**—The terms “Bank Secrecy Act” and “financial institution” have the meaning given those terms, respectively, under section 5312 of title 31, United States Code.

**TITLE III—MODERNIZING THE AML SYSTEM**

**SEC. 7301. ENCOURAGING INNOVATION IN BSA COMPLIANCE.**

Section 5318 of title 31, United States Code, as amended by section 7202, is further amended by adding at the end the following:

“(p) **Encouraging Innovation in Compliance.**—

“(1) **In general.**—The Federal functional regulators shall encourage financial institutions to consider, evaluate, and, where appropriate, responsibly implement innovative approaches to meet the requirements of this subchapter, including through the use of innovation pilot programs.

“(2) **Exemptive relief.**—The Secretary, pursuant to subsection (a), may provide exemptions from the requirements of this subchapter if the Sec-
retary determines such exemptions are necessary to facilitate the testing and potential use of new technologies and other innovations.

“(3) Rule of construction.—This subsection may not be construed to require financial institutions to consider, evaluate, or implement innovative approaches to meet the requirements of the Bank Secrecy Act.

“(4) Federal functional regulator defined.—In this subsection, the term ‘Federal functional regulator’ means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.”.

SEC. 7302. INNOVATION LABS.

(a) In General.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

“§ 5333. Innovation Labs

“(a) Establishment.—There is established within the Department of the Treasury and each Federal functional regulator an Innovation Lab.
“(b) DIRECTOR.—The head of each Innovation Lab shall be a Director, to be appointed by the Secretary of the Treasury or the head of the Federal functional regulator, as applicable.

“(c) DUTIES.—The duties of the Innovation Lab shall be—

“(1) to provide outreach to law enforcement agencies, State bank supervisors, financial institutions, and other persons (including vendors and technology companies) with respect to innovation and new technologies that may be used to comply with the requirements of the Bank Secrecy Act;

“(2) to support the implementation of responsible innovation and new technology, in a manner that complies with the requirements of the Bank Secrecy Act;

“(3) to explore opportunities for public-private partnerships; and

“(4) to develop metrics of success.

“(d) FINCEN LAB.—The Innovation Lab established under subsection (a) within the Department of the Treasury shall be a lab within the Financial Crimes Enforcement Network.

“(e) DEFINITIONS.—In this section:
“(1) FEDERAL FUNCTIONAL REGULATOR.—The term ‘Federal functional regulator’ means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

“(2) STATE BANK SUPERVISOR.—The term ‘State bank supervisor’ has the meaning given that term under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).”.

(b) CLERICAL AMENDMENT.—The table of contents for subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

“5333. Innovation Labs.”.

SEC. 7303. INNOVATION COUNCIL.

(a) IN GENERAL.—Subchapter II of chapter 53 of Title 31, United States Code, as amended by section 7302, is further amended by adding at the end the following:

“§ 5334. Innovation Council

“(a) ESTABLISHMENT.—There is established the Innovation Council (hereinafter in this section referred to as the ‘Council’), which shall consist of each Director of an Innovation Lab established under section 5334, a representative of State bank supervisors (as defined under
section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), and the Director of the Financial Crimes Enforce-
ment Network.

“(b) CHAIR.—The Director of the Innovation Lab of
the Department of the Treasury shall serve as the Chair
of the Council.

“(c) DUTY.—The members of the Council shall co-
ordinate on activities related to innovation under the Bank
Secrecy Act, but may not supplant individual agency de-
terminations on innovation.

“(d) MEETINGS.—The meetings of the Council—
“(1) shall be at the call of the Chair, but in no
case may the Council meet less than semi-annually;
“(2) may include open and closed sessions, as
determined necessary by the Council; and
“(3) shall include participation by public and
private entities and law enforcement agencies.

“(e) REPORT.—The Council shall issue an annual re-
port, for each of the 7 years beginning on the date of en-
actment of this section, to the Secretary of the Treasury
on the activities of the Council during the previous year,
including the success of programs as measured by metrics
of success developed pursuant to section 5334(e)(4), and
any regulatory or legislative recommendations that the
Council may have.”.
(b) Clerical Amendment.—The table of contents for subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"5334. Innovation Council."

SEC. 7304. TESTING METHODS RULEMAKING.

(a) In General.—Section 5318 of title 31, United States Code, as amended by section 7301, is further amended by adding at the end the following:

"(q) Testing.—

"(1) In general.—The Secretary of the Treasury, in consultation with the head of each agency to which the Secretary has delegated duties or powers under subsection (a), shall issue a rule to specify—

"(A) with respect to technology and related technology-internal processes ('new technology') designed to facilitate compliance with the Bank Secrecy Act requirements, the standards by which financial institutions are to test new technology; and

"(B) in what instances or under what circumstance and criteria a financial institution may replace or terminate legacy technology and processes for any examinable technology or process without the replacement or termination being determined an examination deficiency.
“(2) STANDARDS.—The standards described under paragraph (1) may include—

“(A) an emphasis on using innovative approaches, such as machine learning, rather than rules-based systems;

“(B) risk-based back-testing of the regime to facilitate calibration of relevant systems;

“(C) requirements for appropriate data privacy and security; and

“(D) a requirement that the algorithms used by the regime be disclosed to the Financial Crimes Enforcement Network, upon request.

“(3) CONFIDENTIALITY OF ALGORITHMS.—If a financial institution or any director, officer, employee, or agent of any financial institution, voluntarily or pursuant to this subsection or any other authority, discloses the institution’s algorithms to a Government agency, such algorithms and any materials associated with the creation of such algorithms shall be considered confidential and not subject to public disclosure.”.

(b) UPDATE OF MANUAL.—The Financial Institutions Examination Council shall ensure—
(1) that any manual prepared by the Council is updated to reflect the rulemaking required by the amendment made by subsection (a); and

(2) that financial institutions are not penalized for the decisions based on such rulemaking to replace or terminate technology used for compliance with the Bank Seecery Act (as defined under section 5312 of title 31, United States Code) or other anti-money laundering laws.

SEC. 7305. FINCEN STUDY ON USE OF EMERGING TECHNOLOGIES.

(a) Study.—

(1) IN GENERAL.—The Director of the Financial Crimes Enforcement Network (‘‘FinCEN’’) shall carry out a study on—

(A) the status of implementation and internal use of emerging technologies, including artificial intelligence (‘‘AI’’), digital identity technologies, blockchain technologies, and other innovative technologies within FinCEN;

(B) whether AI, digital identity technologies, blockchain technologies, and other innovative technologies can be further leveraged to make FinCEN’s data analysis more efficient and effective; and
(C) how FinCEN could better utilize AI, digital identity technologies, blockchain technologies, and other innovative technologies to more actively analyze and disseminate the information it collects and stores to provide investigative leads to Federal, State, Tribal, and local law enforcement, and other Federal agencies (collective, “Agencies”), and better support its ongoing investigations when referring a case to the Agencies.

(2) Inclusion of GTO Data.—The study required under this subsection shall include data collected through the Geographic Targeting Orders (“GTO”) program.

(3) Consultation.—In conducting the study required under this subsection, FinCEN shall consult with the Directors of the Innovations Labs established in section 7302.

(b) Report.—Not later than the end of the 6-month period beginning on the date of the enactment of this Act, the Director shall issue a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing—
(1) all findings and determinations made in carrying out the study required under subsection (a);

(2) with respect to each of subparagraphs (A), (B) and (C) of subsection (a)(1), any best practices or significant concerns identified by the Director, and their applicability to AI, digital identity technologies, blockchain technologies, and other innovative technologies with respect to United States efforts to combat money laundering and other forms of illicit finance; and

(3) any policy recommendations that could facilitate and improve communication and coordination between the private sector, FinCEN, and Agencies through the implementation of innovative approaches, in order to meet their Bank Secrecy Act (as defined under section 5312 of title 31, United States Code) and anti-money laundering compliance obligations.

SEC. 7306. DISCRETIONARY SURPLUS FUNDS.

The dollar amount specified under section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is reduced by $37,000,000.
DIVISION H—ELIJAH E. CUMMINGS COAST GUARD AUTHORIZATION ACT OF 2020

SEC. 101. SHORT TITLE.

This division may be cited as the “Elijah E. Cummings Coast Guard Authorization Act of 2020”.

SEC. 102. DEFINITION OF COMMANDANT.

In this division, the term “Commandant” means the Commandant of the Coast Guard.

TITLE I—AUTHORIZATIONS

SEC. 8001. AUTHORIZATIONS OF APPROPRIATIONS.

Section 4902 of title 14, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “year 2019” and inserting “years 2020 and 2021”;

(2) in paragraph (1)(A), by striking “provided for, $7,914,195,000 for fiscal year 2019.” and inserting “provided for—

“(i) $8,151,620,850 for fiscal year 2020;

and

“(ii) $8,396,169,475 for fiscal year 2021.”;

(3) in paragraph (1)(B), by striking “subparagraph (A)—” and inserting “subparagraph (A)(i),
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$17,035,000 shall be for environmental compliance
and restoration.”;

(4) by striking clauses (i) and (ii) of paragraph
(1)(B);

(5) in paragraph (1), by adding at the end the
following:

“(C) Of the amount authorized under subpara-
graph, (A)(ii) $17,376,000 shall be for environ-
mental compliance and restoration.”;

(6) in paragraph (2)—

(A) by striking “For the procurement” and
inserting “(A) For the procurement”;

(B) by striking “and equipment,
$2,694,745,000 for fiscal year 2019.” and in-
serting “and equipment—

“(i) $2,794,745,000 for fiscal year 2020;
and

“(ii) $3,312,114,000 for fiscal year
2021.”; and

(C) by adding at the end the following:

“(B) Of the amounts authorized under subpara-
graph (A), the following amounts shall be for the al-
teration of bridges:

“(i) $10,000,000 for fiscal year 2020; and

“(ii) $20,000,000 for fiscal year 2021.”;
(7) in paragraph (3), by striking “and equip-
ment, $29,141,000 for fiscal year 2019.” and insert-
ing “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 Depart-
ment 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”.

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SEC. 8003. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this division, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this division, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 8004. AVAILABILITY OF AMOUNTS FOR ACQUISITION OF ADDITIONAL NATIONAL SECURITY CUTTER.

(a) In General.—Of the amounts authorized to be appropriated by—

(1) section 4902(2)(A)(i) of title 14, United States Code, as amended by section 8001 of this division, $100,000,000 for fiscal year 2020; and

(2) section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 8001 of this division, $550,000,000 for fiscal year 2021,

is authorized for the acquisition of a National Security Cutter.

(b) Treatment of Acquired Cutter.—Any cutter acquired using amounts available pursuant to subsection (a) shall be in addition to the National Security Cutters
approved under the existing acquisition baseline in the program of record for the National Security Cutter.

SEC. 8005. PROCUREMENT AUTHORITY FOR POLAR SECURITY CUTTERS.

(a) FUNDING.—Of the amounts authorized to be appropriated by—

(1) section 4902(2)(A)(i) of title 14, United States Code, as amended by section 8001 of this division, $135,000,000 for fiscal year 2020; and

(2) section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 8001 of this division, $610,000,000 for fiscal year 2021,
is authorized for construction of a Polar Security Cutter.

(b) PROHIBITION ON CONTRACTS OR USE OF FUNDS FOR DEVELOPMENT OF COMMON HULL DESIGN.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may not enter into any contract for, and no funds shall be obligated or expended on, the development of a common hull design for medium Polar Security Cutters and Great Lakes icebreakers.

SEC. 8006. SENSE OF THE CONGRESS ON NEED FOR NEW GREAT LAKES ICEBREAKER.

(a) FINDINGS.—The Congress finds the following:
(1) The Great Lakes shipping industry is crucial to the American economy, including the United States manufacturing base, providing important economic and national security benefits.

(2) A recent study found that the Great Lakes shipping industry supports 237,000 jobs and tens of billions of dollars in economic activity.

(3) United States Coast Guard icebreaking capacity is crucial to full utilization of the Great Lakes shipping system, as during the winter icebreaking season up to 15 percent of annual cargo loads are delivered, and many industries would have to reduce their production if Coast Guard icebreaking services were not provided.

(4) Six of the Coast Guard’s nine icebreaking cutters in the Great Lakes are more than 30 years old and are frequently inoperable during the winter icebreaking season, including those that have completed a recent service life extension program.

(5) During the previous 10 winters, Coast Guard Great Lakes icebreaking cutters have been inoperable for an average of 65 cutter-days during the winter icebreaking season, with this annual lost capability exceeding 100 cutter days, with a high of 246 cutter days during the winter of 2017–2018.
(6) The 2019 ice season provides further proof that current Coast Guard icebreaking capacity is inadequate for the needs of the Great Lakes shipping industry, as only six of the nine icebreaking cutters are operational, and millions of tons of cargo was not loaded or was delayed due to inadequate Coast Guard icebreaking assets during a historically average winter for Great Lakes ice coverage.

(7) The Congress has authorized the Coast Guard to acquire a new Great Lakes icebreaker as capable as Coast Guard Cutter Mackinaw (WLBB–30), the most capable Great Lakes icebreaker, and $10 million has been appropriated to fund the design and initial acquisition work for this icebreaker.

(8) The Coast Guard has not initiated a new acquisition program for this Great Lakes icebreaker.

(b) Sense of the Congress.—It is the sense of the Congress of the United States that a new Coast Guard icebreaker as capable as Coast Guard Cutter Mackinaw (WLBB–30) is needed on the Great Lakes, and the Coast Guard should acquire this icebreaker as soon as possible.

SEC. 8007. PROCUREMENT AUTHORITY FOR GREAT LAKES ICEBREAKER.

(a) In General.—Of the amounts authorized to be appropriated by section 4902(2)(A)(ii) of title 14, United
States Code, as amended by section 8001 of this division,

$160,000,000 for fiscal year 2021 is authorized for the

acquisition of a Great Lakes icebreaker at least as capable

as USCGC Mackinaw (WLBB–30).

(b) REPORT.—Not later than 30 days after the date

of the enactment of this Act, the Commandant shall sub-

mit to the Committee on Commerce, Science, and Trans-

portation of the Senate and the Committee on Transpor-

tation and Infrastructure of the House of Representatives

a plan for acquiring an icebreaker as required by section

820(b) of the Frank LoBiondo Coast Guard Authorization


SEC. 8008. POLAR SECURITY CUTTER ACQUISITION RE-

PORT.

Not later than 1 year after the date of the enactment

of this Act, the Commandant shall submit to the Commit-

tees on Transportation and Infrastructure and Armed

Services of the House of Representatives, and the Com-

mittees on Commerce, Science, and Transportation and

Armed Services of the Senate a report on—

(1) the extent to which specifications, key draw-

ings, and detail design for the Polar Security Cutter

are complete before the start of construction;
(2) the extent to which Polar Security Cutter hulls numbers one, two, and three are science ready; and

(3) what actions will be taken to ensure that Polar Security Cutter hull number four is science capable, as described in the National Academies of Sciences, Engineering, and Medicine’s Committee on Polar Icebreaker Cost Assessment letter report entitled “Acquisition and Operation of Polar Icebreakers: Fulfilling the Nation’s Needs” and dated July 11, 2017.

SEC. 8009. SHORESIDE INFRASTRUCTURE.

Of the amounts authorized to be appropriated by section 4902(2)(A) of title 14, United States Code, as amended by section 8001 of this division, for each of fiscal years 2020 and 2021, $167,500,000 is authorized for the Secretary of the department in which the Coast Guard is operating to fund the acquisition, construction, rebuilding, or improvement of the Coast Guard shoreside infrastructure and facilities necessary to support Coast Guard operations and readiness.

SEC. 8010. MAJOR ACQUISITION SYSTEMS INFRASTRUCTURE.

Of the amounts authorized to be appropriated by section 4902(2)(A)(ii) of title 14, United States Code, as
amended by section 8001 of this division, $105,000,000 is authorized for the hangar replacement listed in the fiscal year 2020 Unfunded Priority List.

SEC. 8011. POLAR ICEBREAKERS.

(a) In General.—Section 561 of title 14, United States Code, is amended to read as follows:

“§ 561. Icebreaking in polar regions

“(a) Procurement Authority.—

“(1) In general.—The Secretary may enter into one or more contracts for the procurement of—

“(A) the Polar Security Cutters approved as part of a major acquisition program as of November 1, 2019; and

“(B) 3 additional Polar Security Cutters.

“(2) Condition for out-year contract payments.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract during a fiscal year after fiscal year 2019 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

“(b) Planning.—The Secretary shall facilitate planning for the design, procurement, maintenance, deployment, and operation of icebreakers as needed to support the statutory missions of the Coast Guard in the polar
regions by allocating all funds to support icebreaking operations in such regions, except for recurring incremental costs associated with specific projects, to the Coast Guard.

“(c) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of the Polar Star, Healy, or any other Polar Security Cutter from other Federal agencies and entities, including foreign countries, that benefit from the use of those vessels.

“(d) RESTRICTION.—

“(1) IN GENERAL.—The Commandant may not—

“(A) transfer, relinquish ownership of, dismantle, or recycle the Polar Sea or Polar Star;

“(B) change the current homeport of the Polar Sea or Polar Star; or

“(C) expend any funds—

“(i) for any expenses directly or indirectly associated with the decommissioning of the Polar Sea or Polar Star, including expenses for dock use or other goods and services;

“(ii) for any personnel expenses directly or indirectly associated with the decommissioning of the Polar Sea or Polar
Star, including expenses for a decommissioning officer;

“(iii) for any expenses associated with a decommissioning ceremony for the Polar Sea or Polar Star;

“(iv) to appoint a decommissioning officer to be affiliated with the Polar Sea or Polar Star; or

“(v) to place the Polar Sea or Polar Star in inactive status.

“(2) SUNSET.—This subsection shall cease to have effect on September 30, 2022.

“(e) LIMITATION.—

“(1) IN GENERAL.—The Secretary may not expend amounts appropriated for the Coast Guard for any of fiscal years 2015 through 2024, for—

“(A) design activities related to a capability of a Polar Security Cutter that is based solely on an operational requirement of a Federal department or agency other than the Coast Guard, except for amounts appropriated for design activities for a fiscal year before fiscal year 2016; or
“(B) long-lead-time materials, production, or postdelivery activities related to such a capability.

“(2) OTHER AMOUNTS.—Amounts made available to the Secretary under an agreement with a Federal department or agency other than the Coast Guard and expended on a capability of a Polar Security Cutter that is based solely on an operational requirement of such Federal department or agency shall not be treated as amounts expended by the Secretary for purposes of the limitation under paragraph (1).

“(f) ENHANCED MAINTENANCE PROGRAM FOR THE POLAR STAR.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Commandant shall conduct an enhanced maintenance program on the Polar Star to extend the service life of such vessel until at least December 31, 2025.

“(2) AUTHORIZATION OF APPROPRIATIONS.—The Commandant may use funds made available pursuant to section 4902(1)(A), to carry out this subsection.

“(g) DEFINITIONS.—In this section:
“(1) POLAR SEA.—The term ‘Polar Sea’ means Coast Guard Cutter Polar Sea (WAGB 11).

“(2) POLAR STAR.—The term ‘Polar Star’ means Coast Guard Cutter Polar Star (WAGB 10).

“(3) HEALY.—The term ‘Healy’ means Coast Guard Cutter Healy (WAGB 20).

(b) CONTRACTING FOR MAJOR ACQUISITIONS PROGRAMS.—Section 1137(a) of title 14, United States Code, is amended by inserting “and 3 Polar Security Cutters in addition to those approved as part of a major acquisition program on November 1, 2019” before the period at the end.

(e) REPEALS.—

(1) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—Section 210 of the Coast Guard and Maritime Transportation Act of 2006 (14 U.S.C. 504 note) is repealed.

(2) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012.—Section 222 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112–213) is repealed.

(3) HOWARD COBLE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2014.—Section 505 of the Howard Coble Coast Guard and Maritime
Transportation Act of 2014 (Public Law 113–281) is repealed.

(4) Frank LoBiondo Coast Guard Authorization Act of 2018.—Section 821 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is repealed.

SEC. 8012. ACQUISITION OF FAST RESPONSE CUTTER.

(a) In General.—Of the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14, United States Code, as amended by section 8001 of this division, $265,000,000 for fiscal year 2021 shall be made available for the acquisition of four Fast Responses Cutters.

(b) Treatment of Acquired Cutters.—Any cutter acquired pursuant to subsection (a) shall be in addition to the 58 cutters approved under the existing acquisition baseline.

TITLE II—COAST GUARD
Subtitle A—Military Personnel Matters

SEC. 9101. GRADE ON RETIREMENT.

(a) Retirement of Commandant or Vice Commandant.—Section 303 of title 14, United States Code, is amended by adding at the end the following:
“(d) Retirement under this section is subject to section 2501(a) of this title.”.

(b) RETIREMENT.—Section 306 of title 14, United States Code, is amended—

(1) in subsection (a), by inserting “satisfactorily, as determined under section 2501 of this title” before the period;

(2) in subsection (b), by inserting “satisfactorily, as determined under section 2501 of this title” before the period; and

(3) in subsection (c), by inserting “if performance of duties in such grade is determined to have been satisfactory pursuant to section 2501 of this title” before the period.

(c) GRADE ON RETIREMENT.—Section 2501 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Any commissioned officer, other than a commissioned warrant officer,” and inserting “COMMISSIONED OFFICERS.—

“(1) IN GENERAL.—A commissioned officer”;

(B) by striking “him” and inserting “the commissioned officer”;

(C) by striking “his” and inserting “the commissioned officer’s”; and
(D) by adding at the end the following:

“(2) CONDITIONAL DETERMINATION.—When a commissioned officer is under investigation for alleged misconduct at the time of retirement—

“(A) the Secretary may conditionally determine the highest grade of satisfactory service of the commissioned officer pending completion of the investigation; and

“(B) the grade under subparagraph (A) is subject to resolution under subsection (c)(2).”; (2) in subsection (b)—

(A) by inserting “WARRANT OFFICERS.—” after “(b)”; (B) by striking “him” and inserting “the warrant officer”; and (C) by striking “his” and inserting “the warrant officer’s”; and (3) by adding at the end the following:

“(c) RETIREMENT IN LOWER GRADE.—

“(1) MISCONDUCT IN LOWER GRADE.—In the case of a commissioned officer whom the Secretary determines committed misconduct in a lower grade, the Secretary may determine the commissioned officer has not served satisfactorily in any grade equal to or higher than that lower grade.
“(2) Adverse Findings.—A determination of the retired grade of a commissioned officer shall be resolved following a conditional determination under subsection (a)(2) if the investigation of or personnel action against the commissioned officer results in adverse findings.

“(3) Recalculation of Retired Pay.—If the retired grade of a commissioned officer is reduced pursuant to this subsection, the retired pay of the commissioned officer shall be recalculated under chapter 71 of title 10, and any modification of the retired pay of the commissioned officer shall go into effect on the effective date of the reduction in retired grade.

“(d) Finality of Retired Grade Determinations.—

“(1) In General.—Except as provided in paragraph (2), a determination of the retired grade of a commissioned officer under this section is administratively final on the day the commissioned officer is retired, and may not be reopened.

“(2) Reopening Determinations.—A determination of the retired grade of a commissioned officer may be reopened if—
“(A) the retirement or retired grade of the
commissioned officer was procured by fraud;

“(B) substantial evidence comes to light
after the retirement that could have led to a
lower retired grade under this section and such
evidence was known by competent authority at
the time of retirement;

“(C) a mistake of law or calculation was
made in the determination of the retired grade;

“(D) in the case of a retired grade fol-
lowing a conditional determination under sub-
section (a)(2), the investigation of or personnel
action against the commissioned officer results
in adverse findings; or

“(E) the Secretary determines, under regu-
lations prescribed by the Secretary, that good
cause exists to reopen the determination.

“(3) REQUIREMENTS.—If a determination of
the retired grade of a commissioned officer is re-
opened under paragraph (2), the Secretary—

“(A) shall notify the commissioned officer
of the reopening; and

“(B) may not make an adverse determina-
tion on the retired grade of the commissioned
officer until the commissioned officer has had a
reasonable opportunity to respond regarding the basis of the reopening.

“(4) Recalculation of retired pay.—If the retired grade of a commissioned officer is reduced through the reopening of the commissioned officer’s retired grade under paragraph (2), the retired pay of the commissioned officer shall be recalculated under chapter 71 of title 10, and any modification of the retired pay of the commissioned officer shall go into effect on the effective date of the reduction in retired grade.

“(e) Inapplicability to commissioned warrant officers.—This section, including subsection (b), shall not apply to commissioned warrant officers.”.

SEC. 9102. AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION BOARD CONSIDERATION.

(a) Eligibility of Officers for Consideration for Promotion.—Section 2113 of title 14, United States Code, is amended by adding at the end the following:

“(g)(1) Notwithstanding subsection (a), the Commandant may provide that an officer may, upon the officer’s request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 2106.
“(2) The Commandant shall approve a request under paragraph (1) only if—

“(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;

“(B) the Commandant determines the exclusion from consideration is in the best interest of the Coast Guard; and

“(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.”.

(b) Eligibility of Reserve Officer for Promotion.—Section 3743 of title 14, United States Code, is amended to read as follows:

“§ 3743. Eligibility for promotion

“(a) In General.—Except as provided in subsection (b), a Reserve officer is eligible for consideration for promotion and for promotion under this subchapter if that officer is in an active status.

“(b) Exception.—A Reserve officer who has been considered but not recommended for retention in an active
status by a board convened under subsection 3752(a) of this title is not eligible for consideration for promotion.

“(c) REQUEST FOR EXCLUSION.—

“(1) IN GENERAL.—The Commandant may provide that an officer may, upon the officer’s request and with the approval of the Commandant, be excluded from consideration by a selection board convened under section 3740(b) of this title to consider officers for promotion to the next higher grade.

“(2) APPROVAL OF REQUEST.—The Commandant shall approve a request under paragraph (1) only if—

“(A) the basis for the request is to allow an officer to complete a broadening assignment, advanced education, another assignment of significant value to the Coast Guard, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Commandant;

“(B) the Commandant determines the exclusion from consideration is in the best interest of the Coast Guard; and

“(C) the officer has not previously failed of selection for promotion to the grade for which
the officer requests the exclusion from consider-
ation.”.

SEC. 9103. TEMPORARY PROMOTION AUTHORITY FOR OFFI-
CERS IN CERTAIN GRADES WITH CRITICAL
SKILLS.

(a) IN GENERAL.—Subchapter I of chapter 21 of title
14, United States Code, is amended by adding at the end
the following:

“§ 2130. Promotion to certain grades for officers with
critical skills: captain, commander, lieu-
tenant commander, lieutenant

“(a) IN GENERAL.—An officer in the grade of lieu-
tenant (junior grade), lieutenant, lieutenant commander,
or commander who is described in subsection (b) may be
temporarily promoted to the grade of lieutenant, lieuten-
ant commander, commander, or captain under regulations
prescribed by the Secretary. Appointments under this sec-
tion shall be made by the President, by and with the advice
and consent of the Senate.

“(b) COVERED OFFICERS.—An officer described in
this subsection is any officer in a grade specified in sub-
section (a) who—

“(1) has a skill in which the Coast Guard has
a critical shortage of personnel (as determined by
the Secretary); and
“(2) is serving in a position (as determined by the Secretary) that—

“(A) is designated to be held by a lieutenant, lieutenant commander, commander, or captain; and

“(B) requires that an officer serving in such position have the skill possessed by such officer.

“(c) PRESERVATION OF POSITION AND STATUS OF OFFICERS APPOINTED.—

“(1) The temporary positions authorized under this section shall not be counted among or included in the list of positions on the active duty promotion list.

“(2) An appointment under this section does not change the position on the active duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

“(d) BOARD RECOMMENDATION REQUIRED.—A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary for the purpose of recommending officers for such promotions.
“(e) Acceptance and Effective Date of Appointment.—Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member so appointed is entitled to the pay and allowances of the grade of the temporary promotion under this section beginning on the date the appointment is made.

“(f) Termination of Appointment.—Unless sooner terminated, an appointment under this section terminates—

“(1) on the date the officer who received the appointment is promoted to the permanent grade of lieutenant, lieutenant commander, commander, or captain;

“(2) on the date the officer is detached from a position described in subsection (b)(2), unless the officer is on a promotion list to the permanent grade of lieutenant, lieutenant commander, commander, or captain, in which case the appointment terminates on the date the officer is promoted to that grade;

“(3) when the appointment officer determines that the officer who received the appointment has engaged in misconduct or has displayed substandard performance; or
“(4) when otherwise determined by the Commandant to be in the best interests of the Coast Guard.

“(g) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—An appointment under this section may only be made for service in a position designated by the Secretary for the purposes of this section. The number of positions so designated may not exceed the following percentages of the respective grades:

“(1) As lieutenant, 0.5 percent.
“(2) As lieutenant commander, 3.0 percent.
“(3) As commander, 2.6 percent.
“(4) As captain, 2.6 percent.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 21 of title 14, United States Code, is amended by adding at the end the following:

“2130. Promotion to certain grades for officers with critical skills: captain, commander, lieutenant commander, lieutenant.”.

SEC. 9104. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 25 of title 14, United States Code, is amended by adding at the end the following:

“§2514. Career flexibility to enhance retention of members

“(a) PROGRAMS AUTHORIZED.—The Commandant may carry out a program under which members of the
Coast Guard may be inactivated from active service in order to meet personal or professional needs and returned to active service at the end of such period of inactivation from active service.

“(b) Period of Inactivation From Active Service; Effect of Inactivation.—

“(1) In general.—The period of inactivation from active service under a program under this section of a member participating in the program shall be such period as the Commandant shall specify in the agreement of the member under subsection (c), except that such period may not exceed 3 years.

“(2) Exclusion from Years of Service.—Any service by a Reserve officer while participating in a program under this section shall be excluded from computation of the total years of service of that officer pursuant to section 14706(a) of title 10.

“(3) Exclusion from Retirement.—Any period of participation of a member in a program under this section shall not count toward—

“(A) eligibility for retirement or transfer to the Ready Reserve under either chapter 841 or 1223 of title 10; or

“(B) computation of retired or retainer pay under chapter 71 or 1223 of title 10.
“(c) AGREEMENT.—Each member of the Coast Guard who participates in a program under this section shall enter into a written agreement with the Commandant under which that member shall agree as follows:

“(1) To accept an appointment or enlist, as applicable, and serve in the Coast Guard Ready Reserve during the period of the inactivation of the member from active service under the program.

“(2) To undergo during the period of the inactivation of the member from active service under the program such inactive service training as the Commandant shall require in order to ensure that the member retains proficiency, at a level determined by the Commandant to be sufficient, in the military skills, professional qualifications, and physical readiness of the member during the inactivation of the member from active service.

“(3) Following completion of the period of the inactivation of the member from active service under the program, to serve 2 months as a member of the Coast Guard on active service for each month of the period of the inactivation of the member from active service under the program.

“(d) CONDITIONS OF RELEASE.—The Commandant shall prescribe regulations specifying the guidelines re-
garding the conditions of release that must be considered and addressed in the agreement required by subsection (c). At a minimum, the Commandant shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under paragraph (2) of such subsection while the member is released from active service.

“(e) ORDER TO ACTIVE SERVICE.—Under regulations prescribed by the Commandant, a member of the Coast Guard participating in a program under this section may, in the discretion of the Commandant, be required to terminate participation in the program and be ordered to active service.

“(f) PAY AND ALLOWANCES.—

“(1) Basic pay.—During each month of participation in a program under this section, a member who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37 as a member of the uniformed services on active service in the grade and years of service of the member when the member commences participation in the program.

“(2) Special or Incentive pay or bonus.—
“(A) PROHIBITION.—A member who participates in such a program shall not, while participating in the program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37 that is in force when the member commences participation in the program.

“(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active service of a member participating in a program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37 that is in force when the member commences participation in the program.

“(3) RETURN TO ACTIVE SERVICE.—

“(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of a member to active service after completion by the member of participation in a program—

“(i) any agreement entered into by the member under chapter 5 of title 37 for
the payment of a special or incentive pay
or bonus that was in force when the mem-
ber commenced participation in the pro-
gram shall be revived, with the term of
such agreement after revival being the pe-
riod of the agreement remaining to run
when the member commenced participation
in the program; and

“(ii) any special or incentive pay or
bonus shall be payable to the member in
accordance with the terms of the agree-
ment concerned for the term specified in
clause (i).

“(B) LIMITATION.—

“(i) IN GENERAL.—Subparagraph (A)
shall not apply to any special or incentive
pay or bonus otherwise covered by such
subparagraph with respect to a member if,
at the time of the return of the member to
active service as described in that subpara-
graph—

“(I) such pay or bonus is no
longer authorized by law; or

“(II) the member does not satisfy
eligibility criteria for such pay or
bonus as in effect at the time of the return of the member to active service.

“(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by such subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

“(C) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37.

“(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of a member under an agreement covered by this paragraph after the member returns to active service as described in subparagraph (A) shall be in addi-
tion to any service required of the member under an agreement under subsection (e).

“(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

“(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a program is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37 for—

“(i) travel performed from the residence of the member, at the time of release from active service to participate in the program, to the location in the United States designated by the member as the member’s residence during the period of participation in the program; and

“(ii) travel performed to the residence of the member upon return to active service at the end of the participation of the member in the program.

“(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.
“(5) LEAVE BALANCE.—A member who participates in a program is entitled to carry forward the leave balance existing as of the day on which the member begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

“(g) PROMOTION.—

“(1) Officers.—

“(A) In General.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under chapter 21 or 37 of this title.

“(B) Return to Service.—Upon the return of an officer to active service after completion by the officer of participation in a program—

“(i) the Commandant may adjust the date of rank of the officer in such manner as the Commandant may prescribe in regulations for purposes of this section; and

“(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade,
and seniority are eligible for consideration for promotion.

“(2) ENLISTED MEMBERS.—An enlisted member participating in a program under this section shall not be eligible for consideration for advancement during the period that—

“(A) begins on the date of the inactivation of the member from active service under the program; and

“(B) ends at such time after the return of the member to active service under the program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Commandant shall prescribe in regulations for purposes of the program.

“(h) CONTINUED ENTITLEMENTS.—A member participating in a program under this section shall, while participating in the program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of—

“(1) the entitlement of the member and of the dependents of the member to medical and dental care under the provisions of chapter 55 of title 10; and
“(2) retirement or separation for physical disability under the provisions of chapter 61 of title 10 and chapters 21 and 23 of this title.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 25 of title 14, United States Code, is amended by adding at the end the following:

“2514. Career flexibility to enhance retention of members.”.

SEC. 9105. DIRECT COMMISSIONING AUTHORITY FOR INDIVIDUALS WITH CRITICAL SKILLS.

(a) IN GENERAL.—Subchapter II of chapter 37 of title 14, United States Code, is amended by inserting after section 3738 the following:

“§ 3738a. Direct commissioning authority for individuals with critical skills

“An individual with critical skills that the Commandant considers necessary for the Coast Guard to complete its missions who is not currently serving as an officer in the Coast Guard may be commissioned into the Coast Guard at a grade up to and including commander.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 37 of title 14, United States Code, is amended by inserting after the item relating to section 3738 the following:

“3738a. Direct commissioning authority for individuals with critical skills.”.

(e) TECHNICAL AMENDMENT.—The heading for the first chapter of subtitle III of title 14, United States Code,
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is amended by striking “CHAPTER 1” and inserting “CHAPTER 37”.

SEC. 9106. EMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Subchapter I of chapter 27 of title 14, United States Code, is amended by adding at the end the following:

“§ 2713. Employment assistance

“(a) IN GENERAL.—In order to improve the accuracy and completeness of a certification or verification of job skills and experience required by section 1143(a)(1) of title 10, the Secretary shall—

“(1) establish a database to record all training performed by members of the Coast Guard that may have application to employment in the civilian sector; and

“(2) make unclassified information regarding such information available to States and other potential employers referred to in section 1143(c) of title 10 so that States and other potential employers may allow military training to satisfy licensing or certification requirements to engage in a civilian profession.

“(b) FORM OF CERTIFICATION OR VERIFICATION.—The Secretary shall ensure that a certification or verification of job skills and experience required by section
1143(a)(1) of title 10 is rendered in such a way that States and other potential employers can confirm the accuracy and authenticity of the certification or verification.

“(c) Requests by States.—A State may request that the Secretary confirm the accuracy and authenticity of a certification or verification of job skills and experience provided under section 1143(c) of title 10.”.

(b) Clerical Amendment.—The analysis for such subchapter is amended by adding at the end the following:

“2713. Employment assistance.”.

Subtitle B—Organization and Management Matters

SEC. 9201. CONGRESSIONAL AFFAIRS; DIRECTOR.

(a) In General.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“§321. Congressional affairs; Director

“The Commandant shall appoint a Director of Congressional Affairs from among officers of the Coast Guard who are in a grade above captain. The Director of Congressional Affairs is separate and distinct from the Director of Governmental and Public Affairs for the Coast Guard and is the principal advisor to the Commandant on all congressional and legislative matters for the Coast Guard and may have such additional functions as the Commandant may direct.”.
(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“321. Congressional affairs; Director.”.

SEC. 9202. LIMITATIONS ON CLAIMS.

(a) ADMIRALTY CLAIMS.—Section 937(a) of title 14, United States Code, is amended by striking “$100,000” and inserting “$425,000”.

(b) CLAIMS FOR DAMAGE TO PROPERTY OF THE UNITED STATES.—Section 938 of title 14, United States Code, is amended by striking “$100,000” and inserting “$425,000”.

SEC. 9203. RENEWAL OF TEMPORARY EARLY RETIREMENT AUTHORITY.

Section 219 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112–213; 10 U.S.C. 1293 note) is amended—

(1) in the matter preceding paragraph (1), by striking “For fiscal years 2013 through 2018” and inserting “For fiscal years 2019 through 2025”; and

(2) in paragraph (1), by striking “subsection (c)(2)(A)” and inserting “subsection (c)(1)”.

SEC. 9204. MAJOR ACQUISITIONS; OPERATION AND SUSTAINMENT COSTS.

Section 5103(e)(3) of title 14, United States Code, is amended—
(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and
(2) by inserting after subparagraph (A) the following:

“(B) operate and sustain the cutters and aircraft described in paragraph (2);”.

SEC. 9205. SUPPORT OF WOMEN SERVING IN THE COAST GUARD.

(a) ACTION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall—

(A) determine which recommendations in the RAND gender diversity report can practically be implemented to promote gender diversity in the Coast Guard; and
(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the actions the Coast Guard has taken, or plans to take, to implement such recommendations.
(2) CURRICULUM AND TRAINING.—The Commandant shall update curriculum and training materials used at—

(A) officer accession points, including the Coast Guard Academy and the Leadership Development Center;

(B) enlisted member accession at the United States Coast Guard Training Center Cape May in Cape May, New Jersey; and

(C) the officer, enlisted member, and civilian leadership courses managed by the Leadership Development Center.

Such updates shall reflect actions the Coast Guard has taken, or plans to take, to carry out the recommendations of the RAND gender diversity report.

(3) DEFINITION.—In this subsection, the term “RAND gender diversity report” means the RAND Corporation’s Homeland Security Operational Analysis Center 2019 report entitled “Improving Gender Diversity in the U.S. Coast Guard: Identifying Barriers to Female Retention”.

(b) ADVISORY BOARD ON WOMEN AT THE COAST GUARD ACADEMY.—Chapter 19 of title 14, United States Code, is amended—
(1) by redesignating section 1904 as section 1906;

(2) by inserting after section 1903 the following:

§ 1904. Advisory Board on Women at the Coast Guard Academy

(a) IN GENERAL.—The Superintendent of the Academy shall establish at the Coast Guard Academy an advisory board to be known as the Advisory Board on Women at the Coast Guard Academy (referred to in this section as the ‘Advisory Board’).

(b) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 current cadets of the Coast Guard Academy, including not fewer than 3 cadets from each current class.

(c) APPOINTMENT; TERM.—Cadets shall serve on the Advisory Board pursuant to appointment by the Superintendent of the Academy. Appointments shall be made not later than 60 days after the date of the swearing in of a new class of cadets at the Academy. The term of membership of a cadet on the Advisory Board shall be 1 academic year.

(d) REAPPOINTMENT.—The Superintendent of the Academy may reappoint not more than 6 cadets from the previous term to serve on the Advisory Board for an addi-
tional academic year if the Superintendent of the Academy
determines such reappointment to be in the best interests
of the Coast Guard Academy.

“(e) MEETINGS.—The Advisory Board shall meet
with the Commandant at least once each academic year
on the activities of the Advisory Board. The Advisory
Board shall meet in person with the Superintendent of the
Academy not less than twice each academic year on the
duties of the Advisory Board.

“(f) DUTIES.—The Advisory Board shall identify op-
portunities and challenges facing cadets at the Academy
who are women, including an assessment of culture, lead-
ership development, and access to health care of cadets
at the Academy who are women.

“(g) WORKING GROUPS.—The Advisory Board may
establish one or more working groups to assist the Advi-
sory Board in carrying out its duties, including working
groups composed in part of cadets at the Academy who
are not current members of the Advisory Board.

“(h) REPORTS AND BRIEFINGS.—The Advisory
Board shall regularly provide the Commandant and the
Superintendent reports and briefings on the results of its
duties, including recommendations for actions to be taken
in light of such results. Such reports and briefings may
be provided in writing, in person, or both.”; and
(3) by amending the analysis for such chapter—

(A) by amending the item relating to section 1904 to read as follows:

"1904. Advisory Board on Women at the Coast Guard Academy."; and

(B) by adding at the end the following:

"1906. Participation in Federal, State, or other educational research grants."

(c) ADVISORY BOARD ON WOMEN IN THE COAST GUARD.—Chapter 25 of title 14, United States Code, is amended—

(1) by redesignating subchapter II as subchapter III;

(2) by inserting after subchapter I the following:

"SUBCHAPTER II—ADVISORY BOARD ON WOMEN IN THE COAST GUARD

§ 2521. Advisory Board on Women in the Coast Guard

(a) IN GENERAL.—The Commandant shall establish within the Coast Guard an Advisory Board on Women in the Coast Guard.

(b) MEMBERSHIP.—The Advisory Board established under subsection (a) shall be composed of such number of members as the Commandant considers appropriate, selected by the Commandant through a public selection process from among applicants for membership on the Board.
The members of the Board shall, to the extent practicable, represent the diversity of the Coast Guard. The members of the Committee shall include an equal number of each of the following:

“(1) Active duty officers of the Coast Guard.
“(2) Active duty enlisted members of the Coast Guard.
“(3) Members of the Coast Guard Reserve.
“(4) Retired members of the Coast Guard.

“(c) Duties.—The Advisory Board established under subsection (a)—

“(1) shall advise the Commandant on improvements to the recruitment, retention, wellbeing, and success of women serving in the Coast Guard and attending the Coast Guard Academy, including recommendations for the report on gender diversity in the Coast Guard required by section 5109 of chapter 51 of title 14;
“(2) may submit to the Commandant recommendations in connection with its duties under this subsection, including recommendations to implement the advice described in paragraph (1); and
“(3) may brief Congress on its duties under this subsection, including the advice described in
paragraph (1) and any recommendations described
in paragraph (2).”; and

(3) by amending the analysis for such chapter
by striking the items relating to subchapter II and
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.”.

(d) RECURRING REPORT.—

(1) IN GENERAL.—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

“§ 5109. Report on gender diversity in the Coast Guard

“(a) IN GENERAL.—Not later than January 15, 2022, and biennially thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on gender diversity in the Coast Guard.

“(b) CONTENTS.—The report required under subsection (a) shall contain the following:

“(1) GENDER DIVERSITY OVERVIEW.—An overview of Coast Guard active duty and reserve members, including the number of officers and enlisted
members and the percentages of men and women in each.

“(2) Recruitment and retention.—

“(A) An analysis of the changes in the recruitment and retention of women over the previous 2 years.

“(B) A discussion of any changes to Coast Guard recruitment and retention over the previous 2 years that were aimed at increasing the recruitment and retention of female members.

“(3) Parental leave.—

“(A) The number of men and women who took parental leave during each year covered by the report, including the average length of such leave periods.

“(B) A discussion of the ways in which the Coast Guard worked to mitigate the impacts of parental leave on Coast Guard operations and on the careers of the members taking such leave.

“(4) Limitations.—An analysis of current gender-based limitations on Coast Guard career opportunities, including discussion of—

“(A) shipboard opportunities;
“(B) opportunities to serve at remote units; and

“(C) any other limitations on the opportunities of female members.

“(5) PROGRESS UPDATE.—An update on the Coast Guard’s progress on the implementation of the action plan required under subsection (a) of section 9205 of the Elijah E. Cummings Coast Guard Authorization Act of 2020.”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 14, United States Code, is amended by adding at the end the following:

“5109. Report on gender diversity in the Coast Guard.”.

SEC. 9206. DISPOSITION OF INFRASTRUCTURE RELATED TO E–LORAN.

Section 914 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “date” and inserting “later of the date of the conveyance of the properties directed under section 533(a) of the Coast Guard Authorization Act of 2016 (Public Law 114–120) or the date”; and

(B) by striking “determination by the Secretary” and inserting “determination by the
Secretary of Transportation under section 312(d) of title 49”; and
(2) in subsection (c), by striking paragraph (2) and inserting the following:
“(2) AVAILABILITY OF PROCEEDS.—The proceeds of such sales, less the costs of sale incurred by the General Services Administration, shall be deposited into the Coast Guard Housing Fund for uses authorized under section 2946 of this title.”.

SEC. 9207. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 2103(c)(3) of title 14, United States Code, is amended by striking “rear admiral (lower half)” and inserting “vice admiral”.

SEC. 9208. RESEARCH PROJECTS; TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.

(a) In General.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“§ 719. Research projects; transactions other than contracts and grants
“(a) ADDITIONAL FORMS OF TRANSACTIONS AUTHORIZED.—
“(1) IN GENERAL.—The Commandant may enter into—
“(A) transactions (other than contracts, cooperative agreements, and grants) in carrying out basic, applied, and advanced research projects; and

“(B) agreements with the Director of the Defense Advanced Research Projects Agency, the Secretary of a military department, or any other official designated by the Secretary of Defense under section 2371b of title 10 to participate in prototype projects and follow-on production contracts or transactions that are being carried out by such official and are directly relevant to the Coast Guard’s cyber capability and Command, Control, Communications, Computers, and intelligence initiatives.

“(2) ADDITIONAL AUTHORITY.—The authority under this subsection is in addition to the authority provided in section 717 to use contracts, cooperative agreements, and grants in carrying out such projects.

“(3) FUNDING.—In carrying out paragraph (1)(B), the Commandant may use funds made available for—

“(A) operations and support;
“(B) research, development, test, and evaluation; and

“(C) procurement, construction, and improvement.

“(b) ADVANCE PAYMENTS.—The authority under subsection (a) may be exercised without regard to section 3324 of title 31.

“(c) RECOVERY OF FUNDS.—

“(1) IN GENERAL.—Subject to subsection (d), a cooperative agreement for performance of basic, applied, or advanced research authorized by section 717, and a transaction authorized by subsection (a), may include a clause that requires a person or other entity to make payments to the Coast Guard or any other department or agency of the Federal Government as a condition for receiving support under the agreement or transaction, respectively.

“(2) AVAILABILITY OF FUNDS.—The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Commandant, to an appropriate appropriations account. Amounts so credited shall be merged with other funds in the account and shall be available for
the same purposes and the same period for which
other funds in such account are available.

“(d) CONDITIONS.—

“(1) IN GENERAL.—The Commandant shall en-
sure that to the extent that the Commandant deter-
mines practicable, no cooperative agreement con-
taining a clause described in subsection (c)(1), and
no transaction entered into under subsection (a),
provides for research that duplicates research being
conducted under existing programs carried out by
the Coast Guard.

“(2) OTHER AGREEMENTS NOT FEASIBLE.—A
cooperative agreement containing a clause described
in subsection (c)(1), or under a transaction author-
ized by subsection (a), may be used for a research
project only if the use of a standard contract, grant,
or cooperative agreement for such project is not fea-
sible or appropriate.

“(e) EDUCATION AND TRAINING.—The Commandant
shall—

“(1) ensure that management, technical, and
contracting personnel of the Coast Guard involved in
the award or administration of transactions under
this section or other innovative forms of contracting
are afforded opportunities for adequate education and training; and

“(2) establish minimum levels and requirements for continuous and experiential learning for such personnel, including levels and requirements for acquisition certification programs.

“(f) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—

“(1) IN GENERAL.—Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for 5 years after the date on which the information is received by the Coast Guard.

“(2) LIMITATION.—

“(A) IN GENERAL.—Paragraph (1) applies to information described in subparagraph (B) that is in the records of the Coast Guard only if the information was submitted to the Coast Guard in a competitive or noncompetitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement for performance of basic, applied, or advanced research authorized by section 717 or another transaction authorized by subsection (a).
“(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is the following:

“(i) A proposal, proposal abstract, and supporting documents.

“(ii) A business plan submitted on a confidential basis.

“(iii) Technical information submitted on a confidential basis.

“(g) REGULATIONS.—The Commandant shall prescribe regulations, as necessary, to carry out this section.

“(h) ANNUAL REPORT.—On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate a report describing each use of the authority provided under this section during the most recently completed fiscal year, including details of each use consisting of—

“(1) the amount of each transaction;

“(2) the entities or organizations involved;

“(3) the product or service received;
“(4) the research project for which the product
or service was required; and
“(5) the extent of the cost sharing among Fed-
eral Government and non-Federal sources.”.

(b) CLERICAL AMENDMENT.—The analysis for chap-
ter 7 of title 14, United States Code, is amended by add-
ing at the end the following:

“719. Research projects; transactions other than contracts and grants.”.

SEC. 9209. ACQUISITION WORKFORCE AUTHORITIES.

(a) IN GENERAL.—Subchapter I of chapter 11 of title
14, United States Code, is amended by adding at the end
the following:

“§ 1111. Acquisition workforce authorities

“(a) EXPEDITED HIRING AUTHORITY.—

“(1) IN GENERAL.—For the purposes of section
3304 of title 5, the Commandant may—

“(A) designate any category of acquisition
positions within the Coast Guard as shortage
category positions; and

“(B) use the authorities in such section to
recruit and appoint highly qualified persons di-
rectly to positions so designated.

“(2) REPORTS.—The Commandant shall in-
clude in reports under section 1102 information de-
scribed in such section regarding positions des-
ignated under this subsection.
“(b) Reemployment Authority.—

“(1) In general.—Except as provided in paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in any category of acquisition positions designated by the Commandant under subsection (a), the annuity of the annuitant so employed shall continue. The annuitant so reemployed shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5.

“(2)(A) Election.—An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) of title 5, receiving an annuity from the Civil Service Retirement and Disability Fund, who becomes employed in any category of acquisition positions designated by the Commandant under subsection (a) after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, may elect to be subject to section 8344 or 8468 of such title (as the case may be).

“(i) Deadline.—An election for coverage under this subsection shall be filed not later than 90 days after the Commandant takes rea-
reasonable actions to notify an employee who may file an election.

“(ii) COVERAGE.—If an employee files an election under this subsection, coverage shall be effective beginning on the first day of the first applicable pay period beginning on or after the date of the filing of the election.

“(B) APPLICATION.—Paragraph (1) shall apply to an individual who is eligible to file an election under subparagraph (A) and does not file a timely election under clause (i) of such subparagraph.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

“1111. Acquisition workforce authorities.”.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281) is repealed.

SEC. 9210. VESSEL CONVERSION, ALTERATION, AND REPAIR PROJECTS.

(a) IN GENERAL.—Notwithstanding any provision of the Small Business Act (15 U.S.C. 631 et seq.) and any regulation or policy implementing such Act, the Commandant may use full and open competitive procedures, as prescribed in section 2304 of title 10, United States
Code, to acquire maintenance and repair services for vessels with a homeport in Coast Guard District 17.

(b) APPLICABILITY.—Subsection (a) shall apply only if there are not at least 2 qualified small businesses located in Coast Guard District 17 that are able and available to provide the services described in such subsection.

(c) LIMITATION.—The full and open competitive procedures described in subsection (a) may only be used to acquire such services from a business located in Coast Guard District 17 that is able and available to provide such services.

SEC. 9211. MODIFICATION OF ACQUISITION PROCESS AND PROCEDURES.

(a) EXTRAORDINARY RELIEF.—

(1) IN GENERAL.—Subchapter III of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

“§ 1157. Extraordinary relief

“(a) IN GENERAL.—With respect to any prime contracting entity receiving extraordinary relief pursuant to the Act entitled ‘An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense’, approved August 28, 1958 (Public Law 85–804; 50 U.S.C. 1432 et seq.) for a major acquisition, the Secretary shall not consider any further request by
the prime contracting entity for extraordinary relief under such Act for such major acquisition.

“(b) Inapplicability to Subcontractors.—The limitation under subsection (a) shall not apply to sub-
contractors of a prime contracting entity.

“(c) Quarterly Report.—Not less frequently than quarterly during each fiscal year in which extraordinary relief is approved or provided to an entity under the Act referred to in subsection (a) for the acquisition of Offshore Patrol Cutters, the Commandant shall provide to the Com-
mittee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infra-
structure of the House of Representatives a report that describes in detail such relief and the compliance of the entity with the oversight measures required as a condition of receiving such relief.”.

(3) Analysis for Chapter 11.—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to sec-
tion 1156 the following:

“1157. Extraordinary relief.”.

(b) Notice to Congress With Respect to Breach of Contract.—Section 1135 of title 14, United States Code, is amended by adding at the end the fol-
lowing:
“(d) NOTICE TO CONGRESS WITH RESPECT TO BREACH OF CONTRACT.—Not later than 48 hours after the Commandant becomes aware that a major acquisition contract cannot be carried out under the terms specified in the contract, the Commandant shall provide a written notification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

“(1) a description of the terms of the contract that cannot be met; and

“(2) an assessment of whether the applicable contract officer has issued a cease and desist order to the contractor based on the breach of such terms of the contract.”.

SEC. 9212. ESTABLISHMENT AND PURPOSE OF FUND; DEFINITION.

Section 1461(a) of title 10, United States Code, is amended by inserting “and the Coast Guard” after “liabilities of the Department of Defense”.

SEC. 9213. PAYMENTS FROM FUND.

Section 1463(a) of title 10, United States Code, is amended—
(1) in paragraph (1) by striking “and Marine Corps” and inserting “Marine Corps, and Coast Guard”; (2) in paragraph (2) by striking “(other than retired pay payable by the Secretary of Homeland Security)” ; and (3) in paragraph (4) by inserting “and the Department of Homeland Security that” after “Department of Defense”.

SEC. 9214. DETERMINATION OF CONTRIBUTIONS TO FUND.

Section 1465 of title 10, United States Code, is amended— (1) in subsection (a)— (A) by striking “(a) Not” and inserting the following: “(a)(1) Not”; and (B) by adding at the end the following: “(2) Not later than October 1, 2022, the Board of Actuaries shall determine the amount that is the present value (as of September 30, 2022) of future benefits payable from the Fund that are attributable to service in the Coast Guard performed before October 1, 2022. That amount is the original Coast Guard unfunded liability of the Fund. The Board shall determine the period of time over which the original Coast Guard unfunded liability
should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original Coast Guard unfunded liability in accordance with such schedule shall be made as provided in section 1466(b) of this title.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting “, in consultation with the Secretary of the department in which the Coast Guard is operating,” after “Secretary of Defense”;

and

(II) by inserting “and Coast Guard” after “Department of Defense”;

(ii) in subparagraph (A)(ii) by striking “(other than the Coast Guard)” and inserting “members of the Armed Forces”;

and

(iii) in subparagraph (B)(ii) by striking “(other than the Coast Guard)”;

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(B) in paragraph (2) by inserting “the Coast Guard Retired Pay account and the” after “appropriated to”; and

(C) in paragraph (3) by inserting “and Coast Guard” after “Department of Defense”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by inserting “, in consultation with the Secretary of the department in which the Coast Guard is operating,” after “Secretary of Defense”; 

(ii) in subparagraph (A) by striking “(other than the Coast Guard)” and inserting “members of the Armed Forces”; 

(iii) in subparagraph (B) by striking “(other than the Coast Guard)”;

(B) in paragraph (2) by inserting “, in consultation with the Secretary of the department in which the Coast Guard is operating,” after “Secretary of Defense”; 

(C) in paragraph (3) by inserting “, in consultation with the Secretary of the department in which the Coast Guard is operating,” after “Secretary of Defense”;
(4) in subsection (e) by striking “Secretary of Defense shall” and inserting “Secretary of Defense and, with regard to the Coast Guard, the Secretary of the department in which the Coast Guard is operating”.

SEC. 9215. PAYMENTS INTO FUND.

Section 1466 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “Secretary of Defense shall” and inserting “Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast guard, shall”; and

(ii) by striking “each month as the Department of Defense contribution” and inserting “each month the respective prorata share contribution of the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating”; and

(B) in paragraph (1)(B) by striking “(other than the Coast Guard)”;

and
(C) by striking the flush language following paragraph (1)(B) and inserting the following new subsection:

“(b) Amounts paid into the Fund under this subsection shall be paid from funds available for as appropriate—

“(1) the pay of members of the armed forces under the jurisdiction of the Secretary of a military department; or

“(2) the Retired Pay appropriation for the Coast Guard.”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) in subsection (c) (as so redesignated)—

(A) in paragraph (2)(A) by striking “liability of the Fund.” and inserting “liabilities of the Fund for the Department of Defense and the Coast Guard.”; and

(B) in paragraph (3) by inserting “and the Secretary of the Department in which the Coast Guard is operating” before “shall promptly”.
Subtitle C—Access to Child Care for Coast Guard Families

SEC. 9301. REPORT ON CHILD CARE AND SCHOOL-AGE CARE ASSISTANCE FOR QUALIFIED FAMILIES.

(a) In General.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on child care and school-age care options available to qualified families.

(b) Elements.—The report required by subsection (a) shall include the following:

1. Financial assistance.—

   (A) An assessment of—

   (i) the subsidies and financial assistance for child care and school-age care made available by the Coast Guard to qualified families; and

   (ii) the extent to which qualified families have taken advantage of such subsidies and assistance.

   (B) The average number of days between—
(i) the date on which an application
for a subsidy or other financial assistance
for child care or school-age care is sub-
mitted by a qualified family; and

(ii) upon approval of an application,
the date on which such subsidy or assist-
ance is received by the qualified family.

(C) Recommendations for streamlining the
payment of such subsidies and financial assis-
tance.

(D) The amount of funding allocated to
such subsidies and financial assistance.

(E) The remaining costs for child care or
school-age care to qualified families that are not
covered by the Coast Guard.

(F) A description of barriers to access to
such subsidies and financial assistance.

(G) The number of qualified families that
do not receive any such subsidies or financial
assistance.

(2) Regulation of Child Care Services.—

(A) An assessment of—

(i) the regulations of States with re-
spect to child care services (such as staff-
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 re-
spect to child development centers and
other child care providers (including
school-age care providers), and a compari-
son 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 DE-
FENSE.—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 relat-
ing to the following:
(A) Authorized uses of appropriated funds
for child care and school-age care services.

(B) Access to, and total capacity of, Coast
Guard child development centers and Depart-
ment of Defense child development centers.

(C) Child care and school-age care pro-
grams or policy.

(D) Coast Guard and Department of De-
fense programs to provide additional assistance
to members and civilian employees with respect
to child care and school-age care options.

(E) Respite care programs.

(F) Nonappropriated funds.

(G) Coast Guard family child care centers.

(H) Coast Guard and Department of De-
fense publicly available online resources for
families seeking military child care and school-
age care.

(4) FEASIBILITY.—An analysis of the feasibility
of the Commandant entering into agreements with
private child care and school-age care service pro-
viders to provide child care and school-age care for
qualified families.

(5) AVAILABILITY.—An analysis of the avail-
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) **IN GENERAL.**—The Commandant shall enter into a memorandum of understanding with the Secretary of Defense to enable qualified families to access the website at https://militarychildcare.com (or a successor website) for purposes of Coast Guard family access to information with respect to State-accredited child development centers and other child care support services as such services become available from the Department of Defense through such website. The memorandum shall provide for the expansion of the geographical areas covered by such website, including regions in which qualified families live that are not yet covered by the program.

(2) **INCLUSION OF CHILD DEVELOPMENT CENTERS ACCESSIBLE UNDER PILOT PROGRAM.**—The information accessible pursuant to the memorandum of understanding required by paragraph (1) shall include information with respect to any child development center accessible pursuant to the pilot program under section 9304.

(3) **ELECTRONIC REGISTRATION, PAYMENT, AND TRACKING SYSTEM.**—Not later than 1 year after the date of the enactment of this Act, the Commandant shall develop and maintain an internet
website of the Coast Guard accessible to qualified families to carry out the following activities:

(A) Register children for a Coast Guard child development center.

(B) Make online child care payments to a Coast Guard child development center.

(C) Track the status of a child on the wait list of a Coast Guard child development center, including the placement and position of the child on the wait list.

(b) WAIT LIST.—

(1) IN GENERAL.—The Commandant shall maintain a record of the wait list for each Coast Guard child development center.

(2) MATTERS TO BE INCLUDED.—Each record under paragraph (1) shall include the following:

(A) The total number of children of qualified families on the wait list.

(B) With respect to each child on the wait list—

(i) the age of the child;

(ii) the number of days the child has been on the wait list;

(iii) the position of the child on the wait list;
(iv) any special needs consideration;
and
(v) information on whether a sibling
of the child is on the wait list of, or cur-
rently enrolled in, the Coast Guard child
development center concerned.

(3) REQUIREMENT TO ARCHIVE.—Information
placed in the record of a Coast Guard child develop-
ment center under paragraph (1) shall be archived
for a period of not less than 10 years after the date
of its placement in the record.

SEC. 9303. STUDY AND SURVEY ON COAST GUARD CHILD
CARE NEEDS.

(a) Study.—

(1) IN GENERAL.—Not later than 1 year after
the date of the enactment of this Act, and for each
of the 2 fiscal years thereafter, the Commandant
shall conduct a study on the child care needs of
qualified families that incorporates—

(A) the results of the survey under sub-
section (b); and

(B) any other information the Com-
mandant considers appropriate to ensure ade-
quate tracking and future needs-based assess-
ments with respect to adequate access to Coast
Guard child development centers.

(2) Consultation.—In conducting a study
under paragraph (1), the Commandant may consult
a federally funded research and development center.

(3) Scope of data.—The data obtained
through each study under paragraph (1) shall be ob-
tained on a regional basis, including by Coast Guard
unit, sector, and district.

(b) Survey.—

(1) In general.—Together with each study
under subsection (a), and annually as the Com-
mandant considers appropriate, the Commandant
shall carry out a survey of individuals described in
paragraph (2) on access to Coast Guard child devel-
opment centers.

(2) Participants.—

(A) In general.—The Commandant shall
seek the participation in the survey of the fol-
lowing Coast Guard individuals:

(i) Commanding officers, regardless of
whether the commanding officers have chil-
dren.

(ii) Regular and reserve personnel.
(iii) Spouses of individuals described in clauses (i) and (ii).

(B) Scope of participation.—Individu- uals described in clauses (i) through (iii) of sub-
paragraph (A) shall be surveyed regardless of whether such individuals use or have access to Coast Guard child development centers or other Federal child care facilities.

(C) Voluntary participation.—Partici-
pation of any individual described in subpara-
graph (A) in a survey shall be on a voluntary basis.

(e) Availability.—On request, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-
tives the results of any study or survey under this section.

SEC. 9304. PILOT PROGRAM TO EXPAND ACCESS TO CHILD CARE.

(a) In general.—Commencing not later than 60 days after the date on which the report under section 9301 is submitted, the Commandant shall carry out a pilot pro-
gram, based on the recommendations provided in such re-
port, to expand access to public or private child development centers for qualified families.

(b) **Duration.**—The duration of the pilot program under subsection (a) shall be not more than 3 years beginning on the date on which the pilot program is established.

(c) **Discharge on District Basis.**—The Commandant—

(1) may carry out the pilot program on a district basis; and

(2) shall include in the pilot program remote and urban locations.

(d) **Reservation of Child Care Slots.**—As part of the pilot program, the Commandant shall seek to enter into one or more memoranda of understanding with one or more child development centers to reserve slots for qualified families in locations in which—

(1) the Coast Guard lacks a Coast Guard child development center; or

(2) the wait lists for the nearest Coast Guard child development center or Department of Defense child development center, where applicable, indicate that qualified families may not be accommodated.

(e) **Annual Assessment of Results.**—As part of any study conducted pursuant to section 9303(a) after the end of the 1-year period beginning with the commence-
ment of the pilot program, the Commandant shall also un-
dertake a current assessment of the impact of the pilot
program on access to child development centers for quali-
fied families. The Commandant shall include the results
of any such assessment in the results of the most current
study or survey submitted pursuant to section 9303(a).

SEC. 9305. IMPROVEMENTS TO COAST GUARD-OWNED FAM-

ILY HOUSING.

Section 2922(b) of title 14, United States Code, is
amended by adding at the end the following:

“(4) To the maximum extent practicable, the
Commandant shall ensure that, in a location in
which Coast Guard family child care centers (as
such term is defined in section 9309 of the Elijah
E. Cummings Coast Guard Authorization Act of
2020) are necessary to meet the demand for child
care for qualified families (as such term is defined
in such section), not fewer than two housing units
are maintained in accordance with safety inspection
standards so as to accommodate family child care
providers.”.
SEC. 9306. BRIEFING ON TRANSFER OF FAMILY CHILD CARE PROVIDER QUALIFICATIONS AND CERTIFICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility of developing a policy to allow the transfer of a Coast Guard-mandated family child care provider qualification or certification between Coast Guard-owned housing units if, as determined by the Commandant—

(1) the qualification or certification is not expired;

(2) the transfer of the qualification or certification would not pose a danger to any child in the care of the family child care provider; and

(3) the transfer would expedite the ability of the family child care provider to establish, administer, and provide family home daycare in a Coast Guard-owned housing unit.

(b) BRIEFING ELEMENT.—The briefing required by subsection (a) shall include analysis of options for transferring a Coast Guard-mandated family child care provider qualification or certification as described in that sub-
section, and of any legal challenges associated with such
transfer.

(c) Rule of Construction.—The policy under subsection (a) shall not be construed to supersede any other applicable Federal, State, or local law (including regulations) relating to the provision of child care services.

SEC. 9307. INSPECTIONS OF COAST GUARD CHILD DEVELOPMENT CENTERS AND FAMILY CHILD CARE PROVIDERS.

(a) Inspections.—Section 2923 of title 14, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) Inspections.—

“(1) In General.—Not less than twice annually, the Commandant shall ensure that each Coast Guard child development center is subject to an unannounced inspection.

“(2) Responsibility for Inspections.—Of the biannual inspections under paragraph (1)—

“(A) 1 shall be carried out by a representative of the Coast Guard installation served by the Coast Guard child development center concerned; and
“(B) 1 shall be carried out by a representative of the Coast Guard child development services work-life programs.”.

(b) FAMILY CHILD CARE PROVIDERS.—

(1) IN GENERAL.—Chapter 29 of title 14, United States Code, is amended by adding at the end the following:

“§ 2926. Family child care providers

“(a) IN GENERAL.—Not less frequently than quarterly, the Commandant shall ensure that each family child care provider is subject to inspection.

“(b) RESPONSIBILITY FOR INSPECTIONS.—Of the quarterly inspections under subsection (a) each year—

“(1) 3 inspections shall be carried out by a representative of the Coast Guard installation served by the family child care provider concerned; and

“(2) 1 inspection shall be carried out by a representative of the Coast Guard child development services work-life programs.”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 29 of title 14, United States Code, is amended by adding at the end the following:

“2926. Family child care providers.”.
SEC. 9308. EXPANDING OPPORTUNITIES FOR FAMILY CHILD CARE.

Not later than 1 year after the date of the enactment of this Act, the Commandant shall—

(1) establish a procedure to allow Coast Guard family child care centers to occur at off-base housing, including off-base housing owned or subsidized by the Coast Guard; and

(2) establish a procedure to ensure that all requirements with respect to such family child care programs are met, including home inspections.

SEC. 9309. DEFINITIONS.

In this subtitle:

(1) COAST GUARD CHILD DEVELOPMENT CENTER.—The term “Coast Guard child development center” has the meaning given that term in section 2921(3) of title 14, United States Code.

(2) COAST GUARD FAMILY CHILD CARE CENTER.—The term “Coast Guard family child care center” means a location at which family home daycare is provided.

(3) FAMILY CHILD CARE PROVIDER.—The term “family child care provider” means an individual who provides family home daycare.
(4) Family home daycare.—The term “family home daycare” has the meaning given that term in section 2921(5) of title 14, United States Code.

(5) Qualified family.—The term “qualified family” means any regular, reserve, or retired member of the Coast Guard, and any civilian employee of the Coast Guard, with one or more dependents.

Subtitle D—Reports

SEC. 9401. MODIFICATIONS OF CERTAIN REPORTING REQUIREMENTS.

(a) Especially hazardous cargo.—Subsection (e) of section 70103 of title 46, United States Code, is amended to read as follows:

“(e) Especially hazardous cargo.—

“(1) Enforcement of security zones.—Consistent with other provisions of Federal law, the Coast Guard shall coordinate and be responsible for the enforcement of any Federal security zone established by the Coast Guard around a vessel containing especially hazardous cargo. The Coast Guard shall allocate available resources so as to deter and respond to a transportation security incident, to the maximum extent practicable, and to protect lives or protect property in danger.
“(2) Especially hazardous cargo defined.—In this subsection, the term ‘especially hazardous cargo’ means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance, material, or group or class of material, in a particular amount and form that the Secretary determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.”.

(b) Compliance with security standards.—Section 809 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 46 U.S.C. 70101 note) is amended by striking subsections (g) and (i).

(e) Marine safety long-term strategy.—Section 2116 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “The strategy shall include the issuance of a triennial plan” and inserting “The 5-year strategy shall include the issuance of a plan”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “Contents of strategy and triennial
$\text{PLANS}''$ and inserting "$5-\text{YEAR STRATEGY AND PLAN}''$;

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking "$\text{strategy and triennial plans}''$ and inserting "$5\text{-year strategy and plan}''$; and

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "$\text{strategy and triennial plans}''$ and inserting "$5\text{-year strategy and plan}''$; and

(ii) in subparagraph (A), by striking "$\text{plans}''$ and inserting "$\text{plan}''$;

(3) in subsection (e)—

(A) by striking "$\text{Beginning with fiscal year 2020 and triennially thereafter, the Secretary}''$ and inserting "$\text{Not later than 5 years after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, and every 5 years thereafter, the Secretary}''$; and

(B) by striking "$\text{triennial}''$; and

(4) in subsection (d)—

(A) in paragraph (1), by striking "$\text{No less frequently than semianually}''$ and inserting
“In conjunction with the submission of the 5-year strategy and plan”; and

(B) in paragraph (2)—

(i) in the heading, by striking “REPORT TO CONGRESS” and inserting “PERIODIC BRIEFINGS”; 

(ii) in the matter preceding subparagraph (A), by striking “report triennially” and all that follows through “the Senate” and inserting “periodically brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives”; 

(iii) in subparagraph (A)—

(I) by striking “annual”; and 

(II) by striking “for the year covered by the report” and inserting “for the period covered by the briefing”; 

and 

(iv) in subparagraph (B)(ii), by striking “plans” and inserting “plan”. 

(d) ABANDONED SEAFARERS FUND.—Section 11113(a) of title 46, United States Code, is amended—
(1) in paragraph (4), by striking “On the date” and inserting “Except as provided in paragraph (5), on the date”; and

(2) by adding at the end the following:

“(5) NO REPORT REQUIRED.—A report under paragraph (4) shall not be required if there were no expenditures from the Fund in the preceding fiscal year. The Commandant shall notify Congress in the event a report is not required under paragraph (4) by reason of this paragraph.”.

(e) MAJOR ACQUISITION PROGRAM RISK ASSESSMENT.—Section 5107 of title 14, United States Code, is amended—

(1) in subsection (a), by striking “April 15 and October 15” and inserting “October 15”; and

(2) in subsection (b)—

(A) in paragraph (2), by striking “the 2 fiscal-year quarters preceding such assessment” and inserting “the previous fiscal year”;

(B) in paragraph (3), by striking “such 2 fiscal-year quarters” and inserting “such fiscal year”;

(C) in paragraph (4), by striking “such 2 fiscal-year quarters” and inserting “such fiscal year”; and
(D) in paragraph (5), by striking “such 2 fiscal-year quarters” and inserting “such fiscal year”.

SEC. 9402. REPORT ON CYBERSECURITY WORKFORCE.

(a) In general.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Coast Guard plans to establish a workforce with the cybersecurity expertise to provide prevention assessments and response capacity to Operational Technology and Industrial Control Systems in national port and maritime environments.

(b) Contents.—The report under subsection (a) shall include the following:

(1) A description of the number and skills of active duty and reserve Coast Guard members expected for initial operating capacity and full operating capacity of the workforce described in subsection (a).

(2) A description of the career development path for officers and enlisted members participating in the workforce.
(3) A determination of how the workforce will fulfill the cybersecurity needs of the Area Maritime Security Council and United States port environments.

(4) A determination of how the workforce will integrate with the Hunt and Incident Response and Assessment Teams of the Cyber and Infrastructure Security Agency of the Department of Homeland Security.

(5) An assessment of successful models used by other Armed Forces, including the National Guard, to recruit, maintain, and utilize a cyber workforce, including the use of Reserve personnel for that purpose.

SEC. 9403. REPORT ON NAVIGATION AND BRIDGE RESOURCE MANAGEMENT.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the training and qualification processes of the Coast Guard for deck watch officers, with a specific focus on basic navigation, bridge resource management, crew rest, and qualification processes.
(b) CONTENTS.—The report under subsection (a) shall include the following:

1. Recommendations for improving prearrival training, if necessary, and an assessment of how commercial industry best practices on prearrival training can be incorporated into military at sea watchkeeping.

2. A detailed description of the deck watch officer assessment process of the Coast Guard.

3. A list of programs that have been approved for credit toward merchant mariner credentials.

4. A complete analysis of the gap between the existing curriculum for deck watch officer training and the Standards of Training, Certification, and Watchkeeping for officer in charge of a navigational watch at the operational level, Chief level, and Master level.

5. A complete analysis of the gap between the existing training curriculum for deck watch officers and the licensing requirement for 3rd mate unlimited, Chief, and Master.

6. An assessment of deck watch officer options to complete the 3rd mate unlimited license and the qualification under the Standards of Training, Cer-
tification, and Watchkeeping for officer in charge of
a navigational watch.

(7) An assessment of senior deck watch officer
options to complete the Chief Mate and Master un-
limited license and the qualification under the
Standards of Training, Certification, and
Watchkeeping for Chief Mate and Master.

SEC. 9404. REPORT ON HELICOPTER LIFE-CYCLE SUPPORT
AND RECAPITALIZATION.

Not later than 180 days after the date of the enact-
ment of this Act, the Commandant shall submit to the
Committee on Commerce, Science, and Transportation of
the Senate and the Committee on Transportation and In-
frastructure of the House of Representatives a report
that—

(1) includes an updated fleet life-cycle analysis
and service life extension plan that includes dynamic
components, and which clearly demonstrates the
mission viability of the MH–65 through anticipated
fleet recapitalization;

(2) includes a realistic sustainment budget nec-
essary to achieve the operational availability rates
necessary to meet MH–65 mission requirements
through fleet recapitalization;
(3) includes an update on the status of the Coast Guard MH–65 helicopter recapitalization; and
(4) includes a description of any alternative, available, and cost-effective Government and civil systems, or updates, that the Coast Guard is considering for MH–65 operational missions, including Coast Guard cutter deployability requirements, in the event of delays to the future vertical lift program of the Coast Guard.

SEC. 9405. REPORT ON COAST GUARD RESPONSE CAPABILITIES FOR CYBER INCIDENTS ON VESSELS ENTERING PORTS OR WATERS OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the response capabilities of the Coast Guard with respect to cyber incidents on vessels entering ports or waters of the United States.

(b) REVIEW.—The report under subsection (a) shall include a review of each of the following:

(1) The number and type of commercial vessels of the United States subject to regulations under
part 104 of title 33, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(2) Policies and guidance issued by the Commandant, in accordance with guidelines on cyber risk management of the International Maritime Organization, to vessels of the United States.

(3) Measures to be taken by owners or operators of commercial vessels of the United States to increase cybersecurity posture on such vessels.

(4) Responses of the Commandant to cyber incidents on vessels described in paragraph (1) prior to the date of the enactment of this Act.

(5) Response protocols followed by personnel of the Coast Guard to a cyber incident on any vessel described in paragraph (1) experienced while that vessel is traveling to ports or waters of the United States.

(6) Oversight by the Commandant of—

(A) vessel-to-facility interface, as defined in section 101.105 of title 33, Code of Federal Regulations (or any corresponding similar regulation or ruling); and

(B) actions taken by the Coast Guard in coordination with vessel and facility owners and operators to protect commercial vessels and
port facility infrastructure from cyber attacks and proliferation.

(7) Requirements of the Commandant for the reporting of cyber incidents that occur on the vessels described in paragraph (1).

(e) RECOMMENDATIONS AND APPROPRIATIONS.—The Commandant shall include in the report under subsection (a)—

(1) recommendations—

(A) to improve cyber incident response; and

(B) for policies to address gaps identified by the review under subsection (b); and

(2) a description of authorities and appropriations necessary to improve the preparedness of the Coast Guard for cyber incidents on vessels entering ports or waters of the United States and the ability of the Coast Guard to prevent and respond to such incidents.

(d) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(e) VESSEL OF THE UNITED STATES DEFINED.—In this section, the term “vessel of the United States” has
the meaning given such term in section 116 of title 46, United States Code.

SEC. 9406. STUDY AND REPORT ON COAST GUARD INTERDICTION OF ILLICIT DRUGS IN TRANSIT ZONES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Coast Guard seizes an average of 1,221 pounds of cocaine and 85 pounds of marijuana each day in the transit zones of the Eastern Pacific Ocean, Caribbean Sea, and Southern maritime border approaches.

(2) The Joint Interagency Task Force–South (JIATF–South) estimates that it has a spectrum of actionable intelligence on more than 80 percent of drug movements into the United States from Central America and South America.

(3) The Coast Guard must balance asset allocation across 11 statutory missions. As such, the Coast Guard interdicts less than 10 percent of maritime noncommercial smuggling of illicit drugs into the United States from Central America and South America.
(4) In 2017, the Government Accountability Office recommended that the Commandant of the Coast Guard—

(A) develop new performance goals relating to the interdiction of illicit drugs smuggled into the United States, or describe the manner in which existing goals are sufficient;

(B) report such goals to the public;

(C) assess the extent to which limitations in performance data with respect to such goals are documented;

(D) document measurable corrective actions and implementation timeframes with respect to such goals; and

(E) document efforts to monitor implementation of such corrective actions.

(b) STUDY.—The Secretary of the Department in which the Coast Guard is operating, in coordination with the Secretary of Defense and the heads of other relevant Federal agencies, shall conduct a study in order to identify gaps in resources that contribute to low interdiction rates for maritime noncommercial smuggling of illicit drugs into the United States from Central America and South America despite having actionable intelligence on more than 80 percent of drug movements in the transit zones of the
Eastern Pacific Ocean, Caribbean Sea, and Southern maritime border approaches.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study under subsection (b). Such report shall include—

(1) a statement of the Coast Guard mission requirements for drug interdiction in the Caribbean basin;

(2) the number of maritime surveillance hours and Coast Guard assets used in each of fiscal years 2017 through 2019 to counter the illicit trafficking of drugs and other related threats throughout the Caribbean basin; and

(3) a determination of whether such hours and assets satisfied the Coast Guard mission requirements for drug interdiction in the Caribbean basin.

(d) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.
SEC. 9407. REPORT ON LIABILITY LIMITS SET IN SECTION 1004 OF THE OIL POLLUTION ACT OF 1990.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the following:

(1) Each liability limit set under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704), including the statutory or regulatory authority establishing such limit.

(2) If the Commandant determines that any liability limit listed in such section should be modified—

(A) a description of the modification;

(B) a justification for such modification;

and

(C) a recommendation for legislative or regulatory action to achieve such modification.

SEC. 9408. REPORT ON COAST GUARD DEFENSE READINESS RESOURCES ALLOCATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the
House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the allocation of resources by the Coast Guard to support its defense readiness mission.

(b) CONTENTS.—The report required by subsection (a) shall include the following elements:

(1) Funding levels allocated by the Coast Guard to support defense readiness missions for each of the past 10 fiscal years.

(2) Funding levels transferred or otherwise provided by the Department of Defense to the Coast Guard in support of the Coast Guard’s defense readiness missions for each of the past 10 fiscal years.

(3) The number of Coast Guard detachments assigned in support of the Coast Guard’s defense readiness mission for each of the past 10 fiscal years.

(c) ASSESSMENT.—In addition to the elements detailed in subsection (b), the report shall include an assessment of the impacts on the Coast Guard’s non-defense mission readiness and operational capabilities due to the annual levels of reimbursement provided by the Department of Defense to compensate the Coast Guard for its expenses to fulfill its defense readiness mission.
SEC. 9409. REPORT ON THE FEASIBILITY OF LIQUEFIED NATURAL GAS FUELED VESSELS.

Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the following:

(1) The feasibility, safety, and cost effectiveness of using liquefied natural gas to fuel new Coast Guard vessels.

(2) The feasibility, safety, and cost effectiveness of converting existing vessels to run on liquefied natural gas fuels.

(3) The operational feasibility of using liquefied natural gas to fuel Coast Guard vessels.

SEC. 9410. COAST GUARD AUTHORITIES STUDY.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Sciences not later than 60 days after the date of the enactment of this Act under which the Academy shall prepare an assessment of Coast Guard authorities.

(b) ASSESSMENT.—The assessment under subsection (a) shall provide—
(1) an examination of emerging issues that may require Coast Guard oversight, regulation, or action;

(2) a description of potential limitations and shortcomings of relying on current Coast Guard authorities to address emerging issues; and

(3) an overview of adjustments and additions that could be made to existing Coast Guard authorities to fully address emerging issues.

(c) Report to the Congress.—Not later than 1 year after entering into an arrangement with the Secretary under subsection (a), the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the assessment under this section.

(d) Emerging Issues.—In this section, the term “emerging issues” means changes in the maritime industry and environment that in the determination of the National Academy of Sciences are reasonably likely to occur within 10 years after the date of the enactment of this Act, including—

(1) the introduction of new technologies in the maritime domain;

(2) the advent of new processes or operational activities in the maritime domain; and
(3) changes in the use of navigable waterways.

(e) Form.—The assessment required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 9411. REPORT ON EFFECTS OF CLIMATE CHANGE ON COAST GUARD.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on vulnerabilities of Coast Guard installations and requirements resulting from climate change over the next 20 years.

(b) Elements.—The report under subsection (a) shall include the following:

(1) A list of the 10 most vulnerable Coast Guard installations based on the effects of climate change, including rising sea tides, increased flooding, drought, desertification, wildfires, thawing permafrost, or any other categories the Commandant determines necessary.

(2) An overview of—

(A) mitigations that may be necessary to ensure the continued operational viability and
to increase the resiliency of the identified vulnerable installations; and

(B) the cost of such mitigations.

(3) A discussion of the climate-change-related effects on the Coast Guard, including—

(A) the increase in the frequency of humanitarian assistance and disaster relief missions; and

(B) campaign plans, contingency plans, and operational posture of the Coast Guard.

(4) An overview of mitigations that may be necessary to ensure mission resiliency and the cost of such mitigations.

(e) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 9412. SHORE INFRASTRUCTURE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall—

(1) develop a plan to standardize Coast Guard facility condition assessments;

(2) establish shore infrastructure performance goals, measures, and baselines to track the effective-
ness of maintenance and repair investments and pro-
vide feedback on progress made;

(3) develop a process to routinely align the
Coast Guard shore infrastructure portfolio with mis-

(4) establish guidance for planning boards to
document inputs, deliberations, and project
prioritization decisions for infrastructure mainte-

(5) employ models for Coast Guard infrastruc-
ture asset lines for—

(A) predicting the outcome of investments
in shore infrastructure;

(B) analyzing tradeoffs; and

(C) optimizing decisions among competing
investments;

(6) include supporting details about competing
project alternatives and report tradeoffs in congress-
ional budget requests and related reports; and

(7) explore the development of real property
management expertise within the Coast Guard work-
force, including members of the Senior Executive
Service.

(b) BRIEFING.—Not later than December 31, 2020,
tation and Infrastructure of the House of Representatives
and the Committee on Commerce, Science, and Transpor-
tation of the Senate on the status of the actions required
under subsection (a).

SEC. 9413. COAST GUARD HOUSING; STATUS AND AUTHORI-
TIES BRIEFING.

Not later than 180 days after the date of the enact-
ment of this Act, the Commandant shall provide to the
Committee on Transportation and Infrastructure of the
House of Representatives and the Committee on Com-
merce, Science, and Transportation of the Senate a brief-
ing on Coast Guard housing, including—

(1) a description of the material condition of
Coast Guard housing facilities;

(2) the amount of current Coast Guard housing
construction and deferred maintenance backlogs;

(3) an overview of the manner in which the
Coast Guard manages and maintains housing facili-
ties;

(4) a discussion of whether reauthorizing hous-
ing authorities for the Coast Guard similar to those
provided in section 208 of the Coast Guard Author-
ization Act of 1996 (Public Law 104–324); and
(5) recommendations regarding how the Congress could adjust those authorities to prevent mismanagement of Coast Guard housing facilities.

SEC. 9414. PHYSICAL ACCESS CONTROL SYSTEM REPORT.

Not later 180 days after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the status of the Coast Guard’s compliance with Homeland Security Presidential Directive 12 (HSPD–12) and Federal Information Processing Standard 201 (FIPS–201), including—

(1) the status of Coast Guard efforts to field a comprehensive Physical Access Control System at Coast Guard installations and locations necessary to bring the Service into compliance with HSPD–12 and FIPS–201B;

(2) the status of the selection of a technological solution;

(3) the estimated phases and timeframe to complete the implementation of such a system; and

(4) the estimated cost for each phase of the project.
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.

(a) GAO Report.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the resources, regulations, policies, protocols, and other actions designed to carry out the Coast Guard Certificate of Compliance program with respect to liquefied natural gas tank vessels (including examinations under section 153.808 of title 46, Code of Federal Regulations) and vessels that carry bulk liquefied gases as cargo (including examinations under part 154 of title 46, Code of Federal Regulations) for purposes of maintaining the efficiency of examinations under that program.

(2) Contents.—The report under paragraph (1) shall include an assessment of the adequacy of current Coast Guard resources, regulations, policies,
and protocols to maintain vessel examination efficiency while carrying out the program referred to in paragraph (1) as United States bulk liquefied gases cargo, liquefied natural gas exports, and associated vessel traffic at United States ports increase.

(b) NATIONAL ACADEMIES STUDY.—

(1) IN GENERAL.—Not later than 6 months after the date on which the report required under subsection (a) is submitted, the Commandant shall enter into an agreement with the National Academies under which the National Academies shall—

(A) conduct an evaluation of the constraints and challenges to maintaining examination efficiency under the program as United States bulk liquefied gases cargo, liquefied natural gas exports, and associated vessel traffic at United States ports increase; and

(B) issue recommendations for changes to resources, regulations, policies, and protocols to maintain the efficiency of the program, including analysis of the following alternatives:

(i) Establishment of a Coast Guard marine examination unit near the Panama Canal to conduct inspections under the program on liquefied natural gas tank ves-
sels bound for the United States, similar to Coast Guard operations carried out by Coast Guard Activities Europe and Coast Guard Activities Far East, including the effects of the establishment of such a unit on the domestic aspects of the program.

(ii) Management of all marine examiners with gas carrier qualification within each Coast Guard District by a single Officer in Charge, Marine Inspection (as defined in section 50.10–10 of title 46, Code of Federal Regulations) to improve the efficiency of their vessel examination assignments.

(iii) Extension of the duration of assignment of marine examiners with a gas carrier qualification at Coast Guard units that most frequently inspect vessels that carry bulk liquefied gases as cargo and liquefied natural gas tank vessels.

(iv) Increase in the use of civilians to conduct and support examinations under the program.

(v) Extension of the duration of certificates of compliance under the program.
for vessels that carry bulk liquefied gases
as cargo and liquefied natural gas tank
vessels that are less than 10 years of age
and participate in a Coast Guard vessel
quality program.

SEC. 9416. COMPTROLLER GENERAL OF THE UNITED
STATES REVIEW AND REPORT ON COAST
GUARD'S INTERNATIONAL PORT SECURITY
PROGRAM.

(a) GAO REPORT.—Not later than 1 year after the
date of the enactment of this Act, the Comptroller General
of the United States shall submit to the Committee on
Commerce, Science, and Transportation of the Senate and
the Committee on Transportation and Infrastructure of
the House of Representatives a report setting forth the
results of a comprehensive review, conducted by the Compt-
troller General for purposes of the report, on the Coast
Guard’s International Port Security Program, including
the findings, and any recommendations for improvement
of the program, of the Comptroller General.

(b) REQUIRED ELEMENTS OF REVIEW.—The review
required under subsection (a) shall include—

(1) review of the actions of the Coast Guard
under the Coast Guard’s International Port Security
Program, since 2014, to enhance foreign port inspections;

(2) review of the actions of the Coast Guard to recognize and monitor port inspection programs of foreign governments;

(3) identification and review of the actions the Coast Guard takes to address any deficiencies it observes during visits at foreign ports;

(4) identify and review the benchmarks of the Coast Guard for measuring the effectiveness of the program; and

(5) review of the extent to which the Coast Guard and United States Customs and Border Protection coordinate efforts to screen and inspect cargo at foreign ports.

SEC. 9417. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW AND REPORT ON SURGE CAPACITY OF THE COAST GUARD.

(a) GAO REPORT.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting for the results of a comprehensive review, conducted by the Comp-
troller General for purposes of the report, on the surge
capacity of the Coast Guard to respond to a catastrophic
incident (such as a hurricane), including the findings, and
any recommendations for improvement, of the Comptroller
General.

(b) REQUIRED ELEMENTS OF REVIEW.—The review
required under subsection (a) shall include—

(1) a description and review of each Coast
Guard deployment in response to a catastrophic inci-
dent after 2005;

(2) identification of best practices informed by
the deployments described in paragraph (1);

(3) a review of the ability of the surge force of
the Coast Guard to meet the demands of the re-
response roles in which it was serving during each de-
ployment described in paragraph (1);

(4) identification of any statutory or regulatory
impediments, such as adaptability, planning, train-
ing, mobilization, or information and resource inte-
gration, to the surge capacity of the Coast Guard in
response to a catastrophic incident;

(5) review of the impacts of a surge of the
Coast Guard in response to a catastrophic incident
on the capacity of the Coast Guard to perform its
statutory missions;
(6) review of the capability of the Coast Guard to surge in response to concurrent or subsequent catastrophic incidents; and

(7) review and description of existing voluntary and involuntary deployments of Coast Guard personnel and assets in support of a United States Customs and Border Protection response to a national emergency (as defined in Presidential Proclamation 9844) on the surge capacity of the Coast Guard in the event of a catastrophic incident.

(c) DEFINITIONS.—In this section, the terms “catastrophic incident” and “surge capacity” have the meaning given such terms in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701).

SEC. 9418. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW AND REPORT ON MARINE INSPECTIONS PROGRAM OF COAST GUARD.

(a) GAO REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the results of a comprehensive review, conducted by the Comptroller General for purposes of the report, on the marine
inspections program of the Coast Guard, including the
findings, and any recommendations for improvement of
the program, of the Comptroller General.

(b) REQUIRED ELEMENTS OF REVIEW.—The review
required under subsection (a) shall include—

(1) an analysis of the demand for marine in-
spectors;

(2) an identification of the number of fully
qualified marine inspectors;

(3) a determination of whether the number of
marine inspectors identified in paragraph (2) is suf-
ficient to meet the demand described in paragraph
(1);

(4) a review of the enlisted marine inspector
workforce compared to the civilian marine inspector
workforce and whether there is any discernable dis-
tinction or impact between such workforces in the
performance of the marine safety mission;

(5) an evaluation of the training continuum of
marine inspectors;

(6) a description and review of what actions, if
any, the Coast Guard is taking to adapt to the cur-
rent rise in United States export of crude oil and
other fuels, such as implementing a safety inspection
regime for barges; and
(7) an analysis of extending tours of duty for
marine inspectors and increasing the number of ci-
vilian marine inspectors.

SEC. 9419. COMPTROLLER GENERAL OF THE UNITED
STATES REVIEW AND REPORT ON INFORMA-
TION TECHNOLOGY PROGRAM OF COAST
GUARD.

(a) GAO Report.—

(1) IN GENERAL.—Not later than 1 year after
the date of the enactment of this Act, the Com-
troller General of the United States shall submit to
the Committee on Commerce, Science, and Trans-
portation of the Senate and the Committee on
Transportation and Infrastructure of the House of
Representatives a report setting forth the results of
a comprehensive review, conducted by the Com-
troller General for purposes of the report, on the
Coast Guard Command, Control, Communications,
Computers, Cyber, and Intelligence Service Center,
including the findings, and any recommendations for
improvement of the program, of the Comptroller
General.

(2) REQUIRED ELEMENTS OF REVIEW.—The
review required under paragraph (1) shall include—
(A) analysis of how the Coast Guard manages its information technology program, including information technology acquisitions, to meet its various mission needs and reporting requirements;

(B) analysis of the adequacy of the physical information technology infrastructure within Coast Guard districts, including network infrastructure, for meeting mission needs and reporting requirements;

(C) analysis of whether and, if so, how the Coast Guard—

(i) identifies and satisfies any knowledge and skill requirements; and

(ii) recruits, trains, and develops its information technology personnel;

(D) analysis of whether and, if so, how the Coast Guard separates information technology from operational technology for cybersecurity purposes;

(E) analysis of how the Coast Guard intends to update its Marine Information for Safety and Law Enforcement system, personnel, accounting and other databases, and im-
implement an electronic health records system;
and

(F) analysis of the goals and acquisition strategies for all proposed Coast Guard enterprise-wide cloud computing service procurements.

(b) REVIEW ON CLOUD COMPUTING.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a detailed description of the Coast Guard’s strategy to implement cloud computing for the entire Coast Guard, including—

(1) the goals and acquisition strategies for all proposed enterprise-wide cloud computing service procurements;

(2) a strategy to sustain competition and innovation throughout the period of performance of each contract for procurement of cloud-computing goods and services for the Coast Guard, including defining opportunities for multiple cloud-service providers and insertion of new technologies;
(3) an assessment of potential threats and security vulnerabilities of the strategy, and plans to mitigate such risks; and

(4) an estimate of the cost and timeline to implement cloud computing service for all Coast Guard computing.

SEC. 9420. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON ACCESS TO HEALTH CARE BY MEMBERS OF COAST GUARD AND DEPENDENTS.

(a) Study.—

(1) In general.—The Comptroller General of the United States shall conduct a study that examines access to, experience with, and needs under the TRICARE program of members of the Coast Guard and their dependents.

(2) Elements.—The study conducted under paragraph (1) shall analyze the following:

(A) The record of the TRICARE program in meeting the standards for care for primary and specialty care for members of the Coast Guard and dependents of those members, including members stationed in remote units.
(B) The accuracy and update periodicity of lists of providers under the TRICARE program in areas serving Coast Guard families.

(C) The wait times under the TRICARE program for appointments, specialty care, and referrals for members of the Coast Guard and dependents of those members.

(D) The availability of providers under the TRICARE program in remote locations, including providers for mental health, juvenile specialty care, dental, and female health.

(E) The access of members of the Coast Guard and dependents of those members to services under the TRICARE program in comparison to the access to such services by personnel of the Department of Defense and dependents of such personnel.

(F) The liaison assistance between members of the Coast Guard and dependents of those members and the TRICARE program provided by the Coast Guard in comparison to such assistance provided by the Department of Defense.

(G) How delayed access to care, timeliness of care, and distance traveled to care may im-
impact personnel readiness of members of the Coast Guard.

(H) The regions particularly impacted by lack of access to care and recommendations to address those access issues.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings, conclusions, and recommendations to improve access to quality, timely, and effective health care for members of the Coast Guard and dependents of those members from the study required under subsection (a).

(e) DEFINITIONS.—In this section, the terms “dependent” and “TRICARE program” have the meanings given such terms in section 1072 of title 10, United States Code.

SEC. 9421. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON MEDICAL STAFFING STANDARDS AND NEEDS FOR COAST GUARD.

(a) STUDY.—
(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines the health care system of the Coast Guard.

(2) ELEMENTS.—The study conducted under paragraph (1) shall analyze the following:

(A) The billets in clinics of the Coast Guard, whether for personnel of the Coast Guard or otherwise, including the number of billets, vacancies, and length of vacancies.

(B) The wait times for patients to attain an appointment for urgent care, routine physician care, and dental care.

(C) The impact of billet vacancies on such wait times.

(D) The ability of the Coast Guard to use other medical personnel of the Department of Defense, including physicians and physician assistants, to fill provider vacancies for the Coast Guard.

(E) The barriers, if any, to improving coordination and access to physicians within the health care system of the Department of Defense.

(F) The accessibility and availability of behavioral health medical personnel at clinics of
the Coast Guard, including personnel available for family counseling, therapy, and other needs.

(G) The staffing models of clinics of the Coast Guard, including recommendations to modernize such models.

(H) The locations and needs of Coast Guard units with or without clinics.

(I) How access to care models for members of the Coast Guard are managed, including models with respect to the time and distance traveled to receive care, the cost of that travel, and alternate options to secure care quickly and efficiently for members serving in units without a clinic.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings, conclusions, and recommendations from the study required under subsection (a).
(2) ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An identification of the number of members of the Coast Guard and types of units of the Coast Guard serviced by the health care system of the Coast Guard.

(B) An assessment of the ability of the Coast Guard to conduct medical support at outlying units, including remote units.

(C) An assessment of the capacity of the Coast Guard to support surge operations using historical data from the 10-year period preceding the date of the report.

(D) An assessment of the impact to operations of the Coast Guard by extended wait times or travel times to receive care or other issues identified by the report.

(e) RECOMMENDATIONS.—Not later than 90 days after the date on which the report is submitted under subsection (b), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives written recommendations for medical staffing standards for the Coast Guard based on each finding and conclusion con-
tained in the report, including recommendations for health
service technicians, flight surgeons, physician assistants,
dentists, dental hygienists, family advocate services, phar-
maceutists, and administrators, and other recommendations,
as appropriate.

SEC. 9422. REPORT ON FAST RESPONSE CUTTERS, OFF-
SHORE PATROL CUTTERS, AND NATIONAL SE-
CURITY CUTTERS.

(a) In general.—Not later than 90 days after the
date of the enactment of this Act, the Commandant shall
submit to the Committee on Commerce, Science, and
Transportation of the Senate and the Committee on
Transportation and Infrastructure of the House of Rep-
resentatives a report on the combination of Fast Response
Cutters, Offshore Patrol Cutters, and National Security
Cutters necessary to carry out Coast Guard missions.

(b) Elements.—The report required by subsection
(a) shall include—

(1) an updated cost estimate for each type of
cutter described in such subsection; and

(2) a cost estimate for a Sensitive Compart-
mented Information Facility outfitted to manage
data in a manner equivalent to the National Security
Cutter Sensitive Compartmented Information Facili-
ties.
Subtitle E—Coast Guard Academy Improvement Act

SEC. 9501. SHORT TITLE.

This subtitle may be cited as the “Coast Guard Academy Improvement Act”.

SEC. 9502. COAST GUARD ACADEMY STUDY.

(a) In general.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Public Administration not later than 60 days after the date of enactment of the this Act under which the National Academy of Public Administration shall—

(1) conduct an assessment of the cultural competence of the Coast Guard Academy as an organization and of individuals at the Coast Guard Academy to carry out effectively the primary duties of the United States Coast Guard listed in section 102 of title 14, United States Code, when interacting with individuals of different races, ethnicities, genders, religions, sexual orientations, socioeconomic backgrounds, or from different geographic origins; and

(2) issue recommendations based upon the findings in such assessment.

(b) Assessment of cultural competence.—
(1) Cultural competence of the coast guard academy.—The arrangement described in subsection (a) shall require the National Academy of Public Administration to, not later than 1 year after entering into an arrangement with the Secretary under subsection (a), submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the assessment described under subsection (a)(1).

(2) Assessment scope.—The assessment described under subsection (a)(1) shall—

(A) describe the level of cultural competence described in subsection (a)(1) based on the National Academy of Public Administration’s assessment of the Coast Guard Academy’s relevant practices, policies, and structures, including an overview of discussions with faculty, staff, students, and relevant Coast Guard Academy affiliated organizations;

(B) examine potential changes which could be used to further enhance such cultural competence by—

(i) modifying institutional practices, policies, and structures; and
(ii) any other changes deemed appropriate by the National Academy of Public Administration; and

(C) make recommendations to enhance the cultural competence of the Coast Guard Academy described in subparagraph (A), including any specific plans, policies, milestones, performance measures, or other information necessary to implement such recommendations.

(c) Final Action Memorandum.—Not later than 6 months after submission of the assessment under subsection (b)(1), the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a final action memorandum in response to all recommendations contained in the assessment. The final action memorandum shall include the rationale for accepting, accepting in part, or rejecting each recommendation, and shall specify, where applicable, actions to be taken to implement such recommendations, including an explanation of how each action enhances the ability of the Coast Guard to carry out the primary duties of the United States Coast Guard listed in section 102 of title 14, United States Code.
(d) PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of the submission of the final action memorandum required under subsection (c), the Commandant, in coordination with the Chief Human Capital Officer of the Department of Homeland Security, shall submit a plan to carry out the recommendations or the parts of the recommendations accepted in the final action memorandum to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) STRATEGY WITH MILESTONES.—If any recommendation or parts of recommendations accepted in the final action memorandum address any of the following actions, then the plan required in paragraph (1) shall include a strategy with appropriate milestones to carry out such recommendations or parts of recommendations:

(A) Improve outreach and recruitment of a more diverse Coast Guard Academy cadet candidate pool based on race, ethnicity, gender, religion, sexual orientation, socioeconomic background, and geographic origin.
(B) Modify institutional structures, practices, and policies to foster a more diverse cadet corps body, faculty, and staff workforce based on race, ethnicity, gender, religion, sexual orientation, socioeconomic background, and geographic origin.

(C) Modify existing or establish new policies and safeguards to foster the retention of cadets, faculty, and staff of different races, ethnicities, genders, religions, sexual orientations, socioeconomic backgrounds, and geographic origins at the Coast Guard Academy.

(D) Restructure the admissions office of the Coast Guard Academy to be headed by a civilian with significant relevant higher education recruitment experience.

(3) Implementation.—Unless otherwise directed by an Act of Congress, the Commandant shall begin implementation of the plan developed under this subsection not later than 180 days after the submission of such plan to Congress.

(4) Update.—The Commandant shall include in the first annual report required under chapter 51 of title 14, United States Code, as amended by this division, submitted after the date of enactment of
this section, the strategy with milestones required in paragraph (2) and shall report annually thereafter on actions taken and progress made in the implementation of such plan.

SEC. 9503. ANNUAL REPORT.

Chapter 51 of title 14, United States Code, is further amended by adding at the end the following:

“§ 5111. Report on diversity at Coast Guard Academy

“(a) IN GENERAL.—Not later than January 15, 2021, and annually thereafter, the Commandant shall submit a report on diversity at the Coast Guard Academy to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) CONTENTS.—The report required under subsection (a) shall include—

“(1) the status of the implementation of the plan required under section 9502 of the Elijah E. Cummings Coast Guard Authorization Act of 2020;

“(2) specific information on outreach and recruitment activities for the preceding year, including the effectiveness of the Coast Guard Academy minority outreach team program described under section 1905 and of outreach and recruitment activities
in the territories and other possessions of the United States;

“(3) enrollment information about the incoming class, including the gender, race, ethnicity, religion, socioeconomic background, and State of residence of Coast Guard Academy cadets;

“(4) information on class retention, outcomes, and graduation rates, including the race, gender, ethnicity, religion, socioeconomic background, and State of residence of Coast Guard Academy cadets;

“(5) information on efforts to retain diverse cadets, including through professional development and professional advancement programs for staff and faculty; and

“(6) a summary of reported allegations of discrimination on the basis of race, color, national origin, sex, gender, or religion for the preceding 5 years.”

SEC. 9504. ASSESSMENT OF COAST GUARD ACADEMY ADMISSION PROCESSES.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Public Administration under which the National Academy of Public Administration shall, not later than 1 year after
submitting an assessment under section 9502(a), submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the Coast Guard Academy admissions process.

(b) **Assessment Scope.**—The assessment required to be sought under subsection (a) shall, at a minimum, include—

(1) a study, or an audit if appropriate, of the process the Coast Guard Academy uses to—

(A) identify candidates for recruitment;

(B) recruit applicants;

(C) assist applicants in the application process;

(D) evaluate applications; and

(E) make admissions decisions;

(2) discussion of the consideration during the admissions process of diversity, including—

(A) race;

(B) ethnicity;

(C) gender;

(D) religion;

(E) sexual orientation;

(F) socioeconomic background; and
(G) geographic origin;

(3) an overview of the admissions processes at other Federal service academies, including—

(A) discussion of consideration of diversity, including any efforts to attract a diverse pool of applicants, in those processes; and

(B) an analysis of how the congressional nominations requirement in current law related to military service academies and the Merchant Marine Academy impacts those processes and the overall demographics of the student bodies at those academies;

(4) a determination regarding how a congressional nominations requirement for Coast Guard Academy admissions could impact diversity among the student body and the ability of the Coast Guard to carry out effectively the Service’s primary duties described in section 102 of title 14, United States Code; and

(5) recommendations for improving Coast Guard Academy admissions processes, including whether a congressional nominations process should be integrated into such processes.
SEC. 9505. COAST GUARD ACADEMY MINORITY OUTREACH TEAM PROGRAM.

(a) IN GENERAL.—Chapter 19 of title 14, United States Code, is further amended by inserting after section 1904 (as amended by this division) the following:

“§ 1905. Coast Guard Academy minority outreach team program

“(a) IN GENERAL.—There is established within the Coast Guard Academy a minority outreach team program (in this section referred to as the ‘Program’ ) under which officers, including minority officers and officers from territories and other possessions of the United States, who are Academy graduates may volunteer their time to recruit minority students and strengthen cadet retention through mentorship of cadets.

“(b) ADMINISTRATION.—Not later than January 1, 2021, the Commandant, in consultation with Program volunteers and Academy alumni that participated in prior programs at the Academy similar to the Program, shall appoint a permanent civilian position at the Academy to administer the Program by, among other things—

“(1) overseeing administration of the Program;

“(2) serving as a resource to volunteers and outside stakeholders;
“(3) advising Academy leadership on recruitment and retention efforts based on recommendations from volunteers and outside stakeholders;

“(4) establishing strategic goals and performance metrics for the Program with input from active volunteers and Academy leadership; and

“(5) reporting annually to the Commandant on academic year and performance outcomes of the goals for the Program before the end of each academic year.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 19 of title 14, United States Code, is further amended by inserting after the item relating to section 1904 (as amended by this division) the following:

“1905. Coast Guard Academy minority outreach team program.”.

SEC. 9506. COAST GUARD COLLEGE STUDENT PRE-COMMISSIONING INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 14, United States Code, is further amended by adding at the end the following:

“§2131. College student pre-commissioning initiative

“(a) IN GENERAL.—There is authorized within the Coast Guard a college student pre-commissioning initiative program (in this section referred to as the ‘Program’) for eligible undergraduate students to enlist and receive a guaranteed commission as an officer in the Coast Guard.
“(b) CRITERIA FOR SELECTION.—To be eligible for the Program a student must meet the following requirements upon submitting an application:

“(1) AGE.—A student must be not less than 19 years old and not more than 27 years old as of September 30 of the fiscal year in which the Program selection panel selecting such student convenes.

“(2) CHARACTER.—

“(A) ALL APPLICANTS.—All applicants must be of outstanding moral character and meet other character requirements as set forth by the Commandant.

“(B) COAST GUARD APPLICANTS.—An applicant serving in the Coast Guard may not be commissioned if in the 36 months prior to the first Officer Candidate School class convening date in the selection cycle, such applicant was convicted by a court-martial or awarded non-judicial punishment, or did not meet performance or character requirements set forth by the Commandant.

“(3) CITIZENSHIP.—A student must be a United States citizen.

“(4) CLEARANCE.—A student must be eligible for a secret clearance.
“(5) DEPENDENCY.—

“(A) IN GENERAL.—A student may not have more than 2 dependents.

“(B) SOLE CUSTODY.—A student who is single may not have sole or primary custody of dependents.

“(6) EDUCATION.—

“(A) INSTITUTION.—A student must be an undergraduate sophomore or junior—

“(i) at a historically Black college or university described in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)); or

“(ii) an undergraduate sophomore or junior enrolled at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that, at the time of application of the sophomore or junior, has had for 3 consecutive years an enrollment of undergraduate full-time equivalent students (as defined in section 312(e) of such Act (20
U.S.C. 1058(e))) that is a total of at least 50 percent Black American, Hispanic, Asian American (as defined in section 371(c) of such Act (20 U.S.C. 1067q(c))), Native American Pacific Islander (as defined in such section), or Native American (as defined in such section), among other criteria, as determined by the Commandant.

“(B) LOCATION.—The institution at which such student is an undergraduate must be within 100 miles of a Coast guard unit or Coast Guard Recruiting Office unless otherwise approved by the Commandant.

“(C) RECORDS.—A student must meet credit and grade point average requirements set forth by the Commandant.

“(7) MEDICAL AND ADMINISTRATIVE.—A student must meet other medical and administrative requirements as set forth by the Commandant.

“(c) ENLISTMENT AND OBLIGATION.—Individuals selected and accept to participate in the Program shall enlist in the Coast Guard in pay grade E–3 with a 4-year duty obligation and 4-year inactive Reserve obligation.
“(d) Military Activities Prior to Officer Candidate School.—Individuals enrolled in the Program shall participate in military activities each month, as required by the Commandant, prior to attending Officer Candidate School.

“(e) Participation in Officer Candidate School.—Each graduate of the Program shall attend the first enrollment of Officer Candidate School that commences after the date of such graduate’s graduation.

“(f) Commissioning.—Upon graduation from Officer Candidate School, Program graduates shall be discharged from enlisted status and commissioned as an O-1 with an initial 3-year duty obligation.

“(g) Briefing.—

“(1) In General.—Not later than August 15 of each year, the Commandant shall provide a briefing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the Program.

“(2) Contents.—The briefing required under paragraph (1) shall describe—

“(A) outreach and recruitment efforts over the previous year; and
“(B) demographic information of enrollees including—

“(i) race;

“(ii) ethnicity;

“(iii) gender;

“(iv) geographic origin; and

“(v) educational institution.”.

(b) CLERICAL AMENDMENT.—The analysis chapter 21 of title 14, United States Code, is amended by inserting after the item relating to section 2130 (as added by this division) the following:

“2131. College student pre-commissioning initiative.”.

SEC. 9507. ANNUAL BOARD OF VISITORS.

Section 1903(d) of title 14, United States Code, is amended—

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

(2) by inserting after paragraph (1) the following:

“(2) recruitment and retention, including diversity, inclusion, and issues regarding women specifically;”.

**HR 6395 EH**
SEC. 9508. HOMELAND SECURITY ROTATIONAL CYBERSECURITY RESEARCH PROGRAM AT COAST GUARD ACADEMY.

(a) In General.—Subtitle E of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) is amended by adding at the end the following:

“SEC. 846. ROTATIONAL CYBERSECURITY RESEARCH PROGRAM.

“To enhance the Department’s cybersecurity capacity, the Secretary may establish a rotational research, development, and training program for—

“(1) detail to the Cybersecurity and Infrastructure Security Agency (including the national cybersecurity and communications integration center authorized by section 2209) of Coast Guard Academy graduates and faculty; and

“(2) detail to the Coast Guard Academy, as faculty, of individuals with expertise and experience in cybersecurity who are employed by—

“(A) the Agency (including the center);

“(B) the Directorate of Science and Technology; or

“(C) institutions that have been designated by the Department as a Center of Excellence for Cyber Defense, or the equivalent.”.
(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) is amended by adding at the end of the items relating to subtitle E of such Act the following: “Sec. 846. Rotational cybersecurity research program.”.

Subtitle F—Other Matters

SEC. 9601. STRATEGY ON LEADERSHIP OF COAST GUARD.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop and make available to the public a strategy to improve leadership development in the Coast Guard, including mechanisms to address counterproductive leadership in the Coast Guard.

(b) ELEMENTS.—The strategy shall include the following:

(1) Mechanisms to foster positive and productive leadership qualities in emerging Coast Guard leaders, beginning, at minimum, members at grade O–2 for officers, members at grade E–6 for enlisted members, and members training to become an officer in charge.

(2) Mechanisms for the ongoing evaluation of unit commanders, including identification of counterproductive leadership qualities in commanders.
(3) Formal training on the recognition of counterproductive leadership qualities (in self and others), including at leadership seminars and school houses in the Coast Guard, including means to correct such qualities.

(4) Clear and transparent policies on standards for command climate, leadership qualities, and inclusion.

(5) Policy to ensure established and emerging leaders have access to hands-on training and tools to improve diversity and inclusion.

(6) Policy and procedures for commanders to identify and hold accountable counterproductive leaders.

(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.

SEC. 9602. EXPEDITED TRANSFER IN CASES OF SEXUAL ASSAULT; DEPENDENTS OF MEMBERS OF THE COAST GUARD.

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-
petrated by a member of the Armed Forces who is not related to the victim.

SEC. 9603. ACCESS TO RESOURCES DURING CREOSOTE-RELATED BUILDING CLOSURES AT COAST GUARD BASE SEATTLE, WASHINGTON.

(a) IN GENERAL.—With respect to the creosote-related building closures at Coast Guard Base Seattle, Washington, the Commandant shall, to the maximum extent practicable, enter into 1 or more agreements or otherwise take actions to secure access to resources, including a gym, that are not otherwise available to members of the Coast Guard during such closures.

(b) BRIEFING.—Not later than 60 days after the date of the enactment of this Act, the Commandant shall brief Congress with respect to actions taken by the Commandant to comply with subsection (a).

SEC. 9604. SOUTHERN RESIDENT ORCA CONSERVATION AND ENFORCEMENT.

(a) REPORT AND ACTION PLAN ON ORCA ENFORCEMENT OPPORTUNITIES.—Not later than 180 days after the date of the enactment of this Act, the Commandant, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall submit to Congress a report on Coast Guard efforts to enforce southern resident orca vessel buffer zones and other vessel-related regulations in
Puget Sound in coordination with existing Coast Guard fisheries enforcement, maritime domain awareness, the Be Whale Wise campaign, and other related missions. Such report shall include recommendations on what resources, appropriations, and assets are needed to meet orca conservation and related fisheries enforcement targets in the 13th Coast Guard District within 1 year of the date of enactment of this Act.

(b) Southern Resident Orcas.—The Commandant, in coordination with the Under Secretary of Commerce for Oceans and Atmosphere, shall undertake efforts to reduce vessel noise impacts on Southern resident orcas in Puget Sound, the Salish Sea, and the Strait of Juan de Fuca.

(c) Program.—

(1) In general.—The Commandant shall—

(A) support the development, implementation, and enforcement of commercial vessel noise reduction measures that are technically feasible and economically achievable;

(B) establish procedures for timely communication of information to commercial vessel operators regarding orca sightings in Puget Sound and make navigational safety rec-
ommendations in accordance with the Cooperative Vessel Traffic Service Agreement; and

(C) collaborate on studies or trials analyzing vessel noise impacts on Southern resident orcas.

(2) VESSEL NOISE IMPACTS.—The Undersecretary of Commerce for Oceans and Atmosphere shall assess vessel noise impacts on Southern resident orcas in the program area and make recommendations to reduce that noise and noise related impacts to Southern resident orcas to the Commandant.

(3) COORDINATION.—In carrying out this section, the Commandant shall coordinate with Canadian agencies affiliated with the Enhancing Cetacean Habitat and Observation (ECHO) program and other international organizations as appropriate.

(4) CONSULTATION.—In carrying out this section, the Commandant and the Undersecretary of Commerce for Oceans and Atmosphere shall consult with State, local, and Tribal governments and maritime industry and conservation stakeholders including ports, higher education institutions, and non-governmental organizations.
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.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Coast Guard components with investigative authority should exercise such authority with due respect for the rights of whistleblowers; and

(2) the Commandant should—

(A) ensure compliance with the legal requirements intended to protect whistleblowers;

(B) seek to shield the disclosure of the identities of whistleblowers; and

(C) create an environment in which whistleblowers do not fear reprisal for reporting misconduct.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the policy of the Coast Guard on the issuance of warrants and subpoenas and
whistleblower protections by agents of the Coast Guard Investigative Service.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A discussion of current and any new policy of the Coast Guard on the issuance of warrants and subpoenas and whistleblower protections by agents of the Coast Guard Investigative Service, including Coast Guard Investigative Service Criminal Investigation Operating Procedure CIOP 2019–02, and the differences between such current policies and new policies.

(2) A plan (including milestones) for the implementation of the following:

(A) Incorporation of Coast Guard Investigative Service Criminal Investigation Operating Procedure CIOP 2019–02 into the next revision of the relevant Coast Guard investigative manual.

(B) Training on the policy described in paragraph (1) for the following:

(i) Agents and legal counsel of the Coast Guard Investigative Service.

(ii) Personnel of the Office of General Law.
(iii) Relevant Coast Guard headquarters personnel.

(iv) Such other Coast Guard personnel as the Commandant considers appropriate.

SEC. 9606. INSPECTOR GENERAL REPORT ON ACCESS TO EQUAL OPPORTUNITY ADVISORS AND EQUAL EMPLOYMENT OPPORTUNITY SPECIALISTS.

(a) In general.—Not later than 90 days after the date of the enactment of this Act, the inspector general of the department in which the Coast Guard is operating shall conduct a study and develop recommendations on the need to separate Equal Opportunity Advisors and Equal Employment Opportunity Specialists, as practicable, through the pre-complaint and formal discrimination complaint processes, for the complainant, the opposing party, and the commanding officers and officers in charge.

(b) Briefing.—Not later than 30 days after the completion of the study required by subsection (a), the Commandant shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the manner in which the Coast Guard plans to implement the recommendations developed as a result of the study.
SEC. 9607. INSIDER THREAT PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on a plan to expand the Coast Guard Insider Threat Program to include the monitoring of all Coast Guard devices, including mobile devices.

TITLE III—MARITIME
Subtitle A—Navigation

SEC. 10101. ELECTRONIC CHARTS; EQUIVALENCY.

(a) REQUIREMENTS.—Section 3105(a)(1) of title 46, United States Code, is amended to read as follows:

“(1) ELECTRONIC CHARTS IN LIEU OF MARINE CHARTS, CHARTS, AND MAPS.—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, equipped with and operating electronic navigational charts that are produced by a government hydrographic office or conform to a standard acceptable to the Secretary, shall be deemed in compliance with any requirement under title 33 or title 46, Code of Federal Regulations, to have a chart, marine chart, or map on board such vessel:
“(A) A self-propelled commercial vessel of at least 65 feet in overall length.

“(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

“(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

“(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.”.

(b) EXEMPTIONS AND WAIVERS.—Section 3105(a)(2) of title 46, United States Code, is amended—

(1) in subparagraph (A), by striking “operates; and” and inserting “operates;”;

(2) in subparagraph (B), by striking “those waters.” and inserting “those waters; and”; and

(3) by adding at the end the following:

“(C) permit vessels described in subparagraphs (A) through (D) of paragraph (1) that operate solely landward of the baseline from which the territorial sea of the United States is measured to utilize software-based, platform-independent electronic chart systems that the Secretary determines are capable of displaying electronic navigational charts with necessary
scale and detail to ensure safe navigation for
the intended voyage.”.

SEC. 10102. SUBROGATED CLAIMS.

(a) IN GENERAL.—Section 1012(b) of the Oil Pollu-
tion Act of 1990 (33 U.S.C. 2712(b)) is amended—

(1) by striking “The” and inserting the fol-
lowing:

“(1) IN GENERAL.—The”; and

(2) by adding at the end the following:

“(2) SUBROGATED RIGHTS.—Except for a guar-
antor claim pursuant to a defense under section
1016(f)(1), Fund compensation of any claim by an
insurer or other indemnifier of a responsible party or
injured third party is subject to the subrogated
rights of that responsible party or injured third
party to such compensation.”.

(b) EFFECTIVE DATE.—This section and the amend-
ments made by this section shall take effect 180 days after
the date of enactment of this Act.

SEC. 10103. LOAN PROVISIONS UNDER OIL POLLUTION ACT

OF 1990.

(a) IN GENERAL.—Section 1013 of the Oil Pollution
Act of 1990 (33 U.S.C. 2713) is amended by striking sub-
section (f).
(b) CONFORMING AMENDMENTS.—Section 1012(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is amended—

(1) in paragraph (4), by adding “and” after the semicolon at the end;

(2) in paragraph (5)(D), by striking “; and” and inserting a period; and

(3) by striking paragraph (6).

SEC. 10104. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting “, technology,” after “research”; 

(B) in paragraph (2)—

(i) by striking “this subsection” and inserting “paragraph (1)”;

(ii) by striking “which are effective in preventing or mitigating oil discharges and which” and inserting “and methods that are effective in preventing, mitigating, or restoring damage from oil discharges and that”;

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(C) in paragraph (3) by striking “this sub-
section” and inserting “paragraph (1)” each
place it appears;

(D) in subparagraph (A) of paragraph
(4)—

(i) by striking “oil discharges. Such
program shall” and inserting “acute and
chronic oil discharges on coastal and ma-
rine resources (including impacts on pro-
tected areas such as sanctuaries) and pro-
tected species, and such program shall”;

(ii) by redesignating clauses (iii) and
(iv) as clauses (iv) and (v), respectively;

(iii) by inserting after clause (ii) the
following:

“(iii) Research to understand and quantify
the effects of sublethal impacts of oil discharge
on living natural marine resources, including
impacts on pelagic fish species, marine mam-
mals, and commercially and recreationally tar-
geted fish and shellfish species.”; and

(iv) by adding at the end the fol-
lowing:
“(vi) Research to understand the long-term effects of major oil discharges and the long-term effects of smaller endemic oil discharges.

“(vii) The identification of potential impacts on ecosystems, habitat, and wildlife from the additional toxicity, heavy metal concentrations, and increased corrosiveness of mixed crude, such as diluted bitumen crude.

“(viii) The development of methods to restore and rehabilitate natural resources and ecosystem functions damaged by oil discharges.”;

(E) in paragraph (5) by striking “this subsection” and inserting “paragraph (1)”;

(F) by striking paragraph (7) and inserting the following:

“(7) SIMULATED ENVIRONMENTAL TESTING.—

“(A) IN GENERAL.—Agencies represented on the Interagency Committee shall ensure the long-term use and operation of the Oil and Hazardous Materials Simulated Environmental Test Tank (OHMSETT) Research Center in New Jersey for oil pollution technology testing and evaluations.
“(B) Other testing facilities.—Nothing in subparagraph (A) shall be construed as limiting the ability of the Interagency Committee to contract or partner with a facility or facilities other than the Center described in subparagraph (A) for the purpose of oil pollution technology testing and evaluations, provided such a facility or facilities have testing and evaluation capabilities equal to or greater than those of such Center.

“(C) In-kind contributions.—

“(i) In general.—The Secretary of the department in which the Coast Guard is operating and the Administrator of the Environmental Protection Agency may accept donations of crude oil and crude oil product samples in the form of in-kind contributions for use by the Federal Government for product testing, research and development, and for other purposes as the Secretary and the Administrator determine appropriate.

“(ii) Use of donated oil.—Oil accepted under clause (i) may be used directly by the Secretary and shall be pro-
vided to other Federal agencies or depart-
ments through interagency agreements to
carry out the purposes of this Act.”;

(G) in paragraph (8)—

(i) in subparagraph (A), by striking
“subsection (b)” and inserting “subsection
(d)”;

(ii) in subparagraph (D)(i), by strik-
ing “subsection (b)(1)(F)” and inserting
“subsection (d)”;

(H) in paragraph (10)—

(i) by striking “this subsection” and
inserting “paragraph (1)”;

(ii) by striking “agencies represented
on the Interagency Committee” and insert-
ing “Under Secretary”;

(iii) by inserting “, and States and In-
dian tribes” after “other persons”; and

(iv) by striking “subsection (b)” and
inserting “subsection (d)”;

(2) in subsection (d), by striking “subsection
(b)” and inserting “subsection (d)”;

(3) in subsection (e), by striking “Chairman of
the Interagency Committee” and inserting “Chair”;
(4) in subsection (f), by striking “subsection (e)(8)” each place it appears and inserting “subsection (e)(8)”;

(5) by redesignating subsections (c) through (f) as subsections (e) through (h), respectively; and

(6) by striking subsections (a) and (b) and inserting the following:

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Chair’ means the Chairperson of the Interagency Committee designated under subsection (e)(2);

“(2) the term ‘Commandant’ means the Commandant of the Coast Guard;

“(3) the term ‘institution of higher education’ means an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

“(4) the term ‘Interagency Committee’ means the Interagency Coordinating Committee on Oil Pollution Research established under subsection (b);

“(5) the term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmosphere; and
“(6) the term ‘Vice Chair’ means the Vice Chairperson of the Interagency Committee designated under subsection (c)(3).

“(b) Establishment of Interagency Coordinating Committee on Oil Pollution Research.—

“(1) Establishment.—There is established an Interagency Coordinating Committee on Oil Pollution Research.

“(2) Purpose.—The Interagency Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, 4-year institutions of higher education and research institutions, State governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

“(c) Membership.—

“(1) Composition.—The Interagency Committee shall be composed of—

“(A) at least 1 representative of the Coast Guard;

“(B) at least 1 representative of the National Oceanic and Atmospheric Administration;
“(C) at least 1 representative of the Environmental Protection Agency;

“(D) at least 1 representative of the Department of the Interior;

“(E) at least 1 representative of the Bureau of Safety and Environmental Enforcement;

“(F) at least 1 representative of the Bureau of Ocean Energy Management;

“(G) at least 1 representative of the United States Fish and Wildlife Service;

“(H) at least 1 representative of the Department of Energy;

“(I) at least 1 representative of the Pipeline and Hazardous Materials Safety Administration;

“(J) at least 1 representative of the Federal Emergency Management Agency;

“(K) at least 1 representative of the Navy;

“(L) at least 1 representative of the Corps of Engineers;

“(M) at least 1 representative of the United States Arctic Research Commission; and

“(N) at least 1 representative of each of such other Federal agencies as the President considers to be appropriate.
“(2) **CHAIRPERSON.**—The Commandant shall designate a Chairperson from among the members of the Interagency Committee selected under paragraph (1)(A).

“(3) **VICE CHAIRPERSON.**—The Under Secretary shall designate a Vice Chairperson from among the members of the Interagency Committee selected under paragraph (1)(B).

“(4) **MEETINGS.**—

“(A) **QUARTERLY MEETINGS.**—At a minimum, the members of the Interagency Committee shall meet once each quarter.

“(B) **PUBLIC SUMMARIES.**—After each meeting, a summary shall be made available by the Chair or Vice Chair, as appropriate.

“(d) **DUTIES OF THE INTERAGENCY COMMITTEE.**—

“(1) **RESEARCH.**—The Interagency Committee shall—

“(A) coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, 4-year institutions of higher education and research institutions, States, Indian tribes, and other countries, as appropriate; and
“(B) foster cost-effective research mechanisms, including the joint funding of research and the development of public-private partnerships for the purpose of expanding research.

“(2) OIL POLLUTION RESEARCH AND TECHNOLOGY PLAN.—

“(A) IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, the Interagency Committee shall submit to Congress a research plan to report on the state of oil discharge prevention and response capabilities that—

“(i) identifies current research programs conducted by Federal agencies, States, Indian tribes, 4-year institutions of higher education, and corporate entities;

“(ii) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies and effects of oil pollution on the environment;

“(iii) identifies significant oil pollution research gaps, including an assessment of major technological deficiencies in responses to past oil discharges;
“(iv) establishes national research priorities and goals for oil pollution technology development related to prevention, response, mitigation, and environmental effects;

“(v) assesses the research on the applicability and effectiveness of the prevention, response, and mitigation technologies to each class of oil;

“(vi) estimates the resources needed to conduct the oil pollution research and development program established pursuant to subsection (c), and timetables for completing research tasks;

“(vii) summarizes research on response equipment in varying environmental conditions, such as in currents, ice cover, and ice floes; and

“(viii) includes such other information or recommendations as the Interagency Committee determines to be appropriate.

“(B) ADVICE AND GUIDANCE.—

“(i) NATIONAL ACADEMY OF SCIENCES CONTRACT.—The Chair, through the department in which the Coast Guard
is operating, shall contract with the Na-  
national Academy of Sciences to—  

“(I) provide advice and guidance  
in the preparation and development of  
the research plan;  

“(II) assess the adequacy of the  
plan as submitted, and submit a re-  
port to Congress on the conclusions of  
such assessment; and  

“(III) provide organization guid-  
ance regarding the implementation of  
the research plan, including delegation  
of topics and research among Federal  
agencies represented on the Inter-  
agency Committee.  

“(ii) NIST ADVICE AND GUIDANCE.—  
The National Institute of Standards and  
Technology shall provide the Interagency  
Committee with advice and guidance on  
issues relating to quality assurance and  
standards measurements relating to its ac-  
tivities under this section.  

“(C) 10-YEAR UPDATES.—Not later than  
10 years after the date of enactment of the Eli-  
jah E. Cummings Coast Guard Authorization
Act of 2020, and every 10 years thereafter, the Interagency Committee shall submit to Congress a research plan that updates the information contained in the previous research plan submitted under this subsection.”.

SEC. 10105. LIMITED INDEMNITY PROVISIONS IN STANDBY OIL SPILL RESPONSE CONTRACTS.

(a) In General.—Subject to subsections (b) and (c), a contract for the containment or removal of a discharge entered into by the President under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) shall contain a provision to indemnify a contractor for liabilities and expenses incidental to the containment or removal arising out of the performance of the contract that is substantially identical to the terms contained in subsections (d) through (h) of section H.4 (except for paragraph (1) of subsection (d)) of the contract offered by the Coast Guard in the solicitation numbered DTCG89–98–A–68F953 and dated November 17, 1998.

(b) Requirements.—

(1) Source of Funds.—The provision required under subsection (a) shall include a provision that the obligation to indemnify is limited to funds available in the Oil Spill Liability Trust Fund established by section 9509(a) of the Internal Revenue
Code of 1986 at the time the claim for indemnity is made.

(2) **UNCOMPENSATED REMOVAL.**—A claim for indemnity under a contract described in subsection (a) shall be made as a claim for uncompensated removal costs under section 1012(a)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)).

(3) **LIMITATION.**—The total indemnity for a claim under a contract described in subsection (a) may not be more than $50,000 per incident.

(c) **APPLICABILITY OF EXEMPTIONS.**—Notwithstanding subsection (a), the United States shall not be obligated to indemnify a contractor for any act or omission of the contractor carried out pursuant to a contract entered into under this section where such act or omission is grossly negligent or which constitutes willful misconduct.

**Subtitle B—Shipping**

**SEC. 10201. PASSENGER VESSEL SECURITY AND SAFETY REQUIREMENTS; APPLICATION.**

Section 3507(k)(1) of title 46, United States Code, is amended—

(1) in subparagraph (B), by adding “and” after the semicolon at the end;
(2) in subparagraph (C), by striking “; and” and inserting a period; and
(3) by striking subparagraph (D).

SEC. 10202. SMALL PASSENGER VESSELS AND UNINSPECTED PASSENGER VESSELS.

Section 12121 of title 46, United States Code, is amended—

(1) in subsection (a)(1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) was built in the United States;

“(B) was not built in the United States and is at least 3 years old; or

“(C) if rebuilt, was rebuilt—

“(i) in the United States; or

“(ii) outside the United States at least 3 years before the certificate requested under subsection (b) would take effect.”; and

(2) in subsection (b), by inserting “12132,” after “12113,”.

SEC. 10203. NON-OPERATING INDIVIDUAL.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall not enforce section 8701 of title 46, United States Code, with respect to the following:
(1) A vessel with respect to individuals, other
than crew members required by the Certificate of In-
spection or to ensure the safe navigation of the ves-
self and not a member of the steward’s department,
engaged on board for the sole purpose of carrying
out spill response activities, salvage, marine fire-
fighting, or commercial diving business or functions
from or on any vessel, including marine firefighters,
spill response personnel, salvage personnel, and com-
mercial divers and diving support personnel.

(2) An offshore supply vessel, an industrial ves-
self (as such term is defined in section 90.10–16 of
title 46, Code of Federal Regulations), or other simi-
larly engaged vessel with respect to persons engaged
in the business of the ship on board the vessel—

(A) for—

(i) supporting or executing the indus-
trial business or function of the vessel;

(ii) brief periods to conduct surveys or
investigations, assess crew competence,
conduct vessel trials, provide extraordinary
security resources, or similar tasks not tra-
ditionally performed by the vessel crew; or

(iii) performing maintenance tasks on
equipment under warranty, or on equip-
ment not owned by the vessel owner, or
maintenance beyond the capability of the
vessel crew to perform; and

(B) not the master or crew members re-
quired by the certificate of inspection and not
a member of the steward’s department.

(b) SUNSET.—The prohibition in subsection (a) shall
terminate on the date that is 2 years after the date of
the enactment of this Act.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, the
Commandant shall submit to the Committee on
Commerce, Science, and Transportation of the Sen-
ate and the Committee on Transportation and Infra-
structure of the House of Representatives a report
detailing recommendations to ensure that personnel
working on a vessel who perform work or operate
equipment on such vessel not related to the oper-
atation of the vessel itself undergo a background check
and the appropriate training necessary to ensure
personnel safety and the safety of the vessel’s crew.

(2) CONTENTS.—The report required under
paragraph (1) shall include, at a minimum, a discus-
sion of—
(A) options and recommendations for ensuring that the individuals covered by subsection (a) are appropriately screened to mitigate security and safety risks, including to detect substance abuse;

(B) communication and collaboration between the Coast Guard, the department in which the Coast Guard is operating, and relevant stakeholders regarding the development of processes and requirements for conducting background checks and ensuring such individuals receive basic safety familiarization and basic safety training approved by the Coast Guard;

(C) any identified legislative changes necessary to implement effective training and screening requirements for individuals covered by subsection (a); and

(D) the timeline and milestones for implementing such requirements.

SEC. 10204. CONFORMING AMENDMENTS: TRAINING; PUBLIC SAFETY PERSONNEL.

Chapter 701 of title 46, United States Code, is amended—

(1) in section 70107—
(A) in subsection (a), by striking “law enforcement personnel” and inserting “public safety personnel”;

(B) in subsection (b)(8), by striking “law enforcement personnel—” and inserting “public safety personnel—”; and

(C) in subsection (c)(2)(C), by striking “law enforcement agency personnel” and inserting “public safety personnel”; and

(2) in section 70132—

(A) in subsection (a), by striking “law enforcement personnel—” and inserting “public safety personnel—”;

(B) in subsection (b), by striking “law enforcement personnel” each place it appears and inserting “public safety personnel”; and

(C) by adding at the end the following:

“(d) PUBLIC SAFETY PERSONNEL DEFINED.—For the purposes of this section, the term ‘public safety personnel’ includes any Federal, State (or political subdivision thereof), territorial, or Tribal law enforcement officer, firefighter, or emergency response provider.”.

SEC. 10205. MARITIME TRANSPORTATION ASSESSMENT.

Section 55501(e) of title 46, United States Code, is amended—
(1) in paragraph (2), by striking “an assessment of the condition” and inserting “a conditions and performance analysis”;
(2) in paragraph (4), by striking “; and” and inserting a semicolon;
(3) in paragraph (5), by striking the period and inserting “; and”; and
(4) by adding at the end the following:
“(6) a compendium of the Federal programs engaged in the maritime transportation system.”.

SEC. 10206. ENGINE CUT-OFF SWITCHES; USE REQUIREMENT.

(a) IN GENERAL.—Section 4312 of title 46, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and
(2) by inserting after subsection (a) the following:
“(b) USE REQUIREMENT.—
“(1) IN GENERAL.—An individual operating a covered recreational vessel shall use an engine cut-off switch link while operating on plane or above displacement speed.
“(2) EXCEPTIONS.—The requirement under paragraph (1) shall not apply if—
“(A) the main helm of the covered vessel is installed within an enclosed cabin; or

“(B) the vessel does not have an engine cut-off switch and is not required to have one under subsection (a).”.

(b) CIVIL PENALTY.—Section 4311 of title 46, United States Code, is amended by—

(1) redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively; and

(2) inserting after subsection (b) the following:

“(c) A person violating section 4312(b) of this title is liable to the United States Government for a civil penalty of not more than—

“(1) $100 for the first offense;

“(2) $250 for the second offense; and

“(3) $500 for any subsequent offense.”.

(c) EFFECTIVE DATE.—The amendments made in subsections (a) and (b) shall take effect 90 days after the date of the enactment of this section, unless the Commandant, prior to the date that is 90 days after the date of the enactment of this section, determines that the use requirement enacted in subsection (a) would not promote recreational boating safety.
SEC. 10207. AUTHORITY TO WAIVE OPERATOR OF SELF-PROPELLED UNINSPECTED PASSENGER VESSEL REQUIREMENTS.

Section 8905 of title 46, United States Code, is amended by adding at the end the following:

“(c) After consultation with the Governor of Alaska and the State boating law administrator of Alaska, the Secretary may exempt an individual operating a self-propelled uninspected passenger vessel from the requirements of section 8903 of this title, if—

“(1) the individual only operates such vessel wholly within waters located in Alaska; and

“(2) such vessel is—

“(A) 26 feet or less in length; and

“(B) carrying not more than 6 passengers.”.

SEC. 10208. EXEMPTIONS AND EQUIVALENTS.

(a) IN GENERAL.—Section 4305 of title 46, United States Code, is amended—

(1) by striking the heading and inserting the following:

“§ 4305. Exemptions and equivalents”;

(2) by striking “If the Secretary” and inserting the following:

“(a) EXEMPTIONS.—If the Secretary”; and

(3) by adding at the end the following:
“(b) EQUIVALENTS.—The Secretary may accept a substitution for associated equipment performance or other safety standards for a recreational vessel if the substitution provides an equivalent level of safety.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 43 of title 46, United States Code, is amended by striking the item relating to section 4305 and inserting the following:

“4305. Exemptions and equivalents.”.

SEC. 10209. WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS.

Section 501(a) of title 46, United States Code, is amended—

(1) by striking “On request” and inserting the following:

“(1) IN GENERAL.—On request”; and

(2) by adding at the end the following:

“(2) EXPLANATION.—Not later than 24 hours after making a request under paragraph (1), the Secretary of Defense shall submit to the Committees on Transportation and Infrastructure and Armed Services of the House of Representatives and the Committees on Commerce, Science, and Transportation and Armed Services of the Senate a written explanation of the circumstances requiring such a waiver in the interest of national defense, including
a confirmation that there are insufficient qualified
vessels to meet the needs of national defense without
such a waiver.”.

SEC. 10210. RENEWAL OF MERCHANT MARINER LICENSES
AND DOCUMENTS.

Not later than 60 days after the date of the enact-
ment of this Act, the Commandant shall provide to the
Committee on Transportation and Infrastructure of the
House of Representatives and the Committee on Com-
erce, Science, and Transportation of the Senate a brief-
ing on the Coast Guard’s implementation of section 7106
of title 46, United States Code—

(1) an overview of the manner in which the
Coast Guard manages and processes renewal appli-
cations under such section, including communication
with the applicant regarding application status;

(2) the number of applications received and ap-
proved over the previous 2 years, or in the event ap-
lications were denied, a summary detailing the rea-
sons for such denial;

(3) an accounting of renewal applications filed
up to 8 months in advance of the expiration of a
pre-existing license, including the processing of such
applications and communication with the applicant
regarding application status or any other extenuating circumstances; and

(4) any other regulatory or statutory changes that would be necessary to further improve the Coast Guard’s issuance of credentials to fully qualified mariners in the most effective and efficient manner possible in order to ensure a safe, secure, economically and environmentally sound marine transportation system.

SEC. 10211. CERTIFICATE EXTENSIONS.

(a) In General.—Subchapter I of chapter 121 of title 46, United States Code, is amended by adding at the end the following:

“§ 12108. Authority to extend duration of vessel certificates

“(a) Certificates.—Provided a vessel is in compliance with inspection requirements in section 3313, the Secretary of the department in which in the Coast Guard is operating may, if the Secretary makes the determination described in subsection (b), extend, for a period of not more than 1 year, an expiring certificate of documentation issued for a vessel under chapter 121.

“(b) Determination.—The determination referred to in subsection (a) is a determination that such extension is required to enable the Coast Guard to—
“(1) eliminate a backlog in processing applications for such certificates; or

“(2) act in response to a national emergency or natural disaster.

“(c) MANNER OF EXTENSION.—Any extension granted under this section may be granted to individual vessels or to a specifically identified group of vessels.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 121 of title 46, United States Code, is amended by adding at the end the following:

“12108. Authority to extend duration of vessel certificates.”.

SEC. 10212. VESSEL SAFETY STANDARDS.

(a) Fishing Safety Training Grants Program.—Subsection (i) of section 4502 of title 46, United States Code, is amended—

(1) in paragraph (3), by striking “50 percent” and inserting “75 percent”; and

(2) in paragraph (4), by striking “2019” and inserting “2021”.

(b) Fishing Safety Research Grant Program.—Subsection (j) of such section is amended—

(1) in paragraph (3), by striking “50 percent” and inserting “75 percent”; and

(2) in paragraph (4), by striking “2019” and inserting “2021”.

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(c) Fishing Safety Grants.—The cap on the Federal share of the cost of any activity carried out with a grant under subsections (i) and (j) of section 4502 of title 46, United States Code, as in effect prior to the date of enactment of the Frank LoBiondo Coast Guard Authorization Act of 2018, shall apply to any funds appropriated under the Consolidated Appropriations Act, 2017 (Public Law 115–31) for the purpose of making such grants.

SEC. 10213. Medical Standards.

(a) In General.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

"§ 3509. Medical standards

"The owner of a vessel to which section 3507 applies shall ensure that—

"(1) a physician is always present and available to treat any passengers who may be on board the vessel in the event of an emergency situation;

"(2) the vessel is in compliance with the Health Care Guidelines for Cruise Ship Medical Facilities established by the American College of Emergency Physicians; and

"(3) the initial safety briefing given to the passengers on board the vessel includes—"
“(A) the location of the vessel’s medical fa-
cilities; and

“(B) the appropriate steps passengers
should follow during a medical emergency.”.

(b) CLERICAL AMENDMENT.—The analysis for chap-
ter 35 of title 46, United States Code, is amended by add-
ing at the end the following:

“3509. Medical standards.”.

Subtitle C—Advisory Committees

SEC. 10301. ADVISORY COMMITTEES.

(a) NATIONAL OFFSHORE SAFETY ADVISORY COM-
mittee; REPRESENTATION.—Section 15106(c)(3) of title
46, United States Code, is amended—

(1) in subparagraph (C), by striking “mineral
and oil operations, including geophysical services”
and inserting “operations”;

(2) in subparagraph (D), by striking “explor-
ation and recovery”;

(3) in subparagraph (E), by striking “engaged
in diving services related to offshore construction, inspection, and maintenance” and inserting “pro-
viding diving services to the offshore industry”;

(4) in subparagraph (F), by striking “engaged
in safety and training services related to offshore ex-
ploration and construction” and inserting “providing
safety and training services to the offshore industry’’;

(5) in subparagraph (G), by striking “engaged in pipelaying services related to offshore construction” and inserting “providing subsea engineering, construction, or remotely operated vehicle support to the offshore industry’’;

(6) in subparagraph (H), by striking “mineral and energy’’;

(7) in subparagraph (I), by inserting “and entities providing environmental protection, compliance, or response services to the offshore industry” after “national environmental entities”; and

(8) in subparagraph (J), by striking “deepwater ports” and inserting “entities engaged in offshore oil exploration and production on the Outer Continental Shelf adjacent to Alaska’’.

(b) Technical Corrections.—Section 15109 of title 46, United States Code, is amended by inserting “or to which this chapter applies” after “committee established under this chapter” each place it appears.

SEC. 10302. MARITIME TRANSPORTATION SYSTEM NATIONAL ADVISORY COMMITTEE.

(a) Maritime Transportation System National Advisory Committee.—Chapter 555 of title 46, United
States Code, is amended by adding at the end the fol-
lowing:

“§ 55502. Maritime Transportation System National
Advisory Committee

“(a) Establishment.—There is established a Mar-
time Transportation System National Advisory Committee
(in this section referred to as the ‘Committee’).

“(b) Function.—The Committee shall advise the
Secretary of Transportation on matters relating to the
United States maritime transportation system and its
seamless integration with other segments of the transpor-
tation system, including the viability of the United States
Merchant Marine.

“(c) Membership.—

“(1) In general.—The Committee shall con-
sist of 27 members appointed by the Secretary of
Transportation in accordance with this section and
section 15109.

“(2) Expertise.—Each member of the Com-
mittee shall have particular expertise, knowledge,
and experience in matters relating to the function of
the Committee.

“(3) Representation.—Members of the Com-
mittee shall be appointed as follows:
“(A) At least one member shall represent the Environmental Protection Agency.

“(B) At least one member shall represent the Department of Commerce.

“(C) At least one member shall represent the Corps of Engineers.

“(D) At least one member shall represent the Coast Guard.

“(E) At least one member shall represent Customs and Border Protection.

“(F) At least one member shall represent State and local governmental entities.

“(G) Additional members shall represent private sector entities that reflect a cross-section of maritime industries, including port and water stakeholders, academia, and labor.

“(H) The Secretary may appoint additional representatives from other Federal agencies as the Secretary considers appropriate.

“(4) Restrictions on members representing Federal agencies.—Members of the Committee that represent Federal agencies shall not—
“(A) comprise more than one-third of the total membership of the Committee or of any subcommittee therein; or

“(B) serve as the chair or co-chair of the Committee or of any subcommittee therein.

“(5) ADMINISTRATION.—For purposes of section 15109—

“(A) the Committee shall be treated as a committee established under chapter 151; and

“(B) the Secretary of Transportation shall fulfill all duties and responsibilities and have all authorities of the Secretary of Homeland Security with regard to the Committee.”.

(b) TREATMENT OF EXISTING COMMITTEE.—Notwithstanding any other provision of law—

(1) an advisory committee substantially similar to the Committee established by section 55502 of title 46, United States Code, and that was in force or in effect on the day before the date of the enactment of this Act, including the charter, membership, and other aspects of such advisory committee, may remain in force or in effect for the 2-year period beginning on the date of the enactment of this section; and

(2) during such 2-year period—
(A) requirements relating the Maritime Transportation System National Advisory Committee established by such section shall be treated as satisfied by such substantially similar advisory committee; and

(B) the enactment of this section shall not be the basis—

(i) to deem, find, or declare such committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

(ii) to suspend the activities of such committee; or

(iii) to bar the members of such committee from a meeting.

(e) Clerical Amendment.—The analysis for chapter 555 of title 46, United States Code, is amended by adding at the end the following:

“55502. Maritime Transportation System National Advisory Committee.”.

(d) Repeal.—Section 55603 of title 46, United States Code, and the item relating to that section in the analysis for chapter 556 of that title, are repealed.

SEC. 10303. EXPIRED MARITIME LIENS.

Section 31343(e) of title 46, United States Code, is amended—

(1) by inserting “(1)” before “A notice”; and
(2) by inserting after paragraph (1), as so designated by this section, the following:

“(2) On expiration of a notice of claim of lien under paragraph (1), and after a request by the vessel owner, the Secretary shall annotate the abstract of title to reflect the expiration of the lien.”.

SEC. 10304. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 9307 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “seven” and inserting “8”; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “representing the interests of” and inserting “chosen from among nominations made by”;

(ii) in subparagraph (C), by striking “representing the interests of Great Lakes ports” and inserting “chosen from among nominations made by Great Lakes port authorities and marine terminals”;

(iii) in subparagraph (D)—
(I) by striking “representing the interests of” and inserting “chosen from among nominations made by”; and

(II) by striking “; and” and inserting a semicolon;

(iv) by redesignating subparagraph (E) as subparagraph (F);

(v) by inserting after subparagraph (D) the following:

“(E) one member chosen from among nominations made by Great Lakes maritime labor organizations; and”; and

(vi) in subparagraph (F), as so redesignated, by striking “with a background in finance or accounting,”; and

(2) in subsection (f)(1), by striking “2020” and inserting “2030”.

(b) COMMITTEE DEEMED NOT EXPIRED.—Notwithstanding section 9307(f)(1) of title 46, United States Code, in any case in which the date of enactment of this Act occurs after September 30, 2020, the Great Lakes Pilotage Advisory Committee in existence as of September 30, 2020, shall be deemed not expired during the period beginning on September 30, 2020 through the date of en-
actment of this Act. Accordingly, the committee membership, charter, and the activities of such Committee shall continue as though such Committee had not expired.

SEC. 10305. NATIONAL COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE.

(a) National Commercial Fishing Safety Advisory Committee.—

(1) Amendments to section 15102.—Section 15102 of title 46, United States Code, is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting “and provide recommendations in writing to” after “advise”; and

(II) in subparagraph (E), by striking “and” after the semicolon; and

(ii) in paragraph (2)—

(I) by striking the period and inserting “; and”; and

(II) by adding at the end the following:

“(3) review marine casualties and investigations of vessels covered by chapter 45 of this title and
make recommendations to the Secretary to improve
safety and reduce vessel casualties.”; and

(B) by adding at the end the following:

“(d) QUORUM.—A quorum of 10 members is required
to send any written recommendations from the Committee
to the Secretary.

“(e) SAVINGS CLAUSE.—Nothing in this section shall
preclude the Secretary from taking emergency action to
ensure safety and preservation of life at sea.”.

(2) AMENDMENTS TO SECTION 15109.—Section
15109 of title 46, United States Code, is amended—

(A) in subsection (a)—

(i) by striking “Each” and inserting
the following:

“(1) IN GENERAL.—Except as provided in para-
graph (2), each”; and

(ii) by adding at the end the fol-
lowing:

“(2) MINIMUM REQUIREMENTS.—The com-
mittee established under section 15102, shall—

“(A) meet in-person, not less frequently
than twice each year, at the call of the Sec-
retary of a majority of the members of the com-
mittee;
“(B) hold additional meetings as necessary;

“(C) post the minutes of each meeting of the committee on a publicly available website not later than 2 weeks after the date on which a meeting concludes; and

“(D) provide reasonable public notice of any meeting of the committee, and publish such notice in the Federal Register and on a publicly available website.”;

(B) in subsection (f)(8)—

(i) by striking “Notwithstanding” and inserting the following:

“(A) REAPPOINTMENT.—Notwithstanding”; and

(ii) by adding at the end the following:

“(B) LIMITATION.—With respect to the committee established under section 15102, members may serve not more than 3 terms.”;

(C) in subsection (j)(3)—

(i) in subparagraph (B), by striking “and”;

(ii) in subparagraph (C), by striking the period and inserting “; and”; and
(iii) by adding at the end the following:

“(D) make all responses required by subparagraph (C) which are related to recommendations made by the committee established under section 15102 available to the public not later than 30 days after the date of response.”;

(D) by amending subsection (k) to read as follows:

“(k) Observers.—

“(1) IN GENERAL.—Any Federal agency with matters under such agency’s administrative jurisdiction related to the function of a committee established under this chapter may designate a representative to—

“(A) attend any meeting of such committee; and

“(B) participate as an observer at meetings of such committee that relate to such a matter.

“(2) National Commercial Fishing Safety Advisory Committee.—With respect to the committee established under section 15102, the Com-
mandant of the Coast Guard shall designate a repre-
resentative under paragraph (1).”;

    (E) in subsection (l), by striking “2027” and inserting “2029”;

    (F) by redesignating subsection (l) as subsection (m);

    (G) by inserting after subsection (k) the following:

    “(l) TECHNICAL ASSISTANCE.—

    “(1) IN GENERAL.—The Secretary shall provide technical assistance to the Committee if requested by the Chairman.

    “(2) COMMITTEE CONSULTATION.—With re-

spect to the committee established under section 15102, the Chairman of the committee shall seek expertise from the fishing industry, marine safety ex-

perts, the shipbuilding industry, and others as the committee determines appropriate.”; and

    (H) by adding at the end the following:

    “(n) SAVINGS CLAUSE.—Nothing in this section shall preclude the Secretary from taking emergency action to ensure safety and preservation of life at sea.”.
SEC. 10306. EXEMPTION OF COMMERCIAL FISHING VESSELS OPERATING IN ALASKAN REGION FROM GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM REQUIREMENTS OF FEDERAL COMMUNICATIONS COMMISSION.

(a) DEFINITION OF SECRETARY.—In this section, the term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(b) EXEMPTION.—Subject to subsection (c), the Federal Communications Commission shall exempt fishing vessels that primarily operate in the Alaskan Region, including fishing vessels that transit from States in the Pacific Northwest to conduct fishing operations in the Alaskan Region, from the requirements relating to carriage of VHF–DSC and MF–DSC equipment under subpart W of part 80 of title 47, Code of Federal Regulations, or any successor regulation.

(c) FUNCTIONAL REQUIREMENTS.—A fishing vessel exempted under subsection (b) shall—

(1) be capable of transmitting ship-to-shore distress alerts using not fewer than 2 separate and independent systems, each using a different radio communication service;

(2) be equipped with—

(A) a VHF radiotelephone installation;
(B) an MF or HF radiotelephone installation;

(C) a Category 1, 406.0–406.1 MHz EPIRB meeting the requirements of section 80.1061 of title 47, Code of Federal Regulations, or any successor regulation;

(D) a NAVTEX receiver meeting the requirements of section 80.1101(c)(1) of title 47, Code of Federal Regulations, or any successor regulation;

(E) survival craft equipment meeting the requirements of section 80.1095 of title 47, Code of Federal Regulations, or any successor regulation; and

(F) a Search and Rescue Transponder meeting the requirements of section 80.1101(c)(6) of title 47, Code of Federal Regulations, or any successor regulation;

(3) maintain a continuous watch on VHF Channel 16; and

(4) as an alternative to the equipment listed in subparagraphs (A) through (F) of paragraph (2), carry equipment found by the Federal Communications Commission, in consultation with the Sec-
retary, to be equivalent or superior with respect to ensuring the safety of the vessel.

(d) Definition of Alaskan Region.—Not later than 30 days after the date of enactment of this Act, the Secretary shall define the term “Alaskan Region” for purposes of this section. The Secretary shall include in the definition of such term the area of responsibility of Coast Guard District 17.

Subtitle D—Ports

SEC. 10401. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

Section 70116 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting “, cyber incidents, transnational organized crime, and foreign state threats” after “an act of terrorism”;

(2) in subsection (b)—

(A) in paragraphs (1) and (2), by inserting “cyber incidents, transnational organized crime, and foreign state threats” after “terrorism” each place it appears; and

(B) in paragraph (3)—

(i) by striking “armed” and inserting “, armed (as needed),”; and
(ii) by striking “terrorism or transportation security incidents,” and inserting “terrorism, cyber incidents, transnational organized crime, foreign state threats, or transportation security incidents,”; and

(3) in subsection (c)—

(A) by striking “70034,” and inserting “70033,”; and

(B) by adding at the end the following new sentence: “When preventing or responding to acts of terrorism, cyber incidents, transnational organized crime, or foreign state threats, the Secretary may carry out this section without regard to chapters 5 and 6 of title 5 or Executive Order Nos. 12866 and 13563.”.

SEC. 10402. AIMING LASER POINTER AT VESSEL.

(a) IN GENERAL.—Subchapter II of chapter 700 of title 46, United States Code, is amended by adding at the end the following:

“§ 70014. Aiming laser pointer at vessel

“(a) PROHIBITION.—It shall be unlawful to cause the beam of a laser pointer to strike a vessel operating on the navigable waters of the United States.

“(b) EXCEPTIONS.—This section shall not apply to a member or element of the Department of Defense or
Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

“(c) LASER POINTER DEFINED.—In this section the term ‘laser pointer’ means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 700 of title 46, United States Code, is amended by adding at the end the following:

“70014. Aiming laser pointer at vessel.”.

SEC. 10403. SAFETY OF SPECIAL ACTIVITIES.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a 2-year pilot program to establish and implement a process to—

(1) establish safety zones to address special activities in the exclusive economic zone;

(2) account for the number of safety zones established for special activities;

(3) differentiate whether an applicant who requests a safety zone for such activities is—

(A) an individual;

(B) an organization; or
(C) a government entity; and

(4) account for Coast Guard resources utilized to enforce safety zones established for special activities, including—

(A) the number of Coast Guard or Coast Guard Auxiliary vessels used; and

(B) the number of Coast Guard or Coast Guard Auxiliary patrol hours required.

(b) BRIEFING.—Not later than 180 days after the expiration of the 2-year pilot program, the Commandant shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding—

(1) the process required under subsection (a); and

(2) whether the authority to establish safety zones to address special activities in the exclusive economic zone should be extended or made permanent in the interest of safety.

(c) DEFINITIONS.—In this section:

(1) SAFETY ZONE.—The term “safety zone” has the meaning given such term in section 165.20 of title 33, Code of Federal Regulations.
(2) **SPECIAL ACTIVITIES.**—The term “special activities” includes—

(A) space activities, including launch and reentry, as such terms are defined in section 50902 of title 51, United States Code, carried out by United States citizens; and

(B) offshore energy development activities, as described in section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)), on or near a fixed platform.

(3) **UNITED STATES CITIZEN.**—The term “United States citizen” has the meaning given the term “eligible owners” in section 12103 of title 46, United States Code.

(4) **FIXED PLATFORM.**—The term “fixed platform” means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

**SEC. 10404. SECURITY PLANS; REVIEWS.**

Section 70103 of title 46, United States Code, is amended—

(1) by amending subsection (b)(3) to read as follows:
“(3) The Secretary shall review and approve Area Maritime Transportation Security Plans and updates under this subsection.”; and

(2) in subsection (c)(4), by inserting “or update” after “plan” each place it appears.

SEC. 10405. VESSEL TRAFFIC SERVICE.

Section 70001 of title 46, United States Code, is amended to read as follows:

“§ 70001. Vessel traffic services

“(a) IN GENERAL.—Subject to the requirements of section 70004, the Secretary—

“(1) in any port or place under the jurisdiction of the United States, in the navigable waters of the United States, or in any area covered by an international agreement negotiated pursuant to section 70005, may construct, operate, maintain, improve, or expand vessel traffic services, that consist of measures for controlling or supervising vessel traffic or for protecting navigation and the marine environment and that may include one or more of reporting and operating requirements, surveillance and communications systems, routing systems, and fairways;

“(2) shall require appropriate vessels that operate in an area of a vessel traffic service to utilize or comply with that service;
“(3) may require vessels to install and use specified navigation equipment, communications equipment, electronic relative motion analyzer equipment, or any electronic or other device necessary to comply with a vessel traffic service or that is necessary in the interests of vessel safety, except that the Secretary shall not require fishing vessels under 300 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, or recreational vessels 65 feet or less to possess or use the equipment or devices required by this subsection solely under the authority of this chapter;

“(4) may control vessel traffic in areas subject to the jurisdiction of the United States that the Secretary determines to be hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances, by—

“(A) specifying times of entry, movement, or departure;

“(B) establishing vessel traffic routing schemes;

“(C) establishing vessel size, speed, or draft limitations and vessel operating conditions; and
“(D) restricting operation, in any hazardous area or under hazardous conditions, to vessels that have particular operating characteristics or capabilities that the Secretary considers necessary for safe operation under the circumstances;

“(5) may require the receipt of prearrival messages from any vessel, destined for a port or place subject to the jurisdiction of the United States, in sufficient time to permit advance vessel traffic planning before port entry, which shall include any information that is not already a matter of record and that the Secretary determines necessary for the control of the vessel and the safety of the port or the marine environment; and

“(6) may prohibit the use on vessels of electronic or other devices that interfere with communication and navigation equipment, except that such authority shall not apply to electronic or other devices certified to transmit in the maritime services by the Federal Communications Commission and used within the frequency bands 157.1875–157.4375 MHz and 161.7875–162.0375 MHz.

“(b) NATIONAL POLICY.—
“(1) Establishment and Update of National Policy.—

“(A) Establishment of Policy.—Not later than one year after the date of enactment of this section, the Secretary shall establish a national policy which is inclusive of local variances permitted under subsection (e), to be applied to all vessel traffic service centers and publish such policy in the Federal Register.

“(B) Update.—The Secretary shall periodically update the national policy established under subparagraph (A) and shall publish such update in the Federal Register or on a publicly available website.

“(2) Elements.—The national policy established and updated under paragraph (1) shall include, at a minimum, the following:

“(A) Standardization of titles, roles, and responsibilities for all personnel assigned, working, or employed in a vessel traffic service center.

“(B) Standardization of organizational structure within vessel traffic service centers, to include supervisory and reporting chain and processes.
“(C) Establishment of directives for the application of authority provided to each vessel traffic service center, specifically with respect to directing or controlling vessel movement when such action is justified in the interest of safety.

“(D) Establishment of thresholds and measures for monitoring, informing, recommending, and directing vessel traffic.

“(E) Establishment of national procedures and protocols for vessel traffic management.

“(F) Standardization of training for all vessel traffic service directors, operators, and watchstanders.

“(G) Establishment of certification and competency evaluation for all vessel traffic service directors, operators, and watchstanders.

“(H) Establishment of standard operating language when communicating with vessel traffic users.

“(I) Establishment of data collection, storage, management, archiving, and dissemination policies and procedures for vessel incidents and near-miss incidents.

“(c) LOCAL VARIANCES.—
“(1) DEVELOPMENT.—In this section, the Secretary may provide for such local variances as the Secretary considers appropriate to account for the unique vessel traffic, waterway characteristics, and any additional factors that are appropriate to enhance navigational safety in any area where vessel traffic services are provided.

“(2) REVIEW AND APPROVAL BY SECRETARY.—The Captain of the Port covered by a vessel traffic service center may develop and submit to the Secretary regional policies in addition to the national policy established and updated under subsection (b) to account for variances from that national policy with respect to local vessel traffic conditions and volume, geography, water body characteristics, waterway usage, and any additional factors that the Captain considers appropriate.

“(3) REVIEW AND IMPLEMENTATION.—Not later than 180 days after receiving regional policies under paragraph (2)—

“(A) the Secretary shall review such regional policies; and

“(B) the Captain of the port concerned shall implement the policies that the Secretary approves.
“(4) MAINTENANCE.—The Secretary shall maintain a central depository for all local variances approved under this section.

“(d) COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may enter into cooperative agreements with public or private agencies, authorities, associations, institutions, corporations, organizations, or other persons to carry out the functions under subsection (a)(1).

“(2) INTERNATIONAL COORDINATION.—With respect to vessel traffic service areas that cross international boundaries, the Secretary may enter into bilateral or cooperative agreements with international partners to jointly carry out the functions under subsection (a)(1) and to jointly manage such areas to collect, share, assess, and analyze information in the possession or control of the international partner.

“(3) LIMITATION.—

“(A) INHERENTLY GOVERNMENTAL FUNCTION.—A nongovernmental entity may not under this subsection carry out an inherently governmental function.

“(B) DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—In this paragraph,
the term ‘inherently governmental function’
means any activity that is so intimately related
to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.

“(4) DISCLOSURE.—The Commandant of the Coast Guard shall de-identify information prior to release to the public, including near miss incidents.

“(e) PERFORMANCE EVALUATION.—

“(1) IN GENERAL.—The Secretary shall develop and implement a standard method for evaluating the performance of vessel traffic service centers.

“(2) ELEMENTS.—The standard method developed and implemented under paragraph (1) shall include, at a minimum, analysis and collection of data with respect to the following within a vessel traffic service area covered by each vessel traffic service center:

“(A) Volume of vessel traffic, categorized by type of vessel.

“(B) Total volume of flammable, combustible, or hazardous liquid cargo transported,
categorized by vessel type as provided in the Notice of Arrival, if applicable, or as determined by other means.

“(C) Data on near-miss incidents.

“(D) Data on marine casualties.

“(E) Application by vessel traffic operators of traffic management authority during near-miss incidents and marine casualties.

“(F) Other additional methods as the Secretary considers appropriate.

“(3) REPORT.—Not later than 1 year after the date of the enactment of this paragraph, and biennially thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the evaluation conducted under paragraph (1) of the performance of vessel traffic service centers, including—

“(A) recommendations to improve safety and performance; and

“(B) data regarding marine casualties and near-miss incidents that have occurred during the period covered by the report.

“(f) RISK ASSESSMENT PROGRAM.—
“(1) IN GENERAL.—The Secretary shall develop a continuous risk assessment program to evaluate and mitigate safety risks for each vessel traffic service area to improve safety and reduce the risks of oil and hazardous material discharge in navigable waters.

“(2) METHOD FOR ASSESSMENT.—The Secretary, in coordination with stakeholders and the public, shall develop a standard method for conducting risk assessments under paragraph (1) that includes the collection and management of all information necessary to identify and analyze potential hazardous navigational trends within a vessel traffic service area.

“(3) INFORMATION TO BE ASSESSED.—

“(A) IN GENERAL.—The Secretary shall ensure that a risk assessment conducted under paragraph (1) includes an assessment of the following:

“(i) Volume of vessel traffic, categorized by type of vessel.

“(ii) Total volume of flammable, combustible, or hazardous liquid cargo transported, categorized by vessel type as pro-
vided in the Notice of Arrival, if applicable,
or as determined by other means.

“(iii) Data on near-miss events inci-
dents.

“(iv) Data on marine casualties.

“(v) Geographic locations for near-
miss events incidents and marine casual-
ties, including latitude and longitude.

“(vi) Cyclical risk factors such as
weather, seasonal water body currents,
tides, bathymetry, and topography.

“(vii) Weather data, in coordination
with the National Oceanic and Atmos-
pheric Administration.

“(B) INFORMATION STORAGE AND MAN-
AGEMENT POLICIES.—The Secretary shall re-
tain all information collected under subpar-
agraph (A) and ensure policies and procedures
are in place to standardize the format in which
that information is retained to facilitate statis-
tical analysis of that information to calculate
within a vessel traffic service area, at a min-
imum, the incident rate, intervention rate, and
casualty prevention rate.

“(4) PUBLIC AVAILABILITY.—
“(A) ASSESSMENTS AND INFORMATION.—
In accordance with section 552 of title 5, the Secretary shall make any risk assessments conducted under paragraph (1) and any information collected under paragraph (3)(A) available to the public.

“(B) INFORMATION IN POSSESSION OR CONTROL OF INTERNATIONAL PARTNERS.—The Secretary shall endeavor to coordinate with international partners as described in subsection (d)(2) to enter into agreements to make information collected, shared, and analyzed under that paragraph available to the public.

“(C) DISCLOSURE.—The Commandant of the Coast Guard shall de-identify information prior to release to the public, including near-miss incidents.

“(g) VESSEL TRAFFIC SERVICE TRAINING.—
“(1) TRAINING PROGRAM.—

“(A) IN GENERAL.—The Secretary shall develop a comprehensive nationwide training program for all vessel traffic service directors, operators, and watchstanders.

“(B) ELEMENTS.—The comprehensive nationwide training program under subparagraph
(A) and any variances to that program under subsection (e) shall include, at a minimum, the following:

“(i) Realistic vessel traffic scenarios to the maximum extent practicable that integrate—

“(I) the national policy developed under subsection (b);

“(II) international rules under the International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.);

“(III) inland navigation rules under part 83 of title 33, Code of Federal Regulations;

“(IV) the application of vessel traffic authority; and

“(V) communication with vessel traffic service users.

“(ii) Proficiency training with respect to use, interpretation, and integration of available data on vessel traffic service display systems such as radar, and vessel automatic identification system feeds.

“(iii) Practical application of—
“(I) the international rules under the International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.);
and
“(II) the inland navigation rules under part 83 of title 33, Code of Federal Regulations.
“(iv) Proficiency training with respect to the operation of radio communications equipment and any other applicable systems necessary to execute vessel traffic service authorities.
“(v) Incorporation of the Standard Marine Communication Phrases adopted by the International Maritime Organization by resolution on April 4, 2000, as amended and consolidated, or any successor resolution.
“(vi) Incorporation to the maximum extent possible of guidance and recommendations contained in vessel traffic services operator training, vessel traffic services supervisor training, or other relevant training set forth by the Inter-
national Association of Marine Aids to
Navigation and Lighthouse Authorities.

“(vii) A minimum number of hours of
training for an individual to complete be-
fore the individual is qualified to fill a ves-
sel traffic services position without super-
vision.

“(viii) Local area geographic and
operational familiarization.

“(ix) Such additional components as
the Secretary considers appropriate.

“(2) STANDARD COMPETENCY QUALIFICATION
PROCESS.—

“(A) IN GENERAL.—The Secretary shall
develop a standard competency qualification
process to be applied to all personnel assigned,
employed, or working in a vessel traffic service
center.

“(B) APPLICATION OF PROCESS.—The
competency qualification process developed
under subparagraph (A) shall include measur-
able thresholds for determining proficiency.

“(3) INTERNATIONAL AND INLAND NAVIGATION
RULES TEST.—
“(A) IN GENERAL.—All personnel assigned, employed, or working in a vessel traffic service center with responsibilities that include communicating, interacting, or directing vessels within a vessel traffic service area, as determined under the national policy developed under subsection (b), shall be required to pass a United States international and inland navigation rules test developed by the Secretary.

“(B) ELEMENTS OF TEST.—The Secretary shall determine the content and passing standard for the rules test developed under subparagraph (A).

“(C) TESTING FREQUENCY.—The Secretary shall establish a frequency, not to exceed once every 5 years, for personnel described in subparagraph (A) to be required to pass the rules test developed under such subparagraph.

“(h) RESEARCH ON VESSEL TRAFFIC.—

“(1) VESSEL COMMUNICATION.—The Secretary shall conduct research, in consultation with subject matter experts identified by the Secretary, to develop more effective procedures for monitoring vessel communications on radio frequencies to identify and address unsafe situations in a vessel traffic service
area. The Secretary shall consider data collected under subparagraph (A) of subsection (f)(3).

“(2) PROFESSIONAL MARINER REPRESENTATION.—

“(A) IN GENERAL.—The Secretary shall conduct research, in consultation with local stakeholders and subject matter experts identified by the Secretary, to evaluate and determine the feasibility, costs and benefits of representation by professional mariners on the vessel traffic service watchfloor at each vessel traffic service center.

“(B) IMPLEMENTATION.—The Secretary shall implement representation by professional mariners on the vessel traffic service watchfloor at those vessel traffic service centers for which it is determined feasible and beneficial pursuant to research conducted under subparagraph (A).

“(i) INCLUSION OF IDENTIFICATION SYSTEM ON CERTAIN VESSELS.—

“(1) IN GENERAL.—The National Navigation Safety Advisory Committee shall advise and provide recommendations to the Secretary on matters relating to the practicability, economic costs, regulatory burden, and navigational impact of outfitting vessels
lacking independent means of propulsion that carry flammable, combustible, or hazardous liquid cargo with vessel automatic identification systems.

“(2) Regulations.—Based on the evaluation under paragraph (1), the Secretary shall prescribe such regulations as the Secretary considers appropriate to establish requirements relating to the outfitting of vessels described in such subparagraph with vessel automatic identification systems.

“(j) Periodic Review of Vessel Traffic Service Needs.—

“(1) In general.—Based on the performance evaluation conducted under subsection (e) and the risk assessment conducted under subsection (f), the Secretary shall periodically review vessel traffic service areas to determine—

“(A) if there are any additional vessel traffic service needs in those areas; and

“(B) if a vessel traffic service area should be moved or modified.

“(2) Information to be assessed.—

“(A) In general.—The Secretary shall ensure that a review conducted under paragraph (1) includes an assessment of the following:
“(i) Volume of vessel traffic, categorized by type of vessel.

“(ii) Total volume of flammable, combustible, or hazardous liquid cargo transported, categorized by vessel type as provided in the Notice of Arrival, if applicable, or as determined by other means.

“(iii) Data on near miss incidents.

“(iv) Data on marine casualties.

“(v) Geographic locations for near-miss incidents and marine casualties, including latitude and longitude.

“(vi) Cyclical risk factors such as weather, seasonal water body currents, tides, bathymetry, and topography.

“(vii) Weather data, in coordination with the National Oceanic and Atmospheric Administration.

“(3) STAKEHOLDER INPUT.—In conducting the periodic reviews under paragraph (1), the Secretary shall seek input from port and waterway stakeholders to identify areas of increased vessel conflicts or marine casualties that could benefit from the use of routing measures or vessel traffic service special
areas to improve safety, port security, and environmental protection.

“(4) DISCLOSURE.—The Commandant of the Coast Guard shall de-identify information prior to release to the public, including near miss incidents.

“(k) LIMITATION OF LIABILITY FOR COAST GUARD VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—

“(1) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS.—Any pilot, acting in the course and scope of his or her duties while at a Coast Guard Vessel Traffic Service Center, who provides information, advice, or communication assistance while under the supervision of a Coast Guard officer, member, or employee shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.

“(2) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any pilot acting on behalf of such entity, is not liable for damages caused by or related to information, advice, or communication as-
istance provided by such entity or pilot while so op-
erating or acting unless the acts or omissions of
such entity or pilot constitute gross negligence or
willful misconduct.

“(l) EXISTING AUTHORITY.—Nothing in this section
shall be construed to alter the existing authorities of the
Secretary to enhance navigation, vessel safety, marine en-
vironmental protection, and to ensure safety and preserva-
tion of life and property at sea.

“(m) DEFINITIONS.—In this section:

“(1) HAZARDOUS LIQUID CARGO.—The term
‘hazardous liquid cargo’ has the meaning given that
term in regulations prescribed under section 5103 of
title 49.

“(2) MARINE CASUALTY.—The term ‘marine
casualty’ has the meaning given that term in regula-
tions prescribed under section 6101(a).

“(3) VESSEL TRAFFIC SERVICE AREA.—The
term ‘vessel traffic service area’ means an area spec-
ified in subpart C of part 161 of title 33, Code of
Federal Regulations, or any successor regulation.

“(4) VESSEL TRAFFIC SERVICE CENTER.—The
term ‘vessel traffic service center’ means a center for
the provision of vessel traffic services in a vessel
traffic service area.
“(5) NEAR MISS INCIDENT.—The term ‘near miss incident’ means any occurrence or series of occurrences having the same origin, involving one or more vessels, facilities, or any combination thereof, resulting in the substantial threat of a marine casualty.

“(6) DE-IDENTIFIED.—The term ‘de-identified’ means the process by which all information that is likely to establish the identity of the specific persons or entities noted in the reports, data, or other information is removed from the reports, data, or other information.”.

SEC. 10406. TRANSPORTATION WORK IDENTIFICATION CARD PILOT PROGRAM.

Section 70105(g) of title 46, United States Code, is amended by striking “shall concurrently” and all that follows and inserting the following: “shall—

“(1) develop and, no later than 2 years after the date of enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, implement a joint application for merchant mariner’s documents under chapter 73 and for a transportation security card issued under this section; and

“(2) upon receipt of a joint application developed under paragraph (1) concurrently process an
application from an individual for merchant mariner’s documents under chapter 73 and an application from such individual for a transportation security card under this section.”.

TITLE IV—MISCELLANEOUS
Subtitle A—Navigation and Shipping

SEC. 11101. COASTWISE TRADE.

(a) In General.—The Commandant shall review the adequacy of and continuing need for provisions in title 46, Code of Federal Regulations, that require a United States vessel documented under chapter 121 of title 46, United States Code, possessing a coastwise endorsement under that chapter, and engaged in coastwise trade, to comply with regulations for vessels engaged in an international voyage.

(b) Briefing.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a briefing on the findings of the review required under subsection (a) and a discussion of how existing laws and regulations could be amended to ensure the safety of
vessels described in subsection (a) while infringing as little
as possible on commerce.

SEC. 11102. TOWING VESSELS OPERATING OUTSIDE BOUNDARY LINE.

(a) DEFINITIONS.—In this section—

(1) the term “Boundary Line” has the meaning
given the term in section 103 of title 46, United
States Code;

(2) the term “Officer in Charge, Marine Inspect-
ion” has the meaning given the term in section
3305(d)(4) of title 46, United States Code; and

(3) the term “Secretary” means the Secretary
of the Department in which the Coast Guard is op-
erating.

(b) INTERIM EXEMPTION.—A towing vessel described
in subsection (c) and a response vessel included on a vessel
response plan are exempt from any additional require-
ments of subtitle II of title 46, United States Code, and
chapter I of title 33 and chapter I of title 46, Code of
Federal Regulations (as in effect on the date of the enact-
ment of this Act), that would result solely from such vessel
operating outside the Boundary Line, if—

(1) the vessel is—
(A) operating outside the Boundary Line solely to perform regular harbor assist operations; or

(B) listed as a response vessel on a vessel response plan and is operating outside the Boundary Line solely to perform duties of a response vessel;

(2) the vessel is approved for operations outside the Boundary Line by the Officer in Charge, Marine Inspection and the Coast Guard Marine Safety Center; and

(3) the vessel has sufficient manning and life-saving equipment for all persons on board, in accordance with part 15 and section 141.225 of title 46, Code of Federal Regulations (or any successor regulation).

(c) APPLICABILITY.—This section applies to a towing vessel—

(1) that is subject to inspection under chapter 33 of title 46, United States Code, and subchapter M of chapter I of title 46, Code of Federal Regulations (or any successor regulation);

(2) with only “Lakes, Bays, and Sounds” or “Rivers” routes recorded on such vessel’s certificate of inspection pursuant to section 136.230 of title 46,
Code of Federal Regulations (or any successor regulation);

(3) that, with respect to a vessel described in subsection (b)(1)(A), is operating as a harbor assist vessel and regularly engaged in harbor assist operations, including the docking, undocking, mooring, unmooring, and escorting of vessels with limited maneuverability; and

(4) that, with respect to a vessel that is described in subsection (b)(1)(B), is listed—

(A) on a vessel response plan under part 155 of title 33, Code of Federal Regulations, on the date of approval of the vessel response plan; or

(B) by name or reference in the vessel response plan’s geographic-specific appendix on the date of approval of the vessel response plan.

(d) LIMITATIONS.—A vessel exempted under subsection (b) is subject to the following operating limitations:

(1) The voyage of a vessel described in subsection (b)(1)(A) shall—

(A) be less than 12 hours in total duration;

(B) originate and end in the inspection zone of a single Officer in Charge, Marine Inspection; and
(C) occur no further than 10 nautical miles from the Boundary Line.

(2) The voyage of a vessel described in subsection (b)(1)(B) shall—

(A) originate and end in the inspection zone of a single Officer in Charge, Marine Inspection; and

(B) either—

(i) in the case of a voyage in the territorial waters of Alaska, Guam, Hawaii, American Samoa, and the Northern Mariana Islands, have sufficient manning as determined by the Secretary; or

(ii) be less than 12 hours.

(e) SAFETY.—

(1) SAFETY RESTRICTIONS.—The Officer in Charge, Marine Inspection for an inspection zone may restrict operations under the interim exemption provided under subsection (b) for safety purposes.

(2) COMPREHENSIVE LISTS.—The Officer in Charge, Marine Inspection for an inspection zone shall maintain and periodically update a comprehensive list of all towing vessels described in subsection (c) that operate in the inspection zone.
(3) NOTIFICATION.—Not later than 24 hours prior to intended operations outside of the Boundary Line, a towing vessel exempted under subsection (b) shall notify the Office in Charge, Marine Inspection for the inspection zone of such operations. Such notification shall include—

(A) the date, time, and length of voyage;

(B) a crew list, with each crew member’s credentials and work hours; and

(C) an attestation from the master of the towing vessel that the vessel has sufficient manning and lifesaving equipment for all persons on board.

(f) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives regarding the following:

(1) The impacts of the interim exemption provided under this section.

(2) Any safety concerns regarding the expiration of such interim exemption.

(3) Whether such interim exemption should be extended.
(g) TERMINATION.—The interim exemption provided under subsection (b) shall terminate on the date that is 2 years after the date of the enactment of this Act.

SEC. 11103. SENSE OF CONGRESS REGARDING THE MARITIME INDUSTRY OF THE UNITED STATES.

It is the sense of Congress that the maritime industry of the United States contributes to the Nation’s economic prosperity and national security.

SEC. 11104. CARGO PREFERENCE STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit regarding the enforcement of the United States Cargo Preference Laws set forth in sections 55302, 55303, 55304, and 55305 of title 46, United States Code, and section 2631 of title 10, United States Code (hereinafter in this section referred to as the “United States Cargo Preference Laws”).

(b) SCOPE.—The audit conducted under subsection (a) shall include, for the period from October 14, 2008, until the date of the enactment of this Act—

(1) a listing of the agencies and organizations required to comply with the United States Cargo Preference Laws;

(2) an analysis of the compliance or noncompliance of such agencies and organizations with such laws, including—
(A) the total amount of oceangoing cargo that each such agency, organization, or contractor procured for its own account or for which financing was in any way provided with Federal funds, including loan guarantees;

(B) the percentage of such cargo shipped on privately owned commercial vessels of the United States;

(C) an assessment of internal programs and controls used by each such agency or organization to monitor and ensure compliance with the United States Cargo Preference Laws, to include education, training, and supervision of its contracting personnel, and the procedures and controls used to monitor compliance with cargo preference requirements by contractors and subcontractors; and

(D) instances in which cargoes are shipped on foreign-flag vessels under non-availability determinations but not counted as such for purposes of calculating cargo preference compliance; and

(3) an overview of enforcement activities undertaken by the Maritime Administration from October 14, 2008, until the date of the enactment of this
Act, including a listing of all bills of lading collected
by the Maritime Administration during that period.

(c) REPORT.—Not later than 1 year after the date
of enactment of this Act, the Comptroller General shall
submit to the Committee on Transportation and Infra-
structure of the House of Representatives and the Com-
mittee on Commerce, Science, and Transportation of the
Senate a report detailing the results of the audit and pro-
viding recommendations related to such results, to in-
clude—

(1) actions that should be taken by agencies
and organizations to fully comply with the United
States Cargo Preference Laws; and

(2) Other measures that may compel agencies
and organizations, and their contractors and sub-
contractors, to use United States flag vessels in the
international transportation of ocean cargoes as
mandated by the United States Cargo Preference
Laws.

SEC. 11105. TOWING VESSEL INSPECTION FEES.

Notwithstanding section 9701 of title 31, United
States Code, and section 2110 of title 46, United States
Code, the Secretary of the department in which the Coast
Guard is operating may not charge an inspection fee for
towing vessels required to have a Certificate of Inspection
under subchapter M of title 46, Code of Federal Regulations, until—

(1) the completion of the review required under section 815 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282); and

(2) the promulgation of regulations to establish specific inspection fees for such vessels.

Subtitle B—Maritime Domain Awareness

SEC. 11201. UNMANNED MARITIME SYSTEMS AND SATELLITE VESSEL TRACKING TECHNOLOGIES.

(a) Assessment.—The Commandant, acting through the Blue Technology Center of Expertise, shall regularly assess available unmanned maritime systems and satellite vessel tracking technologies for potential use to support missions of the Coast Guard.

(b) Report.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the actual and potential effects of
the use of then-existing unmanned maritime systems
and satellite vessel tracking technologies on the mis-

(2) CONTENTS.—Each report submitted under
paragraph (1) shall include the following:

(A) An inventory of current unmanned
maritime systems used by the Coast Guard, an
overview of such usage, and a discussion of the
mission effectiveness of such systems, including
any benefits realized or risks or negative as-

(B) An inventory of satellite vessel track-
ing technologies, and a discussion of the poten-
tial mission effectiveness of such technologies,
including any benefits or risks or negative as-

(C) A prioritized list of Coast Guard mis-

(i) National Security Cutters;
(ii) Fast Response Cutters;
(iii) Offshore Patrol Cutters;
(iv) Polar Security Cutters; and
(v) in-service legacy cutters, including
the 210- and 270-foot medium endurance
cutters and 225-foot Buoy Tenders.

(c) DEFINITIONS.—In this section:

(1) UNMANNED MARITIME SYSTEMS.—

(A) IN GENERAL.—The term “unmanned
maritime systems” means—

(i) remotely operated or autonomous
vehicles produced by the commercial sector
designed to travel in the air, on or under
the ocean surface, on land, or any com-
bination thereof, and that function without
an on-board human presence; and

(ii) associated components of such ve-
hicles, including control and communica-
tions systems, data transmission systems,
and processing systems.

(B) EXAMPLES.—Such term includes the
following:

(i) Unmanned undersea vehicles.
(ii) Unmanned surface vehicles.
(iii) Unmanned aerial vehicles.
(iv) Autonomous underwater vehicles.
(v) Autonomous surface vehicles.
(vi) Autonomous aerial vehicles.

(2) AVAILABLE UNMANNED MARITIME SYSTEMS.—The term “available unmanned maritime systems” includes systems that can be purchased commercially or are in use by the Department of Defense or other Federal agencies.

(3) SATELLITE VESSEL TRACKING TECHNOLOGIES.—The term “satellite vessel tracking technologies” means shipboard broadcast systems that use satellites and terrestrial receivers to continually track vessels.

SEC. 11202. UNMANNED AIRCRAFT SYSTEMS TESTING.

(a) Training Area.—The Commandant shall carry out and update, as appropriate, a program for the use of one or more training areas to facilitate the use of unmanned aircraft systems and small unmanned aircraft to support missions of the Coast Guard.

(b) Designation of Area.—

(1) In General.—Not later than 180 days after the date of enactment of this Act, the Commandant shall, as part of the program under subsection (a), designate an area for the training, test-
ing, and development of unmanned aircraft systems and small unmanned aircraft.

(2) CONSIDERATIONS.—In designating a training area under paragraph (1), the Commandant shall—

(A) ensure that such training area has or receives all necessary Federal Aviation Administration flight authorization; and

(B) take into consideration all of the following attributes of the training area:

(i) Direct over-water maritime access from the site.

(ii) The availability of existing Coast Guard support facilities, including pier and dock space.

(iii) Proximity to existing and available offshore Warning Area airspace for test and training.

(iv) Existing facilities and infrastructure to support unmanned aircraft system-augmented, and small unmanned aircraft-augmented, training, evaluations, and exercises.

(v) Existing facilities with a proven track record of supporting unmanned air-
craft systems and small unmanned aircraft
systems flight operations.

(c) DEFINITIONS.—In this section—

(1) the term “existing” means as of the date of
enactment of this Act; and

(2) the terms “small unmanned aircraft” and
“unmanned aircraft system” have the meanings
given those terms in section 44801 of title 49,
United States Code.

SEC. 11203. LAND-BASED UNMANNED AIRCRAFT SYSTEM

PROGRAM OF COAST GUARD.

(a) FUNDING FOR CERTAIN ENHANCED CAPABILITIES.—Section 319 of title 14, United States Code, is
amended by adding at the end the following new sub-
section:

“(c) FUNDING FOR CERTAIN ENHANCED CAPABIL-
ITIES.—In each of fiscal years 2020 and 2021, the Com-
mandant may provide additional funding of $5,000,000
for additional long-range maritime patrol aircraft, ac-
quired through full and open competition.”.

(b) REPORT ON USE OF UNMANNED AIRCRAFT SYS-
TEMS FOR CERTAIN SURVEILLANCE.—

(1) REPORT REQUIRED.—Not later than March
31, 2021, the Commandant, in coordination with the
Administrator of the Federal Aviation Administra-
tion on matters related to aviation safety and civil-
ian aviation and aerospace operations, shall submit
to the appropriate committees of Congress a report
setting forth an assessment of the feasibility and ad-
visability 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 mari-
time 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 sur-
veillance missions over their waters in such
areas.

(2) APPROPRIATE COMMITTEES OF CONGRESS
DEFINED.—In this subsection, the term “appro-
priate 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.
SEC. 11204. PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) PROHIBITION ON AGENCY OPERATION OR PROCUREMENT.—The Commandant may not operate or enter into or renew a contract for the procurement of—

(1) an unmanned aircraft system that—

(A) is manufactured in a covered foreign country or by an entity domiciled in a covered foreign country;

(B) uses flight controllers, radios, data transmission devices, cameras, or gimbals manufactured in a covered foreign country or by an entity domiciled in a covered foreign country;

(C) uses a ground control system or operating software developed in a covered foreign country or by an entity domiciled in a covered foreign country; or

(D) uses network connectivity or data storage located in or administered by an entity domiciled in a covered foreign country; or

(2) a system manufactured in a covered foreign country or by an entity domiciled in a covered foreign country for the detection or identification of unmanned aircraft systems.

(b) EXEMPTION.—
(1) IN GENERAL.—The Commandant is exempt from the restriction under subsection (a) if—

(A) the operation or procurement is for the purposes of—

(i) counter-UAS system surrogate testing and training; or

(ii) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training; or

(B) the Commandant receives a certification from the Coast Guard unit requesting to operate or procure an unmanned aircraft system otherwise restricted under subsection (a), which shall include supporting manufacturer information, that the unmanned aircraft system does not—

(i) connect to the internet or an outside telecommunications service;

(ii) connect to other devices or electronics, except as necessary to perform the mission; or

(iii) perform any missions in support of classified information or that may threaten national security.
(2) Expiration.—The authority under this subsection to operate or procure an unmanned aircraft system otherwise restricted under subsection (a) expires on the date that is 2 years after the date of the enactment of this Act.

(c) Waiver.—The Commandant may waive the restriction under subsection (a) on a case by case basis by certifying in writing to the Department of Homeland Security and the relevant committees of jurisdiction that the operation or procurement is required in the national interest of the United States.

(d) Definitions.—In this section:

(1) Covered foreign country.—The term “covered foreign country” means the People’s Republic of China.

(2) Counter-UAS system.—The term “counter-UAS system” has the meaning given such term in section 44801 of title 49, United States Code.

(3) Unmanned aircraft system.—The term “unmanned aircraft system” has the meaning given such term in section 44801 of title 49, United States Code.
SEC. 11205. UNITED STATES COMMERCIAL SPACE-BASED RADIO FREQUENCY MARITIME DOMAIN AWARENESS TESTING AND EVALUATION PROGRAM.

(a) Testing and Evaluation Program.—The Secretary of the department in which the Coast Guard is operating, acting through the Blue Technology Center of Expertise, shall carry out a testing and evaluation program of United States commercial space-based radio frequency geolocation and maritime domain awareness products and services to support the mission objectives of maritime enforcement by the Coast Guard and other components of the Coast Guard. The objectives of this testing and evaluation program shall include—

(1) developing an understanding of how United States commercial space-based radio frequency data products can meet current and future mission requirements;

(2) establishing how United States commercial space-based radio frequency data products should integrate into existing work flows; and

(3) establishing how United States commercial space-based radio frequency data products could be integrated into analytics platforms.

(b) Report.—Not later than 240 days after the date of enactment of this Act, such Secretary shall prepare and
submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the testing and evaluation program under subsection (a), including recommendations on how the Coast Guard should fully exploit United States commercial space-based radio frequency data products to meet current and future mission requirements.

SEC. 11206. AUTHORIZATION OF USE OF AUTOMATIC IDENTIFICATION SYSTEMS DEVICES TO MARK FISHING EQUIPMENT.

(a) DEFINITIONS.—In this section—

(1) the term “Automatic Identification System” has the meaning given the term in section 164.46(a) of title 33, Code of Federal Regulations, or any successor regulation;

(2) the term “Automatic Identification System device” means a covered device that operates in radio frequencies assigned to the Automatic Identification System;

(3) the term “Commission” means the Federal Communications Commission; and

(4) the term “covered device” means a device used to mark fishing equipment.
(b) Rulemaking Required.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Commandant, the Secretary of State, and the Secretary of Commerce (acting through the Administrator of National Telecommunications and Information Administration), shall initiate a rulemaking proceeding to consider whether to authorize covered devices to operate in radio frequencies assigned to the Automatic Identification System.

(c) Considerations.—In conducting the rulemaking under subsection (b), the Commission shall consider whether imposing requirements with respect to the manner in which Automatic Identification System devices are deployed and used would enable the authorization of covered devices to operate in radio frequencies assigned to the Automatic Identification System consistent with the core purpose of the Automatic Identification System to prevent maritime accidents.

Subtitle C—Arctic

SEC. 11301. COAST GUARD ARCTIC PRIORITIZATION.

(a) Findings.—Congress makes the following findings:

(1) The strategic importance of the Arctic continues to increase as the United States and other countries recognize the military significance of the
sea lanes and choke points within the region and un-
derstand the potential for power projection from the
Arctic into multiple regions.

(2) Russia and China have conducted military
exercises together in the Arctic, have agreed to con-
nect the Northern Sea Route, claimed by Russia,
with China’s Maritime Silk Road, and are working
together in developing natural gas resources in the
Arctic.

(3) The economic significance of the Arctic con-
tinues to grow as countries around the globe begin
to understand the potential for maritime transpor-
tation through, and economic and trade development
in, the region.

(4) Increases in human, maritime, and resource
development activity in the Arctic region may create
additional mission requirements for the Department
of Defense and the Department of Homeland Secu-

(5) The increasing role of the United States in
the Arctic has been highlighted in each of the last
four national defense authorization acts.

(6) The United States Coast Guard Arctic
Strategic Outlook released in April 2019 states,
“Demonstrating commitment to operational pres-
ence, Canada, Denmark, and Norway have made
strategic investments in ice-capable patrol ships
charged with national or homeland security missions.
The United States is the only Arctic State that has
not made similar investments in ice-capable surface
maritime security assets. This limits the ability of
the Coast Guard, and the Nation, to credibly uphold
sovereignty or respond to contingencies in the Arc-
tic.”.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that—

(1) the Arctic is a region of strategic impor-
tance 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 re-

(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;

(3) Congress fully supports the needed and im-
portant re-capitalization of the fleet of cutters and
aircraft of the Coast Guard, but, the Coast Guard
must avoid overextending operational assets for re-
mote international missions at the cost of dedicated
focus on this domestic area of responsibility with
significant international interest and activity; and

(4) although some progress has been made to
increase awareness of Arctic issues and to promote
increased presence in the region, additional meas-
ures are needed to protect vital economic, environ-
mental, and national security interests of the United
States, and to show the commitment of the United
States to this emerging strategic choke point of in-
creasing great power competition.

(c) ARCTIC DEFINED.—In this section, the term
“Arctic” has the meaning given that term in section 112
4111).

SEC. 11302. ARCTIC PARS NATIVE ENGAGEMENT.
The Commandant shall—

(1) engage directly with local coastal whaling
and fishing communities in the Arctic region when
conducting the Alaskan Arctic Coast Port Access
Route Study, in accordance with chapter 700 of title
46, United States Code, and as described in the no-
tice of study published in the Federal Register on
December 21, 2018 (83 Fed. Reg. 65701); and
(2) consider the concerns of the Arctic coastal community regarding any Alaskan Arctic Coast Port Access Route, including safety needs and concerns.

SEC. 11303. VOTING REQUIREMENT.

Section 305(i)(1)(G)(iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(G)(iv)) is amended to read as follows:

“(iv) VOTING REQUIREMENT.—The panel may act only by the affirmative vote of at least 5 of its members, except that any decision made pursuant to the last sentence of subparagraph (C) shall require the unanimous vote of all 6 members of the panel.”.

SEC. 11304. REPORT ON THE ARCTIC CAPABILITIES OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the appropriate committees of Congress a report setting forth the results of a study on the Arctic capabilities of the Armed Forces. The Secretary shall enter into a contract with an appropriate federally funded research and development center for the conduct of the study.
(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

1. A comparison of the capabilities of the United States, the Russian Federation, the People’s Republic of China, and other countries operating in the Arctic, including an assessment of the ability of the navy of each such country to operate in varying sea-ice conditions.

2. A description of commercial and foreign military surface forces currently operating in the Arctic in conditions inaccessible to Navy surface forces.

3. An assessment of the potential security risk posed to Coast Guard forces by military forces of other countries operating in the Arctic in conditions inaccessible to Navy surface or aviation forces in the manner such forces currently operate.

4. A comparison of the domain awareness capabilities of—
   
   (A) Coast Guard forces operating alone; and
   
   (B) Coast Guard forces operating in tandem with Navy surface and aviation forces and the surface and aviation forces of other allies.
(5) A comparison of the defensive capabilities of—

(A) Coast Guard forces operating alone;

and

(B) Coast Guard forces operating in mutual defense with Navy forces, other Armed Forces, and the military forces of allies.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives.

SEC. 11305. REPORT ON ARCTIC SEARCH AND RESCUE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and
Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the search and rescue capabilities of the Coast Guard in Arctic coastal communities.

(b) CONTENTS.—The report under subsection (a) shall include the following:

(1) An identification of ways in which the Coast Guard can more effectively partner with Arctic coastal communities to respond to search and rescue incidents through training, funding, and deployment of assets.

(2) An analysis of the costs of forward deploying on a seasonal basis Coast Guard assets in support of such communities for responses to such incidents.

SEC. 11306. ARCTIC SHIPPING FEDERAL ADVISORY COMMITTEE.

(a) PURPOSE.—The purpose of this section is to establish a Federal advisory committee to provide policy recommendations to the Secretary of Transportation on positioning the United States to take advantage of emerging opportunities for Arctic maritime transportation.

(b) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Arctic Shipping Federal
Advisory Committee established under subsection (e)(1).

(2) **Arctic.**—The term “Arctic” has the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(3) **Arctic Sea Routes.**—The term “Arctic Sea Routes” means the international Northern Sea Route, the Transpolar Sea Route, and the Northwest Passage.

(c) **ESTABLISHMENT OF THE ARCTIC SHIPPING FEDERAL ADVISORY COMMITTEE.—**

(1) **ESTABLISHMENT OF ADVISORY COMMITTEE.**—

(A) **IN GENERAL.**—The Secretary of Transportation, in coordination with the Secretary of State, the Secretary of Defense acting through the Secretary of the Army and the Secretary of the Navy, the Secretary of Commerce, and the Secretary of the Department in which the Coast Guard is operating, shall establish an Arctic Shipping Federal Advisory Committee in the Department of Transportation to advise the Secretary of Transportation and the Secretary of the Department in which the Coast Guard is operating on matters related to Arctic maritime
transportation, including Arctic seaway development.

(B) MEETINGS.—The Advisory Committee shall meet at the call of the Chairperson, and at least once annually in Alaska.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Committee shall be composed of 17 members as described in subparagraph (B).

(B) COMPOSITION.—The members of the Advisory Committee shall be—

(i) 1 individual appointed and designated by the Secretary of Transportation to serve as the Chairperson of the Advisory Committee;

(ii) 1 individual appointed and designated by the Secretary of the Department in which the Coast Guard is operating to serve as the Vice Chairperson of the Advisory Committee;

(iii) 1 designee of the Secretary of Commerce;

(iv) 1 designee of the Secretary of State;
(v) 1 designee of the Secretary of Transportation;

(vi) 1 designee of the Secretary of Defense;

(vii) 1 designee from the State of Alaska, nominated by the Governor of Alaska and designated by the Secretary of Transportation;

(viii) 1 designee from the State of Washington, nominated by the Governor of Washington and designated by the Secretary of Transportation;

(ix) 3 Alaska Native Tribal members;

(x) 1 individual representing Alaska Native subsistence co-management groups affected by Arctic maritime transportation;

(xi) 1 individual representing coastal communities affected by Arctic maritime transportation;

(xii) 1 individual representing vessels of the United States (as defined in section 116 of title 46, United States Code) participating in the shipping industry;

(xiii) 1 individual representing the marine safety community;
(xiv) 1 individual representing the Arctic business community; and
(xv) 1 individual representing maritime labor organizations.

(C) TERMS.—

(i) LIMITATIONS.—Each member of the Advisory Committee described in clauses (vii) through (xv) of subparagraph (B) shall serve for a 2-year term and shall not be eligible for more than 2 consecutive term reappointments.

(ii) VACANCIES.—Any vacancy in the membership of the Advisory Committee shall not affect its responsibilities, but shall be filled in the same manner as the original appointment and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(3) FUNCTIONS.—The Advisory Committee shall carry out all of the following functions:

(A) Develop a set of policy recommendations that would enhance the leadership role played by the United States in improving the safety and reliability of Arctic maritime transportation in accordance with customary inter-
national maritime law and existing Federal au-

thority. Such policy recommendations shall con-
sider options to establish a United States entity 
that could perform the following functions in 
accordance with United States law and cus-
tomary international maritime law:

   (i) Construction, operation, and main-
tenance of current and future maritime in-
frastructure necessary for vessels 
transiting the Arctic Sea Routes, including 
potential new deep draft and deepwater 
ports.

   (ii) Provision of services that are not 
widely commercially available in the United 
States Arctic that would—

      (I) improve Arctic maritime safe-
ty and environmental protection;

      (II) enhance Arctic maritime do-
main awareness; and

      (III) support navigation and inci-
dent response for vessels transiting 
the Arctic Sea Routes.

   (iii) Establishment of rules of meas-
urement for vessels and cargo for the pur-
poses of levying voluntary rates of charges
or fees for services.

(B) As an option under subparagraph (A),
consider establishing a congressionally char-
tered seaway development corporation modeled
on the Saint Lawrence Seaway Development
Corporation, and—

(i) develop recommendations for es-
tablishing such a corporation and a de-
tailed implementation plan for establishing
such an entity; or

(ii) if the Advisory Committee decides
against recommending the establishment of
such a corporation, provide a written ex-
planation as to the rationale for the deci-
sion and develop an alternative, as prac-
ticable.

(C) Provide advice and recommendations,
as requested, to the Secretary of Transpor-
tation and the Secretary of the Department in
which the Coast Guard is operating on Arctic
marine transportation, including seaway devel-
opment, and consider national security inter-
est, where applicable, in such recommenda-
tions.
(D) In developing the advice and recommendations under subparagraph (C), engage with and solicit feedback from coastal communities, Alaska Native subsistence co-management groups, and Alaska Native tribes.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Advisory Committee shall submit a report with its recommendations under subparagraphs (A) and (B) of subsection (c)(3) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) TERMINATION OF THE ADVISORY COMMITTEE.—Not later than 8 years after the submission of the report described in subsection (d), the Secretary of Transportation shall dissolve the Advisory Committee.

(f) INTERNATIONAL ENGAGEMENT.—If a Special Representative for the Arctic Region is appointed by the Secretary of State, the duties of that Representative shall include—

(1) coordination of any activities recommended by the implementation plan submitted by the Advisory Committee and approved by the Secretary of Transportation; and
(2) facilitation of multilateral dialogues with member and observer nations of the Arctic Council to encourage cooperation on Arctic maritime transportation.

(g) TRIBAL CONSULTATION.—In implementing any of the recommendations provided under subsection (c)(3)(C), the Secretary of Transportation shall consult with Alaska Native tribes.

Subtitle D—Other Matters

SEC. 11401. PLAN FOR WING-IN-GROUND DEMONSTRATION PLAN.

(a) IN GENERAL.—(1) The Commandant, in coordination with the Administrator of the Federal Aviation Administration with regard to any regulatory or safety matter regarding airspace, air space authorization, or aviation, shall develop plans for a demonstration program that will determine whether wing-in-ground craft, as such term is defined in section 2101 of title 46, United States Code, that is capable of carrying at least one individual, can—

(A) provide transportation in areas in which energy exploration, development or production activity takes place on the Outer Continental Shelf; and

(B) under the craft’s own power, safely reach helidecks or platforms located on offshore energy facilities.
(2) Requirements.—The plans required under paragraph (1) shall—

(A) examine and explain any safety issues with regard to the operation of the such craft as a vessel, or as an aircraft, or both;

(B) include a timeline and technical milestones for the implementation of such a demonstration program;

(C) outline resource requirements needed to undertake such a demonstration program;

(D) describe specific operational circumstances under which the craft may be used, including distance from United States land, altitude, number of individuals, amount of cargo, and speed and weight of vessel;

(E) describe the operations under which Federal Aviation Administration statutes, regulations, circulars, or orders apply; and

(F) describe the certifications, permits, or authorizations required to perform any operations.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Commandant, along with the Administrator of the Federal Aviation Administration with regard to any regulatory or safety matter regarding airspace, air space authorization, or aviation, shall brief
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the Committee on Transportation and Infrastructure of

the House of Representatives and the Committee on Com-

merce, Science and Transportation of the Senate on the

plan developed under subsection (a), including—

(1) any regulatory changes needed regarding in-

spections and manning, to allow such craft to oper-

ate between onshore facilities and offshore energy

facilities when such craft is operating as a vessel;

(2) any regulatory changes that would be nec-

essary to address potential impacts to air traffic

control, the National Airspace System, and other

aircraft operations, and to ensure safe operations on

or near helidecks and platforms located on offshore

energy facilities when such craft are operating as

aircraft; and

(3) any other statutory or regulatory changes

related to authority of the Federal Aviation Admin-

istration over operations of the craft.

SEC. 11402. NORTHERN MICHIGAN OIL SPILL RESPONSE

PLANNING.

Notwithstanding any other provision of law, not later

than 180 days after the date of the enactment of this Act,

the Secretary of the department in which the Coast Guard

is operating, in consultation with the Administrator of the

Environmental Protection Agency and the Administrator
of the Pipeline and Hazardous Materials Safety Administra-
tion, shall update the Northern Michigan Area Conting-
ency Plan to include a worst-case discharge from a pipe-
line in adverse weather conditions.

SEC. 11403. DOCUMENTATION OF LNG TANKERS.

Section 7(b) of the America’s Cup Act of 2011 (Public
Law 112–61) is amended—

(1) in paragraph (3)—

(A) by striking “of the vessel on the date
of enactment of this Act”; and

(B) by inserting before the period the fol-
lowing: “, unless prior to any such sale the ves-
sel has been operated in a coastwise trade for
not less than 1 year after the date of enactment
of the Elijah E. Cummings Coast Guard Au-
thorization Act of 2020 and prior to sale of ves-

(2) by redesignating paragraphs (2) and (3) as
paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (1) the fol-
lowing:

“(2) LIMITATION ON OWNERSHIP.—The Sec-
retary of the department in which the Coast Guard
is operating may only issue a certificate of docu-
mentation with a coastwise endorsement to a vessel
designated in paragraph (1) if the owner of the ves-
sel is an individual or individuals who are citizens of
the United States, or is deemed to be such a citizen
under section 50501 of title 46, United States Code.

“(3) LIMITATION ON REPAIR AND MODIFICA-
TION.—

“(A) REQUIREMENT.—Any qualified work
shall be performed at a shipyard facility located
in the United States.

“(B) EXCEPTIONS.—The requirement in
subsection (A) does not apply to any quali-
fied work—

“(i) for which the owner or operator
enters into a binding agreement no later
than 1 year after the date of enactment of
the Elijah E. Cummings Coast Guard Au-
thorization Act of 2020; or

“(ii) necessary for the safe towage of
the vessel from outside the United States
to a shipyard facility in the United States
for completion of the qualified work.

“(C) DEFINITION.—In this paragraph,
qualified work means repair and modification
necessary for the issuance of a certificate of in-
spection issued as a result of the waiver for
which a coastwise endorsement is issued under paragraph (1).”.

SEC. 11404. REPLACEMENT VESSEL.

Notwithstanding section 208(g)(5) of the American Fisheries Act (Public Law 105–277; 16 U.S.C. 1851 note), a vessel eligible under section 208(e)(21) of such Act that is replaced under section 208(g) of such Act shall be subject to a sideboard restriction catch limit of zero metric tons in the Bering Sea and Aleutian Islands and in the Gulf of Alaska unless that vessel is also a replacement vessel under section 679.4(o)(4) of title 50, Code of Federal Regulations, in which case such vessel shall not be eligible to be a catcher/processor under section 206(b)(2) of such Act.

SEC. 11405. EDUCATIONAL VESSEL.

(a) In general.—Notwithstanding section 12112(a)(2) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel Oliver Hazard Perry (IMO number 8775560; United States official number 1257224).

(b) Termination of effectiveness of endorsement.—The coastwise endorsement authorized under subsection (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 vessel 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 PURPOSES.

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-
b) RESTRICTION.—The Commandant may not establish or expand any anchorage grounds outside of the reach on the Hudson River described in subsection (a) without first providing notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days prior to the establishment or expansion of any such anchorage grounds.

c) SAVINGS CLAUSE.—Nothing in this section—

(1) prevents the master or pilot of a vessel operating on the reach of the Hudson River described in subsection (a) from taking emergency actions necessary to maintain the safety of the vessel or to prevent the loss of life or property; or

(2) shall be construed as limiting the authority of the Secretary of the department in which the Coast Guard is operating to exercise authority over the movement of a vessel under section 70002 of title 46, United States Code, or any other applicable laws or regulations governing the safe navigation of a vessel.
(d) STUDY.—The Commandant of the Coast Guard, in consultation with the Hudson River Safety, Navigation, and Operations Committee, shall conduct a study of the Hudson River north of Tarrytown, New York to examine—

(1) the nature of vessel traffic including vessel types, sizes, cargoes, and frequency of transits;

(2) the risks and benefits of historic practices for commercial vessels anchoring; and

(3) the risks and benefits of establishing anchorage grounds on the Hudson River.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings, conclusions, and recommendations from the study required under subsection (d).

SEC. 11408. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON VERTICAL EVACUATION FOR TSUNAMIS AT COAST GUARD STATIONS IN WASHINGTON AND OREGON.

(a) STUDY.—
(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines the potential use, in the event of a Cascadia subduction zone event, of a vertical evacuation of Coast Guard personnel stationed at United States Coast Guard Station Grays Harbor and Sector Field Office Port Angeles, Washington, and at United States Coast Guard Station Yaquina Bay and United States Coast Guard Motor Lifeboat Station Coos Bay, Oregon, and the dependents of such Coast Guard personnel housed in Coast Guard housing.

(2) ELEMENTS.—The study required under paragraph (1) shall analyze the following:

(A) The number of such personnel and dependents to be evacuated.

(B) The resources available to conduct an evacuation, and the feasibility of a successful evacuation in a case in which inundation maps and timelines are available.

(C) With the resources available, the amount of time needed to evacuate such personnel and dependents.
(D) Any resource that is otherwise available within a reasonable walking distance to the Coast Guard facilities listed in paragraph (1).

(E) The benefit to the surrounding community of such a vertical evacuation.

(F) The interoperability of the tsunami warning system with the Coast Guard communication systems at the Coast Guard facilities listed in paragraph (1).

(G) Current interagency coordination and communication policies in place for emergency responders to address a Cascadia subduction zone event.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings, conclusions, and recommendations, if any, from the study required under subsection (a).
SEC. 11409. AUTHORITY TO ENTER INTO AGREEMENTS
WITH NATIONAL COAST GUARD MUSEUM ASSOCIATION.

(a) In general.—Section 316 of title 14, United States Code, is amended to read as follows:

“§ 316. National Coast Guard Museum

“(a) Establishment.—The Commandant may establish, accept, operate, maintain and support the Museum, on lands which will be federally owned and administered by the Coast Guard, and are located in New London, Connecticut.

“(b) Use of funds.—

“(1) The Secretary shall not expend any funds appropriated to the Coast Guard on the construction of any museum established under this section.

“(2) Subject to the availability of appropriations, the Secretary may expend funds appropriated to the Coast Guard on the engineering and design of a Museum.

“(3) The priority for the use of funds appropriated to the Coast Guard shall be to preserve, protect, and display historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.
“(4) To the maximum extent practicable, the Secretary shall minimize the use of Federal funds for the construction of the Museum.

“(c) FUNDING PLAN.—Not later than 2 years after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020 and at least 90 days before the date on which the Commandant accepts the Museum under subsection (f), the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating, and maintaining such Museum, including—

“(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

“(2) the extent to which appropriated, non-appropriated, and non-Federal funds will be used for such purposes, including the extent to which there is any shortfall in funding for engineering, design, or construction;

“(3) an explanation of any environmental remediation issues related to the land associated with the Museum; and

“(4) a certification by the Inspector General of the department in which the Coast Guard is oper-
ating that the estimates provided pursuant to para-
graphs (1) and (2) are reasonable and realistic.

“(d) CONSTRUCTION.—

“(1) The Association may construct the Mu-
seum described in subsection (a).

“(2) The Museum shall be designed and con-
structed in compliance with the International Build-
ing Code 2018, and construction performed on Fed-
eral land under this section shall be exempt from
State and local requirements for building or demoli-
tion permits.

“(e) AGREEMENTS.—Under such terms and condi-
tions as the Commandant considers appropriate, notwith-
standing section 504, and until the Commandant accepts
the Museum under subsection (f), the Commandant
may—

“(1) license Federal land to the Association for
the purpose of constructing the Museum described in
subsection (a); and

“(2)(A) at a nominal charge, lease the Museum
from the Association for activities and operations re-
lated to the Museum; and

“(B) authorize the Association to generate
revenue from the use of the Museum.
“(f) Acceptance.—Not earlier than 90 days after the Commandant submits the plan under subsection (c), the Commandant shall accept the Museum from the Association and all right, title, and interest in and to the Museum shall vest in the United States when—

“(1) the Association demonstrates, in a manner acceptable to the Commandant, that the Museum meets the design and construction requirements of subsection (d); and

“(2) all financial obligations of the Association incident to the National Coast Guard Museum have been satisfied.

“(g) Gifts.—

“(1) The Commandant may solicit from the Association and accept funds and in-kind gifts from nonprofit entities, including services related to activities for the construction of the Museum.

“(2) Funds and in-kind gifts described in paragraph (1) shall be—

“(A) accepted and administered consistent with section 2601 of title 10; and

“(B) deposited in the Coast Guard General Gift Fund.
“(3) The use of any funds and in-kind gifts described in paragraph (1) shall be subject to the availability of appropriations.

“(h) AUTHORITY.—The Commandant may not establish a Museum except as set forth in this section.

“(i) DEFINITIONS.—In this section:

“(1) MUSEUM.—The term ‘Museum’ means the National Coast Guard Museum.

“(2) ASSOCIATION.—The term ‘Association’ means the National Coast Guard Museum Association.”.

(b) BRIEFINGS.—Not later than March 1 of the fiscal year after the fiscal year in which the report required under subsection (d) of section 316 of title 14, United States Code, is provided, and not later than March 1 of each year thereafter until 1 year after the year in which the National Coast Guard Museum is accepted pursuant to subsection (f) of such section, the Commandant shall brief the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the following issues with respect to the Museum:

(1) The acceptance of gifts.

(2) Engineering.

(3) Design and project status.
(4) Land ownership.

(5) Environmental remediation.

(6) Operation and support issues.

(7) Plans.

SEC. 11410. FORMAL SEXUAL ASSAULT POLICIES FOR PASSENGER VESSELS.

(d) MAINTENANCE AND PLACEMENT OF VIDEO SURVEILLANCE EQUIPMENT.—Section 3507(b)(1) of title 46, United States Code, is amended—

(1) by striking “The owner” and inserting the following:

“(A) IN GENERAL.—The owner”;

(2) by striking “, as determined by the Secretary”; and

(3) by adding at the end, the following:

“(B) PLACEMENT OF VIDEO SURVEILLANCE EQUIPMENT.—

“(i) IN GENERAL.—Not later than 18 months after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, the Commandant in consultation with other relevant Federal agencies or entities as determined by the Commandant, shall establish guidance for performance of the risk assessment de-
scribed in paragraph (2) regarding the appropriate placement of video surveillance equipment in passenger and crew common areas where there is no reasonable expectation of privacy.

“(ii) Risk Assessment.—Not later than 1 year after the Commandant establishes the guidance described in paragraph (1), the owner shall conduct the risk assessment required under paragraph (1) and shall—

“(I) evaluate the placement of video surveillance equipment to deter, prevent, and record a sexual assault aboard the vessel considering factors such as: ship layout and design, itinerary, crew complement, number of passengers, passenger demographics, and historical data on the type and location of prior sexual assault incident allegations;

“(II) incorporate to the maximum extent practicable the video surveillance guidance established by the Commandant regarding the appro-
private placement of video surveillance equipment;

“(III) arrange for the risk assessment to be conducted by an independent third party with expertise in the use and placement of camera surveillance to deter, prevent and record criminal behavior; and

“(IV) the independent third party referred to in paragraph (C) shall be a company that has been accepted by a classification society that is a member of the International Association of Classification Societies (hereinafter referred to as ‘IACS’) or another classification society recognized by the Secretary as meeting acceptable standards for such a society pursuant to section 3316(b).

“(C) SURVEILLANCE PLAN.—Not later than 180 days after completion of the risk assessment conducted under subparagraph (B)(ii), the owner of a vessel shall develop a plan to install video surveillance equipment in places determined to be appropriate in accord-
ance with the results of the risk assessment conducted under subparagraph (B)(ii), except in areas where a person has a reasonable expectation of privacy. Such plan shall be evaluated and approved by an independent third party with expertise in the use and placement of camera surveillance to deter, prevent and record criminal behavior that has been accepted as set forth in paragraph (2)(D).

“(D) INSTALLATION.—The owner of a vessel to which this section applies shall, consistent with the surveillance plan approved under subparagraph (C), install appropriate video surveillance equipment aboard the vessel not later than 2 years after approval of the plan, or during the next scheduled drydock, whichever is later.

“(E) ATTESTATION.—At the time of initial installation under subparagraph (D), the vessel owner shall obtain written attestations from—

“(i) an IACS classification society that the video surveillance equipment is installed in accordance with the surveillance plan required under subparagraph (C); and
“(ii) the company security officer that
the surveillance equipment and associated
systems are operational, which attestation
shall be obtained each year thereafter.

“(F) UPDATES.—The vessel owner shall
ensure the risk assessment described in sub-
paragraph (B)(ii) and installation plan in sub-
paragraph (C) are updated not later than 5
years after the initial installation conducted
under subparagraph (D), and every 5 years
thereafter. The updated assessment and plan
shall be approved by an independent third party
with expertise in the use and placement of cam-
era surveillance to deter, prevent, and record
criminal behavior that has been accepted by an
IACS classification society. The vessel owner
shall implement the updated installation plan
not later than 180 days after approval.

“(G) AVAILABILITY.—Each risk assess-
ment, installation plan and attestation shall be
protected from disclosure under the Freedom of
Information Act, section 552 of title 5 but shall
be available to the Coast Guard—

“(i) upon request, and
“(ii) at the time of the certificate of compliance or certificate of inspection examination.

“(H) DEFINITIONS.—For purposes of this section a ‘ship security officer’ is an individual that, with the master’s approval, has full responsibility for vessel security consistent with the International Ship and Port Facility Security Code.”.

(c) ACCESS TO VIDEO RECORDS; NOTICE OF VIDEO SURVEILLANCE.—Section 3507(b), of title 46, United States Code, is further amended—

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

(2) by inserting after paragraph (1) the following:

“(2) NOTICE OF VIDEO SURVEILLANCE.—The owner of a vessel to which this section applies shall provide clear and conspicuous signs on board the vessel notifying the public of the presence of video surveillance equipment.”;

(3) in paragraph (3), as so redesignated—

(A) by striking “The owner” and inserting the following:
“(A) LAW ENFORCEMENT.—The owner”;

and

(B) by adding at the end the following:

“(B) CIVIL ACTIONS.—Except as pro-
scribed by law enforcement authorities or court
order, the owner of a vessel to which this sec-
tion applies shall, upon written request, provide
to any individual or the individual’s legal rep-
resentative a copy of all records of video surveil-
ance—

“(i) in which the individual is a sub-
ject of the video surveillance; and

“(ii) that may provide evidence of any
sexual assault incident in a civil action.

“(C) LIMITED ACCESS.—The owner of a
vessel to which this section applies shall ensure
that access to records of video surveillance is
limited to the purposes described in this para-
graph.”.

(f) RETENTION REQUIREMENTS.—

(1) IN GENERAL.—Section 3507(b), of title 46,
United States Code, is further amended by adding
at the end the following:

“(4) RETENTION REQUIREMENTS.—The owner
of a vessel to which this section applies shall retain
all records of video surveillance for not less than 20
days after the footage is obtained. The vessel owner
shall include a statement in the security guide re-
quired by subsection (c)(1)(A) that the vessel owner
is required by law to retain video surveillance foot-
age for the period specified in this paragraph. If an
incident described in subsection (g)(3)(A)(i) is al-
leged and reported to law enforcement, all records of
video surveillance from the voyage that the Federal
Bureau of Investigation determines are relevant
shall—

“(A) be provided to the Federal Bureau of
Investigation; and

“(B) be preserved by the vessel owner for
not less than 4 years from the date of the al-
leged incident.”.

(2) ADMINISTRATIVE PROVISIONS.—

(A) STUDY AND REPORT.—Each owner of
a vessel to which section 3507, of title 46,
United States Code, applies shall, not later
than March 1, 2023, submit to the Committee
on Transportation and Infrastructure of the
House of Representatives and the Committee
on Commerce, Science, and Transportation of
the Senate a report detailing the total number
of voyages for the preceding year and the percentage of those voyages that were 30 days or longer.

(B) INTERIM STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate interim standards for the retention of records of video surveillance.

(C) FINAL STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate final standards for the retention of records of video surveillance.

(D) CONSIDERATIONS.—In promulgating standards under subparagraphs (B) and (B), the Commandant shall—

(i) consider factors that would aid in the investigation of serious crimes, including the results of the report by the Commandant provided under subparagraph (A), as well as crimes that go unreported until after the completion of a voyage;
(ii) consider the different types of video surveillance systems and storage requirements in creating standards both for vessels currently in operation and for vessels newly built;

(iii) consider privacy, including standards for permissible access to and monitoring and use of the records of video surveillance; and

(iv) consider technological advancements, including requirements to update technology.

SEC. 11411. REGULATIONS FOR COVERED SMALL PASSENGER VESSELS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, including covered small passenger vessels (as defined in subsection (n)(5))” after “vessels subject to inspection”; and

(B) in paragraph (5), by inserting before the period at the end “, including rechargeable devices utilized for personal or commercial electronic equipment”; and
(2) by adding at the end the following:

“(n) COVERED SMALL PASSENGER VESSELS.—

“(1) REGULATIONS.—The Secretary shall pre-
scribe additional regulations to secure the safety of
individuals and property on board covered small pas-
senger vessels.

“(2) COMPREHENSIVE REVIEW.—In order to
prescribe the regulations under paragraph (1), the
Secretary shall conduct a comprehensive review of
all requirements (including calculations), in existence
on the date of enactment of the Elijah E. Cummings
Coast Guard Authorization Act of 2020, that apply
to covered small passenger vessels, with respect to
fire detection, protection, and suppression systems,
and avenues of egress, on board such vessels.

“(3) REQUIREMENTS.—

“(A) IN GENERAL.—Subject to subpara-
graph (B), the regulations prescribed under
paragraph (1) shall include, with respect to cov-
ered small passenger vessels, regulations for—

“(i) marine firefighting training pro-
grams to improve crewmember training
and proficiency, including emergency
egress training for each member of the
crew, to occur for all members on the crew—

“(I) at least monthly while such members are employed on board the vessel; and

“(II) each time a new crew-member joins the crew of such vessel;

“(ii) in all areas on board the vessel where passengers and crew have access, including dining areas, sleeping quarters, and lounges—

“(I) interconnected fire detection equipment, including audible and visual alarms; and

“(II) additional fire extinguishers and other firefighting equipment;

“(iii) the installation and use of monitoring devices to ensure the wakefulness of the required night watch;

“(iv) increased fire detection and suppression systems (including additional fire extinguishers) on board such vessels in unmanned areas with machinery or areas with other potential heat sources;
“(v) all general areas accessible to passengers to have no less than 2 independent avenues of escape that are—

“(I) constructed and arranged to allow for free and unobstructed egress from such areas;

“(II) located so that if one avenue of escape is not available, another avenue of escape is available; and

“(III) not located directly above, or dependent on, a berth;

“(vi) the handling, storage, and operation of flammable items, such as rechargeable batteries, including lithium ion batteries utilized for commercial purposes on board such vessels;

“(vii) passenger emergency egress drills for all areas on the vessel to which passengers have access, which shall occur prior to the vessel beginning each excursion; and

“(viii) all passengers to be provided a copy of the emergency egress plan for the vessel.
“(B) APPLICABILITY TO CERTAIN COVERED SMALL PASSENGER VESSELS.—The requirements described in clauses (iii), (v), (vii), and (viii) of subparagraph (A) shall only apply to a covered small passenger vessel that has overnight passenger accommodations.

“(4) INTERIM REQUIREMENTS.—

“(A) INTERIM REQUIREMENTS.—The Secretary shall, prior to issuing final regulations under paragraph (1), implement interim requirements to enforce the requirements under paragraph (3).

“(B) IMPLEMENTATION.—The Secretary shall implement the interim requirements under subparagraph (A) without regard to chapters 5 and 6 of title 5 and Executive Order Nos. 12866 and 13563 (5 U.S.C. 601 note; relating to regulatory planning and review and relating to improving regulation and regulatory review).

“(5) DEFINITION OF COVERED SMALL PASSENGER VESSEL.—In this subsection, the term ‘covered small passenger vessel’—

“(A) except as provided in subparagraph (B), means a small passenger vessel (as defined in section 2101) that—
“(i) has overnight passenger accommodations; or

“(ii) is operating on a coastwise or oceans route; and

“(B) does not include a ferry (as defined in section 2101) or fishing vessel (as defined in section 2101).”.

TITLE V—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

SEC. 12001. TRANSFERS.

(a) In General.—

(1) Section 215 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 14 U.S.C. 504 note) is redesignated as section 322 of title 14, United States Code, transferred to appear after section 321 of such title (as added by this division), and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(2) Section 406 of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 14 U.S.C. 501 note) is redesignated as section 720 of title 14, United States Code, transferred to appear
after section 719 of such title (as added by this division), and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(3) Section 1110 of title 14, United States Code, is redesignated as section 5110 of such title and transferred to appear after section 5109 of such title (as added by this division).

(4) Section 401 of the Coast Guard Authorization Act of 2010 (Public Law 111–281) is amended by striking subsection (e).

(5) Subchapter I of chapter 11 of title 14, United States Code, as amended by this division, is amended by inserting after section 1109 the following:

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§ 1110. Elevation of disputes to the Chief Acquisition Officer

“If, after 90 days following the elevation to the Chief Acquisition Officer of any design or other dispute regarding level 1 or level 2 acquisition, the dispute remains unresolved, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.”
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(6) Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended—

(A) by transferring such section to appear after section 70005 of title 46, United States Code;

(B) by striking “Sec. 7.” and inserting “§70006. Establishment by Secretary of the department in which the Coast Guard is operating of anchorage grounds and regulations generally”;

and

(C) by adjusting the margins with respect to subsections (a) and (b) for the presence of a section heading accordingly.


(A) is redesignated as section 5112 of title 14, United States Code, transferred to appear after section 5111 of such title (as added by this division), and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code; and

(B) is amended—
(i) by striking the heading and inserting the following:

“§ 5112. Sexual assault and sexual harassment in the Coast Guard”; and

(ii) in subsection (b), by adding at the end the following:

“(5)(A) The number of instances in which a covered individual was accused of misconduct or crimes considered collateral to the investigation of a sexual assault committed against the individual.

“(B) The number of instances in which adverse action was taken against a covered individual who was accused of collateral misconduct or crimes as described in subparagraph (A).

“(C) The percentage of investigations of sexual assaults that involved an accusation or adverse action against a covered individual as described in subparagraphs (A) and (B).

“(D) In this paragraph, the term ‘covered individual’ means an individual who is identified as a victim of a sexual assault in the case files of a military criminal investigative organization.”.

(b) CLERICAL AMENDMENTS.—
(1) The analysis for chapter 3 of title 14, United States Code, as amended by this division, is further amended by adding at the end the following:

"322. Redistricting notification requirement.".

(2) The analysis for chapter 7 of title 14, United States Code, as amended by this division, is further amended by adding at the end the following:

"720. VHF communication services.".

(3) The analysis for chapter 11 of title 14, United States Code, is amended by striking the item relating to section 1110 and inserting the following:

"1110. Elevation of disputes to the Chief Acquisition Officer.".

(4) The analysis for chapter 51 of title 14, United States Code, as amended by this division, is 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.".

(5) The analysis for chapter 700 of title 46, United States Code, is further amended by inserting after the item relating to section 70005 the following:

"70006. Establishment by the Secretary of the department in which the Coast Guard is operating of anchorage grounds and regulations generally.".

SEC. 12002. ADDITIONAL TRANSFERS.

(a) SECTION 204 OF THE MARINE TRANSPORTATION SECURITY ACT.—

(2) Section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902)—

(A) is amended by redesignating subsections (e) through (i) as subsections (f) through (j) respectively; and

(B) by inserting after subsection (d) the following:

“(e) **Discharge of Agricultural Cargo Residue.**—Notwithstanding any other provision of law, the discharge from a vessel of any agricultural cargo residue material in the form of hold washings shall be governed exclusively by the provisions of this Act that implement Annex V to the International Convention for the Prevention of Pollution from Ships.”.

(b) **LNG Tankers.**—


(2) Section 5 of the Deepwater Port Act of 1974 (33 U.S.C. 1504) is amended by adding at the end the following:

“(j) **LNG Tankers.**—
“(1) PROGRAM.—The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to and from the United States on United States flag vessels.

“(2) INFORMATION TO BE PROVIDED.—When the Coast Guard is operating as a contributing agency in the Federal Energy Regulatory Commission’s shoreside licensing process for a liquefied natural gas or liquefied petroleum gas terminal located on shore or within State seaward boundaries, the Coast Guard shall provide to the Commission the information described in section 5(e)(2)(K) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(e)(2)(K)) with respect to vessels reasonably anticipated to be servicing that port.”.

SEC. 12003. LICENSE EXEMPTIONS; REPEAL OF OBSOLETE PROVISIONS.

(a) SERVICE UNDER LICENSES ISSUED WITHOUT EXAMINATION.—

(1) REPEAL.—Section 8303 of title 46, United States Code, and the item relating to that section in the analysis for chapter 83 of that title, are repealed.
(2) **Conforming Amendment.**—Section 14305(a)(10) of title 46, United States Code, is amended by striking “sections 8303 and 8304” and inserting “section 8304”.

(b) **Standards for Tank Vessels of the United States.**—Section 9102 of title 46, United States Code, is amended—

(1) by striking “(a)” before the first sentence; and

(2) by striking subsection (b).

**SEC. 12004. MARITIME TRANSPORTATION SYSTEM.**

(a) **Maritime Transportation System.**—Section 312(b)(4) of title 14, United States Code, is amended by striking “marine transportation system” and inserting “maritime transportation system”.

(b) **Clarification of Reference to Marine Transportation System Programs.**—Section 50307(a) of title 46, United States Code, is amended by striking “marine transportation” and inserting “maritime transportation”.

**SEC. 12005. REFERENCES TO “PERSONS” AND “SEAMEN”.**

(a) **Technical Correction of References to “Persons”.**—Title 14, United States Code, is amended as follows:
(1) In section 312(d), by striking “persons” and inserting “individuals”.

(2) In section 313(d)(2)(B), by striking “person” and inserting “individual”.

(3) In section 504—
   (A) in subsection (a)(19)(B), by striking “a person” and inserting “an individual”; and
   (B) in subsection (c)(4), by striking “seamen;” and inserting “mariners;”.

(4) In section 521, by striking “persons” each place it appears and inserting “individuals”.

(5) In section 522—
   (A) by striking “a person” and inserting “an individual”; and
   (B) by striking “person” the second and third place it appears and inserting “individual”.

(6) In section 525(a)(1)(C)(ii), by striking “person” and inserting “individual”.

(7) In section 526—
   (A) by striking “person” each place it appears and inserting “individual”; and
   (B) by striking “persons” each place it appears and inserting “individuals”; and
(C) in subsection (b), by striking “person’s” and inserting “individual’s”.

(8) In section 709—

(A) by striking “persons” and inserting “individuals”; and

(B) by striking “person” and inserting “individual”.

(9) In section 933(b), by striking “Every person” and inserting “An individual”.

(10) In section 1102(d), by striking “persons” and inserting “individuals”.

(11) In section 1902(b)(3)—

(A) in subparagraph (A), by striking “person or persons” and inserting “individual or individuals”; and

(B) in subparagraph (B), by striking “person” and inserting “individual”.

(12) In section 1941(b), by striking “persons” and inserting “individuals”.

(13) In section 2101(b), by striking “person” and inserting “individual”.

(14) In section 2102(c), by striking “A person” and inserting “An individual”.

(15) In section 2104(b)—
(A) by striking “persons” and inserting “individuals”; and

(B) by striking “A person” and inserting “An individual”.

(16) In section 2118(d), by striking “person” and inserting “individual who is”.

(17) In section 2147(d), by striking “a person” and inserting “an individual”.

(18) In section 2150(f), by striking “person” and inserting “individual who is”.

(19) In section 2161(b), by striking “person” and inserting “individual”.

(20) In section 2317—

(A) by striking “persons” and inserting “individuals”; 

(B) by striking “person” each place it appears and inserting “individual”; and 

(C) in subsection (c)(2), by striking “person’s” and inserting “individual’s”.

(21) In section 2531—

(A) by striking “person” each place it appears and inserting “individual”; and 

(B) by striking “persons” each place it appears and inserting “individuals”.
(22) In section 2709, by striking “persons” and inserting “individuals”.

(23) In section 2710—

(A) by striking “persons” and inserting “individuals”; and

(B) by striking “person” each place it appears and inserting “individual”.

(24) In section 2711(b), by striking “person” and inserting “individual”.

(25) In section 2732, by striking “a person” and inserting “an individual”.

(26) In section 2733—

(A) by striking “A person” and inserting “An individual”; and

(B) by striking “that person” and inserting “that individual”.

(27) In section 2734, by striking “person” each place it appears and inserting “individual”.

(28) In section 2735, by striking “a person” and inserting “an individual”.

(29) In section 2736, by striking “person” and inserting “individual”.

(30) In section 2737, by striking “a person” and inserting “an individual”.

(31) In section 2738, by striking “person” and inserting “individual”.

(32) In section 2739, by striking “person” and inserting “individual”.

(33) In section 2740—

(A) by striking “person” and inserting “individual”; and

(B) by striking “one” the second place it appears.

(34) In section 2741—

(A) in subsection (a), by striking “a person” and inserting “an individual”;

(B) in subsection (b)(1), by striking “person’s” and inserting “individual’s”; and

(C) in subsection (b)(2), by striking “person” and inserting “individual”.

(35) In section 2743, by striking “person” each place it appears and inserting “individual”.

(36) In section 2744—

(A) in subsection (b), by striking “a person” and inserting “an individual”; and

(B) in subsections (a) and (c), by striking “person” each place it appears and inserting “individual”.

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(37) In section 2745, by striking “person” and inserting “individual”.

(38)(A) In section 2761—

(i) in the section heading, by striking “Persons” and inserting “Individuals”;

(ii) by striking “persons” and inserting “individuals”; and

(iii) by striking “person” and inserting “individual”.

(B) In the analysis for chapter 27, by striking the item relating to section 2761 and inserting the following:

“2761. Individuals discharged as result of court-martial; allowances to.”.

(39)(A) In the heading for section 2767, by striking “persons” and inserting “individuals”.

(B) In the analysis for chapter 27, by striking the item relating to section 2767 and inserting the following:

“2767. Reimbursement for medical-related travel expenses for certain individuals residing on islands in the continental United States.”.

(40) In section 2769—

(A) by striking “a person’s” and inserting “an individual’s”; and

(B) in paragraph (1), by striking “person” and inserting “individual”.

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(41) In section 2772(a)(2), by striking “person” and inserting “individual”.

(42) In section 2773—

(A) in subsection (b), by striking “persons” each place it appears and inserting “individuals”; and

(B) in subsection (d), by striking “a person” and inserting “an individual”.

(43) In section 2775, by striking “person” each place it appears and inserting “individual”.

(44) In section 2776, by striking “person” and inserting “individual”.

(45)(A) In section 2777—

(i) in the heading, by striking “persons” and inserting “individuals”; and

(ii) by striking “persons” each place it appears and inserting “individuals”.

(B) In the analysis for chapter 27, by striking the item relating to section 2777 and inserting the following:

“2777. Clothing for destitute shipwrecked individuals.”.

(46) In section 2779, by striking “persons” each place it appears and inserting “individuals”.

(47) In section 2902(e), by striking “person” and inserting “individual”.

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(48) In section 2903(b), by striking “person” and inserting “individual”.

(49) In section 2904(b)(1)(B), by striking “a person” and inserting “an individual”.

(50) In section 3706—

(A) by striking “a person” and inserting “an individual”; and

(B) by striking “person’s” and inserting “individual’s”.

(51) In section 3707—

(A) in subsection (e)—

(i) by striking “person” and inserting “individual”; and

(ii) by striking “person’s” and inserting “individual’s”; and

(B) in subsection (e), by striking “a person” and inserting “an individual”.

(52) In section 3708, by striking “person” each place it appears and inserting “individual”.

(53) In section 3738—

(A) by striking “a person” each place it appears and inserting “an individual”; 

(B) by striking “person’s” and inserting “individual’s”; and
(C) by striking “A person” and inserting “An individual”.

(b) Correction of References to Persons and Seamen.—

(1) Section 2303a(a) of title 46, United States Code, is amended by striking “persons” and inserting “individuals”.

(2) Section 2306(a)(3) of title 46, United States Code, is amended to read as follows:

“(3) An owner, charterer, managing operator, or agent of a vessel of the United States notifying the Coast Guard under paragraph (1) or (2) shall—

“(A) provide the name and identification number of the vessel, the names of individuals on board, and other information that may be requested by the Coast Guard; and

“(B) submit written confirmation to the Coast Guard within 24 hours after nonwritten notification to the Coast Guard under such paragraphs.”.

(3) Section 7303 of title 46, United States Code, is amended by striking “seaman” each place it appears and inserting “individual”.

(4) Section 7319 of title 46, United States Code, is amended by striking “seaman” each place it appears and inserting “individual”.

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(5) Section 7501(b) of title 46, United States Code, is amended by striking “seaman” and inserting “holder”.

(6) Section 7508(b) of title 46, United States Code, is amended by striking “individual seamen or a specifically identified group of seamen” and inserting “an individual or a specifically identified group of individuals”.

(7) Section 7510 of title 46, United States Code, is amended—

(A) in subsection (c)(8)(B), by striking “merchant seamen” and inserting “merchant mariner”; and

(B) in subsection (d), by striking “merchant seaman” and inserting “merchant mariner”.

(8) Section 8103(k)(3)(C) of title 46, United States Code, is amended by striking “merchant mariners” each place it appears and inserting “merchant mariner’s”.

(9) Section 8104 of title 46, United States Code, is amended—

(A) in subsection (e), by striking “a licensed individual or seaman” and inserting “an individual”;

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(B) in subsection (d), by striking “A licensed individual or seaman” and inserting “An individual”; 

(C) in subsection (e), by striking “a seaman” each place it appears and inserting “an individual”; and 

(D) in subsection (j), by striking “seaman” and inserting “individual”.

(10) Section 8302(d) of title 46, United States Code, is amended by striking “3 persons” and inserting “3 individuals”.

(11) Section 11201 of title 46, United States Code, is amended by striking “a person” each place it appears and inserting “an individual”.

(12) Section 11202 of title 46, United States Code, is amended—

(A) by striking “a person” and inserting “an individual”; and 

(B) by striking “the person” each place it appears and inserting “the individual”.

(13) Section 11203 of title 46, United States Code, is amended—

(A) by striking “a person” each place it appears and inserting “an individual”; and
(B) in subsection (a)(2), by striking “that person” and inserting “that individual”.

(14) Section 15109(i)(2) of title 46, United States Code, is amended by striking “additional persons” and inserting “additional individuals”.

SEC. 12006. REFERENCES TO “HIMSELF” AND “HIS”.

(a) Section 1927 of title 14, United States Code, is amended by—

(1) striking “of his initial” and inserting “of an initial”; and

(2) striking “from his pay” and inserting “from the pay of such cadet”.

(b) Section 2108(b) of title 14, United States Code, is amended by striking “himself” and inserting “such officer”.

(c) Section 2732 of title 14, United States Code, as amended by this division, is further amended—

(1) by striking “distinguishes himself conspicuously by” and inserting “displays conspicuous”; and

(2) by striking “his” and inserting “such individual’s”.

(d) Section 2736 of title 14, United States Code, as amended by this division, is further amended by striking “distinguishes himself by” and inserting “performs”.

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(c) Section 2738 of title 14, United States Code, as amended by this division, is further amended by striking “distinguishes himself by” and inserting “displays”.

(f) Section 2739 of title 14, United States Code, as amended by this division, is further amended by striking “distinguishes himself by” and inserting “displays”.

(g) Section 2742 of title 14, United States Code, is amended by striking “he distinguished himself” and inserting “of the acts resulting in the consideration of such award”.

(h) Section 2743 of title 14, United States Code, as amended by this division, is further amended—

(1) by striking “distinguishes himself”; and

(2) by striking “he” and inserting “such individual”.

SEC. 12007. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) MISCELLANEOUS TECHNICAL CORRECTIONS.—


(2) Section 4312 of title 46, United States Code, is amended by striking “Coast Guard Authorization Act of 2017” each place it appears and in-
serting “Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282)”.

(3) The analysis for chapter 700 of title 46, United States Code, is amended—

(A) by striking the item relating to the heading for the first subchapter and inserting the following:

“SUBCHAPTER I—VESSEL OPERATIONS”;

(B) by striking the item relating to the heading for the second subchapter and inserting the following:

“SUBCHAPTER II—PORTS AND WATERWAYS SAFETY”;

(C) by striking the item relating to the heading for the third subchapter and the item relating to section 70021 of such chapter and inserting the following:

“SUBCHAPTER III—CONDITIONS FOR ENTRY INTO PORTS IN THE UNITED STATES

“70021. Conditions for entry into ports in the United States.”;

(D) by striking the item relating to the heading for the fourth subchapter and inserting the following:

“SUBCHAPTER IV—DEFINITIONS REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY”;

(E) by striking the item relating to the heading for the fifth subchapter and inserting the following:

“SUBCHAPTER V—REGATTAS AND MARINE PARADES”;

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and

(F) by striking the item relating to the heading for the sixth subchapter and inserting the following:

“SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES”.

(4) Section 70031 of title 46, United States Code, is amended by striking “A through C” and inserting “I through III”.

(5) Section 70032 of title 46, United States Code, is amended by striking “A through C” and inserting “I through III”.

(6) Section 70033 of title 46, United States Code, is amended by striking “A through C” and inserting “I through III”.

(7) Section 70034 of title 46, United States Code, is amended by striking “A through C” each place it appears and inserting “I through III”.

(8) Section 70035(a) of title 46, United States Code, is amended by striking “A through C” and inserting “I through III”.

(9) Section 70036 of title 46, United States Code, is amended by—

(A) striking “A through C” each place it appears and inserting “I through III”; and
(B) striking “A, B, or C” each place it appears and inserting “I, II, or III”.

(10) Section 70051 of title 46, United States Code, is amended—

(A) by striking “immediate Federal response,” and all that follows through “subject to the approval” and inserting “immediate Federal response, the Secretary of the department in which the Coast Guard is operating may make, subject to the approval”; and

(B) by striking “authority to issue such rules” and all that follows through “Any appropriation” and inserting “authority to issue such rules and regulations to the Secretary of the department in which the Coast Guard is operating. Any appropriation”.

(11) Section 70052(e) of title 46, United States Code, is amended by striking “Secretary” and inserting “Secretary of the department in which the Coast Guard is operating” each place it appears.

(c) Report of Determination; Technical Correction.—Section 105(f)(2) of the Pribilof Islands Transition Act (16 U.S.C. 1161 note; Public Law 106–562) is amended by striking “subsection (a),” and inserting “paragraph (1),”.

(d) Technical Corrections to Frank LoBiondo Coast Guard Authorization Act of 2018.—

(1) Section 408 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) and the item relating to such section in section 2 of such Act are repealed, and the provisions of law redesignated, transferred, or otherwise amended by section 408 are amended to read as if such section were not enacted.

(2) Section 514(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking “Chapter 30” and inserting “Chapter 3”.

(3) Section 810(d) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking “within 30 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 60 days after transmitting such notice,” and inserting “in accordance within subsection (a)(2), the Secretary shall”.

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(4) Section 820(a) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by striking “years 2018 and” and inserting “year”.

(5) Section 820(b)(2) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) is amended by inserting “and the Consolidated Appropriations Act, 2018 (Public Law 115–141)” after “(Public Law 115–31)”.


(7) This section shall take effect on the date of the enactment of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282) and apply as if included therein.

(e) TECHNICAL CORRECTION.—Section 533(d)(2)(A) of the Coast Guard Authorization Act of 2016 (Public Law 114–120) is amended by striking “Tract 6” and inserting “such Tract”.

(f) DISTANT WATER TUNA FLEET; TECHNICAL CORRECTIONS.—Section 421 of the Coast Guard and Mari-
time Transportation Act of 2006 (Public Law 109–241) is amended—

(1) in subsection (a)—

(A) by striking “Notwithstanding” and inserting the following:

“(1) IN GENERAL.—Notwithstanding”; and

(B) by adding at the end the following:

“(2) DEFINITION.—In this subsection, the term ‘treaty area’ has the meaning given the term in the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America as in effect on the date of the enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241).”; and

(2) in subsection (c)—

(A) by striking “12.6 or 12.7” and inserting “13.6”; and

(B) by striking “and Maritime Transportation Act of 2012” and inserting “Authorization Act of 2020”.

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SEC. 12008. TECHNICAL CORRECTIONS RELATING TO CODIFICATION OF PORTS AND WATERWAYS SAFETY ACT.

Effective upon the enactment of section 401 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115–282), and notwithstanding section 402(e) of such Act—

(1) section 16 of the Ports and Waterways Safety Act, as added by section 315 of the Countering America’s Adversaries Through Sanctions Act (Public Law 115–44; 131 Stat. 947)—

(A) is redesignated as section 70022 of title 46, United States Code, transferred to appear after section 70021 of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 46, United States Code; and

(B) as so redesignated and transferred, is amended—

(i) in subsections (b) and (e), by striking “section 4(a)(5)” each place it appears and inserting “section 70001(a)(5)”;

(ii) in subsection (e)(2), by striking “not later than” and all that follows
through “thereafter,” and inserting “periodically”; and

(iii) by striking subsection (h); and

(2) chapter 700 of title 46, United States Code, is amended—

(A) in section 70002(2), by inserting “or 70022” after “section 70021”;

(B) in section 70036(e), by inserting “or 70022” after “section 70021”; and

(C) in the analysis for such chapter—

(i) by inserting “Sec.” above the section items, in accordance with the style and form of such an entry in other chapter analyses of such title; and

(ii) by adding at the end the following:

“70022. Prohibition on entry and operation.”.

SEC. 12009. AIDS TO NAVIGATION.

(a) Section 541 of title 14, United States Code, is amended—

(1) by striking “In” and inserting “(a) In”; and

(2) by adding at the end the following:

“(b) In the case of pierhead beacons, the Commandant may—
“(1) acquire, by donation or purchase in behalf of the United States, the right to use and occupy sites for pierhead beacons; and

“(2) properly mark all pierheads belonging to the United States situated on the northern and northwestern lakes, whenever the Commandant is duly notified by the department charged with the construction or repair of pierheads that the construction or repair of any such pierheads has been completed.”.

(b) Subchapter III of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

“§548. Prohibition against officers and employees being interested in contracts for materials

“No officer, enlisted member, or civilian member of the Coast Guard in any manner connected with the construction, operation, or maintenance of lighthouses, shall be interested, either directly or indirectly, in any contract for labor, materials, or supplies for the construction, operation, or maintenance of lighthouses, or in any patent, plan, or mode of construction or illumination, or in any article of supply for the construction, operation, or maintenance of lighthouses.
§ 549. Lighthouse and other sites; necessity and sufficiency of cession by State of jurisdiction

(a) No lighthouse, beacon, public pier, or landmark, shall be built or erected on any site until cession of jurisdiction over the same has been made to the United States.

(b) For the purposes of subsection (a), a cession by a State of jurisdiction over a place selected as the site of a lighthouse, or other structure or work referred to in subsection (a), shall be deemed sufficient if the cession contains a reservation that process issued under authority of such State may continue to be served within such place.

(c) If no reservation of service described in subsection (b) is contained in a cession, all process may be served and executed within the place ceded, in the same manner as if no cession had been made.

§ 550. Marking pierheads in certain lakes

“The Commandant of the Coast Guard shall properly mark all pierheads belonging to the United States situated on the northern and northwestern lakes, whenever he is duly notified by the department charged with the construction or repair of pierheads that the construction or repair of any such pierhead has been completed.”.

(c) Clerical Amendment.—The analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 547 the following:
SEC. 12010. TRANSFERS RELATED TO EMPLOYEES OF
LIGHTHOUSE SERVICE.

(a) Section 6 of chapter 103 of the Act of June 20,
1918 (33 U.S.C. 763) is repealed.

(b) Chapter 25 of title 14, United States Code, is
amended by inserting after section 2531 the following:

“§2532. Retirement of employees

“(a) OPTIONAL RETIREMENT.—Except as provided
in subsections (d) and (e), a covered employee may retire
from further performance of duty if such officer or em-
ployee—

“(1) has completed 30 years of active service in
the Government and is at least 55 years of age;

“(2) has completed 25 years of active service in
the Government and is at least 62 years of age; or

“(3) is involuntarily separated from further per-
formance of duty, except by removal for cause on
charges of misconduct or delinquency, after com-
pleting 25 years of active service in the Government,
or after completing 20 years of such service and if
such employee is at least 50 years of age.
“(b) Compulsory Retirement.—A covered employee who becomes 70 years of age shall be compulsorily retired from further performance of duty.

“(c) Retirement for Disability.—

“(1) In general.—A covered employee who has completed 15 years of active service in the Government and is found, after examination by a medical officer of the United States, to be disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct of such officer or employee, shall be retired.

“(2) Restoration to Active Duty.—Any individual retired under paragraph (1) may, upon recovery, be restored to active duty, and shall from time to time, before reaching the age at which such individual may retire under subsection (a), be reexamined by a medical officer of the United States upon the request of the Secretary of the department in which the Coast Guard is operating.

“(d) Annual Compensation.—

“(1) In general.—Except as provided in paragraph (2), The annual compensation of a person retired under this section shall be a sum equal to one-fortieth of the average annual pay received for the
last 3 years of service for each year of active service
in the Lighthouse Service, or in a department or
branch of the Government having a retirement sys-
tem, not to exceed thirty-fortieths of such average
annual pay received.

“(2) Retirement before 55.—The retirement
pay computed under paragraph (1) for any officer or
employee retiring under this section shall be reduced
by one-sixth of 1 percent for each full month the of-
cr or employee is under 55 years of age at the
date of retirement.

“(3) No allowance or subsistence.—Re-
tirement pay under this section shall not include any
amount on account of subsistence or other allow-
ance.

“(e) Exception.—The retirement and pay provision
in this section shall not apply to—

“(1) any person in the field service of the
Lighthouse Service whose duties do not require sub-
stantially all their time; or

“(2) persons of the Coast Guard.

“(f) Waiver.—Any person entitled to retirement pay
under this section may decline to accept all or any part
of such retirement pay by a waiver signed and filed with
the Secretary of the Treasury. Such waiver may be re-
voked in writing at any time, but no payment of the retire-
ment pay waived shall be made covering the period during
which such waiver was in effect.

“(g) DEFINITION.—For the purposes of this section,
the term ‘covered employee’ means an officer or employee
engaged in the field service or on vessels of the Lighthouse
Service, except a person continuously employed in district
offices or shop.”.

(e) CLERICAL AMENDMENT.—The analysis for chap-
ter 25 of title 14, United States Code, is amended by in-
serting after the item relating to section 2531 the fol-
lowing:

“2532. Retirement of employees.”.

SEC. 12011. TRANSFERS RELATED TO SURVIVING SPOUSES
OF LIGHTHOUSEx SERVICE EMPLOYEES.

(a) BENEFIT TO SURVIVING SPOUSES.—Chapter 25
of title 14, United States Code, is further amended by in-
serting after section 2532 (as added by this division) the
following:

“§ 2533. Surviving spouses

“The Secretary of the department in which the Coast
Guard is operating shall pay $100 per month to the sur-
viving spouse of a current or former employee of the
Lighthouse Service in accordance with section 2532 if
such employee dies—
“(1) at a time when such employee was receiv-
ing or was entitled to receive retirement pay under
this subchapter; or

“(2) from non-service-connected causes after
fifteen or more years of employment in such serv-
ice.”.

(b) Transfers Related to Surviving Spouses
of Lighthouse Service Employees.—

(1) Chapter 25 of title 14, United States Code,
is amended by inserting after section 2533 (as added
by this division) the following:

“§ 2534. Application for benefits”.

(2)(A) Section 3 of chapter 761 of the Act of
August 19, 1950 (33 U.S.C. 773), is redesignated as
section 2534(a) of title 14, United States Code,
transferred to appear after the heading of section
2534 of that title, and amended so that the enu-
merator, section heading, typeface, and typestyle
conform to those appearing in other sections in title
14, United States Code.

(B) Section 2534(a), as so redesignated, trans-
ferred, and amended is further amended by striking
“this Act” and inserting “section 2533”.

(3)(A) Section 4 of chapter 761 of the Act of
August 19, 1950 (33 U.S.C. 774), is redesignated as
section 2534(b) of title 14, United States Code, transferred to appear after section 2534(a) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(b), as so redesignated, transferred, and amended is further amended by striking “the provisions of this Act” and inserting “section 2533”.

(4)(A) The proviso under the heading “Payment to Civil Service Retirement and Disability Fund” of title V of division C of Public Law 112–74 (33 U.S.C. 776) is redesignated as section 2534(c) of title 14, United States Code, transferred to appear after section 2534(b) of that title, and amended so that the enumerator, section heading, typeface, and typestyle conform to those appearing in other sections in title 14, United States Code.

(B) Section 2534(c), as so redesignated, transferred, and amended is further amended by striking “the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775),” and inserting “section 2533”.
(c) **CLERICAL AMENDMENT.**—The analysis for chapter 25 of title 14, United States Code, is further amended by inserting after the item relating to section 2532 (as added by this division) the following:

‘‘2533. Surviving spouses.
2534. Application for benefits.’’.

**SEC. 12012. REPEALS RELATED TO LIGHTHOUSE STATUTES.**

(a) **IN GENERAL.**—The following provisions are repealed:

(1) Section 4680 of the Revised Statutes of the United States (33 U.S.C. 725).

(2) Section 4661 of the Revised Statutes of the United States (33 U.S.C. 727).

(3) Section 4662 of the Revised Statutes of the United States (33 U.S.C. 728).

(4) The final paragraph in the account ‘‘For Life-Saving and Life-Boat Stations’’ under the heading Treasury Department in the first section of chapter 130 of the Act of March 3, 1875 (33 U.S.C. 730a).


(8) Section 2 of chapter 103 of the Act of June 20, 1918 (33 U.S.C. 748).

(9) Section 4 of chapter 371 of the Act of May 22, 1926 (33 U.S.C. 754a).

(10) Chapter 642 of the Act of August 10, 1939 (33 U.S.C. 763a–1).


(b) SAVINGS.—

(1) Notwithstanding any repeals made by this section, any individual beneficiary currently receiving payments under the authority of any provisions re-
pealed in this section shall continue to receive such
benefits.

(2) Notwithstanding the repeals made under
paragraphs (10) and (11) of subsection (a), any pay
increases made under chapter 788 of the Act of Oc-
tober 29, 1949, and chapter 524 of the Act of July
9, 1956, as in effect prior to their repeal shall re-
main in effect.

TITLE VI—FEDERAL MARITIME
COMMISSION

SEC. 13001. SHORT TITLE.

This title may be cited as the “Federal Maritime
Commission Authorization Act of 2020”.

SEC. 13002. AUTHORIZATION OF APPROPRIATIONS.

Section 308 of title 46, United States Code, is
amended by striking “$28,012,310 for fiscal year 2018
and $28,544,543 for fiscal year 2019” and inserting
“$29,086,888 for fiscal year 2020 and $29,639,538 for
fiscal year 2021”.

SEC. 13003. UNFINISHED PROCEEDINGS.

Section 305 of title 46, United States Code, is
amended—

(1) by striking “The Federal” and inserting
“(a) IN GENERAL.—The Federal”; and

(2) by adding at the end the following:
“(b) TRANSPARENCY.—

“(1) IN GENERAL.—In conjunction with the transmittal by the President to the Congress of the Budget of the United States for fiscal year 2021 and biennially thereafter, the Federal Maritime Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives reports that describe the Commission’s progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

“(2) FORMAT OF REPORTS.—Each report under paragraph (1) shall, among other things, clearly identify for each unfinished regulatory proceeding—

“(A) the popular title;

“(B) the current stage of the proceeding;

“(C) an abstract of the proceeding;

“(D) what prompted the action in question;

“(E) any applicable statutory, regulatory, or judicial deadline;

“(F) the associated docket number;
“(G) the date the rulemaking was initiated;

“(H) a date for the next action; and

“(I) if a date for the next action identified in the previous report is not met, the reason for the delay.”.

SEC. 13004. TRANSFER OF FEDERAL MARITIME COMMISSION PROVISIONS.

(a) Transfer.—

(1) Subtitle IV of title 46, United States Code, is amended by adding at the end the following:

“PART D—FEDERAL MARITIME COMMISSION

“CHAPTER 461—FEDERAL MARITIME COMMISSION”.

(2) Chapter 3 of title 46, United States Code, is redesignated as chapter 461 of part D of subtitle IV of such title and transferred to appear in such part.

(3) Sections 301 through 308 of such title are redesignated as sections 46101 through 46108, respectively, of such title.

(b) Conforming Amendments.—

(1) Section 46101(c)(3)(A)(v) of title 46, United States Code, as so redesignated, is amended by striking “304” and inserting “46104”.


(4) The analysis for subtitle I of title 46, United States Code, is amended by striking the item relating to chapter 3.

(5) The analysis for subtitle IV of such title is amended by adding at the end the following:

“PART D—FEDERAL MARITIME COMMISSION

461. Federal Maritime Commission ........................................46101”.

(6) The analysis for chapter 461 of part D of subtitle IV of such title, as so redesignated, is amended to read as follows:

Sec.
46101. General organization.
46102. Quorum.
46103. Meetings.
46104. Delegation of authority.
46105. Regulations.
(c) TECHNICAL CORRECTION.—Section 46103(c)(3) of title 46, United States Code, as so redesignated, is amended by striking “555b(c)” and inserting “552b(c)”.

DIVISION I—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 14001. SHORT TITLE.

This division may be cited as the “Eliot L. Engel Department of State Authorization Act of 2020”.

TITLE I—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

SEC. 14101. SENSE OF CONGRESS ON IMPORTANCE OF DEPARTMENT OF STATE’S WORK.

It is the sense of Congress that—

(1) United States global engagement is key to a stable and prosperous world;

(2) United States leadership is indispensable in light of the many complex and interconnected threats facing the United States and the world;

(3) diplomacy and development are critical tools of national power, and full deployment of these tools is vital to United States national security;
(4) challenges such as the global refugee and migration crises, terrorism, historic famine and food insecurity, and fragile or repressive societies cannot be addressed without sustained and robust United States diplomatic and development leadership;

(5) the United States Government must use all of the instruments of national security and foreign policy at its disposal to protect United States citizens, promote United States interests and values, and support global stability and prosperity;

(6) United States security and prosperity depend on having partners and allies that share our interests and values, and these partnerships are nurtured and our shared interests and values are promoted through United States diplomatic engagement, security cooperation, economic statecraft, and assistance that helps further economic development, good governance, including the rule of law and democratic institutions, and the development of shared responses to natural and humanitarian disasters;

(7) as the United States Government agencies primarily charged with conducting diplomacy and development, the Department and the United States Agency for International Development (USAID) re-
quire sustained and robust funding to carry out this
important work, which is essential to our ability to
project United States leadership and values and to
advance the United States interests around the
world;

(8) the work of the Department and USAID
makes the United States and the world safer and
more prosperous by alleviating global poverty and
hunger, fighting HIV/AIDS and other infectious dis-
tases, strengthening alliances, expanding educational
opportunities for women and girls, promoting good
governance and democracy, supporting anti-corrup-
tion efforts, driving economic development and
trade, preventing armed conflicts and humanitarian
crises, and creating American jobs and export oppor-
tunities;

(9) the Department and USAID are vital na-
tional security agencies, whose work is critical to the
projection of United States power and leadership
worldwide, and without which Americans would be
less safe, our economic power would be diminished,
and global stability and prosperity would suffer;

(10) investing in diplomacy and development
before conflicts break out saves American lives while
also being cost-effective; and
(11) the contributions of personnel working at
the Department and USAID are extraordinarily val-
uable and allow the United States to maintain its
leadership around the world.

SEC. 14102. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND
LABOR.

Paragraph (2) of section 1(c) of the State Depart-
ment Basic Authorities Act of 1956 (22 U.S.C. 2651a)
is amended—

(1) in subparagraph (A), by adding at the end
the following new sentence: “All special envoys, am-
bassadors, and coordinators located within the Bu-
reau of Democracy, Human Rights, and Labor shall
report directly to the Assistant Secretary.”;

(2) in subparagraph (B)(ii)—

(A) by striking “section” and inserting
“sections 116 and”; and

(B) by inserting before the period at the
end the following: “(commonly referred to as
the annual ‘Country Reports on Human Rights
Practices’)”; and

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

“(C) AUTHORITIES.—In addition to the
duties, functions, and responsibilities specified
in this paragraph, the Assistant Secretary of State for Democracy, Human Rights, and Labor is authorized to—

“(i) promote democracy and actively support human rights throughout the world;

“(ii) promote the rule of law and good governance throughout the world;

“(iii) strengthen, empower, and protect civil society representatives, programs, and organizations, and facilitate their ability to engage in dialogue with governments and other civil society entities;

“(iv) work with regional bureaus to ensure adequate personnel at diplomatic posts are assigned responsibilities relating to advancing democracy, human rights, labor rights, women’s equal participation in society, and the rule of law, with particular attention paid to adequate oversight and engagement on such issues by senior officials at such posts;

“(v) review and, as appropriate, make recommendations to the Secretary of State regarding the proposed transfer of—
“(I) defense articles and defense services authorized under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.); and

“(II) military items listed on the ‘600 series’ of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;

“(vi) coordinate programs and activities that protect and advance the exercise of human rights and internet freedom in cyberspace; and

“(vii) implement other relevant policies and provisions of law.

“(D) EFFICIENCY.—The Assistant Secretary for Democracy, Human Rights, and Labor shall take whatever actions may be necessary to minimize the duplication of efforts within the Bureau of Democracy, Human Rights, and Labor.

“(E) LOCAL OVERSIGHT.—United States missions, to the extent practicable, should assist
in exercising oversight authority and coordinate
with the Bureau of Democracy, Human Rights,
and Labor to ensure that funds are appro-
priately used and comply with anti-corruption
practices.”.

SEC. 14103. ASSISTANT SECRETARY FOR INTERNATIONAL
NARCOTICS AND LAW ENFORCEMENT AF-
FAIRS.

(a) IN GENERAL.—Section 1(e) of the State Depart-
ment Basic Authorities Act of 1956 (22 U.S.C. 2651a(c))
is amended—
(1) by redesignating paragraph (3) as para-
graph (4); and
(2) by inserting after paragraph (2) the fol-
lowing new paragraph:
“(3) ASSISTANT SECRETARY FOR INTER-
ATIONAL NARCOTICS AND LAW ENFORCEMENT AF-
FAIRS.—

“(A) IN GENERAL.—There is authorized to
be in the Department of State an Assistant
Secretary for International Narcotics and Law
Enforcement Affairs, who shall be responsible
to the Secretary of State for all matters, pro-
grams, and related activities pertaining to inter-
national narcotics, anti-crime, and law enforce-
ment affairs in the conduct of foreign policy by
the Department, including, as appropriate, lead-
ing the coordination of programs carried out by
United States Government agencies abroad, and
such other related duties as the Secretary may
from time to time designate.

“(B) AREAS OF RESPONSIBILITY.—The
Assistant Secretary for International Narcotics
and Law Enforcement Affairs shall maintain
continuous observation and coordination of all
matters pertaining to international narcotics,
anti-crime, and law enforcement affairs in the
conduct of foreign policy, including programs
carried out by other United States Government
agencies when such programs pertain to the fol-
lowing matters:

“(i) Combating international narcotics
production and trafficking.

“(ii) Strengthening foreign justice sys-
tems, including judicial and prosecutorial
capacity, appeals systems, law enforcement
agencies, prison systems, and the sharing
of recovered assets.

“(iii) Training and equipping foreign
police, border control, other government of-
ficials, and other civilian law enforcement authorities for anti-crime purposes, including ensuring that no foreign security unit or member of such unit shall receive such assistance from the United States Government absent appropriate vetting.

“(iv) Ensuring the inclusion of human rights and women’s participation issues in law enforcement programs, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, and other senior officials in regional and thematic bureaus and offices.

“(v) Combating, in conjunction with other relevant bureaus of the Department, all forms of transnational organized crime, including illicit trafficking in human beings, arms, wildlife, and cultural property, migrant smuggling, corruption, money laundering, the illicit smuggling of bulk cash, the licit use of financial systems for malign purposes, and other new and emerging forms of crime.

“(vi) Identifying and responding to global corruption, including strengthening
the capacity of foreign government institutions responsible for addressing financial crimes and engaging with multilateral organizations responsible for monitoring and supporting foreign governments’ anti-corruption efforts.

“(C) ADDITIONAL DUTIES.—In addition to the responsibilities specified in subparagraph (B), the Assistant Secretary for International Narcotics and Law Enforcement Affairs shall also—

“(i) carry out timely and substantive consultation with chiefs of mission and, as appropriate, the heads of other United States Government agencies to ensure effective coordination of all international narcotics and law enforcement programs carried out overseas by the Department and such other agencies;

“(ii) coordinate with the Office of National Drug Control Policy to ensure lessons learned from other United States Government agencies are available to the Bureau of International Narcotics and
Law Enforcement Affairs of the Department;

“(iii) develop standard requirements for monitoring and evaluation of Bureau programs, including metrics for success that do not rely solely on the amounts of illegal drugs that are produced or seized;

“(iv) in coordination with the Secretary of State, annually certify in writing to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that United States law enforcement personnel posted abroad whose activities are funded to any extent by the Bureau of International Narcotics and Law Enforcement Affairs are complying with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927); and

“(v) carry out such other relevant duties as the Secretary may assign.”.

(b) MODIFICATION OF ANNUAL INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Subsection (a) of section 489 of the Foreign Assistance Act of 1961
(22 U.S.C. 2291h) is amended by inserting after paragraph (8) the following new paragraph:

“(9) A separate section that contains an identification of all United States Government-supported units funded by the Bureau of International Narcotics and Law Enforcement Affairs and any Bureau-funded operations by such units in which United States law enforcement personnel have been physically present.”.

SEC. 14104. BUREAU OF CONSULAR AFFAIRS; BUREAU OF POPULATION, REFUGEES, AND MIGRATION.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following new subsections:

“(g) BUREAU OF CONSULAR AFFAIRS.—There is in the Department of State the Bureau of Consular Affairs, which shall be headed by the Assistant Secretary of State for Consular Affairs.

“(h) BUREAU OF POPULATION, REFUGEES, AND MIGRATION.—There is in the Department of State the Bureau of Population, Refugees, and Migration, which shall
be headed by the Assistant Secretary of State for Population, Refugees, and Migration.”.

SEC. 14105. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.

(a) Establishment.—There should be established in the Department an Office of International Disability Rights (referred to in this section as the “Office”).

(b) Duties.—The Office should—

(1) seek to ensure that all United States foreign operations are accessible to, and inclusive of, persons with disabilities;

(2) promote the human rights and full participation in international development activities of all persons with disabilities;

(3) promote disability inclusive practices and the training of Department staff on soliciting quality programs that are fully inclusive of people with disabilities;

(4) represent the United States in diplomatic and multilateral fora on matters relevant to the rights of persons with disabilities, and work to raise the profile of disability across a broader range of organizations contributing to international development efforts;
(5) conduct regular consultation with civil society organizations working to advance international disability rights and empower persons with disabilities internationally;

(6) consult with other relevant offices at the Department that are responsible for drafting annual reports documenting progress on human rights, including, wherever applicable, references to instances of discrimination, prejudice, or abuses of persons with disabilities; and

(7) advise the Bureau of Human Resources Development of the Department regarding the hiring and recruitment and overseas practices of civil service employees and Foreign Service officers with disabilities and their family members with chronic medical conditions or disabilities.

(c) SUPERVISION.—The Office may be headed by—

(1) a senior advisor to the appropriate Assistant Secretary; or

(2) an officer exercising significant authority who reports to the President or Secretary, appointed by and with the advice and consent of the Senate.

(d) CONSULTATION.—The Secretary should direct Ambassadors at Large, Representatives, Special Envoys, and coordinators working on human rights to consult with
the Office to promote the human rights and full participation in international development activities of all persons with disabilities.

SEC. 14106. OFFICE OF GLOBAL WOMEN'S ISSUES.

(a) In General.—There should be established an Office of Global Women’s Issues (referred to in this section as the “Office”), which may be placed within the organizational structure of the Department at the discretion of the Secretary.

(b) Purpose.—The Office should coordinate efforts of the United States Government, as directed by the Secretary, regarding gender equality and advancing the status of women and girls in United States foreign policy.

(c) Duties.—The Office should—

(1) serve as the principal advisor to the Secretary regarding gender equality, women’s and girls’ empowerment, and violence against women and girls as a priority of United States foreign policy;

(2) represent the United States in diplomatic and multilateral fora on matters relevant to the status of women and girls;

(3) advise the Secretary and provide input on all activities, policies, programs, and funding relating to gender equality and the advancement of women and girls internationally for all bureaus and
offices of the Department and in the international
programs of all other Federal agencies;

(4) work to ensure that efforts to advance gen-
der equality and women’s and girls’ empowerment
are fully integrated into the programs, structures,
processes, and capacities of all bureaus and offices
of the Department and in the international pro-
grams of other Federal agencies; and

(5) conduct regular consultation with civil soci-
ety organizations working to advance gender equality
and empower women and girls internationally.

(d) SUPERVISION.—The Office should be headed by
an Ambassador-at-large for Global Women’s Issues.

(e) REPORT.—Not later than 180 days after the date
of the enactment of this Act, the Secretary shall provide
to the appropriate congressional committees a report or
briefing regarding this section.

SEC. 14107. SPECIAL APPOINTMENTS.

(a) REPORT ON POSITIONS.—Not later than 30 days
after the date of the enactment of this Act, the Secretary
shall submit to the appropriate congressional committees
a report that includes the following:

(1) A description of the duties, responsibilities,
and number of staff of each existing Special Envoy,
Special Representative, Special Coordinator, Special
Negotiator, Envoy, Representative, Coordinator, Special Advisor, and other similar position at the Department.

(2) Recommendations regarding whether to maintain in the Department each such position, including those listed in the report submitted by the Secretary to the Committee on Foreign Relations of the Senate on April 14, 2017, pursuant to section 418 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), that are not expressly authorized by a provision of law enacted by Congress.

(3) Justifications supporting each of the Secretary’s recommendations under paragraph (2).

(b) ADVICE AND CONSENT.—Not later than 90 days after the submission of the report required under subsection (a), the President shall submit the name of each Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other person occupying a similar position at the Department exercising significant authority pursuant to the laws of the United States that is not expressly authorized by a provision of law enacted by Congress who is included in such report to the Committee on
Foreign Relations of the Senate to seek the advice and consent of the Senate.

(c) Rule of Construction Regarding Establishment of Positions.—Nothing in this section may be construed as prohibiting the establishment or maintenance of any Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other similar position at the Department exercising significant authority pursuant to the laws of the United States if the name of the appointee for each such position is submitted to the Committee on Foreign Relations of the Senate, to seek the advice and consent of the Senate, not later than 90 days after each such appointment.

(d) Limited Exception for Temporary Appointments.—The Secretary may maintain or establish a position with the title of Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Special Advisor, or a similar position not exercising significant authority pursuant to the laws of the United States for not longer than 180 days if the Secretary, not later than 15 days before the appointment of a person to such a position, submits to the appropriate congressional committees a notification that includes the following:
(1) A certification that the position is not expected to demand the exercise of significant authority pursuant to the laws of the United States.

(2) A description of the duties and purpose of the position.

(3) The rationale for giving the specific title to the position.

(e) RENewAL OF TEMPORARY APPOINTMENT.—Nothing in this section may be construed as prohibiting the Secretary from renewing for a period not to exceed 180 days any position maintained or established under subsection (d) if the Secretary complies with the notification requirements contained in such subsection.

(f) FUNDING RESTRICTIONS.—

(1) POSITIONS NOT Submitted FOR ADVICE AND CONSENT.—No funds may be authorized to be appropriated for—

(A) any Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other similar position at the Department exercising significant authority pursuant to the laws of the United States if the name of the person appointed to such position has not been submitted to the Committee on Foreign
Relations of the Senate for the advice and consent of the Senate in accordance with subsection (b); or

(B) any staff or resources related to such a position until the person appointed to such position has been submitted to the Committee on Foreign Relations of the Senate for the advice and consent of the Senate.

(2) Temporary positions.—No funds may be authorized to be appropriated for any position described in subsection (d) or for any staff or resources related to such position unless the Secretary has complied with the notification requirements under such subsection.

(3) Fiscal year 2021.—The restrictions described in this subsection shall not apply in fiscal year 2021 to positions or associated staff and resources for which funding is expressly appropriated for such fiscal year in an Act of Congress.

(g) Confirmation for authorized positions.—

(1) In general.—No Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other similar position at the Department exercising significant authority pursuant to the laws
of the United States that is authorized by an Act of
Congress (except the position authorized by section
621 of the Tibetan Policy Act of 2002 (subtitle B
of title VI of Public Law 107–228; 22 U.S.C. 6901
note)) may be appointed without the advice and con-
sent of the Senate.

(2) Fiscal Year 2021.—The restriction de-
scribed in paragraph (1) shall not apply in fiscal
year 2021 to positions or associated staff and re-
sources for which funding is expressly appropriated
for such fiscal year in an Act of Congress.

(h) Elimination of Special Representative
and Policy Coordinator for Burma.—

(1) Findings.—Congress finds the following:

(A) Congress established the Special Rep-
resentative and Policy Coordinator for Burma
in July 2008 at a time when the United States
did not maintain full diplomatic relations with
Burma and had not appointed an Ambassador
to Burma in 18 years.

(B) In 2012, the United States re-estab-
lished full diplomatic relations with Burma and
appointed a United States Ambassador to
Burma who, along with the Secretary of State,
Assistant Secretary of State for East Asia and
the Pacific, and other United States Government officials, represents the United States’ interests in Burma.

(2) REPEAL.—Section 7 of the Tom Lantos Block Burmese Jade (Junta’s Anti-Democratic Efforts) Act of 2008 (Public Law 110–286; 50 U.S.C. 1701 note; relating to the establishment of a Special Representative and Policy Coordinator for Burma) is hereby repealed.

SEC. 14108. ANTI-PIRACY INFORMATION SHARING.

The Secretary is authorized to provide for the participation by the United States in the Information Sharing Centre located in Singapore, as established by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

SEC. 14109. IMPORTANCE OF FOREIGN AFFAIRS TRAINING TO NATIONAL SECURITY.

It is the sense of Congress that—

(1) the Department is a crucial national security agency, whose employees, both Foreign and Civil Service, require the best possible training at every stage of their careers to prepare them to promote and defend United States national interests and the health and safety of United States citizens abroad;
(2) the Secretary should explore establishing a “training float” requiring that a certain percentage of the Foreign Service shall be in long-term training at any given time;

(3) the Department’s Foreign Service Institute should seek to substantially increase its educational and training offerings to Department personnel, including developing new and innovative educational and training courses, methods, programs, and opportunities; and

(4) consistent with existing Department gift acceptance authority and other applicable laws, the Department and Foreign Service Institute should seek and accept funds and other resources from foundations, not-for-profit corporations, and other appropriate sources to help the Department and the Institute accomplish the goals specified in paragraph (3).

SEC. 14110. CLASSIFICATION AND ASSIGNMENT OF FOREIGN SERVICE OFFICERS.

The Foreign Service Act of 1980 is amended—

(1) in section 501 (22 U.S.C. 3981), by inserting “If a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary
basis, in accordance with section 309.” after “Positions designated under this section are excepted from the competitive service.”; and

(2) in paragraph (2) of section 502(a) (22 U.S.C. 3982(a)), by inserting “, or domestically, in a position working on issues relating to a particular country or geographic area,” after “geographic area”.

SEC. 14111. ENERGY DIPLOMACY AND SECURITY WITHIN THE DEPARTMENT OF STATE.

(a) In General.—Subparagraph (c) of section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 14103 of this Act, is further amended—

(1) by redesignating paragraph (4) (as redesignated pursuant to such section 14103) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) ENERGY RESOURCES.—

“(A) AUTHORIZATION FOR ASSISTANT SECRETARY.—Subject to the numerical limitation specified in paragraph (1), there is authorized to be established in the Department of State an
Assistant Secretary of State for Energy Resources.

“(B) Personnel.—The Secretary of State shall ensure that there are sufficient personnel dedicated to energy matters within the Department of State whose responsibilities shall include—

“(i) formulating and implementing international policies aimed at protecting and advancing United States energy security interests by effectively managing United States bilateral and multilateral relations;

“(ii) ensuring that analyses of the national security implications of global energy and environmental developments are reflected in the decision making process within the Department;

“(iii) incorporating energy security priorities into the activities of the Department;

“(iv) coordinating energy activities of the Department with relevant Federal departments and agencies; and

“(v) working internationally to—
“(I) support the development of energy resources and the distribution of such resources for the benefit of the United States and United States allies and trading partners for their energy security and economic development needs;

“(II) promote availability of diversified energy supplies and a well-functioning global market for energy resources, technologies, and expertise for the benefit of the United States and United States allies and trading partners;

“(III) resolve international disputes regarding the exploration, development, production, or distribution of energy resources;

“(IV) support the economic and commercial interests of United States persons operating in the energy markets of foreign countries;

“(V) support and coordinate international efforts to alleviate energy poverty;
“(VI) leading the United States commitment to the Extractive Industries Transparency Initiative;

“(VII) coordinating within the Department and with relevant Federal departments and agencies on developing and implementing international energy-related sanctions; and

“(VIII) coordinating energy security and other relevant functions within the Department currently undertaken by—

“(aa) the Bureau of Economic and Business Affairs;

“(bb) the Bureau of Oceans and International Environmental and Scientific Affairs; and

“(cc) other offices within the Department of State.”.

(b) CONFORMING AMENDMENT.—Section 931 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17371) is amended—

(1) by striking subsections (a) and (b); and

(2) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.
SEC. 14112. THE NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 63 (22 U.S.C. 2735) the following new section:

“SEC. 64. THE NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

“(a) ACTIVITIES.—

“(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide, by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services and related events, including organizing programs and conference activities, museum shop services and food services in the public exhibition and related space utilized by the National Museum of American Diplomacy.

“(2) RECOVERY OF COSTS.—The Secretary of State is authorized to recover any revenues generated under the authority of paragraph (1) for visitor and outreach services and related events referred to in such paragraph, including fees for use of facilities at the National Museum for American Diplomacy. Any such revenues may be retained as a recovery of the costs of operating the museum.
“(b) Disposition of National Museum of American Diplomacy Documents, Artifacts, and Other Articles.—

“(1) Property.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary of State to be suitable for display by the National Museum of American Diplomacy shall be considered to be the property of the United States Government and shall be subject to disposition solely in accordance with this subsection.

“(2) Sale, Trade, or Transfer.—Whenever the Secretary of State makes the determination described in paragraph (3) with respect to a document, artifact, or other article under paragraph (1), the Secretary may sell at fair market value, trade, or transfer such document, artifact, or other article without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the mission of the National Museum of American Diplomacy and may not be used for any purpose other than the acquisition and direct care of the collections of the museum.
“(3) Determinations prior to sale, trade, or transfer.—The determination described in this paragraph with respect to a document, artifact, or other article under paragraph (1), is a determination that—

“(A) such document, artifact, or other article no longer serves to further the purposes of the National Museum of American Diplomacy as set forth in the collections management policy of the museum;

“(B) the sale, trade, or transfer of such document, artifact, or other article would serve to maintain the standards of the collection of the museum; or

“(C) sale, trade, or transfer of such document, artifact, or other article would be in the best interests of the United States.

“(4) Loans.—In addition to the authorization under paragraph (2) relating to the sale, trade, or transfer of documents, artifacts, or other articles under paragraph (1), the Secretary of State may loan such documents, artifacts, or other articles, when not needed for use or display by the National Museum of American Diplomacy to the Smithsonian...
Institution or a similar institution for repair, study, or exhibition.”.

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.

(a) IN GENERAL.—Subsection (e) of section 7 of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1977) is amended to read as follows:

“(e) AMOUNTS.—Payments may be made under this section only to such extent and in such amounts as are provided in advance in appropriation Acts.”.

(b) RETROACTIVE APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply as if the date specified in subsection (e) of section 7 of the Fishermen’s Protective Act of 1967, as in effect on the day before the date of the enactment of this Act, were the day after such date of enactment.

(2) AGREEMENTS AND PAYMENTS.—The Secretary shall—

(A) enter into agreements pursuant to section 7 of the Fishermen’s Protective Act of
1967 for any claims to which such section would otherwise apply but for the date specified in subsection (e) of such section, as in effect on the day before the date of the enactment of this Act; and

(B) make payments in accordance with agreements entered into pursuant to such section if any such payments have not been made as a result of the expiration of the date specified in such section, as in effect on the day before the date of the enactment of this Act.

SEC. 14114. ART IN EMBASSIES.

(a) In General.—No funds are authorized to be appropriated for the purchase of any piece of art for the purposes of installation or display in any embassy, consulate, or other foreign mission of the United States if the purchase price of such piece of art is in excess of $50,000, unless such purchase is subject to prior consultation with, and the regular notification procedures of, the appropriate congressional committees.

(b) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the costs of the Art in Embassies Program for each of fiscal years 2012, 2013, and 2014.
(c) SUNSET.—This section shall terminate on the date that is 2 years after the date of the enactment of this Act.

(d) DEFINITION.—In this section, the term “art” includes paintings, sculptures, photographs, industrial design, and craft art.

SEC. 14115. AMENDMENT OR REPEAL OF REPORTING REQUIREMENTS.

(a) BURMA.—

(1) IN GENERAL.—Section 570 of Public Law 104–208 is amended—

(A) by amending subsection (c) to read as follows:

“(c) MULTILATERAL STRATEGY.—The President shall develop, in coordination with members of ASEAN and other likeminded countries, a comprehensive, multilateral strategy to bring about further democratic consolidation in Burma and improve human rights practices and the quality of life in Burma, including the development of a dialogue leading to genuine national reconciliation.”;

and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking “six months” and inserting “year”;
(ii) by redesignating paragraph (3) as paragraph (7); and

(iii) by inserting after paragraph (2) the following new paragraphs:

“(3) improvements in human rights practices;
“(4) progress toward broad-based and inclusive economic growth;
“(5) progress toward genuine national reconciliation;
“(6) progress on improving the quality of life of the Burmese people, including progress relating to market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply with respect to the first report required under subsection (d) of section 570 of Public Law 104–208 that is required after the date of the enactment of this Act.

(b) REPEALS.—The following provisions of law are hereby repealed:

(1) Subsection (b) of section 804 of Public Law 101–246.

(2) Section 6 of Public Law 104–45.

(4) Subsection (c) of section 702 of Public Law 96–465 (22 U.S.C. 4022).

SEC. 14116. REPORTING ON IMPLEMENTATION OF GAO RECOMMENDATIONS.

(a) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that lists all of the Government Accountability Office’s recommendations relating to the Department that have not been fully implemented.

(b) COMPTROLLER GENERAL REPORT.—Not later than 30 days after the Secretary submits the report under subsection (a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that identifies any discrepancies between the list of recommendations included in such report and the Government Accountability Office’s list of outstanding recommendations for the Department.

(c) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the submission of the Comptroller General’s report under subsection (b), the Secretary shall submit to the appropriate congressional com-
mittees a report that describes the implementation status of each recommendation from the Government Accountability Office included in the report submitted under subsection (a).

(2) J U S T I F I C A T I O N .—The report under paragraph (1) shall include—

(A) a detailed justification for each decision not to fully implement a recommendation or to implement a recommendation in a different manner than specified by the Government Accountability Office;

(B) a timeline for the full implementation of any recommendation the Secretary has decided to adopt, but has not yet fully implemented; and

(C) an explanation for any discrepancies included in the Comptroller General report submitted under subsection (b).

(d) F O R M .—The information required in each report under this section shall be submitted in unclassified form, to the maximum extent practicable, but may be included in a classified annex to the extent necessary.

SEC. 14117. OFFICE OF GLOBAL CRIMINAL JUSTICE.

(a) I N G E N E R A L .—There should be established within the Department an Office of Global Criminal Justice
(referred to in this section as the “Office”), which may be placed within the organizational structure of the Department at the discretion of the Secretary.

(b) DUTIES.—The Office should carry out the following:

(1) Advise the Secretary and other relevant senior officials on issues related to war crimes, crimes against humanity, and genocide.

(2) Assist in formulating United States policy on the prevention of, responses to, and accountability for mass atrocities.

(3) Coordinate United States Government positions relating to the international and hybrid courts currently prosecuting persons responsible for genocide, war crimes, and crimes against humanity anywhere in the world.

(4) Work with other governments, international organizations, and nongovernmental organizations, as appropriate, to establish and assist international and domestic commissions of inquiry, fact-finding missions, and tribunals to investigate, document, and prosecute atrocities in every region of the globe.

(5) Coordinate the deployment of diplomatic, legal, economic, military, and other tools to help expose the truth, judge those responsible, protect and
assist victims, enable reconciliation, deter atrocities, and build the rule of law.

(6) Provide advice and expertise on transitional justice to United States personnel operating in conflict and post-conflict environments.

(7) Act as a point of contact for international, hybrid, and mixed tribunals exercising jurisdiction over war crimes, crimes against humanity, and genocide committed around the world.

(8) Represent the Department on any inter-agency whole-of-government coordinating entities addressing genocide and other mass atrocities.

(9) Perform any additional duties and exercise such powers as the Secretary of State may prescribe.

(c) SUPERVISION.—The Office should be led by an Ambassador-at-Large for Global Criminal Justice.

**TITLE II—EMBASSY CONSTRUCTION**

**SEC. 14201. EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.**

For “Embassy Security, Construction, and Maintenance”, there is authorized to be appropriated $1,975,449,000 for fiscal year 2021.
SEC. 14202. STANDARD DESIGN IN CAPITAL CONSTRUCTION.

(a) Sense of Congress.—It is the sense of Congress that the Department’s Bureau of Overseas Building Operations (OBO) or successor office should give appropriate consideration to standardization in construction, in which each new United States embassy and consulate starts with a standard design and keeps customization to a minimum.

(b) Consultation.—The Secretary shall carry out any new United States embassy compound or new consulate compound project that utilizes a non-standard design, including those projects that are in the design or pre-design phase as of the date of the enactment of this Act, only in consultation with the appropriate congressional committees. The Secretary shall provide the appropriate congressional committees, for each such project, the following documentation:

(1) A comparison of the estimated full lifecycle costs of the project to the estimated full lifecycle costs of such project if it were to use a standard design.

(2) A comparison of the estimated completion date of such project to the estimated completion date of such project if it were to use a standard design.
(3) A comparison of the security of the completed project to the security of such completed project if it were to use a standard design.

(4) A justification for the Secretary’s selection of a non-standard design over a standard design for such project.

(5) A written explanation if any of the documentation necessary to support the comparisons and justification, as the case may be, described in paragraphs (1) through (4) cannot be provided.

(c) SUNSET.—The consultation requirement under subsection (b) shall expire on the date that is 4 years after the date of the enactment of this Act.

SEC. 14203. CAPITAL CONSTRUCTION TRANSPARENCY.

(a) IN GENERAL.—Section 118 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 304) is amended—

(1) in the section heading, by striking “ANNUAL REPORT ON EMBASSY CONSTRUCTION COSTS” and inserting “BIANNUAL REPORT ON OVERSEAS CAPITAL CONSTRUCTION PROJECTS”; and

(2) by striking subsections (a) and (b) and inserting the following new subsections:
“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection and every 180 days thereafter until the date that is 4 years after such date of enactment, the Secretary shall submit to the appropriate congressional committees a comprehensive report regarding all ongoing overseas capital construction projects and major embassy security upgrade projects.

“(b) CONTENTS.—Each report required under subsection (a) shall include the following with respect to each ongoing overseas capital construction project and major embassy security upgrade project:

“(1) The initial cost estimate as specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations for Acts making appropriations for the Department of State, foreign operations, and related programs.

“(2) The current cost estimate.

“(3) The value of each request for equitable adjustment received by the Department to date.

“(4) The value of each certified claim received by the Department to date.

“(5) The value of any usage of the project’s contingency fund to date and the value of the remainder of the project’s contingency fund.
“(6) An enumerated list of each request for adjustment and certified claim that remains outstanding or unresolved.

“(7) An enumerated list of each request for equitable adjustment and certified claim that has been fully adjudicated or that the Department has settled, and the final dollar amount of each adjudication or settlement.

“(8) The date of estimated completion specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs.

“(9) The current date of estimated completion.”.

(b) INITIAL REPORT.—The first report required under subsection (a) of section 118 of the Department of State Authorities Act, Fiscal Year 2017 (as amended by this section) shall include an annex regarding all overseas capital construction projects and major embassy security upgrade projects completed during the 10-year period ending on December 31, 2018, including, for each such
project, the elements specified in subsection (b) of such section 118.

SEC. 14204. CONTRACTOR PERFORMANCE INFORMATION.

(a) Deadline for Completion.—The Secretary shall complete all contractor performance evaluations required by subpart 42.15 of the Federal Acquisition Regulation for those contractors engaged in construction of new embassy or new consulate compounds by October 1, 2021.

(b) Prioritization System.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall develop a prioritization system for clearing the current backlog of required evaluations referred to in subsection (a).

(2) Elements.—The system required under paragraph (1) should prioritize the evaluations as follows:

(A) Project completion evaluations should be prioritized over annual evaluations.

(B) Evaluations for relatively large contracts should have priority.

(C) Evaluations that would be particularly informative for the awarding of government contracts should have priority.
(c) **BRIEFING.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on the Department’s plan for completing all evaluations by October 1, 2021, in accordance with subsection (a) and the prioritization system developed pursuant to subsection (b).

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) contractors deciding whether to bid on Department contracts would benefit from greater understanding of the Department as a client; and

(2) the Department should develop a forum where contractors can comment on the Department’s project management performance.

**SEC. 14205. GROWTH PROJECTIONS FOR NEW EMBASSIES AND CONSULATES.**

(a) **IN GENERAL.**—For each new United States embassy compound (NEC) and new consulate compound project (NCC) in or not yet in the design phase as of the date of the enactment of this Act, the Department shall project growth over the estimated life of the facility using all available and relevant data, including the following:

(1) Relevant historical trends for Department personnel and personnel from other agencies rep-
resented at the NEC or NCC that is to be constructed.

(2) An analysis of the tradeoffs between risk and the needs of United States Government policy conducted as part of the most recent Vital Presence Validation Process, if applicable.

(3) Reasonable assumptions about the strategic importance of the NEC or NCC, as the case may be, over the life of the building at issue.

(4) Any other data that would be helpful in projecting the future growth of NEC or NCC.

(b) OTHER FEDERAL AGENCIES.—The head of each Federal agency represented at a United States embassy or consulate shall provide to the Secretary, upon request, growth projections for the personnel of each such agency over the estimated life of each embassy or consulate, as the case may be.

(c) BASIS FOR ESTIMATES.—The Department shall base its growth assumption for all NECs and NCCs on the estimates required under subsections (a) and (b).

(d) CONGRESSIONAL NOTIFICATION.—Any congressional notification of site selection for a NEC or NCC submitted after the date of the enactment of this Act shall include the growth assumption used pursuant to subsection (c).
SEC. 14206. LONG-RANGE PLANNING PROCESS.

(a) PLANS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for 5 years, the Secretary shall develop—

(A) a comprehensive 6-year plan documenting the Department’s overseas building program for the replacement of overseas diplomatic posts taking into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety; and

(B) a comprehensive 6-year plan detailing the Department’s long-term planning for the maintenance and sustainment of completed diplomatic posts, which takes into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as oc-
cupational safety and health factors pursuant to
the Occupational Safety and Health Act of
1970 and other relevant statutes and regula-
tions, including environmental factors such as
indoor air quality that impact employee health
and safety.

(2) INITIAL REPORT.—The first plan developed
pursuant to paragraph (1)(A) shall also include a
one-time status report on existing small diplomatic
posts and a strategy for establishing a physical dip-
losmatic presence in countries in which there is no
current physical diplomatic presence. Such report,
which may include a classified annex, shall include
the following:

(A) A description of the extent to which
each small diplomatic post furthers the national
interest of the United States.

(B) A description of how each small diplo-
matic post provides American Citizen Services,
including data on specific services provided and
the number of Americans receiving services over
the previous year.

(C) A description of whether each small
diplomatic post meets current security require-
ments.
(D) A description of the full financial cost of maintaining each small diplomatic post.

(E) Input from the relevant chiefs of mission on any unique operational or policy value the small diplomatic post provides.

(3) UPDATED INFORMATION.—The annual updates of each of the plans developed pursuant to paragraph (1) shall highlight any changes from the previous year’s plan to the ordering of construction and maintenance projects.

(b) REPORTING REQUIREMENTS.—

(1) SUBMISSION OF PLANS TO CONGRESS.—Not later than 60 days after the completion of each plan required under subsection (a), the Secretary shall submit the plans to the appropriate congressional committees.

(2) REFERENCE IN BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to the appropriate congressional committees in support of the Department’s budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the plans required under subsection (a) shall be referenced to justify funding requested for building and maintenance projects overseas.
(3) FORM OF REPORT.—Each report required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(c) SMALL DIPLOMATIC POST DEFINED.—In this section, the term “small diplomatic post” means any United States embassy or consulate that has employed five or fewer United States Government employees on average over the 36 months prior to the date of the enactment of this Act.

SEC. 14207. VALUE ENGINEERING AND RISK ASSESSMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) Federal departments and agencies are required to use value engineering (VE) as a management tool, where appropriate, to reduce program and acquisition costs pursuant to OMB Circular A–131, Value Engineering, dated December 31, 2013.

(2) OBO has a Policy Directive and Standard Operation Procedure, dated May 24, 2017, on conducting risk management studies on all international construction projects.

(b) NOTIFICATION REQUIREMENTS.—

(1) SUBMISSION TO AUTHORIZING COMMITTEES.—The proposed allocation of capital construction and maintenance funds that is required by the
Committees on Appropriations of the Senate and the House of Representatives not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs shall also be submitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) Requirement to confirm completion of value engineering and risk assessment studies.—The notifications required under paragraph (1) shall include confirmation that the Department has completed the requisite VE and risk management studies described in subsection (a).

(c) Reporting and Briefing Requirements.—The Secretary shall provide to the appropriate congressional committees upon request—

(1) a description of each risk management study referred to in subsection (a)(2) and a table detailing which recommendations related to each such study were accepted and which were rejected; and

(2) a report or briefing detailing the rationale for not implementing any such recommendations that may otherwise yield significant cost savings to the Department if implemented.
SEC. 14208. BUSINESS VOLUME.

Section 402(c)(2)(E) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4852(c)(2)(E)) is amended by striking “in 3 years” and inserting “cumulatively over 3 years”.

SEC. 14209. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.

The Secretary shall provide to the appropriate congressional committees upon request information on security deficiencies at United States diplomatic posts, including relating to the following:

(1) Requests made over the previous year by United States diplomatic posts for security upgrades.

(2) Significant security deficiencies at United States diplomatic posts that are not operating out of a new embassy compound or new consulate compound.

SEC. 14210. OVERSEAS SECURITY BRIEFINGS.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall revise the Foreign Affairs Manual to stipulate that information on the current threat environment shall be provided to all United States Government employees under chief of mission authority traveling to a foreign country on official business. To the extent practicable, such material shall be provided to such em-
ployees prior to their arrival at a United States diplomatic post or as soon as possible thereafter.

SEC. 14211. CONTRACTING METHODS IN CAPITAL CONSTRUCTION.

(a) DELIVERY.—Unless the Secretary notifies the appropriate congressional committees that the use of the design-build project delivery method would not be appropriate, the Secretary shall make use of such method at United States diplomatic posts that have not yet received design or capital construction contracts as of the date of the enactment of this Act.

(b) NOTIFICATION.—Before executing a contract for a delivery method other than design-build in accordance with subsection (a), the Secretary shall notify the appropriate congressional committees in writing of the decision, including the reasons therefor. The notification required by this subsection may be included in any other report regarding a new United States diplomatic post that is required to be submitted to the appropriate congressional committees.

(c) PERFORMANCE EVALUATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the appropriate congressional committees regarding performance evaluation measures in accordance with GAO’s “Standards for Internal Control
in the Federal Government” that will be applicable to de-
sign and construction, lifecycle cost, and building mainte-
nance programs of the Bureau of Overseas Building Oper-
ations of the Department.

SEC. 14212. COMPETITION IN EMBASSY CONSTRUCTION.
Not later than 45 days after the date of the enact-
ment of this Act, the Secretary shall submit to the appro-
priate congressional committee a report detailing steps the
Department is taking to expand the embassy construction
contractor base in order to increase competition and maxi-
mize value.

SEC. 14213. STATEMENT OF POLICY.
It is the policy of the United States that the Bureau
of Overseas Building Operations of the Department or its
successor office shall continue to balance functionality and
security with accessibility, as defined by guidelines estab-
lished by the United States Access Board in constructing
embassies and consulates, and shall ensure compliance
with the Architectural Barriers Act of 1968 (42 U.S.C.
4151 et seq.) to the fullest extent possible.

SEC. 14214. DEFINITIONS.
In this title:
(1) DESIGN-BUILD.—The term “design-build”
means a method of project delivery in which one en-
tity works under a single contract with the Depart-
ment to provide design and construction services.

(2) NON-STANDARD DESIGN.—The term “non-
standard design” means a design for a new embassy
compound project or new consulate compound
project that does not utilize a standardized design
for the structural, spatial, or security requirements
of such embassy compound or consulate compound,
as the case may be.

TITLE III—PERSONNEL ISSUES

SEC. 14301. DEFENSE BASE ACT INSURANCE WAIVERS.

(a) APPLICATION FOR WAIVERS.—Not later than 30
days after the date of the enactment of this Act, the Sec-
retary shall apply to the Department of Labor for a waiver
from insurance requirements under the Defense Base Act
(42 U.S.C. 1651 et seq.) for all countries with respect to
which the requirement was waived prior to January 2017,
and for which there is not currently a waiver.

(b) CERTIFICATION REQUIREMENT.—Not later than
45 days after the date of the enactment of this Act, the
Secretary shall certify to the appropriate congressional
committees that the requirement in subsection (a) has
been met.

SEC. 14302. STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) REPORT REQUIRED.—
(1) IN GENERAL.—Not later than 270 days after date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report detailing an empirical analysis on the effect of overseas allowances on the foreign assignment of Foreign Service officers (FSOs), to be conducted by a federally-funded research and development center with appropriate expertise in labor economics and military compensation.

(2) CONTENTS.—The analysis required under paragraph (1) shall—

(A) identify all allowances paid to FSOs assigned permanently or on temporary duty to foreign areas;

(B) examine the efficiency of the Foreign Service bidding system in determining foreign assignments;

(C) examine the factors that incentivize FSOs to bid on particular assignments, including danger levels and hardship conditions;

(D) examine the Department’s strategy and process for incentivizing FSOs to bid on assignments that are historically in lower demand, including with monetary compensation,
and whether monetary compensation is necessary for assignments in higher demand;

(E) make any relevant comparisons to military compensation and allowances, noting which allowances are shared or based on the same regulations;

(F) recommend options for restructuring allowances to improve the efficiency of the assignments system and better align FSO incentives with the needs of the Foreign Service, including any cost savings associated with such restructuring;

(G) recommend any statutory changes necessary to implement subparagraph (F), such as consolidating existing legal authorities for the provision of hardship and danger pay; and

(H) detail any effects of recommendations made pursuant to subparagraphs (F) and (G) on other United States Government departments and agencies with civilian employees permanently assigned or on temporary duty in foreign areas, following consultation with such departments and agencies.

(b) BRIEFING REQUIREMENT.—Before initiating the analysis required under subsection (a)(1), and not later
than 60 days after the date of the enactment of this Act, the Secretary shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs in the House of Representatives a briefing on the implementation of this section that includes the following:

(1) The name of the federally funded research and development center that will conduct such analysis.

(2) The scope of such analysis and terms of reference for such analysis as specified between the Department and such federally funded research and development center.

(c) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall make available to the federally-funded research and development center carrying out the analysis required under subsection (a)(1) all necessary and relevant information to allow such center to conduct such analysis in a quantitative and analytical manner, including historical data on the number of bids for each foreign assignment and any survey data collected by the Department from eligible bidders on their bid decision-making.

(2) COOPERATION.—The Secretary shall work with the heads of other relevant United States Gov-
ernment departments and agencies to ensure such
departments and agencies provide all necessary and
relevant information to the federally-funded research
and development center carrying out the analysis re-
quired under subsection (a)(1).

(d) INTERIM REPORT TO CONGRESS.—The Secretary
shall require that the chief executive officer of the feder-
ally-funded research and development center that carries
out the analysis required under subsection (a)(1) submit
to the Committee on Foreign Relations of the Senate and
the Committee on Foreign Affairs of the House of Rep-
resentatives an interim report on such analysis not later
than 120 days after the date of the enactment of this Act.

SEC. 14303. SCIENCE AND TECHNOLOGY FELLOWSHIPS.
Section 504 of the Foreign Relations Authorization
Act, Fiscal Year 1979 (22 U.S.C. 2656d) is amended by
adding at the end the following new subsection:

“(e) GRANTS AND COOPERATIVE AGREEMENTS RE-
LATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP
PROGRAMS.—

“(1) IN GENERAL.—The Secretary is authorized
to make grants or enter into cooperative agreements
related to Department of State science and tech-
nology fellowship programs, including for assistance
in recruiting fellows and the payment of stipends, travel, and other appropriate expenses to fellows.

“(2) EXCLUSION FROM CONSIDERATION AS COMPENSATION.—Stipends under paragraph (1) shall not be considered compensation for purposes of section 209 of title 18, United States Code.

“(3) Maximum annual amount.—The total amount of grants made pursuant to this subsection may not exceed $500,000 in any fiscal year.”.

SEC. 14304. TRAVEL FOR SEPARATED FAMILIES.

Section 901(15) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)) is amended—

(1) in the matter preceding subparagraph (A), by striking “1 round-trip per year for each child below age 21 of a member of the Service assigned abroad” and inserting “in the case of one or more children below age 21 of a member of the Service assigned abroad, 1 round-trip per year”;

(2) in subparagraph (A)—

(A) by inserting “for each child” before “to visit the member abroad”; and

(B) by striking “; or” and inserting a comma;

(3) in subparagraph (B)—
(A) by inserting “for each child” before “to visit the other parent”; and

(B) by inserting “or” after “resides,”;

(4) by inserting after subparagraph (B) the following new subparagraph:

“(C) for one of the child’s parents to visit the child or children abroad if the child or children do not regularly reside with that parent and that parent is not receiving an education allowance or educational travel allowance for the child or children under section 5924(4) of title 5, United States Code,”; and

(5) in the matter following subparagraph (C), as added by paragraph (4) of this section, by striking “a payment” and inserting “the cost of round-trip travel”.

SEC. 14305. HOME LEAVE TRAVEL FOR SEPARATED FAMILIES.

Section 903(b) of the Foreign Service Act of 1980 (22 U.S.C. 4083(b)) is amended by adding at the end the following new sentence: “In cases in which the family members of a member of the Service reside apart from the member at authorized locations outside the United States because they are prevented by official order from residing with the member at post, the member may take
the leave ordered under this section where that member’s
family members reside, notwithstanding section 6305 of
title 5, United States Code.”.

SEC. 14306. SENSE OF CONGRESS REGARDING CERTAIN
FELLOWSHIP PROGRAMS.

It is the sense of Congress that Department fellow-
ships that promote the employment of candidates belong-
ing to under-represented groups, including the Charles B.
Rangel International Affairs Graduate Fellowship Pro-
gram, the Thomas R. Pickering Foreign Affairs Fellow-
ship Program, and the Donald M. Payne International De-
velopment Fellowship Program, represent smart invest-
ments vital for building a strong, capable, and representa-
tive national security workforce.

SEC. 14307. TECHNICAL CORRECTION.

Subparagraph (A) of section 601(c)(6) of the Foreign
Service Act of 1980 (22 U.S.C. 4001(c)(6)) is amended,
in the matter preceding clause (i), by—

(1) striking “promotion” and inserting “pro-
motion, on or after January 1, 2017,”; and

(2) striking “individual joining the Service on
or after January 1, 2017,” and inserting “Foreign
Service officer, appointed under section 302(a)(1),
who has general responsibility for carrying out the
functions of the Service”.
SEC. 14308. FOREIGN SERVICE AWARDS.

(a) IN GENERAL.—Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended—

(1) by amending the section heading to read as follows: “DEPARTMENT AWARDS”; and

(2) in the first sentence, by inserting “or Civil Service” after “the Service”.

(b) CONFORMING AMENDMENT.—The item relating to section 614 in the table of contents of the Foreign Service Act of 1980 is amended to read as follows:

“Sec. 614. Department awards.”.

SEC. 14309. DIPLOMATIC PROGRAMS.

(a) SENSE OF CONGRESS ON WORKFORCE RECRUITMENT.—It is the sense of Congress that the Secretary should continue to hold entry-level classes for Foreign Service officers and specialists and continue to recruit civil servants through programs such as the Presidential Management Fellows Program and Pathways Internship Programs in a manner and at a frequency consistent with prior years and consistent with the need to maintain a pool of experienced personnel effectively distributed across skill codes and ranks. It is further the sense of Congress that absent continuous recruitment and training of Foreign Service officers and civil servants, the Department will lack experienced, qualified personnel in the short, medium, and long terms.
(b) LIMITATION.—The Secretary may not implement any reduction-in-force action under section 3502 or 3595 of title 5, United States Code, or for any incentive payments for early separation or retirement under any other provision of law unless—

(1) the appropriate congressional committees are notified not less than 15 days in advance of such obligation or expenditure; and

(2) the Secretary has provided to the appropriate congressional committees a detailed report that describes the Department’s strategic staffing goals, including—

(A) a justification that describes how any proposed workforce reduction enhances the effectiveness of the Department;

(B) a certification that such workforce reduction is in the national interest of the United States;

(C) a comprehensive strategic staffing plan for the Department, including 5-year workforce forecasting and a description of the anticipated impact of any proposed workforce reduction; and
(D) a dataset displaying comprehensive workforce data for all current and planned employees of the Department, disaggregated by—

(i) Foreign Service officer and Foreign Service specialist rank;

(ii) civil service job skill code, grade level, and bureau of assignment;

(iii) contracted employees, including the equivalent job skill code and bureau of assignment; and

(iv) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including their equivalent grade and job skill code and bureau of assignment.

SEC. 14310. SENSE OF CONGRESS REGARDING VETERANS EMPLOYMENT AT THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Department should continue to promote the employment of veterans, in accordance with section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941), as amended by section 14407 of this Act, including those veterans belonging to traditionally underrepresented groups at the Department;
(2) veterans employed by the Department have made significant contributions to United States foreign policy in a variety of regional and global affairs bureaus and diplomatic posts overseas; and

(3) the Department should continue to encourage veteran employment and facilitate their participation in the workforce.

SEC. 14311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND PRECLUSIONS.

(a) Sense of Congress.—It is the sense of Congress that the Department should expand the appeal process it makes available to employees related to assignment preclusions and restrictions.

(b) Appeal of Assignment Restriction or Preclusion.—Section 502(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3982(a)(2)), as amended by section 14110 of this Act, is further amended by adding at the end the following new sentences: “Any employee subjected to an assignment restriction or preclusion shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance. Any such appeal shall be resolved not later than 60 days after such appeal is filed.”.

(c) Notice and Certification.—Not later than 90 days after the date of the enactment of this Act, the Sec-
retary shall revise, and certify to the appropriate congres-
sional committees regarding such revision, the Foreign Af-
fairs Manual guidance regarding denial or revocation of
a security clearance to expressly state that all review and
appeal rights relating thereto shall also apply to any rec-
ommendation or decision to impose an assignment restric-
tion or preclusion to an employee.

SEC. 14312. RECALL AND REEMPLOYMENT OF CAREER
MEMBERS.

(a) Sense of Congress.—It is the sense of Con-
gress that—

(1) career Department employees provide in-
valuable service to the United States as nonpartisan
professionals who contribute subject matter expertise
and professional skills to the successful development
and execution of United States foreign policy; and

(2) reemployment of skilled former members of
the Foreign and civil service who have voluntarily
separated from the Foreign or civil service due to
family reasons or to obtain professional skills outside
government is of benefit to the Department.

(b) Reemployment.—Subsection (b) of section 308
of the Foreign Service Act of 1980 (22 U.S.C. 3948) is
amended by adding at the end the following new sentence:

“Former career tenured members of the Service seeking
reappointment, if separated for other than cause for up
to 4 years prior to the date of the enactment of this sen-
tence, shall be eligible to participate in the regular assign-
ment bidding process without restriction and shall not be
required to accept a directed first assignment upon re-
appointment.”.

(c) NOTICE OF EMPLOYMENT OPPORTUNITIES.—

(1) IN GENERAL.—Title 5, United States Code,
is amended by inserting after chapter 102 the fol-
lowing new chapter:

“CHAPTER 103—NOTICE OF EMPLOYMENT
OPPORTUNITIES FOR DEPARTMENT
OF STATE AND USAID POSITIONS

“§ 10301. Notice of employment opportunities for de-
partment of state and usaid positions

“To ensure that individuals who have separated from
the Department of State or the United States Agency for
International Development and who are eligible for re-
appointment are aware of such opportunities, the Depart-
ment of State and the United States Agency for Inter-
national Development shall publicize notice of all employ-
ment opportunities, including positions for which the rel-
evant agency is accepting applications from individuals
within the agency’s workforce under merit promotion pro-
cedures, on publicly accessible sites, including
www.usajobs.gov. If using merit promotion procedures, the
notice shall expressly state that former employees eligible
for reinstatement may apply.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions for subpart I of title 5, United States Code, is
amended by adding at the end the following:

“10301. Notice of employment opportunities for Department of State and
USAID positions”.

SEC. 14313. STRATEGIC STAFFING PLAN FOR THE DEPART-
MENT.

(a) IN GENERAL.—Not later than 18 months after
the date of the enactment of this Act, the Secretary shall
submit to the appropriate congressional committees a
comprehensive 5-year strategic staffing plan for the De-
partment that is aligned with and furthers the objectives
of the National Security Strategy of the United States of
America issued in December 2017, or any subsequent
strategy issued not later than 18 months after the date
of the enactment of this Act, which shall include the fol-
lowing:

(1) A dataset displaying comprehensive work-
force data, including all shortages in bureaus de-
scribed in GAO report GAO–19–220, for all current
and planned employees of the Department,
disaggregated by—
(A) Foreign Service officer and Foreign Service specialist rank;

(B) civil service job skill code, grade level, and bureau of assignment;

(C) contracted employees, including the equivalent job skill code and bureau of assignment; and

(D) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including the equivalent grade and job skill code and bureau of assignment of such employee.

(2) Recommendations on the number of Foreign Service officers disaggregated by service cone that should be posted at each United States diplomatic post and in the District of Columbia, with a detailed basis for such recommendations.

(3) Recommendations on the number of civil service officers that should be employed by the Department, with a detailed basis for such recommendations.

(b) MAINTENANCE.—The dataset required under subsection (a)(1) shall be maintained and updated on a regular basis.
(c) Consultation.—The Secretary shall lead the
development of the plan required under subsection (a) but
may consult or partner with private sector entities with
expertise in labor economics, management, or human re-
sources, as well as organizations familiar with the de-
mands and needs of the Department’s workforce.

(d) Report.—Not later than 120 days after the date
of the enactment of this Act, the Secretary of State shall
submit to the appropriate congressional committees a re-
port regarding root causes of Foreign Service and civil
service shortages, the effect of such shortages on national
security objectives, and the Department’s plan to imple-
ment recommendations described in GAO–19–220.

SEC. 14314. CONSULTING SERVICES.

(a) In General.—Chapter 103 of title 5, United
States Code, as added by section 14312 of this Act, is
amended by adding at the end the following:

“§ 10302. Consulting services for the Department of
State

“Any consulting service obtained by the Department
of State through procurement contract pursuant to section
3109 of title 5, United States Code, shall be limited to
those contracts with respect to which expenditures are a
matter of public record and available for public inspection,
except if otherwise provided under existing law, or under
existing Executive order issued pursuant to existing law.”.

(b) CLERICAL AMENDMENT.—The table of sections
for subpart I of title 5, United States Code, is amended
by adding after the item relating to section 10302 the fol-
lowing new item:

“10302. Consulting services for the Department of State”.

SEC. 14315. INCENTIVES FOR CRITICAL POSTS.

Section 1115(d) of the Supplemental Appropriations
Act, 2009 (Public Law 111–32) is amended by striking
the last sentence.

SEC. 14316. EXTENSION OF AUTHORITY FOR CERTAIN AC-
COUNTABILITY REVIEW BOARDS.

Section 301(a)(3) of the Omnibus Diplomatic Secu-
4831(a)(3)) is amended—

(1) in the heading, by striking “AFGHANISTAN
AND” and inserting “AFGHANISTAN, YEMEN, SYRIA,
AND”; and

(2) in subparagraph (A)—

(A) in clause (i), by striking “Afghanistan
or” and inserting “Afghanistan, Yemen, Syria,
or”; and

(B) in clause (ii), by striking “beginning
on October 1, 2005, and ending on September
30, 2009” and inserting “beginning on October 1, 2020, and ending on September 30, 2022”.

SEC. 14317. FOREIGN SERVICE SUSPENSION WITHOUT PAY.

Subsection (c) of section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “suspend” and inserting “indefinitely suspend without duties”;

(2) by redesignating paragraph (5) as paragraph (7);

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

“(5) Any member of the Service suspended from duties under this subsection may be suspended without pay only after a final written decision is provided to such member under paragraph (2).

“(6) If no final written decision under paragraph (2) has been provided within 1 calendar year of the date the suspension at issue was proposed, not later than 30 days thereafter the Secretary of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in writing regarding the specific reasons for such delay.”; and

(4) in paragraph (7), as so redesignated—
(A) by striking “(7) In this subsection:”; 

(B) in subparagraph (A), by striking “(A) The term” and inserting the following: 

“(7) In this subsection, the term”; 

(C) by striking subparagraph (B) (relating to the definition of “suspend” and “suspension”); and 

(D) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and moving such subparagraphs 2 ems to the left.

SEC. 14318. FOREIGN AFFAIRS MANUAL AND FOREIGN AFFAIRS HANDBOOK CHANGES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter for 5 years, the Secretary shall submit to the appropriate congressional committees a report detailing all changes made to the Foreign Affairs Manual or the Foreign Affairs Handbook.

(b) Covered Periods.—The first report required under subsection (a) shall cover the 5-year period preceding the submission of such report. Each subsequent report shall cover the 180-day period preceding submission.

(e) Contents.—Each report required under subsection (a) shall contain the following:
(1) The location within the Foreign Affairs Manual or the Foreign Affairs Handbook where a change has been made.

(2) The statutory basis for each such change.

(3) A side-by-side comparison of the Foreign Affairs Manual or Foreign Affairs Handbook before and after such change.

(4) A summary of such changes displayed in spreadsheet form.

SEC. 14319. WAIVER AUTHORITY FOR INDIVIDUAL OCCUPATIONAL REQUIREMENTS OF CERTAIN POSITIONS.

The Secretary of State may waive any or all of the individual occupational requirements with respect to an employee or prospective employee of the Department of State for a civilian position categorized under the GS–0130 occupational series if the Secretary determines that the individual possesses significant scientific, technological, engineering, or mathematical expertise that is integral to performing the duties of the applicable position, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the Secretary shall set forth in a written document that is transmitted to the Director of the Office of
Personnel Management the rationale for the decision of
the Secretary to waive such requirements.

SEC. 14320. APPOINTMENT OF EMPLOYEES TO THE GLOBAL
ENGAGEMENT CENTER.

The Secretary may appoint, for a 3-year period that
may be extended for up to an additional 2 years, solely
to carry out the functions of the Global Engagement Cen-
ter, employees of the Department without regard to the
provisions of title 5, United States Code, governing ap-
pointment in the competitive service, and may fix the basic
compensation of such employees without regard to chapter
51 and subchapter III of chapter 53 of such title.

SEC. 14321. REST AND RECUPERATION AND OVERSEAS OP-
ERATIONS LEAVE FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subchapter II of chapter 63 of
title 5, United States Code, is amended by adding at the
end the following new sections:

“§ 6329d. Rest and recuperation leave

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’ means an Executive
agency (as that term is defined in section 105), but
does not include the Government Accountability Of-
office;

“(2) the term ‘combat zone’ means a geo-
graphic area designated by an Executive order of the
President as an area in which the Armed Forces are
engaging or have engaged in combat, an area des-
ignated by law to be treated as a combat zone, or
a location the Department of Defense has certified
for combat zone tax benefits due to its direct sup-
port of military operations;

“(3) the term ‘employee’ has the meaning given
that term in section 6301;

“(4) the term ‘high risk, high threat post’ has
the meaning given that term in section 104 of the
Omnibus Diplomatic Security and Antiterrorism Act
of 1986 (22 U.S.C. 4803); and

“(5) the term ‘leave year’ means the period be-
beginning on the first day of the first complete pay pe-
period in a calendar year and ending on the day imme-
diately before the first day of the first complete pay
period in the following calendar year.

“(b) LEAVE FOR REST AND RECUPERATION.—The
head of an agency may prescribe regulations to grant up
to 20 days of paid leave, per leave year, for the purposes
of rest and recuperation to an employee of the agency
serving in a combat zone, any other high risk, high threat
post, or any other location presenting significant security
or operational challenges.
“(c) **Discretionary Authority of Agency Head.**—Use of the authority under subsection (b) is at the sole and exclusive discretion of the head of the agency concerned.

“(d) **Records.**—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

"§ 6329e. Overseas operations leave

“(a) **Definitions.**—In this section—

“(1) the term ‘agency’ means an Executive agency (as that term is defined in section 105), but does not include the Government Accountability Office;

“(2) the term ‘employee’ has the meaning given that term in section 6301; and

“(3) the term ‘leave year’ means the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

“(b) **Leave for Overseas Operations.**—The head of an agency may prescribe regulations to grant up to 10 days of paid leave, per leave year, to an employee of the agency serving abroad where the conduct of business could pose potential security or safety related risks or would be
inconsistent with host-country practice. Such regulations
may provide that additional leave days may be granted
during such leave year if the head of the agency deter-
mines that to do so is necessary to advance the national
security or foreign policy interests of the United States.

“(c) Discretionary Authority of Agency
Head.—Use of the authority under subsection (b) is at
the sole and exclusive discretion of the head of the agency
concerned.

“(d) Records.—An agency shall record leave pro-
vided under this section separately from leave authorized
under any other provision of law.”.

(b) Clerical Amendments.—The table of sections
at the beginning of such chapter is amended by inserting
after the item relating to section 6329c the following new
items:

“6329d. Rest and recuperation leave
6329e. Overseas operations leave”.

TITLE IV—A DIVERSE WORK-
FORCE: RECRUITMENT, RE-
TENTION, AND PROMOTION

SEC. 14401. DEFINITIONS.

In this title:

(1) Applicant Flow Data.—The term “appli-
cant flow data” means data that tracks the rate of
applications for job positions among demographic categories.

(2) **Demographic data.**—The term “demographic data” means facts or statistics relating to the demographic categories specified in the Office of Management and Budget statistical policy directive entitled “Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity” (81 Fed. Reg. 67398).


(4) **Workforce.**—The term “workforce” means—

(A) individuals serving in a position in the civil service (as defined in section 2101 of title 5, United States Code);

(B) individuals who are members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3902)).
(C) all individuals serving under a personal services agreement or personal services contract;

(D) all individuals serving under a Foreign Service Limited appointment under section 309 of the Foreign Service Act of 1980; or

(E) individuals working in the Department of State under any other authority.

SEC. 14402. COLLECTION, ANALYSIS, AND DISSEMINATION OF WORKFORCE DATA.

(a) Initial Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall, in consultation with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, submit to the appropriate congressional committees a report, which shall also be posted on a publicly available website of the Department in a searchable database format, that includes disaggregated demographic data and other information regarding the diversity of the workforce of the Department.

(b) Data.—The report under subsection (a) shall include the following data:

(1) Demographic data on each element of the workforce of the Department, disaggregated by rank
and grade or grade-equivalent, with respect to the following groups:

(A) Applicants for positions in the Department.

(B) Individuals hired to join the workforce.

(C) Individuals promoted during the 2-year period ending on the date of the enactment of this Act, including promotions to and within the Senior Executive Service or the Senior Foreign Service.

(D) Individuals serving on applicable selection boards.

(E) Members of any external advisory committee or board who are subject to appointment by individuals at senior positions in the Department.

(F) Individuals participating in professional development programs of the Department, and the extent to which such participants have been placed into senior positions within the Department after such participation.

(G) Individuals participating in mentorship or retention programs.

(H) Individuals who separated from the agency during the 2-year period ending on the
date of the enactment of this Act, including indi-
viduals in the Senior Executive Service or the
Senior Foreign Service.

(2) An assessment of agency compliance with
the essential elements identified in Equal Employ-
ment Opportunity Commission Management Direc-
tive 715, effective October 1, 2003.

(3) Data on the overall number of individuals
who are part of the workforce, the percentages of
such workforce corresponding to each element listed
in section 14401(4), and the percentages cor-
responding to each rank, grade, or grade-equivalent.

(c) RECOMMENDATION.—The Secretary may include
in the report under subsection (a) a recommendation to
the Director of Office of Management and Budget and to
the appropriate congressional committees regarding
whether the Department should collect more detailed data
on demographic categories in addition to the race and eth-
nicity categories specified in the Office of Management
and Budget statistical policy directive entitled “Standards
for Maintaining, Collecting, and Presenting Federal Data
on Race and Ethnicity” (81 Fed. Reg. 67398).

(d) OTHER CONTENTS.—The report under sub-
section (a) shall also describe and assess the effectiveness
of the efforts of the Department—
(1) to propagate fairness, impartiality, and inclusion in the work environment, both domestically and abroad;

(2) to enforce anti-harassment and anti-discrimination policies, both domestically and at posts overseas;

(3) to refrain from engaging in unlawful discrimination in any phase of the employment process, including recruitment, hiring, evaluation, assignments, promotion, retention, and training;

(4) to prevent illegal retaliation against employees for participating in a protected equal employment opportunity activity or for reporting sexual harassment or sexual assault;

(5) to provide reasonable accommodation for qualified employees and applicants with disabilities; and

(6) to recruit a representative workforce by—

(A) recruiting women and minorities;

(B) recruiting at women’s colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;
(C) placing job advertisements in newspapers, magazines, and job sites oriented toward women and minorities;

(D) sponsoring and recruiting at job fairs in urban and rural communities and land-grant colleges or universities;

(E) providing opportunities through the Foreign Service Internship Program under chapter 12 of the Foreign Service Act of 1980 (22 U.S.C. 4141 et seq.) and other hiring initiatives;

(F) recruiting mid-level and senior-level professionals through programs designed to increase minority representation in international affairs;

(G) offering the Foreign Service written and oral assessment examinations in several locations throughout the United States to reduce the burden of applicants having to travel at their own expense to take either or both such examinations;

(H) expanding the use of paid internships; and

(I) supporting recruiting and hiring opportunities through—
• (i) the Charles B. Rangel International Affairs Fellowship Program;

• (ii) the Thomas R. Pickering Foreign Affairs Fellowship Program;

• (iii) the Donald M. Payne International Development Fellowship Program;

and

• (iv) other initiatives, including agency-wide policy initiatives.

(e) ANNUAL UPDATES.—Not later than 1 year after the publication of the report required under subsection (a) and annually thereafter for the following 5 years, the Secretary shall work with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget to provide a report to the appropriate congressional committees, which shall be posted on the Department’s website, which may be included in another annual report required under another provision of law, that includes—

1. disaggregated demographic data relating to the workforce and information on the status of diversity and inclusion efforts of the Department;

2. an analysis of applicant flow data; and

3. disaggregated demographic data relating to participants in professional development programs of
the Department and the rate of placement into sen-
ior positions for participants in such programs.

SEC. 14403. EXIT INTERVIEWS FOR WORKFORCE.

(a) RETAINED MEMBERS.—The Director General of
the Foreign Service and the Director of Human Resources
of the Department shall conduct periodic interviews with
a representative and diverse cross-section of the workforce
of the Department—

(1) to understand the reasons of individuals in
such workforce for remaining in a position in the
Department; and

(2) to receive feedback on workplace policies,
professional development opportunities, and other
issues affecting the decision of individuals in the
workforce to remain in the Department.

(b) DEPARTING MEMBERS.—The Director General of
the Foreign Service and the Director of Human Resources
shall provide an opportunity for an exit interview to each
individual in the workforce of the Department who sepa-
rates from service with the Department to better under-
stand the reasons of such individual for leaving such serv-

(e) USE OF ANALYSIS FROM INTERVIEWS.—The Di-
rector General of the Foreign Service and the Director of
Human Resources shall analyze demographic data and
other information obtained through interviews under subsections (a) and (b) to determine—

(1) to what extent, if any, the diversity of those participating in such interviews impacts the results; and

(2) whether to implement any policy changes or include any recommendations in a report required under subsection (a) or (c) of section 14402 relating to the determination reached pursuant to paragraph (1).

(d) TRACKING DATA.—The Department shall—

(1) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs;

(2) annually evaluate such data—

(A) to identify ways to improve outreach and recruitment for such programs, consistent with merit system principles; and

(B) to understand the extent to which participation in any professional development program offered or sponsored by the Department differs among the demographic categories of the workforce; and
(3) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation, in such professional development programs.

SEC. 14404. RECRUITMENT AND RETENTION.

(a) In General.—The Secretary shall—

(1) continue to seek a diverse and talented pool of applicants; and

(2) instruct the Director General of the Foreign Service and the Director of the Bureau of Human Resources of the Department to have a recruitment plan of action for the recruitment of people belonging to traditionally under-represented groups, which should include outreach at appropriate colleges, universities, affinity groups, and professional associations.

(b) Scope.—The diversity recruitment initiatives described in subsection (a) shall include—

(1) recruiting at women’s colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;

(2) placing job advertisements in newspapers, magazines, and job sites oriented toward diverse groups;
(3) sponsoring and recruiting at job fairs in urban and rural communities and land-grant colleges or universities;

(4) providing opportunities through highly respected, international leadership programs, that focus on diversity recruitment and retention;

(5) expanding the use of paid internships; and

(6) cultivating partnerships with organizations dedicated to the advancement of the profession of international affairs and national security to advance shared diversity goals.

(c) Expand Training on Anti-Harassment and Anti-Discrimination.—

(1) In general.—The Secretary shall, through the Foreign Service Institute and other educational and training opportunities—

(A) ensure the provision to all individuals in the workforce of training on anti-harassment and anti-discrimination information and policies, including in existing Foreign Service Institute courses or modules prioritized in the Department's Diversity and Inclusion Strategic Plan for 2016–2020 to promote diversity in Bureau awards or mitigate unconscious bias;
(B) expand the provision of training on workplace rights and responsibilities to focus on anti-harassment and anti-discrimination information and policies, including policies relating to sexual assault prevention and response; and

(C) make such expanded training mandatory for—

(i) individuals in senior and supervisory positions;

(ii) individuals having responsibilities related to recruitment, retention, or promotion of employees; and

(iii) any other individual determined by the Department who needs such training based on analysis by the Department or OPM analysis.

(2) BEST PRACTICES.—The Department shall give special attention to ensuring the continuous incorporation of research-based best practices in training provided under this subsection.

SEC. 14405. LEADERSHIP ENGAGEMENT AND ACCOUNTABILITY.

(a) REWARD AND RECOGNIZE EFFORTS TO PROMOTE DIVERSITY AND INCLUSION.—
(1) IN GENERAL.—The Secretary shall implement performance and advancement requirements that reward and recognize the efforts of individuals in senior positions and supervisors in the Department in fostering an inclusive environment and cultivating talent consistent with merit system principles, such as through participation in mentoring programs or sponsorship initiatives, recruitment events, and other similar opportunities.

(2) OUTREACH EVENTS.—The Secretary shall create opportunities for individuals in senior positions and supervisors in the Department to participate in outreach events and to discuss issues relating to diversity and inclusion with the workforce on a regular basis, including with employee resource groups.

(b) EXTERNAL ADVISORY COMMITTEES AND BOARDS.—For each external advisory committee or board to which individuals in senior positions in the Department appoint members, the Secretary is strongly encouraged by Congress to ensure such external advisory committee or board is developed, reviewed, and carried out by qualified teams that represent the diversity of the organization.
SEC. 14406. PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND TOOLS.

(a) Expand Provision of Professional Development and Career Advancement Opportunities.—

(1) In general.—The Secretary is authorized to expand professional development opportunities that support the mission needs of the Department, such as—

(A) academic programs;

(B) private-public exchanges; and

(C) detail assignments to relevant positions in—

(i) private or international organizations;

(ii) State, local, and Tribal governments;

(iii) other branches of the Federal Government; or

(iv) professional schools of international affairs.

(2) Training for Senior Positions.—

(A) In general.—The Secretary shall offer, or sponsor members of the workforce to participate in, a Senior Executive Service candidate development program or other program that trains members on the skills required for
appointment to senior positions in the Department.

(B) REQUIREMENTS.—In determining which members of the workforce are granted professional development or career advancement opportunities under subparagraph (A), the Secretary shall—

(i) ensure any program offered or sponsored by the Department under such subparagraph comports with the requirements of subpart C of part 412 of title 5, Code of Federal Regulations, or any successor thereto, including merit staffing and assessment requirements;

(ii) consider the number of expected vacancies in senior positions as a factor in determining the number of candidates to select for such programs;

(iii) understand how participation in any program offered or sponsored by the Department under such subparagraph differs by gender, race, national origin, disability status, or other demographic categories; and
(iv) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

SEC. 14407. EXAMINATION AND ORAL ASSESSMENT FOR THE FOREIGN SERVICE.

(a) Sense of Congress.—It is the sense of Congress that the Department should offer both the Foreign Service written examination and oral assessment in more locations throughout the United States. Doing so would ease the financial burden on potential candidates who do not currently reside in and must travel at their own expense to one of the few locations where these assessments are offered.

(b) Foreign Service Examinations.—Section 301(b) of the Foreign Service Act of 1980 (22 U.S.C. 3941) is amended—

(1) by striking “The Secretary” and inserting: “(1) The Secretary”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary shall ensure that the Board of Examiners for the Foreign Service annually offers the oral assessment examinations described in paragraph (1) in
cities, chosen on a rotating basis, located in at least three different time zones across the United States.”.

SEC. 14408. PAYNE FELLOWSHIP AUTHORIZATION.

(a) In General.—Undergraduate and graduate components of the Donald M. Payne International Development Fellowship Program may conduct outreach to attract outstanding students with an interest in pursuing a Foreign Service career who represent diverse ethnic and socioeconomic backgrounds.

(b) Review of Past Programs.—The Secretary shall review past programs designed to increase minority representation in international affairs positions.

SEC. 14409. VOLUNTARY PARTICIPATION.

(a) In General.—Nothing in this title should be construed so as to compel any employee to participate in the collection of the data or divulge any personal information. Department employees shall be informed that their participation in the data collection contemplated by this title is voluntary.

(b) Privacy Protection.—Any data collected under this title shall be subject to the relevant privacy protection statutes and regulations applicable to Federal employees.
TITLE V—INFORMATION SECURITY

SEC. 14501. DEFINITIONS.

In this title:

(1) INFORMATION SYSTEM.—The term “information system” has the meaning given such term in section 3502 of title 44, United States Code.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” means—

(A) the appropriate congressional committees;

(B) the Select Committee on Intelligence of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 14502. INFORMATION SYSTEM SECURITY.

(a) DEFINITIONS.—In this section:

(1) INCIDENT.—The term “incident” has the meaning given such term in section 3552(b) of title 44, United States Code.
(2) Penetration test.—The term “penetration test” means a test methodology in which assessors attempt to circumvent or defeat the security features of an information system.

(b) Consultations Process.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish a process for conducting semiannual consultations with the Secretary of Defense, the Director of National Intelligence, the Secretary of Homeland Security, and any other department or agency representative who the Secretary determines to be appropriate regarding the security of United States Government and nongovernmental information systems used or operated by the Department, a contractor of the Department, or another organization on behalf of the Department, including any such systems or networks facilitating the use of sensitive or classified information.

(c) Independent Penetration Testing of Information Systems.—In coordination with the consultations under subsection (b), the Secretary shall commission independent, semiannual penetration tests, which shall be carried out by an appropriate Federal department or agency other than the Department, such as the Department of Homeland Security or the National Security Agency, to ensure that adequate policies and protections are imple-
mented to detect and prevent penetrations or compromises of such information systems, including malicious intrusions by any unauthorized individual, state actor, or other entity.

(d) **WAIVER.**—The Secretary may waive the requirement under subsection (c) for up to 1 year if the Secretary—

(1) determines that such requirement would have adverse effects on national security or the diplomatic mission of the Department; and

(2) not later than 30 days after the commencement of such a determination, submits to the relevant congressional committees a written justification that describes how such penetration tests would undermine national security or the diplomatic mission of the Department.

(e) **INCIDENT REPORTING.**—Not later than 180 days after the date of the enactment of this Act and annually thereafter for 3 years, the Secretary, in consultation with the Secretary of Defense, the Director of the National Intelligence, the Secretary of Homeland Security, and any other department or agency representative who the Secretary determines to be appropriate, shall securely submit to the relevant congressional committees a classified report that describes in detail the following:
(1) For the first reporting period, all known and suspected incidents affecting the information systems specified in subsection (b) that occurred during the 180-day period immediately preceding the date of the enactment of this Act.

(2) For all subsequent reporting periods, all known and suspected incidents affecting the information systems specified in subsection (b) that occurred since the submission of the most recent report.

(f) CONTENTS.—Each report under subsection (e) shall include, for the relevant reporting period, a summary overview addressing the following:

(1) A description of the relevant information system, as specified in subsection (b), that experienced a known or suspected incident.

(2) An assessment of the date and time each such incident occurred or was suspected to have occurred.

(3) An assessment of the duration over which each such incident took place or is suspected of having taken place, including whether such incident is ongoing.

(4) An assessment of the volume and sensitivity of information accessed, compromised, or potentially
compromised by each incident, including any such
information contained on information systems
owned, operated, managed, or utilized by any other
Federal department or agency.

(5) An assessment of whether such information
system was compromised by such incident, including
an assessment of the following:

(A) The known or suspected perpetrators,
including state actors.

(B) The methods used to carry out the in-
cident.

(C) The known or suspected intent of the
actors in accessing the information system.

(6) A description of the actions the Department
has taken or plans to take, including timelines and
descriptions of any progress on plans described in
prior reports, to prevent future, similar incidents af-
fecting such information systems.

SEC. 14503. PROHIBITION ON CONTRACTING WITH CERTAIN
TELECOMMUNICATIONS PROVIDERS.

(a) List of Covered Contractors.—Not later
than 30 days after the date of the enactment of this Act,
the Secretary, in consultation with the Director of Na-
tional Intelligence, shall develop or maintain, as the case
may be, and update as frequently as the Secretary deter-
mines appropriate, a list of covered contractors with re-
spect to which the prohibition specified in subsection (b)
shall apply. Not later than 30 days after the initial devel-
opment of the list under this subsection, any update there-
to, and annually thereafter for 5 years after such initial
30 day period, the Secretary shall submit to the appro-
priate congressional committees a copy of such list.

(b) Prohibition on Contracts.—The Secretary
may not enter into a contract with a covered contractor
on the list described in subsection (a).

(c) Removal From List.—To be removed from the
list described in subsection (a), a covered contractor may
submit a request to the Secretary in such manner as the
Secretary determines appropriate. The Secretary, in con-
sultation with the Director of National Intelligence, shall
determine a process for removing covered contractors from
the list, as appropriate, and publicly disclose such process.

(d) Waivers.—

(1) In General.—The President or the Sec-
retary may waive the prohibition specified in sub-
section (b) if the President or the Secretary deter-
mines that such waiver is justified for national secu-

rity reasons.

(2) Waiver for Overseas Operations.—The
Secretary may waive the prohibition specified in sub-
section (b) for United States diplomatic posts or dip-
ломatic personnel overseas if the Secretary, in con-
sultation with the Director of National Intelligence,
determines that no suitable alternatives are avail-
able.

(e) COVERED CONTRACTOR DEFINED.—In this sec-
tion, the term “covered contractor” means a provider of
telecommunications, telecommunications equipment, or in-
formation technology equipment, including hardware, soft-
ware, or services, that has knowingly assisted or facilitated
a cyber attack or conducted surveillance, including passive
or active monitoring, carried out against—

(1) the United States by, or on behalf of, any
government, or persons associated with such govern-
ment, listed as a cyber threat actor in the intel-
ligence community’s 2017 assessment of worldwide
threats to United States national security or any
subsequent worldwide threat assessment of the intel-
ligence community; or

(2) individuals, including activists, journalists,
opposition politicians, or other individuals for the
purposes of suppressing dissent or intimidating crit-
ics, on behalf of a country included in the annual
country reports on human rights practices of the
Department for systematic acts of political repres-
sion, including arbitrary arrest or detention, torture,
extrajudicial or politically motivated killing, or other
gross violations of human rights.

(f) Effective Date.—This section shall apply with
respect to contracts of a covered contractor entered into
on or after the date of the enactment of this Act.

SEC. 14504. PRESERVING RECORDS OF ELECTRONIC COM-
MUNICATIONS CONDUCTED RELATED TO OF-
FICIAL DUTIES OF POSITIONS IN THE PUBLIC
TRUST OF THE AMERICAN PEOPLE.

(a) Sense of Congress.—It is the sense of Con-
gress that, as a matter of rule of law and transparency
in a democratic government, all officers and employees of
the Department and the United States Agency for Inter-
national Development must preserve all records of commu-
nications conducted in their official capacities or related
to their official duties with entities outside of the United
States Government. It is further the sense of Congress
that such practice should include foreign government offi-
cials or other foreign entities which may seek to influence
United States Government policies and actions.

(b) Publication.—Not later than 180 days after the
date of the enactment of this Act, the Secretary shall pub-
lish in the Foreign Affairs Manual guidance implementing
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 (e)(1)(C), by striking “30” and inserting “25”.

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SEC. 14506. VULNERABILITY DISCLOSURE POLICY AND BUG BOUNTY PILOT PROGRAM.

(a) Definitions.—In this section:

(1) Bug bounty program.—The term “bug bounty program” means a program under which an approved individual, organization, or company is temporarily authorized to identify and report vulnerabilities of internet-facing information technology of the Department in exchange for compensation.

(2) Department.—The term “Department” means the Department of State.

(3) Information technology.—The term “information technology” has the meaning given such term in section 11101 of title 40, United States Code.

(4) Secretary.—The term “Secretary” means the Secretary of State.

(b) Department of State Vulnerability Disclosure Process.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall design, establish, and make publicly known a Vulnerability Disclosure Process (VDP) to improve Department cybersecurity by—
(A) providing security researchers with clear guidelines for—

(i) conducting vulnerability discovery activities directed at Department information technology; and

(ii) submitting discovered security vulnerabilities to the Department; and

(B) creating Department procedures and infrastructure to receive and fix discovered vulnerabilities.

(2) REQUIREMENTS.—In establishing the VDP pursuant to paragraph (1), the Secretary shall—

(A) identify which Department information technology should be included in the process;

(B) determine whether the process should differentiate among and specify the types of security vulnerabilities that may be targeted;

(C) provide a readily available means of reporting discovered security vulnerabilities and the form in which such vulnerabilities should be reported;

(D) identify which Department offices and positions will be responsible for receiving, prioritizing, and addressing security vulnerability disclosure reports;
(E) consult with the Attorney General regarding how to ensure that individuals, organizations, and companies that comply with the requirements of the process are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law for specific activities authorized under the process;

(F) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 Vulnerability Disclosure Program, “Hack the Pentagon”, and subsequent Department of Defense bug bounty programs;

(G) engage qualified interested persons, including nongovernmental sector representatives, about the structure of the process as constructive and to the extent practicable; and

(H) award contracts to entities, as necessary, to manage the process and implement the remediation of discovered security vulnerabilities.

(3) ANNUAL REPORTS.—Not later than 180 days after the establishment of the VDP under paragraph (1) and annually thereafter for the next 5
years, the Secretary of State shall submit to the
Committee on Foreign Affairs of the House of Rep-
resentatives and the Committee on Foreign Rela-
tions of the Senate a report on the VDP, including
information relating to the following:

(A) The number and severity, in accord-
ance with the National Vulnerabilities Database
of the National Institute of Standards and
Technology, of security vulnerabilities reported.

(B) The number of previously unidentified
security vulnerabilities remediated as a result.

(C) The current number of outstanding
previously unidentified security vulnerabilities
and Department of State remediation plans.

(D) The average length of time between
the reporting of security vulnerabilities and re-
mediation of such vulnerabilities.

(E) The resources, surge staffing, roles,
and responsibilities within the Department used
to implement the VDP and complete security
vulnerability remediation.

(F) Any other information the Secretary
determines relevant.

(c) Department of State Bug Bounty Pilot
Program.—
(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a bug bounty pilot program to minimize security vulnerabilities of internet-facing information technology of the Department.

(2) REQUIREMENTS.—In establishing the pilot program described in paragraph (1), the Secretary shall—

(A) provide compensation for reports of previously unidentified security vulnerabilities within the websites, applications, and other internet-facing information technology of the Department that are accessible to the public;

(B) award contracts to entities, as necessary, to manage such pilot program and for executing the remediation of security vulnerabilities identified pursuant to subparagraph (A);

(C) identify which Department information technology should be included in such pilot program;

(D) consult with the Attorney General on how to ensure that individuals, organizations, or companies that comply with the requirements of such pilot program are protected from pros-
execution under section 1030 of title 18, United States Code, and similar provisions of law for specific activities authorized under such pilot program;

(E) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 “Hack the Pentagon” pilot program and subsequent Department of Defense bug bounty programs;

(F) develop a process by which an approved individual, organization, or company can register with the entity referred to in subparagraph (B), submit to a background check as determined by the Department, and receive a determination as to eligibility for participation in such pilot program;

(G) engage qualified interested persons, including nongovernmental sector representatives, about the structure of such pilot program as constructive and to the extent practicable; and

(H) consult with relevant United States Government officials to ensure that such pilot program complements persistent network and vulnerability scans of the Department of State’s internet-accessible systems, such as the scans
conducted pursuant to Binding Operational Di-
rective BOD–15–01.

(3) DURATION.—The pilot program established
under paragraph (1) should be short-term in dura-
tion and not last longer than 1 year.

(4) REPORT.—Not later than 180 days after
the date on which the bug bounty pilot program
under subsection (a) is completed, the Secretary
shall submit to the Committee on Foreign Relations
of the Senate and the Committee on Foreign Affairs
of the House of Representatives a report on such
pilot program, including information relating to—

(A) the number of approved individuals,
organizations, or companies involved in such
pilot program, broken down by the number of
approved individuals, organizations, or compa-
nies that—

(i) registered;

(ii) were approved;

(iii) submitted security vulnerabilities;

and

(iv) received compensation;

(B) the number and severity, in accordance
with the National Vulnerabilities Database of
the National Institute of Standards and Tech-
ology, of security vulnerabilities reported as part of such pilot program;

(C) the number of previously unidentified security vulnerabilities remediated as a result of such pilot program;

(D) the current number of outstanding previously unidentified security vulnerabilities and Department remediation plans;

(E) the average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities;

(F) the types of compensation provided under such pilot program; and

(G) the lessons learned from such pilot program.

TITLE VI—PUBLIC DIPLOMACY

SEC. 14601. SHORT TITLE.

This title may be cited as the “Public Diplomacy Modernization Act of 2020”.

SEC. 14602. AVOIDING DUPLICATION OF PROGRAMS AND EFFORTS.

The Secretary shall—

(1) identify opportunities for greater efficiency of operations, including through improved coordina-
tion of efforts across public diplomacy bureaus and
offices of the Department; and

(2) maximize shared use of resources between,
and within, such public diplomacy bureaus and of-

SEC. 14603. IMPROVING RESEARCH AND EVALUATION OF
PUBLIC DIPLOMACY.

(a) Research and Evaluation Activities.—The
Secretary, acting through the Director of Research and
Evaluation appointed pursuant to subsection (b), shall—

(1) conduct regular research and evaluation of
public diplomacy programs and activities of the De-
partment, including through the routine use of audi-
ence research, digital analytics, and impact evalua-
tions, to plan and execute such programs and activi-

(2) make available to Congress the findings of
the research and evaluations conducted under para-

(b) Director of Research and Evaluation.—

(1) Appointment.—Not later than 90 days
after the date of the enactment of this Act, the Sec-
retary shall appoint a Director of Research and
Evaluation (referred to in this subsection as the ‘‘Director’’) in the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department.

(2) LIMITATION ON APPOINTMENT.—The appointment of the Director pursuant to paragraph (1) shall not result in an increase in the overall full-time equivalent positions within the Department.

(3) RESPONSIBILITIES.—The Director shall—

(A) coordinate and oversee the research and evaluation of public diplomacy programs and activities of the Department in order to—

(i) improve public diplomacy strategies and tactics; and

(ii) ensure that such programs and activities are increasing the knowledge, understanding, and trust of the United States by relevant target audiences;

(B) routinely organize and oversee audience research, digital analytics, and impact evaluations across all public diplomacy bureaus and offices of the Department;

(C) support United States diplomatic posts’ public affairs sections;
(D) share appropriate public diplomacy research and evaluation information within the Department and with other appropriate Federal departments and agencies;

(E) regularly design and coordinate standardized research questions, methodologies, and procedures to ensure that public diplomacy programs and activities across all public diplomacy bureaus and offices are designed to meet appropriate foreign policy objectives; and

(F) report biannually to the United States Advisory Commission on Public Diplomacy, through the Subcommittee on Research and Evaluation established pursuant to subsection (f), regarding the research and evaluation of all public diplomacy bureaus and offices.

(4) GUIDANCE AND TRAINING.—Not later than 1 year after the appointment of the Director pursuant to paragraph (1), the Director shall develop guidance and training, including curriculum for use by the Foreign Service Institute, for all public diplomacy officers of the Department regarding the reading and interpretation of public diplomacy program and activity evaluation findings to ensure that such findings and related lessons learned are implemented
in the planning and evaluation of all public diplomacy programs and activities of the Department.

(e) Prioritizing Research and Evaluation.—

(1) In General.—The head of the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department shall ensure that research and evaluation of public diplomacy and activities of the Department, as coordinated and overseen by the Director pursuant to subsection (b), supports strategic planning and resource allocation across all public diplomacy bureaus and offices of the Department.

(2) Allocation of Resources.—Amounts allocated for the purpose of research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) shall be made available to be disbursed at the direction of the Director of Research and Evaluation among the research and evaluation staff across all public diplomacy bureaus and offices of the Department.

(3) Sense of Congress.—It is the sense of Congress that the Department should gradually increase its allocation of funds made available under the headings “Educational and Cultural Exchange Programs” and “Diplomatic Programs” for research
and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) to a percentage of program funds that is commensurate with Federal Government best practices.

(d) **Limited Exemption Relating to the Privacy Act.**—

(1) **In General.**—The Department shall maintain, collect, use, and disseminate records (as such term is defined in section 552a(a)(4) of title 5, United States Code) for audience research, digital analytics, and impact evaluation of communications related to public diplomacy efforts intended for foreign audiences.

(2) **Conditions.**—Audience research, digital analytics, and impact evaluations under paragraph (1) shall be—

(A) reasonably tailored to meet the purposes of this subsection; and

(B) carried out with due regard for privacy and civil liberties guidance and oversight.

(e) **United States Advisory Commission on Public Diplomacy.**—

(1) **Subcommittee for Research and Evaluation.**—The United States Advisory Commission on Public Diplomacy shall establish a Subcommittee
on Research and Evaluation to monitor and advise regarding audience research, digital analytics, and impact evaluations carried out by the Department and the United States Agency for Global Media.

(2) ANNUAL REPORT.—The Subcommittee on Research and Evaluation established pursuant to paragraph (1) shall submit to the appropriate congressional committees an annual report, in conjunction with the United States Advisory Commission on Public Diplomacy’s Comprehensive Annual Report on the performance of the Department and the United States Agency for Global Media, describing all actions taken by the Subcommittee pursuant to paragraph (1) and any findings made as a result of such actions.

SEC. 14604. PERMANENT REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended—

(1) in the section heading, by striking “SUNSET” and inserting “CONTINUATION”; and

(2) by striking “until October 1, 2020”.

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SEC. 14605. STREAMLINING OF SUPPORT FUNCTIONS.

(a) Working Group Established.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish a working group to explore the possibilities and cost-benefit analysis of transitioning to a shared services model as such pertains to human resources, travel, purchasing, budgetary planning, and all other executive support functions for all bureaus of the Department that report to the Under Secretary for Public Diplomacy of the Department.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan to implement any such findings of the working group established under subsection (a).

SEC. 14606. GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMACY FACILITIES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall adopt, and include in the Foreign Affairs Manual, guidelines to collect and utilize information from each diplomatic post at which the construction of a new embassy compound or new consulate compound would result in the closure or co-location of an American Space, American Center, American Corner, or any other public diplomacy
facility under the Secure Embassy Construction and
Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).

(b) REQUIREMENTS.—The guidelines required by
subsection (a) shall include the following:

(1) Standardized notification to each chief of
mission at a diplomatic post describing the require-
ments of the Secure Embassy Construction and
Counterterrorism Act of 1999 and the impact on the
mission footprint of such requirements.

(2) An assessment and recommendations from
each chief of mission of potential impacts to public
diplomacy programming at such diplomatic post if
any public diplomacy facility referred to in sub-
section (a) is closed or staff is co-located in accord-
ance with such Act.

(3) A process by which assessments and rec-
ommendations under paragraph (2) are considered
by the Secretary and the appropriate Under Secre-
taries and Assistant Secretaries of the Department.

(4) Notification to the appropriate congres-
sional committees, prior to the initiation of a new
embassy compound or new consulate compound de-
sign, of the intent to close any such public diplomacy
facility or co-locate public diplomacy staff in accord-
ance with such Act.
(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the guidelines required under subsection (a) and any recommendations for any modifications to such guidelines.

SEC. 14607. DEFINITIONS.

In this title:

(1) AUDIENCE RESEARCH.—The term “audience research” means research conducted at the outset of a public diplomacy program or the outset of campaign planning and design regarding specific audience segments to understand the attitudes, interests, knowledge, and behaviors of such audience segments.

(2) DIGITAL ANALYTICS.—The term “digital analytics” means the analysis of qualitative and quantitative data, accumulated in digital format, to indicate the outputs and outcomes of a public diplomacy program or campaign.

(3) IMPACT EVALUATION.—The term “impact evaluation” means an assessment of the changes in the audience targeted by a public diplomacy program or campaign that can be attributed to such program or campaign.
(4) **Public diplomacy bureaus and offices.**—The term “public diplomacy bureaus and offices” means, with respect to the Department, the following:

(A) The Bureau of Educational and Cultural Affairs.

(B) The Bureau of Global Public Affairs.

(C) The Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs.

(D) The Global Engagement Center.

(E) The public diplomacy functions within the regional and functional bureaus.

**TITLE VII—COMBATING PUBLIC CORRUPTION**

**SEC. 14701. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) it is in the foreign policy interest of the United States to help foreign countries promote good governance and combat public corruption;

(2) multiple Federal departments and agencies operate programs that promote good governance in foreign countries and enhance such countries’ ability to combat public corruption;
(3) the Department should promote coordination among the Federal departments and agencies implementing programs to promote good governance and combat public corruption in foreign countries in order to improve effectiveness and efficiency; and

(4) the Department should identify areas in which United States efforts to help other countries promote good governance and combat public corruption could be enhanced.

SEC. 14702. ANNUAL ASSESSMENT.

(a) In General.—For each of fiscal years 2021 through 2027, the Secretary shall assess the capacity and commitment of foreign countries to combat public corruption. Each such assessment shall—

(1) utilize independent, third party indicators that measure transparency, accountability, and corruption in the public sector in such countries, including the extent to which public power is exercised for private gain, to identify those countries that are most vulnerable to public corruption;

(2) consider, to the extent reliable information is available, whether the government of a country identified under paragraph (1)—

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

   (B) has enacted laws and established government structures, policies, and practices that prohibit public corruption;

   (C) enforces such laws through a fair judicial process;

   (D) vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate public corruption, including nationals of such country who are deployed in foreign military assignments, trade delegations abroad, or other similar missions who engage in or facilitate public corruption;

   (E) prescribes appropriate punishment for serious, significant corruption that is commensurate with the punishment prescribed for serious crimes;

   (F) prescribes appropriate punishment for significant corruption that provides a sufficiently stringent deterrent and adequately reflects the nature of the offense;

   (G) convicts and sentences persons responsible for such acts that take place wholly or
partly within the country of such government, including, as appropriate, requiring the incarceration of individuals convicted of such acts;

(H) holds private sector representatives accountable for their role in public corruption; and

(I) addresses threats for civil society to monitor anti-corruption efforts; and

(3) further consider—

(A) verifiable measures taken by the government of a country identified under paragraph (1) to prohibit government officials from participating in, facilitating, or condoning public corruption, including the investigation, prosecution, and conviction of such officials;

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

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

(D) the extent to which such government cooperates meaningfully with the United States to strengthen government and judicial institutions and the rule of law to prevent, prohibit, and punish public corruption;

(E) the extent to which such government—

(i) is assisting in international investigations of transnational public corruption networks and in other cooperative efforts to combat serious, significant corruption, including cooperating with the governments of other countries to extradite corrupt actors;

(ii) recognizes the rights of victims of public corruption, ensures their access to justice, and takes steps to prevent such victims from being further victimized or persecuted by corrupt actors, government officials, or others; and
(iii) refrains from prosecuting legitimate victims of public corruption or whistleblowers due to such persons having assisted in exposing public corruption, and refrains from other discriminatory treatment of such persons; and

(F) contain such other information relating to public corruption as the Secretary considers appropriate.

(b) IDENTIFICATION.—After conducting each assessment under subsection (a), the Secretary shall identify the countries described in paragraph (1) of such subsection that are—

(1) meeting minimum standards to combat public corruption;

(2) not meeting such minimum standards but making significant efforts to do so; and

(3) neither meeting such minimum standards nor making significant efforts to do so.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter through fiscal year 2026, the Secretary shall submit to the appropriate congressional committees and make publicly available a report that identifies the countries described in subsection (a)(1) and paragraphs (2) and (3)
of subsection (b), including a description of the methodology and data utilized in the assessments under subsection (a) and the reasons for such identifications.

(d) BRIEFING IN LIEU OF REPORT.—The Secretary may waive the requirement to submit and make publicly available a written report under subsection (c) if the Secretary—

(1) determines that publication of such report would—

(A) undermine existing United States anti-corruption efforts in one or more countries; or

(B) threaten the national interests of the United States; and

(2) provides a briefing to the appropriate congressional committees that identifies the countries described in subsection (a)(1) and paragraphs (2) and (3) of subsection (b), including a description of the methodology and data utilized in the assessment under subsection (a) and the reasons for such identifications.

SEC. 14703. TRANSPARENCY AND ACCOUNTABILITY.

For each country identified under paragraphs (2) and (3) of section 14702(b), the Secretary, in coordination with the Administrator of the United States Agency for International Development, as appropriate, shall—
(1) ensure that a corruption risk assessment and mitigation strategy is included in the integrated country strategy for such country; and

(2) utilize appropriate mechanisms to combat corruption in such countries, including by ensuring—

(A) the inclusion of anti-corruption clauses in contracts, grants, and cooperative agreements entered into by the Department or the Agency for or in such countries, which allow for the termination of such contracts, grants, or cooperative agreements, as the case may be, without penalty if credible indicators of public corruption are discovered;

(B) the inclusion of appropriate clawback or flowdown clauses within the procurement instruments of the Department and the Agency that provide for the recovery of funds misappropriated through corruption;

(C) the appropriate disclosure to the United States Government, in confidential form, if necessary, of the beneficial ownership of contractors, subcontractors, grantees, cooperative agreement participants, and other organi-
organizations implementing programs on behalf of the Department or Agency; and

(D) the establishment of mechanisms for investigating allegations of misappropriated resources and equipment.

SEC. 14704. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.

(a) IN GENERAL.—The Secretary shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified under paragraphs (2) and (3) of section 14702(b), or which the Secretary otherwise determines is in need of such a point of contact.

(b) RESPONSIBILITIES.—Each designated anti-corruption point of contact under subsection (a) shall be responsible for coordinating and overseeing implementation of a whole-of-government approach among the relevant Federal departments and agencies that operate programs that promote good governance in foreign countries and enhance such countries’ ability to combat public corruption in order to accomplish such objectives in the country to which such point of contact is posted, including through the development and implementation of corruption risk assessment tools and mitigation strategies.
(c) **Training.**—The Secretary shall implement appropriate training for designated anti-corruption points of contact under subsection (a).

**SEC. 14705. REPORTING REQUIREMENTS.**

(a) **Annual Report.**—

(1) **In general.**—The Secretary shall, for each of fiscal years 2021 through 2026, submit to the appropriate congressional committees a report on implementation of this title, including a description of the following:

(A) The offices within the Department and the United States Agency for International Development that are engaging in significant anti-corruption activities.

(B) The findings and actions of designated anti-corruption points of contact to develop and implement risk mitigation strategies and ensure compliance with section 14703.

(C) The training implemented under section 14704(e).

(D) Management of the whole-of-government effort referred to in section 14704(b) to combat corruption within the countries identified in section 14702 and efforts to improve co-
ordination across Federal departments and agencies.

(E) The risk assessment tools and mitigation strategies utilized by the Department and the Agency.

(F) Other information determined by the Secretary to be necessary and appropriate.

(2) Form of Report.—Each report under this subsection shall be submitted in an unclassified format but may include a classified annex.

(b) Online Platform.—The Secretary shall consolidate existing reports with anti-corruption components into one online, public platform, which should—

(1) include—

(A) the annual Country Reports on Human Rights Practices;

(B) the annual Fiscal Transparency Report;

(C) the annual Investment Climate Statements;

(D) the annual International Narcotics Control Strategy Report;

(E) the Country Scorecards of the Millennium Challenge Corporation; and

(F) any other relevant public reports; and
(2) link to third-party indicators and compliance mechanisms used by the United States Government to inform policy and programming, such as—

(A) the International Finance Corporation’s Doing Business surveys;

(B) the International Budget Partnership’s Open Budget Index; and

(C) multilateral peer review anti-corruption compliance mechanisms, such as the Organization for Economic Co-operation and Development’s Working Group on Bribery in International Business Transactions and the United Nations Convention Against Corruption, done at New York October 31, 2003, to further highlight expert international views on country challenges and country efforts.

(c) TRAINING.—The Secretary and the Administrator of the United States Agency for International Development shall incorporate anti-corruption components into existing Foreign Service and Civil Service training courses to—

(1) increase the ability of Department and Agency personnel to support anti-corruption as a foreign policy priority; and
(2) strengthen the ability of such personnel to
design, implement, and evaluate more effective anti-
corruption programming around the world, including
enhancing skills to better evaluate and mitigate pub-
lic corruption risks in assistance programs.

SEC. 14706. FOREIGN INVESTMENTS AND NATIONAL SECU-
RITY.

(a) In general.—Not later than 1 year after the
date of the enactment of this Act and biennially thereafter
for the following 5 years, the Secretary, in consultation
with the Secretary of the Treasury, the Director of Na-
tional Intelligence, and the heads of other agencies, as ap-
propriate, shall submit to Congress an interagency strat-
egy to work with foreign governments and multilateral in-
stitutions to guard against the risks of certain trans-
actions involving foreign investments.

(b) Contents.—Each interagency strategy under
paragraph (1) shall include plans relating to the following:

(1) Information sharing with foreign govern-
ments and multilateral institutions regarding risks
associated with potential foreign investments.

(2) Promoting American and other alternatives
to foreign investments identified as presenting sub-
stantial risk to the national security or sovereignty
of a country.
(3) Providing technical assistance to foreign governments or multilateral institutions regarding screening foreign investments.

(4) Designating points of contact at each United States mission to foreign governments and multilateral institutions, and in associated regional bureaus, to coordinate efforts described in this paragraph.

(e) COORDINATION.—If the Secretary determines such is appropriate, the designated points of contact referred to in subsection (b)(4) may be the same individual designated under section 14704(a).

TITLE VIII—MISCELLANEOUS

SEC. 14801. CASE-ZABLOCKI ACT REFORM.

Section 112b of title 1, United States Code, is amended—

(1) in subsection (a), by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”; and

(2) by amending subsection (b) to read as follows:

“(b) Each department or agency of the United States Government that enters into any international agreement described in subsection (a) on behalf of the United States,
shall designate a Chief International Agreements Officer, who—

“(1) shall be a current employee of such department or agency;

“(2) shall serve concurrently as Chief International Agreements Officer; and

“(3) subject to the authority of the head of such department or agency, shall have department or agency-wide responsibility for efficient and appropriate compliance with subsection (a) to transmit the text of any international agreement to the Department of State expeditiously after such agreement has been signed.”.

SEC. 14802. LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT.

Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) is amended—

(1) by striking “No assistance” and inserting the following:

“(1) No assistance”;

(2) by inserting “the government of” before “any country”; and

(3) by inserting “the government of” before “such country” each place it appears;
(4) by striking “determines” and all that follows and inserting “determines, after consultation with the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, that assistance for such country is in the national interest of the United States.”; and

(5) by adding at the end the following:

“(2) No assistance shall be furnished under this Act, the Peace Corps Act, the Millennium Challenge Act of 2003, the African Development Foundation Act, the BUILD Act of 2018, section 504 of the FREEDOM Support Act, or section 23 of the Arms Export Control Act to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest or any loan made to the government of such country by the United States unless the President determines, following consultation with the congressional committees specified in paragraph (1), that assistance for such country is in the national interest of the United States.”.
SEC. 14803. PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM.

(a) Prohibition.—Subsection (a) of section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) is amended by striking “that the government of that country” and all that follows and inserting “that the government of that country—

“(1) has repeatedly provided support for acts of international terrorism;

“(2) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

“(3) otherwise supports international terrorism;

or

“(4) is controlled by an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).”.

(b) Rescission.—Subsection (c) of such section is amended by striking “and the Chairman of the Committee on Foreign Relations of the Senate” and inserting “, the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate”.

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(c) Waiver.—Subsection (d)(2) of such section is amended by striking “and the chairman of the Committee on Foreign Relations of the Senate” and inserting “, the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate”.

(d) Prohibition on Lethal Military Equipment Exports.—Such section, as so amended, is further amended by adding at the end the following:

“(e) Prohibition on Lethal Military Equipment Exports.—

“(1) Prohibition.—

“(A) In General.—The United States shall not provide any assistance under this Act or section 23 of the Arms Export Control Act to any foreign government that provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 1754(c) of the Export Control Reform Act of 2018.

“(B) Termination.—The prohibition on assistance under subparagraph (A) with respect to a foreign government shall terminate 12
months after such government ceases to provide
the lethal military equipment described in such
subsection.

“(C) APPLICABILITY.—This subsection ap-
plies with respect to lethal military equipment
provided under a contract entered into after Oc-
tober 1, 1997.

“(2) WAIVER.—The President may waive the
prohibition on assistance under paragraph (1) with
respect to a foreign government if the President de-
determines that to do so is important to the national
interest of the United States.

“(3) REPORT.—Upon the exercise of the waiver
authority pursuant to paragraph (2), the President
shall submit to the appropriate congressional com-
mittees a report with respect to the furnishing of as-
assistance under the waiver authority, including—

“(A) a detailed explanation of the assist-
ance to be provided;

“(B) the estimated dollar amount of such
assistance; and

“(C) an explanation of how the assistance
furthers the national interest of the United
States.
“(4) APPROPRIATE CONGRESSIONAL COMMIT-TEES DEFINED.—In this subsection, the term ‘ap-propriate congressional committees’ means—

“(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.”.

SEC. 14804. SEAN AND DAVID GOLDMAN CHILD ABDUCTION PREVENTION AND RETURN ACT OF 2014 AMENDMENT.

Subsection (b) of section 101 of the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9111; Public Law 113–150) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting “, respectively,” after “access cases”; and

(ii) by inserting “and the number of children involved” before the semicolon at the end;
(B) in subparagraph (D), by inserting “respectively, the number of children involved,” after “access cases,”;

(2) in paragraph (7), by inserting “, and number of children involved in such cases” before the semicolon at the end;

(3) in paragraph (8), by striking “and” after the semicolon at the end;

(4) in paragraph (9), by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following new paragraph:

“(10) the total number of pending cases the Department of State has assigned to case officers and number of children involved for each country and as a total for all countries.”.

SEC. 14805. MODIFICATION OF AUTHORITIES OF COMMISSION FOR THE PRESERVATION OF AMERICA’S HERITAGE ABROAD.

(a) IN GENERAL.—Chapter 3123 of title 54, United States Code, is amended as follows:

(1) In section 312302, by inserting “, and unimpeded access to those sites,” after “and historic buildings”.

(2) In section 312304(a)—
(A) in paragraph (2)—

(i) by striking “and historic build-
ings” and inserting “and historic buildings, and unimpeded access to those sites”; and

(ii) by striking “and protected” and inserting “, protected, and made accessible”; and

(B) in paragraph (3), by striking “and protecting” and inserting “, protecting, and making accessible”.

(3) In section 312305, by inserting “and to the Committee on Foreign Affairs of the House of Rep- resentatives and the Committee on Foreign Rela-tions of the Senate” after “President”.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Commission for the Pres-ervation of America’s Heritage Abroad shall submit to the President and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains an evalua-
tion of the extent to which the Commission is prepared to continue its activities and accomplishments with respect to the foreign heritage of United States citizens from eastern and central Europe, were the Commission’s duties and powers extended to include other regions, including the
Middle East and North Africa, and any additional re-
sources or personnel the Commission would require.

SEC. 14806. CHIEF OF MISSION CONCURRENCE.

In the course of providing concurrence to the exercise
of the authority pursuant to section 127e of title 10,
United State Code, or section 1202 of the National De-
fense Authorization Act for Fiscal Year 2018—

(1) each relevant chief of mission shall inform
and consult in a timely manner with relevant indi-
viduals at relevant missions or bureaus of the De-
partment of State; and

(2) the Secretary of State shall take such steps
as may be necessary to ensure that such relevant in-
dividuals have the security clearances necessary to
so consult in a timely manner with respect to such
concurrence.

DIVISION J—COMBATING
RUSSIAN MONEY LAUNDERING

SEC. 15001. SHORT TITLE.

This division may be cited as the “Combating Rus-
onian Money Laundering Act”.

SEC. 15002. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) protect the United States financial sector
from abuse by malign actors; and
(2) use all available financial tools to counter
adversaries.

SEC. 15003. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the efforts of the Government of the Rus-
sian Federation, Russian state-owned enterprises,
and Russian oligarchs to move and disguise the
source, ownership, location, or control of illicit funds
or value constitute money laundering;

(2) money laundering assists in the Russian
Government’s political and economic influence and
destabilization operations, which in turn affect the
United States and European democracy, national se-
curity, and rule of law;

(3) the Secretary of the Treasury should deter-
mine whether Russia and the financial institutions
through which the Russian Government, political
leaders, state-owned enterprises, and oligarchs laun-
der money are of primary money laundering concern;
and

(4) the Secretary of the Treasury should con-
sider the need for financial institutions and other
obligated entities to apply enhanced due diligence
measures to transactions with the Russian Govern-
ment, political leaders, state-owned enterprises, and financial institutions.

SEC. 15004. DETERMINATION WITH RESPECT TO PRIMARY MONEY LAUNDERING CONCERN OF RUSSIAN ILLICIT FINANCE.

(a) DETERMINATION.—If the Secretary of the Treasury determines that reasonable grounds exist for concluding that one or more financial or non-financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern in connection with Russian illicit finance, the Secretary of the Treasury may require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures described in section 5318A(b) of title 31, United States Code by order, regulation, or otherwise as permitted by law.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Financial Services and Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and For-
eign Relations of the Senate a report on financial
and non-financial institutions operating outside of
the United States, classes of transactions, jurisdic-
tions outside of the United States, and accounts for
which there are reasonable grounds to conclude are
of primary money laundering concern in connection
with Russian illicit finance.

(2) CONTENTS.—The report required under
paragraph (1) shall also—

(A) identify any additional regulations,
statutory changes, enhanced due diligence, and
reporting requirements that are necessary to
better identify, prevent, and combat money
laundering linked to Russia, including related
to—

(i) identifying the beneficial ownership
of anonymous companies;

(ii) strengthening current, or enacting
new, reporting requirements and customer
due diligence requirements for the real es-
tate sector, law firms, and other trust and
corporate service providers;

(iii) enhanced know-your-customer
procedures and screening for transactions
involving Russian political leaders, Russian
state-owned enterprises, and known Russian transnational organized crime figures; and

(iv) establishing a permanent solution to collecting information nationwide to track ownership of real estate; and

(B) include data and case studies on the use of financial and non-financial institutions, including limited liability companies, real estate, law firms, and electronic currencies, to move and disguise Russian funds.

(3) FORMAT.—The report required under this subsection shall be made available to the public, including on the website of the Department of the Treasury, but may contain a classified annex and be accompanied by a classified briefing.

(c) USE OF REPORT INFORMATION TO MAKE PRIMARY MONEY LAUNDERING CONCERN DETERMINATIONS.—If applicable, the Secretary of the Treasury shall use the information contained in the report issued under subsection (b) to support findings that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the
United States, or 1 or more types of accounts is of primary money laundering concern, in accordance with section 5318A of title 31, United States Code.

(d) SENSE OF CONGRESS ON INTERNATIONAL CO-OPERATION.—It is the sense of the Congress that the Secretary of the Treasury and other relevant cabinet members (such as the Secretary of State, Secretary of Defense, Secretary of Homeland Security, and Attorney General) should work jointly with European, E.U., and U.K. financial intelligence units, trade transparency units, and appropriate law enforcement authorities to present, both in the report required under subsection (b) and in future analysis of suspicious transaction reports, cash transaction reports, currency and monetary instrument reports, and other relevant data to identify trends and assess risks in the movement of illicit funds from Russia through the United States, British, and European financial systems.

DIVISION K—KLEPTOCRACY ASSET RECOVERY REWARDS ACT

SEC. 16001. SHORT TITLE.
The division may be cited as the “Kleptocracy Asset Recovery Rewards Act”.

SEC. 16002. FINDINGS; SENSE OF CONGRESS.
(a) FINDINGS.—Congress finds the following:
(1) The Stolen Asset Recovery Initiative (StAR), a World Bank and United Nations antimoney-laundering effort, estimates that between $20 billion to $40 billion has been lost to developing countries annually through corruption.

(2) In 2014, more than $480 million in corruption proceeds hidden in bank accounts around the world by former Nigerian dictator Sani Abacha and his co-conspirators was forfeited through efforts by the Department of Justice.

(3) In 2010, the Department of Justice established the Kleptocracy Asset Recovery Initiative, to work in partnership with Federal law enforcement agencies to forfeit the proceeds of foreign official corruption and, where appropriate, return those proceeds to benefit the people harmed by these acts of corruption and abuse of office.

(4) Of the $20 billion to $40 billion lost by developing countries annually through corruption, only about $5 billion has been repatriated in the last 15 years.

(5) Governments weakened by corruption and loss of assets due to corruption have fewer resources to devote to the fight against terrorism and fewer resources to devote to building strong financial, law
enforcement, and judicial institutions to aid in the
fight against the financing of terrorism.

(6) The United States has a number of effective
programs to reward individuals who provide valuable
information that assist in the identification, arrest,
and conviction of criminal actors and their associ-
ates, as well as seizure and forfeiture of illicitly de-
derived assets and the proceeds of criminal activity.

(7) The Internal Revenue Service has the Whis-
tleblower Program, which pays awards to individuals
who provide specific and credible information to the
IRS if the information results in the collection of
taxes, penalties, interest or other amounts from non-
compliant taxpayers.

(8) The Department of State administers re-
wards programs on international terrorism, illegal
narcotics, and transnational organized crime with
the goal of bringing perpetrators to justice.

(9) None of these existing rewards programs
specifically provide monetary incentives for identi-
fying and recovering stolen assets linked solely to
foreign government corruption, as opposed to crimi-
nal prosecutions or civil or criminal forfeitures.

(10) The recovery of stolen assets linked to for-
government corruption and the proceeds of such
corruption may not always involve a BSA violation
or lead to a forfeiture action. In such cases there
would be no ability to pay rewards under existing
Treasury Department authorities.

(11) Foreign government corruption can take
many forms but typically entails government officials
stealing, misappropriating, or illegally diverting as-
sets and funds from their own government treasuries
to enrich their personal wealth directly through em-
bezzlement or bribes to allow government resources
to be expended in ways that are not transparent and
may not either be necessary or be the result of open
competition. Corruption also includes situations
where public officials take bribes to allow govern-
ment resources to be expended in ways which are
not transparent and may not be necessary or the re-
sult of open competition. These corrupt officials
often use the United States and international finan-
cial system to hide their stolen assets and the pro-
ceeds of corruption.

(12) The individuals who come forward to ex-
pose foreign governmental corruption and
kleptocracy often do so at great risk to their own
safety and that of their immediate family members
and face retaliation from persons who exercise for-
eign political or governmental power. Monetary rewards can provide a necessary incentive to expose such corruption and provide a financial means to provide for their well-being and avoid retribution.

(b) Sense of Congress.—It is the sense of Congress that a Department of the Treasury stolen asset recovery rewards program to help identify and recover stolen assets linked to foreign government corruption and the proceeds of such corruption hidden behind complex financial structures is needed in order to—

(1) intensify the global fight against corruption;

and

(2) serve United States efforts to identify and recover such stolen assets, forfeit proceeds of such corruption, and, where appropriate and feasible, return the stolen assets or proceeds thereof to the country harmed by the acts of corruption.

Sec. 16003. In General.

(a) Department of the Treasury Kleptocracy Asset Recovery Rewards Program.—Chapter 97 of title 31, United States Code, is amended by adding at the end the following:

“§ 9706. Department of the Treasury Kleptocracy Asset Recovery Rewards Program

“(a) Establishment.—
“(1) IN GENERAL.—There is established in the Department of the Treasury a program to be known as the ‘Kleptocracy Asset Recovery Rewards Program’ for the payment of rewards to carry out the purposes of this section.

“(2) PURPOSE.—The rewards program shall be designed to support U.S. Government programs and investigations aimed at restraining, seizing, forfeiting, or repatriating stolen assets linked to foreign government corruption and the proceeds of such corruption.

“(3) IMPLEMENTATION.—The rewards program shall be administered by, and at the sole discretion of, the Secretary of the Treasury, in consultation, as appropriate, with the Secretary of State, the Attorney General, and the heads of such other departments and agencies as the Secretary may find appropriate.

“(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary and in consultation, as appropriate, with the heads of other relevant Federal departments or agencies, the Secretary may pay a reward to any individual, or to any nonprofit humanitarian organization designated by such individual, if that individual furnishes information leading to—
“(1) the restraining or seizure of stolen assets in an account at a U.S. financial institution (including a U.S. branch of a foreign financial institution), that come within the United States, or that come within the possession or control of any United States person;

“(2) the forfeiture of stolen assets in an account at a U.S. financial institution (including a U.S. branch of a foreign financial institution), that come within the United States, or that come within the possession or control of any United States person; or

“(3) where appropriate, the repatriation of stolen assets in an account at a U.S. financial institution (including a U.S. branch of a foreign financial institution), that come within the United States, or that come within the possession or control of any United States person.

“(c) COORDINATION.—

“(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with any other payment authorized by the Department of Justice or other Federal law enforcement agencies for the obtaining of information or other evidence, the Secretary of the
Treasury, in consultation with the Secretary of State, the Attorney General, and the heads of such other agencies as the Secretary may find appropriate, shall establish procedures for the offering, administration, and payment of rewards under this section, including procedures for—

“(A) identifying actions with respect to which rewards will be offered;

“(B) the receipt and analysis of data; and

“(C) the payment of rewards and approval of such payments.

“(2) Prior Approval of the Attorney General Required.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of the Treasury shall obtain the written concurrence of the Attorney General.

“(d) Payment of Rewards.—

“(1) Authorization of Appropriations.—For the purpose of paying rewards pursuant to this section, there is authorized to be appropriated—

“(A) $450,000 for fiscal year 2020; and

“(B) for each fiscal year, any amount recovered in stolen assets described under subsection (b) that the Secretary determines is nec-
necessary to carry out this program consistent with this section.

“(2) LIMITATION ON ANNUAL PAYMENTS.—Except as provided under paragraph (3), the total amount of rewards paid pursuant to this section may not exceed $25 million in any calendar year.

“(3) PRESIDENTIAL AUTHORITY.—The President may waive the limitation under paragraph (2) with respect to a calendar year if the President provides written notice of such waiver to the appropriate committees of the Congress at least 30 days before any payment in excess of such limitation is made pursuant to this section.

“(4) PAYMENTS TO BE MADE FIRST FROM STOLEN ASSET AMOUNTS.—In paying any reward under this section, the Secretary shall, to the extent possible, make such reward payment—

“(A) first, from appropriated funds authorized under paragraph (1)(B); and

“(B) second, from appropriated funds authorized under paragraph (1)(A).

“(e) LIMITATIONS.—

“(1) SUBMISSION OF INFORMATION.—No award may be made under this section based on informa-
tion submitted to the Secretary unless such information is submitted under penalty of perjury.

“(2) MAXIMUM AMOUNT.—No reward paid under this section may exceed $5 million, unless the Secretary—

“(A) personally authorizes such greater amount in writing;

“(B) determines that offer or payment of a reward of a greater amount is necessary due to the exceptional nature of the case; and

“(C) notifies the appropriate committees of the Congress of such determination.

“(3) APPROVAL.—

“(A) IN GENERAL.—No reward amount may be paid under this section without the written approval of the Secretary.

“(B) DELEGATION.—The Secretary may not delegate the approval required under subparagraph (A) to anyone other than an Under Secretary of the Department of the Treasury.

“(4) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient’s immediate family must be protected, the Secretary shall take such measures in connection with the payment of
the reward as the Secretary considers necessary to
effect such protection.

“(5) FORMS OF REWARD PAYMENT.—The Sec-
retary may make a reward under this section in the
form of a monetary payment.

“(f) INELIGIBILITY, REDUCTION IN, OR DENIAL OF
REWARD.—

“(1) OFFICER AND EMPLOYEES.—An officer or
employee of any entity of Federal, State, or local
government or of a foreign government who, while in
the performance of official duties, furnishes informa-
tion described under subsection (b) shall not be eligi-
ble for a reward under this section.

“(2) PARTICIPATING INDIVIDUALS.—If the
claim for a reward is brought by an individual who
the Secretary has a reasonable basis to believe know-
ingly planned, initiated, directly participated in, or
facilitated the actions that led to assets of a foreign
state or governmental entity being stolen, misapprop-
riated, or illegally diverted or to the payment of
bribes or other foreign governmental corruption, the
Secretary shall appropriately reduce, and may deny,
such award. If such individual is convicted of crimi-

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preceding sentence, the Secretary shall deny or may seek to recover any reward, as the case may be.

“(g) REPORT.—

“(1) IN GENERAL.—Within 180 days of the enactment of this section, and annually thereafter for 5 years, the Secretary shall issue a report to the appropriate committees of the Congress—

“(A) detailing to the greatest extent possible the amount, location, and ownership or beneficial ownership of any stolen assets that, on or after the date of the enactment of this section, come within the United States or that come within the possession or control of any United States person;

“(B) discussing efforts being undertaken to identify more such stolen assets and their owners or beneficial owners; and

“(C) including a discussion of the interactions of the Department of the Treasury with the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act) to identify the amount, location, and ownership, or beneficial ownership, of stolen assets held in financial institutions outside the United States.
“(2) Exception for ongoing investigations.—The report issued under paragraph (1) shall not include information related to ongoing investigations.

“(h) Definitions.—For purposes of this section:

“(1) Appropriate committees of the Congress.—The term ‘appropriate committees of the Congress’ means the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

“(2) Financial asset.—The term ‘financial asset’ means any funds, investments, or ownership interests, as defined by the Secretary, that on or after the date of the enactment of this section come within the United States or that come within the possession or control of any United States person.

“(3) Foreign government corruption.—The term ‘foreign government corruption’ includes bribery of a foreign public official, or the misappropriation, theft, or embezzlement of public funds or property by or for the benefit of a foreign public official.

“(4) Foreign public official.—The term ‘foreign public official’ includes any person who oc-
occupies a public office by virtue of having been elected, appointed, or employed, including any military, civilian, special, honorary, temporary, or uncompensated official.

“(5) IMMEDIATE FAMILY MEMBER.—The term ‘immediate family member’, with respect to an individual, has the meaning given the term ‘member of the immediate family’ under section 36(k) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)).

“(6) REWARDS PROGRAM.—The term ‘rewards program’ means the program established in subsection (a)(1) of this section.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(8) STOLEN ASSETS.—The term ‘stolen assets’ means financial assets within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from foreign government corruption.”.

(b) REPORT ON DISPOSITION OF RECOVERED ASSETS.—Within 360 days of the enactment of this Act, the Secretary of the Treasury shall issue a report to the appropriate committees of Congress (as defined under section 9706(h) of title 31, United States Code) describing
policy choices and recommendations for disposition of stolen assets recovered pursuant to section 9706 of title 31, United States Code.

(c) Table of Contents Amendment.—The table of contents for chapter 97 of title 31, United States Code, is amended by adding at the end the following:

“9706. Department of the Treasury Kleptocracy Asset Recovery Rewards Program.”

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

SEC. 17001. SHORT TITLE.

This division may be cited as the “Stopping Trafficking, Illicit Flows, Laundering, and Exploitation Act of 2020” or the “STIFLE Act of 2020”.

SEC. 17002. FINDINGS.

The Congress finds the following:

(1) Trafficking is a national-security threat and an economic drain of our resources.

(2) As the U.S. Department of the Treasury’s recently released “2020 National Strategy for Combating Terrorist and Other Illicit Financing” concludes, “While money laundering, terrorism financing, and WMD proliferation financing differ qualitatively and quantitatively, the illicit actors engaging...
in these activities can exploit the same vulnerabilities
and financial channels.”.

(3) Among those are bad actors engaged in
trafficking, whether they trade in drugs, arms, cul-
tural property, wildlife, natural resources, counter-
feit goods, organs, or, even, other humans.

(4) Their illegal (or “dark”) markets use simi-
lar and sometimes related or overlapping methods
and means to acquire, move, and profit from their

(5) In a March 2017, report from Global Fi-
nancial Integrity, “Transnational Crime and the De-
veloping World”, the global business of transnational
crime was valued at $1.6 trillion to $2.2 trillion an-
nually, resulting in crime, violence, terrorism, insta-
bility, corruption, and lost tax revenues worldwide.

SEC. 17003. GAO STUDY.

(a) STUDY.—The Comptroller General of the United
States shall carry out a study on—

(1) the major trafficking routes used by
transnational criminal organizations, terrorists, and
others, and to what extent the trafficking routes for
people (including children), drugs, weapons, cash,
child sexual exploitation materials, or other illicit
goods are similar, related, or cooperative;
(2) commonly used methods to launder and move the proceeds of trafficking;

(3) the types of suspicious financial activity that are associated with illicit trafficking networks, and how financial institutions identify and report such activity;

(4) the nexus between the identities and finances of trafficked persons and fraud;

(5) the tools, guidance, training, partnerships, supervision, or other mechanisms that Federal agencies, including the Department of the Treasury’s Financial Crimes Enforcement Network, the Federal financial regulators, and law enforcement, provide to help financial institutions identify techniques and patterns of transactions that may involve the proceeds of trafficking;

(6) what steps financial institutions are taking to detect and prevent bad actors who are laundering the proceeds of illicit trafficking, including data analysis, policies, training procedures, rules, and guidance;

(7) what role gatekeepers, such as lawyers, notaries, accountants, investment advisors, logistics agents, and trust and company service providers,
play in facilitating trafficking networks and the laundering of illicit proceeds; and

(8) the role that emerging technologies, including artificial intelligence, digital identity technologies, blockchain technologies, virtual assets, and related exchanges and online marketplaces, and other innovative technologies, can play in both assisting with and potentially enabling the laundering of proceeds from trafficking.

(b) CONSULTATION.—In carrying out the study required under subsection (a), the Comptroller General shall solicit feedback and perspectives to the extent practicable from survivor and victim advocacy organizations, law enforcement, research organizations, private-sector organizations (including financial institutions and data and technology companies), and any other organization or entity that the Comptroller General determines appropriate.

(c) REPORT.—The Comptroller General shall issue one or more reports to the Congress containing the results of the study required under subsection (a). The first report shall be issued not later than the end of the 15-month period beginning on the date of the enactment of this Act. The reports shall contain—
(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) recommendations for any legislative or regulatory changes necessary to combat trafficking or the laundering of proceeds from trafficking.

DIVISION M—IMPROVING CORPORATE GOVERNANCE THROUGH DIVERSITY

SEC. 18001. SHORT TITLE.

This division may be cited as the “Improving Corporate Governance Through Diversity Act of 2020”.

SEC. 18002. SUBMISSION OF DATA RELATING TO DIVERSITY BY ISSUERS.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

“(s) Submission of Data Relating to Diversity.—

“(1) Definitions.—In this subsection—

“(A) the term ‘executive officer’ has the meaning given the term in section 230.501(f) of title 17, Code of Federal Regulations, as in effect on the date of enactment of this subsection; and

“(B) the term ‘Issuer’ means—

“...
“(B) the term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.

“(2) Submission of disclosure.—Each issuer required to file an annual report under subsection (a) shall disclose in any proxy statement and any information statement relating to the election of directors filed with the Commission the following:

“(A) Data, based on voluntary self-identification, on the racial, ethnic, and gender composition of—

“(i) the board of directors of the issuer;

“(ii) nominees for the board of directors of the issuer; and

“(iii) the executive officers of the issuer.

“(B) The status of any member of the board of directors of the issuer, any nominee for the board of directors of the issuer, or any executive officer of the issuer, based on voluntary self-identification, as a veteran.

“(C) Whether the board of directors of the issuer, or any committee of that board of directors, has, as of the date on which the issuer
makes a disclosure under this paragraph, adopted any policy, plan, or strategy to promote racial, ethnic, and gender diversity among—

“(i) the board of directors of the issuer;

“(ii) nominees for the board of directors of the issuer; or

“(iii) the executive officers of the issuer.

“(3) ALTERNATIVE SUBMISSION.—In any 1-year period in which an issuer required to file an annual report under subsection (a) does not file with the Commission a proxy statement relating to the election of directors or an information statement, the issuer shall disclose the information required under paragraph (2) in the first annual report of issuer that the issuer submits to the Commission after the end of that 1-year period.

“(4) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of this subsection, and annually thereafter, the Commission shall submit to the Committee on Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of 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) carry out a study that identifies strategies that can be used to increase gender, racial, and ethnic diversity among members of boards of directors of issuers; and

(2) not later than 9 months after the establishment of the Advisory Group, submit a report to the Commission, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate that—

(A) describes any findings from the study conducted pursuant to paragraph (1); and 

(B) makes recommendations of strategies that issuers could use to increase gender, racial, and ethnic diversity among board members.

(e) Annual Report.—Not later than 1 year following the submission of a report pursuant to subsection (b), and annually thereafter, the Commission shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that describes the status of gender, racial, and ethnic diversity among members of the board of directors of issuers.

(d) Public Availability of Reports.—The Commission shall make all reports of the Advisory Group avail-
able to issuers and the public, including on the website of the Commission.

(c) Definitions.—For the purposes of this section:

(1) Issuer.—The term “issuer” has the meaning given the term in section 3 of the Securities Exchange Act of 1934.

(2) Commission.—The term “Commission” means the Securities and Exchange Commission.

DIVISION N—BANKING TRANSPARENCY FOR SANCTIONED PERSONS ACT OF 2019

SEC. 19001. SHORT TITLE.

This division may be cited as the “Banking Transparency for Sanctioned Persons Act of 2019”.

SEC. 19002. REPORT ON FINANCIAL SERVICES BENEFITING STATE SPONSORS OF TERRORISM, HUMAN RIGHTS ABUSERS, AND CORRUPT OFFICIALS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Treasury shall issue a report to the Committees on Financial Services and Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate that includes—
(1) a copy of any license issued by the Secretary in the preceding 180 days that authorizes a financial institution to provide financial services benefitting a state sponsor of terrorism; and

(2) a list of any foreign financial institutions that, in the preceding 180 days, knowingly conducted a significant transaction or transactions, directly or indirectly, for a sanctioned person included on the Department of the Treasury’s Specially Designated Nationals And Blocked Persons List who—

(A) is owned or controlled by, or acts on behalf of, the government of a state sponsor of terrorism; or

(B) is designated pursuant to any of the following:

(i) Section 404 of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Public Law 112–208).


(iii) Executive Order No. 13818.
(b) Form of Report.—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

SEC. 19003. WAIVER.

The Secretary of the Treasury may waive the requirements of section 19002 with respect to a foreign financial institution described in paragraph (2) of such section—

(1) upon receiving credible assurances that the foreign financial institution has ceased, or will imminently cease, to knowingly conduct any significant transaction or transactions, directly or indirectly, for a person described in subparagraph (A) or (B) of such paragraph (2); or

(2) upon certifying to the Committees on Financial Services and Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate that the waiver is important to the national interest of the United States, with an explanation of the reasons therefor.

SEC. 19004. DEFINITIONS.

For purposes of this division:

(1) Financial institution.—The term “financial institution” means a United States financial institution or a foreign financial institution.
(2) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning given that term under section 561.308 of title 31, Code of Federal Regulations.

(3) KNOWINGLY.—The term “knowingly” with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) UNITED STATES FINANCIAL INSTITUTION.—The term “United States financial institution” has the meaning given the term “U.S. financial institution” under section 561.309 of title 31, Code of Federal Regulations.

SEC. 19005. SUNSET.

The reporting requirement under this division shall terminate on the date that is the end of the 7-year period beginning on the date of the enactment of this Act.

DIVISION O—PUBLIC LANDS

SEC. 20001. SHORT TITLE.

This division may be cited as the “Protecting America’s Wilderness Act”.
TITLE I—COLORADO
WILDERNESS

SEC. 20101. SHORT TITLE; DEFINITION.
(a) SHORT TITLE.—This title may be cited as the “Colorado Wilderness Act of 2020”.
(b) SECRETARY DEFINED.—As used in this title, the term “Secretary” means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

SEC. 20102. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM IN THE STATE OF COLORADO.
(a) ADDITIONS.—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended by adding at the end the following paragraphs:

“(23) Certain lands managed by the Colorado River Valley Field Office of the Bureau of Land Management, which comprise approximately 316 acres, as generally depicted on a map titled ‘Maroon Bells Addition Proposed Wilderness’, dated July 20, 2018, which is hereby incorporated in and shall be deemed to be a part of the Maroon Bells-Snowmass Wilderness Area designated by Public Law 88–577.

“(24) Certain lands managed by the Gunnison Field Office of the Bureau of Land Management,
which comprise approximately 38,217 acres, as generally depicted on a map titled ‘Redcloud & Handies Peak Proposed Wilderness’, dated October 9, 2019, which shall be known as the Redcloud Peak Wilderness.

“(25) Certain lands managed by the Gunnison Field Office of the Bureau of Land Management or located in the Grand Mesa, Uncompahgre, and Gunnison National Forests, which comprise approximately 26,734 acres, as generally depicted on a map titled ‘Redcloud & Handies Peak Proposed Wilderness’, dated October 9, 2019, which shall be known as the Handies Peak Wilderness.

“(26) Certain lands managed by the Royal Gorge Field Office of the Bureau of Land Management, which comprise approximately 16,481 acres, as generally depicted on a map titled ‘Table Mountain & McIntyre Hills Proposed Wilderness’, dated November 7, 2019, which shall be known as the McIntyre Hills Wilderness.

“(27) Certain lands managed by the Colorado River Valley Field Office of the Bureau of Land Management, which comprise approximately 10,282 acres, as generally depicted on a map titled ‘Grand Hogback Proposed Wilderness’, dated October 16,
2019, which shall be known as the Grand Hogback Wilderness.

“(28) Certain lands managed by the Grand Junction Field Office of the Bureau of Land Management, which comprise approximately 25,624 acres, as generally depicted on a map titled ‘Demaree Canyon Proposed Wilderness’, dated October 9, 2019, which shall be known as the Demaree Canyon Wilderness.

“(29) Certain lands managed by the Grand Junction Field Office of the Bureau of Land Management, which comprise approximately 28,279 acres, as generally depicted on a map titled ‘Little Books Cliff Proposed Wilderness’, dated October 9, 2019, which shall be known as the Little Bookcliffs Wilderness.

“(30) Certain lands managed by the Colorado River Valley Field Office of the Bureau of Land Management, which comprise approximately 14,886 acres, as generally depicted on a map titled ‘Bull Gulch & Castle Peak Proposed Wilderness’, dated January 29, 2020, which shall be known as the Bull Gulch Wilderness.

“(31) Certain lands managed by the Colorado River Valley Field Office of the Bureau of Land
Management, which comprise approximately 12,016 acres, as generally depicted on a map titled ‘Bull Gulch & Castle Peak Proposed Wilderness Areas’, dated January 29, 2020, which shall be known as the Castle Peak Wilderness.”.

(b) FURTHER ADDITIONS.—The following lands in the State of Colorado administered by the Bureau of Land Management or the United States Forest Service are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands managed by the Colorado River Valley Field Office of the Bureau of Land Management or located in the White River National Forest, which comprise approximately 19,240 acres, as generally depicted on a map titled “Assignation Ridge Proposed Wilderness”, dated November 12, 2019, which shall be known as the Assignation Ridge Wilderness.

(2) Certain lands managed by the Royal Gorge Field Office of the Bureau of Land Management or located in the Pike and San Isabel National Forests, which comprise approximately 23,116 acres, as generally depicted on a map titled “Badger Creek Proposed Wilderness”, dated November 7, 2019, which shall be known as the Badger Creek Wilderness.
(3) Certain lands managed by the Royal Gorge Field Office of the Bureau of Land Management or located in the Pike and San Isabel National Forests, which comprise approximately 35,251 acres, as generally depicted on a map titled “Beaver Creek Proposed Wilderness”, dated November 7, 2019, which shall be known as the Beaver Creek Wilderness.

(4) Certain lands managed by the Royal Gorge Field Office of the Bureau of Land Management or the Bureau of Reclamation or located in the Pike and San Isabel National Forests, which comprise approximately 32,884 acres, as generally depicted on a map titled “Grape Creek Proposed Wilderness”, dated November 7, 2019, which shall be known as the Grape Creek Wilderness.

(5) Certain lands managed by the Grand Junction Field Office of the Bureau of Land Management, which comprise approximately 13,351 acres, as generally depicted on a map titled “North & South Bangs Canyon Proposed Wilderness”, dated October 9, 2019, which shall be known as the North Bangs Canyon Wilderness.

(6) Certain lands managed by the Grand Junction Field Office of the Bureau of Land Management, which comprise approximately 5,144 acres, as
generally depicted on a map titled “North & South Bangs Canyon Proposed Wilderness”, dated October 9, 2019, which shall be known as the South Bangs Canyon Wilderness.

(7) Certain lands managed by the Grand Junction Field Office of the Bureau of Land Management, which comprise approximately 26,624 acres, as generally depicted on a map titled “Unaweep & Palisade Proposed Wilderness”, dated October 9, 2019, which shall be known as The Palisade Wilderness.

(8) Certain lands managed by the Grand Junction Field Office of the Bureau of Land Management or located in the Grand Mesa, Uncompaghre, and Gunnison National Forests, which comprise approximately 19,776 acres, as generally depicted on a map titled “Unaweep & Palisade Proposed Wilderness”, dated October 9, 2019, which shall be known as the Unaweep Wilderness.

(9) Certain lands managed by the Grand Junction Field Office of the Bureau of Land Management and Uncompaghre Field Office of the Bureau of Land Management and in the Manti-LaSal National Forest, which comprise approximately 37,637 acres, as generally depicted on a map titled
“Sewemup Mesa Proposed Wilderness”, dated November 7, 2019, which shall be known as the Sewemup Mesa Wilderness.

(10) Certain lands managed by the Kremmling Field Office of the Bureau of Land Management, which comprise approximately 31 acres, as generally depicted on a map titled “Platte River Addition Proposed Wilderness”, dated July 20, 2018, and which are hereby incorporated in and shall be deemed to be part of the Platte River Wilderness designated by Public Law 98–550.

(11) Certain lands managed by the Uncompahgre Field Office of the Bureau of Land Management, which comprise approximately 17,587 acres, as generally depicted on a map titled “Roubideau Proposed Wilderness”, dated October 9, 2019, which shall be known as the Roubideau Wilderness.

(12) Certain lands managed by the Uncompahgre Field Office of the Bureau of Land Management or located in the Grand Mesa, Uncompahgre, and Gunnison National Forests, which comprise approximately 12,102 acres, as generally depicted on a map titled “Norwood Canyon Proposed Wilderness”, dated November 7, 2019,
which shall be known as the Norwood Canyon Wilderness.

(13) Certain lands managed by the Tres Rios Field Office of the Bureau of Land Management, which comprise approximately 24,475 acres, as generally depicted on a map titled “Papoose & Cross Canyon Proposed Wilderness”, and dated January 29, 2020, which shall be known as the Cross Canyon Wilderness.

(14) Certain lands managed by the Tres Rios Field Office of the Bureau of Land Management, which comprise approximately 21,220 acres, as generally depicted on a map titled “McKenna Peak Proposed Wilderness”, dated October 16, 2019, which shall be known as the McKenna Peak Wilderness.

(15) Certain lands managed by the Tres Rios Field Office of the Bureau of Land Management, which comprise approximately 14,270 acres, as generally depicted on a map titled “Weber-Menefee Mountain Proposed Wilderness”, dated October 9, 2019, which shall be known as the Weber-Menefee Mountain Wilderness.

(16) Certain lands managed by the Uncompahgre and Tres Rios Field Offices of the Bureau of Land Management or the Bureau of Rec-
lamation, which comprise approximately 33,351 acres, as generally depicted on a map titled “Dolores River Canyon Proposed Wilderness”, dated November 7, 2019, which shall be known as the Dolores River Canyon Wilderness.

(17) Certain lands managed by the Royal Gorge Field Office of the Bureau of Land Management or located in the Pike and San Isabel National Forests, which comprise approximately 17,922 acres, as generally depicted on a map titled “Browns Canyon Proposed Wilderness”, dated October 9, 2019, which shall be known as the Browns Canyon Wilderness.

(18) Certain lands managed by the San Luis Field Office of the Bureau of Land Management, which comprise approximately 10,527 acres, as generally depicted on a map titled “San Luis Hills Proposed Wilderness”, dated October 9, 2019 which shall be known as the San Luis Hills Wilderness.

(19) Certain lands managed by the Royal Gorge Field Office of the Bureau of Land Management, which comprise approximately 23,559 acres, as generally depicted on a map titled “Table Mountain & McIntyre Hills Proposed Wilderness”, dated November 7, 2019, which shall be known as the Table Mountain Wilderness.
(20) Certain lands managed by the Tres Rios Field Office of the Bureau of Land Management or located in the San Juan National Forest, which comprise approximately 10,844 acres, as generally depicted on a map titled “North & South Ponderosa Gorge Proposed Wilderness”, and dated January 31, 2020, which shall be known as the North Ponderosa Gorge Wilderness.

(21) Certain lands managed by the Tres Rios Field Office of the Bureau of Land Management or located in the San Juan National Forest, which comprise approximately 12,393 acres, as generally depicted on a map titled “North & South Ponderosa Gorge Proposed Wilderness”, and dated January 31, 2020 which shall be known as the South Ponderosa Gorge Wilderness.

(22) Certain lands managed by the Little Snake Field Office of the Bureau of Land Management which comprise approximately 33,168 acres, as generally depicted on a map titled “Diamond Breaks Proposed Wilderness”, and dated January 31, 2020 which shall be known as the Diamond Breaks Wilderness.

(23) Certain lands managed by the Tres Rios Field Office of the Bureau of Land Management
which comprises approximately 4,782 acres, as generally depicted on the map titled “Papoose & Cross Canyon Proposed Wilderness’”, and dated January 29, 2020 which shall be known as the Papoose Canyon Wilderness.

(c) WEST ELK ADDITION.—Certain lands in the State of Colorado administered by the Gunnison Field Office of the Bureau of Land Management, the United States National Park Service, and the Bureau of Reclamation, which comprise approximately 6,695 acres, as generally depicted on a map titled “West Elk Addition Proposed Wilderness”, dated October 9, 2019, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System and are hereby incorporated in and shall be deemed to be a part of the West Elk Wilderness designated by Public Law 88–577. The boundary adjacent to Blue Mesa Reservoir shall be 50 feet landward from the water’s edge, and shall change according to the water level.

(d) BLUE MESA RESERVOIR.—If the Bureau of Reclamation determines that lands within the West Elk Wilderness Addition are necessary for future expansion of the Blue Mesa Reservoir, the Secretary shall by publication of a revised boundary description in the Federal Register revise the boundary of the West Elk Wilderness Addition.
(e) Maps and Descriptions.—As soon as practicable after the date of enactment of the Act, the Secretary shall file a map and a boundary description of each area designated as wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each map and boundary description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the map or boundary description. The maps and boundary descriptions shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior, and in the Office of the Chief of the Forest Service, Department of Agriculture, as appropriate.

(f) State and Private Lands.—Lands within the exterior boundaries of any wilderness area designated under this section that are owned by a private entity or by the State of Colorado, including lands administered by the Colorado State Land Board, shall be included within such wilderness area if such lands are acquired by the United States. Such lands may be acquired by the United States only as provided in the Wilderness Act (16 U.S.C. 1131 et seq.).
SEC. 20103. ADMINISTRATIVE PROVISIONS.

(a) In General.—Subject to valid existing rights, lands designated as wilderness by this title shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this title, except that, with respect to any wilderness areas designated by this title, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(b) Grazing.—Grazing of livestock in wilderness areas designated by this title shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96–560, and the guidelines set forth in appendix A of House Report 101–405 of the 101st Congress.

(c) State Jurisdiction.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) Buffer Zones.—

(1) In General.—Nothing in this title creates a protective perimeter or buffer zone around any area designated as wilderness by this title.
(2) Activities outside wilderness.—The fact that an activity or use on land outside the areas designated as wilderness by this title can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

(e) Military helicopter overflights and operations.—

(1) In general.—Nothing in this title restricts or precludes—

(A) low-level overflights of military helicopters over the areas designated as wilderness by this title, including military overflights that can be seen or heard within any wilderness area;

(B) military flight testing and evaluation;

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area; or

(D) helicopter operations at designated landing zones within the potential wilderness areas established by subsection (i)(1).

(2) Aerial navigation training exercises.—The Colorado Army National Guard,
through the High-Altitude Army National Guard Aviation Training Site, may conduct aerial navigation training maneuver exercises over, and associated operations within, the potential wilderness areas designated by this title—

   (A) in a manner and degree consistent with the memorandum of understanding dated August 4, 1987, entered into among the Colorado Army National Guard, the Bureau of Land Management, and the Forest Service; or

   (B) in a manner consistent with any subsequent memorandum of understanding entered into among the Colorado Army National Guard, the Bureau of Land Management, and the Forest Service.

(f) RUNNING EVENTS.—The Secretary may continue to authorize competitive running events currently permitted in the Redcloud Peak Wilderness Area and Handies Peak Wilderness Area in a manner compatible with the preservation of such areas as wilderness.

(g) LAND TRADES.—If the Secretary trades privately owned land within the perimeter of the Redcloud Peak Wilderness Area or the Handies Peak Wilderness Area in exchange for Federal land, then such Federal land shall be located in Hinsdale County, Colorado.
(h) **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.

(i) **POTENTIAL WILDERNESS DESIGNATIONS.**—

1. **IN GENERAL.**—The following lands are designated as potential wilderness areas:

   (A) Certain lands managed by the Colorado River Valley Field Office of the Bureau of Land Management, which comprise approximately 7,376 acres, as generally depicted on a map titled “Pisgah East & West Proposed Wilderness” and dated October 16, 2019, which, upon designation as wilderness under paragraph (2), shall be known as the Pisgah East Wilderness.

   (B) Certain lands managed by the Colorado River Valley Field Office of the Bureau of Land Management, which comprise approximately 6,828 acres, as generally depicted on a
map titled “Pisgah East & West Proposed Wilderness” and dated October 16, 2019, which, upon designation as wilderness under paragraph (2), shall be known as the Pisgah West Wilderness.

(C) Certain lands managed by the Colorado River Valley Field Office of the Bureau of Land Management or located in the White River National Forest, which comprise approximately 16,101 acres, as generally depicted on a map titled “Flat Tops Proposed Wilderness Addition”, dated October 9, 2019, and which, upon designation as wilderness under paragraph (2), shall be incorporated in and shall be deemed to be a part of the Flat Tops Wilderness designated by Public Law 94–146.

(2) DESIGNATION AS WILDERNESS.—Lands designated as a potential wilderness area by subparagraphs (A) through (C) of paragraph (1) shall be designated as wilderness on the date on which the Secretary publishes in the Federal Register a notice that all nonconforming uses of those lands authorized by subsection (e) in the potential wilderness area that would be in violation of the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased. Such publica-
tion in the Federal Register and designation as wild-
erness 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 pro-
vided 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 designa-
tion of such lands as wilderness under this sub-
section.

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 condi-
tional water right in existence on the date of enact-
ment of this Act, including any water right held by
the United States;

(3) affects any interstate water compact in ex-
istence on the date of enactment of this Act;
(4) authorizes or imposes any new reserved Federal water rights; and

(5) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of Colorado on or before the date of the enactment of this Act.

(b) Midstream Areas.—

(1) Purpose.—The purpose of this subsection is to protect for the benefit and enjoyment of present and future generations—

(A) the unique and nationally important values of areas designated as wilderness by section 20102(b) (including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, environmental, biological, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land); and

(B) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(2) Wilderness Water Rights.—
(A) IN GENERAL.—The Secretary shall ensure that any water rights within the wilderness designated by section 20102(b) required to fulfill the purposes of such wilderness are secured in accordance with subparagraphs (B) through (G).

(B) STATE LAW.—

(i) PROCEDURAL REQUIREMENTS.— Any water rights for which the Secretary pursues adjudication shall be appropriated, adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) ESTABLISHMENT OF WATER RIGHTS.—

(I) IN GENERAL.—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) EXCEPTION.—Notwithstanding subclause (I) and in accordance with this title, the Secretary may appropriate and seek adjudication of
water rights to maintain surface water levels and stream flows on and across the wilderness designated by section 20102(b) to fulfill the purposes of such wilderness.

(C) **DEADLINE.**—The Secretary shall promptly, but not earlier than January 1, 2021, appropriate the water rights required to fulfill the purposes of the wilderness designated by section 20102(b).

(D) **REQUIRED DETERMINATION.**—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) **COORDINATIVE ENFORCEMENT.**—

(i) **IN GENERAL.**—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount,
and timing to fulfill the purposes of this subsection; and

(II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure full exercise, protection, and enforcement of the State water rights within the wilderness to reliably fulfill the purposes of this subsection.

(ii) ADJUDICATION.—If the Secretary determines that the provisions of clause (i) have not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the wilderness in accordance with this paragraph.

(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of this title, the Secretary shall adjudicate and exercise Federal water rights required to fulfill
the purposes of this title in accordance with subparagraph (B).

(G) FAILURE TO COMPLY.—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of this title.

(3) WATER RESOURCE FACILITY.—Notwithstanding any other provision of law, beginning on the date of enactment of this title, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydropower project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the wilderness designated by section 20102(b).
(c) ACCESS AND OPERATION.—

(1) DEFINITION.—As used in this subsection, the term “water resource facility” means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(2) ACCESS TO WATER RESOURCE FACILITIES.—Subject to the provisions of this subsection, the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act within the areas described in sections 20102(b) and 20102(e), including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.

(3) ACCESS ROUTES.—Existing access routes within such areas customarily employed as of the date of enactment of this Act may be used, maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the areas described in sections
(4) USE OF WATER RESOURCE FACILITIES.—
Subject to the provisions of this subsection and sub-
section (a)(4), the Secretary shall allow water re-
source facilities existing on the date of enactment of
this Act within areas described in sections 20102(b)
and 20102(c) to be used, operated, maintained, re-
paired, and replaced to the extent necessary for the
continued exercise, in accordance with Colorado
State law, of vested water rights adjudicated for use
in connection with such facilities by a court of com-
petent jurisdiction prior to the date of enactment of
this Act. The impact of an existing facility on the
water resources and values of the area shall not be
increased as a result of changes in the adjudicated
type of use of such facility as of the date of enact-
ment of this Act.

(5) REPAIR AND MAINTENANCE.—Water re-
source facilities, and access routes serving such fa-
cilities, existing within the areas described in sec-
tions 20102(b) and 20102(c) on the date of enact-
ment of this Act shall be maintained and repaired
when and to the extent necessary to prevent in-
creased adverse impacts on the resources and values
of the areas described in sections 20102(b) and
20102(c).

SEC. 20105. SENSE OF CONGRESS.

It is the sense of Congress that military aviation
training on Federal public lands in Colorado, including the
training conducted at the High-Altitude Army National
Guard Aviation Training Site, is critical to the national
security of the United States and the readiness of the
Armed Forces.

SEC. 20106. DEPARTMENT OF DEFENSE STUDY ON IMPACTS

THAT THE EXPANSION OF WILDERNESS DESIGNATIONS IN THE WESTERN UNITED STATES
WOULD HAVE ON THE READINESS OF THE ARMED FORCES OF THE UNITED STATES
WITH RESPECT TO AVIATION TRAINING.

(a) Study Required.—The Secretary of Defense
shall conduct a study on the impacts that the expansion
of wilderness designations in the Western United States
would have on the readiness of the Armed Forces of the
United States with respect to aviation training.

(b) Report.—Not later than 180 days after the date
of the enactment of this Act, the Secretary shall submit
to the Committees on Armed Services of the Senate and
House of Representatives a report on the study required
under subsection (a).
TITLE II—NORTHWEST CALIFORNIA WILDERNESS, RECREATION, AND WORKING FORESTS

SEC. 20201. SHORT TITLE.

This title may be cited as the “Northwest California Wilderness, Recreation, and Working Forests Act”.

SEC. 20202. DEFINITIONS.

In this title:

(1) Secretary.—The term “Secretary” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(2) State.—The term “State” means the State of California.

Subtitle A—Restoration and Economic Development

SEC. 20211. SOUTH FORK TRINITY-MAD RIVER RESTORATION AREA.

(a) Definitions.—In this section:
(1) COLLABORATIVELY DEVELOPED.—The term “collaboratively developed” means projects that are developed and implemented through a collaborative process that—

(A) includes—

(i) appropriate Federal, State, and local agencies; and

(ii) multiple interested persons representing diverse interests; and

(B) is transparent and nonexclusive.

(2) PLANTATION.—The term “plantation” means a forested area that has been artificially established by planting or seeding.

(3) RESTORATION.—The term “restoration” means the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed by establishing the composition, structure, pattern, and ecological processes necessary to facilitate terrestrial and aquatic ecosystem sustainability, resilience, and health under current and future conditions.

(4) RESTORATION AREA.—The term “restoration area” means the South Fork Trinity-Mad River Restoration Area, established by subsection (b).
(5) Shaded fuel break.—The term “shaded fuel break” means a vegetation treatment that effectively addresses all project-generated slash and that retains: adequate canopy cover to suppress plant regrowth in the forest understory following treatment; the longest lived trees that provide the most shade over the longest period of time; the healthiest and most vigorous trees with the greatest potential for crown-growth in plantations and in natural stands adjacent to plantations; and all mature hardwoods, when practicable.


(7) Wildland-urban interface.—The term “wildland-urban interface” has the meaning given the term by section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) Establishment.—Subject to valid existing rights, there is established the South Fork Trinity-Mad River Restoration Area, comprising approximately 729,089 acres of Federal land administered by the Forest Service and approximately 1,280 acres of Federal land administered by the Bureau of Land Management, as gen-
eral depicted on the map entitled “South Fork Trinity-Mad River Restoration Area—Proposed” and dated July 3, 2018, to be known as the South Fork Trinity-Mad River Restoration Area.

(c) PURPOSES.—The purposes of the restoration area are to—

(1) establish, restore, and maintain fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate;

(2) protect late successional reserves;

(3) enhance the restoration of Federal lands within the restoration area;

(4) reduce the threat posed by wildfires to communities within the restoration area;

(5) protect and restore aquatic habitat and anadromous fisheries;

(6) protect the quality of water within the restoration area; and

(7) allow visitors to enjoy the scenic, recreational, natural, cultural, and wildlife values of the restoration area.

(d) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the restoration area—
(A) in a manner consistent with the purposes described in subsection (c);

(B) in a manner that—

(i) in the case of the Forest Service, prioritizes restoration of the restoration area over other non-emergency vegetation management projects on the portions of the Six Rivers and Shasta-Trinity National Forests in Humboldt and Trinity Counties; and

(ii) in the case of the United States Fish and Wildlife Service, establishes with the Forest Service an agreement for cooperation to ensure timely completion of consultation required by section 7 of the Endangered Species Act (15 U.S.C. 1536) on restoration projects within the restoration area and agreement to maintain and exchange information on planning schedules and priorities on a regular basis;

(C) in accordance with—

(i) the laws (including regulations) and rules applicable to the National Forest System for land managed by the Forest Service;

(iii) this title; and

(iv) any other applicable law (including regulations); and

(D) in a manner consistent with congressional intent that consultation for restoration projects within the restoration area is completed in a timely and efficient manner.

(2) CONFLICT OF LAWS.—

(A) IN GENERAL.—The establishment of the restoration area shall not change the management status of any land or water that is designated wilderness or as a wild and scenic river, including lands and waters designated by this title.

(B) RESOLUTION OF CONFLICT.—If there is a conflict between the laws applicable to the areas described in subparagraph (A) and this section, the more restrictive provision shall control.

(3) USES.—
(A) In general.—The Secretary shall only allow uses of the restoration area that the Secretary determines would further the purposes described in subsection (c).

(B) Priority.—The Secretary shall prioritize restoration activities within the restoration area.

(C) Limitation.—Nothing in this section shall limit the Secretary’s ability to plan, approve, or prioritize activities outside of the restoration area.

(4) Wildland fire.—

(A) In general.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the restoration area, consistent with the purposes of this section.

(B) Priority.—The Secretary may use prescribed burning and managed wildland fire to the fullest extent practicable to achieve the purposes of this section.

(5) Road decommissioning.—

(A) In general.—To the extent practicable, the Secretary shall decommission
unneeded National Forest System roads identified for decommissioning and unauthorized roads identified for decommissioning within the restoration area—

(i) subject to appropriations;

(ii) consistent with the analysis required by subparts A and B of part 212 of title 36, Code of Federal Regulations; and

(iii) in accordance with existing law.

(B) ADDITIONAL REQUIREMENT.—In making determinations regarding road decommissioning under subparagraph (A), the Secretary shall consult with—

(i) appropriate State, Tribal, and local governmental entities; and

(ii) members of the public.

(C) DEFINITION.—As used in subparagraph (A), the term “decommission” means—

(i) to reestablish vegetation on a road; and

(ii) to restore any natural drainage, watershed function, or other ecological processes that are disrupted or adversely impacted by the road by removing or
hydrologically disconnecting the road prism.

(6) VEGETATION MANAGEMENT.—

(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Secretary may conduct vegetation management projects in the restoration area only where necessary to—

(i) maintain or restore the characteristics of ecosystem composition and structure;

(ii) reduce wildfire risk to communities by promoting forests that are fire resilient;

(iii) improve the habitat of threatened, endangered, or sensitive species;

(iv) protect or improve water quality;

or

(v) enhance the restoration of lands within the restoration area.

(B) ADDITIONAL REQUIREMENTS.—

(i) SHADED FUEL BREAKS.—In carrying out subparagraph (A), the Secretary shall prioritize, as practicable, the establishment of a network of shaded fuel breaks within—
(I) the portions of the wildland-urban interface that are within 150 feet from private property contiguous to Federal land;

(II) 150 feet from any road that is open to motorized vehicles as of the date of enactment of this Act—

(aa) except that, where topography or other conditions require, the Secretary may establish shaded fuel breaks up to 275 feet from a road so long as the combined total width of the shaded fuel breaks for both sides of the road does not exceed 300 feet; and

(bb) provided that the Secretary shall include vegetation treatments within a minimum of 25 feet of the road where practicable, feasible, and appropriate as part of any shaded fuel break;
or

(III) 150 feet of any plantation.
(ii) Plantations; riparian reserves.—The Secretary may undertake vegetation management projects—

(I) in areas within the restoration area in which fish and wildlife habitat is significantly compromised as a result of past management practices (including plantations); and

(II) within designated riparian reserves only where necessary to maintain the integrity of fuel breaks and to enhance fire resilience.

(C) Compliance.—The Secretary shall carry out vegetation management projects within the restoration area—

(i) in accordance with—

(I) this section; and

(II) existing law (including regulations);

(ii) after providing an opportunity for public comment; and

(iii) subject to appropriations.

(D) Best available science.—The Secretary shall use the best available science in
planning and implementing vegetation manage-
ment projects within the restoration area.

(7) GRAFTING.—

(A) EXISTING GRAFTING.—The grazing of
livestock in the restoration area, where estab-
lished before the date of enactment of this Act,
shall be permitted to continue—

(i) subject to—

(I) such reasonable regulations,
policies, and practices as the Sec-
retary considers necessary; and

(II) applicable law (including reg-
ulations); and

(ii) in a manner consistent with the
purposes described in subsection (c).

(B) TARGETED NEW GRAFTING.—The Sec-
retary may issue annual targeted grazing per-
mits for the grazing of livestock in the restora-
tion area, where not established before the date
of the enactment of this Act, to control noxious
weeds, aid in the control of wildfire within the
wildland-urban interface, or to provide other ec-
ological benefits subject to—
(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) a manner consistent with the purposes described in subsection (c).

(C) BEST AVAILABLE SCIENCE.—The Secretary shall use the best available science when determining whether to issue targeted grazing permits within the restoration area.

(e) WITHDRAWAL.—Subject to valid existing rights, the restoration area is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(f) USE OF STEWARDSHIP CONTRACTS.—To the maximum extent practicable, the Secretary shall—

(1) use stewardship contracts to implement this section; and

(2) use revenue derived from such stewardship contracts for restoration and other activities within the restoration area which shall include staff and ad-
ministrative costs to support timely consultation ac-
tivities for restoration projects.

(g) **COLLABORATION.**—In developing and imple-
menting restoration projects in the restoration area, the
Secretary shall consult with collaborative groups with an
interest in the restoration area.

(h) **ENVIRONMENTAL REVIEW.**—A collaboratively de-
veloped restoration project within the restoration area may
be carried out in accordance with the provisions for haz-
ardous fuel reduction projects set forth in sections 214,
215, and 216 of the Healthy Forests Restoration Act of

(i) **MULTIPARTY MONITORING.**—The Secretary of
Agriculture shall—

(1) in collaboration with the Secretary of the
Interior and interested persons, use a multiparty
monitoring, evaluation, and accountability process to
assess the positive or negative ecological, social, and
economic effects of restoration projects within the
restoration area; and

(2) incorporate the monitoring results into the
management of the restoration area.

(j) **FUNDING.**—The Secretary shall use all existing
authorities to secure as much funding as necessary to ful-
fill the purposes of the restoration area.
(k) Forest Residues Utilization.—

(1) In General.—In accordance with applicable law, including regulations, and this section, the Secretary may utilize forest residues from restoration projects, including shaded fuel breaks, in the restoration area for research and development of biobased products that result in net carbon sequestration.

(2) Partnerships.—In carrying out paragraph (1), the Secretary may enter into partnerships with universities, nongovernmental organizations, industry, Tribes, and Federal, State, and local governmental agencies.

SEC. 20212. REDWOOD NATIONAL AND STATE PARKS RESTORATION.

(a) Partnership Agreements.—The Secretary of the Interior is authorized to undertake initiatives to restore degraded redwood forest ecosystems in Redwood National and State Parks in partnership with the State of California, local agencies, and nongovernmental organizations.

(b) Compliance.—In carrying out any initiative authorized by subsection (a), the Secretary of the Interior shall comply with all applicable law.
PARTNERSHIP.

(a) DEFINITIONS.—In this section:

(1) PARTNERSHIP.—The term “partnership” means the California Public Lands Remediation Partnership, established by subsection (b).

(2) PRIORITY LANDS.—The term “priority lands” means Federal land within the State that is determined by the partnership to be a high priority for remediation.

(3) REMEDIATION.—The term “remediation” means to facilitate the recovery of lands and waters that have been degraded, damaged, or destroyed by illegal marijuana cultivation or another illegal activity. Remediation includes but is not limited to removal of trash, debris, and other material, and establishing the composition, structure, pattern, and ecological processes necessary to facilitate terrestrial and aquatic ecosystem sustainability, resilience, and health under current and future conditions.

(b) ESTABLISHMENT.—There is hereby established a California Public Lands Remediation Partnership.

(c) PURPOSES.—The purposes of the partnership are to—

(1) coordinate the activities of Federal, State, Tribal, and local authorities, and the private sector,
in the remediation of priority lands in the State af-
fected by illegal marijuana cultivation or other illegal
activities; and

(2) use the resources and expertise of each
agency, authority, or entity in implementing remedi-
ation activities on priority lands in the State.

(d) MEMBERSHIP.—The members of the partnership
shall include the following:

(1) The Secretary of Agriculture, or a designee
of the Secretary of Agriculture to represent the For-
est Service.

(2) The Secretary of the Interior, or a designee
of the Secretary of the Interior, to represent the
United States Fish and Wildlife Service, Bureau of
Land Management, and National Park Service.

(3) The Director of the Office of National Drug
Control Policy, or a designee of the Director.

(4) The Secretary of the State Natural Re-
sources Agency, or a designee of the Secretary, to
represent the California Department of Fish and
Wildlife.

(5) A designee of the California State Water
Resources Control Board.

(6) A designee of the California State Sheriffs’
Association.
(7) One member to represent federally recognized Indian Tribes, to be appointed by the Secretary of Agriculture.

(8) One member to represent nongovernmental organizations with an interest in Federal land remediation, to be appointed by the Secretary of Agriculture.

(9) One member to represent local governmental interests, to be appointed by the Secretary of Agriculture.

(10) A law enforcement official from each of the following:

(A) The Department of the Interior.

(B) The Department of Agriculture.

(11) A scientist to provide expertise and advise on methods needed for remediation efforts, to be appointed by the Secretary of Agriculture.

(12) A designee of the National Guard Counter Drug Program.

(e) DUTIES.—To further the purposes of this section, the partnership shall—

(1) identify priority lands for remediation in the State;
(2) secure resources from Federal and non-Federal sources to apply to remediation of priority lands in the State;

(3) support efforts by Federal, State, Tribal, and local agencies, and nongovernmental organizations in carrying out remediation of priority lands in the State;

(4) support research and education on the impacts of, and solutions to, illegal marijuana cultivation and other illegal activities on priority lands in the State;

(5) involve other Federal, State, Tribal, and local agencies, nongovernmental organizations, and the public in remediation efforts, to the extent practicable; and

(6) take any other administrative or advisory actions as necessary to address remediation of priority lands in the State.

(f) AUTHORITIES.—To implement this section, the partnership may, subject to the prior approval of the Secretary of Agriculture—

(1) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;
(2) enter into cooperative agreements with, or provide grants or technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff;

(4) obtain funds or services from any source, including Federal and non-Federal funds, and funds and services provided under any other Federal law or program;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of this section.

(g) PROCEDURES.—The partnership shall establish such rules and procedures as it deems necessary or desirable.

(h) LOCAL HIRING.—The partnership shall, to the maximum extent practicable and in accordance with existing law, give preference to local entities and persons when carrying out this section.

(i) SERVICE WITHOUT COMPENSATION.—Members of the partnership shall serve without pay.

(j) DUTIES AND AUTHORITIES OF THE SECRETARY OF AGRICULTURE.—
(1) IN GENERAL.—The Secretary of Agriculture shall convene the partnership on a regular basis to carry out this section.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary of Agriculture and Secretary of the Interior may provide technical and financial assistance, on a reimbursable or nonreimbursable basis, as determined by the appropriate Secretary, to the partnership or any members of the partnership to carry out this title.

(3) COOPERATIVE AGREEMENTS.—The Secretary of Agriculture and Secretary of the Interior may enter into cooperative agreements with the partnership, any members of the partnership, or other public or private entities to provide technical, financial, or other assistance to carry out this title.

SEC. 20214. TRINITY LAKE VISITOR CENTER.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, may establish, in cooperation with any other public or private entities that the Secretary may determine to be appropriate, a visitor center in Weaverville, California—

(1) to serve visitors; and
(2) to assist in fulfilling the purposes of the Whiskeytown-Shasta-Trinity National Recreation Area.

(b) REQUIREMENTS.—The Secretary shall ensure that the visitor center authorized under subsection (a) is designed to interpret the scenic, biological, natural, historical, scientific, paleontological, recreational, ecological, wilderness, and cultural resources of the Whiskeytown-Shasta-Trinity National Recreation Area and other nearby Federal lands.

(c) COOPERATIVE AGREEMENTS.—The Secretary of Agriculture may, in a manner consistent with this title, enter into cooperative agreements with the State and any other appropriate institutions and organizations to carry out the purposes of this section.

SEC. 20215. DEL NORTE COUNTY VISITOR CENTER.

(a) IN GENERAL.—The Secretary of Agriculture and Secretary of the Interior, acting jointly or separately, may establish, in cooperation with any other public or private entities that the Secretaries determine to be appropriate, a visitor center in Del Norte County, California—

(1) to serve visitors; and

(2) to assist in fulfilling the purposes of Redwood National and State Parks, the Smith River
National Recreation Area, and other nearby Federal
lands.

(b) REQUIREMENTS.—The Secretaries shall ensure
that the visitor center authorized under subsection (a) is
designed to interpret the scenic, biological, natural, histor-
ical, scientific, paleontological, recreational, ecological, wil-
derness, and cultural resources of Redwood National and
State Parks, the Smith River National Recreation Area,
and other nearby Federal lands.

SEC. 20216. MANAGEMENT PLANS.

(a) IN GENERAL.—In revising the land and resource
management plan for the Shasta-Trinity, Six Rivers,
Klamath, and Mendocino National Forests, the Secretary
shall—

(1) consider the purposes of the South Fork
Trinity-Mad River Restoration Area established by
section 20211; and

(2) include or update the fire management plan
for the wilderness areas and wilderness additions es-
tablished by this title.

(b) REQUIREMENT.—In carrying out the revisions re-
quired by subsection (a), the Secretary shall—

(1) develop spatial fire management plans in
accordance with—
(A) the Guidance for Implementation of Federal Wildland Fire Management Policy dated February 13, 2009, including any amendments to that guidance; and

(B) other appropriate policies;

(2) ensure that a fire management plan—

(A) considers how prescribed or managed fire can be used to achieve ecological management objectives of wilderness and other natural or primitive areas; and

(B) in the case of a wilderness area expanded by section 20231, provides consistent direction regarding fire management to the entire wilderness area, including the addition;

(3) consult with—

(A) appropriate State, Tribal, and local governmental entities; and

(B) members of the public; and

(4) comply with applicable laws (including regulations).

SEC. 20217. STUDY; PARTNERSHIPS RELATED TO OVERNIGHT ACCOMMODATIONS.

(a) Study.—The Secretary of the Interior, in consultation with interested Federal, State, Tribal, and local entities, and private and nonprofit organizations, shall
conduct a study to evaluate the feasibility and suitability of establishing overnight accommodations near Redwood National and State Parks on—

(1) Federal land at the northern boundary or on land within 20 miles of the northern boundary; and

(2) Federal land at the southern boundary or on land within 20 miles of the southern boundary.

(b) PARTNERSHIPS.—

(1) AGREEMENTS AUTHORIZED.—If the study conducted under subsection (a) determines that establishing the described accommodations is suitable and feasible, the Secretary may enter into agreements with qualified private and nonprofit organizations for the development, operation, and maintenance of overnight accommodations.

(2) CONTENTS.—Any agreements entered into under paragraph (1) shall clearly define the role and responsibility of the Secretary and the private or nonprofit organization.

(3) COMPLIANCE.—The Secretary shall enter agreements under paragraph (1) in accordance with existing law.

(4) EFFECT.—Nothing in this subsection—
(A) reduces or diminishes the authority of
the Secretary to manage land and resources
under the jurisdiction of the Secretary; or

(B) amends or modifies the application of
any existing law (including regulations) applica-
table to land under the jurisdiction of the Sec-
retary.

Subtitle B—Recreation

SEC. 20221. HORSE MOUNTAIN SPECIAL MANAGEMENT
AREA.

(a) Establishment.—Subject to valid existing
rights, there is established the Horse Mountain Special
Management Area (referred to in this section as the “spe-
cial management area”) comprising approximately 7,399
acres of Federal land administered by the Forest Service
in Humboldt County, California, as generally depicted on
the map entitled “Horse Mountain Special Management
Area—Proposed” and dated April 13, 2017.

(b) Purposes.—The purpose of the special manage-
ment area is to enhance the recreational and scenic values
of the special management area while conserving the
plants, wildlife, and other natural resource values of the
area.

(c) Management Plan.—
(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the special management area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, Tribal, and local governmental entities; and

(B) members of the public.

(3) ADDITIONAL REQUIREMENT.—The management plan required under paragraph (1) shall ensure that recreational use within the special management area does not cause significant adverse impacts on the plants and wildlife of the special management area.

(d) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the special management area—

(A) in furtherance of the purposes described in subsection (b); and

(B) in accordance with—
(i) the laws (including regulations) generally applicable to the National Forest System;

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) RECREATION.—The Secretary shall continue to authorize, maintain, and enhance the recreational use of the special management area, including hunting, fishing, camping, hiking, hang gliding, sightseeing, nature study, horseback riding, rafting, mountain biking, and motorized recreation on authorized routes, and other recreational activities, so long as such recreational use is consistent with the purposes of the special management area, this section, other applicable law (including regulations), and applicable management plans.

(3) MOTORIZED VEHICLES.—

(A) In general.—Except as provided in subparagraph (B), the use of motorized vehicles in the special management area shall be permitted only on roads and trails designated for the use of motorized vehicles.
(B) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the special management area—

(i) during periods of adequate snow coverage during the winter season; and

(ii) subject to any terms and conditions determined to be necessary by the Secretary.

(4) NEW TRAILS.—

(A) IN GENERAL.—The Secretary may construct new trails for motorized or non-motorized recreation within the special management area in accordance with—

(i) the laws (including regulations) generally applicable to the National Forest System;

(ii) this section; and

(iii) any other applicable law (including regulations).

(B) PRIORITY.—In establishing new trails within the special management area, the Secretary shall—

(i) prioritize the establishment of loops that provide high-quality, diverse recreational experiences; and
(ii) consult with members of the public.

(c) WITHDRAWAL.—Subject to valid existing rights, the special management area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing.

SEC. 20222. BIGFOOT NATIONAL RECREATION TRAIL.

(a) Feasibility Study.—

(1) In general.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Agriculture, in cooperation with the Secretary of the Interior, shall submit to the Committee on Natural Resources of the House of Representatives and Committee on Energy and Natural Resources of the Senate a study that describes the feasibility of establishing a nonmotorized Bigfoot National Recreation Trail that follows the route described in paragraph (2).

(2) Route.—The trail described in paragraph (1) shall extend from the Ides Cove Trailhead in the Mendocino National Forest to Crescent City, Cali-
California, by roughly following the route as generally depicted on the map entitled “Bigfoot National Recreation Trail—Proposed” and dated July 25, 2018.

(3) ADDITIONAL REQUIREMENT.—In completing the study required by subsection (a), the Secretary of Agriculture shall consult with—

(A) appropriate Federal, State, Tribal, regional, and local agencies;

(B) private landowners;

(C) nongovernmental organizations; and

(D) members of the public.

(b) DESIGNATION.—

(1) IN GENERAL.—Upon a determination that the Bigfoot National Recreation Trail is feasible and meets the requirements for a National Recreation Trail in section 1243 of title 16, United States Code, the Secretary of Agriculture shall designate the Bigfoot National Recreation Trail in accordance with—

(A) the National Trails System Act (Public Law 90–543);

(B) this title; and

(C) other applicable law (including regulations).
(2) ADMINISTRATION.—Upon designation by the Secretary of Agriculture, the Bigfoot National Recreation Trail (referred to in this section as the "trail") shall be administered by the Secretary of Agriculture, in consultation with—

(A) other Federal, State, Tribal, regional, and local agencies;

(B) private landowners; and

(C) other interested organizations.

(3) PRIVATE PROPERTY RIGHTS.—

(A) IN GENERAL.—No portions of the trail may be located on non-Federal land without the written consent of the landowner.

(B) PROHIBITION.—The Secretary of Agriculture shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally managed area without the consent of the owner of the land or interest in the land.

(C) EFFECT.—Nothing in this section—

(i) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or
(ii) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(c) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary of Agriculture may enter into cooperative agreements with State, Tribal, and local government entities and private entities to complete needed trail construction, reconstruction, realignment, maintenance, or education projects related to the Bigfoot National Recreation Trail.

(d) MAP.—

(1) MAP REQUIRED.—Upon designation of the Bigfoot National Recreation Trail, the Secretary of Agriculture shall prepare a map of the trail.

(2) PUBLIC AVAILABILITY.—The map referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 20223. ELK CAMP RIDGE RECREATION TRAIL.

(a) DESIGNATION.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary of Agriculture after an opportunity for public comment, shall designate a trail (which may include a system of trails)—
(A) for use by off-highway vehicles or
mountain bicycles, or both; and

(B) to be known as the Elk Camp Ridge
Recreation Trail.

(2) REQUIREMENTS.—In designating the Elk
Camp Ridge Recreation Trail (referred to in this
section as the “trail”), the Secretary shall only in-
clude trails that are—

(A) as of the date of enactment of this
Act, authorized for use by off-highway vehicles
or mountain bikes, or both; and

(B) located on land that is managed by the
Forest Service in Del Norte County.

(3) MAP.—A map that depicts the trail shall be
on file and available for public inspection in the ap-
propriate offices of the Forest Service.

(b) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage
the trail—

(A) in accordance with applicable laws (in-
cluding regulations);

(B) to ensure the safety of citizens who
use the trail; and
(C) in a manner by which to minimize any
damage to sensitive habitat or cultural re-
sources.

(2) MONITORING; EVALUATION.—To minimize
the impacts of the use of the trail on environmental
and cultural resources, the Secretary shall annually
assess the effects of the use of off-highway vehicles
and mountain bicycles on—

(A) the trail;

(B) land located in proximity to the trail;

and

(C) plants, wildlife, and wildlife habitat.

(3) CLOSURE.—The Secretary, in consultation
with the State and Del Norte County, and subject
to paragraph (4), may temporarily close or perma-
nently reroute a portion of the trail if the Secretary
determines that—

(A) the trail is having an adverse impact

on—

(i) wildlife habitats;

(ii) natural resources;

(iii) cultural resources; or

(iv) traditional uses;

(B) the trail threatens public safety; or

(C) closure of the trail is necessary—
(i) to repair damage to the trail; or

(ii) to repair resource damage.

(4) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary under paragraph (3) may be permanently rerouted along any road or trail—

(A) that is—

(i) in existence as of the date of the closure of the portion of the trail;

(ii) located on public land; and

(iii) open to motorized or mechanized use; and

(B) if the Secretary determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

(5) NOTICE OF AVAILABLE ROUTES.—The Secretary shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(A) the placement of appropriate signage along the trail; and

(B) the distribution of maps, safety education materials, and other information that the
Secretary concerned determines to be appropriate.

(c) Effect.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 20224. TRINITY LAKE TRAIL.

(a) Trail Construction.—

(1) Feasibility Study.—Not later than 18 months after the date of enactment of this Act, the Secretary shall study the feasibility and public interest of constructing a recreational trail for non-motorized uses around Trinity Lake.

(2) Construction.—

(A) Construction Authorized.—Subject to appropriations, and in accordance with paragraph (3), if the Secretary determines under paragraph (1) that the construction of the trail described in such paragraph is feasible and in the public interest, the Secretary may provide for the construction of the trail.

(B) Use of Volunteer Services and Contributions.—The trail may be constructed under this section through the acceptance of volunteer services and contributions from non-
Federal sources to reduce or eliminate the need for Federal expenditures to construct the trail.

(3) COMPLIANCE.—In carrying out this section, the Secretary shall comply with—

(A) the laws (including regulations) generally applicable to the National Forest System; and

(B) this title.

(b) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 20225. TRAILS STUDY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture, in accordance with subsection (b) and in consultation with interested parties, shall conduct a study to improve motorized and nonmotorized recreation trail opportunities (including mountain bicycling) on land not designated as wilderness within the portions of the Six Rivers, Shasta-Trinity, and Mendocino National Forests located in Del Norte, Humboldt, Trinity, and Mendocino Counties.

(b) CONSULTATION.—In carrying out the study required by subsection (a), the Secretary of Agriculture shall
consult with the Secretary of the Interior regarding opportunities to improve, through increased coordination, recreation trail opportunities on land under the jurisdiction of the Secretary of the Interior that shares a boundary with the national forest land described in subsection (a).

SEC. 20226. CONSTRUCTION OF MOUNTAIN BICYCLING ROUTES.

(a) Trail Construction.—

(1) Feasibility Study.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall study the feasibility and public interest of constructing recreational trails for mountain bicycling and other nonmotorized uses on the routes as generally depicted in the report entitled “Trail Study for Smith River National Recreation Area Six Rivers National Forest” and dated 2016.

(2) Construction.—

(A) Construction Authorized.—Subject to appropriations, and in accordance with paragraph (3), if the Secretary determines under paragraph (1) that the construction of one or more routes described in such paragraph is feasible and in the public interest, the Sec-
retary may provide for the construction of the routes.

(B) MODIFICATIONS.—The Secretary may modify the routes as necessary in the opinion of the Secretary.

(C) USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.—Routes may be constructed under this section through the acceptance of volunteer services and contributions from non-Federal sources to reduce or eliminate the need for Federal expenditures to construct the route.

(3) COMPLIANCE.—In carrying out this section, the Secretary shall comply with—

(A) the laws (including regulations) generally applicable to the National Forest System; and

(B) this title.

(b) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 20227. PARTNERSHIPS.

(a) AGREEMENTS AUTHORIZED.—The Secretary is authorized to enter into agreements with qualified private and nonprofit organizations to undertake the following ac-
activities on Federal lands in Mendocino, Humboldt, Trinity, and Del Norte Counties—

(1) trail and campground maintenance;
(2) public education, visitor contacts, and outreach; and
(3) visitor center staffing.

(b) CONTENTS.—Any agreements entered into under subsection (a) shall clearly define the role and responsibility of the Secretary and the private or nonprofit organization.

(c) COMPLIANCE.—The Secretary shall enter into agreements under subsection (a) in accordance with existing law.

(d) EFFECT.—Nothing in this section—

(1) reduces or diminishes the authority of the Secretary to manage land and resources under the jurisdiction of the Secretary; or
(2) amends or modifies the application of any existing law (including regulations) applicable to land under the jurisdiction of the Secretary.

Subtitle C—Conservation

SEC. 20231. DESIGNATION OF WILDERNESS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the
State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) **Black Butte River Wilderness.**—Certain Federal land managed by the Forest Service in the State, comprising approximately 11,117 acres, as generally depicted on the map entitled “Black Butte River Wilderness—Proposed” and dated April 13, 2017, which shall be known as the Black Butte River Wilderness.

(2) **Chanchelulla Wilderness Additions.**—Certain Federal land managed by the Forest Service in the State, comprising approximately 6,212 acres, as generally depicted on the map entitled “Chanchelulla Wilderness Additions—Proposed” and dated July 16, 2018, which is incorporated in, and considered to be a part of, the Chanchelulla Wilderness, as designated by section 101(a)(4) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 1619).

(3) **Chinquapin Wilderness.**—Certain Federal land managed by the Forest Service in the State, comprising approximately 27,258 acres, as generally depicted on the map entitled “Chinquapin Wilderness—Proposed” and dated January 15,
2020, which shall be known as the Chinquapin Wil-
derness.

(4) ELKHORN RIDGE WILDERNESS ADDITION.—
Certain Federal land managed by the Bureau of
Land Management in the State, comprising approxi-
mately 37 acres, as generally depicted on the map
titled “Proposed Elkhorn Ridge Wilderness Addi-
tions” and dated October 24, 2019, which is incor-
porated in, and considered to be a part of, the Elkh-
horn Ridge Wilderness, as designated by section
6(d) of Public Law 109–362 (16 U.S.C. 1132 note;
120 Stat. 2070).

(5) ENGLISH RIDGE WILDERNESS.—Certain
Federal land managed by the Bureau of Land Man-
agement in the State, comprising approximately
6,204 acres, as generally depicted on the map enti-
tled “English Ridge Wilderness—Proposed” and
dated March 29, 2019, which shall be known as the
English Ridge Wilderness.

(6) HEADWATERS FOREST WILDERNESS.—Cer-
tain Federal land managed by the Bureau of Land
Management in the State, comprising approximately
4,360 acres, as generally depicted on the map enti-
tled “Headwaters Forest Wilderness—Proposed”
and dated October 15, 2019, which shall be known as the Headwaters Forest Wilderness.

(7) MAD RIVER BUTTES WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 6,002 acres, as generally depicted on the map entitled “Mad River Buttes Wilderness—Proposed” and dated July 25, 2018, which shall be known as the Mad River Buttes Wilderness.

(8) MOUNT LASSIC WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service in the State, comprising approximately 1,292 acres, as generally depicted on the map entitled “Mount Lassic Wilderness Additions—Proposed” and dated February 23, 2017, which is incorporated in, and considered to be a part of, the Mount Lassic Wilderness, as designated by section 3(6) of Public Law 109–362 (16 U.S.C. 1132 note; 120 Stat. 2065).

(9) NORTH FORK EEL WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service and the Bureau of Land Management in the State, comprising approximately 16,274 acres, as generally depicted on the map entitled “North Fork Wilderness Additions” and dated January 15, 2020, which is incorporated in, and considered to be a part

(10) **PATTISON WILDERNESS.**—Certain Federal land managed by the Forest Service in the State, comprising approximately 28,595 acres, as generally depicted on the map entitled “Pattison Wilderness—Proposed” and dated July 16, 2018, which shall be known as the Pattison Wilderness.

(11) **SANHEDRIN WILDERNESS ADDITION.**—Certain Federal land managed by the Forest Service in the State, comprising approximately 112 acres, as generally depicted on the map entitled “Sanhedrin Wilderness Addition—Proposed” and dated March 29, 2019, which is incorporated in, and considered to be a part of, the Sanhedrin Wilderness, as designated by section 3(2) of Public Law 109–362 (16 U.S.C. 1132 note; 120 Stat. 2065).

(12) **SISKIYOU WILDERNESS ADDITION.**—Certain Federal land managed by the Forest Service in the State, comprising approximately 27,747 acres, as generally depicted on the map entitled “Siskiyou Wilderness Additions and Potential Wildernesses—Proposed” and dated July 24, 2018, which is incorporated in, and considered to be a part of, the

(13) SOUTH FORK EEL RIVER WILDERNESS ADDITION.—Certain Federal land managed by the Bureau of Land Management in the State, comprising approximately 603 acres, as generally depicted on the map entitled “South Fork Eel River Wilderness Additions—Proposed” and dated October 24, 2019, which is incorporated in, and considered to be a part of, the South Fork Eel River Wilderness, as designated by section 3(10) of Public Law 109–362 (16 U.S.C. 1132 note; 120 Stat. 2066).

(14) SOUTH FORK TRINITY RIVER WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 26,446 acres, as generally depicted on the map entitled “South Fork Trinity River Wilderness and Potential Wildernesses—Proposed” and dated March 11, 2019, which shall be known as the South Fork Trinity River Wilderness.

(15) TRINITY ALPS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service
in the State, comprising approximately 60,826 acres,
as generally depicted on the maps entitled “Trinity
Alps Proposed Wilderness Additions EAST” and
“Trinity Alps Proposed Wilderness Additions
WEST” and dated January 15, 2020, which is in-
corporated in, and considered to be a part of, the
Trinity Alps Wilderness, as designated by section
101(a)(34) of the California Wilderness Act of 1984
(16 U.S.C. 1132 note; 98 Stat. 1623) (as amended
by section 3(7) of Public Law 109–362 (16 U.S.C.
1132 note; 120 Stat. 2065)).

(16) UNDERWOOD WILDERNESS.—Certain Fed-
eral land managed by the Forest Service in the
State, comprising approximately 15,069 acres, as
generally depicted on the map entitled “Underwood
Wilderness—Proposed” and dated January 15,
2020, which shall be known as the Underwood Wil-
derness.

(17) YOLLA BOLLY-MIDDLE EEL WILDERNESS
ADDITIONS.—Certain Federal land managed by the
Forest Service and the Bureau of Land Management
in the State, comprising approximately 10,729 acres,
as generally depicted on the map entitled “Yolla
Bolly Middle Eel Wilderness Additions and Potential
Wildernesses—Proposed” and dated June 7, 2018,
which is incorporated in, and considered to be a part of, the Yolla Bolly-Middle Eel Wilderness, as designated by section 3 of the Wilderness Act (16 U.S.C. 1132) (as amended by section 3(4) of Public Law 109–362 (16 U.S.C. 1132 note; 120 Stat. 2065)).

(18) YUKI WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service and the Bureau of Land Management in the State, comprising approximately 11,076 acres, as generally depicted on the map entitled “Yuki Wilderness Additions—Proposed” and dated January 15, 2020, which is incorporated in, and considered to be a part of, the Yuki Wilderness, as designated by section 3(3) of Public Law 109–362 (16 U.S.C. 1132 note; 120 Stat. 2065).

(b) REDENomination OF NORTH FORK WILDERNESS AS NORTH FORK EEL RIVER WILDERNESS.—Section 101(a)(19) of Public Law 98–425 (16 U.S.C. 1132 note; 98 Stat. 1621) is amended by striking “North Fork Wilderness” and inserting “North Fork Eel River Wilderness”. Any reference in a law, map, regulation, document, paper, or other record of the United States to the North Fork Wilderness shall be deemed to be a reference to the North Fork Eel River Wilderness.
(c) Elkhorn Ridge Wilderness Adjustments.—
The boundary of the Elkhorn Ridge Wilderness established by section 6(d) of Public Law 109–362 (16 U.S.C. 1132 note) is adjusted by deleting approximately 30 acres of Federal land as generally depicted on the map entitled “Proposed Elkhorn Ridge Wilderness Additions” and dated October 24, 2019.

SEC. 20232. Administration of Wilderness.

(a) In General.—Subject to valid existing rights, the wilderness areas and wilderness additions established by section 20231 shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

   (1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and
   
   (2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) Fire Management and Related Activities.—

   (1) In General.—The Secretary may take such measures in a wilderness area or wilderness addition designated by section 20231 as are necessary for the control of fire, insects, and diseases in ac-

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire and fuels management in the wilderness areas or wilderness additions designated by this title.

(3) ADMINISTRATION.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness additions designated by this subtitle, the Secretary of Agriculture shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(c) GRAZING.—The grazing of livestock in the wilderness areas and wilderness additions designated by this title, if established before the date of enactment of this Act, shall be administered in accordance with—
(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2)(A) for lands under the jurisdiction of the Secretary of Agriculture, the guidelines set forth in the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 5487 of the 96th Congress (H. Rept. 96–617); or

(B) for lands under the jurisdiction of the Secretary of the Interior, the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(d) FISH AND WILDLIFE.—

(1) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects the jurisdiction or responsibilities of the State with respect to fish and wildlife on public land in the State.

(2) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish, wildlife, and plant popu-
lations and habitats in the wilderness areas or wilderness additions designated by section 20231, if the management activities are—

(A) consistent with relevant wilderness management plans; and

(B) conducted in accordance with—

(i) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(ii) appropriate policies, such as the policies established in Appendix B of House Report 101-405.

(e) Buffer Zones.—

(1) In general.—Congress does not intend for designation of wilderness or wilderness additions by this title to lead to the creation of protective perimeters or buffer zones around each wilderness area or wilderness addition.

(2) Activities or uses up to boundaries.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(f) Military Activities.—Nothing in this subtitle precludes—
(1) low-level overflights of military aircraft over
the wilderness areas or wilderness additions des-
ignated by section 20231;

(2) the designation of new units of special air-
space over the wilderness areas or wilderness addi-
tions designated by section 20231; or

(3) the use or establishment of military flight
training routes over the wilderness areas or wilder-
ness additions designated by section 20231.

(g) H O R S E S.—Nothing in this subtitle precludes
horseback riding in, or the entry of recreational or com-
mercial saddle or pack stock into, an area designated as
a wilderness area or wilderness addition by section
20231—

(1) in accordance with section 4(d)(5) of the
Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions deter-
mined to be necessary by the Secretary.

(h) W I T H D R A W A L.—Subject to valid existing rights,
the wilderness areas and wilderness additions designated
by section 20231 are withdrawn from—

(1) all forms of entry, appropriation, and dis-
posal under the public land laws;

(2) location, entry, and patent under the mining
laws; and
(3) operation of the mineral materials and geo-

thermal leasing laws.

(i) USE BY MEMBERS OF INDIAN TRIBES.—

(1) ACCESS.—In recognition of the past use of

wilderness areas and wilderness additions designated

by this title by members of Indian Tribes for tradi-
tional cultural and religious purposes, the Secretary

shall ensure that Indian Tribes have access to the

wilderness areas and wilderness additions designated

by section 20231 for traditional cultural and reli-
gious purposes.

(2) TEMPORARY CLOSURES.—

(A) IN GENERAL.—In carrying out this

section, the Secretary, on request of an Indian

Tribe, may temporarily close to the general

public one or more specific portions of a wilder-

ness area or wilderness addition to protect the

privacy of the members of the Indian Tribe in

the conduct of the traditional cultural and reli-
gious activities in the wilderness area or wilder-

ness addition.

(B) REQUIREMENT.—Any closure under

subparagraph (A) shall be made in such a man-

ner as to affect the smallest practicable area for
the minimum period of time necessary for the
activity to be carried out.

(3) APPLICABLE LAW.—Access to the wilderness areas and wilderness additions under this subsection shall be in accordance with—

(A) Public Law 95–341 (commonly known as the American Indian Religious Freedom Act) (42 U.S.C. 1996 et seq.); and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.).

(j) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area or wilderness addition designated by section 20231 that is acquired by the United States shall—

(1) become part of the wilderness area in which the land is located;

(2) be withdrawn in accordance with subsection (h); and

(3) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(k) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installa-
tion and maintenance of hydrologic, meteorologic, or cli-
matological 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 con-
tinue to authorize the competitive equestrian event per-
mitted since 2012 in the Chinquapin Wilderness estab-
lished 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 wil-
derness areas, such as the placement, use, and mainte-
nance of fixed anchors, including any fixed anchor estab-
lished 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 deter-
mined 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:

(2) Certain Federal land administered by the National Park Service, compromising approximately 31,000 acres, as generally depicted on the map entitled “Redwood National Park—Potential Wilderness” and dated October 9, 2019.

(3) Certain Federal land managed by the Forest Service, comprising approximately 8,961 acres, as generally depicted on the map entitled “Siskiyou Wilderness Additions and Potential Wildernesses—Proposed” and dated July 24, 2018.

(4) Certain Federal land managed by the Forest Service, comprising approximately 405 acres, as generally depicted on the map entitled “South Fork Trinity River Wilderness and Potential Wildernesses—Proposed” and dated March 11, 2019.

(6) Certain Federal land managed by the Forest Service, comprising approximately 4,282 acres, as generally depicted on the map entitled “Yolla Bolly Middle Eel Wilderness Additions and Potential Wildernesses—Proposed” and dated June 7, 2018.


(b) MANAGEMENT.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness areas designated by subsection (a) (referred to in this section as “potential wilderness areas”) as wilderness until the potential wilderness areas are designated as wilderness under subsection (d).

(c) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, repair of skid tracks, and any other activities necessary to restore the natural ecosystems in a potential wilderness area and consistent with paragraph (2)), the Secretary may use motorized equipment and mechanized transport in a potential
wilderness area until the potential wilderness area is
designated as wilderness under subsection (d).

(2) LIMITATION.—To the maximum extent
practicable, the Secretary shall use the minimum
tool or administrative practice necessary to accom-
plish ecological restoration with the least amount of
adverse impact on wilderness character and re-
sources.

(d) EVENTUAL WILDERNESS DESIGNATION.—The
potential wilderness areas shall be designated as wilder-
ness and as a component of the National Wilderness Pres-
ervation System on the earlier of—

(1) the date on which the Secretary publishes in
the Federal Register notice that the conditions in a
potential wilderness area that are incompatible with
the Wilderness Act (16 U.S.C. 1131 et seq.) have
been removed; or

(2) the date that is 10 years after the date of
enactment of this Act for potential wilderness areas
located on lands managed by the Forest Service.

(e) ADMINISTRATION AS WILDERNESS.—

(1) IN GENERAL.—On its designation as wilder-
ness under subsection (d), a potential wilderness
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 wild-
erness 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 des-

ignated by section 101(a)(34) of the California

(E) the land described in subsection (a)(6) shall be incorporated in, and considered to be a part of, the Yolla Bolly-Middle Eel Wilderness as designated by section 3 of the Wilderness Act (16 U.S.C. 1132) (as amended by section 3(4) of Public Law 109–362 (16 U.S.C. 1132 note; 120 Stat. 2065) and expanded by section 20231(a)(17)); and

(F) the land described in subsection (a)(7) shall be incorporated in, and considered to be a part of, the Yuki Wilderness as designated by section 3(3) of Public Law 109–362 (16 U.S.C. 1132 note; 120 Stat. 2065) and expanded by section 20231(a)(18).

(f) REPORT.—Within 3 years after the date of enactment of this Act, and every 3 years thereafter until the date upon which the potential wilderness is designated wilderness under subsection (d), the Secretary shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy...
and Natural Resources of the Senate on the status of eco-
logical restoration within the potential wilderness area and
the progress toward the potential wilderness area’s even-
tual wilderness designation under subsection (d).

SEC. 20234. DESIGNATION OF WILD AND SCENIC RIVERS.

Section 3(a) of the National Wild and Scenic Rivers
Act (16 U.S.C. 1274(a)) is amended by adding at the end
the following:

“(231) SOUTH FORK TRINITY RIVER.—The fol-
lowing segments from the source tributaries in the
Yolla Bolly-Middle Eel Wilderness, to be adminis-
tered by the Secretary of Agriculture:

“(A) The 18.3-mile segment from its mul-
tiple source springs in the Cedar Basin of the
Yolla Bolly-Middle Eel Wilderness in section
15, T. 27 N., R. 10 W. to .25 miles upstream
of the Wild Mad Road, as a wild river.

“(B) The .65-mile segment from .25 miles
upstream of Wild Mad Road to the confluence
with the unnamed tributary approximately .4
miles downstream of the Wild Mad Road in sec-
tion 29, T. 28 N., R. 11 W., as a scenic river.

“(C) The 9.8-mile segment from .75 miles
downstream of Wild Mad Road to Silver Creek,
as a wild river.
“(D) The 5.4-mile segment from Silver Creek confluence to Farley Creek, as a scenic river.

“(E) The 3.6-mile segment from Farley Creek to Cave Creek, as a recreational river.

“(F) The 5.6-mile segment from Cave Creek to the confluence of the unnamed creek upstream of Hidden Valley Ranch in section 5, T. 15, R. 7 E., as a wild river.

“(G) The 2.5-mile segment from unnamed creek confluence upstream of Hidden Valley Ranch to the confluence with the unnamed creek flowing west from Bear Wallow Mountain in section 29, T. 1 N., R. 7 E., as a scenic river.

“(H) The 3.8-mile segment from the unnamed creek confluence in section 29, T. 1 N., R. 7 E. to Plummer Creek, as a wild river.

“(I) The 1.8-mile segment from Plummer Creek to the confluence with the unnamed tributary north of McClellan Place in section 6, T. 1 N., R. 7 E., as a scenic river.

“(J) The 5.4-mile segment from the unnamed tributary confluence in section 6, T. 1 N., R. 7 E. to Hitchcock Creek, as a wild river.
“(K) The 7-mile segment from Eltapom Creek to the Grouse Creek, as a scenic river.

“(L) The 5-mile segment from Grouse Creek to Coon Creek, as a wild river.

“(232) EAST FORK SOUTH FORK TRINITY RIVER.—The following segments to be administered by the Secretary of Agriculture:

“(A) The 8.4-mile segment from its source in the Pettijohn Basin in the Yolla Bolly-Middle Eel Wilderness in section 10, T. 3 S., R. 10 W. to .25 miles upstream of the Wild Mad Road, as a wild river.

“(B) The 3.4-mile segment from .25 miles upstream of the Wild Mad Road to the South Fork Trinity River, as a recreational river.

“(233) RATTLESNAKE CREEK.—The 5.9-mile segment from the confluence with the unnamed tributary in the southeast corner of section 5, T. 1 S., R. 12 W. to the South Fork Trinity River, to be administered by the Secretary of Agriculture as a recreational river.

“(234) BUTTER CREEK.—The 7-mile segment from .25 miles downstream of the Road 3N08 crossing to the South Fork Trinity River, to be adminis-
tered by the Secretary of Agriculture as a scenic river.

“(235) HAYFORK CREEK.—The following segments to be administered by the Secretary of Agriculture:

“(A) The 3.2-mile segment from Little Creek to Bear Creek, as a recreational river.

“(B) The 13.2-mile segment from Bear Creek to the northern boundary of section 19, T. 3 N., R. 7 E., as a scenic river.

“(236) OLSEN CREEK.—The 2.8-mile segment from the confluence of its source tributaries in section 5, T. 3 N., R. 7 E. to the northern boundary of section 24, T. 3 N., R. 6 E., to be administered by the Secretary of the Interior as a scenic river.

“(237) RUSCH CREEK.—The 3.2-mile segment from .25 miles downstream of the 32N11 Road crossing to Hayfork Creek, to be administered by the Secretary of Agriculture as a recreational river.

“(238) ELTAPOM CREEK.—The 3.4-mile segment from Buckhorn Creek to the South Fork Trinity River, to be administered by the Secretary of Agriculture as a wild river.
“(239) GROUSE CREEK.—The following segments to be administered by the Secretary of Agriculture:

“(A) The 3.9-mile segment from Carson Creek to Cow Creek, as a scenic river.

“(B) The 7.4-mile segment from Cow Creek to the South Fork Trinity River, as a recreational river.

“(240) MADDEN CREEK.—The following segments to be administered by the Secretary of Agriculture:

“(A) The 6.8-mile segment from the confluence of Madden Creek and its unnamed tributary in section 18, T. 5 N., R. 5 E. to Fourmile Creek, as a wild river.

“(B) The 1.6-mile segment from Fourmile Creek to the South Fork Trinity River, as a recreational river.

“(241) CANYON CREEK.—The following segments to be administered by the Secretary of Agriculture and the Secretary of the Interior:

“(A) The 6.6-mile segment from the outlet of lower Canyon Creek Lake to Bear Creek upstream of Ripstein, as a wild river.
“(B) The 11.2-mile segment from Bear Creek upstream of Ripstein to the southern boundary of section 25, T. 34 N., R. 11 W., as a recreational river.

“(242) NORTH FORK TRINITY RIVER.—The following segments to be administered by the Secretary of Agriculture:

“(A) The 12-mile segment from the confluence of source tributaries in section 24, T. 8 N., R. 12 W. to the Trinity Alps Wilderness boundary upstream of Hobo Gulch, as a wild river.

“(B) The .5-mile segment from where the river leaves the Trinity Alps Wilderness to where it fully reenters the Trinity Alps Wilderness downstream of Hobo Gulch, as a scenic river.

“(C) The 13.9-mile segment from where the river fully reenters the Trinity Alps Wilderness downstream of Hobo Gulch to the Trinity Alps Wilderness boundary upstream of the County Road 421 crossing, as a wild river.

“(D) The 1.3-mile segment from the Trinity Alps Wilderness boundary upstream of the
County Road 421 crossing to the Trinity River,
as a recreational river.

“(243) EAST FORK NORTH FORK TRINITY
RIVER.—The following segments to be administered
by the Secretary of Agriculture:

“(A) The 9.5-mile segment from the river’s
source north of Mt. Hilton in section 19, T. 36
N., R. 10 W. to the end of Road 35N20 ap-
proximately .5 miles downstream of the con-
fluence with the East Branch East Fork North
Fork Trinity River, as a wild river.

“(B) The 3.25-mile segment from the end
of Road 35N20 to .25 miles upstream of
Coleridge, as a scenic river.

“(C) The 4.6-mile segment from .25 miles
upstream of Coleridge to the confluence of Fox
Gulch, as a recreational river.

“(244) NEW RIVER.—The following segments
to be administered by the Secretary of Agriculture:

“(A) The 12.7-mile segment of Virgin
Creek from its source spring in section 22, T.
9 N., R. 7 E. to Slide Creek, as a wild river.

“(B) The 2.3-mile segment of the New
River where it begins at the confluence of Vir-
gin and Slide Creeks to Barron Creek, as a wild river.

“(245) MIDDLE EEL RIVER.—The following segment, to be administered by the Secretary of Agriculture:

“(A) The 37.7-mile segment from its source in Frying Pan Meadow to Rose Creek, as a wild river.

“(B) The 1.5-mile segment from Rose Creek to the Black Butte River, as a recreational river.

“(C) The 10.5-mile segment of Balm of Gilead Creek from its source in Hopkins Hollow to the Middle Eel River, as a wild river.

“(D) The 13-mile segment of the North Fork Middle Fork Eel River from the source on Dead Puppy Ridge in section 11, T. 26 N., R. 11 W. to the confluence of the Middle Eel River, as a wild river.

“(246) NORTH FORK EEL RIVER, CA.—The 14.3-mile segment from the confluence with Gilman Creek to the Six Rivers National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.
“(247) RED MOUNTAIN CREEK, CA.—The following segments to be administered by the Secretary of Agriculture:

“(A) The 5.25-mile segment from its source west of Mike’s Rock in section 23, T. 26 N., R. 12 E. to the confluence with Littlefield Creek, as a wild river.

“(B) The 1.6-mile segment from the confluence with Littlefield Creek to the confluence with the unnamed tributary in section 32, T. 26 N., R. 8 E., as a scenic river.

“(C) The 1.25-mile segment from the confluence with the unnamed tributary in section 32, T. 4 S., R. 8 E. to the confluence with the North Fork Eel River, as a wild river.

“(248) REDWOOD CREEK.—The following segments to be administered by the Secretary of the Interior:

“(A) The 6.2-mile segment from the confluence with Lacks Creek to the confluence with Coyote Creek as a scenic river on publication by the Secretary of a notice in the Federal Register that sufficient inholdings within the boundaries of the segments have been acquired.
in fee title to establish a manageable addition to the system.

“(B) The 19.1-mile segment from the confluence with Coyote Creek in section 2, T. 8 N., R. 2 E. to the Redwood National Park boundary upstream of Orick in section 34, T. 11 N., R. 1 E. as a scenic river.

“(C) The 2.3-mile segment of Emerald Creek (also known as Harry Weir Creek) from its source in section 29, T. 10 N., R. 2 E. to the confluence with Redwood Creek as a scenic river.

“(249) LACKS CREEK.—The following segments to be administered by the Secretary of the Interior:

“(A) The 5.1-mile segment from the confluence with two unnamed tributaries in section 14, T. 7 N., R. 3 E. to Kings Crossing in section 27, T. 8 N., R. 3 E. as a wild river.

“(B) The 2.7-mile segment from Kings Crossing to the confluence with Redwood Creek as a scenic river upon publication by the Secretary of a notice in the Federal Register that sufficient inholdings within the segment have been acquired in fee title or as scenic easements
to establish a manageable addition to the sys-

"(250) LOST MAN CREEK.—The following seg-
ments to be administered by the Secretary of the In-
terior:

"(A) The 6.4-mile segment of Lost Man
Creek from its source in section 5, T. 10 N., R. 2 E. to .25 miles upstream of the Prairie Creek
confluence, as a recreational river.

"(B) The 2.3-mile segment of Larry
Damm Creek from its source in section 8, T. 11
N., R. 2 E. to the confluence with Lost Man
Creek, as a recreational river.

"(251) LITTLE LOST MAN CREEK.—The 3.6-
mile segment of Little Lost Man Creek from its
source in section 6, T. 10 N., R. 2 E. to .25 miles
upstream of the Lost Man Creek road crossing, to
be administered by the Secretary of the Interior as
a wild river.

"(252) SOUTH FORK ELK RIVER.—The fol-
lowing segments to be administered by the Secretary
of the Interior through a cooperative management
agreement with the State of California:

"(A) The 3.6-mile segment of the Little
South Fork Elk River from the source in sec-
tion 21, T. 3 N., R. 1 E. to the confluence with
the South Fork Elk River, as a wild river.

“(B) The 2.2-mile segment of the
unnamed tributary of the Little South Fork Elk
River from its source in section 15, T. 3 N., R.
1 E. to the confluence with the Little South
Fork Elk River, as a wild river.

“(C) The 3.6-mile segment of the South
Fork Elk River from the confluence of the Lit-
tle South Fork Elk River to the confluence with
Tom Gulch, as a recreational river.

“(253) SALMON CREEK.—The 4.6-mile segment
from its source in section 27, T. 3 N., R. 1 E. to
the Headwaters Forest Reserve boundary in section
18, T. 3 N., R. 1 E. to be administered by the Sec-
retary of the Interior as a wild river through a coop-
erative management agreement with the State of
California.

“(254) SOUTH FORK EEL RIVER.—The fol-
lowing segments to be administered by the Secretary
of the Interior:

“(A) The 6.2-mile segment from the con-
fluence with Jack of Hearts Creek to the south-
ern boundary of the South Fork Eel Wilderness
in section 8, T. 22 N., R. 16 W., as a re-

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reational river to be administered by the Sec-
retary through a cooperative management
agreement with the State of California.

“(B) The 6.1-mile segment from the south-
ern boundary of the South Fork Eel Wilderness
to the northern boundary of the South Fork
Eel Wilderness in section 29, T. 23 N., R. 16
W., as a wild river.

“(255) ELDER CREEK.—The following seg-
ments to be administered by the Secretary of the In-
terior through a cooperative management agreement
with the State of California:

“(A) The 3.6-mile segment from its source
north of Signal Peak in section 6, T. 21 N., R.
15 W. to the confluence with the unnamed trib-
utary near the center of section 28, T. 22 N.,
R. 16 W., as a wild river.

“(B) The 1.3-mile segment from the con-
fluence with the unnamed tributary near the
center of section 28, T. 22 N., R. 15 W. to the
confluence with the South Fork Eel River, as a
recreational river.

“(C) The 2.1-mile segment of Paralyze
Canyon from its source south of Signal Peak in
section 7, T. 21 N., R. 15 W. to the confluence with Elder Creek, as a wild river.

“(256) CEDAR CREEK.—The following segments to be administered as a wild river by the Secretary of the Interior:

“(A) The 7.7-mile segment from its source in section 22, T. 24 N., R. 16 W. to the southern boundary of the Red Mountain unit of the South Fork Eel Wilderness.

“(B) The 1.9-mile segment of North Fork Cedar Creek from its source in section 28, T. 24 N., R. 16 E. to the confluence with Cedar Creek.

“(257) EAST BRANCH SOUTH FORK EEL RIVER.—The following segments to be administered by the Secretary of the Interior as a scenic river on publication by the Secretary of a notice in the Federal Register that sufficient inholdings within the boundaries of the segments have been acquired in fee title or as scenic easements to establish a manageable addition to the system:

“(A) The 2.3-mile segment of Cruso Cabin Creek from the confluence of two unnamed tributaries in section 18, T. 24 N., R. 15 W. to the confluence with Elkhorn Creek.
“(B) The 1.8-mile segment of Elkhorn Creek from the confluence of two unnamed tributaries in section 22, T. 24 N., R. 16 W. to the confluence with Cruso Cabin Creek.

“(C) The 14.2-mile segment of the East Branch South Fork Eel River from the confluence of Cruso Cabin and Elkhorn Creeks to the confluence with Rays Creek.

“(D) The 1.7-mile segment of the unnamed tributary from its source on the north flank of Red Mountain’s north ridge in section 2, T. 24 N., R. 17 W. to the confluence with the East Branch South Fork Eel River.

“(E) The 1.3-mile segment of the unnamed tributary from its source on the north flank of Red Mountain’s north ridge in section 1, T. 24 N., R. 17 W. to the confluence with the East Branch South Fork Eel River.

“(F) The 1.8-mile segment of Tom Long Creek from the confluence with the unnamed tributary in section 12, T. 5 S., R. 4 E. to the confluence with the East Branch South Fork Eel River.

“(258) MATTOLE RIVER ESTUARY.—The 1.5-mile segment from the confluence of Stansberry
Creek to the Pacific Ocean, to be administered as a recreational river by the Secretary of the Interior.

“(259) HONEYDEW CREEK.—The following segments to be administered as a wild river by the Secretary of the Interior:

“(A) The 5.1-mile segment of Honeydew Creek from its source in the southwest corner of section 25, T. 3 S., R. 1 W. to the eastern boundary of the King Range National Conservation Area in section 18, T. 3 S., R. 1 E.

“(B) The 2.8-mile segment of West Fork Honeydew Creek from its source west of North Slide Peak to the confluence with Honeydew Creek.

“(C) The 2.7-mile segment of Upper East Fork Honeydew Creek from its source in section 23, T. 3 S., R. 1 W. to the confluence with Honeydew Creek.

“(260) BEAR CREEK.—The following segments to be administered by the Secretary of the Interior:

“(A) The 1.9-mile segment of North Fork Bear Creek from the confluence with the unnamed tributary immediately downstream of the Horse Mountain Road crossing to the confluence with the South Fork, as a scenic river.
“(B) The 6.1-mile segment of South Fork Bear Creek from the confluence in section 2, T. 5 S., R. 1 W. with the unnamed tributary flowing from the southwest flank of Queen Peak to the confluence with the North Fork, as a scenic river.

“(C) The 3-mile segment of Bear Creek from the confluence of the North and South Forks to the southern boundary of section 11, T. 4 S., R. 1 E., as a wild river.

“(261) GITCHELL CREEK.—The 3-mile segment of Gitchell Creek from its source near Saddle Mountain to the Pacific Ocean to be administered by the Secretary of the Interior as a wild river.

“(262) BIG FLAT CREEK.—The following segments to be administered by the Secretary of the Interior as a wild river:

“(A) The 4-mile segment of Big Flat Creek from its source near King Peak in section 36, T. 3 S., R. 1 W. to the Pacific Ocean.

“(B) The .8-mile segment of the unnamed tributary from its source in section 35, T. 3 S., R. 1 W. to the confluence with Big Flat Creek.

“(C) The 2.7-mile segment of North Fork Big Flat Creek from the source in section 34,
T. 3 S., R. 1 W. to the confluence with Big Flat Creek.

“(263) BIG CREEK.—The following segments to be administered by the Secretary of the Interior as wild rivers:

“(A) The 2.7-mile segment of Big Creek from its source in section 26, T. 3 S., R. 1 W. to the Pacific Ocean.

“(B) The 1.9-mile unnamed southern tributary from its source in section 25, T. 3 S., R. 1 W. to the confluence with Big Creek.

“(264) ELK CREEK.—The 11.4-mile segment from its confluence with Lookout Creek to its confluence with Deep Hole Creek, to be jointly administered by the Secretaries of Agriculture and the Interior, as a wild river.

“(265) EDEN CREEK.—The 2.7-mile segment from the private property boundary in the northwest quarter of section 27, T. 21 N., R. 12 W. to the eastern boundary of section 23, T. 21 N., R. 12 W., to be administered by the Secretary of the Interior as a wild river.

“(266) DEEP HOLE CREEK.—The 4.3-mile segment from the private property boundary in the southwest quarter of section 13, T. 20 N., R. 12 W.
to the confluence with Elk Creek, to be administered by the Secretary of the Interior as a wild river.

“(267) INDIAN CREEK.—The 3.3-mile segment from 300 feet downstream of the jeep trail in section 13, T. 20 N., R. 13 W. to the confluence with the Eel River, to be administered by the Secretary of the Interior as a wild river.

“(268) FISH CREEK.—The 4.2-mile segment from the source at Buckhorn Spring to the confluence with the Eel River, to be administered by the Secretary of the Interior as a wild river.”.

SEC. 20235. SANHEDRIN SPECIAL CONSERVATION MANAGEMENT AREA.

(a) ESTABLISHMENT.—Subject to valid existing rights, there is established the Sanhedrin Special Conservation Management Area (referred to in this section as the “conservation management area”), comprising approximately 14,177 acres of Federal land administered by the Forest Service in Mendocino County, California, as generally depicted on the map entitled “Sanhedrin Special Conservation Management Area—Proposed” and dated April 12, 2017.

(b) PURPOSES.—The purposes of the conservation management area are to—
(1) conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, roadless, cultural, historical, natural, educational, and scientific resources of the conservation management area;

(2) protect and restore late-successional forest structure, oak woodlands and grasslands, aquatic habitat, and anadromous fisheries within the conservation management area;

(3) protect and restore the wilderness character of the conservation management area; and

(4) allow visitors to enjoy the scenic, natural, cultural, and wildlife values of the conservation management area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the conservation management area—

(A) in a manner consistent with the purposes described in subsection (b); and

(B) in accordance with—

(i) the laws (including regulations) generally applicable to the National Forest System;

(ii) this section; and
(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the conservation management area that the Secretary determines would further the purposes described in subsection (b).

(d) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as provided in paragraph (3), the use of motorized vehicles in the conservation management area shall be permitted only on existing roads, trails, and areas designated for use by such vehicles as of the date of enactment of this Act.

(2) NEW OR TEMPORARY ROADS.—Except as provided in paragraph (3), no new or temporary roads shall be constructed within the conservation management area.

(3) EXCEPTION.—Nothing in paragraph (1) or (2) prevents the Secretary from—

(A) rerouting or closing an existing road or trail to protect natural resources from degradation, or to protect public safety, as determined to be appropriate by the Secretary;

(B) designating routes of travel on lands acquired by the Secretary and incorporated into
the conservation management area if the designations are—

(i) consistent with the purposes described in subsection (b); and

(ii) completed, to the maximum extent practicable, within 3 years of the date of acquisition;

(C) constructing a temporary road on which motorized vehicles are permitted as part of a vegetation management project carried out in accordance with subsection (e);

(D) authorizing the use of motorized vehicles for administrative purposes; or

(E) responding to an emergency.

(4) Decommissioning of Temporary Roads.—

(A) Requirement.—The Secretary shall decommission any temporary road constructed under paragraph (3)(C) not later than 3 years after the date on which the applicable vegetation management project is completed.

(B) Definition.—As used in subparagraph (A), the term “decommission” means—

(i) to reestablish vegetation on a road; and
(ii) to restore any natural drainage, watershed function, or other ecological processes that are disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism.

(e) Timber Harvest.—

(1) In general.—Except as provided in paragraph (2), no harvesting of timber shall be allowed within the conservation management area.

(2) Exceptions.—The Secretary may authorize harvesting of timber in the conservation management area—

(A) if the Secretary determines that the harvesting is necessary to further the purposes of the conservation management area;

(B) in a manner consistent with the purposes described in subsection (b); and

(C) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary determines appropriate; and

(ii) all applicable laws (including regulations).
(f) Grazing.—The grazing of livestock in the conservation management area, where established before the date of enactment of this Act, shall be permitted to continue—

(1) subject to—

(A) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(B) applicable law (including regulations);

and

(2) in a manner consistent with the purposes described in subsection (b).

(g) Wildfire, Insect, and Disease Management.—Consistent with this section, the Secretary may take any measures within the conservation management area that the Secretary determines to be necessary to control fire, insects, and diseases, including the coordination of those activities with a State or local agency.

(h) Acquisition and Incorporation of Land and Interests in Land.—

(1) Acquisition Authority.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within or adjacent to the boundaries of the conservation
management area by purchase from willing sellers, donation, or exchange.

(2) INCORPORATION.—Any land or interest in land acquired by the Secretary under paragraph (1) shall be—

(A) incorporated into, and administered as part of, the conservation management area; and

(B) withdrawn in accordance with subsection (i).

(i) WITHDRAWAL.—Subject to valid existing rights, all Federal land located in the conservation management area is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patenting under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

Subtitle D—Miscellaneous

SEC. 20241. MAPS AND LEGAL DESCRIPTIONS.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare maps and legal descriptions of the—

(1) wilderness areas and wilderness additions designated by section 20231;
(2) potential wilderness areas designated by section 20233;

(3) South Fork Trinity-Mad River Restoration Area;

(4) Horse Mountain Special Management Area;

and

(5) Sanhedrin Special Conservation Management Area.

(b) Submission of Maps and Legal Descriptions.—The Secretary shall file the maps and legal descriptions prepared under subsection (a) with—

(1) the Committee on Natural Resources of the House of Representatives; and

(2) the Committee on Energy and Natural Resources of the Senate.

(e) Force of Law.—The maps and legal descriptions prepared under subsection (a) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the maps and legal descriptions.

(d) Public Availability.—The maps and legal descriptions prepared under subsection (a) shall be on file and available for public inspection in the appropriate offices of the Forest Service, Bureau of Land Management, and National Park Service.
SEC. 20242. UPDATES TO LAND AND RESOURCE MANAGEMENT PLANS.

As soon as practicable, in accordance with applicable laws (including regulations), the Secretary shall incorporate the designations and studies required by this title into updated management plans for units covered by this title.

SEC. 20243. PACIFIC GAS AND ELECTRIC COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.

(a) EFFECT OF ACT.—Nothing in this title—

(1) affects any validly issued right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized activity (including the use of any mechanized vehicle, helicopter, and other aerial device) in a right-of-way acquired by or issued, granted, or permitted to Pacific Gas and Electric Company (including any predecessor or successor in interest or assign) that is located on land included in the South Fork Trinity—Mad River Restoration Area, Bigfoot National Recreation Trail, Sanhedrin Special Conservation Management Area, and Horse Mountain Special Management Area; or

(2) prohibits the upgrading or replacement of any—
(A) utility facilities of the Pacific Gas and Electric Company, including those utility facili-
ties known on the date of enactment of this Act within the—

(i) South Fork Trinity—Mad River Restoration Area known as—

(I) Gas Transmission Line 177A or rights-of-way;
(II) Gas Transmission Line DFM 1312–02 or rights-of-way;
(III) Electric Transmission Line Bridgeville—Cottonwood 115 kV or rights-of-way;
(IV) Electric Transmission Line Humboldt—Trinity 60 kV or rights-of-way;
(V) Electric Transmission Line Humboldt—Trinity 115 kV or rights-of-way;
(VI) Electric Transmission Line Maple Creek—Hoopa 60 kV or rights-of-way;
(VII) Electric Distribution Line—Willow Creek 1101 12 kV or rights-of-way;
(VIII) Electric Distribution Line—Willow Creek 1103 12 kV or rights-of-way;

(IX) Electric Distribution Line—Low Gap 1101 12 kV or rights-of-way;

(X) Electric Distribution Line—Fort Seward 1121 12 kV or rights-of-way;

(XI) Forest Glen Border District Regulator Station or rights-of-way;

(XII) Durrett District Gas Regulator Station or rights-of-way;

(XIII) Gas Distribution Line 4269C or rights-of-way;

(XIV) Gas Distribution Line 43991 or rights-of-way;

(XV) Gas Distribution Line 4993D or rights-of-way;

(XVI) Sportsmans Club District Gas Regulator Station or rights-of-way;

(XVII) Highway 36 and Zenia District Gas Regulator Station or rights-of-way;
(XVIII) Dinsmore Lodge 2nd Stage Gas Regulator Station or rights-of-way;

(XIX) Electric Distribution Line—Wildwood 1101 12kV or rights-of-way;

(XX) Low Gap Substation;

(XXI) Hyampom Switching Station; or

(XXII) Wildwood Substation;

(ii) Bigfoot National Recreation Trail known as—

(I) Gas Transmission Line 177A or rights-of-way;

(II) Electric Transmission Line Humboldt—Trinity 115 kV or rights-of-way;

(III) Electric Transmission Line Bridgeville—Cottonwood 115 kV or rights-of-way; or

(IV) Electric Transmission Line Humboldt—Trinity 60 kV or rights-of-way;

(iii) Sanhedrin Special Conservation Management Area known as, Electric Dis-
(iv) Horse Mountain Special Management Area known as, Electric Distribution Line Willow Creek 1101 12 kV or rights-of-way; or

(B) utility facilities of the Pacific Gas and Electric Company in rights-of-way issued, granted, or permitted by the Secretary adjacent to a utility facility referred to in paragraph (1).

(b) PLANS FOR ACCESS.—Not later than 1 year after the date of enactment of this subtitle or the issuance of a new utility facility right-of-way within the South Fork Trinity—Mad River Restoration Area, Bigfoot National Recreation Trail, Sanhedrin Special Conservation Management Area, and Horse Mountain Special Management Area, whichever is later, the Secretary, in consultation with the Pacific Gas and Electric Company, shall publish plans for regular and emergency access by the Pacific Gas and Electric Company to the rights-of-way of the Pacific Gas and Electric Company.
TITLE III—CENTRAL COAST
HERITAGE PROTECTION

SEC. 20301. SHORT TITLE.
This title may be cited as the “Central Coast Heritage Protection Act”.

SEC. 20302. DEFINITIONS.
In this title:

(1) SCENIC AREAS.—The term “scenic area” means a scenic area designated by section 20308(a).

(2) SECRETARY.—The term “Secretary” means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary of the Interior; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) STATE.—The term “State” means the State of California.

(4) WILDERNESS AREA.—The term “wilderness area” means a wilderness area or wilderness addition designated by section 20303(a).

SEC. 20303. DESIGNATION OF WILDERNESS.
(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the
State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain land in the Bakersfield Field Office of the Bureau of Land Management comprising approximately 35,116 acres, as generally depicted on the map entitled “Proposed Caliente Mountain Wilderness” and dated November 13, 2019, which shall be known as the “Caliente Mountain Wilderness”.

(2) Certain land in the Bakersfield Field Office of the Bureau of Land Management comprising approximately 13,332 acres, as generally depicted on the map entitled “Proposed Soda Lake Wilderness” and dated June 25, 2019, which shall be known as the “Soda Lake Wilderness”.

(3) Certain land in the Bakersfield Field Office of the Bureau of Land Management comprising approximately 12,585 acres, as generally depicted on the map entitled “Proposed Temblor Range Wilderness” and dated June 25, 2019, which shall be known as the “Temblor Range Wilderness”.

(4) Certain land in the Los Padres National Forest comprising approximately 23,670 acres, as generally depicted on the map entitled “Chumash Wilderness Area Additions—Proposed” and dated March 29, 2019, which shall be incorporated into
and managed as part of the Chumash Wilderness as
designated by the Los Padres Condor Range and
River Protection Act (Public Law 102–301; 106

(5) Certain land in the Los Padres National
Forest comprising approximately 54,036 acres, as
generally depicted on the maps entitled “Dick Smith
Wilderness Area Additions—Proposed Map 1 of 2
(Bear Canyon and Cuyama Peak Units)” and “Dick
Smith Wilderness Area Additions—Proposed Map 2
of 2 (Buckhorn and Mono Units)” and dated No-
vember 14, 2019, which shall be incorporated into
and managed as part of the Dick Smith Wilderness
as designated by the California Wilderness Act of

(6) Certain land in the Los Padres National
Forest and the Bakersfield Field Office of the Bu-
reau of Land Management comprising approximately
7,289 acres, as generally depicted on the map enti-
tled “Garcia Wilderness Area Additions—Proposed”
and dated March 29, 2019, which shall be incor-
porated into and managed as part of the Garcia Wil-
derness as designated by the Los Padres Condor
Range and River Protection Act (Public Law 102–
301; 106 Stat. 242).
(7) Certain land in the Los Padres National Forest and the Bakersfield Field Office of the Bureau of Land Management comprising approximately 8,774 acres, as generally depicted on the map entitled “Machesna Mountain Wilderness—Proposed Additions” and dated October 30, 2019, which shall be incorporated into and managed as part of the Machesna Mountain Wilderness as designated by the California Wilderness Act of 1984 (Public Law 98–425; 16 U.S.C. 1132 note).

(8) Certain land in the Los Padres National Forest comprising approximately 30,184 acres, as generally depicted on the map entitled “Matilija Wilderness Area Additions—Proposed” and dated March 29, 2019, which shall be incorporated into and managed as part of the Matilija Wilderness as designated by the Los Padres Condor Range and River Protection Act (Public Law 102–301; 106 Stat. 242).

(9) Certain land in the Los Padres National Forest comprising approximately 23,969 acres, as generally depicted on the map entitled “San Rafael Wilderness Area Additions—Proposed” and dated March 29, 2019, which shall be incorporated into and managed as part of the San Rafael Wilderness
as designated by Public Law 90–271 (82 Stat. 51),
the California Wilderness Act of 1984 (Public Law
98–425; 16 U.S.C. 1132 note), and the Los Padres
Condor Range and River Protection Act (Public Law

(10) Certain land in the Los Padres National
Forest comprising approximately 2,921 acres, as
generally depicted on the map entitled “Santa Lucia
Wilderness Area Additions—Proposed” and dated
March 29, 2019, which shall be incorporated into
and managed as part of the Santa Lucia Wilderness
as designated by the Endangered American Wilder-
ness Act of 1978 (Public Law 95–237; 16 U.S.C.
1132 note).

(11) Certain land in the Los Padres National
Forest comprising approximately 14,313 acres, as
generally depicted on the map entitled “Sespe Wil-
derness Area Additions—Proposed” and dated
March 29, 2019, which shall be incorporated into
and managed as part of the Sespe Wilderness as
designated by the Los Padres Condor Range and
River Protection Act (Public Law 102–301; 106

(12) Certain land in the Los Padres National
Forest comprising approximately 17,870 acres, as
generally depicted on the map entitled “Diablo Caliente Wilderness Area—Proposed” and dated March 29, 2019, which shall be known as the “Diablo Caliente Wilderness”.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the wilderness areas with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.
SEC. 20304. DESIGNATION OF THE MACHESNA MOUNTAIN

POTENTIAL WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of
the Wilderness Act (16 U.S.C. 1131 et seq.), certain land
in the Los Padres National Forest comprising approxi-
mately 2,359 acres, as generally depicted on the map enti-
tled “Machesna Mountain Potential Wilderness” and
dated March 29, 2019, is designated as the Machesna
Mountain Potential Wilderness Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after
the date of enactment of this Act, the Secretary
shall file a map and legal description of the
Machesna Mountain Potential Wilderness Area (re-
tered to in this section as the “potential wilderness
area”) with—

(A) the Committee on Energy and Natural
Resources of the Senate; and

(B) the Committee on Natural Resources
of the House of Representatives.

(2) FORCE OF LAW.—The map and legal de-
scription filed under paragraph (1) shall have the
same force and effect as if included in this title, ex-
cept that the Secretary may correct any clerical and
typographical errors in the map and legal descrip-

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(3) **Public Availability.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) **Management.**—Except as provided in subsection (d) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(d) **Trail Use, Construction, Reconstruction, and Realignment.**—

(1) **In General.**—In accordance with paragraph (2), the Secretary may reconstruct, realign, or reroute the Pine Mountain Trail.

(2) **Requirement.**—In carrying out the reconstruction, realignment, or rerouting under paragraph (1), the Secretary shall—

(A) comply with all existing laws (including regulations); and

(B) to the maximum extent practicable, use the minimum tool or administrative practice necessary to accomplish the reconstruction, realignment, or rerouting with the least amount of adverse impact on wilderness character and resources.
(3) Motorized Vehicles and Machinery.—In accordance with paragraph (2), the Secretary may use motorized vehicles and machinery to carry out the trail reconstruction, realignment, or rerouting authorized by this subsection.

(4) Motorized and Mechanized Vehicles.—The Secretary may permit the use of motorized and mechanized vehicles on the existing Pine Mountain Trail in accordance with existing law (including regulations) and this subsection until such date as the potential wilderness area is designated as wilderness in accordance with subsection (h).

(e) Withdrawal.—Subject to valid existing rights, the Federal land in the potential wilderness area is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) Cooperative Agreements.—In carrying out this section, the Secretary may enter into cooperative agreements with State, Tribal, and local governmental entities and private entities to complete the trail reconstruc-
tion, realignment, or rerouting authorized by subsection (d).

(g) **BOUNDARIES.**—The Secretary shall modify the boundary of the potential wilderness area to exclude any area within 150 feet of the centerline of the new location of any trail that has been reconstructed, realigned, or rerouted under subsection (d).

(h) **WILDERNESS DESIGNATION.**—

(1) **IN GENERAL.**—The potential wilderness area, as modified under subsection (g), shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(A) the date on which the Secretary publishes in the Federal Register notice that the trail reconstruction, realignment, or rerouting authorized by subsection (d) has been completed; or

(B) the date that is 20 years after the date of enactment of this Act.

(2) **ADMINISTRATION OF WILDERNESS.**—On designation as wilderness under this section, the potential wilderness area shall be—

(A) incorporated into the Machesna Mountain Wilderness Area, as designated by the Cali-
forinia Wilderness Act of 1984 (Public Law 98–425; 16 U.S.C. 1132 note) and expanded by section 20303; and

(B) administered in accordance with section 305 and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 20305. ADMINISTRATION OF WILDERNESS.

(a) IN GENERAL.—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the wilderness area.

(b) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take any measures in a wilderness area as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16

(2) Funding Priorities.—Nothing in this title limits funding for fire and fuels management in the wilderness areas.

(3) Revision and Development of Local Fire Management Plans.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local information in the Fire Management Reference System or individual operational plans that apply to the land designated as a wilderness area.

(4) Administration.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas, the Secretary shall enter into agreements with appropriate State or local firefighting agencies.

(c) Grazing.—The grazing of livestock in the wilderness areas, if established before the date of enactment of this Act, shall be permitted to continue, subject to any reasonable regulations as the Secretary considers necessary in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4));
(2) the guidelines set forth in Appendix A of House Report 101–405, accompanying H.R. 2570 of the 101st Congress for land under the jurisdiction of the Secretary of the Interior;

(3) the guidelines set forth in House Report 96–617, accompanying H.R. 5487 of the 96th Congress for land under the jurisdiction of the Secretary of Agriculture; and

(4) all other laws governing livestock grazing on Federal public land.

(d) FISH AND WILDLIFE.—

(1) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects the jurisdiction or responsibilities of the State with respect to fish and wildlife on public land in the State.

(2) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas, if the management activities are—

(A) consistent with relevant wilderness management plans;
(B) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101–405; and

(C) in accordance with memoranda of understanding between the Federal agencies and the State Department of Fish and Wildlife.

(e) Buffer Zones.—

(1) In General.—Congress does not intend for the designation of wilderness areas by this title to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) Activities or Uses Up To Boundaries.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(f) Military Activities.—Nothing in this title precludes—

(1) low-level overflights of military aircraft over the wilderness areas;

(2) the designation of new units of special airspace over the wilderness areas; or

(3) the use or establishment of military flight training routes over wilderness areas.
(g) Horses.—Nothing in this title precludes horse-
back riding in, or the entry of recreational saddle or pack
stock into, a wilderness area—

(1) in accordance with section 4(d)(5) of the
Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions deter-
mined to be necessary by the Secretary.

(h) Withdrawal.—Subject to valid existing rights,
the wilderness areas are withdrawn from—

(1) all forms of entry, appropriation, and dis-
posal under the public land laws;

(2) location, entry, and patent under the mining
laws; and

(3) disposition under all laws pertaining to min-
eral and geothermal leasing or mineral materials.

(i) Incorporation of Acquired Land and Inter-
est.—Any land within the boundary of a wilderness area
that is acquired by the United States shall—

(1) become part of the wilderness area in which
the land is located; and

(2) be managed in accordance with—

(A) this section;

(B) the Wilderness Act (16 U.S.C. 1131 et
seq.); and

(C) any other applicable law.
(j) Climatological Data Collection.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

SEC. 20306. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) Indian Creek, Mono Creek, and Matilija Creek, California.—Section 3(a) of the National Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(231) Indian Creek, California.—The following segments of Indian Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 9.5-mile segment of Indian Creek from its source in sec. 19, T. 7 N., R. 26 W., to the Dick Smith Wilderness boundary, as a wild river.

“(B) The 1-mile segment of Indian Creek from the Dick Smith Wilderness boundary to
0.25 miles downstream of Road 6N24, as a scenic river.

“(C) The 3.9-mile segment of Indian Creek from 0.25 miles downstream of Road 6N24 to the southern boundary of sec. 32, T. 6 N., R. 26 W., as a wild river.

“(232) MONO CREEK, CALIFORNIA.—The following segments of Mono Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 4.2-mile segment of Mono Creek from its source in sec. 1, T. 7 N., R. 26 W., to 0.25 miles upstream of Don Victor Fire Road in sec. 28, T. 7 N., R. 25 W., as a wild river.

“(B) The 2.1-mile segment of Mono Creek from 0.25 miles upstream of the Don Victor Fire Road in sec. 28, T. 7 N., R. 25 W., to 0.25 miles downstream of Don Victor Fire Road in sec. 34, T. 7 N., R. 25 W., as a recreational river.

“(C) The 14.7-mile segment of Mono Creek from 0.25 miles downstream of Don Victor Fire Road in sec. 34, T. 7 N., R. 25 W.,
to the Ogilvy Ranch private property boundary in sec. 22, T. 6 N., R. 26 W., as a wild river.

“(D) The 3.5-mile segment of Mono Creek from the Ogilvy Ranch private property bound-
ary to the southern boundary of sec. 33, T. 6 N., R. 26 W., as a recreational river.

“(233) MATILJA CREEK, CALIFORNIA.—The following segments of Matilija Creek in the State of
California, to be administered by the Secretary of Agriculture:

“(A) The 7.2-mile segment of the Matilija Creek from its source in sec. 25, T. 6 N., R.
25 W., to the private property boundary in sec.
9, T. 5 N., R. 24 W., as a wild river.

“(B) The 7.25-mile segment of the Upper North Fork Matilija Creek from its source in
sec. 36, T. 6 N., R. 24 W., to the Matilija Wil-
derness boundary, as a wild river.”.

(b) SESPE CREEK, CALIFORNIA.—Section 3(a) of the National Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (142) and inserting the following:

“(142) SESPE CREEK, CALIFORNIA.—The fol-
lowing segments of Sespe Creek in the State of Cali-
fornia, to be administered by the Secretary of Agriculture:

“(A) The 2.7-mile segment of Sespe Creek from the private property boundary in sec. 10, T. 6 N., R. 24 W., to the Hartman Ranch private property boundary in sec. 14, T. 6 N., R. 24 W., as a wild river.

“(B) The 15-mile segment of Sespe Creek from the Hartman Ranch private property boundary in sec. 14, T. 6 N., R. 24 W., to the western boundary of sec. 6, T. 5 N., R. 22 W., as a recreational river.

“(C) The 6.1-mile segment of Sespe Creek from the western boundary of sec. 6, T. 5 N., R. 22 W., to the confluence with Trout Creek, as a scenic river.

“(D) The 28.6-mile segment of Sespe Creek from the confluence with Trout Creek to the southern boundary of sec. 35, T. 5 N., R. 20 W., as a wild river.”.

(c) SISQUOC RIVER, CALIFORNIA.—Section 3(a) of the National Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (143) and inserting the following:
“(143) SISQUOC RIVER, CALIFORNIA.—The following segments of the Sisquoc River and its tributaries in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 33-mile segment of the main stem of the Sisquoc River extending from its origin downstream to the Los Padres Forest boundary, as a wild river.

“(B) The 4.2-mile segment of the South Fork Sisquoc River from its source northeast of San Rafael Mountain in sec. 2, T. 7 N., R. 28 W., to its confluence with the Sisquoc River, as a wild river.

“(C) The 10.4-mile segment of Manzana Creek from its source west of San Rafael Peak in sec. 4, T. 7 N., R. 28 W., to the San Rafael Wilderness boundary upstream of Nira Campground, as a wild river.

“(D) The 0.6-mile segment of Manzana Creek from the San Rafael Wilderness boundary upstream of the Nira Campground to the San Rafael Wilderness boundary downstream of the confluence of Davy Brown Creek, as a recreational river.
“(E) The 5.8-mile segment of Manzana Creek from the San Rafael Wilderness boundary downstream of the confluence of Davy Brown Creek to the private property boundary in sec. 1, T. 8 N., R. 30 W., as a wild river.

“(F) The 3.8-mile segment of Manzana Creek from the private property boundary in sec. 1, T. 8 N., R. 30 W., to the confluence of the Sisquoc River, as a recreational river.

“(G) The 3.4-mile segment of Davy Brown Creek from its source west of Ranger Peak in sec. 32, T. 8 N., R. 29 W., to 300 feet upstream of its confluence with Munch Canyon, as a wild river.

“(H) The 1.4-mile segment of Davy Brown Creek from 300 feet upstream of its confluence with Munch Canyon to its confluence with Manzana Creek, as a recreational river.

“(I) The 2-mile segment of Munch Canyon from its source north of Ranger Peak in sec. 33, T. 8 N., R. 29 W., to 300 feet upstream of its confluence with Sunset Valley Creek, as a wild river.

“(J) The 0.5-mile segment of Munch Canyon from 300 feet upstream of its confluence
with Sunset Valley Creek to its confluence with Davy Brown Creek, as a recreational river.

“(K) The 2.6-mile segment of Fish Creek from 500 feet downstream of Sunset Valley Road to its confluence with Manzana Creek, as a wild river.

“(L) The 1.5-mile segment of East Fork Fish Creek from its source in sec. 26, T. 8 N., R. 29 W., to its confluence with Fish Creek, as a wild river.”.

(d) PIRU CREEK, CALIFORNIA.—Section 3(a) of the National Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (199) and inserting the following:

“(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 9.1-mile segment of Piru Creek from its source in sec. 3, T. 6 N., R. 22 W., to the private property boundary in sec. 4, T. 6 N., R. 21 W., as a wild river.

“(B) The 17.2-mile segment of Piru Creek from the private property boundary in sec. 4, T.
6 N., R. 21 W., to 0.25 miles downstream of
the Gold Hill Road, as a scenic river.

“(C) The 4.1-mile segment of Piru Creek
from 0.25 miles downstream of Gold Hill Road
to the confluence with Trail Canyon, as a wild
river.

“(D) The 7.25-mile segment of Piru Creek
from the confluence with Trail Canyon to the
confluence with Buck Creek, as a scenic river.

“(E) The 3-mile segment of Piru Creek
from 0.5 miles downstream of Pyramid Dam at
the first bridge crossing to the boundary of the
Sespe Wilderness, as a recreational river.

“(F) The 13-mile segment of Piru Creek
from the boundary of the Sespe Wilderness to
the boundary of the Sespe Wilderness, as a wild
river.

“(G) The 2.2-mile segment of Piru Creek
from the boundary of the Sespe Wilderness to
the upper limit of Piru Reservoir, as a recre-
reational river.”.

(e) EFFECT.—The designation of additional miles of
Piru Creek under subsection (d) shall not affect valid
water rights in existence on the date of enactment of this
Act.
(f) Motorized Use of Trails.—Nothing in this section (including the amendments made by this section) affects the motorized use of trails designated by the Forest Service for motorized use that are located adjacent to and crossing upper Piru Creek, if the use is consistent with the protection and enhancement of river values under the National Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

SEC. 20307. DESIGNATION OF THE FOX MOUNTAIN POTENTIAL WILDERNESS.

(a) Designation.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Los Padres National Forest comprising approximately 41,082 acres, as generally depicted on the map entitled “Fox Mountain Potential Wilderness Area” and dated November 14, 2019, is designated as the Fox Mountain Potential Wilderness Area.

(b) Map and Legal Description.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of the Fox Mountain Potential Wilderness Area (referred to in this section as the “potential wilderness area”) with—
(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) Force of Law.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct any clerical and typographical errors in the map and legal description.

(3) Public Availability.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) Management.—Except as provided in subsection (d) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(d) Trail Use Construction, Reconstruction, and Realignment.—

(1) In General.—In accordance with paragraph (2), the Secretary of Agriculture may—

(A) construct a new trail for use by hikers, equestrians, and mechanized vehicles that con-
nects the Aliso Park Campground to the Bull Ridge Trail; and

(B) reconstruct or realign—

(i) the Bull Ridge Trail; and

(ii) the Rocky Ridge Trail.

(2) REQUIREMENT.—In carrying out the construction, reconstruction, or alignment under paragraph (1), the Secretary shall—

(A) comply with all existing laws (including regulations); and

(B) to the maximum extent practicable, use the minimum tool or administrative practice necessary to accomplish the construction, reconstruction, or alignment with the least amount of adverse impact on wilderness character and resources.

(3) MOTORIZED VEHICLES AND MACHINERY.—In accordance with paragraph (2), the Secretary may use motorized vehicles and machinery to carry out the trail construction, reconstruction, or realignment authorized by this subsection.

(4) MECHANIZED VEHICLES.—The Secretary may permit the use of mechanized vehicles on the existing Bull Ridge Trail and Rocky Ridge Trail in accordance with existing law (including regulations)
and this subsection until such date as the potential
wilderness area is designated as wilderness in ac-
cordance with subsection (h).

(e) WITHDRAWAL.—Subject to valid existing rights,
the Federal land in the potential wilderness area is with-
drawn from all forms of—

(1) entry, appropriation, or disposal under the
public land laws;

(2) location, entry, and patent under the mining
laws; and

(3) disposition under all laws pertaining to min-
eral and geothermal leasing or mineral materials.

(f) COOPERATIVE AGREEMENTS.—In carrying out
this section, the Secretary may enter into cooperative
agreements with State, Tribal, and local governmental en-
tities and private entities to complete the trail construc-
tion, reconstruction, and realignment authorized by sub-
section (d).

(g) BOUNDARIES.—The Secretary shall modify the
boundary of the potential wilderness area to exclude any
area within 50 feet of the centerline of the new location
of any trail that has been constructed, reconstructed, or
realigned under subsection (d).

(h) WILDERNESS DESIGNATION.—
(1) IN GENERAL.—The potential wilderness area, as modified under subsection (g), shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(A) the date on which the Secretary publishes in the Federal Register notice that the trail construction, reconstruction, or alignment authorized by subsection (d) has been completed; or

(B) the date that is 20 years after the date of enactment of this Act.

(2) ADMINISTRATION OF WILDERNESS.—On designation as wilderness under this section, the potential wilderness area shall be—

(A) incorporated into the San Rafael Wilderness, as designated by Public Law 90–271 (82 Stat. 51), the California Wilderness Act of 1984 (Public Law 98–425; 16 U.S.C. 1132 note), and the Los Padres Condor Range and River Protection Act (Public Law 102–301; 106 Stat. 242), and section 20303; and

(B) administered in accordance with section 20305 and the Wilderness Act (16 U.S.C. 1131 et seq.).
SEC. 20308. DESIGNATION OF SCENIC AREAS.

(a) IN GENERAL.—Subject to valid existing rights, there are established the following scenic areas:

(1) CONDOR RIDGE SCENIC AREA.—Certain land in the Los Padres National Forest comprising approximately 18,666 acres, as generally depicted on the map entitled “Condor Ridge Scenic Area—Proposed” and dated March 29, 2019, which shall be known as the “Condor Ridge Scenic Area”.

(2) BLACK MOUNTAIN SCENIC AREA.—Certain land in the Los Padres National Forest and the Bakersfield Field Office of the Bureau of Land Management comprising approximately 16,216 acres, as generally depicted on the map entitled “Black Mountain Scenic Area—Proposed” and dated March 29, 2019, which shall be known as the “Black Mountain Scenic Area”.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and legal description of the Condor Ridge Scenic Area and Black Mountain Scenic Area with—

(A) the Committee on Energy and Natural Resources of the Senate; and
(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct any clerical and typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(e) PURPOSE.—The purpose of the scenic areas is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the scenic areas.

(d) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall administer the scenic areas—

(A) in a manner that conserves, protects, and enhances the resources of the scenic areas, and in particular the scenic character attributes of the scenic areas; and
(B) in accordance with—

(i) this section;

(ii) the Federal Land Policy and Man-
agement Act (43 U.S.C. 1701 et seq.) for
land under the jurisdiction of the Secretary
of the Interior;

(iii) any laws (including regulations)
relating to the National Forest System, for
land under the jurisdiction of the Secretary
of Agriculture; and

(iv) any other applicable law (includ-
ing regulations).

(2) USES.—The Secretary shall only allow those
uses of the scenic areas that the Secretary deter-
mines would further the purposes described in sub-
section (e).

(e) WITHDRAWAL.—Subject to valid existing rights,
the Federal land in the scenic areas is withdrawn from
all forms of—

(1) entry, appropriation, or disposal under the
public land laws;

(2) location, entry, and patent under the mining
laws; and

(3) disposition under all laws pertaining to min-
eral and geothermal leasing or mineral materials.
(f) PROHIBITED USES.—The following shall be prohibited on the Federal land within the scenic areas:

(1) Permanent roads.

(2) Permanent structures.

(3) Timber harvesting except when necessary for the purposes described in subsection (g).

(4) Transmission lines.

(5) Except as necessary to meet the minimum requirements for the administration of the scenic areas and to protect public health and safety—

(A) the use of motorized vehicles; or

(B) the establishment of temporary roads.

(6) Commercial enterprises, except as necessary for realizing the purposes of the scenic areas.

(g) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with this section, the Secretary may take any measures in the scenic areas that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines to be appropriate, the coordination of those activities with the State or a local agency.

(h) ADJACENT MANAGEMENT.—The fact that an otherwise authorized activity or use can be seen or heard within a scenic area shall not preclude the activity or use outside the boundary of the scenic area.
SEC. 20309. CONDOR NATIONAL SCENIC TRAIL.

(a) IN GENERAL.—The contiguous trail established pursuant to this section shall be known as the “Condor National Scenic Trail” named after the California condor, a critically endangered bird species that lives along the extent of the trail corridor.

(b) PURPOSE.—The purposes of the Condor National Scenic Trail are to—

(1) provide a continual extended hiking corridor that connects the southern and northern portions of the Los Padres National Forest, spanning the entire length of the forest along the coastal mountains of southern and central California; and

(2) provide for the public enjoyment of the nationally significant scenic, historic, natural, and cultural qualities of the Los Padres National Forest.

(e) AMENDMENT.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“(31) CONDOR NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Condor National Scenic Trail, a trail extending approximately 400 miles from Lake Piru in the southern portion of the Los Padres National Forest to the Bottchers Gap Campground in northern portion of the Los Padres National Forest.
“(B) Administration.—The trail shall be administered by the Secretary of Agriculture, in consultation with—

“(i) other Federal, State, Tribal, regional, and local agencies;

“(ii) private landowners; and

“(iii) other interested organizations.

“(C) Recreational Uses.—Notwithstanding section 7(c), the use of motorized vehicles on roads or trails included in the Condor National Scenic Trail on which motorized vehicles are permitted as of the date of enactment of this paragraph may be permitted.

“(D) Private Property Rights.—

“(i) Prohibition.—The Secretary shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally managed area without the consent of the owner of land or interest in land.

“(ii) Effect.—Nothing in this paragraph—

“(I) requires any private property owner to allow public access (including Federal, State, or local gov-
ernment access) to private property;

or

“(II) modifies any provision of
Federal, State, or local law with re-
spect to public access to or use of pri-

ivate land.

“(E) REALIGNMENT.—The Secretary of
Agriculture may realign segments of the Condor
National Scenic Trail as necessary to fulfill the
purposes of the trail.

“(F) MAP.—A map generally depicting the
trail described in subparagraph (A) shall be on
file and available for public inspection in the
appropriate offices of the Forest Service.”.

(d) STUDY.—

(1) STUDY REQUIRED.—Not later than 3 years
after the date of enactment of this Act, in accord-
ance with this section, the Secretary of Agriculture
shall conduct a study that—

(A) addresses the feasibility of, and alter-
natives for, connecting the northern and south-
ern portions of the Los Padres National Forest
by establishing a trail across the applicable por-
tions of the northern and southern Santa Lucia
Mountains of the southern California Coastal Range; and

(B) considers realignment of the trail or construction of new trail segments to avoid existing trail segments that currently allow motorized vehicles.

(2) CONTENTS.—In carrying out the study required by paragraph (1), the Secretary of Agriculture shall—

(A) conform to the requirements for national scenic trail studies described in section 5(b) of the National Trails System Act (16 U.S.C. 1244(b));

(B) provide for a continual hiking route through and connecting the southern and northern sections of the Los Padres National Forest;

(C) promote recreational, scenic, wilderness and cultural values;

(D) enhance connectivity with the overall National Forest trail system;

(E) consider new connectors and realignment of existing trails;
(F) emphasize safe and continuous public access, dispersal from high-use areas, and suitable water sources; and

(G) to the extent practicable, provide all-year use.

(3) ADDITIONAL REQUIREMENT.—In completing the study required by paragraph (1), the Secretary of Agriculture shall consult with—

(A) appropriate Federal, State, Tribal, regional, and local agencies;

(B) private landowners;

(C) nongovernmental organizations; and

(D) members of the public.

(4) SUBMISSION.—The Secretary of Agriculture shall submit the study required by paragraph (1) to—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(5) ADDITIONS AND ALTERATIONS TO THE CONDOR NATIONAL SCENIC TRAIL.—

(A) IN GENERAL.—Upon completion of the study required by paragraph (1), if the Secretary of Agriculture determines that additional
or alternative trail segments are feasible for inclusion in the Condor National Scenic Trail, the Secretary of Agriculture shall include those segments in the Condor National Scenic Trail.

(B) EFFECTIVE DATE.—Additions or alternatives to the Condor National Scenic Trail shall be effective on the date the Secretary of Agriculture publishes in the Federal Register notice that the additional or alternative segments are included in the Condor National Scenic Trail.

c) COOPERATIVE AGREEMENTS.—In carrying out this section (including the amendments made by this section), the Secretary of Agriculture may enter into cooperative agreements with State, Tribal, and local government entities and private entities to complete needed trail construction, reconstruction, and realignment projects authorized by this section (including the amendments made by this section).

SEC. 20310. FOREST SERVICE STUDY.

Not later than 6 years after the date of enactment of this Act, the Secretary of Agriculture (acting through the Chief of the Forest Service) shall study the feasibility of opening a new trail, for vehicles measuring 50 inches or less, connecting Forest Service Highway 95 to the exist-
ing off-highway vehicle trail system in the Ballinger Can-
yon off-highway vehicle area.

SEC. 20311. NONMOTORIZED RECREATION OPPORTUNITIES.

Not later than 6 years after the date of enactment
of this Act, the Secretary of Agriculture, in consultation
with interested parties, shall conduct a study to improve
nonmotorized recreation trail opportunities (including
mountain bicycling) on land not designated as wilderness
within the Santa Barbara, Ojai, and Mt. Pinos ranger dis-
tricts.

SEC. 20312. USE BY MEMBERS OF TRIBES.

(a) Access.—The Secretary shall ensure that Tribes
have access, in accordance with the Wilderness Act (16
U.S.C. 1131 et seq.), to the wilderness areas, scenic areas,
and potential wilderness areas designated by this title for
traditional cultural and religious purposes.

(b) Temporary Closures.—

(1) In general.—In carrying out this section,
the Secretary, on request of a Tribe, may tempo-
rarily close to the general public one or more specific
portions of a wilderness area, scenic area, or poten-
tial wilderness area designated by this title to pro-
tect the privacy of the members of the Tribe in the
conduct of traditional cultural and religious activi-
ties.
(2) REQUIREMENT.—Any closure under paragraph (1) shall be—

(A) made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out; and

(B) be consistent with the purpose and intent of Public Law 95–341 (commonly known as the American Indian Religious Freedom Act) (42 U.S.C. 1996) and the Wilderness Act (16 U.S.C. 1131 et seq.).

TITLE IV—SAN GABRIEL MOUNTAINS FOOTHILLS AND RIVERS PROTECTION

SEC. 20401. SHORT TITLE.

This title may be cited as the “San Gabriel Mountains Foothills and Rivers Protection Act”.

SEC. 20402. DEFINITION OF STATE.

In this title, the term “State” means the State of California.

Subtitle A—San Gabriel National Recreation Area

SEC. 20411. PURPOSES.

The purposes of this subtitle are—
(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Recreation Area;

(2) to provide environmentally responsible, well-managed recreational opportunities within the Recreation Area;

(3) to improve access to and from the Recreation Area;

(4) to provide expanded educational and interpretive services to increase public understanding of, and appreciation for, the natural and cultural resources of the Recreation Area;

(5) to facilitate the cooperative management of the land and resources within the Recreation Area, in collaboration with the State and political subdivisions of the State, historical, business, cultural, civic, recreational, tourism and other nongovernmental organizations, and the public; and

(6) to allow the continued use of the Recreation Area by all individuals, entities, and local government agencies in activities relating to integrated water management, flood protection, water conservation, water quality, water rights, water supply,
groundwater recharge and monitoring, wastewater
treatment, public roads and bridges, and utilities
within or adjacent to the Recreation Area.

SEC. 20412. DEFINITIONS.

In this subtitle:

(1) ADJUDICATION.—The term “adjudication”
means any final judgment, order, ruling, or decree
entered in any judicial proceeding adjudicating or af-
fecting water rights, surface water management, or
groundwater management.

(2) ADVISORY COUNCIL.—The term “Advisory
Council” means the San Gabriel National Recreation
Area Public Advisory Council established under sec-
tion 20417(a).

(3) FEDERAL LANDS.—The term “Federal
lands” means—

(A) public lands under the jurisdiction of
the Secretary of the Interior; and

(B) lands under the jurisdiction of the Sec-
retary of Defense, acting through the Chief of
Engineers.

(4) MANAGEMENT PLAN.—The term “manage-
ment plan” means the management plan for the
Recreation Area required under section 20414(d).
(5) **PARTNERSHIP.**—The term “Partnership” means the San Gabriel National Recreation Area Partnership established by section 20418(a).

(6) **PUBLIC WATER SYSTEM.**—The term “public water system” has the meaning given the term in 42 U.S.C. 300(f)(4) or in section 116275 of the California Health and Safety Code.

(7) **RECREATION AREA.**—The term “Recreation Area” means the San Gabriel National Recreation Area established by section 20413(a).

(8) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(9) **UTILITY FACILITY.**—The term “utility facility” means—

(A) any electric substations, communication facilities, towers, poles, and lines, ground wires, communication circuits, and other structures, and related infrastructure; and

(B) any such facilities associated with a public water system.

(10) **WATER RESOURCE FACILITY.**—The term “water resource facility” means irrigation and pumping facilities, dams and reservoirs, flood control facilities, water conservation works, including debris protection facilities, sediment placement sites, rain
gauges and stream gauges, water quality facilities, recycled water facilities, water pumping, conveyance and distribution systems, water storage tanks and reservoirs, and water treatment facilities, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, groundwater recharge facilities, water conservation, water filtration plants, and other water diversion, conservation, groundwater recharge, storage, and carriage structures.

SEC. 20413. SAN GABRIEL NATIONAL RECREATION AREA.

(a) Establishment; Boundaries.—Subject to valid existing rights, there is established as a unit of the National Park System in the State the San Gabriel National Recreation Area depicted as the “Proposed San Gabriel National Recreation Area” on the map entitled “San Gabriel National Recreation Area Proposed Boundary,” numbered 503/152,737, and dated July 2019.

(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 Recreation Area with—

(A) the Committee on Energy and Natural Resources of the Senate; and
(B) the Committee on Natural Resources
of the House of Representatives.

(2) FORCE OF LAW.—The map and legal de-
scription filed under paragraph (1) shall have the
same force and effect as if included in this title, ex-
cept that the Secretary may correct any clerical or
typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal
description filed under paragraph (1) shall be on file
and available for public inspection in the appropriate
offices of the National Park Service.

(c) ADMINISTRATION AND JURISDICTION.—

(1) PUBLIC LANDS.—The public lands included
in the Recreation Area shall be administered by the
Secretary, acting through the Director of the Na-
tional Park Service.

(2) DEPARTMENT OF DEFENSE LAND.—Al-
though certain Federal lands under the jurisdiction
of the Secretary of Defense are included in the
recreation area, nothing in this subtitle transfers ad-
ministration jurisdiction of such Federal lands from
the Secretary of Defense or otherwise affects Fed-
eral lands under the jurisdiction of the Secretary of
Defense.
(3) **State and Local Jurisdiction.**—Nothing in this subtitle alters, modifies, or diminishes any right, responsibility, power, authority, jurisdiction, or entitlement of the State, a political subdivision of the State, including, but not limited to courts of competent jurisdiction, regulatory commissions, boards, and departments, or any State or local agency under any applicable Federal, State, or local law (including regulations).

**SEC. 20414. MANAGEMENT.**

(a) **National Park System.**—Subject to valid existing rights, the Secretary shall manage the public lands included in the Recreation Area in a manner that protects and enhances the natural resources and values of the public lands, in accordance with—

(1) this subtitle;

(2) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753 and 102101 of title 54, United States Code (formerly known as the “National Park Service Organic Act”);

(3) the laws generally applicable to units of the National Park System; and

(4) other applicable law, regulations, adjudications, and orders.
(b) **Cooperation With Secretary of Defense.**—The Secretary shall cooperate with the Secretary of Defense to develop opportunities for the management of the Federal land under the jurisdiction of the Secretary of Defense included in the Recreation Area in accordance with the purposes described in section 20411, to the maximum extent practicable.

(c) **Treatment of Non-Federal Land.**—

(1) **In General.**—Nothing in this subtitle—

(A) authorizes the Secretary to take any action that would affect the use of any land not owned by the United States within the Recreation Area;

(B) affects the use of, or access to, any non-Federal land within the Recreation Area;

(C) modifies any provision of Federal, State, or local law with respect to public access to, or use of, non-Federal land;

(D) requires any owner of non-Federal land to allow public access (including Federal, State, or local government access) to private property or any other non-Federal land;

(E) alters any duly adopted land use regulation, approved land use plan, or any other
regulatory authority of any State or local agency or unit of Tribal government;

(F) creates any liability, or affects any liability under any other law, of any private property owner or other owner of non-Federal land with respect to any person injured on the private property or other non-Federal land;

(G) conveys to the Partnership any land use or other regulatory authority;

(H) shall be construed to cause any Federal, State, or local regulation or permit requirement intended to apply to units of the National Park System to affect the Federal lands under the jurisdiction of the Secretary of Defense or non-Federal lands within the boundaries of the recreation area; or

(I) requires any local government to participate in any program administered by the Secretary.

(2) COOPERATION.—The Secretary is encouraged to work with owners of non-Federal land who have agreed to cooperate with the Secretary to advance the purposes of this subtitle.

(3) BUFFER ZONES.—
(A) IN GENERAL.—Nothing in this subtitle establishes any protective perimeter or buffer zone around the Recreation Area.

(B) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that an activity or use of land can be seen or heard from within the Recreation Area shall not preclude the activity or land use up to the boundary of the Recreation Area.

(4) FACILITIES.—Nothing in this subtitle affects the operation, maintenance, modification, construction, destruction, removal, relocation, improvement or expansion of any water resource facility or public water system, or any solid waste, sanitary sewer, water or waste-water treatment, groundwater recharge or conservation, hydroelectric, conveyance distribution system, recycled water facility, or utility facility located within or adjacent to the Recreation Area.

(5) EXEMPTION.—Section 100903 of title 54, United States Code, shall not apply to the Puente Hills landfill, materials recovery facility, or intermodal facility.

(d) MANAGEMENT PLAN.—
(1) **DEADLINE.**—Not later than 3 years after the date of the enactment of this Act, the Secretary and the Advisory Council shall establish a comprehensive management plan for the Recreation Area that supports the purposes described in section 20411.

(2) **USE OF EXISTING PLANS.**—In developing the management plan, to the extent consistent with this section, the Secretary may incorporate any provision of a land use or other plan applicable to the public lands included in the Recreation Area.

(3) **INCORPORATION OF VISITOR SERVICES PLAN.**—To the maximum extent practicable, the Secretary shall incorporate into the management plan the visitor services plan under section 20419(a)(2).

(4) **PARTNERSHIP.**—In developing the management plan, the Secretary shall consider recommendations of the Partnership. To the maximum extent practicable, the Secretary shall incorporate recommendations of the Partnership into the management plan if the Secretary determines that the recommendations are feasible and consistent with the purposes in section 20411, this subtitle, and applicable laws (including regulations).
(c) Fish and Wildlife.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish or wildlife located on public lands in the State.

SEC. 20415. ACQUISITION OF NON-FEDERAL LAND WITHIN RECREATION AREA.

(a) Limited Acquisition Authority.—

(1) In general.—Subject to paragraph (2), the Secretary may acquire non-Federal land within the boundaries of the Recreation Area only through exchange, donation, or purchase from a willing seller.

(2) Additional requirement.—As a further condition on the acquisition of land, the Secretary shall make a determination that the land contains important biological, cultural, historic, or recreational values.

(b) Prohibition on Use of Eminent Domain.—Nothing in this subtitle authorizes the use of eminent domain to acquire land or an interest in land.

(e) Treatment of Acquired Land.—Any land or interest in land acquired by the United States within the boundaries of the Recreation Area shall be—

(1) included in the Recreation Area; and

(2) administered by the Secretary in accordance with—
(A) this subtitle; and

(B) other applicable laws (including regu-
lations).

SEC. 20416. WATER RIGHTS; WATER RESOURCE FACILITIES;
PUBLIC ROADS; UTILITY FACILITIES.

(a) No Effect on Water Rights.—Nothing in
this subtitle or section 20422—

(1) shall affect the use or allocation, as in exist-
ence on the date of the enactment of this Act, of any
water, water right, or interest in water (including
potable, recycled, reclaimed, waste, imported, ex-
ported, banked, or stored water, surface water,
groundwater, and public trust interest);

(2) shall affect any public or private contract in
existence on the date of the enactment of this Act
for the sale, lease, loan, or transfer of any water (in-
cluding potable, recycled, reclaimed, waste, imported,
exported, banked, or stored water, surface water,
and groundwater);

(3) shall be considered to be a relinquishment
or reduction of any water rights reserved or appro-
priated by the United States in the State on or be-
fore the date of the enactment of this Act;

(4) authorizes or imposes any new reserved
Federal water right or expands water usage pursu-
ant to any existing Federal reserved, riparian or appropria-
tive right;

(5) shall be considered a relinquishment or reduction of any water rights (including potable, recycled, reclaimed, waste, imported, exported, banked, or stored water, surface water, and groundwater) held, reserved, or appropriated by any public entity or other persons or entities, on or before the date of the enactment of this Act;

(6) shall be construed to, or shall interfere or conflict with the exercise of the powers or duties of any watermaster, public agency, public water system, court of competent jurisdiction, or other body or entity responsible for groundwater or surface water management or groundwater replenishment as designated or established pursuant to any adjudication or Federal or State law, including the management of the San Gabriel River watershed and basin, to provide water supply or other environmental benefits;

(7) shall be construed to impede or adversely impact any previously adopted Los Angeles County Drainage Area project, as described in the report of the Chief of Engineers dated June 30, 1992, includ-
ing any supplement or addendum to that report, or
any maintenance agreement to operate that project;

(8) shall interfere or conflict with any action by
a watermaster, water agency, public water system,
court of competent jurisdiction, or public agency
pursuant to any Federal or State law, water right,
or adjudication, including any action relating to
water conservation, water quality, surface water di-
version or impoundment, groundwater recharge,
water treatment, conservation or storage of water,
pollution, waste discharge, the pumping of ground-
water; the spreading, injection, pumping, storage, or
the use of water from local sources, storm water
flows, and runoff, or from imported or recycled
water, that is undertaken in connection with the
management or regulation of the San Gabriel River;

(9) shall interfere with, obstruct, hinder, or
delay the exercise of, or access to, any water right
by the owner of a public water system or any other
individual or entity, including the construction, oper-
ation, maintenance, replacement, removal, repair, lo-
cation, or relocation of any well; pipeline; or water
pumping, treatment, diversion, impoundment, or
storage facility; or other facility or property nec-
necessary or useful to access any water right or operate
an public water system;

(10) shall require the initiation or reinitiation
of consultation with the United States Fish and
Wildlife Service under, or the application of any pro-
vision of, the Endangered Species Act of 1973 (16
U.S.C. 1531 et seq.) relating to any action affecting
any water, water right, or water management or
water resource facility in the San Gabriel River wa-
tershed and basin; or

(11) authorizes any agency or employee of the
United States, or any other person, to take any ac-
tion inconsistent with any of paragraphs (1) through
(10).

(b) WATER RESOURCE FACILITIES.—

(1) NO EFFECT ON EXISTING WATER RE-
source FACILITIES.—Nothing in this subtitle or
section 20422 shall affect—

(A) the use, operation, maintenance, re-
pair, construction, destruction, removal, recon-
figuration, expansion, improvement or replace-
ment of a water resource facility or public
water system within or adjacent to the Recre-
ation Area or San Gabriel Mountains National
Monument; or
(B) access to a water resource facility
within or adjacent to the Recreation Area or
San Gabriel Mountains National Monument.

(2) NO EFFECT ON NEW WATER RESOURCE FA-
cILITIES.—Nothing in this subtitle or section 20422
shall preclude the establishment of a new water re-
source facility (including instream sites, routes, and
areas) within the Recreation Area or San Gabriel
Mountains National Monument if the water resource
facility or public water system is necessary to pre-
serve or enhance the health, safety, reliability, qual-
ity or accessibility of water supply, or utility services
to residents of Los Angeles County.

(3) FLOOD CONTROL.—Nothing in this subtitle
or section 20422 shall be construed to—

(A) impose any new restriction or require-
ment on flood protection, water conservation,
water supply, groundwater recharge, water
transfers, or water quality operations and main-
tenance; or

(B) increase the liability of an agency or
public water system carrying out flood protec-
tion, water conservation, water supply, ground-
water recharge, water transfers, or water qual-
ity operations.
(4) Diversion or use of water.—Nothing in this subtitle or section 20422 shall authorize or require the use of water or water rights in, or the diversion of water to, the Recreation Area or San Gabriel Mountains National Monument.

(c) Utility facilities and rights of way.—Nothing in this subtitle or section 20422 shall—

(1) affect the use, operation, maintenance, repair, construction, destruction, reconfiguration, expansion, inspection, renewal, reconstruction, alteration, addition, relocation, improvement, removal, or replacement of a utility facility or appurtenant right-of-way within or adjacent to the Recreation Area or San Gabriel Mountains National Monument;

(2) affect access to a utility facility or right-of-way within or adjacent to the Recreation Area or San Gabriel Mountains National Monument; or

(3) preclude the establishment of a new utility facility or right-of-way (including instream sites, routes, and areas) within the Recreation Area or San Gabriel Mountains National Monument if such a facility or right-of-way is necessary for public health and safety, electricity supply, or other utility services.

(d) Roads; public transit.—
(A) **Public Road.**—The term “public road” means any paved road or bridge (including any appurtenant structure and right-of-way) that is—

(i) operated or maintained by a non-Federal entity; and

(ii)(I) open to vehicular use by the public; or

(II) used by a public agency or utility for the operation, maintenance, improvement, repair, removal, relocation, construction, destruction or rehabilitation of infrastructure, a utility facility, or a right-of-way.

(B) **Public Transit.**—The term “public transit” means any transit service (including operations and rights-of-way) that is—

(i) operated or maintained by a non-Federal entity; and

(ii)(I) open to the public; or

(II) used by a public agency or contractor for the operation, maintenance, repair, construction, or rehabilitation of in-
frastructure, a utility facility, or a right-of-
way.

(2) **NO EFFECT ON PUBLIC ROADS OR PUBLIC**
TRANSIT.—Nothing in this subtitle or section

20422—

(A) authorizes the Secretary to take any
action that would affect the operation, mainte-
nance, repair, or rehabilitation of public roads
or public transit (including activities necessary
to comply with Federal or State safety or public
transit standards); or

(B) creates any new liability, or increases
any existing liability, of an owner or operator of
a public road.

**SEC. 20417. SAN GABRIEL NATIONAL RECREATION AREA**
PUBLIC ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—Not later than 180 days after
the date of the enactment of this Act, the Secretary shall
establish an advisory council, to be known as the “San
Gabriel National Recreation Area Public Advisory Coun-
cil”.

(b) **DUTIES.**—The Advisory Council shall advise the
Secretary regarding the development and implementation
of the management plan and the visitor services plan.
(c) APPLICABLE LAW.—The Advisory Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) all other applicable laws (including regulations).

(d) MEMBERSHIP.—The Advisory Council shall consist of 22 members, to be appointed by the Secretary after taking into consideration recommendations of the Partnership, of whom—

(1) 2 shall represent local, regional, or national environmental organizations;

(2) 2 shall represent the interests of outdoor recreation, including off-highway vehicle recreation, within the Recreation Area;

(3) 2 shall represent the interests of community-based organizations, the missions of which include expanding access to the outdoors;

(4) 2 shall represent business interests;

(5) 1 shall represent Indian Tribes within or adjacent to the Recreation Area;

(6) 1 shall represent the interests of homeowners’ associations within the Recreation Area;

(7) 3 shall represent the interests of holders of adjudicated water rights, public water systems,
water agencies, wastewater and sewer agencies, recycled water facilities, and water management and replenishment entities;

(8) 1 shall represent energy and mineral development interests;

(9) 1 shall represent owners of Federal grazing permits or other land use permits within the Recreation Area;

(10) 1 shall represent archaeological and historical interests;

(11) 1 shall represent the interests of environmental educators;

(12) 1 shall represent cultural history interests;

(13) 1 shall represent environmental justice interests;

(14) 1 shall represent electrical utility interests;

and

(15) 2 shall represent the affected public at large.

(e) TERMS.—

(1) STAGGERED TERMS.—A member of the Advisory Council shall be appointed for a term of 3 years, except that, of the members first appointed, 7 of the members shall be appointed for a term of
1 year and 7 of the members shall be appointed for
a term of 2 years.

(2) **REAPPOINTMENT.**—A member may be re-
appointed to serve on the Advisory Council on the
expiration of the term of service of the member.

(3) **VACANCY.**—A vacancy on the Advisory
Council shall be filled in the same manner in which
the original appointment was made.

(f) **QUORUM.**—A quorum shall be ten members of the
advisory council. The operations of the advisory council
shall not be impaired by the fact that a member has not
yet been appointed as long as a quorum has been attained.

(g) **CHAIRPERSON; PROCEDURES.**—The Advisory
Council shall elect a chairperson and establish such rules
and procedures as the advisory council considers necessary
or desirable.

(h) **SERVICE WITHOUT COMPENSATION.**—Members
of the Advisory Council shall serve without pay.

(i) **TERMINATION.**—The Advisory Council shall cease
to exist—

(1) on the date that is 5 years after the date
on which the management plan is adopted by the
Secretary; or

(2) on such later date as the Secretary con-
siders to be appropriate.
SEC. 20418. SAN GABRIEL NATIONAL RECREATION AREA PARTNERSHIP.

(a) Establishment.—There is established a Partnership, to be known as the “San Gabriel National Recreation Area Partnership”.

(b) Purposes.—The purposes of the Partnership are to—

(1) coordinate the activities of Federal, State, Tribal, and local authorities and the private sector in advancing the purposes of this subtitle; and

(2) use the resources and expertise of each agency in improving management and recreational opportunities within the Recreation Area.

(c) Membership.—The Partnership shall include the following:

(1) The Secretary (or a designee) to represent the National Park Service.

(2) The Secretary of Defense (or a designee) to represent the Corps of Engineers.

(3) The Secretary of Agriculture (or a designee) to represent the Forest Service.

(4) The Secretary of the Natural Resources Agency of the State (or a designee) to represent—

(A) the California Department of Parks and Recreation; and
(B) the Rivers and Mountains Conservancy.

(5) One designee of the Los Angeles County Board of Supervisors.

(6) One designee of the Puente Hills Habitat Preservation Authority.

(7) Four designees of the San Gabriel Council of Governments, of whom one shall be selected from a local land conservancy.

(8) One designee of the San Gabriel Valley Economic Partnership.

(9) One designee of the Los Angeles County Flood Control District.

(10) One designee of the San Gabriel Valley Water Association.


(12) One designee of the Main San Gabriel Basin Watermaster.

(13) One designee of a public utility company, to be appointed by the Secretary.

(14) One designee of the Watershed Conservation Authority.
(15) One designee of the Advisory Council for the period during which the Advisory Council remains in effect.

(16) One designee of San Gabriel Mountains National Monument Community Collaborative.

(d) Duties.—To advance the purposes described in section 20411, the Partnership shall—

(1) make recommendations to the Secretary regarding the development and implementation of the management plan;

(2) review and comment on the visitor services plan under section 20419(a)(2), and facilitate the implementation of that plan;

(3) assist units of local government, regional planning organizations, and nonprofit organizations in advancing the purposes of the Recreation Area by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Recreation Area;

(B) establishing and maintaining interpretive exhibits and programs within the Recreation Area;
(C) developing recreational and educational opportunities in the Recreation Area in accordance with the purposes of this subtitle;

(D) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Recreation Area;

(E) ensuring that signs identifying points of public access and sites of interest are posted throughout the Recreation Area;

(F) promoting a wide range of partnerships among governments, organizations, and individuals to advance the purposes of the Recreation Area; and

(G) ensuring that management of the Recreation Area takes into consideration—

(i) local ordinances and land-use plans; and

(ii) adjacent residents and property owners;

(4) make recommendations to the Secretary regarding the appointment of members to the Advisory Council; and

(5) carry out any other actions necessary to achieve the purposes of this subtitle.
(e) Authorities.—Subject to approval by the Secretary, for the purposes of preparing and implementing the management plan, the Partnership may use Federal funds made available under this section—

(1) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with, or provide grants or technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(3) to hire and compensate staff;

(4) to obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(5) to contract for goods or services; and

(6) to support activities of partners and any other activities that—

(A) advance the purposes of the Recreation Area; and

(B) are in accordance with the management plan.

(f) Terms of Office; Reappointment; Vacancies.—
(1) TERMS.—A member of the Partnership shall be appointed for a term of 3 years.

(2) REAPPOINTMENT.—A member may be re-appointed to serve on the Partnership on the expiration of the term of service of the member.

(3) VACANCY.—A vacancy on the Partnership shall be filled in the same manner in which the original appointment was made.

(g) QUORUM.—A quorum shall be 11 members of the Partnership. The operations of the Partnership shall not be impaired by the fact that a member has not yet been appointed as long as a quorum has been attained.

(h) CHAIRPERSON; PROCEDURES.—The Partnership shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

(i) SERVICE WITHOUT COMPENSATION.—A member of the Partnership shall serve without compensation.

(j) DUTIES AND AUTHORITIES OF SECRETARY.—

(1) IN GENERAL.—The Secretary shall convene the Partnership on a regular basis to carry out this subtitle.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.— The Secretary may provide to the Partnership or any member of the Partnership, on a reimbursable or nonreimbursable basis, such technical and finan-
cial assistance as the Secretary determines to be appropriate to carry out this subtitle.

(3) Cooperative Agreements.—The Secretary may enter into a cooperative agreement with the Partnership, a member of the Partnership, or any other public or private entity to provide technical, financial, or other assistance to carry out this subtitle.

(4) Construction of Facilities on Non-Federal Land.—

(A) In General.—In order to facilitate the administration of the Recreation Area, the Secretary is authorized, subject to valid existing rights, to construct administrative or visitor use facilities on land owned by a non-profit organization, local agency, or other public entity in accordance with this title and applicable law (including regulations).

(B) Additional Requirements.—A facility under this paragraph may only be developed—

(i) with the consent of the owner of the non-Federal land; and
(ii) in accordance with applicable Federal, State, and local laws (including regulations) and plans.

(5) PRIORITY.—The Secretary shall give priority to actions that—

(A) conserve the significant natural, historic, cultural, and scenic resources of the Recreation Area; and

(B) provide educational, interpretive, and recreational opportunities consistent with the purposes of the Recreation Area.

(k) COMMITTEES.—The Partnership shall establish—

(1) a Water Technical Advisory Committee to advise the Secretary regarding water-related issues relating to the Recreation Area; and

(2) a Public Safety Advisory Committee to advise the Secretary regarding public safety issues relating to the Recreation Area.

SEC. 20419. VISITOR SERVICES AND FACILITIES.

(a) VISITOR SERVICES.—

(1) PURPOSE.—The purpose of this subsection is to facilitate the development of an integrated visitor services plan to improve visitor experiences in the Recreation Area through expanded recreational
opportunities and increased interpretation, edu-
cation, resource protection, and enforcement.

(2) VISITOR SERVICES PLAN.—

(A) IN GENERAL.—Not later than 3 years
after the date of the enactment of this Act, the
Secretary shall develop and carry out an inte-
grated visitor services plan for the Recreation
Area in accordance with this paragraph.

(B) CONTENTS.—The visitor services plan
shall—

(i) assess current and anticipated fu-
ture visitation to the Recreation Area, in-
cluding recreation destinations;

(ii) consider the demand for various
types of recreation (including hiking, pic-
nickering, horseback riding, and the use of
motorized and mechanized vehicles), as
permissible and appropriate;

(iii) evaluate the impacts of recreation
on natural and cultural resources, water
rights and water resource facilities, public
roads, adjacent residents and property
owners, and utilities within the Recreation
Area, as well as the effectiveness of cur-
rent enforcement and efforts;
(iv) assess the current level of interpretive and educational services and facilities;

(v) include recommendations to—

(I) expand opportunities for high-demand recreational activities, in accordance with the purposes described in section 20411;

(II) better manage Recreation Area resources and improve the experience of Recreation Area visitors through expanded interpretive and educational services and facilities, and improved enforcement; and

(III) better manage Recreation Area resources to reduce negative impacts on the environment, ecology, and integrated water management activities in the Recreation Area;

(vi) in coordination and consultation with affected owners of non-Federal land, assess options to incorporate recreational opportunities on non-Federal land into the Recreation Area—
(I) in manner consistent with the purposes and uses of the non-Federal land; and

(II) with the consent of the non-Federal landowner;

(vii) assess opportunities to provide recreational opportunities that connect with adjacent National Forest System land; and

(viii) be developed and carried out in accordance with applicable Federal, State, and local laws and ordinances.

(C) CONSULTATION.—In developing the visitor services plan, the Secretary shall—

(i) consult with—

(I) the Partnership;

(II) the Advisory Council;

(III) appropriate State and local agencies; and

(IV) interested nongovernmental organizations; and

(ii) involve members of the public.

(b) VISITOR USE FACILITIES.—

(1) IN GENERAL.—The Secretary may construct visitor use facilities in the Recreation Area.
(2) REQUIREMENTS.—Each facility under paragraph (1) shall be developed in accordance with applicable Federal, State, and local—

(A) laws (including regulations); and

(B) plans.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may accept and use donated funds (subject to appropriations), property, in-kind contributions, and services to carry out this subtitle.

(2) PROHIBITION.—The Secretary may not use the authority provided by paragraph (1) to accept non-Federal land that has been acquired after the date of the enactment of this Act through the use of eminent domain.

(d) COOPERATIVE AGREEMENTS.—In carrying out this subtitle, the Secretary may make grants to, or enter into cooperative agreements with, units of State, Tribal, and local governments and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the management of, and visitation to, the Recreation Area.

Subtitle B—San Gabriel Mountains

SEC. 20421. DEFINITIONS.

In this subtitle:
(1) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(2) WILDERNESS AREA OR ADDITION.—The term “wilderness area or addition” means any wilderness area or wilderness addition designated by section 20423(a).

SEC. 20422. NATIONAL MONUMENT BOUNDARY MODIFICATION.

(a) IN GENERAL.—The San Gabriel Mountains National Monument established by Presidential Proclamation 9194 (54 U.S.C. 320301 note) (referred to in this section as the “Monument”) is modified to include the approximately 109,167 acres of additional National Forest System land depicted as the “Proposed San Gabriel Mountains National Monument Expansion” on the map entitled “Proposed San Gabriel Mountains National Monument Expansion” and dated June 26, 2019.

(b) ADMINISTRATION.—The Secretary shall administer the San Gabriel Mountains National Monument, including the lands added by subsection (a), in accordance with—

(1) Presidential Proclamation 9194, as issued on October 10, 2014 (54 U.S.C. 320301 note);

(2) the laws generally applicable to the Monument; and
(e) MANAGEMENT PLAN.—Within 3 years after the date of enactment of this Act, the Secretary shall consult with State and local governments and the interested public to update the existing San Gabriel Mountains National Monument Plan to provide management direction and protection for the lands added to the Monument by subsection (a).

SEC. 20423. DESIGNATION OF WILDERNESS AREAS AND ADDITIONS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following parcels of National Forest System land in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) CONDOR PEAK WILDERNESS.—Certain Federal land in the Angeles National Forest, comprising approximately 8,207 acres, as generally depicted on the map entitled “Condor Peak Wilderness—Proposed” and dated June 6, 2019, which shall be known as the “Condor Peak Wilderness”.

(2) SAN GABRIEL WILDERNESS ADDITIONS.—Certain Federal land in the Angeles National Forest, comprising approximately 2,032 acres, as generally 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—
(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) Force of Law.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) Public Availability.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 20424. ADMINISTRATION OF WILDERNESS AREAS AND ADDITIONS.

(a) In General.—Subject to valid existing rights, the wilderness areas and additions shall be administered by the Secretary in accordance with this section and the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of the enactment of this Act.

(b) Fire Management and Related Activities.—
(1) IN GENERAL.—The Secretary may take such measures in a wilderness area or addition designated in section 20423 as are necessary for the control of fire, insects, or diseases in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) House Report 98–40 of the 98th Congress.

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire or fuels management in a wilderness area or addition.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of the enactment of this Act, the Secretary shall amend, as applicable, any local fire management plan that applies to a wilderness area or addition designated in section 20423.

(4) ADMINISTRATION.—In accordance with paragraph (1) and any other applicable Federal law, to ensure a timely and efficient response to a fire emergency in a wilderness area or addition, the Secretary shall—

(A) not later than 1 year after the date of the enactment of this Act, establish agency ap-
approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(e) Grazing.—The grazing of livestock in a wilderness area or addition, if established before the date of the enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines contained in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(d) Fish and Wildlife.—

(1) In General.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction or responsibility of the State with respect to fish or wildlife on public land in the State.

(2) Management Activities.—
(A) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activity that are necessary to maintain or restore fish or wildlife populations or habitats in the wilderness areas and wilderness additions designated in section 20423, if the management activities are—

(i) consistent with relevant wilderness management plans; and

(ii) conducted in accordance with appropriate policies, such as the policies established in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(B) INCLUSIONS.—A management activity under subparagraph (A) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the
minimum impact necessary to accomplish those
tasks.

(C) EXISTING ACTIVITIES.—In accordance
with section 4(d)(1) of the Wilderness Act (16
U.S.C. 1133(d)(1)) and appropriate policies
(such as the policies established in Appendix B
of House Report 101–405), the State may use
aircraft (including helicopters) in a wilderness
area or addition to survey, capture, transplant,
monitor, or provide water for a wildlife popu-
lation, including bighorn sheep.

(e) BUFFER ZONES.—

(1) IN GENERAL.—Congress does not intend for
the designation of wilderness areas or wilderness ad-
ditions by section 20423 to lead to the creation of
protective perimeters or buffer zones around each
wilderness area or wilderness addition.

(2) ACTIVITIES OR USES UP TO BOUNDARIES.—
The fact that a nonwilderness activities or uses can
be seen or heard from within a wilderness area or
wilderness addition designated by section 20423
shall not, of itself, preclude the activities or uses up
to the boundary of the wilderness area or addition.

(f) MILITARY ACTIVITIES.—Nothing in this title pre-
cludes—
(1) low-level overflights of military aircraft over
the wilderness areas or wilderness additions des-
ignated by section 20423;

(2) the designation of new units of special air-
space over the wilderness areas or wilderness addi-
tions designated by section 20423; or

(3) the use or establishment of military flight
training routes over wilderness areas or wilderness
additions designated by section 20423.

(g) Horses.—Nothing in this subtitle precludes
horseback riding in, or the entry of recreational or com-
mercial saddle or pack stock into, an area designated as
a wilderness area or wilderness addition by section
20423—

(1) in accordance with section 4(d)(5) of the
Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to such terms and conditions as the
Secretary determines to be necessary.

(h) Law Enforcement.—Nothing in this subtitle
precludes any law enforcement or drug interdiction effort
within the wilderness areas or wilderness additions des-
ignated by section 20423 in accordance with the Wilder-
ness Act (16 U.S.C. 1131 et seq.).
(i) **Withdrawal.**—Subject to valid existing rights, the wilderness areas and additions designated by section 20423 are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral materials and geothermal leasing laws.

(j) **Incorporation of Acquired Land and Interests.**—Any land within the boundary of a wilderness area or addition that is acquired by the United States shall—

(1) become part of the wilderness area or addition in which the land is located; and

(2) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable laws (including regulations).

(k) **Climatological Data Collection.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in a wilderness area or addition if the Secretary determines that the facilities and ac-
cess to the facilities is essential to a flood warning, flood
control, or water reservoir operation activity.

(l) AUTHORIZED EVENTS.—The Secretary of Agri-
culture may authorize the Angeles Crest 100 competitive
running event to continue in substantially the same man-
ner and degree in which this event was operated and per-
mitted in 2015 within additions to the Sheep Mountain
Wilderness in section 20423 of this title and the Pleasant
View Ridge Wilderness Area designated by section 1802
of the Omnibus Public Land Management Act of 2009,
provided that the event is authorized and conducted in a
manner compatible with the preservation of the areas as
wilderness.

SEC. 20425. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) DESIGNATION.—Section 3(a) of the National
Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amend-
ed by adding at the end the following:

“(____) EAST FORK SAN GABRIEL RIVER, CALI-
FORNIA.—The following segments of the East Fork
San Gabriel River, to be administered by the Sec-
retary of Agriculture in the following classes:

“(A) The 10-mile segment from the con-
fluence of the Prairie Fork and Vincent Guleh
to 100 yards upstream of the Heaton Flats
trailhead and day use area, as a wild river.
“(B) The 2.7-mile segment from 100 yards upstream of the Heaton Flats trailhead and day use area to 100 yards upstream of the confluence with Williams Canyon, as a recreational river.

“(____) NORTH FORK SAN GABRIEL RIVER, CALIFORNIA.—The 4.3-mile segment of the North Fork San Gabriel River from the confluence with Cloudburst Canyon to 0.25 miles upstream of the confluence with the West Fork San Gabriel River, to be administered by the Secretary of Agriculture as a recreational river.

“(____) WEST FORK SAN GABRIEL RIVER, CALIFORNIA.—The following segments of the West Fork San Gabriel River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The 6.7-mile segment from 0.25 miles downstream of its source near Red Box Gap in sec. 14, T. 2 N., R. 12 W., to the confluence with the unnamed tributary 0.25 miles downstream of the power lines in sec. 22, T. 2 N., R. 11 W., as a recreational river.

“(B) The 1.6-mile segment of the West Fork from 0.25 miles downstream of the
powerlines in sec. 22, T. 2 N., R. 11 W., to the
confluence with Bobcat Canyon, as a wild river.

“(____) LITTLE ROCK CREEK, CALIFORNIA.—
The following segments of Little Rock Creek and
tributaries, to be administered by the Secretary of
Agriculture in the following classes:

“(A) The 10.3-mile segment from its
source on Mt. Williamson in sec. 6, T. 3 N., R.
9 W., to 100 yards upstream of the confluence
with the South Fork Little Rock Creek, as a
wild river.

“(B) The 6.6-mile segment from 100 yards
upstream of the confluence with the South Fork
Little Rock Creek to the confluence with
Santiago Canyon, as a recreational river.

“(C) The 1-mile segment of Cooper Can-
yon Creek from 0.25 miles downstream of
Highway 2 to 100 yards downstream of Cooper
Canyon Campground, as a scenic river.

“(D) The 1.3-mile segment of Cooper Can-
yon Creek from 100 yards downstream of Coo-
per Canyon Campground to the confluence with
Little Rock Creek, as a wild river.

“(E) The 1-mile segment of Buckhorn
Creek from 100 yards downstream of the
Buckhorn Campground to its confluence with
Cooper Canyon Creek, as a wild river.”.

(b) **WATER RESOURCE FACILITIES; AND WATER USE.**—

(1) **WATER RESOURCE FACILITIES.**—

(A) **DEFINITION.**—In this section, the
term “water resource facility” means irrigation
and pumping facilities, dams and reservoirs,
flood control facilities, water conservation works
and facilities, including debris protection facili-
ties, sediment placement sites, rain gauges and
stream gauges, water quality facilities, recycled
water facilities and water pumping, conveyance
distribution systems, water storage tanks and
reservoirs, and water treatment facilities, aque-
ducts, canals, ditches, pipelines, wells, hydro-
power projects, and transmission and other anc-
cillary facilities, groundwater recharge facilities,
water conservation, water filtration plants, and
other water diversion, conservation, ground-
water recharge, storage, and carriage struc-
tures.

(B) **NO EFFECT ON EXISTING WATER RE-
SOURCE FACILITIES.**—Nothing in this section
shall alter, modify, or affect—
(i) the use, operation, maintenance, repair, construction, destruction, reconfiguration, expansion, relocation or replacement of a water resource facility downstream of a wild and scenic river segment designated by this section, provided that the physical structures of such facilities or reservoirs shall not be located within the river areas designated in this section; or

(ii) access to a water resource facility downstream of a wild and scenic river segment designated by this section.

(C) NO EFFECT ON NEW WATER RESOURCE FACILITIES.—Nothing in this section shall preclude the establishment of a new water resource facilities (including instream sites, routes, and areas) downstream of a wild and scenic river segment.

(2) LIMITATION.—Any new reservation of water or new use of water pursuant to existing water rights held by the United States to advance the purposes of the National Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) shall be for noneconsumptive instream use only within the segments designated by this section.
(3) EXISTING LAW.—Nothing in this section affects the implementation of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 20426. WATER RIGHTS.

(a) STATUTORY CONSTRUCTION.—Nothing in this title, and no action to implement this title—

(1) shall constitute an express or implied reservation of any water or water right, or authorizing an expansion of water use pursuant to existing water rights held by the United States, with respect to the San Gabriel Mountains National Monument, the land designated as a wilderness area or wilderness addition by section 20423 or land adjacent to the wild and scenic river segments designated by the amendment made by section 20425;

(2) shall affect, alter, modify, or condition any water rights in the State in existence on the date of the enactment of this Act, including any water rights held by the United States;

(3) shall be construed as establishing a precedent with regard to any future wilderness or wild and scenic river designations;

(4) shall affect, alter, or modify the interpretation of, or any designation, decision, adjudication or action made pursuant to, any other Act; or
(5) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportions water among or between the State and any other State.

(b) STATE WATER LAW.—The Secretary shall comply with applicable procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of the enactment of this Act with respect to the San Gabriel Mountains National Monument, wilderness areas and wilderness additions designated by section 20423, and the wild and scenic rivers designated by amendment made by section 20425.

**TITLE V—RIM OF THE VALLEY CORRIDOR PRESERVATION**

**SEC. 20501. SHORT TITLE.**

This title may be cited as the “Rim of the Valley Corridor Preservation Act”.

**SEC. 20502. BOUNDARY ADJUSTMENT; LAND ACQUISITION; ADMINISTRATION.**

(a) BOUNDARY ADJUSTMENT.—Section 507(c)(1) of the National Parks and Recreation Act of 1978 (16 U.S.C. 460kk(c)(1)) is amended in the first sentence by striking “, which shall” and inserting “and generally de-
picted as ‘Rim of the Valley Unit Proposed Addition’ on
the map entitled ‘Rim of the Valley Unit—Santa Monica
Mountains National Recreation Area’, numbered 638/
147,723, and dated September 2018. Both maps shall’.

(b) RIM OF THE VALLEY UNIT.—Section 507 of the
460kk) is amended by adding at the end the following:

“(u) RIM OF THE VALLEY UNIT.—(1) Not later than
3 years after the date of the enactment of this subsection,
the Secretary shall update the general management plan
for the recreation area to reflect the boundaries designated
on the map referred to in subsection (c)(1) as the ‘Rim
of the Valley Unit’ (hereafter in the subsection referred
to as the ‘Rim of the Valley Unit’). Subject to valid exist-
ing rights, the Secretary shall administer the Rim of the
Valley Unit, and any land or interest in land acquired by
the United States and located within the boundaries of
the Rim of the Valley Unit, as part of the recreation area
in accordance with the provisions of this section and appli-
cable laws and regulations.

“(2) The Secretary may acquire non-Federal land
within the boundaries of the Rim of the Valley Unit only
through exchange, donation, or purchase from a willing
seller. Nothing in this subsection authorizes the use of
eminent domain to acquire land or interests in land.
“(3) Nothing in this subsection or the application of the management plan for the Rim of the Valley Unit shall be construed to—

“(A) modify any provision of Federal, State, or local law with respect to public access to or use of non-Federal land;

“(B) create any liability, or affect any liability under any other law, of any private property owner or other owner of non-Federal land with respect to any person injured on private property or other non-Federal land;

“(C) affect the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land);

“(D) require any local government to participate in any program administered by the Secretary;

“(E) alter, modify, or diminish any right, responsibility, power, authority, jurisdiction, or entitlement of the State, any political subdivision of the State, or any State or local agency under existing Federal, State, and local law (including regulations);

“(F) require the creation of protective perimeters or buffer zones, and the fact that certain activities or land can be seen or heard from within the Rim of the Valley Unit shall not, of itself, preclude
the activities or land uses up to the boundary of the Rim of the Valley Unit;

“(G) require or promote use of, or encourage trespass on, lands, facilities, and rights-of-way owned by non-Federal entities, including water resource facilities and public utilities, without the written consent of the owner;

“(H) affect the operation, maintenance, modification, construction, or expansion of any water resource facility or utility facility located within or adjacent to the Rim of the Valley Unit;

“(I) terminate the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to public agencies that are authorized pursuant to Federal or State statute;

“(J) interfere with, obstruct, hinder, or delay the exercise of any right to, or access to any water resource facility or other facility or property necessary or useful to access any water right to operate any public water or utility system;

“(K) require initiation or reinitiation of consultation with the United States Fish and Wildlife Service under, or the application of provisions of, the Endangered Species Act of 1973 (16 U.S.C. 1531 et
seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), or division A of subtitle III of title 54, United States Code, concerning any action or activity affecting water, water rights or water management or water resource facilities within the Rim of the Valley Unit; or

“(L) limit the Secretary’s ability to update applicable fire management plans, which may consider fuels management strategies including managed natural fire, prescribed fires, non-fire mechanical hazardous fuel reduction activities, or post-fire remediation of damage to natural and cultural resources.

“(4) The activities of a utility facility or water resource facility shall take into consideration ways to reasonably avoid or reduce the impact on the resources of the Rim of the Valley Unit.

“(5) For the purpose of paragraph (4)—

“(A) the term ‘utility facility’ means electric substations, communication facilities, towers, poles, and lines, ground wires, communications circuits, and other structures, and related infrastructure; and

“(B) the term ‘water resource facility’ means irrigation and pumping facilities; dams and reservoirs; flood control facilities; water conservation works, including debris protection facilities, sediment
placement sites, rain gauges, and stream gauges; water quality, recycled water, and pumping facilities; conveyance distribution systems; water treatment facilities; aqueducts; canals; ditches; pipelines; wells; hydropower projects; transmission facilities; and other ancillary facilities, groundwater recharge facilities, water conservation, water filtration plants, and other water diversion, conservation, groundwater recharge, storage, and carriage structures.”.

TITLE VI—WILD OLYMPICS WILDERNESS AND WILD AND SCENIC RIVERS

SEC. 20601. SHORT TITLE.

This title may be cited as the “Wild Olympics Wilderness and Wild and Scenic Rivers Act”.

SEC. 20602. DESIGNATION OF OLYMPIC NATIONAL FOREST WILDERNESS AREAS.

(a) In General.—In furtherance of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal land in the Olympic National Forest in the State of Washington comprising approximately 126,554 acres, as generally depicted on the map entitled “Proposed Wild Olympics Wilderness and Wild and Scenic Rivers Act” and dated April 8, 2019 (referred to in this section as the
“map”), is designated as wilderness and as components
of the National Wilderness Preservation System:

(1) Lost Creek Wilderness.—Certain Fed-
eral land managed by the Forest Service, comprising
approximately 7,159 acres, as generally depicted on
the map, which shall be known as the “Lost Creek
Wilderness”.

(2) Rugged Ridge Wilderness.—Certain
Federal land managed by the Forest Service, com-
prising approximately 5,956 acres, as generally de-
picted on the map, which shall be known as the
“Rugged Ridge Wilderness”.

(3) Alckee Creek Wilderness.—Certain
Federal land managed by the Forest Service, com-
prising approximately 1,787 acres, as generally de-
picted on the map, which shall be known as the
“Alckee Creek Wilderness”.

(4) Gates of the Elwha Wilderness.—Cer-
tain Federal land managed by the Forest Service,
comprising approximately 5,669 acres, as generally
depicted on the map, which shall be known as the
“Gates of the Elwha Wilderness”.

(5) Buckhorn Wilderness Additions.—Cer-
tain Federal land managed by the Forest Service,
comprising approximately 21,965 acres, as generally
depicted on the map, is incorporated in, and shall be managed as part of, the “Buckhorn Wilderness”, as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–339).

(6) **GREEN MOUNTAIN WILDERNESS.**—Certain Federal land managed by the Forest Service, comprising approximately 4,790 acres, as generally depicted on the map, which shall be known as the “Green Mountain Wilderness”.

(7) **THE BROTHERS WILDERNESS ADDITIONS.**—Certain land managed by the Forest Service, comprising approximately 8,625 acres, as generally depicted on the map, is incorporated in, and shall be managed as part of, the “The Brothers Wilderness”, as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–339).

(8) **MOUNT SKOKOMISH WILDERNESS ADDITIONS.**—Certain land managed by the Forest Service, comprising approximately 8,933 acres, as generally depicted on the map, is incorporated in, and shall be managed as part of, the “Mount Skokomish Wilderness”, as designated by section 3 of the

(9) Wonder Mountain Wilderness Additions.—Certain land managed by the Forest Service, comprising approximately 26,517 acres, as generally depicted on the map, is incorporated in, and shall be managed as part of, the “Wonder Mountain Wilderness”, as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–339).

(10) Moonlight Dome Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 9,117 acres, as generally depicted on the map, which shall be known as the “Moonlight Dome Wilderness”.

(11) South Quinault Ridge Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 10,887 acres, as generally depicted on the map, which shall be known as the “South Quinault Ridge Wilderness”.

(12) Colonel Bob Wilderness Additions.—Certain Federal land managed by the Forest Service, comprising approximately 353 acres, as generally depicted on the map, is incorporated in, and shall be managed as part of, the “Colonel Bob Wil-

(13) SAM’S RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 13,418 acres, as generally depicted on the map, which shall be known as the “Sam’s River Wilderness”.

(14) CANOE CREEK WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 1,378 acres, as generally depicted on the map, which shall be known as the “Canoe Creek Wilderness”.

(b) ADMINISTRATION.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness by subsection (a) shall be administered by the Secretary of Agriculture (referred to in this section as the “Secretary”), in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(2) MAP AND DESCRIPTION.—
(A) In general.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the land designated as wilderness by subsection (a) with—

(i) the Committee on Natural Resources of the House of Representatives; and

(ii) the Committee on Energy and Natural Resources of the Senate.

(B) Effect.—Each map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this title, except that the Secretary may correct minor errors in the map and legal description.

(C) Public availability.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Forest Service.

(c) Potential wilderness.—

(1) In general.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 5,346 acres as
identified as “Potential Wilderness” on the map, is
designated as potential wilderness.

(2) DESIGNATION AS WILDERNESS.—On the
date on which the Secretary publishes in the Federal
Register notice that any nonconforming uses in the
potential wilderness designated by paragraph (1)
have terminated, the potential wilderness shall be—

(A) designated as wilderness and as a com-
ponent of the National Wilderness Preservation
System; and

(B) incorporated into the adjacent wilder-
ness area.

(d) ADJACENT MANAGEMENT.—

(1) NO PROTECTIVE PERIMETERS OR BUFFER
ZONES.—The designations in this section shall not
create a protective perimeter or buffer zone around
any wilderness area.

(2) NONCONFORMING USES PERMITTED OUT-
SIDE OF BOUNDARIES OF WILDERNESS AREAS.—Any
activity or use outside of the boundary of any wilder-
ness area designated under this section shall be per-
mitted even if the activity or use would be seen or
heard within the boundary of the wilderness area.

(e) FIRE, INSECTS, AND DISEASES.—The Secretary
may take such measures as are necessary to control fire,
insects, and diseases, in the wilderness areas designated by this section, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and subject to such terms and conditions as the Secretary determines to be appropriate.

SEC. 20603. WILD AND SCENIC RIVER DESIGNATIONS.

(a) In General.—Section 3(a) of the National Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

``(231) ELWHA RIVER, WASHINGTON.—The approximately 29.0-mile segment of the Elwha River and tributaries from the source to Cat Creek, to be administered by the Secretary of the Interior as a wild river.

``(232) DUNGENESS RIVER, WASHINGTON.—The segment of the Dungeness River from the headwaters to the State of Washington Department of Natural Resources land in T. 29 N., R. 4 W., sec. 12, to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, including the following segments of the mainstem and major tributary the Gray Wolf River, in the following classes:
“(A) The approximately 5.8-mile segment of the Dungeness River from the headwaters to the 2870 Bridge, as a wild river.

“(B) The approximately 2.1-mile segment of the Dungeness River from the 2870 Bridge to Silver Creek, as a scenic river.

“(C) The approximately 2.7-mile segment of the Dungeness River from Silver Creek to Sleepy Hollow Creek, as a wild river.

“(D) The approximately 6.3-mile segment of the Dungeness River from Sleepy Hollow Creek to the Olympic National Forest boundary, as a scenic river.

“(E) The approximately 1.9-mile segment of the Dungeness River from the National Forest boundary to the State of Washington Department of Natural Resources land in T. 29 N., R. 4 W., sec. 12, to be administered as a recreational river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture as provided in section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)).
“(F) The approximately 16.1-mile segment of the Gray Wolf River from the headwaters to the 2870 Bridge, as a wild river.

“(G) The approximately 1.1-mile segment of the Gray Wolf River from the 2870 Bridge to the confluence with the Dungeness River, as a scenic river.

“(233) BIG QUILCENE RIVER, WASHINGTON.—The segment of the Big Quilcene River from the headwaters to the City of Port Townsend water intake facility, to be administered by the Secretary of Agriculture, in the following classes:

“(A) The approximately 4.4-mile segment from the headwaters to the Buckhorn Wilderness boundary, as a wild river.

“(B) The approximately 5.3-mile segment from the Buckhorn Wilderness boundary to the City of Port Townsend water intake facility, as a scenic river.

“(C) Section 7(a), with respect to the licensing of dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works, shall apply to the approximately 5-mile segment from the City of Port Townsend
water intake facility to the Olympic National Forest boundary.

“(234) DOSEWALLIPS RIVER, WASHINGTON.—The segment of the Dosewallips River from the headwaters to the private land in T. 26 N., R. 3 W., sec. 15, to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, in the following classes:

“(A) The approximately 12.9-mile segment from the headwaters to Station Creek, as a wild river.

“(B) The approximately 6.8-mile segment from Station Creek to the private land in T. 26 N., R. 3 W., sec. 15, as a scenic river.

“(235) DUCKABUSH RIVER, WASHINGTON.—The segment of the Duckabush River from the headwaters to the private land in T. 25 N., R. 3 W., sec. 1, to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, in the following classes:
“(A) The approximately 19.0-mile segment from the headwaters to the Brothers Wilderness boundary, as a wild river.

“(B) The approximately 1.9-mile segment from the Brothers Wilderness boundary to the private land in T. 25 N., R. 3 W., sec. 1, as a scenic river.

“(236) HAMMA HAMMA RIVER, WASHINGTON.—

The segment of the Hamma Hamma River from the headwaters to the eastern edge of the NW1/4 sec. 21, T. 24 N., R. 3 W., to be administered by the Secretary of Agriculture, in the following classes:

“(A) The approximately 3.1-mile segment from the headwaters to the Mt. Skokomish Wilderness boundary, as a wild river.

“(B) The approximately 5.8-mile segment from the Mt. Skokomish Wilderness boundary to Lena Creek, as a scenic river.

“(C) The approximately 6.8-mile segment from Lena Creek to the eastern edge of the NW1/4 sec. 21, T. 24 N., R. 3 W., to be administered as a recreational river through a cooperative management agreement between the State of Washington and the Secretary of Agri-
culture as provided in section 10(e) of the Wild
and Scenic Rivers Act (16 U.S.C. 1281(e)).

“(237) SOUTH FORK SKOKOMISH RIVER, WASH-
INGTON.—The segment of the South Fork
Skokomish River from the headwaters to the Olympic
National Forest boundary to be administered by
the Secretary of Agriculture, in the following classes:

“(A) The approximately 6.7-mile segment
from the headwaters to Church Creek, as a wild
river.

“(B) The approximately 8.3-mile segment
from Church Creek to LeBar Creek, as a scenic
river.

“(C) The approximately 4.0-mile segment
from LeBar Creek to upper end of gorge in the
NW1/4 sec. 22, T. 22 N., R. 5 W., as a recre-
reational river.

“(D) The approximately 6.0-mile segment
from the upper end of the gorge to the Olympic
National Forest boundary, as a scenic river.

“(238) MIDDLE FORK SATSOP RIVER, WASH-
INGTON.—The approximately 7.9-mile segment of
the Middle Fork Satsop River from the headwaters
to the Olympic National Forest boundary, to be ad-
ministered by the Secretary of Agriculture, as a scenic river.

“(239) West Fork Satsop River, Washington.—The approximately 8.2-mile segment of the West Fork Satsop River from the headwaters to the Olympic National Forest boundary, to be administered by the Secretary of Agriculture, as a scenic river.

“(240) Wynoochee River, Washington.—The segment of the Wynoochee River from the headwaters to the head of Wynoochee Reservoir to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, in the following classes:

“(A) The approximately 2.5-mile segment from the headwaters to the boundary of the Wonder Mountain Wilderness, as a wild river.

“(B) The approximately 7.4-mile segment from the boundary of the Wonder Mountain Wilderness to the head of Wynoochee Reservoir, as a recreational river.

“(241) East Fork Humptulips River, Washington.—The segment of the East Fork Humptulips River from the headwaters to the Olym-
pic National Forest boundary to be administered by
the Secretary of Agriculture, in the following classes:

“(A) The approximately 7.4-mile segment
from the headwaters to the Moonlight Dome
Wilderness boundary, as a wild river.

“(B) The approximately 10.3-mile segment
from the Moonlight Dome Wilderness boundary
to the Olympic National Forest boundary, as a
scenic river.

“(242) West Fork Humptulips River, Washing-
ton.—The approximately 21.4-mile segment of
the West Fork Humptulips River from the head-
waters to the Olympic National Forest Boundary, to
be administered by the Secretary of Agriculture, as
a scenic river.

“(243) Quinault River, Washington.—The
segment of the Quinault River from the headwaters
to private land in T. 24 N., R. 8 W., sec. 33, to be
administered by the Secretary of the Interior, in the
following classes:

“(A) The approximately 16.5-mile segment
from the headwaters to Graves Creek, as a wild
river.
“(B) The approximately 6.7-mile segment from Graves Creek to Cannings Creek, as a scenic river.

“(C) The approximately 1.0-mile segment from Cannings Creek to private land in T. 24 N., R. 8 W., sec. 33, as a recreational river.

“(244) QUEETS RIVER, WASHINGTON.—The segment of the Queets River from the headwaters to the Olympic National Park boundary to be administered by the Secretary of the Interior, except that portions of the river outside the boundaries of Olympic National Park shall be administered by the Secretary of Agriculture, including the following segments of the mainstem and certain tributaries in the following classes:

“(A) The approximately 28.6-mile segment of the Queets River from the headwaters to the confluence with Sams River, as a wild river.

“(B) The approximately 16.0-mile segment of the Queets River from the confluence with Sams River to the Olympic National Park boundary, as a scenic river.

“(C) The approximately 15.7-mile segment of the Sams River from the headwaters to the
confluence with the Queets River, as a scenic river.

“(D) The approximately 17.7-mile segment of Matheny Creek from the headwaters to the confluence with the Queets River, to be administered as a scenic river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture as provided in section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)).

“(245) HOH RIVER, WASHINGTON.—The segment of the Hoh River and the major tributary South Fork Hoh from the headwaters to Olympic National Park boundary, to be administered by the Secretary of the Interior, in the following classes:

“(A) The approximately 20.7-mile segment of the Hoh River from the headwaters to Jackson Creek, as a wild river.

“(B) The approximately 6.0-mile segment of the Hoh River from Jackson Creek to the Olympic National Park boundary, as a scenic river.

“(C) The approximately 13.8-mile segment of the South Fork Hoh River from the head-
waters to the Olympic National Park boundary,
as a wild river.

“(D) The approximately 4.6-mile segment
of the South Fork Hoh River from the Olympic
National Park boundary to the Washington
State Department of Natural Resources bound-
dary in T. 27 N., R. 10 W., sec. 29, to be ad-
ministered as a recreational river through a co-
operative management agreement between the
State of Washington and the Secretary of Agri-
culture as provided in section 10(e) of the Wild
and Scenic Rivers Act (16 U.S.C. 1281(e)).

“(246) BOGACHIEL RIVER, WASHINGTON.—The
approximately 25.6-mile segment of the Bogaehiel
River from the source to the Olympic National Park
boundary, to be administered by the Secretary of the
Interior, as a wild river.

“(247) SOUTH FORK CALAWAH RIVER, WASH-
INGTON.—The segment of the South Fork Calawah
River and the major tributary Sitkum River from
the headwaters to Hyas Creek to be administered by
the Secretary of Agriculture, except those portions
of the river within the boundaries of Olympic Na-
tional Park shall be administered by the Secretary
of the Interior, including the following segments in
the following classes:

“(A) The approximately 15.7-mile segment
of the South Fork Calawah River from the
headwaters to the Sitkum River, as a wild river.

“(B) The approximately 0.9-mile segment
of the South Fork Calawah River from the
Sitkum River to Hyas Creek, as a scenic river.

“(C) The approximately 1.6-mile segment
of the Sitkum River from the headwaters to the
Rugged Ridge Wilderness boundary, as a wild
river.

“(D) The approximately 11.9-mile segment
of the Sitkum River from the Rugged Ridge
Wilderness boundary to the confluence with the
South Fork Calawah, as a scenic river.

“(248) SOL DUC RIVER, WASHINGTON.—The
segment of the Sol Duc River from the headwaters
to the Olympic National Park boundary to be ad-
ministered by the Secretary of the Interior, including
the following segments of the mainstem and certain
tributaries in the following classes:

“(A) The approximately 7.0-mile segment
of the Sol Duc River from the headwaters to
the end of Sol Duc Hot Springs Road, as a wild river.

“(B) The approximately 10.8-mile segment of the Sol Duc River from the end of Sol Duc Hot Springs Road to the Olympic National Park boundary, as a scenic river.

“(C) The approximately 14.2-mile segment of the North Fork Sol Duc River from the headwaters to the Olympic Hot Springs Road bridge, as a wild river.

“(D) The approximately 0.2-mile segment of the North Fork Sol Duc River from the Olympic Hot Springs Road bridge to the confluence with the Sol Duc River, as a scenic river.

“(E) The approximately 8.0-mile segment of the South Fork Sol Duc River from the headwaters to the confluence with the Sol Duc River, as a scenic river.

“(249) LYRE RIVER, WASHINGTON.—The approximately 0.2-mile segment of the Lyre River from Lake Crescent to the Olympic National Park boundary, to be administered by the Secretary of the Interior as a scenic river.”
(b) **Effect.**—The amendment made by subsection (a) does not affect valid existing water rights.

(c) **Updates to Land and Resource Management Plans.**—

(1) **In general.**—Except as provided in paragraph (2), not later than 3 years after the date of the enactment of this Act, the Secretary of Agriculture shall, with respect to the designations made under subsection (a) on lands under the jurisdiction of the Secretary, incorporate such designations into updated management plans for units of the National Forest System in accordance with applicable laws (including regulations).

(2) **Exception.**—The date specified in paragraph (1) shall be 5 years after the date of the enactment of this Act if the Secretary of Agriculture—

(A) is unable to meet the requirement under such paragraph by the date specified in such paragraph; and

(B) not later than 3 years after the date of the enactment of this Act, includes in the Department of Agriculture annual budget submission to Congress a request for additional sums as may be necessary to meet the requirement of such paragraph.
(3) **Comprehensive Management Plan Requirements.**—Updated management plans under paragraph (1) or (2) satisfy the requirements under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

**SEC. 20604. EXISTING RIGHTS AND WITHDRAWAL.**

(a) **In General.**—In accordance with section 12(b) of the National Wild and Scenic Rivers Act (16 U.S.C. 1283(b)), nothing in this title or the amendment made by section 20603(a) affects or abrogates existing rights, privileges, or contracts held by private parties, nor does this title in any way modify or direct the management, acquisition, or disposition of lands managed by the Washington Department of Natural Resources on behalf of the State of Washington.

(b) **Withdrawal.**—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by this title and the amendment made by section 20603(a) is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing or mineral materials.
SEC. 20605. TREATY RIGHTS.

Nothing in this title alters, modifies, diminishes, or extinguishes the reserved treaty rights of any Indian tribe with hunting, fishing, gathering, and cultural or religious rights in the Olympic National Forest as protected by a treaty.

TITLE VII—STUDY ON FLOOD RISK MITIGATION

SEC. 20701. STUDY ON FLOOD RISK MITIGATION.

The Comptroller General shall conduct a study to determine the contributions of wilderness designations under this division to protections to flood risk mitigation in residential areas.

TITLE VIII—MISCELLANEOUS

SEC. 20801. PROMOTING HEALTH AND WELLNESS FOR VETERANS AND SERVICEMEMBERS.

The Secretary of Interior and the Secretary of Agriculture are encouraged to ensure servicemember and veteran access to public lands designed by this division for the purposes of outdoor recreation and to participate in outdoor-related volunteer and wellness programs.

SEC. 20802. FIRE, INSECTS, AND DISEASES.

Nothing in this division may be construed to limit the authority of the Secretary of the Interior or the Secretary of Agriculture under section 4(d)(1) of the Wilderness Act.
(16 U.S.C. 1133(d)(1)), in accordance with existing laws (including regulations).

SEC. 20803. MILITARY ACTIVITIES.

Nothing in this division precludes—

(1) low-level overflights of military aircraft over wilderness areas;

(2) the designation of new units of special air-space over wilderness areas; or

(3) the establishment of military flight training routes over wilderness areas.

DIVISION P—COLORADO OUT-DOOR RECREATION AND ECONOMY ACT

SEC. 21001. SHORT TITLE.

This division may be cited as the “Colorado Outdoor Recreation and Economy Act”.

SEC. 21002. DEFINITION OF STATE.

In this division, the term “State” means the State of Colorado.

TITLE I—CONTINENTAL DIVIDE

SEC. 21101. DEFINITIONS.

In this title:

(1) COVERED AREA.—The term “covered area” means any area designated as wilderness by the amendments to section 2(a) of the Colorado Wilder-

(2) Historic Landscape.—The term “Historic Landscape” means the Camp Hale National Historic Landscape designated by section 21107(a).

(3) Recreation Management Area.—The term “Recreation Management Area” means the Tenmile Recreation Management Area designated by section 21104(a).

(4) Secretary.—The term “Secretary” means the Secretary of Agriculture.

(5) Wildlife Conservation Area.—The term “Wildlife Conservation Area” means, as applicable—

(A) the Porcupine Gulch Wildlife Conservation Area designated by section 21105(a); and

(B) the Williams Fork Mountains Wildlife Conservation Area designated by section 21106(a).

SEC. 21102. COLORADO WILDERNESS ADDITIONS.

(a) Designation.—Section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) is amended—
(1) in paragraph (18), by striking “1993,” and inserting “1993, and certain Federal land within the White River National Forest that comprises approximately 6,896 acres, as generally depicted as ‘Proposed Ptarmigan Peak Wilderness Additions’ on the map entitled ‘Proposed Ptarmigan Peak Wilderness Additions’ and dated June 24, 2019,”; and

(2) by adding at the end the following:

“(23) HOLY CROSS WILDERNESS ADDITION.—Certain Federal land within the White River National Forest that comprises approximately 3,866 acres, as generally depicted as ‘Proposed Megan Dickie Wilderness Addition’ on the map entitled ‘Holy Cross Wilderness Addition Proposal’ and dated June 24, 2019, which shall be incorporated into, and managed as part of, the Holy Cross Wilderness designated by section 102(a)(5) of Public Law 96–560 (94 Stat. 3266).

“(24) HOOSIER RIDGE WILDERNESS.—Certain Federal land within the White River National Forest that comprises approximately 5,235 acres, as generally depicted as ‘Proposed Hoosier Ridge Wilderness’ on the map entitled ‘Tenmile Proposal’ and dated June 24, 2019, which shall be known as the ‘Hoosier Ridge Wilderness’.
“(25) TENMILE WILDERNESS.—Certain Federal land within the White River National Forest that comprises approximately 7,624 acres, as generally depicted as ‘Proposed Tenmile Wilderness’ on the map entitled ‘Tenmile Proposal’ and dated June 24, 2019, which shall be known as the ‘Tenmile Wilderness’.

“(26) EAGLES NEST WILDERNESS ADDITIONS.—Certain Federal land within the White River National Forest that comprises approximately 9,670 acres, as generally depicted as ‘Proposed Freeman Creek Wilderness Addition’ and ‘Proposed Spraddle Creek Wilderness Addition’ on the map entitled ‘Eagles Nest Wilderness Additions Proposal’ and dated June 24, 2019, which shall be incorporated into, and managed as part of, the Eagles Nest Wilderness designated by Public Law 94–352 (90 Stat. 870).”.

(b) APPLICABLE LAW.—Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering a covered area.

(c) FIRE, INSECTS, AND DISEASES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C.
1133(d)(1)), the Secretary may carry out any activity in a covered area that the Secretary determines to be necessary for the control of fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be appropriate.

(d) GRAZING.—The grazing of livestock on a covered area, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered to be necessary by the Secretary, in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(e) COORDINATION.—For purposes of administering the Federal land designated as wilderness by paragraph (26) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by subsection (a)(2)), the Secretary shall, as determined to be appropriate for the protection of watersheds, coordinate the activities of the Secretary in response to fires and flooding events with interested State and local
agencies, including operations using aircraft or mechanized equipment.

SEC. 21103. WILLIAMS FORK MOUNTAINS WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land in the White River National Forest in the State, comprising approximately 8,036 acres and generally depicted as “Proposed Williams Fork Mountains Wilderness” on the map entitled “Williams Fork Mountains Proposal” and dated June 24, 2019, is designated as a potential wilderness area.

(b) MANAGEMENT.—Subject to valid existing rights and except as provided in subsection (d), the potential wilderness area designated by subsection (a) shall be managed in accordance with—

(1) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) this section.

(c) LIVESTOCK USE OF VACANT ALLOTMENTS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with applicable laws (including regulations), the Secretary shall publish a determination regarding whether to authorize livestock grazing or other use by livestock on the vacant allotments known as—
(A) the “Big Hole Allotment”; and

(B) the “Blue Ridge Allotment”.

(2) Modification of Allotments.—In publishing a determination pursuant to paragraph (1), the Secretary may modify or combine the vacant allotments referred to in that paragraph.

(3) Permit or Other Authorization.—Not later than 1 year after the date on which a determination of the Secretary to authorize livestock grazing or other use by livestock is published under paragraph (1), if applicable, the Secretary shall grant a permit or other authorization for that livestock grazing or other use in accordance with applicable laws (including regulations).

(d) Range Improvements.—

(1) In General.—If the Secretary permits livestock grazing or other use by livestock on the potential wilderness area under subsection (c), the Secretary, or a third party authorized by the Secretary, may use any motorized or mechanized transport or equipment for purposes of constructing or rehabilitating such range improvements as are necessary to obtain appropriate livestock management objectives (including habitat and watershed restoration).
(2) Termination of Authority.—The authority provided by this subsection terminates on the date that is 2 years after the date on which the Secretary publishes a positive determination under subsection (c)(3).

(e) Designation as Wilderness.—

(1) Designation.—The potential wilderness area designated by subsection (a) shall be designated as wilderness, to be known as the “Williams Fork Mountains Wilderness”—

(A) effective not earlier than the date that is 180 days after the date of enactment this Act; and

(B) on the earliest of—

(i) the date on which the Secretary publishes in the Federal Register a notice that the construction or rehabilitation of range improvements under subsection (d) is complete;

(ii) the date described in subsection (d)(2); and

(iii) the effective date of a determination of the Secretary not to authorize livestock grazing or other use by livestock under subsection (e)(1).
(2) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage the Williams Fork Mountains Wilderness in accordance with—

(A) the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77); and

(B) this title.

SEC. 21104. TENMILE RECREATION MANAGEMENT AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 17,122 acres of Federal land in the White River National Forest in the State, as generally depicted as “Proposed Tenmile Recreation Management Area” on the map entitled “Tenmile Proposal” and dated June 24, 2019, are designated as the “Tenmile Recreation Management Area”.

(b) PURPOSES.—The purposes of the Recreation Management Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the recreational, scenic, watershed, habitat, and ecological resources of the Recreation Management Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Recreation Management Area—

(A) in a manner that conserves, protects, and enhances—
(i) the purposes of the Recreation Management Area described in subsection (b); and

(ii) recreation opportunities, including mountain biking, hiking, fishing, horseback riding, snowshoeing, climbing, skiing, camping, and hunting; and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this section.

(2) USES.—

(A) In general.—The Secretary shall only allow such uses of the Recreation Management Area as the Secretary determines would further the purposes described in subsection (b).

(B) Vehicles.—

(i) In general.—Except as provided in clause (iii), the use of motorized vehicles in the Recreation Management Area shall be limited to the roads, vehicle classes, and
periods authorized for motorized vehicle
use on the date of enactment of this Act.

(ii) NEW OR TEMPORARY ROADS.—
Except as provided in clause (iii), no new
or temporary road shall be constructed in
the Recreation Management Area.

(iii) EXCEPTIONS.—Nothing in clause
(i) or (ii) prevents the Secretary from—

(I) rerouting or closing an exist-
ing road or trail to protect natural re-
sources from degradation, as the Sec-
retary determines to be appropriate;

(II) authorizing the use of motor-
ized vehicles for administrative pur-
poses or roadside camping;

(III) constructing temporary
roads or permitting the use of motor-
ized vehicles to carry out pre- or post-
fire watershed protection projects;

(IV) authorizing the use of mo-
torized vehicles to carry out any activ-
ity described in subsection (d), (e)(1),
or (f); or

(V) responding to an emergency.

(C) COMMERCIAL TIMBER.—
(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Recreation Management Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized under this section.

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to prevent, control, or mitigate fire, insects, or disease in the Recreation Management Area, subject to such terms and conditions as the Secretary determines to be appropriate.

(e) WATER.—

(1) EFFECT ON WATER MANAGEMENT INFRASTRUCTURE.—Nothing in this section affects the construction, repair, reconstruction, replacement, operation, maintenance, or renovation within the Recreation Management Area of—

(A) water management infrastructure in existence on the date of enactment of this Act; or
(B) any future infrastructure necessary for
the development or exercise of water rights de-
creed before the date of enactment of this Act.

(2) APPLICABLE LAW.—Section 3(e) of the
James Peak Wilderness and Protection Area Act
(Public Law 107–216; 116 Stat. 1058) shall apply
to the Recreation Management Area.

(f) REGIONAL TRANSPORTATION PROJECTS.—Noth-
ing in this section precludes the Secretary from author-
izing, in accordance with applicable laws (including regula-
tions), the use or leasing of Federal land within the Recre-
ation Management Area for—

(1) a regional transportation project, includ-
ing—

(A) highway widening or realignment; and

(B) construction of multimodal transpor-
tation systems; or

(2) any infrastructure, activity, or safety meas-
ure associated with the implementation or use of a
facility constructed under paragraph (1).

(g) APPLICABLE LAW.—Nothing in this section af-
facts the designation of the Federal land within the Recre-
ation Management Area for purposes of—

(1) section 138 of title 23, United States Code;
or
(2) section 303 of title 49, United States Code.

(h) PERMITS.—Nothing in this section alters or limits—

(1) any permit held by a ski area or other entity; or

(2) the acceptance, review, or implementation of associated activities or facilities proposed or authorized by law or permit outside the boundaries of the Recreation Management Area.

SEC. 21105. PORCUPINE GULCH WILDLIFE CONSERVATION AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 8,287 acres of Federal land located in the White River National Forest, as generally depicted as “Proposed Porcupine Gulch Wildlife Conservation Area” on the map entitled “Porcupine Gulch Wildlife Conservation Area Proposal” and dated June 24, 2019, are designated as the “Porcupine Gulch Wildlife Conservation Area” (referred to in this section as the “Wildlife Conservation Area”).

(b) PURPOSES.—The purposes of the Wildlife Conservation Area are—

(1) to conserve and protect a wildlife migration corridor over Interstate 70; and
(2) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the wildlife, scenic, roadless, watershed, and ecological resources of the Wildlife Conservation Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Wildlife Conservation Area—

(A) in a manner that conserves, protects, and enhances the purposes described in subsection (b); and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(ii) any other applicable laws (including regulations); and

(iii) this section.

(2) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Wildlife Conservation Area as the Secretary determines would further the purposes described in subsection (b).
(B) Recreation.—The Secretary may permit such recreational activities in the Wildlife Conservation Area that the Secretary determines are consistent with the purposes described in subsection (b).

(C) Motorized Vehicles and Mechanized Transport; New or Temporary Roads.—

(i) Motorized Vehicles and Mechanized Transport.—Except as provided in clause (iii), the use of motorized vehicles and mechanized transport in the Wildlife Conservation Area shall be prohibited.

(ii) New or Temporary Roads.—Except as provided in clause (iii) and subsection (e), no new or temporary road shall be constructed within the Wildlife Conservation Area.

(iii) Exceptions.—Nothing in clause (i) or (ii) prevents the Secretary from—

(I) authorizing the use of motorized vehicles or mechanized transport for administrative purposes;
(II) constructing temporary roads or permitting the use of motor-
ized vehicles or mechanized transport to carry out pre- or post-fire watershed protection projects;

(III) authorizing the use of motorized vehicles or mechanized transport to carry out activities described in subsection (d) or (e); or

(IV) responding to an emergency.

(D) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Wildlife Conservation Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized under this section.

(d) FIRE, INSECTS, AND DISEASES.—The Secretary may carry out any activity, in accordance with applicable laws (including regulations), that the Secretary determines to be necessary to prevent, control, or mitigate fire, insects, or disease in the Wildlife Conservation Area, sub-
ject to such terms and conditions as the Secretary deter-
mines to be appropriate.

(e) **Regional Transportation Projects.**—Nothing in this section or section 21110(e) precludes the Sec-
etary from authorizing, in accordance with applicable
laws (including regulations), the use or leasing of Federal
land within the Wildlife Conservation Area for—

(1) a regional transportation project, includ-
ing—

(A) highway widening or realignment; and

(B) construction of multimodal transpor-
tation systems; or

(2) any infrastructure, activity, or safety meas-
ure associated with the implementation or use of a
facility constructed under paragraph (1).

(f) **Applicable Law.**—Nothing in this section af-
flicts the designation of the Federal land within the Wild-
life Conservation Area for purposes of—

(1) section 138 of title 23, United States Code;

or

(2) section 303 of title 49, United States Code.

(g) **Water.**—Section 3(e) of the James Peak Wilder-
ness and Protection Area Act (Public Law 107–216; 116
Stat. 1058) shall apply to the Wildlife Conservation Area.
SEC. 21106. WILLIAMS FORK MOUNTAINS WILDLIFE CONSERVATION AREA.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 3,528 acres of Federal land in the White River National Forest in the State, as generally depicted as “Proposed Williams Fork Mountains Wildlife Conservation Area” on the map entitled “Williams Fork Mountains Proposal” and dated June 24, 2019, are designated as the “Williams Fork Mountains Wildlife Conservation Area” (referred to in this section as the “Wildlife Conservation Area”).

(b) PURPOSES.—The purposes of the Wildlife Conservation Area are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the wildlife, scenic, roadless, watershed, recreational, and ecological resources of the Wildlife Conservation Area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Wildlife Conservation Area—

(A) in a manner that conserves, protects, and enhances the purposes described in subsection (b); and

(B) in accordance with—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);
(ii) any other applicable laws (including regulations); and

(iii) this section.

(2) USES.—

(A) IN GENERAL.—The Secretary shall only allow such uses of the Wildlife Conservation Area as the Secretary determines would further the purposes described in subsection (b).

(B) MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clause (iii), the use of motorized vehicles in the Wildlife Conservation Area shall be limited to designated roads and trails.

(ii) NEW OR TEMPORARY ROADS.—Except as provided in clause (iii), no new or temporary road shall be constructed in the Wildlife Conservation Area.

(iii) EXCEPTIONS.—Nothing in clause (i) or (ii) prevents the Secretary from—

(I) authorizing the use of motorized vehicles for administrative purposes;
(II) authorizing the use of motorized vehicles to carry out activities described in subsection (d); or

(III) responding to an emergency.

(C) BICYCLES.—The use of bicycles in the Wildlife Conservation Area shall be limited to designated roads and trails.

(D) COMMERCIAL TIMBER.—

(i) IN GENERAL.—Subject to clause (ii), no project shall be carried out in the Wildlife Conservation Area for the purpose of harvesting commercial timber.

(ii) LIMITATION.—Nothing in clause (i) prevents the Secretary from harvesting or selling a merchantable product that is a byproduct of an activity authorized under this section.

(E) GRAZING.—The laws (including regulations) and policies followed by the Secretary in issuing and administering grazing permits or leases on land under the jurisdiction of the Secretary shall continue to apply with regard to the land in the Wildlife Conservation Area, con-
sistent with the purposes described in sub-
section (b).

(d) FIRE, INSECTS, AND DISEASES.—The Secretary
may carry out any activity, in accordance with applicable
laws (including regulations), that the Secretary deter-
mines to be necessary to prevent, control, or mitigate fire,
insects, or disease in the Wildlife Conservation Area, sub-
ject to such terms and conditions as the Secretary deter-
mines to be appropriate.

(e) REGIONAL TRANSPORTATION PROJECTS.—Noth-
ing in this section or section 21110(e) precludes the Sec-
retary from authorizing, in accordance with applicable
laws (including regulations), the use or leasing of Federal
land within the Wildlife Conservation Area for—

(1) a regional transportation project, includ-
ing—

(A) highway widening or realignment; and

(B) construction of multimodal transpor-
tation systems; or

(2) any infrastructure, activity, or safety meas-
ure associated with the implementation or use of a
facility constructed under paragraph (1).

(f) WATER.—Section 3(e) of the James Peak Wilder-
ness and Protection Area Act (Public Law 107–216; 116
Stat. 1058) shall apply to the Wildlife Conservation Area.
SEC. 21107. CAMP HALE NATIONAL HISTORIC LANDSCAPE.

(a) DESIGNATION.—Subject to valid existing rights, the approximately 28,676 acres of Federal land in the White River National Forest in the State, as generally depicted as “Proposed Camp Hale National Historic Landscape” on the map entitled “Camp Hale National Historic Landscape Proposal” and dated June 24, 2019, are designated the “Camp Hale National Historic Landscape”.

(b) PURPOSES.—The purposes of the Historic Landscape are—

(1) to provide for—

(A) the interpretation of historic events, activities, structures, and artifacts of the Historic Landscape, including with respect to the role of the Historic Landscape in local, national, and world history;

(B) the historic preservation of the Historic Landscape, consistent with—

(i) the designation of the Historic Landscape as a national historic site; and

(ii) the other purposes of the Historic Landscape;

(C) recreational opportunities, with an emphasis on the activities related to the historic use of the Historic Landscape, including skiing, 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.
(B) CONTENTS.—The management plan prepared under subparagraph (A) shall include plans for—

(i) improving the interpretation of historic events, activities, structures, and artifacts of the Historic Landscape, including with respect to the role of the Historic Landscape in local, national, and world history;

(ii) conducting historic preservation and veteran outreach and engagement activities;

(iii) managing recreational opportunities, including the use and stewardship of—

(I) the road and trail systems;

and

(II) dispersed recreation resources;

(iv) the conservation, protection, restoration, or enhancement of the scenic, watershed, and ecological resources of the Historic Landscape, including conducting the restoration and enhancement project under subsection (d); and
(v) environmental remediation and, consistent with subsection (e)(2), the removal of unexploded ordnance.

(3) EXPLOSIVE HAZARDS.—The Secretary shall provide to the Secretary of the Army a notification of any unexploded ordnance (as defined in section 101(e) of title 10, United States Code) that is discovered in the Historic Landscape.

(d) CAMP HALE RESTORATION AND ENHANCEMENT PROJECT.—

(1) IN GENERAL.—The Secretary shall conduct a restoration and enhancement project in the Historic Landscape—

(A) to improve aquatic, riparian, and wetland conditions in and along the Eagle River and tributaries of the Eagle River;

(B) to maintain or improve recreation and interpretive opportunities and facilities; and

(C) to conserve historic values in the Camp Hale area.

(2) COORDINATION.—In carrying out the project described in paragraph (1), the Secretary shall coordinate with—

(A) the United States Army Corps of Engineers;
(B) the Camp Hale-Eagle River Headwaters Collaborative Group;

(C) the National Forest Foundation;

(D) the Colorado Department of Public Health and Environment;

(E) the Colorado State Historic Preservation Office;

(F) units of local government; and

(G) other interested organizations and members of the public.

(e) ENVIRONMENTAL REMEDIATION.—

(1) IN GENERAL.—The Secretary of the Army shall continue to carry out the projects and activities of the Department of the Army in existence on the date of enactment of this Act relating to cleanup of—

(A) the Camp Hale Formerly Used Defense Site; or

(B) the Camp Hale historic cantonment area.

(2) REMOVAL OF UNEXPLODED ORDNANCE.—

(A) IN GENERAL.—The Secretary of the Army may remove unexploded ordnance (as defined in section 101(e) of title 10, United States Code) from the Historic Landscape, as
the Secretary of the Army determines to be appropriate in accordance with applicable law (including regulations).

(B) Action on receipt of notice.—On receipt from the Secretary of a notification of unexploded ordnance under subsection (c)(3), the Secretary of the Army may remove the unexploded ordnance in accordance with—

(i) the program for environmental restoration of formerly used defense sites under section 2701 of title 10, United States Code;

(ii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(iii) any other applicable provision of law (including regulations).

(3) Effect of subsection.—Nothing in this subsection modifies any obligation in existence on the date of enactment of this Act relating to environmental remediation or removal of any unexploded ordnance located in or around the Camp Hale historic cantonment area, the Camp Hale Formerly Used Defense Site, or the Historic Landscape, including such an obligation under—
(A) the program for environmental restoration of formerly used defense sites under section 2701 of title 10, United States Code;

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(C) any other applicable provision of law (including regulations).

(f) INTERAGENCY AGREEMENT.—The Secretary and the Secretary of the Army shall enter into an agreement—

(1) to specify—

(A) the activities of the Secretary relating to the management of the Historic Landscape; and

(B) the activities of the Secretary of the Army relating to environmental remediation and the removal of unexploded ordnance in accordance with subsection (e) and other applicable laws (including regulations); and

(2) to require the Secretary to provide to the Secretary of the Army, by not later than 1 year after the date of enactment of this Act and periodically thereafter, as appropriate, a management plan for the Historic Landscape for purposes of the removal activities described in subsection (e).
(g) EFFECT.—Nothing in this section—

(1) affects the jurisdiction of the State over any water law, water right, or adjudication or administration relating to any water resource;

(2) affects any water right in existence on or after the date of enactment of this Act, or the exercise of such a water right, including—

(A) a water right under an interstate water compact (including full development of any apportionment made in accordance with such a compact);

(B) a water right decreed within, above, below, or through the Historic Landscape;

(C) a water right held by the United States;

(D) the management or operation of any reservoir, including the storage, management, release, or transportation of water; and

(E) the construction or operation of such infrastructure as is determined to be necessary by an individual or entity holding water rights to develop and place to beneficial use those rights, subject to applicable Federal, State, and local law (including regulations);
(3) constitutes an express or implied reservation by the United States of any reserved or appropria-
tive water right;

(4) alters or limits—

(A) a permit held by a ski area;

(B) the implementation of activities gov-
erned by a ski area permit; or

(C) the authority of the Secretary to mod-
ify or expand an existing ski area permit;

(5) prevents the Secretary from closing portions of the Historic Landscape for public safety, environ-
mental remediation, or other use in accordance with applicable laws; or

(6) affects—

(A) any special use permit in effect on the date of enactment of this Act; or

(B) the renewal of a permit described in subparagraph (A).

(h)(1) FUNDING.—There is established in the general fund of the Treasury a special account, to be known as the “Camp Hale Historic Preservation and Restoration Fund”.

(2) There is authorized to be appropriated to the Camp Hale Historic Preservation and Restoration Fund $10,000,000, to be available to the Secretary until ex-
pended, for activities relating to historic interpretation, preservation, and restoration carried out in and around the Historic Landscape.

   (i) **Designation of Overlook.**—The interpretive site located beside United States Route 24 in the State, at 39.431N 106.323W, is hereby designated as the “Sandy Treat Overlook”.

**SEC. 21108. WHITE RIVER NATIONAL FOREST BOUNDARY MODIFICATION.**

   (a) **In General.**—The boundary of the White River National Forest is modified to include the approximately 120 acres comprised of the SW 1/4, the SE 1/4, and the NE 1/4 of the SE 1/4 of sec. 1, T. 2 S., R. 80 W., 6th Principal Meridian, in Summit County in the State.

   (b) **Land and Water Conservation Fund.**—For purposes of section 200306 of title 54, United States Code, the boundaries of the White River National Forest, as modified under subsection (a), shall be considered to be the boundaries of the White River National Forest as in existence on January 1, 1965.

**SEC. 21109. ROCKY MOUNTAIN NATIONAL PARK POTENTIAL WILDERNESS BOUNDARY ADJUSTMENT.**

   (a) **Purpose.**—The purpose of this section is to provide for the ongoing maintenance and use of portions of the Trail River Ranch and the associated property located
within Rocky Mountain National Park in Grand County in the State.

(b) BOUNDARY ADJUSTMENT.—Section 1952(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1070) is amended by adding at the end the following:

“(3) BOUNDARY ADJUSTMENT.—The boundary of the Potential Wilderness is modified to exclude the area comprising approximately 15.5 acres of land identified as ‘Potential Wilderness to Non-wilderness’ on the map entitled ‘Rocky Mountain National Park Proposed Wilderness Area Amendment’ and dated January 16, 2018.’”.

SEC. 21110. ADMINISTRATIVE PROVISIONS.

(a) FISH AND WILDLIFE.—Nothing in this title affects the jurisdiction or responsibility of the State with respect to fish and wildlife in the State.

(b) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this title or an amendment made by this title establishes a protective perimeter or buffer zone around—

(A) a covered area;

(B) a wilderness area or potential wilderness area designated by section 21103;

(C) the Recreation Management Area;
(D) a Wildlife Conservation Area; or

(E) the Historic Landscape.

(2) OUTSIDE ACTIVITIES.—The fact that a non-wilderness activity or use on land outside of a covered area can be seen or heard from within the covered area shall not preclude the activity or use outside the boundary of the covered area.

(c) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of each area described in subsection (b)(1) with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.
(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire any land or interest in land within the boundaries of an area described in subsection (b)(1) only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Any land or interest in land acquired under paragraph (1) shall be incorporated into, and administered as a part of, the wilderness area, Recreation Management Area, Wildlife Conservation Area, or Historic Landscape, as applicable, in which the land or interest in land is located.

(e) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the areas described in subsection (b)(1) are withdrawn from—

(1) entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(f) MILITARY OVERFLIGHTS.—Nothing in this title or an amendment made by this title restricts or precludes—
(1) any low-level overflight of military aircraft
over any area subject to this title or an amendment
made by this title, including military overflights that
can be seen, heard, or detected within such an area;
(2) flight testing or evaluation over an area de-
scribed in paragraph (1); or
(3) the use or establishment of—
   (A) any new unit of special use airspace
   over an area described in paragraph (1); or
   (B) any military flight training or trans-
   portation over such an area.

(g) Sense of Congress.—It is the sense of Con-
gress that military aviation training on Federal public
lands in Colorado, including the training conducted at the
High-Altitude Army National Guard Aviation Training
Site, is critical to the national security of the United
States and the readiness of the Armed Forces.

TITLE II—SAN JUAN MOUNTAINS

SEC. 21201. DEFINITIONS.

In this title:

(1) Covered Land.—The term “covered land”
means—
   (A) land designated as wilderness under
paragraphs (27) through (29) of section 2(a) of
the Colorado Wilderness Act of 1993
U.S.C. 1132 note; Public Law 103–77) (as added by section 21202); and

(B) a Special Management Area.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(3) SPECIAL MANAGEMENT AREA.—The term “Special Management Area” means each of—

(A) the Sheep Mountain Special Management Area designated by section 21203(a)(1); and

(B) the Liberty Bell East Special Management Area designated by section 21203(a)(2).

SEC. 21202. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

Section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as amended by section 21102(a)(2)) is amended by adding at the end the following:

“(27) LIZARD HEAD WILDERNESS ADDITION.—
Certain Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 3,141 acres, as generally depicted on the map entitled ‘Proposed Wilson, Sunshine, Black Face and San Bernardo Additions to the Lizard Head Wilderness’ and dated September
6, 2018, which is incorporated in, and shall be ad-
ministered as part of, the Lizard Head Wilderness.

“(28) MOUNT SNEFFELS WILDERNESS ADDI-
tIONS.—

“(A) LIBERTY BELL AND LAST DOLLAR
ADDITIONS.—Certain Federal land in the
Grand Mesa, Uncompahgre, and Gunnison Na-
tional Forests comprising approximately 7,235
acres, as generally depicted on the map entitled
‘Proposed Liberty Bell and Last Dollar Addi-
tions to the Mt. Sneffels Wilderness, Liberty
Bell East Special Management Area’ and dated
September 6, 2018, which is incorporated in,
and shall be administered as part of, the Mount
Sneffels Wilderness.

“(B) WHITEHOUSE ADDITIONS.—Certain
Federal land in the Grand Mesa, Uncompahgre,
and Gunnison National Forests comprising ap-
proximately 12,465 acres, as generally depicted
on the map entitled ‘Proposed Whitehouse Ad-
ditions to the Mt. Sneffels Wilderness’ and
dated September 6, 2018, which is incorporated
in, and shall be administered as part of, the
Mount Sneffels Wilderness.
“(29) McKENNA PEAK WILDERNESS.—Certain Federal land in the State of Colorado comprising approximately 8,884 acres of Bureau of Land Management land, as generally depicted on the map entitled ‘Proposed McKenna Peak Wilderness Area’ and dated September 18, 2018, to be known as the ‘McKenna Peak Wilderness’."

SEC. 21203. SPECIAL MANAGEMENT AREAS.

(a) Designation.—

(1) Sheep Mountain Special Management Area.—The Federal land in the Grand Mesa, Uncompahgre, and Gunnison and San Juan National Forests in the State comprising approximately 21,663 acres, as generally depicted on the map entitled “Proposed Sheep Mountain Special Management Area” and dated September 19, 2018, is designated as the “Sheep Mountain Special Management Area”.

(2) Liberty Bell East Special Management Area.—The Federal land in the Grand Mesa, Uncompahgre, and Gunnison National Forests in the State comprising approximately 792 acres, as generally depicted on the map entitled “Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Man-
agement Area” and dated September 6, 2018, is
designated as the “Liberty Bell East Special Man-
agement Area”.

(b) PURPOSE.—The purpose of the Special Manage-
ment Areas is to conserve and protect for the benefit and
enjoyment of present and future generations the geologi-
cal, cultural, archaeological, paleontological, natural, sci-
entific, recreational, wilderness, wildlife, riparian, histor-
ical, educational, and scenic resources of the Special Man-
agement Areas.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage
the Special Management Areas in a manner that—

(A) conserves, protects, and enhances the
resources and values of the Special Manage-
ment Areas described in subsection (b);

(B) subject to paragraph (3), maintains or
improves the wilderness character of the Special
Management Areas and the suitability of the
Special Management Areas for potential inclu-
sion in the National Wilderness Preservation
System; and

(C) is in accordance with—

(i) the National Forest Management
Act of 1976 (16 U.S.C. 1600 et seq.);
(ii) this title; and

(iii) any other applicable laws.

(2) PROHIBITIONS.—The following shall be prohibited in the Special Management Areas:

(A) Permanent roads.

(B) Except as necessary to meet the minimum requirements for the administration of the Federal land, to provide access for abandoned mine cleanup, and to protect public health and safety—

(i) the use of motor vehicles, motorized equipment, or mechanical transport (other than as provided in paragraph (3)); and

(ii) the establishment of temporary roads.

(3) AUTHORIZED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may allow any activities (including helicopter access for recreation and maintenance and the competitive running event permitted since 1992) that have been authorized by permit or license as of the date of enactment of this Act to continue within the Special Management Areas,
subject to such terms and conditions as the Secretary may require.

(B) PERMITTING.—The designation of the Special Management Areas by subsection (a) shall not affect the issuance of permits relating to the activities covered under subparagraph (A) after the date of enactment of this Act.

(C) BICYCLES.—The Secretary may permit the use of bicycles in—

(i) the portion of the Sheep Mountain Special Management Area identified as “Ophir Valley Area” on the map entitled “Proposed Sheep Mountain Special Management Area” and dated September 19, 2018; and

(ii) the portion of the Liberty Bell East Special Management Area identified as “Liberty Bell Corridor” on the map entitled “Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness, Liberty Bell East Special Management Area” and dated September 6, 2018.

(d) APPLICABLE LAW.—Water and water rights in the Special Management Areas shall be administered in accordance with section 8 of the Colorado Wilderness Act.
of 1993 (Public Law 103–77; 107 Stat. 762), except that, for purposes of this division—

(1) any reference contained in that section to “the lands designated as wilderness by this Act”, “the Piedra, Roubideau, and Tabeguache areas identified in section 9 of this Act, or the Bowen Gulch Protection Area or the Fossil Ridge Recreation Management Area identified in sections 5 and 6 of this Act”, or “the areas described in sections 2, 5, 6, and 9 of this Act” shall be considered to be a reference to “the Special Management Areas”; and

(2) any reference contained in that section to “this Act” shall be considered to be a reference to “the Colorado Outdoor Recreation and Economy Act”.

SEC. 21204. RELEASE OF WILDERNESS STUDY AREAS.

(a) DOMINGUEZ CANYON WILDERNESS STUDY AREA.—Subtitle E of title II of Public Law 111–11 is amended—

(1) by redesignating section 2408 (16 U.S.C. 460zzz–7) as section 2409; and

(2) by inserting after section 2407 (16 U.S.C. 460zzz–6) the following:
“SEC. 2408. RELEASE.

“(a) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Dominguez Canyon Wilderness Study Area not designated as wilderness by this subtitle have been adequately studied for wilderness designation.

“(b) RELEASE.—Any public land referred to in subsection (a) that is not designated as wilderness by this subtitle—

“(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

“(2) shall be managed in accordance with this subtitle and any other applicable laws.”.

(b) MCKENNA PEAK WILDERNESS STUDY AREA.—

(1) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the McKenna Peak Wilderness Study Area in San Miguel County in the State not designated as wilderness by paragraph (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 21202) have been adequately studied for wilderness designation.
(2) Release.—Any public land referred to in paragraph (1) that is not designated as wilderness by paragraph (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 21202)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable laws.

SEC. 21205. ADMINISTRATIVE PROVISIONS.

(a) Fish and Wildlife.—Nothing in this title affects the jurisdiction or responsibility of the State with respect to fish and wildlife in the State.

(b) No Buffer Zones.—

(1) In General.—Nothing in this title establishes a protective perimeter or buffer zone around covered land.

(2) Activities Outside Wilderness.—The fact that a nonwilderness activity or use on land outside of the covered land can be seen or heard from within covered land shall not preclude the activity or use outside the boundary of the covered land.

(c) Maps and Legal Descriptions.—
(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary or the Secretary of the Interior, as appropriate, shall file a map and a legal description of each wilderness area designated by paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 21202) and the Special Management Areas with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary or the Secretary of the Interior, as appropriate, may correct any typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the Forest Service.

(d) ACQUISITION OF LAND.—
(1) IN GENERAL.—The Secretary or the Secretary of the Interior, as appropriate, may acquire any land or interest in land within the boundaries of a Special Management Area or the wilderness designated under paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 21202) only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Any land or interest in land acquired under paragraph (1) shall be incorporated into, and administered as a part of, the wilderness or Special Management Area in which the land or interest in land is located.

(e) GRAZING.—The grazing of livestock on covered land, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered to be necessary by the Secretary with jurisdiction over the covered land, in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the applicable guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives ac-
companying H.R. 2570 of the 101st Congress (H. Rept. 101–405) or H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(f) Fire, Insects, and Diseases.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary with jurisdiction over a wilderness area designated by paragraphs (27) through (29) of section 2(a) of the Colorado Wilderness Act of 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as added by section 21202) may carry out any activity in the wilderness area that the Secretary determines to be necessary for the control of fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be appropriate.

(g) Withdrawal.—Subject to valid rights in existence on the date of enactment of this Act, the covered land and the approximately 6,590 acres generally depicted on the map entitled “Proposed Naturita Canyon Mineral Withdrawal Area” and dated September 6, 2018, is withdrawn from—

(1) entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under mining laws; and
(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

**TITLE III—THOMPSON DIVIDE**

**SEC. 21301. PURPOSES.**

The purposes of this title are—

(1) subject to valid existing rights, to withdraw certain Federal land in the Thompson Divide area from mineral and other disposal laws; and

(2) to promote the capture of fugitive methane emissions that would otherwise be emitted into the atmosphere—

(A) to reduce methane gas emissions; and

(B) to provide—

(i) new renewable electricity supplies and other beneficial uses of fugitive methane emissions; and

(ii) increased royalties for taxpayers.

**SEC. 21302. DEFINITIONS.**

In this title:

(1) **FUGITIVE METHANE EMISSIONS.**—The term “fugitive methane emissions” means methane gas from those Federal lands in Garfield, Gunnison, Delta, or Pitkin County in the State generally depicted on the pilot program map as “Fugitive Coal Mine Methane Use Pilot Program Area” that would
(2) PILOT PROGRAM.—The term “pilot program” means the Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program established by section 21305(a)(1).

(3) PILOT PROGRAM MAP.—The term “pilot program map” means the map entitled “Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program Area” and dated June 17, 2019.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) THOMPSON DIVIDE LEASE.—

(A) IN GENERAL.—The term “Thompson Divide lease” means any oil or gas lease in effect on the date of enactment of this Act within the Thompson Divide Withdrawal and Protection Area.

(B) EXCLUSIONS.—The term “Thompson Divide lease” does not include any oil or gas lease that—

(i) is associated with a Wolf Creek Storage Field development right; or
(ii) before the date of enactment of this Act, has expired, been cancelled, or otherwise terminated.

(6) THOMPSON DIVIDE MAP.—The term “Thompson Divide map” means the map entitled “Greater Thompson Divide Area Map” and dated June 13, 2019.

(7) THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA.—The term “Thompson Divide Withdrawal and Protection Area” means the Federal land and minerals generally depicted on the Thompson Divide map as the “Thompson Divide Withdrawal and Protection Area”.

(8) WOLF CREEK STORAGE FIELD DEVELOPMENT RIGHT.—

(A) IN GENERAL.—The term “Wolf Creek Storage Field development right” means a development right for any of the Federal mineral leases numbered COC 007496, COC 007497, COC 007498, COC 007499, COC 007500, COC 007538, COC 008128, COC 015373, COC 0128018, COC 051645, and COC 051646, and generally depicted on the Thompson Divide map as “Wolf Creek Storage Agreement”.

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(B) Exclusions.—The term “Wolf Creek Storage Field development right” does not include any storage right or related activity within the area described in subparagraph (A).

SEC. 21303. THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA.

(a) Withdrawal.—Subject to valid existing rights, the Thompson Divide Withdrawal and Protection Area is withdrawn from—

(1) entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) Surveys.—The exact acreage and legal description of the Thompson Divide Withdrawal and Protection Area shall be determined by surveys approved by the Secretary, in consultation with the Secretary of Agriculture.

(c) Grazing.—The grazing of livestock on covered land, if established before the date of enactment of this Act, shall be allowed to continue subject to such reasonable regulations as are considered to be necessary by the Secretary with jurisdiction over the covered land.
SEC. 21304. THOMPSON DIVIDE LEASE EXCHANGE.

(a) IN GENERAL.—In exchange for the relinquishment by a leaseholder of all Thompson Divide leases of the leaseholder, the Secretary may issue to the leaseholder credits for any bid, royalty, or rental payment due under any Federal oil or gas lease on Federal land in the State, in accordance with subsection (b).

(b) AMOUNT OF CREDITS.—

(1) IN GENERAL.—Subject to paragraph (2), the amount of the credits issued to a leaseholder of a Thompson Divide lease relinquished under subsection (a) shall—

(A) be equal to the sum of—

(i) the amount of the bonus bids paid for the applicable Thompson Divide leases;

(ii) the amount of any rental paid for the applicable Thompson Divide leases as of the date on which the leaseholder submits to the Secretary a notice of the decision to relinquish the applicable Thompson Divide leases; and

(iii) the amount of any expenses incurred by the leaseholder of the applicable Thompson Divide leases in the preparation of any drilling permit, sundry notice, or other related submission in support of the
development of the applicable Thompson
Divide leases as of January 28, 2019, in-
cluding any expenses relating to the prepa-
ration of any analysis under the National
Environmental Policy Act of 1969 (42
U.S.C. 4321 et seq.); and
(B) require the approval of the Secretary.

(2) Exclusion.—The amount of a credit
issued under subsection (a) shall not include any ex-
penses paid by the leaseholder of a Thompson Divide
lease for legal fees or related expenses for legal work
with respect to a Thompson Divide lease.
(c) Cancellation.—Effective on relinquishment
under this section, and without any additional action by
the Secretary, a Thompson Divide lease—
(1) shall be permanently cancelled; and
(2) shall not be reissued.
(d) Conditions.—
(1) Applicable law.—Except as otherwise
provided in this section, each exchange under this
section shall be conducted in accordance with—
(A) this division; and
(B) other applicable laws (including regu-
lations).
(2) ACCEPTANCE OF CREDITS.—The Secretary may, subject to appropriations, accept credits issued under subsection (a) in the same manner as cash for the payments described in that subsection.

(3) APPLICABILITY.—The use of a credit issued under subsection (a) shall be subject to the laws (including regulations) applicable to the payments described in that subsection, to the extent that the laws are consistent with this section.

(4) TREATMENT OF CREDITS.—Subject to appropriations, all amounts in the form of credits issued under subsection (a) accepted by the Secretary shall be considered to be amounts received for the purposes of—

(A) section 35 of the Mineral Leasing Act (30 U.S.C. 191); and


(c) WOLF CREEK STORAGE FIELD DEVELOPMENT RIGHTS.—

(1) CONVEYANCE TO SECRETARY.—As a condition precedent to the relinquishment of a Thompson Divide lease, any leaseholder with a Wolf Creek Storage Field development right shall permanently relinquish, transfer, and otherwise convey to the
Secretary, in a form acceptable to the Secretary, all Wolf Creek Storage Field development rights of the leaseholder.

(2) LIMITATION OF TRANSFER.—An interest acquired by the Secretary under paragraph (1)—

(A) shall be held in perpetuity; and

(B) shall not be—

(i) transferred;

(ii) reissued; or

(iii) otherwise used for mineral extraction.

SEC. 21305. GREATER THOMPSON DIVIDE FUGITIVE COAL MINE METHANE USE PILOT PROGRAM.

(a) FUGITIVE COAL MINE METHANE USE PILOT PROGRAM.—

(1) ESTABLISHMENT.—There is established in the Bureau of Land Management a pilot program, to be known as the “Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program”.

(2) PURPOSE.—The purpose of the pilot program is to promote the capture, beneficial use, mitigation, and sequestration of fugitive methane emissions—

(A) to reduce methane emissions;

(B) to promote economic development;
(C) to produce bid and royalty revenues;

(D) to improve air quality; and

(E) to improve public safety.

(3) PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan—

(i) to complete an inventory of fugitive methane emissions in accordance with subsection (b);

(ii) to provide for the leasing of fugitive methane emissions in accordance with subsection (c); and

(iii) to provide for the capping or destruction of fugitive methane emissions in accordance with subsection (d).

(B) COORDINATION.—In developing the plan under this paragraph, the Secretary shall coordinate with—

(i) the State;

(ii) Garfield, Gunnison, Delta, and Pitkin Counties in the State;

(iii) lessees of Federal coal within the counties referred to in clause (ii);
(iv) interested institutions of higher education in the State; and

(v) interested members of the public.

(b) Fugitive Methane Emission Inventory.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete an inventory of fugitive methane emissions.

(2) CONDUCT.—The Secretary may conduct the inventory under paragraph (1) through, or in collaboration with—

(A) the Bureau of Land Management;

(B) the United States Geological Survey;

(C) the Environmental Protection Agency;

(D) the United States Forest Service;

(E) State departments or agencies;

(F) Garfield, Gunnison, Delta, or Pitkin County in the State;

(G) the Garfield County Federal Mineral Lease District;

(H) institutions of higher education in the State;

(I) lessees of Federal coal within a county referred to in subparagraph (F);
(J) the National Oceanic and Atmospheric Administration;

(K) the National Center for Atmospheric Research; or

(L) other interested entities, including members of the public.

(3) CONTENTS.—The inventory under paragraph (1) shall include—

(A) the general location and geographic coordinates of each vent, seep, or other source producing significant fugitive methane emissions;

(B) an estimate of the volume and concentration of fugitive methane emissions from each source of significant fugitive methane emissions including details of measurements taken and the basis for that emissions estimate;

(C) an estimate of the total volume of fugitive methane emissions each year;

(D) relevant data and other information available from—

(i) the Environmental Protection Agency;

(ii) the Mine Safety and Health Administration;
(iii) Colorado Department of Natural Resources;

(iv) Colorado Public Utility Commission;

(v) Colorado Department of Health and Environment; and

(vi) Office of Surface Mining Reclamation and Enforcement; and

(E) such other information as may be useful in advancing the purposes of the pilot program.

(4) PUBLIC PARTICIPATION; DISCLOSURE.—

(A) PUBLIC PARTICIPATION.—The Secretary shall provide opportunities for public participation in the inventory under this subsection.

(B) AVAILABILITY.—The Secretary shall make the inventory under this subsection publicly available.

(C) DISCLOSURE.—Nothing in this subsection requires the Secretary to publicly release information that—

(i) poses a threat to public safety;

(ii) is confidential business information; or
(-iii) is otherwise protected from public disclosure.

(5) Use.—The Secretary shall use the inventory in carrying out—

(A) the leasing program under subsection (c); and

(B) the capping or destruction of fugitive methane emissions under subsection (d).

(c) Fugitive Methane Emission Leasing Program.—

(1) In general.—Subject to valid existing rights and in accordance with this section, not later than 1 year after the date of completion of the inventory required under subsection (b), the Secretary shall carry out a program to encourage the use and destruction of fugitive methane emissions.

(2) Fugitive methane emissions from coal mines subject to lease.—

(A) In general.—The Secretary shall authorize the holder of a valid existing Federal coal lease for a mine that is producing fugitive methane emissions to capture for use, or destroy by flaring, the fugitive methane emissions.

(B) Conditions.—The authority under subparagraph (A) shall be—
(i) subject to valid existing rights; and
(ii) subject to such terms and conditions as the Secretary may require.

(C) LIMITATIONS.—The program carried out under paragraph (1) shall only include fugitive methane emissions that can be captured for use, or destroyed by flaring, in a manner that does not—

(i) endanger the safety of any coal mine worker; or
(ii) unreasonably interfere with any ongoing operation at a coal mine.

(D) COOPERATION.—

(i) IN GENERAL.—The Secretary shall work cooperatively with the holders of valid existing Federal coal leases for mines that produce fugitive methane emissions to encourage—

(I) the capture of fugitive methane emissions for beneficial use, such as generating electrical power, producing usable heat, transporting the methane to market, transforming the fugitive methane emissions into a different marketable material; or
(II) if the beneficial use of the fugitive methane emissions is not feasible, the destruction of the fugitive methane emissions by flaring.

(ii) GUIDANCE.—In furtherance of the purposes of this paragraph, not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance for the implementation of Federal authorities and programs to encourage the capture for use, or destruction by flaring, of fugitive methane emissions while minimizing impacts on natural resources or other public interest values.

(E) ROYALTIES.—The Secretary shall determine whether any fugitive methane emissions used or destroyed pursuant to this paragraph are subject to the payment of a royalty under applicable law.

(3) FUGITIVE METHANE EMISSIONS FROM ABANDONED COAL MINES.—

(A) IN GENERAL.—Except as otherwise provided in this section, notwithstanding section 21303, subject to valid existing rights, and in accordance with section 21 of the Mineral Leas-
ing Act (30 U.S.C. 241) and any other applicable law, the Secretary shall—

(i) authorize the capture for use, or destruction by flaring, of fugitive methane emissions from abandoned coal mines on Federal land; and

(ii) make available for leasing such fugitive methane emissions from abandoned coal mines on Federal land as the Secretary considers to be in the public interest.

(B) Source.—To the maximum extent practicable, the Secretary shall offer for lease each significant vent, seep, or other source of fugitive methane emissions from abandoned coal mines.

(C) Bid Qualifications.—A bid to lease fugitive methane emissions under this paragraph shall specify whether the prospective lessee intends—

(i) to capture the fugitive methane emissions for beneficial use, such as generating electrical power, producing usable heat, transporting the methane to market,
transforming the fugitive methane emissions into a different marketable material;

(ii) to destroy the fugitive methane emissions by flaring; or

(iii) to employ a specific combination of—

(I) capturing the fugitive methane emissions for beneficial use; and

(II) destroying the fugitive methane emission by flaring.

(D) PRIORITY.—

(i) IN GENERAL.—If there is more than one qualified bid for a lease under this paragraph, the Secretary shall select the bid that the Secretary determines is likely to most significantly advance the public interest.

(ii) CONSIDERATIONS.—In determining the public interest under clause (i), the Secretary shall take into consideration—

(I) the size of the overall decrease in the time-integrated radiative forcing of the fugitive methane emissions;
(II) the impacts to other natural resource values, including wildlife, water, and air; and

(III) other public interest values, including scenic, economic, recreation, and cultural values.

(E) LEASE FORM.—

(i) IN GENERAL.—The Secretary shall develop and provide to prospective bidders a lease form for leases issued under this paragraph.

(ii) DUE DILIGENCE.—The lease form developed under clause (i) shall include terms and conditions requiring the leased fugitive methane emissions to be put to beneficial use or flared by not later than 1 year after the date of issuance of the lease.

(F) ROYALTY RATE.—The Secretary shall develop a minimum bid and royalty rate for leases under this paragraph to advance the purposes of this section, to the maximum extent practicable.

(d) SEQUESTRATION.—If, by not later than 4 years after the date of enactment of this Act, any significant fugitive methane emissions from abandoned coal mines on
Federal land are not leased under subsection (e)(3), the Secretary shall, in accordance with applicable law, take all reasonable measures—

(1) to cap those fugitive methane emissions at the source in any case in which the cap will result in the long-term sequestration of all or a significant portion of the fugitive methane emissions; or

(2) if sequestration under paragraph (1) is not feasible, destroy the fugitive methane emissions by flaring.

(e) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this Act the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing—

(1) the economic and environmental impacts of the pilot program, including information on increased royalties and estimates of avoided greenhouse gas emissions; and

(2) any recommendations by the Secretary on whether the pilot program could be expanded geographically to include other significant sources of fugitive methane emissions from coal mines.
SEC. 21306. EFFECT.

Except as expressly provided in this title, nothing in this title—

(1) expands, diminishes, or impairs any valid existing mineral leases, mineral interest, or other property rights wholly or partially within the Thompson Divide Withdrawal and Protection Area, including access to the leases, interests, rights, or land in accordance with applicable Federal, State, and local laws (including regulations);

(2) prevents the capture of methane from any active, inactive, or abandoned coal mine covered by this title, in accordance with applicable laws; or

(3) prevents access to, or the development of, any new or existing coal mine or lease in Delta or Gunnison County in the State.

TITLE IV—CURECANTI NATIONAL RECREATION AREA

SEC. 21401. DEFINITIONS.

In this title:

(1) Map.—The term “map” means the map entitled “Curecanti National Recreation Area, Proposed Boundary”, numbered 616/100,485C, and dated August 11, 2016.

(2) National recreation area.—The term “National Recreation Area” means the Curecanti
National Recreation Area established by section 21402(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 21402. CURECANTI NATIONAL RECREATION AREA.

(a) ESTABLISHMENT.—Effective beginning on the earlier of the date on which the Secretary approves a request under subsection (c)(2)(B)(i)(I) and the date that is 1 year after the date of enactment of this Act, there shall be established as a unit of the National Park System the Curecanti National Recreation Area, in accordance with this division, consisting of approximately 50,667 acres of land in the State, as generally depicted on the map as “Curecanti National Recreation Area Proposed Boundary”.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the National Recreation Area in accordance with—

(A) this title; and

(B) the laws (including regulations) generally applicable to units of the National Park System.
System, including section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code.

(2) DAM, POWER PLANT, AND RESERVOIR MANAGEMENT AND OPERATIONS.—

(A) IN GENERAL.—Nothing in this title affects or interferes with the authority of the Secretary—

(i) to operate the Uncompahgre Valley Reclamation Project under the reclamation laws;

(ii) to operate the Wayne N. Aspinall Unit of the Colorado River Storage Project under the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.); or

(iii) under the Federal Water Project Recreation Act (16 U.S.C. 460l–12 et seq.).

(B) RECLAMATION LAND.—

(i) SUBMISSION OF REQUEST TO RETAIN ADMINISTRATIVE JURISDICTION.—If, before the date that is 1 year after the
date of enactment of this Act, the Commissioner of Reclamation submits to the Secretary a request for the Commissioner of Reclamation to retain administrative jurisdiction over the minimum quantity of land within the land identified on the map as “Lands withdrawn or acquired for Bureau of Reclamation projects” that the Commissioner of Reclamation identifies as necessary for the effective operation of Bureau of Reclamation water facilities, the Secretary may—

(I) approve, approve with modifications, or disapprove the request; and

(II) if the request is approved under subclause (I), make any modifications to the map that are necessary to reflect that the Commissioner of Reclamation retains management authority over the minimum quantity of land required to fulfill the reclamation mission.

(ii) Transfer of Land.—
(I) IN GENERAL.—Administrative jurisdiction over the land identified on the map as “Lands withdrawn or acquired for Bureau of Reclamation projects”, as modified pursuant to clause (i)(II), if applicable, shall be transferred from the Commissioner of Reclamation to the Director of the National Park Service by not later than the date that is 1 year after the date of enactment of this Act.

(II) ACCESS TO TRANSFERRED LAND.—

(aa) IN GENERAL.—Subject to item (bb), the Commissioner of Reclamation shall retain access to the land transferred to the Director of the National Park Service under subclause (I) for reclamation purposes, including for the operation, maintenance, and expansion or replacement of facilities.

(bb) MEMORANDUM OF UNDERSTANDING.—The terms of
the access authorized under item
(aa) shall be determined by a
memorandum of understanding
entered into between the Com-
missioner of Reclamation and the
Director of the National Park
Service not later than 1 year
after the date of enactment of
this Act.

(3) MANAGEMENT AGREEMENTS.—

(A) IN GENERAL.—The Secretary may
enter into management agreements, or modify
management agreements in existence on the
date of enactment of this Act, relating to the
authority of the Director of the National Park
Service, the Commissioner of Reclamation, the
Director of the Bureau of Land Management,
or the Chief of the Forest Service to manage
Federal land within or adjacent to the boundary
of the National Recreation Area.

(B) STATE LAND.—The Secretary may
enter into cooperative management agreements
for any land administered by the State that is
within or adjacent to the National Recreation
Area, in accordance with the cooperative man-
agement authority under section 101703 of title 54, United States Code.

(4) RECREATIONAL ACTIVITIES.—

(A) AUTHORIZATION.—Except as provided in subparagraph (B), the Secretary shall allow boating, boating-related activities, hunting, and fishing in the National Recreation Area in accordance with applicable Federal and State laws.

(B) CLOSURES; DESIGNATED ZONES.—

(i) IN GENERAL.—The Secretary, acting through the Superintendent of the National Recreation Area, may designate zones in which, and establish periods during which, no boating, hunting, or fishing shall be permitted in the National Recreation Area under subparagraph (A) for reasons of public safety, administration, or compliance with applicable laws.

(ii) CONSULTATION REQUIRED.—Except in the case of an emergency, any closure proposed by the Secretary under clause (i) shall not take effect until after the date on which the Superintendent of
the National Recreation Area consults
with—

(I) the appropriate State agency
responsible for hunting and fishing
activities; and

(II) the Board of County Com-
mismissioners in each county in which
the zone is proposed to be designated.

(5) LANDOWNER ASSISTANCE.—On the written
request of an individual that owns private land lo-
cated not more than 3 miles from the boundary of
the National Recreation Area, the Secretary may
work in partnership with the individual to enhance
the long-term conservation of natural, cultural, rec-
reational, and scenic resources in and around the
National Recreation Area—

(A) by acquiring all or a portion of the pri-
private land or interests in private land located
not more than 3 miles from the boundary of the
National Recreation Area by purchase, ex-
change, or donation, in accordance with section
21403;

(B) by providing technical assistance to the
individual, including cooperative assistance;

(C) through available grant programs; and
(D) by supporting conservation easement opportunities.

(6) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the National Recreation Area is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(7) GRAZING.—

(A) STATE LAND SUBJECT TO A STATE GRAZING LEASE.—

(i) IN GENERAL.—If State land acquired under this title is subject to a State grazing lease in effect on the date of acquisition, the Secretary shall allow the grazing to continue for the remainder of the term of the lease, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.
(ii) Access.—A lessee of State land may continue its use of established routes within the National Recreation Area to access State land for purposes of administering the lease if the use was permitted before the date of enactment of this Act, subject to such terms and conditions as the Secretary may require.

(B) State and Private Land.—The Secretary may, in accordance with applicable laws, authorize grazing on land acquired from the State or private landowners under section 21403, if grazing was established before the date of acquisition.

(C) Private Land.—On private land acquired under section 21403 for the National Recreation Area on which authorized grazing is occurring before the date of enactment of this Act, the Secretary, in consultation with the lessee, may allow the continuation and renewal of grazing on the land based on the terms of acquisition or by agreement between the Secretary and the lessee, subject to applicable law (including regulations).
(D) **FEDERAL LAND.**—The Secretary shall—

(i) allow, consistent with the grazing leases, uses, and practices in effect as of the date of enactment of this Act, the continuation and renewal of grazing on Federal land located within the boundary of the National Recreation Area on which grazing is allowed before the date of enactment of this Act, unless the Secretary determines that grazing on the Federal land would present unacceptable impacts (as defined in section 1.4.7.1 of the National Park Service document entitled “Management Policies 2006: The Guide to Managing the National Park System”) to the natural, cultural, recreational, and scenic resource values and the character of the land within the National Recreation Area; and

(ii) retain all authorities to manage grazing in the National Recreation Area.

(E) **TERMINATION OF LEASES.**—Within the National Recreation Area, the Secretary may—
(i) accept the voluntary termination of
a lease or permit for grazing; or
(ii) in the case of a lease or permit va-
cated for a period of 3 or more years, ter-
minate the lease or permit.

(8) WATER RIGHTS.—Nothing in this title—

(A) affects any use or allocation in exist-
ence on the date of enactment of this Act of
any water, water right, or interest in water;

(B) 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;

(C) affects any interstate water compact in
existence on the date of enactment of this Act;

(D) authorizes or imposes any new re-
served Federal water right;

(E) shall be considered to be a relinquish-
ment or reduction of any water right reserved
or appropriated by the United States in the
State on or before the date of enactment of this
Act; or

(F) constitutes an express or implied Fed-
eral reservation of any water or water rights
with respect to the National Recreation area.
(9) FISHING EASEMENTS.—

(A) IN GENERAL.—Nothing in this title diminishes or alters the fish and wildlife program for the Aspinall Unit developed under section 8 of the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (70 Stat. 110, chapter 203; 43 U.S.C. 620g), by the United States Fish and Wildlife Service, the Bureau of Reclamation, and the Colorado Division of Wildlife (including any successor in interest to that division) that provides for the acquisition of public access fishing easements as mitigation for the Aspinall Unit (referred to in this paragraph as the “program”).

(B) ACQUISITION OF FISHING EASEMENTS.—The Secretary shall continue to fulfill the obligation of the Secretary under the program to acquire 26 miles of class 1 public fishing easements to provide to sportsmen access for fishing within the Upper Gunnison Basin upstream of the Aspinall Unit, subject to the condition that no existing fishing access downstream of the Aspinall Unit shall be counted toward the minimum mileage requirement under the program.
(C) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(i) develop a plan for fulfilling the obligation of the Secretary described in subparagraph (B); and

(ii) submit to Congress a report that—

(I) includes the plan developed under clause (i); and

(II) describes any progress made in the acquisition of public access fishing easements as mitigation for the Aspinall Unit under the program.

SEC. 21403. ACQUISITION OF LAND; BOUNDARY MANAGEMENT.

(a) ACQUISITION.—

(1) IN GENERAL.—The Secretary may acquire any land or interest in land within the boundary of the National Recreation Area.

(2) MANNER OF ACQUISITION.—

(A) IN GENERAL.—Subject to subparagraph (B), land described in paragraph (1) may be acquired under this subsection by—

(i) donation;
(ii) purchase from willing sellers with
donated or appropriated funds;

(iii) transfer from another Federal
agency; or

(iv) exchange.

(B) STATE LAND.—Land or interests in
land owned by the State or a political subdivi-
sion of the State may only be acquired by pur-
chase, donation, or exchange.

(b) TRANSFER OF ADMINISTRATIVE JURISDI-
TION.—

(1) FOREST SERVICE LAND.—

(A) IN GENERAL.—Administrative jurisdic-
tion over the approximately 2,560 acres of land
identified on the map as “U.S. Forest Service
proposed transfer to the National Park Service”
is transferred to the Secretary, to be adminis-
tered by the Director of the National Park
Service as part of the National Recreation
Area.

(B) BOUNDARY ADJUSTMENT.—The
boundary of the Gunnison National Forest shall
be adjusted to exclude the land transferred to
the Secretary under subparagraph (A).
(2) BUREAU OF LAND MANAGEMENT LAND.—
Administrative jurisdiction over the approximately
5,040 acres of land identified on the map as “Bureau of Land Management proposed transfer to Na-
tional Park Service” is transferred from the Director
of the Bureau of Land Management to the Director
of the National Park Service, to be administered as
part of the National Recreation Area.

(3) WITHDRAWAL.—Administrative jurisdiction
over the land identified on the map as “Proposed for
transfer to the Bureau of Land Management, subject to the revocation of Bureau of Reclamation
withdrawal” shall be transferred to the Director of
the Bureau of Land Management on relinquishment
of the land by the Bureau of Reclamation and rev-
ocation by the Bureau of Land Management of any
withdrawal as may be necessary.

(c) POTENTIAL LAND EXCHANGE.—

(1) IN GENERAL.—The withdrawal for reclama-
tion purposes of the land identified on the map as
“Potential exchange lands” shall be relinquished by
the Commissioner of Reclamation and revoked by
the Director of the Bureau of Land Management
and the land shall be transferred to the National
Park Service.
(2) Exchange; inclusion in National Recreation Area.—On transfer of the land described in paragraph (1), the transferred land—

(A) may be exchanged by the Secretary for private land described in section 21402(c)(5)—

(i) subject to a conservation easement remaining on the transferred land, to protect the scenic resources of the transferred land; and

(ii) in accordance with the laws (including regulations) and policies governing National Park Service land exchanges; and

(B) if not exchanged under subparagraph (A), shall be added to, and managed as a part of, the National Recreation Area.

(d) Addition to National Recreation Area.—Any land within the boundary of the National Recreation Area that is acquired by the United States shall be added to, and managed as a part of, the National Recreation Area.

SEC. 21404. GENERAL MANAGEMENT PLAN.

Not later than 3 years after the date on which funds are made available to carry out this title, the Director of the National Park Service, in consultation with the Commissioner of Reclamation, shall prepare a general manage-
ment plan for the National Recreation Area in accordance
with section 100502 of title 54, United States Code.

SEC. 21405. BOUNDARY SURVEY.

The Secretary (acting through the Director of the
National Park Service) shall prepare a boundary survey
and legal description of the National Recreation Area.


Attest:

Clerk.
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.

H. R. 6395

116TH CONGRESS
2D SESSION