

Calendar No. 467

117TH CONGRESS
2^D SESSION**H. R. 7900**

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

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Read twice and placed on the calendar

AN ACT

To authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2023”.

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

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

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

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

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

12 (4) Division D—Funding Tables.

13 (5) Division E—Non-Department of Defense
 14 Matters.

15 (6) Division F—Other Matters.

16 (7) Division G—Don Young Coast Guard Au-
 17 thorization Act of 2022.

18 (8) Division H—Financial Transparency.

19 (9) Division I—Public Lands.

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

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Navy Programs

- Sec. 111. Requirements relating to EA-18G aircraft of the Navy.
- Sec. 112. Multiyear procurement authority for Arleigh Burke class destroyers.
- Sec. 113. Authority for procurement of additional Arleigh Burke class destroyer.
- Sec. 114. Authority for certain procurements for the Ship-to-Shore Connector program.
- Sec. 115. Authority to procure airframes and engines for CH-53K King Stallion heavy-lift helicopters.
- Sec. 116. Prohibition on availability of funds for retirement of HSC-85 aircraft.
- Sec. 117. Quarterly briefings on the CH-53K King Stallion helicopter program.
- Sec. 118. Funding for additional Joint Strike Fighter aircraft.
- Sec. 119. Report on advance procurement for CVN-82 and CVN-83.
- Sec. 119A. Report on applicability of DDG(X) electric-drive propulsion system.
- Sec. 119B. Prohibition on availability of funds for disposal of Littoral Combat Ships.

Subtitle C—Air Force Programs

- Sec. 121. Modification of inventory requirements for aircraft of the combat air forces.
- Sec. 122. Modification of minimum inventory requirement for air refueling tanker aircraft.
- Sec. 123. Requirements relating to F-22 aircraft.
- Sec. 124. Modification of inventory requirements and limitations relating to certain air refueling tanker aircraft.
- Sec. 125. Repeal of Air Force E-8C force presentation requirement.
- Sec. 126. Minimum inventory of C-130 aircraft.
- Sec. 127. Authority to procure upgraded ejection seats for certain T-38A aircraft.
- Sec. 128. Prohibition on availability of funds for retirement of C-40 aircraft.
- Sec. 129. Prohibition on availability of funds for procurement of bridge tanker aircraft.
- Sec. 130. Prohibition on availability of funds for termination of production lines for HH-60W aircraft.
- Sec. 131. Prohibition on certain reductions to B-1 bomber aircraft squadrons.
- Sec. 132. Limitation on retirement of E-3 Airborne Warning and Control System aircraft.
- Sec. 133. Requirements study and acquisition strategy for the combat search and rescue mission of the Air Force.
- Sec. 134. Plan for transfer of KC-135 aircraft to the Air National Guard.
- Sec. 135. Annual report on T-7A Advanced Pilot Training System.
- Sec. 136. Report on F-22 aircraft force laydown.
- Sec. 137. Limitation on divestment of F-15 aircraft.
- Sec. 138. Funding for C-130 Modular Airborne Firefighting System.
- Sec. 139. Requirement to maintain fleet of manned intelligence, surveillance, and reconnaissance aircraft.
- Sec. 139A. Procurement authority for commercial engineering software.
- Sec. 139B. Sense of congress regarding united states air national guard refueling mission.

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

- Sec. 141. Charging stations at commissary stores and military exchanges.

- Sec. 142. Increase Air Force and Navy use of used commercial dual-use parts in certain aircraft and engines.
- Sec. 143. Assessment and report on military rotary wing aircraft industrial base.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Clarification of role of senior official with principal responsibility for artificial intelligence and machine learning.
- Sec. 212. Role of the Chief Digital and Artificial Intelligence Officer in fostering interoperability among joint force systems.
- Sec. 213. Modification of defense laboratory modernization pilot program.
- Sec. 214. Support for research and development of bioindustrial manufacturing processes.
- Sec. 215. Activities to support the use of metal additive manufacturing for the subsurface fleet of the Navy.
- Sec. 216. Digital mission operations platform for the Space Force.
- Sec. 217. Air-breathing test capacity upgrade to support critical hypersonic weapons development.
- Sec. 218. Information on use of commercial software for the warfighter machine interface of the Army.
- Sec. 219. Measures to increase the capacity of historically Black colleges and universities and other minority-serving institutions to achieve very high research activity status.
- Sec. 220. Pilot program to support the development of patentable inventions in the Department of the Navy.
- Sec. 221. Pilot program to facilitate the research, development, and production of advanced battery technologies for warfighters.
- Sec. 222. Pilot program on research and development of plant-based protein for the Navy.
- Sec. 223. Allowable uses of funds under the Commercial Weather Data Pilot Program of the Air Force.
- Sec. 224. Pilot program on use of digital twin technologies in the Armed Forces.
- Sec. 225. Funding for advanced above water sensors.
- Sec. 226. Biofuel and fuel cell vehicle research, development, and demonstration program.
- Sec. 227. Radar obstruction research, development, test, and evaluation program.
- Sec. 228. Funding for research and development relating to rare earth elements.
- Sec. 229. Funding for National Defense Education Program.
- Sec. 229A. Funding for high energy laser and certain emerging technology initiatives.
- Sec. 229B. Department of Defense advanced technology investment incentive pilot program.
- Sec. 229C. Funding for development of measures to prevent infections caused by severe fractures.
- Sec. 229D. Funding for research into the effects of head-supported mass on cervical spine health.

Sec. 229E. Requirement for separate program element for the multi-medicine manufacturing platform program.

Subtitle C—Plans, Reports, and Other Matters

- Sec. 231. Modification of national security strategy for national technology and industrial base.
- Sec. 232. Defense Advanced Research Projects Agency Innovation Fellowship Program.
- Sec. 233. Report on efforts to increase the participation of historically Black colleges and universities and other minority-serving institutions in the research and development activities of the Department of Defense.
- Sec. 234. Assessment of test infrastructure and priorities related to hypersonic capabilities and related technologies and hypersonic test strategy.
- Sec. 235. Independent review and assessment of test and evaluation resource planning.
- Sec. 236. Study on costs associated with underperforming software and information technology.
- Sec. 237. Study and report on sufficiency of test and evaluation resources for certain major defense acquisition programs.
- Sec. 238. Periodic reports on risk distribution within research, development, test, and evaluation activities.
- Sec. 239. Review and report on offensive hypersonic weapons programs of the Department of Defense.
- Sec. 240. Report on potential for increased utilization of the Electronic Proving Grounds testing range.
- Sec. 241. Sense of Congress on the additive manufacturing and machine learning initiative of the Army.
- Sec. 242. Funding for robotics supply chain research.
- Sec. 243. Funding for enterprise digital transformation with commercial physics simulation.
- Sec. 244. Report on national security applications for fusion energy technology.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Authorization of appropriations.
- Sec. 302. Funding for Army Community Services.

Subtitle B—Energy and Environment

- Sec. 311. Equivalent authority for environmental restoration projects at National Guard training sites.
- Sec. 312. Amendment to budgeting of Department of Defense relating to extreme weather.
- Sec. 313. Prototype and demonstration projects for energy resilience at certain military installations.
- Sec. 314. Pilot program for transition of certain nontactical vehicle fleets of Department of Defense to electric vehicles.
- Sec. 315. Pilot program on use of sustainable aviation fuel.
- Sec. 316. Policy to increase disposition of spent advanced batteries through recycling.
- Sec. 317. Guidance and target deadline relating to formerly used defense sites programs.

- Sec. 318. Budget information for alternatives to burn pits.
- Sec. 319. Program to track and reduce Scope 3 emissions and energy costs.
- Sec. 320. Requirement to include information relating to electric vehicle charging in certain military construction project proposals.
- Sec. 321. Sense of Congress regarding electric or zero-emission vehicles for non-combat vehicle fleet.
- Sec. 322. Study on environmental contamination and cleanup associated with Thorium-230 and related substances.
- Sec. 323. Destruction of materials containing PFAS with technologies not requiring incineration.
- Sec. 324. Analysis and plan for addressing heat island effect on military installations.
- Sec. 325. Comptroller General report on acceleration and improvement of environmental cleanup of Vieques and Culebra, Puerto Rico.
- Sec. 326. Report on Department of Defense flood mapping efforts.
- Sec. 327. Biannual leak inspections of Navy and Air Force underground storage tanks on Guam.
- Sec. 328. Additional special considerations for energy performance goals and energy performance master plan.
- Sec. 329. Clarification and requirement for Department of Defense relating to renewable biomass and biogas.

Subtitle C—Red Hill Bulk Fuel Facility

- Sec. 331. Defueling of Red Hill Bulk Fuel Storage Facility.
- Sec. 332. Activities prior to decommissioning of Red Hill Bulk Storage Facility.
- Sec. 333. Limitation on use of funds pending award of certain projects and implementation of certain recommendations.
- Sec. 334. Placement of sentinel or monitoring wells in proximity to Red Hill Bulk Fuel Facility.
- Sec. 335. Report on Department of Defense efforts to track health implications of fuel leaks at Red Hill Bulk Fuel Facility.
- Sec. 336. Studies relating to water needs of the Armed Forces on Oahu.
- Sec. 337. Study on alternative uses for Red Hill Bulk Fuel Facility.

Subtitle D—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

- Sec. 341. Prizes for development of non-PFAS-containing turnout gear.
- Sec. 342. Modification to restriction on Department of Defense procurement of certain items containing perfluorooctane sulfonate or perfluorooctanoic acid.
- Sec. 343. Prohibition on purchase by Department of Defense of firefighting equipment containing per- and polyfluoroalkyl substances.
- Sec. 344. Standards for response actions with respect to PFAS contamination.
- Sec. 345. List of certain PFAS uses deemed essential; briefings on Department of Defense procurement of certain items containing PFOS or PFOA.

Subtitle E—Logistics and Sustainment

- Sec. 351. Resources required for achieving materiel readiness metrics and objectives for major defense acquisition programs.
- Sec. 352. Annual plan for maintenance and modernization of naval vessels.
- Sec. 353. Independent study relating to fuel distribution logistics across United States Indo-Pacific Command.

Sec. 354. Programs of military departments on reduction of fuel reliance and promotion of energy-aware behaviors.

Subtitle F—Matters Relating to Depots and Ammunition Production Facilities

- Sec. 361. Budgeting for depot and ammunition production facility maintenance and repair: annual report.
- Sec. 362. Extension of authorization of depot working capital funds for unspecified minor military construction.
- Sec. 363. Modification to minimum capital investment for certain depots.
- Sec. 364. Continuation of requirement for biennial report on core depot-level maintenance and repair.
- Sec. 365. Continuation of requirement for annual report on funds expended for performance of depot-level maintenance and repair workloads.
- Sec. 366. Five-year plans for improvements to depot and ammunition production facility infrastructure.
- Sec. 367. Clarification of calculation for certain workload carryover of Department of Army.

Subtitle G—Reports

- Sec. 371. Annual reports by Deputy Secretary of Defense on activities of Joint Safety Council.
- Sec. 372. Quarterly reports on expenditures for establishment of fuel distribution points in INDOPACOM area of responsibility.
- Sec. 373. Secretary of Defense report on establishing procedure for alerting about exposure to perfluoroalkyl substances.
- Sec. 374. Report on effects of wildfire and drought conditions on military readiness at United States Naval Observatory Flagstaff Station.
- Sec. 375. Reports relating to aqueous film-forming foam substitutes and PFAS contamination at certain installations.
- Sec. 376. Briefings on implementation of recommendations relating to safety and accident prevention.

Subtitle H—Other Matters

- Sec. 381. Accountability for military working dogs.
- Sec. 382. Membership of Coast Guard on Joint Safety Council.
- Sec. 383. Requirement of Secretary of Defense to reimburse State costs of fighting certain wildland fires.
- Sec. 384. Expanded consultation in training of National Guard personnel on wildfire response.
- Sec. 385. Interagency collaboration and extension of pilot program on military working dogs and explosives detection.
- Sec. 386. Establishment of Army and Air Force Safety Commands; implementation of accident investigation recommendations.
- Sec. 387. National standards for Federal fire protection at military installations.
- Sec. 388. Pilot program for tactical vehicle safety data collection.
- Sec. 389. Requirement for public disclosure of results of Department of Defense lead testing.
- Sec. 390. Briefing relating to use of recycled rubber waste products by Department of Defense.
- Sec. 391. Revival of report on non-federalized National Guard personnel, training, and equipment requirements.

- Sec. 392. Use of amounts available to Department of Defense for operation and maintenance for removal of munitions and explosives of concern in Guam.
- Sec. 393. Funding for Utility Helicopter Mods.
- Sec. 394. Sense of Congress regarding the use of working dogs to detect early stages of diseases.
- Sec. 395. Requirements to reduce out-of-pocket costs of members of the Armed Forces for uniform items.
- Sec. 396. Recognition of service of military working dogs.
- Sec. 397. Maintenance of publicly accessible website by Joint Safety Council.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revisions in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

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

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Distribution of commissioned officers on active duty in general officer and flag officer grades.
- Sec. 502. Authorized strength after December 31, 2022: general officers and flag officers on active duty.
- Sec. 503. Exclusion of lead special trial counsel from limitations on general officers and flag officers on active duty.
- Sec. 504. Constructive service credit for certain officers of the Armed Forces: authorization; special pay.
- Sec. 505. Clarification of grade of Surgeon General of the Navy.
- Sec. 506. Assessments of staffing in the Office of the Secretary of Defense and other Department of Defense headquarters offices.
- Sec. 507. Survey of chaplains.
- Sec. 508. Independent review of Army officer performance evaluations.

Subtitle B—Reserve Component Management

- Sec. 511. Grades of certain chiefs of reserve components.
- Sec. 512. Grade of Vice Chief of the National Guard Bureau.
- Sec. 513. Backdating of effective date of rank for reserve officers in the National Guard due to undue delays in Federal recognition.
- Sec. 514. Financial assistance program for specially selected members: Army Reserve and Army National Guard.
- Sec. 515. Inspections of National Guard.

- Sec. 516. Requirement of consent of the chief executive officer for certain full-time National Guard duty performed in a State, Territory, or the District of Columbia.
- Sec. 517. Extension of National Guard support for FireGuard program.
- Sec. 518. Notice to Congress before certain actions regarding units of certain reserve components.
- Sec. 519. Plan to ensure reasonable access to the Junior Reserve Officers' Training Corps.
- Sec. 519A. Inclusion of additional information on the Senior Reserve Officers' Training Corps in reports accompanying the national defense strategy.
- Sec. 519B. Additional matters relating to support for FireGuard program.
- Sec. 519C. Divestiture of Tactical Control Party.
- Sec. 519D. Recognition of the Army Interagency Training and Education Center as a joint activity of the National Guard; report.
- Sec. 519E. Enhancement of National Guard Youth Challenge Program.

Subtitle C—General Service Authorities and Military Records

- Sec. 521. Notification to next of kin upon the death of a member of the Armed Forces.
- Sec. 522. Direct acceptance of gifts from certain sources by enlisted members.
- Sec. 523. Limitation of extension of period of active duty for a member who accepts a fellowship, scholarship, or grant.
- Sec. 524. Briefing and report on administrative separation boards.
- Sec. 525. Elimination of time limit for mandatory characterizations of administrative discharges of certain members on the basis of failure to receive COVID-19 vaccine.
- Sec. 526. Prohibition on use of photographs by certain military promotion boards.
- Sec. 527. Gender-neutral fitness standards for combat military occupational specialties of the Army.
- Sec. 528. Retention and recruitment of members of the Army who specialize in air and missile defense systems.
- Sec. 529. Pilot program on remote personnel processing in the Army.
- Sec. 529A. Improving oversight of military recruitment practices in public secondary schools.
- Sec. 529B. Enlistments: compilation of directory and other prospective recruit information.
- Sec. 529C. Continuing military service for certain members eligible for chapter 61 retirement.
- Sec. 529D. Sense of Congress regarding the Port Chicago 50.
- Sec. 529E. Treatment of personally identifiable information regarding prospective recruits.
- Sec. 529F. Implementation of certain recommendations regarding screening individuals who seek to enlist in the Armed Forces and countering extremist activity in the Department of Defense.
- Sec. 529G. Best practices for the retention of certain female members of the Armed Forces.
- Sec. 529H. Record of military service for members of the Armed Forces.

Subtitle D—Military Justice

- Sec. 531. Sexual Harassment Independent Investigations and Prosecution.
- Sec. 532. Matters in connection with special trial counsel.

- Sec. 533. Standards for imposition of commanding officer's non-judicial punishment.
- Sec. 534. Special trial counsel of the Air Force.
- Sec. 535. Financial assistance for victims of offenses under the Uniform Code of Military Justice.
- Sec. 536. Addressing sex-related offenses and sexual harassment involving members of the National Guard.
- Sec. 537. Prohibition on sharing of information on domestic violence incidents.
- Sec. 538. Mandatory notification of members of the Armed Forces identified in certain records of criminal investigations.
- Sec. 539. Sentencing parameters under the Uniform Code of Military Justice for hate crimes.
- Sec. 539A. Limitation on availability of funds for relocation of Army CID special agent training course.
- Sec. 539B. Recommendations for sentencing of marijuana-based offenses under the Uniform Code of Military Justice.
- Sec. 539C. Report on sharing information with counsel for victims of offenses under the Uniform Code of Military Justice.
- Sec. 539D. Public availability of military commission proceedings.
- Sec. 539E. Review and report on the definition of consent for purposes of the offenses of rape and sexual assault under the Uniform Code of Military Justice.
- Sec. 539F. Standards and reports relating to cases overseen by military criminal investigative organizations.

Subtitle E—Other Legal Matters

- Sec. 541. Clarifications of procedure in investigations of personnel actions taken against members of the Armed Forces in retaliation for protected communications.
- Sec. 542. Primary prevention of violence.
- Sec. 543. Treatment of certain complaints from members of the Armed Forces.
- Sec. 544. Pilot program on financial assistance for victims of domestic violence.
- Sec. 545. Agreements with civilian victim service agencies.
- Sec. 546. Activities to improve information sharing and collaboration on matters relating to the prevention of and response to domestic abuse and child abuse and neglect among military families.
- Sec. 547. Inspector General investigation into discrimination against members and employees of Middle Eastern and North African descent.
- Sec. 548. Time limit for processing certain administrative complaints.
- Sec. 549. Review and report on administration of sexual harassment claims.
- Sec. 549A. Interagency task force to protect members, veterans, and military families from financial fraud.
- Sec. 549B. Exclusion of evidence obtained without prior authorization.

Subtitle F—Member Education

- Sec. 551. Increase in maximum number of students enrolled at Uniformed Services University of the Health Sciences.
- Sec. 552. Authorization of certain support for military service academy foundations.
- Sec. 553. Agreement by a cadet or midshipman to play professional sport constitutes a breach of service obligation.
- Sec. 554. Naval Postgraduate School: attendance by enlisted members.
- Sec. 555. Authority to waive tuition at United States Air Force Institute of Technology for certain private sector civilians.

- Sec. 556. Terms of Provost and Academic Dean of the United States Air Force Institute of Technology.
- Sec. 557. Establishment of consortium for curricula in military education.
- Sec. 558. Establishment of consortium of institutions of military education for cybersecurity matters.
- Sec. 559. Commission on Professional Military Education.
- Sec. 559A. Increase in the number of individuals from the District of Columbia who may be appointed to military service academies.
- Sec. 559B. Modification of annual report on demographics of military service academy applicants.
- Sec. 559C. Report on treatment of China in curricula of professional military education.
- Sec. 559D. Speech disorders of cadets and midshipmen.
- Sec. 559E. Amendments to pathways for counseling in the Transition Assistance Program.

Subtitle G—Member Training and Transition

- Sec. 561. Information regarding apprenticeships for members during initial entry training.
- Sec. 562. Extremist activity by a member of the Armed Forces: notation in service record; TAP counseling.
- Sec. 563. Codification of Skillbridge program.
- Sec. 564. Training on digital citizenship and media literacy in annual cyber awareness training for certain members.
- Sec. 565. Pilot grant program to supplement the transition assistance program of the Department of Defense.
- Sec. 566. Female members of certain Armed Forces and civilian employees of the Department of Defense in STEM.
- Sec. 567. Skillbridge: apprenticeship programs.
- Sec. 568. Training on consequences of committing a crime in preseparation counseling of the Transition Assistance Program.
- Sec. 569. Participation of members of the reserve components of the armed forces in the SkillBridge program.
- Sec. 569A. Annual report on members separating from active duty who file claims for disability benefits.
- Sec. 569B. Outreach to members regarding possible toxic exposure.
- Sec. 569C. Activities to assist the transition of members of the Armed Forces and veterans into careers in education.
- Sec. 569D. Funding for Skillbridge.
- Sec. 569E. Funding for Skillbridge for law enforcement training.
- Sec. 569F. Numbers of certain nominations for cadets at the United States Military Academy.
- Sec. 569G. Pilot transition assistance program for military spouses.
- Sec. 569H. Guidelines for active duty military on potential risks and prevention of toxic exposures.
- Sec. 569I. GAO report on use of transition programs by members of special operations forces.
- Sec. 569J. GAO report on screenings included in the health assessment for members separating from the Armed Forces.
- Sec. 569K. Department of defense report on third-party job search technology.

Subtitle H—Military Family Readiness and Dependents' Education

- Sec. 571. Clarification and expansion of authorization of support for chaplain-led programs for members of the Armed Forces.

- Sec. 572. Rights of parents of children attending schools operated by the Department of Defense Education Activity.
- Sec. 573. Expansion of pilot program to provide financial assistance to members of the Armed Forces for in-home child care.
- Sec. 574. Extension of pilot program to expand eligibility for enrollment at domestic dependent elementary and secondary schools.
- Sec. 575. Advisory panel on community support for military families with special needs.
- Sec. 576. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.
- Sec. 577. Verification of reporting of eligible federally connected children for purposes of Federal impact aid programs.
- Sec. 578. EFMP grant program.
- Sec. 579. Promotion of certain child care assistance.
- Sec. 579A. Recommendations for the improvement of the Military Interstate Children's Compact.
- Sec. 579B. Industry roundtable on military spouse hiring.
- Sec. 579C. Feasibility study and report on pilot program to provide POTFF services to separating members of special operations forces and certain family members.
- Sec. 579D. MySTeP: provision online and in multiple languages.
- Sec. 579E. Assistance to local educational agencies that benefit dependents of members of the Armed Forces with enrollment changes due to base closures, force structure changes, or force relocations.
- Sec. 579F. Surveys regarding military spouses.
- Sec. 579G. Review of policies regarding single parents serving as members of the Armed Forces.
- Sec. 579H. Public reporting on certain military child care programs.
- Sec. 579I. Feasibility of inclusion of au pairs in pilot program to provide financial assistance to members of the Armed Forces for in-home child care.
- Sec. 579J. Report on the effects of economic inflation on families of members of the Armed Forces.
- Sec. 579K. Report on the effects of the shortage of infant formula on the families of members of the Armed Forces.
- Sec. 579L. Briefing on child care at Camp Bull Simons.

Subtitle I—Decorations and Awards

- Sec. 581. Authority to award the Medal of Honor to a member of the Armed Forces for acts of valor while a prisoner of war.
- Sec. 582. Authorization for award of the Medal of Honor to David R. Halbruner for acts of valor on September 11-12, 2012.
- Sec. 583. Authorization for posthumous award of Medal of Honor to Master Sergeant Roderick W. Edmonds for acts of valor during World War II.
- Sec. 584. Rescission of Medals of Honor awarded for acts at Wounded Knee Creek on December 29, 1890.
- Sec. 585. Sense of Congress regarding service of Gary Andrew Cyr.
- Sec. 586. Eligibility of veterans of Operation End Sweep for Vietnam Service Medal.
- Sec. 587. Authorization for award of Medal of Honor to E. Royce Williams for acts of valor during the Korean War.

- Sec. 588. Authorization for award of Medal of Honor to James Capers, Jr. for acts of valor as a member of the Marine Corps during the Vietnam War.
- Sec. 589. Inclusion of Purple Heart awards on military valor website.
- Sec. 589A. Study on fraudulent misrepresentation about receipt of a military medal or decoration.

Subtitle J—Miscellaneous Reports and Other Matters

- Sec. 591. Electronic notarization for members of the Armed Forces.
- Sec. 592. Disinterments from national cemeteries.
- Sec. 593. Clarification of authority of NCMAF to update Chaplains Hill at Arlington National Cemetery.
- Sec. 594. Notifications on manning of afloat naval forces.
- Sec. 595. Pilot program on car sharing on military installations in Alaska.
- Sec. 596. Support for members who perform duties regarding remotely piloted aircraft: study; report.
- Sec. 597. Review of marketing and recruiting of the Department of Defense.
- Sec. 598. Report on recruiting efforts of the Army.
- Sec. 599. Sense of congress regarding women involuntarily separated from the Armed Forces due to pregnancy or parenthood.
- Sec. 599A. Armed Forces workplace and gender relations surveys.
- Sec. 599B. Task Force on Historical and Current Barriers to African American Participation and Equal Treatment in the Armed Services.
- Sec. 599C. Plan to combat racial bias, discrimination, and harassment against Asian American service members, civilians, and contractor personnel.
- Sec. 599D. Recurring report regarding COVID-19 mandate.
- Sec. 599E. Pilot program on safe storage of personally owned firearms.
- Sec. 599F. Report on non-citizen members of the Armed Forces.
- Sec. 599G. Report on instances of antisemitism.
- Sec. 599H. Annual report regarding cost of living for members and employees of the Department of Defense.
- Sec. 599I. Review of recruiting efforts for women.
- Sec. 599J. Report on support for pregnant members.
- Sec. 599K. Clarification of authority to solicit gifts in support of the mission of the Defense POW/MIA Accounting Agency to account for members of the Armed Forces and Department of Defense civilian employees listed as missing.
- Sec. 599L. Report on efforts to prevent and respond to deaths by suicide in the Navy.
- Sec. 599M. Report on programs through which members of the Armed Forces may file anonymous concerns.
- Sec. 599N. Sense of Congress regarding Ulysses S. Grant.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Basic Pay and Allowances

- Sec. 601. Exclusion of BAH from gross household income for purposes of basic needs allowance.
- Sec. 602. Basic allowance for housing for a member without dependents whose relocation would financially disadvantage such member.
- Sec. 603. Temporary continuation of rate of basic allowance for housing for members of the Armed Forces whose sole dependent dies while residing with the member.

- Sec. 604. Allowance for gym membership for certain members of the Armed Forces who reside more than 10 miles from a military installation.
- Sec. 605. Revival and redesignation of provision establishing benefits for certain members assigned to the Defense Intelligence Agency.
- Sec. 606. Reimbursement of certain child care costs incident to a permanent change of station or assignment.
- Sec. 607. Allowable travel and transportation allowances: complex overhaul.
- Sec. 608. Expansion of authority to reimburse a member of the uniformed services for spousal business costs arising from a permanent change of station.
- Sec. 609. Permanent authority to reimburse members for spouse relicensing costs pursuant to a permanent change of station.
- Sec. 609A. Travel and transportation allowances for certain members of the Armed Forces who attend a professional military education institution or training classes.
- Sec. 609B. Establishment of allowance for certain relocations of pets of members of the uniformed services.
- Sec. 609C. Extension of one-time uniform allowance for officers who transfer to the Space Force.
- Sec. 609D. OCONUS cost of living allowance: adjustments; notice to certain congressional committees.
- Sec. 609E. Pay for DOD and Coast Guard child care providers: studies; adjustment.

Subtitle B—Bonus and Incentive Pays

- Sec. 611. One-year extension of certain expiring bonus and special pay authorities.
- Sec. 612. Increase to maximum amounts of certain bonus and special pay authorities.
- Sec. 613. Special pay and allowances for members of the Armed Forces assigned to cold weather operations.
- Sec. 614. Authorization of incentive pay to a member of the Armed Forces whose disclosure of fraud, waste, or mismanagement results in cost savings to the military department concerned.
- Sec. 615. Inflation bonus pay.
- Sec. 616. Establishing complex overhaul pay.
- Sec. 617. Air Force rated officer retention demonstration program.

Subtitle C—Family and Survivor Benefits

- Sec. 621. Expanded eligibility for bereavement leave for members of the Armed Forces.
- Sec. 622. Claims relating to the return of personal effects of a deceased member of the Armed Forces.
- Sec. 623. Expansion of authorized assistance for providers of child care services to members of the Armed Forces.
- Sec. 624. Survivor Benefit Plan open enrollment period.
- Sec. 625. Study and report on military installations with limited child care.
- Sec. 626. Hunger among military families: data collection; training; report.

Subtitle D—Defense Resale Matters

- Sec. 631. Prohibition on sale of Chinese goods in commissary stores and military exchanges.

Subtitle E—Miscellaneous Rights, Benefits, and Reports

- Sec. 641. Transitional compensation and benefits for the former spouse of a member of the Armed Forces who allegedly committed a dependent-abuse offense during marriage.
- Sec. 642. Authorization of permissive temporary duty for wellness.
- Sec. 643. Study on basic pay.
- Sec. 644. Report on accuracy of basic allowance for housing.
- Sec. 645. Study and report on barriers to home ownership for members of the Armed Forces.
- Sec. 646. Plan for reimbursement of certain expenses of certain members and veterans related to Afghanistan evacuation.
- Sec. 647. Expansion of the space-available travel program to allow certain disabled veterans to travel with a caregiver or dependent on certain aircraft.

Subtitle F—Disability and Retired Pay

- Sec. 651. Elimination of cap on additional retired pay for extraordinary heroism for members of the Army and Air Force who served during the Vietnam Era.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Clarification of coverage of artificial reproductive services for certain TRICARE beneficiaries.
- Sec. 702. Clarification of coverage of certain areolar nipple tattooing procedures under TRICARE program.
- Sec. 703. TRICARE Dental for Selected Reserve.
- Sec. 704. Report requirement for certain contracts under TRICARE program.
- Sec. 705. Temporary requirement for contraception coverage parity under the TRICARE program.
- Sec. 706. Rates of reimbursement for providers of applied behavior analysis.
- Sec. 707. Medical testing and related services for firefighters of Department of Defense.
- Sec. 708. Audit of behavioral health care network providers listed in TRICARE directory.
- Sec. 709. Independent analysis of quality and patient safety review process under direct care component of TRICARE program.

Subtitle B—Health Care Administration

- Sec. 721. Congressional notification requirement to modify scope of services provided at military medical treatment facilities.
- Sec. 722. Modification of certain deadline and requirement to transfer research and development functions to Defense Health Agency.
- Sec. 723. Modification of requirement to transfer public health functions to Defense Health Agency.
- Sec. 724. Other transaction authority for studies and demonstration projects relating to delivery of health and medical care.
- Sec. 725. Licensure requirement for certain health-care professionals providing services as part of mission relating to emergency, humanitarian, or refugee assistance.
- Sec. 726. Improvements relating to Medical Officer of the Marine Corps position.

- Sec. 727. Authority for Department of Defense program to promote early literacy among certain young children as part of pediatric primary care.
- Sec. 728. Accountability for wounded warriors undergoing disability evaluation.
- Sec. 729. Incentive payments for retention of certain behavioral health providers.
- Sec. 730. Clarification of license portability for health care providers providing services under Reserve Health Readiness program.
- Sec. 731. Policy of Defense Health Agency on expanded recognition of board certifications for physicians.
- Sec. 732. Sleep Apnea Screening.
- Sec. 733. Demonstration project on infant and early childhood mental health services for children of members of the Armed Forces.
- Sec. 734. Improvements to processes to reduce financial harm caused to civilians for care provided at military medical treatment facilities.
- Sec. 735. Improvements to military medical treatment facilities and other facilities under military health system.
- Sec. 736. Access to certain dependent medical records by remarried former spouses.
- Sec. 737. Affiliates Sharing Pilot Program.
- Sec. 738. Housing first report.

Subtitle C—Studies and Reports

- Sec. 741. GAO study on coverage of mental health disorders under TRICARE program and relationship to certain mental health parity laws.
- Sec. 742. Feasibility study on establishment of new command on defense health.
- Sec. 743. Study and awareness initiative regarding use of qualified alternative therapies to treat certain members of the Armed Forces on terminal leave.
- Sec. 744. Report on composition of medical personnel of each military department and related matters.
- Sec. 745. Briefing and report on reduction or realignment of military medical manning and medical billets.
- Sec. 746. Report on feasibility of certain licensing models for Department of Defense-owned vaccines and other medical interventions relating to COVID-19.
- Sec. 747. Study on the impact of military trauma and intimate partner violence on maternal health outcomes.
- Sec. 748. Report on coverage of behavioral and mental health crisis services under TRICARE program.
- Sec. 749. Report on mental health provider readiness designations.
- Sec. 750. Study on provider training gaps with respect to screening and treatment of maternal mental health conditions.
- Sec. 751. Report on mental health conditions and metabolic disease among certain members of Armed Forces.
- Sec. 752. Study on accessibility of mental health providers and services for active duty members of the Armed Forces.
- Sec. 753. Health-related behaviors survey and report.
- Sec. 754. Report on Coordination, Data Sharing, and Evaluation Efforts for Suicide Prevention.
- Sec. 755. GAO study on DOD and VA mammogram and breast cancer screening policies.
- Sec. 756. Study and report on rate of cancer-related morbidity and mortality.

- Sec. 757. GAO study on access to Exceptional Family Member program and Extended Care Health Option program by members of reserve components.
- Sec. 758. Kyle Mullen Naval safety enhancements.
- Sec. 759. Report on operational and physical and mental health effects of low recruitment and retention to Armed Forces.
- Sec. 759A. Report on maternal mortality rates of female members of the Armed Forces.
- Sec. 759B. Report on Defense Health Agency contracts.

Subtitle D—Other Matters

- Sec. 761. Inclusion of exposure to perfluoroalkyl and polyfluoroalkyl substances as component of periodic health assessments.
- Sec. 762. Mandatory training on health effects of perfluoroalkyl or polyfluoroalkyl substances.
- Sec. 763. Non-medical counseling services for military families.
- Sec. 764. Clarifications relating to analysis of Department of Defense Comprehensive Autism Demonstration Program by National Academies.
- Sec. 765. Clarification of eligibility for membership to independent suicide prevention and response review committee.
- Sec. 766. Improvement to Wounded Warrior Service Dog Program.
- Sec. 767. Improvements relating to behavioral health care available under military health system.
- Sec. 768. Assignment of behavioral health providers and technicians to aircraft carriers.
- Sec. 769. Department of Defense internship programs relating to civilian behavioral health providers.
- Sec. 770. Brain health initiative of Department of Defense.
- Sec. 771. Authority to conduct pilot program relating to monitoring of blast overpressure exposure.
- Sec. 772. Standardization across Department of Defense of policies relating to service by individuals diagnosed with HBV.
- Sec. 773. Certification program in provision of mental health services to members of the Armed Forces, veterans, and military families.
- Sec. 774. Pilot program on cryopreservation and storage.
- Sec. 775. Pilot program for participation by members of Selected Reserve in health professions scholarship and financial assistance programs.
- Sec. 776. Pilot program on ensuring pharmaceutical supply stability.
- Sec. 777. Establishment of partnership program between United States and Ukraine for military trauma care and research.
- Sec. 778. Grant program for increased cooperation on post-traumatic stress disorder research between United States and Israel.
- Sec. 779. Suicide cluster: standardized definition for use by Department of Defense; congressional notification.
- Sec. 780. Limitation on realignment or reduction of military medical Manning end strength; certification requirement and other reforms.
- Sec. 781. Review and update of policy relating to command notification process and reduction of mental health stigma.
- Sec. 782. Grant program to study treatment of post-traumatic stress disorder using certain psychedelic substances.
- Sec. 783. Pilot programs of Defense Health Agency relating to sexual health.

- Sec. 784. Drop boxes on military installations for deposit of unused prescription drugs.
- Sec. 785. Funding for pancreatic cancer research.
- Sec. 786. Psychological evaluations for members of the Armed Forces returning from Kabul.
- Sec. 787. Annual review and update of online information relating to suicide prevention.
- Sec. 788. Funding for post-traumatic stress disorder.
- Sec. 789. Increased collaboration with NIH to combat triple negative breast cancer.
- Sec. 790. Pilot program to improve military readiness through nutrition and wellness initiatives.
- Sec. 791. Guidance for addressing healthy relationships and intimate partner violence through TRICARE Program.

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

Subtitle A—Acquisition Policy and Management

- Sec. 801. Writing award to encourage curiosity and persistence in overcoming obstacles in acquisition.
- Sec. 802. Data requirements for commercial item pricing not based on adequate price competition.
- Sec. 803. Preference for domestic foods for military working dogs.
- Sec. 804. Life cycle management and product support.
- Sec. 805. Extension of requirement to submit Selected Acquisition Reports.
- Sec. 806. Amendments to contractor employee protections from reprisal for disclosure of certain information.
- Sec. 807. Enhanced domestic content requirement for major defense acquisition programs.
- Sec. 808. Mission-Based Rapid Acquisition Account.
- Sec. 809. Preference for offerors that meet certain requirements.

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

- Sec. 811. Membership of Coast Guard on Strategic Materials Protection Board.
- Sec. 812. Comptroller General assessment of acquisition programs and efforts.
- Sec. 813. Subcontracting requirements for certain contracts awarded to educational institutions.
- Sec. 814. Clarification to fixed-price incentive contract references.
- Sec. 815. Modification to indemnification authority for research and development contracts.
- Sec. 816. Competition requirements for purchases from Federal Prison Industries.
- Sec. 817. Clarification of authority of the Department of Defense to carry out certain prototype projects.
- Sec. 818. Requirements for the procurement of certain components for certain naval vessels and auxiliary ships.
- Sec. 819. Modification to prohibition on operation or procurement of foreign-made unmanned aircraft systems.
- Sec. 820. Extension of pilot program to accelerate contracting and pricing processes.
- Sec. 821. Extension and modification of Never Contract with the Enemy.

- Sec. 822. Require full domestic production of flags of the United States acquired by the Department of Defense.
- Sec. 823. Guidelines and resources on the acquisition or licensing of intellectual property.
- Sec. 824. Compliance procedures for investigating the prohibition on criminal history inquiries by Federal contractors prior to conditional offer.
- Sec. 825. Reestablishment of Commission on Wartime Contracting.

Subtitle C—Provisions Relating to Acquisition Workforce

- Sec. 831. Key experiences and enhanced pay authority for acquisition workforce excellence.
- Sec. 832. Defense Acquisition University reforms.
- Sec. 833. Modifications to Defense Civilian Training Corps.
- Sec. 834. Repeal of certain provisions relating to acquisition workforce incentives.
- Sec. 835. Acquisition workforce incentives relating to training on and agreements with certain software businesses.

Subtitle D—Provisions Relating to Software and Technology

- Sec. 841. Prizes for advanced technology achievements.
- Sec. 842. Congressional notification for pilot program to accelerate the procurement and fielding of innovative technologies.
- Sec. 843. Curricula on software acquisitions and cybersecurity software or hardware acquisitions for covered individuals.
- Sec. 844. Report on covered software development.
- Sec. 845. Other transaction authority clarification.
- Sec. 846. Existing agreement limits for Operation Warp Speed.

Subtitle E—Industrial Base Matters

- Sec. 851. Recognition of an association of eligible entities that provide procurement technical assistance.
- Sec. 852. Update to plan on reduction of reliance on services, supplies, or materials from covered countries.
- Sec. 853. Modification to prohibition on certain procurements from the Xinjiang Uyghur Autonomous Region.
- Sec. 854. Codification of the Department of Defense Mentor–Protege Program.
- Sec. 855. Microloan program; definitions.
- Sec. 856. Small Business Innovation Program extension.
- Sec. 857. Prohibition on covered airport contracts with certain entities.
- Sec. 858. Risk management for Department of Defense supply chains.
- Sec. 859. Review of advances in domestic production of carbon fiber.
- Sec. 859A. Extension of transfer date for the verification of small business concerns owned and controlled by veterans or service-disabled veterans to the Small Business Administration.
- Sec. 859B. Application of price evaluation preference for qualified HUBZone small business concerns to certain contracts.
- Sec. 859C. Codification of Small Business Administration scorecard.
- Sec. 859D. Modifications to the nonmanufacturer rule.
- Sec. 859E. Study on small business assistance to foreign-based companies.
- Sec. 859F. Report on strategic and critical materials.
- Sec. 859G. Report and modification to the national technology and industrial base.

- Sec. 859H. Sense of Congress on modernizing defense supply chain management.
- Sec. 859I. Prohibition on the use of LOGINK.
- Sec. 859J. Report on transition to Phase III for Small Business Innovation Research and Small Business Technology Transfer program awards.
- Sec. 859K. Extension of participation in 8(a) program.
- Sec. 859L. Access to contract bundling data.
- Sec. 859M. Report on small business concerns owned and controlled by women.
- Sec. 859N. Native Hawaiian Organizations.

Subtitle F—Other Matters

- Sec. 861. Technical correction to effective date of the transfer of certain title 10 acquisition provisions.
- Sec. 862. Regulations on use of fixed-price type contracts for major defense acquisition programs.
- Sec. 863. Notification on retention rate policy.
- Sec. 864. Security clearance bridge pilot program.
- Sec. 865. Department of Defense national imperative for industrial skills program.
- Sec. 866. Temporary suspension of COVID–19 vaccine mandate for Department of Defense contractors.
- Sec. 867. GAO report on Department of Defense contract financing and commercial best practices.
- Sec. 868. Prohibition on contracting with employers that violated the National Labor Relations Act.
- Sec. 869. Amendments to contracting authority for certain small business concerns.
- Sec. 870. Equitable adjustments to construction contracts.
- Sec. 871. Manufacturing of insulin.
- Sec. 872. Need for development and acquisition of natural rubber from domestic herbaceous plant sources.
- Sec. 873. Increased competitive opportunities and strategy for certain critical technology contractors.
- Sec. 874. Duties of small business development center counselors.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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

- Sec. 901. Increase in authorized number of Assistant and Deputy Assistant Secretaries of Defense.
- Sec. 902. Responsibilities of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

Subtitle B—Other Department of Defense Organization and Management Matters

- Sec. 911. Eligibility of Chief of the National Guard Bureau for appointment as Chairman of the Joint Chiefs of Staff.
- Sec. 912. Clarification of peacetime functions of the Navy.
- Sec. 913. Explosive ordnance disposal defense program.
- Sec. 914. Modification of report regarding the designation of the Explosive Ordnance Disposal Corps as a basic branch of the Army.

- Sec. 915. Clarification of roles and responsibilities for force modernization efforts of the Army.
- Sec. 916. Report on potential transition of all members of Space Force into a single component.
- Sec. 917. Sense of Congress on the Electromagnetic Spectrum Superiority Strategy.

Subtitle C—Space National Guard

- Sec. 921. Establishment of Space National Guard.
- Sec. 922. No effect on military installations.
- Sec. 923. Implementation of Space National Guard.
- Sec. 924. Conforming amendments and clarification of authorities.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. General transfer authority.
- Sec. 1002. Determination of budgetary effects.
- Sec. 1003. Sense of Congress relating to enlisted personnel subsistence.
- Sec. 1004. Sense of Congress relating to the corrective action plans review process.
- Sec. 1005. Sense of Congress relating to the Fraud Reduction Task Force.

Subtitle B—Counterdrug Activities

- Sec. 1011. Extension of authority to support a unified counterdrug and counterterrorism campaign in Colombia.

Subtitle C—Naval Vessels and Shipyards

- Sec. 1021. Navy consultation with Marine Corps on major decisions directly concerning Marine Corps amphibious force structure and capability.
- Sec. 1022. Number of Navy operational amphibious ships.
- Sec. 1023. Availability of funds for retirement or inactivation of landing dock ships.
- Sec. 1024. Availability of funds for retirement or inactivation of guided missile cruisers.
- Sec. 1025. Business case analyses on disposition of certain Government-owned dry-docks.
- Sec. 1026. Prohibition on use of funds for retirement of legacy maritime mine countermeasures platforms.
- Sec. 1027. Deadline for 75 percent manning fill for ships undergoing nuclear refueling or defueling.
- Sec. 1028. Prohibition on deactivation of Navy Combat Documentation Detachment 206.
- Sec. 1029. Withholding of certain information about sunken military crafts.
- Sec. 1030. Availability of funds for retirement or inactivation of expeditionary transfer dock ships.
- Sec. 1031. Availability of funds for retirement or inactivation of Littoral Combat Ships.
- Sec. 1032. Briefing on fielding of SPEIR on all surface combatant vessels.
- Sec. 1033. Report on effects of Multiple Award Contract-multi Order contracting.

- Sec. 1034. Congressional notification regarding pending retirement of naval vessels viable for artificial reefing.
- Sec. 1034A. Award of contracts for ship repair work to non-homeport shipyards to meet surge capacity.

Subtitle D—Counterterrorism

- Sec. 1035. Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries.
- Sec. 1036. Report on threat posed by domestic terrorists.
- Sec. 1037. Consideration of human rights records of recipients of support of special operations to combat terrorism.
- Sec. 1038. Consideration of human rights records of recipients of support of Special Operations for irregular warfare.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Modification of authority for humanitarian demining assistance and stockpiled conventional munitions assistance.
- Sec. 1042. Security clearances for recently separated members of the Armed Forces and civilian employees of the Department of Defense.
- Sec. 1043. Submission of national defense strategy in unclassified form.
- Sec. 1044. Common access cards for Department of Defense facilities for certain congressional staff.
- Sec. 1045. Introduction of entities in transactions critical to national security.
- Sec. 1046. Repository of local nationals working for or on behalf of Federal Government in theater of combat operations.
- Sec. 1047. Transfers and pay of nonappropriated fund employees.
- Sec. 1048. Establishment of joint training pipeline between United States Navy and Royal Australian Navy.
- Sec. 1049. Inspector General oversight of Department of Defense activities in response to Russia's further invasion of Ukraine.
- Sec. 1050. Consultation of congressional defense committees in preparation of national defense strategy.
- Sec. 1051. Prohibition on use of funds for aerial fumigation in Colombia.
- Sec. 1052. Assessment of suicide risk at military installations.

Subtitle F—Studies and Reports

- Sec. 1061. Briefing on Global Force Management Allocation Plan.
- Sec. 1062. Extension and modification of reporting requirement regarding enhancement of information sharing and coordination of military training between Department of Homeland Security and Department of Defense.
- Sec. 1063. Continuation of requirement for annual report on National Guard and reserve component equipment.
- Sec. 1064. Combatant command risk assessment for airborne intelligence, surveillance, and reconnaissance.
- Sec. 1065. Reports on effects of strategic competitor naval facilities in Africa.
- Sec. 1066. Annual reports on safety upgrades to the high mobility multipurpose wheeled vehicle fleets.
- Sec. 1067. Quarterly reports on Operation Spartan Shield.
- Sec. 1068. Congressional notification of military information support operations in the information environment.

- Sec. 1069. Department of Defense delays in providing comments on Government Accountability Office reports.
- Sec. 1070. Reports on hostilities involving United States Armed Forces.
- Sec. 1071. Annual report on civilian casualties in connection with United States military operations.
- Sec. 1072. Justification for transfer or elimination of flying missions.
- Sec. 1073. Equipment of Army reserve components: annual report to Congress.
- Sec. 1074. Public availability of reports.
- Sec. 1075. Quarterly reports on expenditures for planning and design of infrastructure to support permanent United States force presence on Europe's eastern flank.
- Sec. 1076. Study on military training routes and special use air space near wind turbines.
- Sec. 1077. Study on Joint Task Force Indo-Pacific.
- Sec. 1078. Biannual Department of Defense Inspector General reporting on response to Russian aggression and assistance to Ukraine.
- Sec. 1079. Review of security assistance provided to Elie Wiesel countries.
- Sec. 1079A. Report on Department of Defense practices regarding distinction between combatants and civilians in United States military operations.
- Sec. 1079B. Report on Department of Defense recruitment advertising to racial and ethnic minority communities.
- Sec. 1079C. Public availability of information about cost of United States overseas military footprint.
- Sec. 1079D. Study and report on potential inclusion of black box data recorders in tactical vehicles.
- Sec. 1079E. Report on the strategy and engagement efforts of the Armed Forces in Hawaii.
- Sec. 1079F. Department of Defense engagement with Native Hawaiian organizations.
- Sec. 1079G. FFRDC study on shipyard infrastructure optimization program efforts to optimize, recapitalize and reconfigure facilities and industrial plant equipment.
- Sec. 1079H. Study on efforts of the Department of Defense to reduce the use of single-use plastics.
- Sec. 1079I. Report on Littoral Explosive Ordnance Neutralization program of record.
- Sec. 1079J. Assessment, plan, and reports on the automated surface observing system.
- Sec. 1079K. Annual report on use of social media by foreign terrorist organizations.
- Sec. 1079L. Report on protection of members of the Armed Forces from Russian-sponsored armed attacks.
- Sec. 1079M. Report on desalinization technology.
- Sec. 1079N. Report on Department of Defense military capabilities in the Caribbean.
- Sec. 1079O. Annual report on unfunded priorities of Defense POW/MIA Accounting Agency.
- Sec. 1079P. Review of Navy study on Requirements for and Potential Benefits of Realistically Simulating Real World and Near Peer Adversary Submarines.
- Sec. 1079Q. Report on unmanned traffic management systems at military bases and installations.
- Sec. 1079R. Report on non-domestic fuel use.

Sec. 1079S. Report on human trafficking as a result of Russian invasion of Ukraine.

Subtitle G—Other Matters

- Sec. 1081. Technical and conforming amendments.
- Sec. 1082. Ronald V. Dellums Memorial Fellowship for Women of Color in STEAM.
- Sec. 1083. Combating military reliance on Russian energy.
- Sec. 1084. Commission on Civilian Harm.
- Sec. 1085. Department of Defense Center for Excellence in Civilian Harm Mitigation.
- Sec. 1086. Sense of Congress regarding naming a warship the USS Fallujah.
- Sec. 1087. Standardization of sectional barge construction for Department of Defense use on rivers and intercoastal waterways.
- Sec. 1088. Sense of Congress regarding naming warships after deceased Navy Medal of Honor recipients.
- Sec. 1089. Sense of Congress regarding the service and crew of the USS Oklahoma City.
- Sec. 1090. Target date for deployment of 5G wireless broadband infrastructure at all military installations.
- Sec. 1091. Inclusion of Air Force student pilots in personnel metrics for establishing and sustaining dining facilities at Air Education and Training Commands.
- Sec. 1092. Sense of Congress regarding conduct of international naval review on July 4, 2026.
- Sec. 1093. Sense of Congress regarding crisis at the Southwest border.
- Sec. 1094. National Commission on the Future of the Navy.
- Sec. 1095. Transfer of aircraft to other departments for wildfire suppression and other purposes.
- Sec. 1096. National Museum of Intelligence and Special Operations.
- Sec. 1097. Availability of information regarding procurement of equipment by State and local governments through the Department of Defense.
- Sec. 1098. Report on purchase and use by Department of Defense of location data generated by Americans' phones and their internet metadata.
- Sec. 1099. National tabletop exercise.
- Sec. 1099A. Greenhouse gas mitigation actions and results dashboard.
- Sec. 1099B. Administration of risk-based surveys to certain educational institutions.
- Sec. 1099C. Briefing on Guam and Northern Mariana Islands military construction costs.
- Sec. 1099D. Resources to implement Department of Defense policy on civilian harm in connection with United States military operations.
- Sec. 1099E. Availability of modular small arms range for Army Reserve in Puerto Rico.
- Sec. 1099F. Independent epidemiological analysis of health effects from exposure to Department of Defense activities in Vieques.
- Sec. 1099G. Participation in Federal Transportation Incentive PRogram.
- Sec. 1099H. Report on initiatives of Department of Defense to source locally and regionally produced foods for installations of the Department.
- Sec. 1099I. Limitations on sale and use of portable heating devices on military installations.

- Sec. 1099J. Training and information for first responders regarding aid for victims of trauma-related injuries.
- Sec. 1099K. Public availability of cost of certain military operations to each United States taxpayer.
- Sec. 1099L. Report on Department of Defense plan to achieve strategic overmatch in the information environment.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1102. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1103. Standardized credentials for law enforcement officers of the Department of Defense.
- Sec. 1104. Temporary extension of authority to provide security for former Department of Defense officials.
- Sec. 1105. Increase in positions eligible for enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.
- Sec. 1106. GAO Report on Federal Employee Paid Leave Act.
- Sec. 1107. Inflation bonus pay for certain Department of Defense civilian employees.
- Sec. 1108. Flexible workplace programs.
- Sec. 1109. GAO study on Federal Wage System parity with local prevailing wage rate.
- Sec. 1110. Temporary authority to appoint retired members of the Armed Forces to Military Health System positions.
- Sec. 1111. Purchase of retired handguns by Federal law enforcement officers.
- Sec. 1112. National Digital Reserve Corps.

Subtitle B—PLUM Act of 2022

- Sec. 1121. Short title.
- Sec. 1122. Establishment of public website on Government policy and supporting positions.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

- Sec. 1201. Modifications to annual reports on security cooperation.
- Sec. 1202. Modification to authority to provide support for conduct of operations.
- Sec. 1203. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1204. Modification to authority to build capacity of foreign security forces.
- Sec. 1205. Public report on military capabilities of China, Iran, North Korea, and Russia.
- Sec. 1206. Security cooperation programs with foreign partners to advance women, peace, and security.
- Sec. 1207. Strategy for security cooperation.
- Sec. 1208. General Thaddeus Kosciuszko Exchange Program.
- Sec. 1209. Assessment, monitoring, and evaluation of programs and activities.

- Sec. 1209A. Report on chief of mission concurrence.
- Sec. 1209B. Repeal of limitation on costs covered under humanitarian demining assistance.
- Sec. 1209C. Modification to fellowship program to add training relating to urban warfare.

Subtitle B—Matters Relating to Afghanistan and Pakistan

- Sec. 1211. Extension and modification of the Afghan Special Immigrant Visa Program.
- Sec. 1212. Additional matters for inclusion in reports on oversight in Afghanistan.
- Sec. 1213. Prohibition on transporting currency to the Taliban and the Islamic Emirate of Afghanistan.

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

- Sec. 1221. Extension of authority to provide assistance to vetted Syrian groups and individuals.
- Sec. 1222. Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and Syria.
- Sec. 1223. Extension of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1224. Extension and modification of report on the military capabilities of Iran and related activities.
- Sec. 1225. Prohibition on transfers to Iran.
- Sec. 1226. Report on assisting Iranian dissidents and people access telecommunications tools.
- Sec. 1227. State Department authorization for pavilion at Expo 2025 Osaka.
- Sec. 1228. Report on the U.N. arms embargo on Iran.
- Sec. 1229. Report on Islamic Revolutionary Guard Corps-affiliated operatives abroad.
- Sec. 1229A. Repeal of Authorization for Use of Military Force Against Iraq Resolution of 2002.
- Sec. 1229B. Interagency strategy to disrupt and dismantle narcotics production and trafficking and affiliated networks linked to the regime of Bashar al-Assad in Syria.

Subtitle D—Matters Relating to Russia

- Sec. 1231. Extension of limitation on military cooperation between the United States and Russia.
- Sec. 1232. Modification and extension of Ukraine Security Assistance Initiative.
- Sec. 1233. Prohibition on availability of funds relating to sovereignty of Russia over Crimea.
- Sec. 1234. Assessment of Russian strategy in Ukraine.
- Sec. 1235. Report on efforts by the Russian Federation to expand its presence and influence in Latin America and the Caribbean.
- Sec. 1236. Expansion of cooperation and training with Ukraine.
- Sec. 1237. Statement of policy.
- Sec. 1238. Report on Department of Defense plan for responding to Russia's invasion of Ukraine.
- Sec. 1239. Prohibition on Russian participation in the G7.
- Sec. 1240. Condemning detention and indictment of Russian opposition leader Vladimir Vladimirovich Kara-Murza.
- Sec. 1241. Task force to track security assistance to Ukraine.

- Sec. 1242. Report on risk of nuclear war in Ukraine.
- Sec. 1243. Report on distribution and use of weapons in Ukraine.
- Sec. 1244. Report from Council of the Inspectors General on Ukraine.

Subtitle E—Matters Relating to Europe and NATO

- Sec. 1261. Sense of Congress on United States defense posture in Europe following the further invasion of Ukraine.
- Sec. 1262. Sense of Congress on NATO membership for Finland and Sweden.
- Sec. 1263. Matters relating to climate change at NATO.
- Sec. 1264. Baltic Reassurance Act.
- Sec. 1265. Report on efforts of NATO to counter misinformation and disinformation.
- Sec. 1266. Improvements to the NATO Strategic Communications Center of Excellence.
- Sec. 1267. Sense of Congress on enhancing strategic partnership, defense and security cooperation with Georgia.
- Sec. 1268. Report on improved diplomatic relations and defense relationship with Albania.
- Sec. 1269. Restriction of entities from using Federal funds from engaging, entering into, and awarding public works contracts.
- Sec. 1270. Modification to United States membership in interparliamentary group.
- Sec. 1271. Limitation on transfer of F-16 aircraft.

TITLE XIII—OTHER MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Matters Relating to the Indo-Pacific Region

- Sec. 1301. Modification to annual report on military and security developments involving the People's Republic of China.
- Sec. 1302. Sense of Congress on South Korea.
- Sec. 1303. Sense of Congress on Taiwan defense relations.
- Sec. 1304. Sense of Congress and report on United States security cooperation with India.
- Sec. 1305. Modification to report on resourcing United States defense requirements for the Indo-Pacific region and report on enhancing defense cooperation with allies and partners in the Indo-Pacific.
- Sec. 1306. Report on support and sustainment for critical capabilities in the area of responsibility of the United States Indo-Pacific Command necessary to meet operational requirements in certain conflicts with strategic competitors.
- Sec. 1307. Modification to Pacific Deterrence Initiative.
- Sec. 1308. Seize the Initiative.
- Sec. 1309. Modification to China military power report.
- Sec. 1310. Modifications to public reporting of Chinese military companies operating in the United States.
- Sec. 1311. Reporting on institutions of higher education domiciled in the People's Republic of China that provide support to the People's Liberation Army.
- Sec. 1312. Sense of Congress on inviting Taiwan to the Rim of the Pacific exercise.
- Sec. 1313. Joint exercises with Taiwan.
- Sec. 1314. Taiwan defense cooperation.

- Sec. 1315. Modification of prohibition on participation of the people's republic of china in rim of the pacific (rimpac) naval exercises to include cessation of genocide by china.
- Sec. 1316. Addition to next annual report on military and security developments involving China.
- Sec. 1317. Sense of Congress on enhancing NATO efforts to counter misinformation and disinformation.
- Sec. 1318. Sense of Congress relating to the NATO Parliamentary Assembly.
- Sec. 1319. Report on Indo-Pacific region.
- Sec. 1320. Sense of Congress regarding the status of China.
- Sec. 1321. Report on providing access to uncensored media in China.

Subtitle B—Other Matters Relating to Foreign Nations

- Sec. 1331. Support of special operations for irregular warfare.
- Sec. 1332. Permanent extension of authority for certain payments to redress injury and loss.
- Sec. 1333. Extension of United States-Israel cooperation to counter unmanned aerial systems.
- Sec. 1334. Modification and extension of United States-Israel cooperation to counter unmanned aerial systems.
- Sec. 1335. Modification to initiative to support protection of national security academic researchers from undue influence and other security threats.
- Sec. 1336. Annual report on role of antisemitism in violent extremist movements.
- Sec. 1337. Use of United States-origin defense articles in Yemen.
- Sec. 1338. Sense of Congress regarding Israel.
- Sec. 1339. Sense of Congress and briefing on multinational force and observers.
- Sec. 1340. Comprehensive strategy to counter gray zone operations and other hybrid warfare methods.
- Sec. 1341. Study on Department of Defense support for stabilization activities in national security interest of the United States.
- Sec. 1342. Report on American Institute in Taiwan efforts to combat certain disinformation and propaganda.
- Sec. 1343. Report on Azerbaijan.
- Sec. 1344. Defense and diplomatic strategy for Libya.
- Sec. 1345. Repeal of restriction on funding for the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.
- Sec. 1346. Sense of Congress regarding the boycott of certain companies that continue to operate in Russia and provide financial benefits to the Putin regime.
- Sec. 1347. Report on arms trafficking in Haiti.
- Sec. 1348. Establishment of the Office of City and State Diplomacy.
- Sec. 1349. Transfer of excess OLIVER HAZARD PERRY class guided missile frigates to Egypt.
- Sec. 1350. Sense of Congress on Azerbaijan's illegal detention of Armenian prisoners of war.
- Sec. 1351. United States-India Defense Partnership.
- Sec. 1352. Briefing on Department of Defense Program to Protect United States Students Against Foreign Agents.
- Sec. 1353. Report on efforts to combat Boko Haram in Nigeria and the Lake Chad Basin.
- Sec. 1354. Chief of mission concurrence.

- Sec. 1355. GAO study on Department of Defense support for other departments and agencies of the United States Government that advance Department of Defense security cooperation objectives.
- Sec. 1356. Feasibility study and report relating to Somaliland.
- Sec. 1357. Repeal of joint resolution to promote peace and stability in the Middle East.
- Sec. 1358. Sense of Congress regarding the inclusion of sunset provisions in authorizations for use of military force.
- Sec. 1359. Report on Mexico.
- Sec. 1360. Unpaid Peruvian agrarian reform bonds.
- Sec. 1361. Report on Chinese support to Russia with respect to its unprovoked invasion of and full-scale war against Ukraine.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

- Sec. 1401. Working capital funds.
- Sec. 1402. Chemical agents and munitions destruction, defense.
- Sec. 1403. Drug interdiction and counter-drug activities, defense-wide.
- Sec. 1404. Defense Inspector General.
- Sec. 1405. Defense health program.

Subtitle B—Other Matters

- Sec. 1411. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.
- Sec. 1412. Authorization of appropriations for Armed Forces Retirement Home.
- Sec. 1413. Study and pilot program on semiconductors and the National Defense Stockpile.
- Sec. 1414. Restoring essential energy and security holdings onshore for rare earths.
- Sec. 1415. Report on feasibility of increasing quantities of rare earth permanent magnets in National Defense Stockpile.
- Sec. 1416. Study on stockpiling energy storage components.

Subtitle C—Homeland Acceleration of Recovering Deposits and Renewing Onshore Critical Keystones

- Sec. 1421. Authority to acquire materials for National Defense Stockpile to address shortfalls.
- Sec. 1422. Report on modifications to the national technology and industrial base.

TITLE XV—CYBER AND INFORMATION OPERATIONS MATTERS

Subtitle A—Cyber Matters

- Sec. 1501. Improvements to Principal Cyber Advisors.
- Sec. 1502. Modification of office of primary responsibility for strategic cybersecurity program.
- Sec. 1503. Establishment of cyber operations designator and rating for the Navy.
- Sec. 1504. Cyber threat information collaboration environment program.

- Sec. 1505. Department of defense enterprise-wide procurement of cyber data products and services.
- Sec. 1506. Cybersecurity of military standards for data.

Subtitle B—Information Operations

- Sec. 1511. Military operations in information environment: authority and notifications.
- Sec. 1512. Limitation on availability of certain funds until submission of joint lexicon for terms related to information operations.
- Sec. 1513. Joint information operations course.
- Sec. 1514. Consistency in delegation of certain authorities relating to information operations.
- Sec. 1515. Assessment and optimization of Department of Defense information operations within the cyber domain.
- Sec. 1516. Requirement to notify Chief of Mission of military operation in the information environment.

Subtitle C—Reports and Other Matters

- Sec. 1531. Annual reports on support by military departments for cyberspace operations.
- Sec. 1532. Independent review of posture and staffing levels of Office of the Chief Information Officer.
- Sec. 1533. Comprehensive review of Cyber Excepted Service.
- Sec. 1534. Standardization of authority to operate applications in the Department of Defense.
- Sec. 1535. Establishment of hacking for national security and public service innovation program.
- Sec. 1536. Tailored cyberspace operations organizations.
- Sec. 1537. Cyber operations-peculiar awards.
- Sec. 1538. Manning review of Space Force cyber squadrons.
- Sec. 1539. Review of definitions associated with Cyberspace Operations Forces.

TITLE XVI—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

- Sec. 1601. Requirements for protection of satellites.
- Sec. 1602. Strategy on protection of satellites.
- Sec. 1603. National Security Space Launch program.
- Sec. 1604. Responsive space strategy, principles, model architecture, and implementation plans.
- Sec. 1605. Responsive space demonstrations.
- Sec. 1606. Allied responsive space capabilities.
- Sec. 1607. Report on tactically responsive space capabilities.
- Sec. 1608. Sense of Congress on Range of the Future and support to commercial space launch activity.
- Sec. 1609. Report on hyperspectral satellite technology.
- Sec. 1610. Report on space debris.
- Sec. 1611. Plan on pilot program for deployment of dedicated X-band small satellite communications.
- Sec. 1612. Report on stratospheric balloons, aerostats, or satellite technology capable of rapidly delivering wireless internet.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

- Sec. 1621. Congressional oversight of clandestine activities that support operational preparation of the environment.
- Sec. 1622. Executive agent for explosive ordnance intelligence.
- Sec. 1623. Information on cover and cover support activities.
- Sec. 1624. Funding for research and development of advanced naval nuclear fuel system based on low-enriched uranium.

Subtitle C—Nuclear Forces

- Sec. 1631. Improvements to Nuclear Weapons Council.
- Sec. 1632. Portfolio management framework for nuclear forces.
- Sec. 1633. Modification of Annual Assessment of Cyber Resilience of Nuclear Command and Control System.
- Sec. 1634. Nuclear-capable sea-launched cruise missile.
- Sec. 1635. Limitation on availability of certain funds until submission of information relating to proposed budget for nuclear-armed sea-launched cruise missile.
- Sec. 1636. Prohibition on reduction of the intercontinental ballistic missiles of the United States.

Subtitle D—Missile Defense Programs

- Sec. 1641. Repeal of requirement to transition ballistic missile defense programs to the military departments.
- Sec. 1642. Fire control architectures.
- Sec. 1643. Limitation on availability of certain funds until required acquisition authority designation relating to capability to defend the homeland from cruise missiles.
- Sec. 1644. Limitation on availability of funds until submission of report on layered defense for the homeland.
- Sec. 1645. Middle East integrated air and missile defense.
- Sec. 1646. Strategy to use asymmetric capabilities to defeat hypersonic missile threats.
- Sec. 1647. Report on integrated air and missile defense sensor of United States Indo-Pacific Command.
- Sec. 1648. Risk reduction in procurement of Guam missile defense system.
- Sec. 1649. Plan on delivering Shared Early Warning System data to certain allies and partners of the United States.
- Sec. 1650. Reports on ground-based interceptors.
- Sec. 1651. Report on missile defense interceptor site in contiguous United States.
- Sec. 1652. Report on gun launched interceptor technologies.
- Sec. 1653. Report on radiation hardened, thermally insensitive telescopes for SM-3 interceptor.

Subtitle E—Other Matters

- Sec. 1661. Cooperative threat reduction funds.
- Sec. 1662. Study of weapons programs that allow the Armed Forces to address hard and deeply buried targets.
- Sec. 1663. Unidentified aerial phenomena reporting procedures.

TITLE XVII—MUNITIONS REPLENISHMENT AND FUTURE PROCUREMENT

- Sec. 1701. Modification to Special Defense Acquisition Fund.

- Sec. 1702. Development of technologies with respect to critical, preferred, and precision-guided conventional munitions.
- Sec. 1703. Sense of Congress and quarterly briefings on replenishment and revitalization of stocks of tactical missiles provided to Ukraine.
- Sec. 1704. Assessment of acquisition objectives for Patriot air and missile defense battalions.
- Sec. 1705. Federally funded research and development center analysis of Department of Defense capability and capacity to replenish missile and munition inventories.
- Sec. 1706. Out-Year Unconstrained Total Munitions Requirement, Out-Year inventory numbers, and critical munitions reserve.
- Sec. 1707. Identification of subcontractors for critical munitions contracts.
- Sec. 1708. Study on stockpiles and production of critical guided munitions.
- Sec. 1709. Ukraine Critical Munitions Acquisition Fund.
- Sec. 1710. Quarterly briefings on replenishment and revitalization of stocks of defensive and offensive weapons provided to Ukraine.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2003. Effective date and automatic execution of conforming changes to tables of sections, tables of contents, and similar tabular entries.
- Sec. 2004. Directing the Secretary of Defense to continue military housing reforms.

TITLE XXI—ARMY MILITARY CONSTRUCTION

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Authorization of appropriations, Army.
- Sec. 2104. Demolition of District of Columbia Fort McNair Quarters 4, 13, and 15.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2019 project.
- Sec. 2106. Extension of authority to carry out certain fiscal year 2018 projects.
- Sec. 2107. Modification of authority to carry out certain fiscal year 2018 projects.

TITLE XXII—NAVY MILITARY CONSTRUCTION

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Authorization of appropriations, Navy.
- Sec. 2204. Extension of authority to carry out certain fiscal year 2018 project.
- Sec. 2205. Transfer of customers from electrical utility system of the Navy at former Naval Air Station Barber's Point, Hawaii, to new electrical system in Kalaeloa, Hawaii.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing and improvements to military family housing units.
- Sec. 2303. Authorization of appropriations, Air Force.
- Sec. 2304. Extension of authority to carry out certain fiscal year 2018 projects.

- Sec. 2305. Modification of authority to carry out certain fiscal year 2021 project.
- Sec. 2306. Modification of authority to carry out certain military construction projects at Tyndall Air Force Base, Florida.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Authorized Energy Resilience and Conservation Investment Program projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.
- Sec. 2404. Extension of authority to carry out certain fiscal year 2018 projects.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-Kind Contributions

- Sec. 2511. Republic of Korea funded construction projects.
- Sec. 2512. Repeal of authorized approach to certain construction project.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2604. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2605. Authorization of appropriations, National Guard and Reserve.
- Sec. 2606. Corrections to authority to carry out certain fiscal year 2022 projects.
- Sec. 2607. Extension of authority to carry out certain fiscal year 2018 projects.

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.
- Sec. 2702. Authorization to fund certain demolition and removal activities through Department of Defense Base Closure Account.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program Changes

- Sec. 2801. Modification of annual locality adjustment of dollar thresholds applicable to unspecified minor military construction authorities.
- Sec. 2802. Military construction projects for innovation, research, development, test, and evaluation.
- Sec. 2803. Further clarification of requirements related to authorized cost and scope of work variations.

- Sec. 2804. Use of operation and maintenance funds for certain construction projects outside the United States.
- Sec. 2805. Increase in maximum approved cost of unspecified minor military construction projects.
- Sec. 2806. Increase in unspecified minor military construction authority for laboratory revitalization projects.
- Sec. 2807. Permanent application of dollar limits for location and application to projects outside the United States.
- Sec. 2808. Prohibition on availability of funds for special operations forces military construction.
- Sec. 2809. Requirements relating to certain military construction projects.
- Sec. 2809A. Supervision of large military construction projects.
- Sec. 2809B. Local hire requirements for military construction contracts.

Subtitle B—Continuation of Military Housing Reforms

- Sec. 2811. Standardization of military installation Housing Requirements and Market Analyses.
- Sec. 2812. Notice requirement for MHPI ground lease extensions.
- Sec. 2813. Annual briefings on military housing privatization projects.
- Sec. 2814. Privatization of Navy and Air Force transient housing.
- Sec. 2815. Military housing feedback tool.
- Sec. 2816. Screening and registry of individuals with health conditions resulting from unsafe housing units.
- Sec. 2817. Mandatory disclosure of presence of mold and health effects of mycotoxins before a lease is signed for privatized military housing.
- Sec. 2818. Modification of prohibition on ownership or trading of stocks in certain companies by certain officials of the Department of Defense.

Subtitle C—Real Property and Facilities Administration

- Sec. 2821. Authorized land and facilities transfer to support contracts with Federally Funded Research and Development Centers.
- Sec. 2822. Restoration or replacement of damaged, destroyed, or economically unrepairable facilities.
- Sec. 2823. Defense access road program enhancements to address transportation infrastructure in vicinity of military installations.
- Sec. 2824. Physical entrances to certain military installations.
- Sec. 2825. Improvements relating to access to military installations in United States.

Subtitle D—Military Facilities Master Plan Requirements

- Sec. 2831. Limitation on use of funds pending completion of military installation resilience component of master plans for at-risk major military installations.

Subtitle E—Matters Related to Unified Facilities Criteria and Military Construction Planning and Design

- Sec. 2841. Consideration of installation of integrated solar roofing to improve energy resiliency of military installations.
- Sec. 2842. Study of military housing resilience and energy efficiency.

Subtitle F—Land Conveyances

- Sec. 2851. Extension of time frame for land conveyance, Sharpe Army Depot, Lathrop, California.
- Sec. 2852. Authority for transfer of administrative jurisdiction, Castner Range, Fort Bliss, Texas.
- Sec. 2853. Conveyance, Joint Base Charleston, South Carolina.
- Sec. 2854. Land conveyance, Naval Air Station Oceana, Dam Neck Annex, Virginia Beach, Virginia.
- Sec. 2855. Land exchange, Marine Reserve Training Center, Omaha, Nebraska.

Subtitle G—Miscellaneous Studies and Reports

- Sec. 2861. FFRDC study on practices with respect to development of military construction projects.
- Sec. 2862. Feasibility study for Blue Grass Chemical Agent-Destruction Pilot Plant.
- Sec. 2863. Comptroller General assessment of military construction, maintenance, and upgrades of joint base infrastructure and facilities.
- Sec. 2864. Report on underground tunnels and facilities in Hawaii.
- Sec. 2865. Comptroller General report on community engagement activities at military installations in foreign countries.
- Sec. 2866. Report on recognition of African American servicemembers in Department of Defense naming practices.
- Sec. 2867. Report on capacity of Department of Defense to provide survivors of natural disasters with emergency short-term housing.
- Sec. 2868. Directing the Secretary of Defense to deliver a briefing on housing with respect to junior members of the Armed Forces.
- Sec. 2869. Reporting on lead service lines and lead plumbing.

Subtitle H—Other Matters

- Sec. 2871. Defense community infrastructure program.
- Sec. 2872. Inclusion in Defense Community Infrastructure Pilot Program of certain projects for ROTC training.
- Sec. 2873. Basing decision scorecard consistency and transparency.
- Sec. 2874. Lease or use agreement for category 3 subterranean training facility.
- Sec. 2875. Required consultation with State and local entities on issues related to increase in number of military personnel at military installations.
- Sec. 2876. Required investments in improving child development centers.
- Sec. 2877. Limitation on use of funds for closure of combat readiness training centers.
- Sec. 2878. Pilot program on use of mass timber in military construction projects.
- Sec. 2879. Contributions for climate resilience for North Atlantic Treaty Organizations Security Investment.
- Sec. 2880. Screening and registry of individuals with health conditions resulting from unsafe housing units.
- Sec. 2881. Recognition of Memorial, Memorial Garden, and K9 Memorial of the National Navy UDT-SEAL Museum in Fort Pierce, Florida, as a national memorial, memorial garden, and K9 memorial, respectively, of Navy SEALs and their predecessors.
- Sec. 2882. Ensuring that contractor employees on Army Corps projects are paid prevailing wages as required by law.
- Sec. 2883. Inclusion of climate resilience services in the Combatant Commander Initiative Fund.

Sec. 2884. Interagency Regional Coordinator for Resilience Pilot Project.

TITLE XXIX—SCIENCE AND TECHNOLOGY MILITARY
CONSTRUCTION

- Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition project.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorization of appropriations.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY
PROGRAMS

Subtitle A—National Security Programs and Authorizations

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

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

- Sec. 3111. Plutonium pit production capacity.
Sec. 3112. Nuclear warhead acquisition process.
Sec. 3113. Authorized personnel levels of the Office of the Administrator.
Sec. 3114. Modification to certain reporting requirements.
Sec. 3115. Modifications to long-term plan for meeting national security requirements for unencumbered uranium.
Sec. 3116. Modification of minor construction threshold for plant projects.
Sec. 3117. Prohibition on availability of funds to reconvert or retire W76–2 warheads.
Sec. 3118. Comptroller General study on National Nuclear Security Administration management and operation contracting process.
Sec. 3119. Funding for W80–4 life extension program.
Sec. 3120. Requirements for specific request for new or modified nuclear weapons.
Sec. 3121. Extension of deadline for transfer of parcels of land in New Mexico.
Sec. 3122. Designation of National Nuclear Security Administration as technical nuclear forensics lead.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.
Sec. 3202. Continuation of functions and powers during loss of quorum.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME SECURITY

Subtitle A—Maritime Administration

- Sec. 3501. Authorization of the Maritime Administration.

- Sec. 3502. Secretary of Transportation responsibility with respect to cargoes procured, furnished, or financed by other Federal departments and agencies.
- Sec. 3503. United States marine highway program.
- Sec. 3504. Multistate, State, and regional transportation planning.

Subtitle B—Merchant Marine Academy

- Sec. 3511. Appointment of Superintendent of United States Merchant Marine Academy.
- Sec. 3512. Exemption of certain students from requirement to obtain merchant mariner license.
- Sec. 3513. Protection of cadets from sexual assault onboard vessels.
- Sec. 3514. Requirements relating to training of Merchant Marine Academy cadets on certain vessels.
- Sec. 3515. Reports on matters relating to the United States Merchant Marine Academy.

Subtitle C—Vessels

- Sec. 3521. Waiver of navigation and vessel-inspection laws.
- Sec. 3522. Certificates of numbers for undocumented vessels.
- Sec. 3523. Recapitalization of National Defense Reserve Fleet.
- Sec. 3524. Cargoes procured, furnished, or financed by the United States Government.

Subtitle D—Reports and Other Matters

- Sec. 3532. National maritime transportation report and strategy.

DIVISION D—FUNDING TABLES

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

TITLE XLI—PROCUREMENT

- Sec. 4101. Procurement.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 4201. Research, development, test, and evaluation.

TITLE XLIII—OPERATION AND MAINTENANCE

- Sec. 4301. Operation and maintenance.

TITLE XLIV—MILITARY PERSONNEL

- Sec. 4401. Military personnel.

TITLE XLV—OTHER AUTHORIZATIONS

- Sec. 4501. Other authorizations.

TITLE XLVI—MILITARY CONSTRUCTION

- Sec. 4601. Military construction.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY
PROGRAMS

Sec. 4701. Department of Energy National Security Programs.

DIVISION E—NON-DEPARTMENT OF DEFENSE MATTERS

TITLE LI—VETERANS AFFAIRS MATTERS

- Sec. 5101. Maximum rate of interest on debts incurred before military service applicable to military dependents.
- Sec. 5102. Report on handling of certain records of the Department of Veterans Affairs.
- Sec. 5103. Sense of Congress regarding women who served as cadet nurses during World War II.
- Sec. 5104. Sense of Congress regarding Korean and Korean-American Vietnam war veterans.
- Sec. 5105. Use of veterans with medical occupations in response to national emergencies.
- Sec. 5106. Pilot program to employ veterans in positions relating to conservation and resource management activities.
- Sec. 5107. Elimination of Asset and Infrastructure Review Commission of Department of Veterans Affairs.
- Sec. 5108. Eligibility requirements for reimbursement for emergency treatment furnished to veterans.
- Sec. 5109. Improving processing by the Department of Veterans Affairs of disability claims for post-traumatic stress disorder.
- Sec. 5110. Registry of individuals exposed to per- and polyfluoroalkyl substances on military installations.
- Sec. 5111. Department of Veterans Affairs Advisory Committee on United States Outlying Areas and Freely Associated States.
- Sec. 5112. Report on barriers to veteran participation in Federal housing programs.
- Sec. 5113. Department of Veterans Affairs report on supportive services and housing insecurity.
- Sec. 5114. Inclusion on the Vietnam Veterans Memorial Wall of the names of the lost crew members of the U.S.S. Frank E. Evans killed on June 3, 1969.
- Sec. 5115. Provision of health care benefits for certain individuals who served in the armed forces of the Republic of Korea.
- Sec. 5116. Grants for provision of transition assistance to members and former members of the Armed Forces after separation, retirement, or discharge.
- Sec. 5117. Study on incidence and mortality of cancer among former aircrew of the Navy, Air Force, and Marine Corps.
- Sec. 5118. Feasibility study on inclusion on the Vietnam Veterans Memorial Wall of the names of the lost crew members of the USS Frank E. Evans killed on June 3, 1969.
- Sec. 5119. Limitation on copayments for contraception.
- Sec. 5120. Requirement for timely scheduling of appointments at medical facilities of Department of Veterans Affairs.
- Sec. 5121. Provision by Department of Veterans Affairs health care providers of recommendations and opinions regarding veteran participation in State marijuana programs.
- Sec. 5122. Annual report from the advisory committee on women veterans.
- Sec. 5123. VA payments or allowances for beneficiary travel.

- Sec. 5124. Improvement of Vet Centers at Department of Veterans Affairs.
- Sec. 5125. Secretary of Veterans Affairs study on VA Home Loan Benefit.
- Sec. 5126. GAO study on post-market surveillance of medical devices by Department of Veterans Affairs.
- Sec. 5127. Competitive pay for health care providers of the Department of Veterans Affairs.
- Sec. 5128. Department of Veterans Affairs program to provide grants for certain veterans service organizations affected by the COVID-19 Pandemic.
- Sec. 5129. Inclusion of veterans in housing planning.
- Sec. 5130. Annual report on housing assistance to veterans.
- Sec. 5131. Payments to individuals who served during World War II in the United States Merchant Marine.
- Sec. 5132. Expansion of eligibility for hospital care, medical services, and nursing home care from the Department of Veterans Affairs to include veterans of World War II.
- Sec. 5133. Pilot program on cybersecurity training for veterans and military spouses.
- Sec. 5134. Department of Veterans Affairs awareness campaign on fertility services.

TITLE LII—HOMELAND SECURITY MATTERS

- Sec. 5201. Chemical Security Analysis Center.
- Sec. 5202. National Cybersecurity Preparedness Consortium.
- Sec. 5203. Report on cybersecurity roles and responsibilities of the Department of Homeland Security.
- Sec. 5204. Exemption of certain Homeland Security fees for certain immediate relatives of an individual who received the Purple Heart.
- Sec. 5205. Clarifications regarding scope of employment and reemployment rights of members of the uniformed services.
- Sec. 5206. Critical technology security centers.
- Sec. 5207. Systemically important entities.
- Sec. 5208. GAO review of Department of Homeland Security efforts related to establishing space as a critical infrastructure sector.
- Sec. 5209. Report on commercial satellite cybersecurity; CISA commercial satellite system cybersecurity clearinghouse.
- Sec. 5210. Reports, evaluations, and research regarding drug interdiction at and between ports of entry.
- Sec. 5211. Report on Puerto Rico's electric grid.
- Sec. 5212. Access to military installations for Homeland Security Investigations personnel in Guam.
- Sec. 5213. Building cyber resilience after SolarWinds.
- Sec. 5214. CISA director appointment and term.
- Sec. 5215. Department of Homeland Security report relating to establishment of preclearance facility in Taiwan.
- Sec. 5216. Human trafficking training.

TITLE LIII—TRANSPORTATION AND INFRASTRUCTURE MATTERS

- Sec. 5301. Calculation of active service.
- Sec. 5302. Acquisition of icebreaker.
- Sec. 5303. Department of Defense civilian pilots.
- Sec. 5304. Pilot program for spaceflight recovery operations at sea.
- Sec. 5305. Port infrastructure development grants.
- Sec. 5306. Preliminary damage assessment.

- Sec. 5307. Designation of small state and rural advocate.
- Sec. 5308. Flexibility.
- Sec. 5309. Menstrual products in public buildings.
- Sec. 5310. Fly America Act exception.
- Sec. 5311. Aqua alert notification system pilot program.
- Sec. 5312. Recognizing FEMA support.
- Sec. 5313. Definitions.
- Sec. 5314. Permitting use of highway trust fund for construction of certain noise barriers.
- Sec. 5315. Establishment of Southern New England Regional Commission.
- Sec. 5316. Critical document fee waiver.
- Sec. 5317. Disadvantaged business enterprises.
- Sec. 5318. Secretary of Agriculture report on improving supply chain shortfalls and infrastructure needs at wholesale produce markets.
- Sec. 5319. Report on improving counterterrorism security at passenger rail stations.
- Sec. 5320. Extreme weather events.
- Sec. 5321. Safety standards.
- Sec. 5322. Extension.
- Sec. 5323. Centers of excellence for domestic maritime workforce training and education.
- Sec. 5324. Duplication of benefits.
- Sec. 5325. Flight instruction or testing.
- Sec. 5326. High-speed broadband deployment initiative.

TITLE LIV—FINANCIAL SERVICES MATTERS

Subtitle A—In General

- Sec. 5401. Services That Open Portals to Dirty Money Act.
- Sec. 5402. Review of Cyber-related Matters at the Department of the Treasury.
- Sec. 5403. Strengthening Awareness of Sanctions.
- Sec. 5404. Briefing on Chinese support for Afghan illicit finance.
- Sec. 5405. Support for international initiatives to provide debt restructuring or relief to developing countries with unsustainable levels of debt.
- Sec. 5406. Payment choice.
- Sec. 5407. Disclosure requirements relating to China-based hedge funds capital raising activities in the United States through certain exempted transactions.
- Sec. 5408. Russia and Belarus Financial Sanctions.
- Sec. 5409. Appraisal standards for single-family housing mortgages.
- Sec. 5410. China financial threat mitigation.
- Sec. 5411. Review of FHA small-dollar mortgage practices.
- Sec. 5412. Disclosure of businesses ties to Russia.
- Sec. 5413. Small business loan data collection.
- Sec. 5414. Nationwide Emergency Declaration medical supplies enhancement.
- Sec. 5415. Special measures to fight modern threats.
- Sec. 5416. Submission of data relating to diversity.
- Sec. 5417. Diversity advisory group.
- Sec. 5418. Discount on mortgage insurance premium payments for first-time homebuyers who complete financial literacy housing counseling programs.
- Sec. 5419. Capacity building for community development and affordable housing.
- Sec. 5420. Affordable housing construction as eligible activity under Community Development Block Grant Program.

- Sec. 5421. Consideration of small home mortgage lending under Community Reinvestment Act.
- Sec. 5422. Prohibition on consumer reports containing adverse information related to certain student loans.
- Sec. 5423. Extension of the Central Liquidity Facility.
- Sec. 5424. Promoting capital raising options for traditionally underrepresented small businesses.
- Sec. 5425. Improvements by countries in combating narcotics-related money laundering.
- Sec. 5426. Study on the role of online platforms and tenant screening companies in the housing market.
- Sec. 5427. United States opposition to multilateral development bank projects that provide a public subsidy to a private sector firm unless the subsidy is awarded using an open, competitive process or on an open-access basis.
- Sec. 5428. United States contribution to the Catastrophe Containment and Relief Trust at the International Monetary Fund.
- Sec. 5429. Public reporting of United States votes to support, or abstention from voting on, multilateral development bank projects under the Guidance on Fossil Fuel Energy at the Multilateral Development Banks issued by the Department of the Treasury on August 16, 2021.
- Sec. 5430. United States policy on international finance corporation disclosure of high and substantial risk sub-projects of financial intermediary clients.
- Sec. 5431. United states policy on multilateral development bank disclosure of beneficial ownership information.
- Sec. 5432. Strengthening the SEC's Whistleblower Fund.
- Sec. 5433. United States policy on World Bank Group and Asian Development Bank assistance to the People's Republic of China.
- Sec. 5434. Addition of United Kingdom and Australia as DPA domestic sources.
- Sec. 5435. Servicemember protections for medical debt collections.
- Sec. 5436. Protections for active duty uniformed consumer.
- Sec. 5437. Fair Debt Collection Practices for Servicemembers.
- Sec. 5438. Fair hiring in banking.
- Sec. 5439. Banking transparency for sanctioned persons.
- Sec. 5440. Ukraine debt payment relief.
- Sec. 5441. Grant program for grandfamily housing.
- Sec. 5442. Flexibility in Addressing Rural Homelessness.
- Sec. 5443. Promoting diversity and inclusion in the appraisal profession.
- Sec. 5444. Combating Trade-Based Money Laundering.
- Sec. 5445. Disclosure of disability, veteran, and military status.
- Sec. 5446. Strengthening Cybersecurity for the Financial Sector.
- Sec. 5447. Review of IMF loan surcharge policy.
- Sec. 5448. Grants to eligible entities for enhanced protection of senior investors and senior policyholders.
- Sec. 5449. Banking Transparency for Sanctioned Persons.
- Sec. 5450. Bureau servicemember and veteran credit reporting ombudsperson.
- Sec. 5451. Senior Investor Taskforce.
- Sec. 5452. Military service question.
- Sec. 5453. Prohibition on trading ahead by market makers.
- Sec. 5454. Securing America's Vaccines for Emergencies.
- Sec. 5455. Special Drawing Rights exchange prohibition.
- Sec. 5456. Prohibition on insider trading.

Sec. 5457. Community development block grant disaster recovery program.

Subtitle B—SAFE Banking

- Sec. 5461. Short title; table of contents; purpose.
- Sec. 5462. Safe harbor for depository institutions.
- Sec. 5463. Protections for ancillary businesses.
- Sec. 5464. Protections under Federal law.
- Sec. 5465. Rules of construction.
- Sec. 5466. Requirements for filing suspicious activity reports.
- Sec. 5467. Guidance and examination procedures.
- Sec. 5468. Annual diversity and inclusion report.
- Sec. 5469. GAO study on diversity and inclusion.
- Sec. 5470. GAO study on effectiveness of certain reports on finding certain persons.
- Sec. 5471. Application of this subtitle with respect to hemp-related legitimate businesses and hemp-related service providers.
- Sec. 5472. Banking services for hemp-related legitimate businesses and hemp-related service providers.
- Sec. 5473. Requirements for deposit account termination requests and orders.
- Sec. 5474. Definitions.
- Sec. 5475. Discretionary surplus funds.

TITLE LV—NATURAL RESOURCES MATTERS

- Sec. 5501. Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity amendment.
- Sec. 5502. Inclusion of Commonwealth of the Northern Mariana Islands and American Samoa.
- Sec. 5503. Amendments to Sikes Act.
- Sec. 5504. Brennan Reef.
- Sec. 5505. Establishment of Fund.
- Sec. 5506. Leasing on the Outer Continental Shelf.
- Sec. 5507. Continental Divide National Scenic Trail.
- Sec. 5508. Sacramento-San Joaquin Delta National Heritage Area.
- Sec. 5509. New York-New Jersey Watershed Protection.
- Sec. 5510. Authorization of appropriations for the National Maritime Heritage Grant Program.
- Sec. 5511. Berryessa Snow Mountain National Monument Expansion.

TITLE LVI—INSPECTOR GENERAL INDEPENDENCE AND EMPOWERMENT MATTERS

Subtitle A—Inspector General Independence

- Sec. 5601. Short title.
- Sec. 5602. Removal or transfer of inspectors general; placement on non-duty status.
- Sec. 5603. Vacancy in position of inspector general.
- Sec. 5604. Office of inspector general whistleblower complaints.

Subtitle B—Presidential Explanation of Failure to Nominate an Inspector General

- Sec. 5611. Presidential explanation of failure to nominate an inspector general.

Subtitle C—Integrity Committee of the Council of Inspectors General on
Integrity and Efficiency Transparency

- Sec. 5621. Short title.
- Sec. 5622. Additional information to be included in requests and reports to Congress.
- Sec. 5623. Availability of information to Congress on certain allegations of wrongdoing closed without referral.
- Sec. 5624. Semiannual report.
- Sec. 5625. Additional reports.
- Sec. 5626. Requirement to report final disposition to Congress.
- Sec. 5627. Investigations of Offices of Inspectors General of establishments by the Integrity Committee.

Subtitle D—Notice of Ongoing Investigations When There Is a Change in
Status of Inspector General

- Sec. 5631. Notice of ongoing investigations when there is a change in status of Inspector General.

Subtitle E—Council of the Inspectors General on Integrity and Efficiency
Report on Expenditures

- Sec. 5641. CIGIE report on expenditures.

Subtitle F—Notice of Refusal to Provide Inspectors General Access

- Sec. 5651. Notice of refusal to provide information or assistance to inspectors general.

Subtitle G—Training Resources for Inspectors General and Other Matters

- Sec. 5671. Training resources for inspectors general.
- Sec. 5672. Definition of appropriate congressional committees.
- Sec. 5673. Semiannual reports.
- Sec. 5674. Submission of reports that specifically identify non-governmental organizations or business entities.
- Sec. 5675. Review relating to vetting, processing, and resettlement of evacuees from Afghanistan and the Afghanistan special immigrant visa program.
- Sec. 5676. Investigations of department of justice personnel.
- Sec. 5677. Law enforcement authority of the Inspector General of the United States International Development Finance Corporation.
- Sec. 5678. Inspector General for the Office of Management and Budget.

TITLE LVII—FEDERAL EMPLOYEE MATTERS

- Sec. 5701. Appeals to Merit Systems Protection Board relating to FBI reprisal allegations; salary of Special Counsel.
- Sec. 5702. Minimum wage for Federal contractors.
- Sec. 5703. Federal wildland firefighter recruitment and retention.
- Sec. 5704. Study and report on returnship programs.
- Sec. 5705. Limitations on exception of competitive service positions.

TITLE LVIII—OTHER MATTERS

Subtitle A—In General

- Sec. 5801. Afghan Allies Protection.
- Sec. 5802. Advancing Mutual Interests and Growing Our Success.
- Sec. 5803. Expansion of study of PFAS contamination.
- Sec. 5804. National research and development strategy for distributed ledger technology.
- Sec. 5805. Commercial air waiver for next of kin regarding transportation of remains of casualties.
- Sec. 5806. Arms Exports Delivery Solutions Act.
- Sec. 5807. Prohibition on transfers to Badr Organization.
- Sec. 5808. Prohibition of Federal funding for induced or required undermining of security of consumer communications goods.
- Sec. 5809. Foreign state computer intrusions.
- Sec. 5810. School PFAS testing and filtration program.
- Sec. 5811. Report on EMT national licensing standards.
- Sec. 5812. Requirement for cut flowers and cut greens displayed in certain Federal buildings to be produced in the United States.
- Sec. 5813. Renegotiation of Compacts of Free Association.
- Sec. 5814. Interagency report on extremist activity.
- Sec. 5815. Reporting on previous Federal Bureau of Investigation and Department of Homeland Security requirements.
- Sec. 5816. PFAS data call.
- Sec. 5817. Prohibition on contracting with persons with willful or repeated violations of the Fair Labor Standards Act of 1938.
- Sec. 5818. Report on human rights in the Philippines.
- Sec. 5819. Requirement for the Secretary of Housing and Urban Development to annually report complaints of sexual harassment.
- Sec. 5820. Department of Labor study on factors affecting employment opportunities for immigrants and refugees with professional credentials obtained in foreign countries.
- Sec. 5821. Sense of Congress and statement of policy on Haiti.
- Sec. 5822. Correctional Facility Disaster Preparedness.
- Sec. 5823. Nondiscrimination in Federal hiring for veteran medical cannabis users; Authorized provision of information on State-approved marijuana programs to veterans.
- Sec. 5824. Report on certain entities connected to foreign persons on the murder of Jamal Khashoggi.
- Sec. 5825. Review of implementation of United States sanctions with respect to violators of the arms embargo on Libya.
- Sec. 5826. Modification of prior notification of shipment of arms.
- Sec. 5827. Study and report on feasibility of suspension of mergers, acquisitions, and takeovers of certain foreign surveillance companies.
- Sec. 5828. Report on political prisoners in Egypt.
- Sec. 5829. Attorney General authority to transfer forfeited Russian assets to assist Ukraine.
- Sec. 5830. Removing Russian rough diamonds from global markets.
- Sec. 5831. Liu Xiaobo Fund for Study of the Chinese language.
- Sec. 5832. Access for Veterans to Records.
- Sec. 5833. Japanese American confinement education grants.
- Sec. 5834. Reporting on internationally recognized human rights in the United States in the annual Country Reports on Human Rights Practices.
- Sec. 5835. Export prohibition of munitions items to the Hong Kong police force.
- Sec. 5836. Congressional notification for rewards paid using cryptocurrencies.

- Sec. 5837. Consultations on reuniting Korean Americans with family members in North Korea.
- Sec. 5838. Secure access to sanitation facilities for women and girls.
- Sec. 5839. Blackwater Trading Post Land.
- Sec. 5840. Authorizations relating to veterinary care overseas.
- Sec. 5841. Crisis counseling assistance and training.
- Sec. 5842. Prohibited uses of acquired, donated, and conservation land.
- Sec. 5843. Jamal Khashoggi Press Freedom Accountability Act of 2021.
- Sec. 5844. GAO study on the Daniel Pearl Freedom of the Press Act of 2009.
- Sec. 5845. Secretary of State assistance for prisoners in Islamic Republic of Iran.
- Sec. 5846. Policy regarding development of nuclear weapons by Iran.
- Sec. 5847. Transfer of NOAA property in Norfolk, Virginia.
- Sec. 5848. Elimination of sentencing disparity for cocaine offenses.
- Sec. 5849. Imposition of sanctions with respect to the sale, supply, or transfer of gold to or from Russia.
- Sec. 5850. Support for Afghan Special Immigrant Visa and Refugee Applicants.
- Sec. 5851. Liability for failure to disclose or update information.
- Sec. 5852. Government Accountability Office study and report on contractors using distributors to avoid scrutiny.
- Sec. 5853. Supplement to Federal Employee Viewpoint Survey.
- Sec. 5854. Certain activities relating to intimate visual depictions.
- Sec. 5855. Waiver of special use permit application fee for veterans' special events.
- Sec. 5856. Regional water programs.
- Sec. 5857. Limitation on licenses and other authorizations for export of certain items removed from the jurisdiction of the United States Munitions List and made subject to the jurisdiction of the Export Administration Regulations.
- Sec. 5858. Review of standard occupational classification system.
- Sec. 5859. United States Fire Administration on-site investigations of major fires.
- Sec. 5860. Multilateral agreement to establish an independent international center for research on the information environment.
- Sec. 5861. Prioritization of efforts of the Department of State to combat international trafficking in covered synthetic drugs.
- Sec. 5862. Isolate Russian Government Officials Act of 2022.
- Sec. 5863. Prohibition on certain assistance to the Philippines.
- Sec. 5864. Gender analysis in foreign training programs.
- Sec. 5865. Report on Colombian military forces.
- Sec. 5866. Federal Contracting for Peace and Security.
- Sec. 5867. Department of Defense Cyber and Digital Service Academy.
- Sec. 5868. Democracy disruption in the Middle East and Africa.
- Sec. 5869. Feasibility study on United States support for and participation in the international counterterrorism academy in Cote d'Ivoire.
- Sec. 5870. Memorial for those who lost their lives in the attack on Hamid Karzai International Airport on August 26, 2021.
- Sec. 5871. Reports on substance abuse in the Armed Forces.
- Sec. 5872. GAO report on civilian support positions at remote military installations.
- Sec. 5873. GAO study on Foreign Service Institute's School of Language Studies.

- Sec. 5874. Report on waivers under section 907 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.
- Sec. 5875. Amendments to the Ukraine Freedom Support Act of 2014.
- Sec. 5876. GAO study on end use monitoring.
- Sec. 5877. Sense of Congress regarding the life and legacy of Senator Joseph Maxwell Cleland.
- Sec. 5878. Repeal of 1991 Authorization for Use of Military Force Against Iraq Resolution.
- Sec. 5879. ONDCP supplemental strategies.
- Sec. 5880. Support for Afghans applying for student visas.
- Sec. 5881. Immigration age-out protections.
- Sec. 5882. Medicare Improvement Fund.
- Sec. 5883. Clean Water Act effluent limitations guidelines and standards and water quality criteria for PFAS.
- Sec. 5884. Amendments to the Maine Indian Claims Settlement Act of 1980.
- Sec. 5885. Sense of Congress that the Department of Veterans Affairs should be prohibited from denying home loans for veterans who legally work in the marijuana industry.
- Sec. 5886. Hermit's Peak/Calf Canyon Fire Assistance.
- Sec. 5887. Open Technology Fund grants.
- Sec. 5888. Strategic transformer reserve and resilience.
- Sec. 5889. AI in Counterterrorism Oversight Enhancement.
- Sec. 5890. Elimination of termination clause for Global Engagement Center.
- Sec. 5891. Resolution of controversies under Servicemembers Civil Relief Act.
- Sec. 5892. Limitation on waiver of rights and protections under Servicemembers Civil Relief Act.
- Sec. 5893. Clarification of private right of action under Servicemembers Civil Relief Act.
- Sec. 5894. Definition of land use revenue under West Los Angeles Leasing Act of 2016.
- Sec. 5895. Report on the use of data and data science at the Department of State and USAID.
- Sec. 5896. Modification of reports to Congress under Global Magnitsky Human Rights Accountability Act.
- Sec. 5897. Department of State fellowships for rule of law activities in Central America.
- Sec. 5898. Report on all comprehensive sanctions imposed on foreign governments.
- Sec. 5899. Wastewater assistance to colonias.
- Sec. 5900. Contracts by the President, the Vice President, or a Cabinet Member.
- Sec. 5901. Statement of policy and report on engaging with Niger.
- Sec. 5902. Interagency task force.
- Sec. 5903. Modification of duties of united states-china economic and security review commission.
- Sec. 5904. Taiwan Fellowship Program.
- Sec. 5905. Treatment of paycheck protection program loan forgiveness of payroll costs under highway and public transportation project cost-reimbursement contracts.
- Sec. 5906. Biliteracy Education Seal and Teaching Act.
- Sec. 5907. Presumption of cause of disability or death due to employment in fire protection activities.
- Sec. 5908. Documenting and responding to discrimination against migrants abroad.

- Sec. 5909. Extending the statute of limitations for certain money laundering offenses.
- Sec. 5910. Foreign corruption accountability sanctions and criminal enforcement.
- Sec. 5911. FedRAMP Authorization Act.
- Sec. 5912. Amendment.
- Sec. 5913. Improving investigation and prosecution of child abuse cases.
- Sec. 5914. Report on humanitarian situation and food security in Lebanon.
- Sec. 5915. Designation of El Paso Community Healing Garden National Memorial.
- Sec. 5916. Administrator of General Services study on counterfeit items on e-commerce platforms of the General Services Administration.
- Sec. 5917. Report on removal of service members.
- Sec. 5918. Limitation on availability of funds for certain contractors or grantees that require nondisparagement or nondisclosure clause related to sexual harassment and sexual assault.
- Sec. 5919. Department of Homeland Security Office for Civil Rights and Civil Liberties authorization.
- Sec. 5920. Modification to peacekeeping operations report.
- Sec. 5921. Report to Congress by Secretary of State on government-ordered internet or telecommunications shutdowns.
- Sec. 5922. Survivors' bill of rights.
- Sec. 5923. Admission of essential scientists and technical experts to promote and protect National Security Innovation Base.
- Sec. 5924. Delaware River Basin Conservation reauthorization.

Subtitle B—Rights for the TSA Workforce Act of 2022

- Sec. 5931. Short title.
- Sec. 5932. Definitions.
- Sec. 5933. Conversion of TSA personnel.
- Sec. 5934. Transition rules.
- Sec. 5935. Consultation requirement.
- Sec. 5936. No right to strike.
- Sec. 5937. Proposal on hiring and contracting background check requirements.
- Sec. 5938. Comptroller General reviews.
- Sec. 5939. Sense of Congress.
- Sec. 5940. Assistance for Federal air marshal service.
- Sec. 5941. Prevention and protection against certain illness.
- Sec. 5942. Hazardous duty payments.
- Sec. 5943. Authorization of appropriations.
- Sec. 5944. Study on feasibility of commuting benefits.
- Sec. 5945. Briefing on assaults and threats on tsa employees.
- Sec. 5946. Annual reports on TSA workforce.

DIVISION F—OTHER MATTERS

TITLE LX—TAIWAN PEACE AND STABILITY ACT

- Sec. 6001. Short title.
- Sec. 6002. Findings and statement of policy.
- Sec. 6003. Definitions.

Subtitle A—Supporting Taiwan's Meaningful Participation in the International Community

- Sec. 6011. Findings.

- Sec. 6012. Sense of Congress on Taiwan’s meaningful participation in the international community.
- Sec. 6013. Strategy to support Taiwan’s meaningful participation in international organizations.
- Sec. 6014. Expanding United States-Taiwan development cooperation.

Subtitle B—Advancing Taiwan’s Economic Space

- Sec. 6021. Sense of Congress on expanding U.S. economic relations with Taiwan.

Subtitle C—Enhancing Deterrence Over Taiwan

- Sec. 6031. Sense of Congress on peace and stability in the Taiwan Strait.
- Sec. 6032. Strategy to enhance deterrence over a cross-Strait conflict.
- Sec. 6033. Strengthening Taiwan’s civilian defense professionals.

TITLE LXI—LIBYA STABILIZATION ACT

- Sec. 6101. Short title.
- Sec. 6102. Statement of policy.

Subtitle A—Identifying Challenges to Stability in Libya

- Sec. 6111. Report on activities of certain foreign governments and actors in Libya.
- Sec. 6112. Report of Russian activities and objectives in Libya.
- Sec. 6113. Determination of sanctionable activities of the Libyan National Army with respect to Syria.

Subtitle B—Actions to Address Foreign Intervention in Libya

- Sec. 6121. Sanctions with respect to foreign persons leading, directing, or supporting certain foreign government involvement in Libya.
- Sec. 6122. Sanctions with respect to foreign persons threatening the peace or stability of Libya.
- Sec. 6123. Sanctions with respect to foreign persons who are responsible for or complicit in gross violations of internationally recognized human rights committed in Libya.
- Sec. 6124. Sanctions described.
- Sec. 6125. Waiver.
- Sec. 6126. Implementation and regulatory authority.
- Sec. 6127. Exception relating to importation of goods.
- Sec. 6128. Definitions.
- Sec. 6129. Suspension of sanctions.
- Sec. 6130. Sunset.

Subtitle C—Assistance for Libya

- Sec. 6131. Humanitarian relief for the people of Libya and international refugees and migrants in Libya.
- Sec. 6132. Support for democratic governance, elections, and civil society.
- Sec. 6133. Engaging international financial institutions to advance Libyan economic recovery and improve public sector financial management.
- Sec. 6134. Recovering assets stolen from the Libyan people.
- Sec. 6135. Authority to expand educational and cultural exchange programs with Libya.

TITLE LXII—DISTRICT OF COLUMBIA NATIONAL GUARD HOME
RULE

- Sec. 6251. Short title.
- Sec. 6252. Extension of National Guard authorities to Mayor of the District of Columbia.
- Sec. 6253. Conforming amendments to title 10, United States Code.
- Sec. 6254. Conforming amendments to title 32, United States Code.
- Sec. 6255. Conforming amendment to the District of Columbia Home Rule Act.

TITLE LXIII—PREVENTING FUTURE PANDEMICS

- Sec. 6301. Definitions.
- Sec. 6302. Country-driven approach to end the commercial trade in live wildlife and associated wildlife markets.
- Sec. 6303. Sense of Congress.
- Sec. 6304. Statement of policy.
- Sec. 6305. Prevention of future zoonotic spillover event.
- Sec. 6306. Law enforcement attache deployment.
- Sec. 6307. Reservation of rights.

TITLE LXIV—PROHIBITION OF ARMS SALES TO COUNTRIES COMMITTING GENOCIDE OR WAR CRIMES AND RELATED MATTERS

- Sec. 6401. Prohibition of arms sales to countries committing genocide or war crimes.
- Sec. 6402. Consideration of human rights and democratization in arms exports.
- Sec. 6403. Enhancement of congressional oversight of human rights in arms exports.
- Sec. 6404. End use monitoring of misuse of arms in human rights abuses.
- Sec. 6405. Definitions.

TITLE LXV—BURMA ACT OF 2022

- Sec. 6501. Short title.
- Sec. 6502. Definitions.

Subtitle A—Matters Relating to the Conflict in Burma

- Sec. 6511. Findings.
- Sec. 6512. Statement of policy.

Subtitle B—Sanctions and Policy Coordination With Respect to Burma

- Sec. 6521. Definitions.
- Sec. 6522. Imposition of sanctions with respect to human rights abuses and perpetration of a coup in Burma.
- Sec. 6523. Certification requirement for removal of certain persons from the list of specially designated nationals and blocked persons.
- Sec. 6524. Sanctions and policy coordination for Burma.
- Sec. 6525. Support for greater United Nations action with respect to Burma.
- Sec. 6526. Sunset.

Subtitle C—Humanitarian Assistance and Civil Society Support With Respect to Burma

- Sec. 6531. Support to civil society and independent media.
- Sec. 6532. Humanitarian assistance and reconciliation.

Sec. 6533. Authorization of assistance for Burma political prisoners.

Subtitle D—Accountability for Human Rights Abuses

Sec. 6541. Report on accountability for war crimes, crimes against humanity, and genocide in Burma.

Sec. 6542. Authorization to provide technical assistance for efforts against human rights abuses.

Subtitle E—Sanctions Exception Relating to Importation of Goods

Sec. 6551. Sanctions exception relating to importation of goods.

TITLE LXVI—PROMOTING AND ADVANCING COMMUNITIES OF
COLOR THROUGH INCLUSIVE LENDING ACT

Sec. 6601. Short title.

Subtitle A—Promoting and Advancing Communities of Color Through
Inclusive Lending

Sec. 6611. Strengthening diverse and mission-driven community financial institutions.

Sec. 6612. Capital investments, grants, and technology support for MDIs and CDFIs.

Sec. 6613. Supporting Young Entrepreneurs Program.

Sec. 6614. Map of minority depository institutions and community development financial institutions.

Sec. 6615. Report on certified community development financial institutions.

Sec. 6616. Consultation and minimization of data requests.

Sec. 6617. Access to the discount window of the Federal Reserve System for MDIs and CDFIs.

Sec. 6618. Study on securitization by CDFIs.

Subtitle B—Promoting New and Diverse Depository Institutions

Sec. 6621. Study and strategic plan.

Subtitle C—Ensuring Diversity in Community Banking

Sec. 6631. Short title.

Sec. 6632. Sense of Congress on funding the loan-loss reserve fund for small dollar loans.

Sec. 6633. Definitions.

Sec. 6634. Inclusion of women’s banks in the definition of minority depository institution.

Sec. 6635. Establishment of impact bank designation.

Sec. 6636. Minority Depositories Advisory Committees.

Sec. 6637. Federal deposits in minority depository institutions.

Sec. 6638. Minority Bank Deposit Program.

Sec. 6639. Diversity report and best practices.

Sec. 6640. Investments in minority depository institutions and impact banks.

Sec. 6641. Report on covered mentor-protege programs.

Sec. 6642. Custodial deposit program for covered minority depository institutions and impact banks.

Sec. 6643. Streamlined community development financial institution applications and reporting.

Sec. 6644. Task force on lending to small business concerns.

Sec. 6645. Discretionary surplus fund.

Subtitle D—Expanding Opportunity for Minority Depository Institutions

Sec. 6651. Establishment of Financial Agent Mentor-Protégé Program.

Subtitle E—CDFI Bond Guarantee Program Improvement

Sec. 6661. Sense of Congress.

Sec. 6662. Guarantees for bonds and notes issued for community or economic development purposes.

Sec. 6663. Report on the CDFI bond guarantee program.

TITLE LXVII—HOMELAND SECURITY PROVISIONS

Subtitle A—Strengthening Security of Our Communities

Sec. 6701. Nonprofit security grant program improvement.

Sec. 6702. National Computer Forensics Institute reauthorization.

Sec. 6703. Homeland security capabilities preservation.

Sec. 6704. School and daycare protection.

Sec. 6705. Reporting efficiently to proper officials in response to terrorism.

Sec. 6706. Cybersecurity grants for schools.

Subtitle B—Enhancing DHS Acquisitions and Supply Chain

Sec. 6721. Homeland procurement reform.

Sec. 6722. DHS software supply chain risk management.

Sec. 6723. Department of Homeland Security mentor-protégé program.

Sec. 6724. DHS Trade and Economic Security Council.

Sec. 6725. DHS acquisition reform.

Sec. 6726. DHS Acquisition Review Board.

Sec. 6727. DHS contract reporting.

Sec. 6728. Unmanned aerial security.

Subtitle C—Enhancing DHS Operations

Sec. 6731. Quadrennial homeland security review technical corrections.

Sec. 6732. Bombing prevention.

Sec. 6733. DHS basic training accreditation improvement.

Sec. 6734. Department of Homeland Security Inspector General transparency.

Sec. 6735. President's cup cybersecurity competition.

Sec. 6736. Industrial control systems cybersecurity training.

Sec. 6737. TSA reaching across nationalities, societies, and languages to advance traveler education.

Sec. 6738. Best practices related to certain information collected by rental companies and dealers (Darren Drake).

Sec. 6739. One-stop pilot program.

Sec. 6740. DHS illicit cross-border tunnel defense.

Sec. 6741. Prevent exposure to narcotics and toxics.

Subtitle D—Technical, Conforming, and Clerical Amendments

Sec. 6751. Technical, conforming, and clerical amendments.

TITLE LXVIII—FEDERAL EMERGENCY MANAGEMENT
ADVANCEMENT OF EQUITY

Sec. 6801. Definitions.

Subtitle A—Ensuring Equity in Federal Disaster Management

- Sec. 6811. Data collection, analysis, and criteria.
- Sec. 6812. Criteria for ensuring equity in policies and programs.
- Sec. 6813. Metrics; report.

Subtitle B—Operational Enhancement to Improve Equity in Federal Disaster Management

- Sec. 6821. Equity advisor.
- Sec. 6822. Equity Enterprise Steering Group.
- Sec. 6823. GAO review of equity reforms.

Subtitle C—GAO Review of Factors to Determine Assistance

- Sec. 6831. GAO review of factors to determine assistance.

TITLE LXIX—GLOBAL HEALTH SECURITY ACT OF 2022

- Sec. 6901. Short title.
- Sec. 6902. Findings.
- Sec. 6903. Statement of policy.
- Sec. 6904. Global Health Security Agenda Interagency Review Council.
- Sec. 6905. United States Coordinator for Global Health Security.
- Sec. 6906. Sense of Congress.
- Sec. 6907. Strategy and reports.
- Sec. 6908. Establishment of fund for global health security and pandemic preparedness.
- Sec. 6909. Fund authorities.
- Sec. 6910. Fund administration.
- Sec. 6911. Fund Advisory Board.
- Sec. 6912. Reports to Congress on the Fund.
- Sec. 6913. United States contributions.
- Sec. 6914. Compliance with the Foreign Aid Transparency and Accountability Act of 2016.
- Sec. 6915. Definitions.
- Sec. 6916. Sunset.

TITLE LXX—PROTECTION OF SAUDI DISSIDENTS

- Sec. 7001. Restrictions on transfers of defense articles and services, design and construction services, and major defense equipment to Saudi Arabia.
- Sec. 7002. Report on consistent pattern of acts of intimidation or harassment directed against individuals in the United States.
- Sec. 7003. Report and certification with respect to Saudi diplomats and diplomatic facilities in the United States.
- Sec. 7004. Report on the duty to warn obligation of the Government of the United States.

TITLE LXXI—COLORADO AND GRAND CANYON PUBLIC LANDS

- Sec. 7101. Definition of State.

Subtitle A—Continental Divide

- Sec. 7111. Definitions.
- Sec. 7112. Colorado Wilderness additions.

- Sec. 7113. Williams Fork Mountains potential wilderness.
- Sec. 7114. Tenmile Recreation Management Area.
- Sec. 7115. Porcupine Gulch Wildlife Conservation Area.
- Sec. 7116. Williams Fork Mountains Wildlife Conservation Area.
- Sec. 7117. Spraddle Creek Wildlife Conservation Area.
- Sec. 7118. Camp Hale National Historic Landscape.
- Sec. 7119. White River National Forest boundary modification.
- Sec. 7120. Rocky Mountain National Park potential wilderness boundary adjustment.
- Sec. 7121. Administrative provisions.

Subtitle B—San Juan Mountains

- Sec. 7131. Definitions.
- Sec. 7132. Additions to National Wilderness Preservation System.
- Sec. 7133. Special management areas.
- Sec. 7134. Release of wilderness study areas.
- Sec. 7135. Administrative provisions.

Subtitle C—Thompson Divide

- Sec. 7141. Purposes.
- Sec. 7142. Definitions.
- Sec. 7143. Thompson Divide Withdrawal and Protection Area.
- Sec. 7144. Thompson Divide lease credits.
- Sec. 7145. Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program.
- Sec. 7146. Effect.

Subtitle D—Curecanti National Recreation Area

- Sec. 7151. Definitions.
- Sec. 7152. Curecanti National Recreation Area.
- Sec. 7153. Acquisition of land; boundary management.
- Sec. 7154. General management plan.
- Sec. 7155. Boundary survey.

Subtitle E—Grand Canyon Protection

- Sec. 7161. Withdrawal of Certain Federal land in the State of Arizona.

DIVISION G—DON YOUNG COAST GUARD AUTHORIZATION ACT OF 2022

- Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.
- Sec. 103. Shoreside infrastructure and facilities.
- Sec. 104. Availability of amounts for acquisition of additional cutters.

TITLE II—COAST GUARD

Subtitle A—Military Personnel Matters

- Sec. 201. Authorized strength.
- Sec. 202. Continuation of officers with certain critical skills on active duty.

- Sec. 203. Number and distribution of officers on active duty promotion list.
- Sec. 204. Coast Guard behavioral health policy.
- Sec. 205. Improving representation of women and of racial and ethnic minorities among Coast Guard active-duty members.

Subtitle B—Operational Matters

- Sec. 206. Pilot project for enhancing Coast Guard cutter readiness through condition-based maintenance.
- Sec. 207. Unmanned systems strategy.
- Sec. 208. Budgeting of Coast Guard relating to certain operations.
- Sec. 209. Report on San Diego maritime domain awareness.
- Sec. 210. Great Lakes winter shipping.
- Sec. 211. Center of expertise for Great Lakes oil spill search and response.
- Sec. 212. Study on laydown of Coast Guard cutters.

Subtitle C—Other Matters

- Sec. 213. Responses of Commandant of the Coast Guard to safety recommendations.
- Sec. 214. Conveyance of Coast Guard vessels for public purposes.
- Sec. 215. Acquisition life-cycle cost estimates.
- Sec. 216. National Coast Guard Museum funding plan.
- Sec. 217. Report on Coast Guard explosive ordnance disposal.
- Sec. 218. Pribilof Island transition completion actions.
- Sec. 219. Notification of communication outages.

TITLE III—MARITIME

Subtitle A—Shipping

- Sec. 301. Nonoperating individual.
- Sec. 302. Oceanographic research vessels.
- Sec. 303. Atlantic Coast port access routes briefing.

Subtitle B—Vessel Safety

- Sec. 304. Fishing vessel safety.
- Sec. 305. Requirements for DUKW-type amphibious passenger vessels.
- Sec. 306. Exoneration and limitation of liability for small passengers vessels.
- Sec. 307. Automatic identification system requirements.

Subtitle C—Shipbuilding Program

- Sec. 308. Qualified vessel.
- Sec. 309. Establishing a capital construction fund.

TITLE IV—FEDERAL MARITIME COMMISSION

- Sec. 401. Terms and vacancies.

TITLE V—MISCELLANEOUS

Subtitle A—Navigation

- Sec. 501. Restriction on changing salvors.
- Sec. 502. Providing requirements for vessels anchored in established anchorage grounds.
- Sec. 503. Aquatic Nuisance Species Task Force.

Sec. 504. Limitation on recovery for certain injuries incurred in aquaculture activities.

Subtitle B—Other Matters

Sec. 505. Information on type approval certificates.
 Sec. 506. Passenger vessel security and safety requirements.
 Sec. 507. Cargo waiting time reduction.
 Sec. 508. Limited indemnity provisions in standby oil spill response contracts.
 Sec. 509. Port Coordination Council for Point Spencer.
 Sec. 510. Western Alaska oil spill planning criteria.
 Sec. 511. Nonapplicability.
 Sec. 512. Report on enforcement of coastwise laws.
 Sec. 513. Land conveyance, Sharpe Army Depot, Lathrop, California.
 Sec. 514. Center of Expertise for Marine Environmental Response.
 Sec. 515. Prohibition on entry and operation.
 Sec. 516. St. Lucie River railroad bridge.
 Sec. 517. Assistance related to marine mammals.
 Sec. 518. Manning and crewing requirements for certain vessels, vehicles, and structures.

TITLE VI—SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION AND RESPONSE

Sec. 601. Definitions.
 Sec. 602. Convicted sex offender as grounds for denial.
 Sec. 603. Sexual harassment or sexual assault as grounds for suspension or revocation.
 Sec. 604. Accommodation; notices.
 Sec. 605. Protection against discrimination.
 Sec. 606. Alcohol prohibition.
 Sec. 607. Surveillance requirements.
 Sec. 608. Master key control.
 Sec. 609. Safety management systems.
 Sec. 610. Requirement to report sexual assault and harassment.
 Sec. 611. Civil actions for personal injury or death of seamen.
 Sec. 612. Administration of sexual assault forensic examination kits.

TITLE VII—TECHNICAL AND CONFORMING PROVISIONS

Sec. 701. Technical corrections.
 Sec. 702. Transportation worker identification credential technical amendments.
 Sec. 703. Reinstatement.

DIVISION H—FINANCIAL TRANSPARENCY

Sec. 1. Short title; table of contents.
 Sec. 2. Deeming.

TITLE I—DEPARTMENT OF THE TREASURY

Sec. 101. Data standards.
 Sec. 102. Open data publication by the Department of the Treasury.
 Sec. 103. Rulemaking.
 Sec. 104. No new disclosure requirements.
 Sec. 105. Report.

TITLE II—SECURITIES AND EXCHANGE COMMISSION

- Sec. 201. Data standards requirements for the Securities and Exchange Commission.
- Sec. 202. Open data publication by the Securities and Exchange Commission.
- Sec. 203. Data transparency at the Municipal Securities Rulemaking Board.
- Sec. 204. Data transparency at national securities associations.
- Sec. 205. Shorter-term burden reduction and disclosure simplification at the Securities and Exchange Commission; sunset.
- Sec. 206. No new disclosure requirements.

TITLE III—FEDERAL DEPOSIT INSURANCE CORPORATION

- Sec. 301. Data standards requirements for the Federal Deposit Insurance Corporation.
- Sec. 302. Open data publication by the Federal Deposit Insurance Corporation.
- Sec. 303. Rulemaking.
- Sec. 304. No new disclosure requirements.

TITLE IV—OFFICE OF THE COMPTROLLER OF THE CURRENCY

- Sec. 401. Data standards and open data publication requirements for the Office of the Comptroller of the Currency.
- Sec. 402. Rulemaking.
- Sec. 403. No new disclosure requirements.

TITLE V—BUREAU OF CONSUMER FINANCIAL PROTECTION

- Sec. 501. Data standards and open data publication requirements for the Bureau of Consumer Financial Protection.
- Sec. 502. Rulemaking.
- Sec. 503. No new disclosure requirements.

TITLE VI—FEDERAL RESERVE SYSTEM

- Sec. 601. Data standards requirements for the Board of Governors of the Federal Reserve System.
- Sec. 602. Open data publication by the Board of Governors of the Federal Reserve System.
- Sec. 603. Rulemaking.
- Sec. 604. No new disclosure requirements.

TITLE VII—NATIONAL CREDIT UNION ADMINISTRATION

- Sec. 701. Data standards.
- Sec. 702. Open data publication by the National Credit Union Administration.
- Sec. 703. Rulemaking.
- Sec. 704. No new disclosure requirements.

TITLE VIII—FEDERAL HOUSING FINANCE AGENCY

- Sec. 801. Data standards requirements for the Federal Housing Finance Agency.
- Sec. 802. Open data publication by the Federal Housing Finance Agency.
- Sec. 803. Rulemaking.
- Sec. 804. No new disclosure requirements.

TITLE IX—MISCELLANEOUS

- Sec. 901. Rules of construction.
- Sec. 902. Classified and protected information.
- Sec. 903. Discretionary surplus fund.

DIVISION I—PUBLIC LANDS

- Sec. 1. Short title; table of contents.

TITLE I—COLORADO WILDERNESS

- Sec. 101. Short title; definition.
- Sec. 102. Additions to National Wilderness Preservation System in the State of Colorado.
- Sec. 103. Administrative provisions.
- Sec. 104. Water.
- Sec. 105. Sense of Congress.
- Sec. 106. 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.

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

- Sec. 201. Short title.
- Sec. 202. Definitions.

Subtitle A—Restoration and Economic Development

- Sec. 211. South Fork Trinity-Mad River Restoration Area.
- Sec. 212. Redwood National and State Parks restoration.
- Sec. 213. California Public Lands Remediation Partnership.
- Sec. 214. Trinity Lake visitor center.
- Sec. 215. Del Norte County visitor center.
- Sec. 216. Management plans.
- Sec. 217. Study; partnerships related to overnight accommodations.

Subtitle B—Recreation

- Sec. 221. Horse Mountain Special Management Area.
- Sec. 222. Bigfoot National Recreation Trail.
- Sec. 223. Elk Camp Ridge Recreation Trail.
- Sec. 224. Trinity Lake Trail.
- Sec. 225. Trails study.
- Sec. 226. Construction of mountain bicycling routes.
- Sec. 227. Partnerships.

Subtitle C—Conservation

- Sec. 231. Designation of wilderness.
- Sec. 232. Administration of wilderness.
- Sec. 233. Designation of potential wilderness.
- Sec. 234. Designation of wild and scenic rivers.
- Sec. 235. Sanhedrin Special Conservation Management Area.

Subtitle D—Miscellaneous

- Sec. 241. Maps and legal descriptions.

- Sec. 242. Updates to land and resource management plans.
- Sec. 243. Pacific Gas and Electric Company Utility facilities and rights-of-way.

TITLE III—CENTRAL COAST HERITAGE PROTECTION

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. Designation of wilderness.
- Sec. 304. Designation of the Machesna Mountain Potential Wilderness.
- Sec. 305. Administration of wilderness.
- Sec. 306. Designation of Wild and Scenic Rivers.
- Sec. 307. Designation of the Fox Mountain Potential Wilderness.
- Sec. 308. Designation of scenic areas.
- Sec. 309. Condor National Scenic Trail.
- Sec. 310. Forest service study.
- Sec. 311. Nonmotorized recreation opportunities.
- Sec. 312. Use by members of Tribes.

TITLE IV—SAN GABRIEL MOUNTAINS FOOTHILLS AND RIVERS PROTECTION

- Sec. 401. Short title.
- Sec. 402. Definition of State.

Subtitle A—San Gabriel National Recreation Area

- Sec. 411. Purposes.
- Sec. 412. Definitions.
- Sec. 413. San Gabriel National Recreation Area.
- Sec. 414. Management.
- Sec. 415. Acquisition of non-Federal land within Recreation Area.
- Sec. 416. Water rights; water resource facilities; public roads; utility facilities.
- Sec. 417. San Gabriel National Recreation Area Public Advisory Council.
- Sec. 418. San Gabriel National Recreation Area Partnership.
- Sec. 419. Visitor services and facilities.

Subtitle B—San Gabriel Mountains

- Sec. 421. Definitions.
- Sec. 422. National monument boundary modification.
- Sec. 423. Designation of Wilderness Areas and Additions.
- Sec. 424. Administration of Wilderness Areas and Additions.
- Sec. 425. Designation of Wild and Scenic Rivers.
- Sec. 426. Water rights.

TITLE V—RIM OF THE VALLEY CORRIDOR PRESERVATION

- Sec. 501. Short title.
- Sec. 502. Boundary adjustment; land acquisition; administration.

TITLE VI—WILD OLYMPICS WILDERNESS AND WILD AND SCENIC RIVERS

- Sec. 601. Short title.
- Sec. 602. Designation of olympic national forest wilderness areas.
- Sec. 603. Wild and scenic river designations.
- Sec. 604. Existing rights and withdrawal.
- Sec. 605. Treaty rights.

TITLE VII—CERRO DE LA OLLA WILDERNESS ESTABLISHMENT

Sec. 701. Designation of Cerro de la Olla Wilderness.

TITLE VIII—STUDY ON FLOOD RISK MITIGATION

Sec. 801. Study on Flood Risk Mitigation.

TITLE IX—MISCELLANEOUS

Sec. 901. Promoting health and wellness for veterans and servicemembers.

Sec. 902. Fire, insects, and diseases.

Sec. 903. Military activities.

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

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

5 **DIVISION A—DEPARTMENT OF**
6 **DEFENSE AUTHORIZATIONS**

7 **TITLE I—PROCUREMENT**
8 **Subtitle A—Authorization of**
9 **Appropriations**

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

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2023 for procurement for the Army, the Navy
13 and the Marine Corps, the Air Force and the Space Force,
14 and Defense-wide activities, as specified in the funding
15 table in section 4101.

16 **Subtitle B—Navy Programs**

17 **SEC. 111. REQUIREMENTS RELATING TO EA-18G AIRCRAFT**
18 **OF THE NAVY.**

19 Section 8062 of title 10, United States Code, is
20 amended—

1 (1) by redesignating subsection (f) as sub-
2 section (g); and

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

5 “(f)(1)(A) The Secretary of the Navy may not—

6 “(i) retire an EA–18G aircraft;

7 “(ii) prepare to retire an EA–18G aircraft;

8 “(iii) place an EA–18G aircraft in active
9 storage status or inactive storage status; or

10 “(iv) keep an EA–18G aircraft in a status
11 considered excess to the requirements of the
12 possessing command and awaiting disposition
13 instructions.

14 “(B) The prohibition under subparagraph (A)
15 shall not apply to individual EA–18G aircraft that
16 the Secretary of the Navy determines, on a case-by-
17 case basis, to be no longer mission capable and un-
18 economical to repair because of aircraft accidents or
19 mishaps.

20 “(2)(A) Beginning on October 1, 2022, the Secretary
21 of the Navy shall maintain a total aircraft inventory of
22 EA–18G aircraft of not less than 158 aircraft, of which
23 not less than 126 aircraft shall be coded as primary mis-
24 sion aircraft inventory.

1 “(B) The Secretary of the Navy may reduce the num-
 2 ber of EA–18G aircraft in the inventory of the Navy below
 3 the minimum number specified in subparagraph (A) if the
 4 Secretary determines on a case-by-case basis, that an air-
 5 craft is no longer mission capable and uneconomical to re-
 6 pair because of aircraft accidents or mishaps.

7 “(C) In this paragraph, the term ‘primary mission
 8 aircraft inventory’ means aircraft assigned to meet the
 9 primary aircraft authorization—

10 “(i) to a unit for the performance of its war-
 11 time mission;

12 “(ii) to a training unit for technical and special-
 13 ized training for crew personnel or leading to air-
 14 crew qualification;

15 “(iii) to a test unit for testing of the aircraft
 16 or its components for purposes of research, develop-
 17 ment, test, and evaluation, operational test and eval-
 18 uation, or to support testing programs; or

19 “(iv) to meet requirements for missions not oth-
 20 erwise specified in clauses (i) through (iii).”.

21 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR**
 22 **ARLEIGH BURKE CLASS DESTROYERS.**

23 (a) FINDINGS; SENSE OF CONGRESS.—

24 (1) FINDINGS.—Congress makes the following
 25 findings:

1 (A) The DDG Flight III destroyer is the
2 most capable large surface combatant in the
3 world-wide inventory of the Department of De-
4 fense.

5 (B) The Department plans to retire 18
6 large surface combatants over the next five
7 years.

8 (C) Under the future-years defense plan,
9 the Department plans to procure two DDGs per
10 year over the next five years.

11 (2) SENSE OF CONGRESS.—It is the sense of
12 Congress that—

13 (A) the loss of aggregate fire power due to
14 the retirement of 18 large surface combatants
15 over the next five years is cause for concern;

16 (B) the Department should continue to
17 procure large surface combatants at the fastest
18 possible rate based on industrial base capacity;
19 and

20 (C) the Department should maximize sav-
21 ings and provide stability to the large surface
22 combatant industrial base through the use of
23 multiyear procurement contracts for the max-
24 imum number of ships, realized at a consistent
25 number of ships per year.

1 (b) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

2 Subject to section 3501 of title 10, United States Code,
3 the Secretary of the Navy may enter into one or more
4 multiyear contracts for the procurement of up to 15
5 Arleigh Burke class Flight III guided missile destroyers.

6 (c) AUTHORITY FOR ADVANCE PROCUREMENT.—The

7 Secretary of the Navy may enter into one or more con-
8 tracts, beginning in fiscal year 2023, for advance procure-
9 ment associated with the destroyers for which authoriza-
10 tion to enter into a multiyear procurement contract is pro-
11 vided under subsection (b), and for systems and sub-
12 systems associated with such destroyers in economic order
13 quantities when cost savings are achievable.

14 (d) CONDITION FOR OUT-YEAR CONTRACT PAY-

15 MENTS.—A contract entered into under subsection (b)
16 shall provide that any obligation of the United States to
17 make a payment under the contract for a fiscal year after
18 fiscal year 2023 is subject to the availability of appropria-
19 tions or funds for that purpose for such later fiscal year.

20 (e) LIMITATION.—The Secretary of the Navy may

21 not modify a contract entered into under subsection (b)
22 if the modification would increase the target price of the
23 destroyer by more than 10 percent above the target price
24 specified in the original contract or the destroyer under
25 subsection (b).

1 **SEC. 113. AUTHORITY FOR PROCUREMENT OF ADDITIONAL**
2 **ARLEIGH BURKE CLASS DESTROYER.**

3 (a) **PROCUREMENT AUTHORITY.**—The Secretary of
4 the Navy may procure one Arleigh Burke class Flight III
5 guided missile destroyer, in addition to any other procure-
6 ment of such destroyers otherwise authorized by law, to
7 be procured either—

8 (1) as an addition to the contract covering up
9 to 15 such destroyers authorized to be procured
10 under section 112 of this Act; or

11 (2) under a separate contract entered into in
12 fiscal year 2023.

13 (b) **INCREMENTAL FUNDING.**—With respect to a con-
14 tract for the procurement of the destroyer authorized
15 under subsection (a), the Secretary of the Navy may use
16 incremental funding to make payments under the con-
17 tract.

18 (c) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
19 **MENTS.**—A contract for the procurement of the destroyer
20 authorized under subsection (a) shall provide that any ob-
21 ligation of the United States to make a payment under
22 the contract for a fiscal year after fiscal year 2023 is sub-
23 ject to the availability of appropriations or funds for that
24 purpose for such later fiscal year.

1 **SEC. 114. AUTHORITY FOR CERTAIN PROCUREMENTS FOR**
2 **THE SHIP-TO-SHORE CONNECTOR PROGRAM.**

3 (a) **CONTRACT AUTHORITY.**—The Secretary of the
4 Navy may enter into one or more contracts, beginning
5 with fiscal year 2023, for the procurement of up to 25
6 Ship-to-Shore Connector class craft and associated mate-
7 rial.

8 (b) **LIABILITY.**—Any contract entered into under
9 subsection (a) shall provide that—

10 (1) any obligation of the United States to make
11 a payment under the contract is subject to the avail-
12 ability of appropriations for that purpose; and

13 (2) that total liability of the Federal Govern-
14 ment for termination of any contract entered into
15 shall be limited to the total amount of funding obli-
16 gated to the contract at time of termination.

17 **SEC. 115. AUTHORITY TO PROCURE AIRFRAMES AND EN-**
18 **GINES FOR CH-53K KING STALLION HEAVY-**
19 **LIFT HELICOPTERS.**

20 (a) **CONTRACT AUTHORITY.**—During fiscal years
21 2023 and 2024, the Secretary of the Navy may enter
22 into—

23 (1) a single contract for the procurement of up
24 to 30 airframes in support of the CH-53K heavy-lift
25 helicopter program; and

1 (2) a single contract for the procurement of up
2 to 90 engines in support of such program.

3 (b) LIABILITY.—Any contract entered into under
4 subsection (a) shall provide that—

5 (1) any obligation of the United States to make
6 a payment under the contract is subject to the avail-
7 ability of appropriations for that purpose; and

8 (2) that total liability of the Federal Govern-
9 ment for termination of any contract entered into
10 shall be limited to the total amount of funding obli-
11 gated to the contract at time of termination.

12 **SEC. 116. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
13 **RETIREMENT OF HSC-85 AIRCRAFT.**

14 (a) PROHIBITIONS.—None of the funds authorized to
15 be appropriated by this Act or otherwise made available
16 for fiscal year 2023 for the Navy may be obligated or ex-
17 pended—

18 (1) to retire, prepare to retire, transfer, or
19 place in storage any Helicopter Sea Combat Squad-
20 ron 85 aircraft (referred to in this section as an
21 “HSC-85 aircraft”); or

22 (2) to make any changes to manning levels with
23 respect to any HSC-85 aircraft squadron.

24 (b) REPORT REQUIRED.—The Secretary of the Navy,
25 in consultation with the Commander of the United States

1 Special Operations Command, shall submit to the congres-
2 sional defense committees a report that includes—

3 (1) an explanation of the operational impact of
4 divestment of HSC–85 aircraft on the training and
5 readiness of Navy special warfare units and missions
6 based in the west coast of the United States;

7 (2) the estimated costs of sustaining HSC–85
8 aircraft at full operational capability from fiscal year
9 2024 through fiscal year 2028;

10 (3) a proposed cost sharing arrangement be-
11 tween the Navy and the United States Special Oper-
12 ations Command for sustaining HSC–85 aircraft at
13 full operational capabilities from fiscal year 2024
14 through fiscal year 2028;

15 (4) identification of a replacement capability
16 that would be available if prioritized and directed by
17 the Secretary of Defense and would meet all oper-
18 ational requirements, including special operational-
19 peculiar requirements of the combatant commands,
20 that are fulfilled by HSC–85 aircraft as of the date
21 of the report; and

22 (5) an estimate of the costs and a proposed
23 schedule for establishing the replacement capability
24 identified in paragraph (4) over the period of five
25 years following the date of the report.

1 **SEC. 117. QUARTERLY BRIEFINGS ON THE CH-53K KING**
2 **STALLION HELICOPTER PROGRAM.**

3 (a) IN GENERAL.—Not later than 30 days after the
4 date of the enactment of this Act, and on a quarterly basis
5 thereafter through the end of fiscal year 2024, the Sec-
6 retary of the Navy shall provide to the Committee on
7 Armed Services of the House of Representatives a briefing
8 on the progress of the CH-53K King Stallion helicopter
9 program.

10 (b) ELEMENTS.—Each briefing under subsection (a)
11 shall include, with respect to the CH-53K King Stallion
12 helicopter program, the following:

13 (1) An overview of the program schedule.

14 (2) A statement of the total cost of the program
15 as of the date of the briefing, including the cost of
16 development, testing, and production.

17 (3) A comparison of the total cost of the pro-
18 gram relative to the original acquisition program
19 baseline and the most recently approved acquisition
20 program baseline as of the date of the briefing.

21 (4) An assessment of the flight testing that re-
22 mains to be conducted under the program, including
23 any testing required for validation of correction of
24 technical deficiencies.

25 (5) An update on the status of the correction
26 of technical deficiencies under the program and any

1 effects on the program schedule resulting from the
2 discovery and correction of such deficiencies.

3 (c) CONFORMING REPEAL.—Section 132 of the Na-
4 tional Defense Authorization Act for Fiscal Year 2020
5 (Public Law 116–92; 133 Stat. 1238) is repealed.

6 **SEC. 118. FUNDING FOR ADDITIONAL JOINT STRIKE FIGHT-**
7 **ER AIRCRAFT.**

8 (a) INCREASE.—Notwithstanding the amounts set
9 forth in the funding tables in division D, the amount au-
10 thorized to be appropriated in section 101 for aircraft pro-
11 curement, Navy, as specified in the corresponding funding
12 table in section 4101, for Joint Strike Fighter CV, line
13 002, is hereby increased by \$354,000,000 (with the
14 amount of such increase to used for the procurement of
15 three additional Joint Strike Fighter aircraft).

16 (b) OFFSETS.—

17 (1) Notwithstanding the amounts set forth in
18 the funding tables in division D, the amount author-
19 ized to be appropriated in section 301 for operation
20 and maintenance, Army, as specified in the cor-
21 responding funding table in section 4301, for oper-
22 ating forces, maneuver units, line 010, is hereby re-
23 duced by \$50,000,000.

24 (2) Notwithstanding the amounts set forth in
25 the funding tables in division D, the amount author-

1 ized to be appropriated in section 301 for operation
2 and maintenance, Army, as specified in the cor-
3 responding funding table in section 4301, for oper-
4 ating forces, aviation assets, line 060, is hereby re-
5 duced by \$100,000,000.

6 (3) Notwithstanding the amounts set forth in
7 the funding tables in division D, the amount author-
8 ized to be appropriated in section 301 for operation
9 and maintenance, Army, as specified in the cor-
10 responding funding table in section 4301, for train-
11 ing and recruiting, training support, line 340, is
12 hereby reduced by \$16,000,000.

13 (4) Notwithstanding the amounts set forth in
14 the funding tables in division D, the amount author-
15 ized to be appropriated in section 301 for operation
16 and maintenance, Army, as specified in the cor-
17 responding funding table in section 4301, for admin-
18 istration and service-wide activities, other personnel
19 support, line 480, is hereby reduced by \$23,000,000.

20 (5) Notwithstanding the amounts set forth in
21 the funding tables in division D, the amount author-
22 ized to be appropriated in section 301 for operation
23 and maintenance, Navy, as specified in the cor-
24 responding funding table in section 4301, for oper-

1 ating forces, weapons maintenance, line 250, is here-
2 by reduced by \$62,500,000.

3 (6) Notwithstanding the amounts set forth in
4 the funding tables in division D, the amount author-
5 ized to be appropriated in section 301 for operation
6 and maintenance, Navy, as specified in the cor-
7 responding funding table in section 4301, for admin-
8 istration and service-wide activities, military man-
9 power and personnel management, line 470, is here-
10 by reduced by \$30,000,000.

11 (7) Notwithstanding the amounts set forth in
12 the funding tables in division D, the amount author-
13 ized to be appropriated in section 301 for operation
14 and maintenance, Marine Corps, as specified in the
15 corresponding funding table in section 4301, for op-
16 erating forces, operational forces, line 010, is hereby
17 reduced by \$16,500,000.

18 (8) Notwithstanding the amounts set forth in
19 the funding tables in division D, the amount author-
20 ized to be appropriated in section 301 for operation
21 and maintenance, Air Force, as specified in the cor-
22 responding funding table in section 4301, for oper-
23 ating forces, base support, line 090, is hereby re-
24 duced by \$56,000,000.

1 **SEC. 119. REPORT ON ADVANCE PROCUREMENT FOR CVN-**
2 **82 AND CVN-83.**

3 (a) REPORT.—Not later than February 1, 2023, the
4 Secretary of the Navy shall submit to the congressional
5 defense committees a report on the plan of the Navy for
6 advance procurement for the aircraft carriers designated
7 CVN-82 and CVN-83.

8 (b) ELEMENTS.—The report required by subsection
9 (a) shall include an assessment of—

10 (1) the value, cost, and feasibility of a two-year
11 advance procurement for a single aircraft carrier ac-
12 quisition strategy;

13 (2) the value, cost, and feasibility of a three-
14 year advance procurement for a single aircraft car-
15 rier acquisition strategy;

16 (3) the value, cost, and feasibility of a two-year
17 advance procurement for a two aircraft carrier ac-
18 quisition strategy;

19 (4) the value, cost, and feasibility of a three-
20 year advance procurement for a two aircraft carrier
21 acquisition strategy; and

22 (5) the effect of a multiple carrier acquisition
23 plan on force development and fleet capability.

1 **SEC. 119A. REPORT ON APPLICABILITY OF DDG(X) ELEC-**
2 **TRIC-DRIVE PROPULSION SYSTEM.**

3 Not later than 30 days after the date of the enact-
4 ment of this Act, the Secretary of the Navy shall submit
5 to the congressional defense committees a report that in-
6 cludes an analysis of—

7 (1) the power and propulsion requirements for
8 the DDG(X) destroyer;

9 (2) how such requirements compare to the
10 power and propulsion requirements for the DDG–
11 1000 Zumwalt class destroyer and the DDG–51
12 Arleigh Burke class destroyer, respectively;

13 (3) the ability of the Navy to leverage existing
14 investments in the electric-drive propulsion system
15 developed for the DDG(X) destroyer to reduce cost
16 and risk; and

17 (4) the ability to design and manufacture com-
18 ponents for such system in the United States.

19 **SEC. 119B. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
20 **DISPOSAL OF LITTORAL COMBAT SHIPS.**

21 (a) PROHIBITION.—None of the funds authorized to
22 appropriated by this Act or otherwise made available for
23 fiscal year 2023 for the Navy may be obligated or ex-
24 pended to dispose of or dismantle a Littoral Combat Ship.

25 (b) EXCEPTION.—The prohibition under subsection
26 (a) shall not apply to the transfer of a Littoral Combat

1 Ship to the military forces of a nation that is an ally or
 2 partner of the United States.

3 **Subtitle C—Air Force Programs**

4 **SEC. 121. MODIFICATION OF INVENTORY REQUIREMENTS** 5 **FOR AIRCRAFT OF THE COMBAT AIR FORCES.**

6 (a) TOTAL FIGHTER AIRCRAFT INVENTORY RE-
 7 QUIREMENTS.—Section 9062(i)(1) of title 10, United
 8 States Code, is amended by striking “1,970” and inserting
 9 “1,800”.

10 (b) A–10 MINIMUM INVENTORY REQUIREMENTS.—

11 (1) Section 134(d) of the National Defense Au-
 12 thorization Act for Fiscal Year 2017 (Public Law
 13 114–328; 130 Stat. 2038) is amended by striking
 14 “171” and inserting “153”.

15 (2) Section 142(b)(2) of the National Defense
 16 Authorization Act for Fiscal Year 2016 (Public Law
 17 114–92; 129 Stat. 755) is amended by striking
 18 “171” and inserting “153”.

19 (c) MODIFICATION OF LIMITATION ON AVAILABILITY
 20 OF FUNDS FOR DESTRUCTION OF A–10 AIRCRAFT IN
 21 STORAGE STATUS.—Section 135(a) of the National De-
 22 fense Authorization Act for Fiscal Year 2017 (Public Law
 23 114–328; 130 Stat. 2039) is amended by striking “the
 24 report required under section 134(e)(2)” and inserting “a

1 report that includes the information described in section
2 134(e)(2)(C)’’.

3 **SEC. 122. MODIFICATION OF MINIMUM INVENTORY RE-**
4 **QUIREMENT FOR AIR REFUELING TANKER**
5 **AIRCRAFT.**

6 (a) MINIMUM INVENTORY REQUIREMENT.—

7 (1) IN GENERAL.—Section 9062(j) of title 10,
8 United States Code, is amended—

9 (A) by striking “effective October 1,
10 2019,”; and

11 (B) by striking “479” each place it ap-
12 pears and inserting “466”.

13 (2) EFFECTIVE DATE.—The amendments made
14 by paragraph (1) shall take effect on October 1,
15 2022.

16 (b) PROHIBITION ON REDUCTION OF KC-135 AIR-
17 CRAFT IN PMAI OF THE RESERVE COMPONENTS.—

18 (1) IN GENERAL.—None of the funds author-
19 ized to be appropriated by this Act or otherwise
20 made available for fiscal year 2023 for the Air Force
21 may be obligated or expended to reduce the number
22 of KC-135 aircraft designated as primary mission
23 aircraft inventory within the reserve components of
24 the Air Force.

1 (2) PRIMARY MISSION AIRCRAFT INVENTORY
2 DEFINED.—In this subsection, the term “primary
3 mission aircraft inventory” has the meaning given
4 that term in section 9062(i)(2)(B) of title 10,
5 United States Code.

6 **SEC. 123. REQUIREMENTS RELATING TO F-22 AIRCRAFT.**

7 Section 9062 of title 10, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(k)(1)(A) The Secretary of the Air Force may not—

11 “(i) retire an F-22 aircraft;

12 “(ii) prepare to retire an F-22 aircraft; or

13 “(iii) keep an F-22 aircraft in a status

14 considered excess to the requirements of the

15 possessing command and awaiting disposition

16 instructions (commonly referred to as ‘XJ’ sta-

17 tus).

18 “(B) The prohibition under subparagraph (A)

19 shall not apply to individual F-22 aircraft that the

20 Secretary of the Air Force determines, on a case-by-

21 case basis, to be no longer mission capable and un-

22 economical to repair because of aircraft accidents or

23 mishaps.

1 “(2)(A) Beginning on October 1, 2022, the Secretary
2 of the Air Force shall maintain a total aircraft inventory
3 of F–22 aircraft of not less than 186 aircraft.

4 “(B) The Secretary of the Air Force may reduce the
5 number of F–22 aircraft in the inventory of the Air Force
6 below the minimum number specified in subparagraph (A)
7 if the Secretary determines on a case-by-case basis, that
8 an aircraft is no longer mission capable and uneconomical
9 to repair because of aircraft accidents or mishaps.

10 “(3) Not later than October 1, 2029, the Secretary
11 of the Air Force shall ensure that all F–22 aircraft of the
12 Air Force are equipped with—

13 “(A) Block 30/35 mission systems, sensors, and
14 weapon employment capabilities; or

15 “(B) mission systems, sensors, and weapon em-
16 ployment capabilities more advanced than those de-
17 scribed in subparagraph (A).”.

18 **SEC. 124. MODIFICATION OF INVENTORY REQUIREMENTS**
19 **AND LIMITATIONS RELATING TO CERTAIN**
20 **AIR REFUELING TANKER AIRCRAFT.**

21 Section 137 of the National Defense Authorization
22 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
23 1576) is amended—

24 (1) by striking subsection (b); and

1 (2) by redesignating subsections (c) and (d) as
2 subsections (b) and (c), respectively.

3 **SEC. 125. REPEAL OF AIR FORCE E-8C FORCE PRESEN-**
4 **TATION REQUIREMENT.**

5 Section 147 of the John S. McCain National Defense
6 Authorization Act for Fiscal Year 2019 (Public Law 115–
7 232; 132 Stat. 1669) is amended by striking subsection
8 (f).

9 **SEC. 126. MINIMUM INVENTORY OF C-130 AIRCRAFT.**

10 (a) MINIMUM INVENTORY REQUIREMENT.—

11 (1) IN GENERAL.—During the covered period,
12 the Secretary of the Air Force shall maintain a total
13 inventory of C-130 aircraft of not less than 271 air-
14 craft.

15 (2) EXCEPTION .—The Secretary of the Air
16 Force may reduce the number of C-130 aircraft in
17 the Air Force below the minimum number specified
18 in subsection (a) if the Secretary determines, on a
19 case-by-case basis, that an aircraft is no longer mis-
20 sion capable because of a mishap or other damage.

21 (3) COVERED PERIOD DEFINED.—In this sub-
22 section, the term “covered period” means the pe-
23 riod—

24 (A) beginning at the close of the period de-
25 scribed in section 138(c) of the National De-

1 fense Authorization Act for Fiscal Year 2022
2 (Public Law 117–81; 135 Stat. 1577); and
3 (B) ending on October 1, 2028.

4 (b) PROHIBITION ON REDUCTION OF C–130 AIR-
5 CRAFT ASSIGNED TO NATIONAL GUARD.—

6 (1) IN GENERAL.—During fiscal year 2023, the
7 Secretary of the Air Force may not reduce the total
8 number of C–130 aircraft assigned to the National
9 Guard below the number so assigned as of the date
10 of the enactment of this Act.

11 (2) EXCEPTION.—The prohibition under para-
12 graph (1) shall not apply to an individual C–130 air-
13 craft that the Secretary of the Air Force determines,
14 on a case-by-case basis, to be no longer mission ca-
15 pable because of a mishap or other damage.

16 **SEC. 127. AUTHORITY TO PROCURE UPGRADED EJECTION**
17 **SEATS FOR CERTAIN T–38A AIRCRAFT.**

18 The Secretary of the Air Force is authorized to pro-
19 cure upgraded ejection seats for—

20 (1) all T–38A aircraft of the Air Force Global
21 Strike Command that have not received an upgraded
22 ejection seat under the T–38 Ejection Seat Upgrade
23 Program; and

1 (2) all T-38A aircraft of the Air Combat Com-
2 mand that have not received an upgraded ejection
3 seat as part of such Program.

4 **SEC. 128. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
5 **RETIREMENT OF C-40 AIRCRAFT.**

6 (a) PROHIBITION.—None of the funds authorized to
7 be appropriated by this Act or otherwise made available
8 for fiscal year 2023 for the Air Force may be obligated
9 or expended to retire, prepare to retire, or place in storage
10 or on backup aircraft inventory status any C-40 aircraft.

11 (b) EXCEPTION.—

12 (1) IN GENERAL.—The limitation under sub-
13 section (a) shall not apply to an individual C-40 air-
14 craft that the Secretary of the Air Force determines,
15 on a case-by-case basis, to be no longer mission ca-
16 pable because of a Class A mishap.

17 (2) CERTIFICATION REQUIRED.—If the Sec-
18 retary determines under paragraph (1) that an air-
19 craft is no longer mission capable, the Secretary
20 shall submit to the congressional defense committees
21 a certification that the status of such aircraft is due
22 to a Class A mishap and not due to lack of mainte-
23 nance or repairs or other reasons.

1 **SEC. 129. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
2 **PROCUREMENT OF BRIDGE TANKER AIR-**
3 **CRAFT.**

4 None of the funds authorized to be appropriated by
5 this Act or otherwise made available for fiscal year 2023
6 for the Air Force may be obligated or expended to enter
7 into a contract for the procurement of the bridge tanker
8 aircraft (as defined in section 136(b) of the National De-
9 fense Authorization Act for Fiscal Year 2022 (Public Law
10 117–81)) unless such contract is awarded using full and
11 open competition. Notwithstanding the preceding sen-
12 tence, the Secretary of the Air Force may enter into a
13 contract for the procurement of the bridge tanker aircraft
14 using procedures other than full and open competition if
15 the Secretary complies with the requirements of section
16 3204 of title 10, United States Code, with respect to the
17 award of such contract and provides to the Committee on
18 Armed Services of the House of Representatives a briefing
19 that explains the reasons such contract cannot be awarded
20 using full and open competition.

21 **SEC. 130. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
22 **TERMINATION OF PRODUCTION LINES FOR**
23 **HH-60W AIRCRAFT.**

24 None of the funds authorized to be appropriated by
25 this Act or otherwise made available for fiscal year 2023
26 for the Air Force may be obligated or expended to termi-

1 nate the operations of, or to prepare to terminate the oper-
2 ations of, a production line for HH-60W Combat Rescue
3 Helicopters.

4 **SEC. 131. PROHIBITION ON CERTAIN REDUCTIONS TO B-1**
5 **BOMBER AIRCRAFT SQUADRONS.**

6 (a) PROHIBITION.—During the covered period, the
7 Secretary of the Air Force may not—

8 (1) modify the designed operational capability
9 statement for any B-1 bomber aircraft squadron, as
10 in effect on the date of the enactment of this Act,
11 in a manner that would reduce the capabilities of
12 such a squadron below the levels specified in such
13 statement as in effect on such date; or

14 (2) reduce, below the levels in effect on such
15 date of enactment, the number of personnel assigned
16 to units responsible for the operation and mainte-
17 nance of B-1 aircraft if such reduction would affect
18 the ability of such units to meet the capability de-
19 scribed in paragraph (1).

20 (b) EXCEPTION.—The prohibition under subsection
21 (a) shall not apply to a bomb wing for which the Secretary
22 of the Air Force has commenced the process of replacing
23 B-1 bomber aircraft with B-21 bomber aircraft.

24 (c) DEFINITIONS.—In this section:

1 (1) The term “covered period” means the pe-
2 riod beginning on the date of the enactment of this
3 Act and ending on September 30, 2026.

4 (2) The term “designed operational capability
5 statement” has the meaning given that term in Air
6 Force Instruction 10–201.

7 (d) CONFORMING REPEAL.—Section 133 of the Na-
8 tional Defense Authorization Act for Fiscal Year 2022
9 (Public Law 117–81; 135 Stat. 1574) is repealed.

10 **SEC. 132. LIMITATION ON RETIREMENT OF E–3 AIRBORNE**
11 **WARNING AND CONTROL SYSTEM AIRCRAFT.**

12 (a) LIMITATION.—

13 (1) IN GENERAL.—Secretary of the Air Force
14 may not retire or prepare to retire more than a total
15 of 13 E–3 Airborne Warning and Control System
16 aircraft.

17 (2) RETIREMENT CONDITIONS.—Of the aircraft
18 authorized to be retired under paragraph (1)—

19 (A) up to eight aircraft may be retired at
20 any time during the period beginning on the
21 date of the enactment of this Act and ending on
22 October 1, 2023; and

23 (B) up to five aircraft may be retired only
24 after the Secretary of the Air Force enters into

1 a contract for the procurement of an E-7 air-
2 craft.

3 (b) DESIGNATION AS PTAI.—The Secretary of the
4 Air Force shall designate two E-3 aircraft as Primary
5 Training Aircraft Inventory.

6 (c) REPORT REQUIRED.—

7 (1) IN GENERAL.—The Secretary of the Air
8 Force shall submit to the congressional defense com-
9 mittees a report on the airborne warning and control
10 capabilities and capacity of the Air Force.

11 (2) ELEMENTS.—The report under subsection
12 (a) shall include the following:

13 (A) An assessment of—

14 (i) the airborne warning and control
15 capabilities and capacity of the Air Force
16 as of the date of the report; and

17 (ii) the airborne warning and control
18 capabilities and capacity needed to meet
19 the future requirements of the Air Force.

20 (B) Identification of—

21 (i) air moving target indicator and
22 battle management and command and con-
23 trol requirements as of the date of the re-
24 port;

1 (ii) the number of such requirements
2 being fulfilled by the current fleet of 31 E-
3 3 aircraft or other capabilities; and

4 (iii) the number of such requirements
5 that would be fulfilled by a reduced fleet of
6 16 E-3 aircraft.

7 (C) An assessment of whether and to what
8 extent a reduced fleet of 16 E-3 aircraft would
9 affect the level of support provided to the oper-
10 ations of the geographic combatant commands.

11 (D) A comparison of the capabilities of the
12 E-3 aircraft with the capabilities of the E-7
13 aircraft that is proposed as a replacement for
14 the E-3 aircraft.

15 (E) A comparison of the capacity required
16 to satisfy both current and future air moving
17 target indicator and battle management and
18 command and control requirements.

19 (F) An acquisition strategy for the E-7
20 aircraft proposed as a replacement for the E-
21 3 aircraft that is—

22 (i) approved by the Secretary of the
23 Air Force; and

24 (ii) includes cost and schedule data,
25 plans for training and fielding, and an as-

1 sessment of possible courses of action to
2 accelerate the proposed acquisition.

3 **SEC. 133. REQUIREMENTS STUDY AND ACQUISITION STRAT-**
4 **EGY FOR THE COMBAT SEARCH AND RESCUE**
5 **MISSION OF THE AIR FORCE.**

6 (a) REQUIREMENTS STUDY.—

7 (1) IN GENERAL.—The Secretary of the Air
8 Force shall conduct a study to determine the re-
9 quirements for the combat search and rescue mis-
10 sion of the Air Force in support of the objectives of
11 the National Defense Strategy.

12 (2) ELEMENTS.—The study under paragraph
13 (1) shall include the following:

14 (A) Identification of anticipated combat
15 search and rescue mission requirements nec-
16 essary to meet the objectives of the most recent
17 National Defense Strategy, including—

18 (i) requirements for short-term, mid-
19 term, and long-term contingency and
20 steady-state operations against adversaries;

21 (ii) requirements under the Agile
22 Combat Employment operational scheme of
23 the Air Force;

24 (iii) requirements relating to regions
25 and specific geographic areas that are ex-

pected to have a need for combat search and rescue forces based on the combat-relevant range and penetration capability of United States air assets and associated weapon systems; and

(iv) the level of operational risk associated with each likely requirement and scenario.

(B) An assessment of the rotary, tilt, and fixed wing aircraft and key combat search and rescue enabling capabilities that—

(i) are needed to meet the requirements identified under subparagraph (A); and

(ii) have been accounted for in the budget of the Air Force as of the date of the study.

(C) Identification of any combat search and rescue capability gaps, including an assessment of—

(i) whether and to what extent such gaps may affect the ability of the Air Force to conduct combat search and rescue operations;

1 (ii) any capability gaps that may be
2 created by procuring fewer HH-60W air-
3 craft than planned under the program of
4 record, including any expected changes to
5 the plan for fielding such aircraft for ac-
6 tive, reserve, and National Guard units;
7 and

8 (iii) any capability gaps attributable
9 to unfunded requirements.

10 (D) Identification and assessment of key
11 current, emerging, and future technologies with
12 potential application to the combat search and
13 rescue mission, including electric vertical take-
14 off and landing, unmanned aerial systems,
15 armed air launched effects or similar armed ca-
16 pabilities, electric short take-off and landing, or
17 a combination of such technologies.

18 (E) An assessment of each technology
19 identified under subparagraph (D), including
20 (as applicable) an assessment of—

- 21 (i) technology maturity;
22 (ii) suitability to the combat search
23 and rescue mission;
24 (iii) range;
25 (iv) speed;

- 1 (v) payload capability and capacity;
- 2 (vi) radio frequency and infrared sig-
- 3 natures;
- 4 (vii) operational conditions required
- 5 for the use of such technology, such as
- 6 runway availability;
- 7 (viii) survivability;
- 8 (ix) lethality;
- 9 (x) potential to support combat mis-
- 10 sions other than combat search and rescue;
- 11 and
- 12 (xi) estimated cost.

13 (3) SUBMITTAL TO CONGRESS.—

14 (A) IN GENERAL.—Not later than March
15 30, 2023, the Secretary of the Air Force shall
16 submit to the Committees on Armed Services of
17 the Senate and the House of Representatives a
18 report on the results of the study under para-
19 graph (1).

20 (B) FORM.—The report required under
21 subparagraph (A) shall be submitted in unclas-
22 sified form, but may include a classified annex.

23 (b) ACQUISITION STRATEGY.—

24 (1) IN GENERAL.—Based on the results of the
25 study conducted under subsection (a), the Secretary

1 of the Air Force shall develop a strategy for the ac-
2 quisition of capabilities to meet the requirements
3 identified under such study.

4 (2) ELEMENTS.—The acquisition strategy
5 under paragraph (1) shall include—

6 (A) A prioritized list of the capabilities
7 needed to meet the requirements identified
8 under subsection (a).

9 (B) The estimated costs of such capabili-
10 ties, including—

11 (i) any amounts already budgeted for
12 such capabilities as of the date of the
13 strategy, including amounts already budg-
14 eted for emerging and future technologies;
15 and

16 (ii) any amounts not already budgeted
17 for such capabilities as of such date.

18 (C) An estimate of the date by which the
19 capability is expected to become operational.

20 (D) A description of any requirements
21 identified under subsection (a) that the Sec-
22 retary of the Air Force does not expect to meet
23 as part of the acquisition strategy and an expla-
24 nation of the reasons such requirements cannot
25 be met.

1 (3) SUBMITTAL TO CONGRESS.—

2 (A) IN GENERAL.—Not later than June 1,
3 2023, the Secretary of the Air Force shall sub-
4 mit to the Committees on Armed Services of
5 the Senate and the House of Representatives a
6 report on the acquisition strategy developed
7 under paragraph (1).

8 (B) FORM.—The report required under
9 subparagraph (A) shall be submitted in unclas-
10 sified form, but may include a classified annex.

11 **SEC. 134. PLAN FOR TRANSFER OF KC-135 AIRCRAFT TO**
12 **THE AIR NATIONAL GUARD.**

13 (a) PLAN REQUIRED.—The Secretary of the Air
14 Force shall develop a plan to transfer covered KC-135 air-
15 craft to air refueling wings of the Air National Guard that
16 are classic associations with active duty units of the Air
17 Force.

18 (b) BRIEFING.—Not later than 120 days after the
19 date of the enactment of this Act, the Secretary of the
20 Air Force shall provide to the Committees on Armed Serv-
21 ices of the Senate and the House of Representatives a
22 briefing on plan developed under subsection (a). The brief-
23 ing shall include an explanation of the effects the plan is
24 expected to have on the aerial refueling capability of the
25 Department of Defense.

1 (c) DEFINITIONS.—In this section:

2 (1) The term “covered KC–135 aircraft” means
3 a KC–135 aircraft that the Secretary of the Air
4 Force is in the process of replacing with a KC–46A
5 aircraft.

6 (2) The term “classic association” means a
7 structure under which a regular Air Force unit re-
8 tains principal responsibility for an aircraft and
9 shares the aircraft with one or more reserve compo-
10 nent units.

11 **SEC. 135. ANNUAL REPORT ON T-7A ADVANCED PILOT**
12 **TRAINING SYSTEM.**

13 (a) ANNUAL REPORT.—Not later than March 1,
14 2023, and annually thereafter for 5 years, the Assistant
15 Secretary of the Air Force for Acquisition, Technology,
16 and Logistics shall submit to the Committees on Armed
17 Services of the Senate and the House of Representatives
18 a report on the acquisition efforts of the Department of
19 Defense with respect to the T–7A Advanced Pilot Train-
20 ing System (including any associated aircraft and ground
21 training systems).

22 (b) ELEMENTS.—Each report under subsection (a)
23 shall include the following:

24 (1) An overview of the Assistant Secretary’s ac-
25 quisition strategy for the T–7 Advanced Pilot Train-

1 ing System, including the current status of the ac-
2 quisition strategy as of the date of the report.

3 (2) The cost and schedule estimates for the pro-
4 gram.

5 (3) In the case of the initial report under this
6 section, the key performance parameters or the
7 equivalent requirements for the program. In the case
8 of subsequent reports, any key performance param-
9 eters or the equivalent requirements for the program
10 that have changed since the submission of the pre-
11 vious report under this section.

12 (4) The test and evaluation strategy and execu-
13 tion date of the testing program, including any re-
14 sults, and a summary of testing points closed per-
15 taining to the testing program.

16 (5) The logistics and sustainment strategy of
17 the program, and the planning, execution, and im-
18 plementation that has occurred related to that strat-
19 egy as of the date of the report.

20 (6) An explanation of the causes related to any
21 engineering, manufacturing, development, testing,
22 production, delivery, acceptance, and fielding delays
23 incurred by the program as of the date of the report
24 and any associated impacts and subsequent efforts
25 to address such delays.

1 (7) The post-production fielding strategy for
2 the program.

3 (8) Any other matters regarding the acquisition
4 of the T-7 Advanced Pilot Training System that the
5 Assistant Secretary determines to be of critical im-
6 portance to the long-term viability of the program.

7 **SEC. 136. REPORT ON F-22 AIRCRAFT FORCE LAYDOWN.**

8 Not later than April 30, 2023, the Secretary of the
9 Air Force shall submit to the Committees on Armed Serv-
10 ices of the Senate and the House of Representatives a re-
11 port on—

12 (1) the proposed plan of the Air Force for the
13 movement and basing of 186 F-22 aircraft; and

14 (2) the establishment of a new F-22 formal
15 training unit, including—

16 (A) the anticipated location of such unit;

17 (B) the anticipated schedule for the estab-
18 lishment of such unit; and

19 (C) the number of aircraft that are ex-
20 pected to be transferred to such unit.

21 **SEC. 137. LIMITATION ON DIVESTMENT OF F-15 AIRCRAFT.**

22 (a) LIMITATION.—Beginning on October 1, 2023,
23 Secretary of the Air Force may not divest, or prepare to
24 divest, any covered F-15 aircraft until a period of 180

1 days has elapsed following the date on which the Secretary
2 submits the report required under subsection (b).

3 (b) REPORT REQUIRED.—The Secretary of the Air
4 Force shall submit to the congressional defense commit-
5 tees a report on the following:

6 (1) Any plans of the Secretary to divest covered
7 F–15 aircraft during the period covered by the most
8 recent future-years defense program submitted to
9 Congress under section 221 of title 10, United
10 States Code, including—

11 (A) a description of each proposed divest-
12 ment by fiscal year and location;

13 (B) an explanation of the anticipated ef-
14 fects of such divestments on the missions, per-
15 sonnel, force structure, and budgeting of the
16 Air Force;

17 (C) a description of the actions the Sec-
18 retary intends to carry out—

19 (i) to mitigate any negative effects
20 identified under subparagraph (B); and

21 (ii) to modify or replace the missions
22 and capabilities of any units and military
23 installations affected by such divestments;
24 and

1 (D) an assessment of how such divest-
 2 ments may affect the ability of the Air Force to
 3 maintain minimum tactical aircraft inventories.

4 (2) Any plans of the Secretary to procure cov-
 5 ered F-15 aircraft.

6 (3) Any specific plans of the Secretary to devi-
 7 ate from procurement of new F-15EX aircraft as
 8 articulated by the validated requirements contained
 9 in Air Force Requirements Decision Memorandum,
 10 dated February 1, 2019, regarding F-15EX Rapid
 11 Fielding Requirements Document, dated January
 12 16, 2019.

13 (c) COVERED F-15 AIRCRAFT DEFINED.—In this
 14 section, the term “covered F-15 aircraft” means the fol-
 15 lowing:

16 (1) F-15C aircraft.

17 (2) F-15D aircraft.

18 (3) F-15E aircraft.

19 (4) F-15EX aircraft.

20 **SEC. 138. FUNDING FOR C-130 MODULAR AIRBORNE FIRE-**
 21 **FIGHTING SYSTEM.**

22 (a) INCREASE.—Notwithstanding the amounts set
 23 forth in the funding tables in division D, the amount au-
 24 thorized to be appropriated in section 101 for aircraft pro-
 25 curement, Air Force, as specified in the corresponding

1 funding table in section 4101, for other aircraft, C-130,
2 line 049, is hereby increased by \$60,000,000 (with the
3 amount of such increase to be used for the modular air-
4 borne firefighting system).

5 (b) OFFSET.—Notwithstanding the amounts set forth
6 in the funding tables in division D, the amount authorized
7 to be appropriated in section 301 for operation and main-
8 tenance, Defense-wide, as specified in the corresponding
9 funding table in section 4301, for administration and serv-
10 ice-wide activities, Office of the Secretary of Defense, line
11 440, is hereby reduced by \$60,000,000.

12 **SEC. 139. REQUIREMENT TO MAINTAIN FLEET OF MANNED**
13 **INTELLIGENCE, SURVEILLANCE, AND RECON-**
14 **NAISSANCE AIRCRAFT.**

15 (a) MANNED INTELLIGENCE, SURVEILLANCE, AND
16 RECONNAISSANCE AIRCRAFT.—

17 (1) IN GENERAL.—The Secretary of the Air
18 Force, in coordination with Director of the Air Na-
19 tional Guard, shall maintain a fleet of fixed wing,
20 manned ISR/LAA aircraft to conduct operations pur-
21 suant to the provisions of law specified in paragraph
22 (2).

23 (2) PROVISIONS SPECIFIED.—The provisions of
24 law specified in this paragraph are the following:

1 (A) Sections 124 and 284 of title 10,
2 United States Code.

3 (B) Section 112 of title 32, United States
4 Code.

5 (C) Section 1022 of the National Defense
6 Authorization Act for Fiscal Year 2004 (Public
7 Law 108–136; 10 U.S.C. 271 note).

8 (b) LIMITATION.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), none of the funds authorized to be appro-
11 priated by this Act or otherwise made available for
12 fiscal year 2023 for the Air Force may be obligated
13 or expended to retire, divest, realign, or placed in
14 storage or on backup aircraft inventory status, or to
15 prepare to retire, divest, realign, or place in storage
16 or on backup aircraft inventory status, any RC–26B
17 aircraft.

18 (2) EXCEPTION.—

19 (A) IN GENERAL.—The limitation in para-
20 graph (1) shall not apply to individual RC–26
21 aircraft that the Secretary of the Air Force de-
22 termines, on a case-by-case basis, to be no
23 longer mission capable because of a Class A
24 mishap.

1 (B) CERTIFICATION REQUIRED.—If the
2 Secretary of the Air Force determines under
3 subparagraph (A) that an aircraft is no longer
4 mission capable, the Secretary shall submit to
5 the congressional defense committees a certifi-
6 cation that the status of such aircraft is due to
7 a Class A mishap and not due to lack of main-
8 tenance or repairs or other reasons.

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

11 (1) Of the amount authorized to be appro-
12 priated in section 301 for operation and mainte-
13 nance as specified in the corresponding funding in
14 section 4301, for operation and maintenance, Air
15 National Guard, the Secretary of the Air Force shall
16 transfer up to \$18,500,000 for the purposes of the
17 RC-26B manned intelligence, surveillance, and re-
18 connaissance platform.

19 (2) Of the amount authorized to be appro-
20 priated in section 421 for military personnel, as
21 specified in the corresponding finding table in sec-
22 tion 4401, the Secretary of the Air Force shall
23 transfer up to \$13,000,000 from military personnel,
24 Air National Guard for personnel who operate and

1 maintain the RC-26B manned intelligence, surveil-
2 lance, and reconnaissance platform.

3 (d) MEMORANDUM OF AGREEMENT.—Notwith-
4 standing any other provision of law, the Secretary of De-
5 fense may enter into one or more memoranda of agree-
6 ment or cost sharing agreements with other Federal enti-
7 ties for the purposes of assisting with the missions and
8 activities of such entities.

9 (e) INDEPENDENT ASSESSMENT.—Not later than 30
10 days after the date of the enactment of this Act, the Direc-
11 tor of Cost Assessment and Program Evaluation shall con-
12 duct an independent assessment to determine how the Air
13 Force can—

14 (1) provide manned ISR/IAA capabilities for
15 the purposes of conducting operations pursuant to
16 the provisions of law specified in subsection (a)(2);
17 and

18 (2) maintain and modernize the manned ISR/
19 IAA aircraft fleet over the period of ten years fol-
20 lowing the date of the enactment of this Act.

21 (f) COMPTROLLER GENERAL STUDY.—

22 (1) STUDY.—The Comptroller General of the
23 United States shall conduct an independent study of
24 the platforms used to conduct title 32 operations by
25 manned ISR/IAA aircraft in light of the proposal of

1 the Air Force to retire and divest the RC–26B air-
2 craft fleet.

3 (2) BRIEFING.—Not later than September 31,
4 2023, the Comptroller General shall provide to the
5 congressional defense committees a briefing on the
6 preliminary findings of the study under paragraph
7 (1). The briefing shall include an assessment of—

8 (A) the alternatives considered by the Air
9 Force that led to the recommendation to retire
10 the RC–26B aircraft, including the relative
11 costs, benefits, and assumptions associated with
12 the alternatives to such retirement;

13 (B) any capability gaps in manned ISR/
14 IAA that would be created by such retirement;

15 (C) the extent to which the Department of
16 Defense has plans to address any capability
17 gaps identified under subparagraph (B); and

18 (D) any capability gaps in manned ISR/
19 IAA that could be created by the added cost to
20 the Air Force of retaining the RC–26B fleet.

21 (3) REPORT.—As soon as practicable after the
22 date of the briefing under paragraph (2), the Comp-
23 troller General shall submit to the congressional de-
24 fense committees a report on the final results of the
25 study conducted under paragraph (1).

1 (g) ISR/IAA DEFINED.—In this section, the term
2 “ISR/IAA” means—

- 3 (1) intelligence, surveillance, and reconnais-
4 sance; and
5 (2) incident awareness and assessment.

6 **SEC. 139A. PROCUREMENT AUTHORITY FOR COMMERCIAL**
7 **ENGINEERING SOFTWARE.**

8 (a) PROCUREMENT AUTHORITY.—The Secretary of
9 the Air Force may enter into one or more contracts for
10 the procurement of commercial engineering software to
11 meet the digital transformation goals and objectives of the
12 Department of the Air Force.

13 (b) INCLUSION OF PROGRAM ELEMENT IN BUDGET
14 MATERIALS.—In the materials submitted by the Secretary
15 of the Air Force in support of the budget of the President
16 for fiscal year 2024 (as submitted to Congress pursuant
17 to section 1105 of title 31, United States Code), the Sec-
18 retary shall include a program element dedicated to the
19 procurement and management of the commercial engineer-
20 ing software described in subsection (a).

21 (c) REVIEW.—In carrying out subsection (a), the Sec-
22 retary of the Air Force shall—

- 23 (1) review the commercial physics-based simula-
24 tion marketplace; and

1 (2) conduct research on providers of commercial
2 software capabilities that have the potential to expedite the progress of digital engineering initiatives
3 across the weapon system enterprise, with a particular focus on capabilities that have the potential
4 to generate significant life-cycle cost savings, streamline and accelerate weapon system acquisition,
5 and provide data-driven approaches to inform investments by the Department of the Air Force.

6 (d) REPORT.—Not later than March 1, 2023, the
7 Secretary of the Air Force shall submit to the congressional defense committees a report that includes—

8 (1) an analysis of specific physics-based simulation capability manufacturers that deliver high mission impact with broad reach into the weapon system enterprise of the Department of the Air Force;
9 and

10 (2) a prioritized list of programs and offices of the Department of the Air Force that could better utilize commercial physics-based modeling and simulation and opportunities for the implementation of such modeling and simulation capabilities within the Department.

1 **SEC. 139B. SENSE OF CONGRESS REGARDING UNITED**
2 **STATES AIR NATIONAL GUARD REFUELING**
3 **MISSION.**

4 It is the sense of Congress that—

5 (1) the refueling mission of the reserve compo-
6 nents of the Air Force is essential to ensuring the
7 national security of the United States and our allies;

8 (2) this mission provides for aerial aircraft re-
9 fueling essential to extending the range of aircraft,
10 which is a critical capability when facing the current
11 threats abroad; and

12 (3) the Air Force should ensure any plan to re-
13 tire KC-135 aircraft includes equal replacement
14 with KC-46A aircraft.

15 **Subtitle D—Defense-wide, Joint,**
16 **and Multiservice Matters**

17 **SEC. 141. CHARGING STATIONS AT COMMISSARY STORES**
18 **AND MILITARY EXCHANGES.**

19 (a) IN GENERAL.—Subchapter I of chapter 147 of
20 title 10, United States Code, is amended by adding at the
21 end the following new section:

22 **“§ 2486. Electric vehicle charging stations at com-**
23 **missary stores and military exchanges**

24 **“(a) AUTHORITY.—**The Secretary of Defense may
25 furnish electric vehicle charging stations at a commissary

1 store or military exchange for commercial use by individ-
2 uals authorized to access such facilities.

3 “(b) RATES AND PROCEDURES.—If the Secretary of
4 Defense furnishes electric vehicle charging stations pursu-
5 ant to subsection (a)—

6 “(1) the Secretary shall establish rates and pro-
7 cedures that the Secretary determines appropriate
8 for the purchase of electric power from the charging
9 stations; and

10 “(2) such charging stations may be installed
11 and operated by a contractor on a for-profit basis.

12 “(c) INTEROPERABILITY.—Any vehicle charging sta-
13 tion provided under this section shall use a charging con-
14 nector type (or other means to transmit electricity to the
15 vehicle) that—

16 “(1) meets applicable industry accepted stand-
17 ards for interoperability and safety; and

18 “(2) is compatible with—

19 “(A) electric vehicles commonly available
20 for purchase by a member of the general public;
21 and

22 “(B) covered nontactical vehicles.

23 “(b) COVERED NONTACTICAL VEHICLE DEFINED.—
24 In this section, the term ‘covered nontactical vehicle’
25 means any vehicle—

1 “(1) that is not a tactical vehicle designed for
2 use in combat; and

3 “(2) that is purchased or leased by the Depart-
4 ment of Defense, or by another department or agen-
5 cy of the Federal Government for the use of the De-
6 partment of Defense, pursuant to a contract entered
7 into, renewed, modified, or amended on or after Oc-
8 tober 1, 2022.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such subchapter is amended by adding
11 at the end the following new item:

“2486. Electric vehicle charging stations at commissary stores and military ex-
changes.”.

12 **SEC. 142. INCREASE AIR FORCE AND NAVY USE OF USED**
13 **COMMERCIAL DUAL-USE PARTS IN CERTAIN**
14 **AIRCRAFT AND ENGINES.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of the enactment of this Act, the Secretary of the
17 Air Force, with respect to the Air Force, and the Sec-
18 retary of the Navy, with respect to the Navy, shall develop
19 and implement processes and procedures for—

20 (1) the acquisition of used, overhauled, recondi-
21 tioned, and remanufactured commercial dual-use
22 parts; and

23 (2) the use of such commercial-dual use parts
24 in all—

1 (A) commercial derivative aircraft and en-
2 gines; and

3 (B) aircraft used by the Air Force or Navy
4 that are based on the design of commercial
5 products.

6 (b) PROCUREMENT OF PARTS.—The processes and
7 procedures implemented under subsection (a) shall provide
8 that commercial dual-use parts shall be acquired—

9 (1) pursuant to competitive procedures (as de-
10 fined in section 3012 of title 10, United States
11 Code); and

12 (2) only from suppliers that provide parts that
13 possess an Authorized Release Certificate Federal
14 Aviation Administration Form 8130-3 Airworthy
15 Approval Tag from a certified repair station pursu-
16 ant to part 145 of title 14, Code of Federal Regula-
17 tions.

18 (c) DEFINITIONS.—In this section:

19 (1) COMMERCIAL DERIVATIVE.—The term
20 “commercial derivative” means an item procured by
21 the Department of Defense that is or was produced
22 using the same or similar production facilities, a
23 common supply chain, and the same or similar pro-
24 duction processes that are used for the production of
25 the item as predominantly used by the general public

1 or by nongovernmental entities for purposes other
2 than governmental purposes.

3 (2) COMMERCIAL DUAL-USE PARTS.—The term
4 “commercial dual-use parts” means a product that
5 is—

6 (A) a commercial product;

7 (B) dual-use;

8 (C) described in subsection (b)(2); and

9 (D) not a life limited part.

10 (3) COMMERCIAL PRODUCT.—The term “com-
11 mercial product” has the meaning given such term
12 in section 103 of title 41, United States Code.

13 (4) DUAL-USE.—The term “dual-use” has the
14 meaning given such term in section 4801 of title 10,
15 United States Code.

16 **SEC. 143. ASSESSMENT AND REPORT ON MILITARY ROTARY**
17 **WING AIRCRAFT INDUSTRIAL BASE.**

18 (a) ASSESSMENT REQUIRED.—The Under Secretary
19 of Defense for Acquisition and Sustainment, in coordina-
20 tion with the Secretaries of the Army, Navy, and Air
21 Force, shall conduct an assessment of the military rotary
22 wing aircraft industrial base.

23 (b) ELEMENTS.—The assessment under subsection
24 (a) shall include the following:

1 (1)(A) Identification of each rotary wing air-
2 craft program of the Department of Defense that is
3 in the research and development or procurement
4 phase.

5 (B) A description of any platform-specific or ca-
6 pability-specific facility or workforce technical skill
7 requirements necessary for each program identified
8 under subparagraph (A).

9 (2) Identification of—

10 (A) the rotary wing aircraft capabilities of
11 each Armed Force anticipated for programming
12 beyond the period covered by the most recent
13 future-years defense program submitted to Con-
14 gress under section 221 of title 10, United
15 States Code (as of the date of the assessment);
16 and

17 (B) the technologies, facilities, and work-
18 force skills necessary for the development of
19 such capabilities.

20 (3) An assessment of the military industrial
21 base capacity and skills that are available (as of the
22 date of the assessment) to design and manufacture
23 the platforms and capabilities identified under para-
24 graphs (1) and (2) and a list of any gaps in such
25 capacity and skills.

1 (4)(A) Identification of each component, sub-
2 component, or equipment supplier in the military ro-
3 tary wing aircraft industrial base that is the sole
4 source within such industrial base from which that
5 component, subcomponent, or equipment may be ob-
6 tained.

7 (B) An assessment of any risk resulting from
8 the lack of other suppliers for such components, sub-
9 components, or equipment.

10 (5) Analysis of the likelihood of future consoli-
11 dation, contraction, or expansion, within the rotary
12 wing aircraft industrial base, including—

13 (A) identification of the most probable sce-
14 narios with respect to such consolidation, con-
15 traction, or expansion; and

16 (B) an assessment of how each such sce-
17 nario may affect the ability of the Armed
18 Forces to acquire military rotary wing aircraft
19 in the future, including any effects on the cost
20 and schedule of such acquisitions.

21 (6) Such other matters the Under Secretary of
22 Defense for Acquisition and Sustainment determines
23 appropriate.

24 (c) REPORT.—

1 (1) IN GENERAL.—Concurrently with the sub-
2 mission of the next annual report required to be sub-
3 mitted under section 4814 of title 10, United States
4 Code, after the date of the enactment of this Act,
5 the Under Secretary of Defense for Acquisition and
6 Sustainment shall submit to the congressional de-
7 fense committees a report that includes—

8 (A) the results of the assessment con-
9 ducted under subsection (a); and

10 (B) based on such results, recommenda-
11 tions for reducing any risks identified with re-
12 spect to the military rotary wing aircraft indus-
13 trial base.

14 (2) FORM.—The report required under para-
15 graph (1) may be submitted as an appendix to the
16 annual report required to be submitted under section
17 4814 of title 10, United States Code.

18 (d) ROTARY WING AIRCRAFT DEFINED.—In this sec-
19 tion, the term “rotary wing aircraft” includes rotary wing
20 and tiltrotor aircraft.

1 **TITLE II—RESEARCH, DEVELOP-**
2 **MENT, TEST, AND EVALUA-**
3 **TION**

4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2023 for the use of the Department of Defense
9 for research, development, test, and evaluation, as speci-
10 fied in the funding table in section 4201.

11 **Subtitle B—Program Require-**
12 **ments, Restrictions, and Limita-**
13 **tions**

14 **SEC. 211. CLARIFICATION OF ROLE OF SENIOR OFFICIAL**
15 **WITH PRINCIPAL RESPONSIBILITY FOR ARTI-**
16 **FICIAL INTELLIGENCE AND MACHINE LEARN-**
17 **ING.**

18 (a) JOINT ARTIFICIAL INTELLIGENCE RESEARCH
19 AND DEVELOPMENT ACTIVITIES.—Section 238 of the
20 John S. McCain National Defense Authorization Act for
21 Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. note
22 prec. 4061) is amended—

23 (1) by amending subsection (c) to read as fol-
24 lows:

25 “(c) ORGANIZATION AND ROLES.—

1 “(1) IN GENERAL.—In addition to designating
2 an official under subsection (b), the Secretary of De-
3 fense shall assign to appropriate officials within the
4 Department of Defense roles and responsibilities re-
5 lating to the research, development, prototyping,
6 testing, procurement of, requirements for, and oper-
7 ational use of artificial intelligence technologies.

8 “(2) APPROPRIATE OFFICIALS.—The officials
9 assigned roles and responsibilities under paragraph
10 (1) shall include—

11 “(A) the Under Secretary of Defense for
12 Research and Engineering;

13 “(B) the Under Secretary of Defense for
14 Acquisition and Sustainment;

15 “(C) one or more officials in each military
16 department;

17 “(D) officials of appropriate Defense Agen-
18 cies; and

19 “(E) such other officials as the Secretary
20 of Defense determines appropriate.”;

21 (2) in subsection (e) in the second sentence, by
22 striking “Director of the Joint Artificial Intelligence
23 Center” and inserting “the official designated under
24 subsection (b)”;

25 (3) by striking subsection (h).

1 (b) PERSONNEL MANAGEMENT AUTHORITY TO AT-
2 TRACT EXPERTS IN SCIENCE AND ENGINEERING.—Sec-
3 tion 4092 of title 10, United States Code, is amended—

4 (1) by amending paragraph (6) of subsection
5 (a) to read as follows:

6 “(6) JOINT ARTIFICIAL INTELLIGENCE RE-
7 SEARCH, DEVELOPMENT, AND TRANSITION ACTIVI-
8 TIES.—The official designated under subsection (b)
9 of section 238 of the John S. McCain National De-
10 fense Authorization Act for Fiscal Year 2019 (Pub-
11 lic Law 115–232) shall carry out a program of per-
12 sonnel management authority provided in subsection
13 (b) of this section in order to facilitate recruitment
14 of eminent experts in science or engineering to sup-
15 port the activities of such official under such section
16 238.”.

17 (2) in subsection (b)(1)(F)—

18 (A) by striking “Joint Artificial Intel-
19 ligence Center” and inserting “official des-
20 ignated under subsection (b) of section 238 of
21 the John S. McCain National Defense Author-
22 ization Act for Fiscal Year 2019 (Public Law
23 115–232)”; and

1 (B) by striking “in the Center” and insert-
2 ing “in support of the activities of such official
3 under such section”; and

4 (3) in subsection (c)(2), by striking “the Joint
5 Artificial Intelligence Center” and inserting “the ac-
6 tivities under section 238 of the John S. McCain
7 National Defense Authorization Act for Fiscal Year
8 2019 (Public Law 115–232)”.

9 (c) REVIEW OF ARTIFICIAL INTELLIGENCE APPLICA-
10 TIONS AND ESTABLISHMENT OF PERFORMANCE
11 METRICS.—Section 226(b) of the National Defense Au-
12 thorization Act for Fiscal Year 2022 (Public Law 117–
13 81; 10 U.S.C. 4001 note) is amended—

14 (1) in paragraph (3), by inserting “or the offi-
15 cial designated under subsection (b) of section 238
16 of the John S. McCain National Defense Authoriza-
17 tion Act for Fiscal Year 2019 (Public Law 115–232;
18 10 U.S.C. note prec. 4061)” after “Director of the
19 Joint Artificial Intelligence Center”;

20 (2) in paragraph (4), by inserting “or the offi-
21 cial designated under subsection (b) of section 238
22 of the John S. McCain National Defense Authoriza-
23 tion Act for Fiscal Year 2019 (Public Law 115–232;
24 10 U.S.C. note prec. 4061)” after “Director of the
25 Joint Artificial Intelligence Center”; and

1 (3) in paragraph (5), by inserting “or the offi-
2 cial designated under subsection (b) of section 238
3 of the John S. McCain National Defense Authoriza-
4 tion Act for Fiscal Year 2019 (Public Law 115–232;
5 10 U.S.C. note prec. 4061)” after “Director of the
6 Joint Artificial Intelligence Center”.

7 (d) MODIFICATION OF THE JOINT COMMON FOUNDA-
8 TION PROGRAM.—Section 227(a) of the National Defense
9 Authorization Act for Fiscal Year 2022 (Public Law 117–
10 81; 10 U.S.C. 4001 note) is amended by striking “Joint
11 Artificial Intelligence Center” and inserting “the office of
12 the official designated under subsection (b) of section 238
13 of the John S. McCain National Defense Authorization
14 Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C.
15 note prec. 4061)”.

16 (e) PILOT PROGRAM ON DATA REPOSITORIES TO FA-
17 CILITATE THE DEVELOPMENT OF ARTIFICIAL INTEL-
18 LIGENCE CAPABILITIES FOR THE DEPARTMENT OF DE-
19 FENSE.—Section 232 of the National Defense Authoriza-
20 tion Act for Fiscal Year 2022 (Public Law 117–81; 10
21 U.S.C. 4001 note) is amended—

22 (1) in the section heading, by striking “**PILOT**
23 **PROGRAM ON DATA REPOSITORIES**” and insert-
24 ing “**DATA REPOSITORIES**”;

1 (2) by amending subsection (a) to read as fol-
2 lows:

3 “(a) ESTABLISHMENT OF DATA REPOSITORIES.—
4 The Secretary of Defense, acting through the official des-
5 ignated under subsection (b) of section 238 of the John
6 S. McCain National Defense Authorization Act for Fiscal
7 Year 2019 (Public Law 115–232; 10 U.S.C. note prec.
8 4061) (and such other officials as the Secretary deter-
9 mines appropriate), shall—

10 “(1) establish data repositories containing De-
11 partment of Defense data sets relevant to the devel-
12 opment of artificial intelligence software and tech-
13 nology; and

14 “(2) allow appropriate public and private sector
15 organizations to access such data repositories for the
16 purpose of developing improved artificial intelligence
17 and machine learning software capabilities that may,
18 as determined appropriate by the Secretary, be pro-
19 cured by the Department to satisfy Department re-
20 quirements and technology development goals.”;

21 “(3) in subsection (b), by striking “If the Sec-
22 retary of Defense carries out the pilot program
23 under subsection (a), the data repositories estab-
24 lished under the program” and inserting “The data
25 repositories established under subsection (a)”;

1 (4) by amending subsection (c) to read as fol-
2 lows:

3 “(c) BRIEFING.—Not later than July 1, 2023, the
4 Secretary of Defense shall provide to the congressional de-
5 fense committees a briefing on—

6 “(1) the types of information the Secretary de-
7 termines are feasible and advisable to include in the
8 data repositories established under subsection (a);
9 and

10 “(2) the progress of the Secretary in estab-
11 lishing such data repositories.”.

12 (f) DIGITAL DEVELOPMENT INFRASTRUCTURE PLAN
13 AND WORKING GROUP.—Section 1531(d)(2)(C) of the
14 National Defense Authorization Act for Fiscal Year 2022
15 (Public Law 117–81; 135 Stat. 2051) is amended by strik-
16 ing “The Joint Artificial Intelligence Center (JAIC)” and
17 inserting “The office of the official designated under sub-
18 section (b) of section 238 of the John S. McCain National
19 Defense Authorization Act for Fiscal Year 2019 (Public
20 Law 115–232; 10 U.S.C. note prec. 4061)”.

21 (g) APPLICATION OF ARTIFICIAL INTELLIGENCE TO
22 THE DEFENSE REFORM PILLAR OF THE NATIONAL DE-
23 FENSE STRATEGY.—Section 234(b) of the William M.
24 (Mac) Thornberry National Defense Authorization Act for
25 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 113)

1 is amended by striking “Director of the Joint Artificial
2 Intelligence Center” and inserting “official designated
3 under subsection (b) of section 238 of the John S. McCain
4 National Defense Authorization Act for Fiscal Year 2019
5 (Public Law 115–232; 10 U.S.C. note prec. 4061)”.

6 (h) PILOT PROGRAM ON THE USE OF ELECTRONIC
7 PORTFOLIOS TO EVALUATE CERTAIN APPLICANTS FOR
8 TECHNICAL POSITIONS.—Section 247(c) of the William
9 M. (Mac) Thornberry National Defense Authorization Act
10 for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
11 note prec. 1580) is amended—

12 (1) in paragraph (1), by striking “the Joint Ar-
13 tificial Intelligence Center” and inserting “the office
14 of the official designated under subsection (b) of sec-
15 tion 238 of the John S. McCain National Defense
16 Authorization Act for Fiscal Year 2019 (Public Law
17 115–232; 10 U.S.C. note prec. 4061)”;

18 (2) by striking paragraph (2); and

19 (3) by redesignating paragraphs (3) and (4) as
20 paragraphs (2) and (3), respectively.

21 (i) ACQUISITION AUTHORITY OF THE DIRECTOR OF
22 THE JOINT ARTIFICIAL INTELLIGENCE CENTER.—Sec-
23 tion 808 the William M. (Mac) Thornberry National De-
24 fense Authorization Act for Fiscal Year 2021 (Public Law
25 116–283; 10 U.S.C. 4001 note) is amended—

1 (1) in the section heading, by striking “**THE**
2 **DIRECTOR OF THE JOINT ARTIFICIAL INTEL-**
3 **LIGENCE CENTER**” and inserting “**THE SENIOR**
4 **OFFICIAL WITH PRINCIPAL RESPONSIBILITY**
5 **FOR ARTIFICIAL INTELLIGENCE AND MACHINE**
6 **LEARNING**”;

7 (2) in subsection (a)—

8 (A) by striking “the Director of the Joint
9 Artificial Intelligence Center” and inserting
10 “the official designated under subsection (b) of
11 section 238 of the John S. McCain National
12 Defense Authorization Act for Fiscal Year 2019
13 (Public Law 115–232; 10 U.S.C. note prec.
14 4061) (referred to in this section as the ‘Offi-
15 cial’)”; and

16 (B) by striking “the Center” and inserting
17 “the office of such official (referred to in this
18 section as the ‘Office’)”;

19 (3) in subsection (b)—

20 (A) in the subsection heading, by striking
21 “JAIC”;

22 (B) in paragraph (1)—

23 (i) in the matter preceding subpara-
24 graph (A),

1 (I) by striking “staff of the Di-
2 rector” and inserting “staff of the Of-
3 ficial”; and

4 (II) by striking “the Director of
5 the Center” and inserting “such Offi-
6 cial”;

7 (ii) in subparagraph (A), by striking
8 “the Center” and inserting “the Office”;

9 (iii) in subparagraph (B), by striking
10 “the Center” and inserting “the Office”;

11 (iv) in subparagraph (C), by striking
12 “the Center” each place it appears and in-
13 serting “the Office”; and

14 (v) in subparagraph (D), by striking
15 “the Center” each place it appears and in-
16 serting “the Office”;

17 (C) in paragraph (2)—

18 (i) by striking “the Center” and in-
19 serting “the Office”; and

20 (ii) by striking “the Director” and in-
21 serting “the Official”;

22 (4) in subsection (c)(1)—

23 (A) by striking “the Center” and inserting
24 “the Office”; and

1 (B) by striking “the Director” and insert-
2 ing “the Official”;

3 (5) in subsection (d), by striking “the Director”
4 and inserting “the Official”;

5 (6) in subsection (e)—

6 (A) in paragraph (2)—

7 (i) in subparagraph (B), by striking
8 “Center missions” and inserting “the mis-
9 sions of the Office”; and

10 (ii) in subparagraph (D), by striking
11 “the Center” and inserting “the Office”;
12 and

13 (B) in paragraph (3), by striking “the
14 Center” and inserting “the Office”;

15 (7) in subsection (f), by striking “the Director”
16 and inserting “the Official”; and

17 (8) in subsection (g)—

18 (A) by striking paragraphs (1) and (3);

19 and

20 (B) by redesignating paragraphs (4) and
21 (5) as paragraphs (1) and (2), respectively.

22 (j) BIENNIAL REPORT.—Section 260 of the National
23 Defense Authorization Act for Fiscal Year 2020 (Public
24 Law 116–92; 133 Stat. 1293) is amended—

(1) in the section heading, by striking “**JOINT ARTIFICIAL INTELLIGENCE CENTER**” and inserting “**OFFICE OF THE SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING**”;

(2) in subsection (a)—

(A) by striking “2023” and inserting “2026”; and

(B) by striking “the Joint Artificial Intelligence Center (referred to in this section as the ‘Center’)” and inserting “the office of the official designated under subsection (b) of section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. note prec. 4061) (referred to in this section as the ‘Office’)”;

(3) in subsection (b)—

(A) by striking “Center” each place it appears and inserting “Office”;

(B) in paragraph (2), by striking “the National Mission Initiatives, Component Mission Initiatives, and any other initiatives” and inserting “any initiatives”; and

(C) in paragraph (7), by striking “the Center’s investments in the National Mission

1 Initiatives and Component Mission Initiatives”
2 and inserting “the Office’s investments in its
3 initiatives and other activities”; and
4 (4) by striking subsection (c).

5 (k) REPORTING RESPONSIBILITY.—Section 903(b) of
6 the National Defense Authorization Act for Fiscal Year
7 2020 (Public Law 116–92; 10 U.S.C. 2223 note) is
8 amended—

9 (1) by striking paragraph (3); and
10 (2) by redesignating paragraph (4) as para-
11 graph (3).

12 (l) REFERENCES IN EXISTING LAW.—Any reference
13 in any law, regulation, guidance, instruction, or other doc-
14 ument of the Federal Government to the Director of the
15 Joint Artificial Intelligence Center of the Department of
16 Defense or to the Joint Artificial Intelligence Center shall
17 be deemed to refer to the official designated under section
18 238(b) of the John S. McCain National Defense Author-
19 ization Act for Fiscal Year 2019 (Public Law 115–232;
20 10 U.S.C. note prec. 4061) or the office of such official,
21 as the case may be.

1 **SEC. 212. ROLE OF THE CHIEF DIGITAL AND ARTIFICIAL IN-**
2 **TELLIGENCE OFFICER IN FOSTERING INTER-**
3 **OPERABILITY AMONG JOINT FORCE SYS-**
4 **TEMS.**

5 (a) IN GENERAL.—The Secretary of Defense, in con-
6 sultation with the Director of National Intelligence, shall
7 direct the Chief Digital and Artificial Intelligence Officer
8 of the Department of Defense to carry out the activities
9 described in subsection (b) in support of the Joint All Do-
10 main Command and Control strategy and the Joint
11 Warfighting Concept of the Department.

12 (b) ACTIVITIES DESCRIBED.—The activities de-
13 scribed in this subsection are the following:

14 (1) To solicit feedback from the combatant
15 commands and the Joint Staff to identify oper-
16 ational challenges that—

17 (A) are attributable to a lack of interoper-
18 ability between the warfighting systems and
19 other technology, including software and data,
20 of such commands and the Joint Staff; and

21 (B) could potentially be resolved using mis-
22 sion integration software, including software de-
23 signed to integrate heterogeneous systems
24 across domains without upgrading hardware or
25 changing existing system software.

1 (2) From amounts made available to carry out
2 this section, to allocate funds to entities in the com-
3 batant commands and the Joint Staff to address
4 such operational challenges through—

5 (A) the development, procurement, or field-
6 ing of mission integration software; and

7 (B) the development and implementation
8 of related tactics, techniques, and procedures to
9 integrate systems to increase interoperability.

10 (3) To identify, acquire, and field existing mis-
11 sion integration capabilities and enhance ongoing re-
12 search and development.

13 (4) To support exercises, experimentation, and
14 demonstrations to highlight and refine mission inte-
15 gration software and address associated interoper-
16 ability challenges.

17 (5) To assist in fielding mission integration
18 software by the military departments to encourage
19 the development and employment of such software
20 on a larger scale.

21 (c) BRIEFING.—Not later than 180 days after the
22 date of the enactment of this Act, the Secretary of Defense
23 shall provide to the Committee on Armed Services of the
24 House of Representatives a briefing on the progress of the

1 Chief Digital and Artificial Intelligence Officer in carrying
2 out the activities described in subsection (b)).

3 (d) REPORTS.—On a biannual basis during the pe-
4 riod of three years following the date of the briefing under
5 subsection (c), the Secretary of Defense shall submit to
6 the congressional defense committees a report that in-
7 cludes, with respect to the period of six months preceding
8 the date of the report, the following:

9 (1) A description of any operational challenges
10 that were identified under subsection (b)(1).

11 (2) Of those operational challenges—

12 (A) identification of the challenges the
13 Chief Digital and Artificial Intelligence Officer
14 addressed through the allocation of funds under
15 subsection (b)(2); and

16 (B) an explanation of whether and to what
17 extent activities carried out with such funds re-
18 duced interoperability challenges.

19 (3) Identification of any mission integration
20 software procured, developed, or fielded by the
21 Armed Forces or the combatant commands.

22 (4) A description of any exercises, experimen-
23 tation, and demonstrations performed.

24 (e) DEFINITIONS.—In this section:

1 (1) The term “Chief Digital and Artificial Intel-
2 ligence Officer” means the official designated under
3 subsection (b) of section 238 of the John S. McCain
4 National Defense Authorization Act for Fiscal Year
5 2019 (Public Law 115–232; 10 U.S.C. note prec.
6 4061).

7 (2) The term “mission integration software”
8 means software that supports military operations by
9 creating interoperability between systems, tools, and
10 applications, including weapons, platforms, intel-
11 ligence, surveillance, and reconnaissance systems, in-
12 telligence fusion systems, tasking systems, tactical
13 data links, cyberspace and electronic warfare sys-
14 tems, communications systems, command and con-
15 trol systems, common operating pictures, and com-
16 manders’ decision aids.

17 **SEC. 213. MODIFICATION OF DEFENSE LABORATORY MOD-**
18 **ERNIZATION PILOT PROGRAM.**

19 Section 2803 of the National Defense Authorization
20 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
21 note prec. 4121) is amended—

22 (1) in subsection (e), by striking
23 “\$150,000,000” and inserting “\$300,000,000”;

24 (2) in subsection (f)(2), by striking
25 “\$1,000,000” and inserting “\$4,000,000”; and

1 (3) in subsection (g), by striking “October 1,
2 2025” and inserting “October 1, 2030”.

3 **SEC. 214. SUPPORT FOR RESEARCH AND DEVELOPMENT OF**
4 **BIOINDUSTRIAL MANUFACTURING PROC-**
5 **ESSES.**

6 (a) AUTHORIZATION.—Subject to the availability of
7 appropriations, the Secretary of Defense shall provide sup-
8 port to manufacturing innovation institutes for the re-
9 search and development of innovative bioindustrial manu-
10 facturing processes and the development of a network of
11 bioindustrial manufacturing facilities to improve the abil-
12 ity of the industrial base to use such processes for the
13 production of chemicals, materials, and other products
14 necessary to support national security or secure fragile
15 supply chains.

16 (b) FORM OF SUPPORT.—The support provided
17 under subsection (a) may consist of—

18 (1) the establishment of one or more manufac-
19 turing innovation institutes specializing in the re-
20 search and development of bioindustrial manufac-
21 turing processes;

22 (2) providing funding to one or more existing
23 manufacturing innovation institutes—

1 (A) to support the research and develop-
2 ment of bioindustrial manufacturing processes;
3 or

4 (B) to otherwise expand the bioindustrial
5 manufacturing capabilities of such institutes;

6 (3) the establishment of dedicated facilities
7 within one or more manufacturing innovation insti-
8 tutes to serve as regional hubs for the research, de-
9 velopment, and the scaling of bioindustrial manufac-
10 turing processes and products to higher levels of
11 production; or

12 (4) designating a manufacturing innovation in-
13 stitute to serve as the lead entity responsible for in-
14 tegrating a network of pilot and intermediate scale
15 bioindustrial manufacturing facilities.

16 (c) ACTIVITIES.—A manufacturing innovation insti-
17 tute that receives support under subsection (a) shall carry
18 out activities relating to the research, development, test,
19 and evaluation of innovative bioindustrial manufacturing
20 processes and the scaling of bioindustrial manufacturing
21 products to higher levels of production, which may in-
22 clude—

23 (1) research on the use of bioindustrial manu-
24 facturing to create materials such as polymers, coat-

1 ings, resins, commodity chemicals, and other mate-
2 rials with fragile supply chains;

3 (2) demonstration projects to evaluate bioindus-
4 trial manufacturing processes and technologies;

5 (3) activities to scale bioindustrial manufac-
6 turing processes and products to higher levels of
7 production;

8 (4) strategic planning for infrastructure and
9 equipment investments for bioindustrial manufac-
10 turing of defense-related materials;

11 (5) analyses of bioindustrial manufactured
12 products and validation of the application of biologi-
13 cal material used as input to new and existing proc-
14 esses to aid in future investment strategies and the
15 security of critical supply chains;

16 (6) the selection, construction, and operation of
17 pilot and intermediate scale bioindustrial manufac-
18 turing facilities;

19 (7) development and management of a network
20 of facilities to scale production of bioindustrial prod-
21 ucts;

22 (8) activities to address workforce needs in bio-
23 industrial manufacturing;

24 (9) establishing an interoperable, secure, digital
25 infrastructure for collaborative data exchange across

1 entities in the bioindustrial manufacturing commu-
2 nity, including government agencies, industry, and
3 academia;

4 (10) developing and implementing digital tools,
5 process security and assurance capabilities, cyberse-
6 curity protocols, and best practices for data storage,
7 sharing and analysis; and

8 (11) such other activities as the Secretary of
9 Defense determines appropriate.

10 (d) CONSIDERATIONS.—In determining the number,
11 type, and location of manufacturing innovation institutes
12 or facilities to support under subsection (a), the Secretary
13 of Defense shall consider—

14 (1) how the institutes or facilities may com-
15 plement each other by functioning as a together as
16 a network;

17 (2) how to geographically distribute support to
18 such institutes or facilities—

19 (A) to maximize access to biological mate-
20 rial needed as an input to bioindustrial manu-
21 facturing processes;

22 (B) to leverage available industrial and
23 academic expertise;

1 (C) to leverage relevant domestic infra-
2 structure required to secure supply chains for
3 chemicals and other materials; and

4 (D) to complement the capabilities of other
5 manufacturing innovation institutes and similar
6 facilities; and

7 (3) how the activities supported under this sec-
8 tion can be coordinated with relevant activities of
9 other departments and agencies of the Federal Gov-
10 ernment.

11 (e) PLAN REQUIRED.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retary of Defense shall submit to the appropriate
15 congressional committees and the National Security
16 Commission on Emerging Biotechnology a plan for
17 the implementation of this section that includes—

18 (A) a description of types, relative sizes,
19 and locations of the manufacturing innovation
20 institutes or facilities the Secretary intends to
21 establish or support under this section;

22 (B) a general description of the focus of
23 each institute or facility, including the types of
24 bioindustrial manufacturing equipment, if any,

1 that are expected to be procured for each such
2 institute or facility;

3 (C) a general description of how the insti-
4 tutes and facilities will work as a network to
5 maximize the diversity of bioindustrial products
6 available to be produced by the network;

7 (D) an explanation of how the network will
8 support the establishment and maintenance of
9 the bioindustrial manufacturing industrial base;
10 and

11 (E) an explanation of how the Secretary
12 intends to ensure that bioindustrial manufac-
13 turing activities conducted under this section
14 are modernized digitally, including through—

15 (i) the use of a data automation to
16 represent processes and products as models
17 and simulations; and

18 (ii) the implementation of measures to
19 address cybersecurity and process assur-
20 ance concerns.

21 (2) BRIEFINGS.—Not later than 180 days after
22 the date of the submittal of the plan under para-
23 graph (1), and biannually thereafter for five years,
24 the Secretary of Defense shall provide to the appro-

1 appropriate congressional committees a briefing on the
2 progress toward the implementation of the plan.

3 (f) DEFINITIONS.—In this section:

4 (1) The term “appropriate congressional com-
5 mittees” means—

6 (A) the congressional defense committees;

7 (B) the Committee on Agriculture, Nutri-
8 tion, and Forestry and the Committee on Com-
9 merce, Science, and Transportation of the Sen-
10 ate; and

11 (C) the Committee on Agriculture and the
12 Committee on Science, Space, and Technology
13 of the House of Representatives.

14 (2) The term “bioindustrial manufacturing”
15 means the use of living organisms, cells, tissues, en-
16 zymes, or cell-free systems to produce materials and
17 products for non-pharmaceutical applications.

18 (3) The term “manufacturing innovation insti-
19 tute” means a Manufacturing USA institute (as de-
20 scribed in section 34(d) of the National Institute of
21 Standards and Technology Act (15 U.S.C. 278s(d)))
22 that is funded by the Department of Defense.

1 **SEC. 215. ACTIVITIES TO SUPPORT THE USE OF METAL AD-**
2 **DITIVE MANUFACTURING FOR THE SUB-**
3 **SURFACE FLEET OF THE NAVY.**

4 (a) IN GENERAL.—The Secretary of the Navy shall
5 carry out activities to support—

6 (1) the development of additive manufacturing
7 processes for the production of metal components
8 and other metal-based materials for the subsurface
9 fleet of the Navy;

10 (2) the testing, evaluation, and qualification of
11 such processes, components, and materials; and

12 (3) the use of such processes, components, and
13 materials to meet requirements and milestones appli-
14 cable to the subsurface fleet of the Navy.

15 (b) FUNDING.—From amounts authorized to be ap-
16 propriated by this Act for shipbuilding concept advance
17 design (PE 0603563N), as reflected in division D of this
18 Act, the Secretary of the Navy is authorized to use up
19 to \$5,000,0000 to carry out the activities required under
20 subsection (a).

21 **SEC. 216. DIGITAL MISSION OPERATIONS PLATFORM FOR**
22 **THE SPACE FORCE.**

23 The Secretary of the Air Force is authorized to enter
24 into one or more contracts for the procurement of a digital
25 mission operations platform for the Space Force that—

1 (1) is capable of providing systems operators
2 with the ability to analyze system performance in a
3 simulated mission environment; and

4 (2) enables collaboration among such operators
5 in a integrated, physics-based environment.

6 **SEC. 217. AIR-BREATHING TEST CAPACITY UPGRADE TO**
7 **SUPPORT CRITICAL HYPERSONIC WEAPONS**
8 **DEVELOPMENT.**

9 The Secretary of the Air Force shall carry out activi-
10 ties to upgrade the air breathing test facilities of the De-
11 partment of the Air Force to support critical hypersonic
12 weapons development. The Secretary shall seek to com-
13 plete any upgrade made under this section, subject to
14 availability of funds for such upgrade, not later than 24
15 months after the upgrade is commenced.

16 **SEC. 218. INFORMATION ON USE OF COMMERCIAL SOFT-**
17 **WARE FOR THE WARFIGHTER MACHINE**
18 **INTERFACE OF THE ARMY.**

19 (a) CERTIFICATION REQUIRED.—Not later than 60
20 days after the date of the enactment of this Act, the Sec-
21 retary of the Army shall certify to the congressional de-
22 fense committees that the procurement process for incre-
23 ments of the warfighter machine interface procured after
24 the date of the enactment of this Act will be carried out

1 in accordance with section 3453 of title 10, United States
2 Code.

3 (b) MARKET RESEARCH AND REPORT.—

4 (1) MARKET RESEARCH.—The Secretary of the
5 Army shall conduct market research to identify com-
6 mercially available software to determine whether
7 such software has the potential to fulfill the applica-
8 ble requirements of the warfighter machine interface
9 program of the Army.

10 (2) REPORT.—Not later than 30 days after the
11 conclusion of the market research required under
12 paragraph (1), the Secretary of the Army shall sub-
13 mit to the congressional defense committees a report
14 on the on the results of the research, including a list
15 of any commercial software identified as part of the
16 research.

17 **SEC. 219. MEASURES TO INCREASE THE CAPACITY OF HIS-**
18 **TORICALLY BLACK COLLEGES AND UNIVER-**
19 **SITIES AND OTHER MINORITY-SERVING IN-**
20 **STITUTIONS TO ACHIEVE VERY HIGH RE-**
21 **SEARCH ACTIVITY STATUS.**

22 (a) PURPOSE.—The purpose of the program estab-
23 lished under this section is to provide additional pathways
24 needed for further increasing capacity at historically Black
25 colleges and universities and other minority-serving insti-

1 tutions to achieve and maintain very high research activity
2 status.

3 (b) PROGRAM TO INCREASE CAPACITY TOWARD
4 ACHIEVING VERY HIGH RESEARCH ACTIVITY STATUS.—

5 (1) PROGRAM.—

6 (A) IN GENERAL.—The Secretary shall es-
7 tablish and carry out, using funds made avail-
8 able for research activities, a pilot program to
9 increase capacity at high research activity sta-
10 tus historically Black colleges and universities
11 and other minority-serving institutions toward
12 achieving very high research activity status dur-
13 ing the grant period.

14 (B) RECOMMENDATIONS.—In establishing
15 such program, the Secretary may consider the
16 recommendations pursuant to section 262 of
17 the National Defense Authorization Act for Fis-
18 cal Year 2020 (Public Law 116–92; 10 U.S.C.
19 4144 note) and section 220 of the National De-
20 fense Authorization Act for Fiscal Year 2022
21 (Public Law 117–81; 135 Stat. 1597).

22 (2) GRANTS AUTHORIZED.—The Secretary shall
23 award, on a competitive basis, grants to eligible in-
24 stitutions to carry out the activities under paragraph
25 (4)(A).

1 (3) APPLICATION.—An eligible institution seek-
2 ing a grant under this section shall submit an appli-
3 cation to the Secretary at such time, in such man-
4 ner, and containing such information and assurances
5 as the Secretary may require, including a description
6 of—

7 (A) nascent research capabilities with re-
8 spect to research areas of interest to the De-
9 partment of Defense;

10 (B) a plan for increasing the level of re-
11 search activity toward achieving very high re-
12 search activity status classification during the
13 grant period, including measurable milestones
14 such as growth in very high research activity
15 status indicators and other relevant factors;

16 (C) how such institution will sustain the
17 increased level of research activity after the
18 conclusion of the grant period; and

19 (D) how the institution will evaluate and
20 assess progress with respect to the implementa-
21 tion of the plan under subparagraph (B).

22 (4) PROGRAM COMPONENTS.—

23 (A) USE OF FUNDS.—An eligible institu-
24 tion that receives a grant under this section
25 shall use the grant funds to support research

activities with respect to research areas for STEM and critical technologies, as determined by the Secretary under subparagraph (B), including—

- (i) faculty professional development;
- (ii) stipends for undergraduate and graduate students and post-doctoral scholars;
- (iii) laboratory equipment and instrumentation;
- (iv) recruitment and retention of faculty and graduate students;
- (v) communication and dissemination of products produced during the grant period;
- (vi) construction, modernization, rehabilitation, or retrofitting of facilities for research purposes; and
- (vii) other activities necessary to build capacity in achieving very high research activity status indicators.

(B) STRATEGIC AREAS OF SCIENTIFIC RESEARCH.—The Secretary, in consultation with the Defense Science Board, shall establish and

1 update, on an annual basis, a list of research
2 areas for STEM and critical technologies.

3 (C) RESEARCH PROGRESS REPORTING.—

4 (i) IN GENERAL.—Not later than 3
5 years after receiving a grant under this
6 section, and every 3 years thereafter, an el-
7 igible institution shall submit to the Sec-
8 retary—

9 (I) a report that includes an as-
10 sessment by the institution, using the
11 criteria established in clause (ii), of
12 the progress made by such institution
13 with respect to achieving very high re-
14 search activity indicators; and

15 (II) an updated plan described in
16 paragraph (3)(B).

17 (ii) RESEARCH ASSESSMENT.—The
18 Secretary, in partnership with the eligible
19 institution, shall establish criteria for the
20 report required under clause (i)(I).

21 (D) GRANT PERIOD.—A grant awarded
22 under this section shall be for a period of not
23 more than 10 years, to be determined by the
24 Secretary.

1 (E) EXPANSION OF ELIGIBILITY.—The
2 Secretary may award grants under this section
3 to historically Black colleges and universities
4 and other minority-serving institutions that are
5 not eligible institutions if the Secretary deter-
6 mines that the program can support such col-
7 leges, universities, and institutions while achiev-
8 ing the purpose of the program described in
9 subsection (a).

10 (5) EVALUATION.—Not later than 5 years after
11 the date of the enactment of this Act, the Secretary
12 shall prepare and submit a report to the Committees
13 on Armed Services of the Senate and the House of
14 Representatives providing an update on the pilot
15 program, including—

16 (A) activities carried out under the pilot
17 program;

18 (B) an analysis of the growth in very high
19 research activity status indicators of eligible in-
20 stitutions that received a grant under this sec-
21 tion; and

22 (C) emerging research areas of interest to
23 the Department of Defense conducted by eligi-
24 ble institutions that received a grant under this
25 section.

1 (6) TERMINATION.—The authority of the Sec-
2 retary to award grants under the pilot program es-
3 tablished by this section shall terminate 10 years
4 after the date on which the Secretary establishes
5 such program.

6 (7) REPORT TO CONGRESS.—Not later than
7 180 days after the termination of the pilot program
8 under paragraph (6), the Secretary shall prepare
9 and submit a report to the Committees on Armed
10 Services of the Senate and the House of Representa-
11 tives on the pilot program that includes the fol-
12 lowing:

13 (A) An analysis of the growth in very high
14 research activity status indicators of eligible in-
15 stitutions that received a grant under this sec-
16 tion.

17 (B) An evaluation on the effectiveness of
18 the program in increasing the research capacity
19 of eligible institutions that received a grant
20 under this section.

21 (C) An description of how institutions that
22 have achieved very high research activity status
23 plan to sustain that status beyond the duration
24 of the program.

1 (D) An evaluation of the maintenance of
2 very high research status by eligible institutions
3 that received a grant under this section.

4 (E) An evaluation of the effectiveness of
5 the program in increasing the diversity of stu-
6 dents conducting high quality research in
7 unique areas.

8 (F) Recommendations with respect to fur-
9 ther activities and investments necessary to ele-
10 vate the research status of historically Black
11 colleges and universities and other minority-
12 serving institutions.

13 (G) Recommendations on whether the pro-
14 gram established under this section should be
15 renewed or expanded.

16 (c) CONSULTATION.—In designing the program
17 under this section, the Secretary of Defense may consult
18 with the President’s Board of Advisors on historically
19 Black colleges and universities.

20 (d) DEFINITIONS.—In this section:

21 (1) The term “eligible institution” means a his-
22 torically Black college or university or other minor-
23 ity-serving institution that is classified as a high re-
24 search activity status institution at the time of appli-
25 cation for a grant under subsection (b).

1 (2) The term “high research activity status”
2 means R2 status, as classified by the Carnegie Clas-
3 sification of Institutions of Higher Education.

4 (3) The term “historically Black college or uni-
5 versity” has the meaning given the term “part B in-
6 stitution” under section 322 of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1061).

8 (4) The term “other minority-serving institu-
9 tion” means an institution of higher education speci-
10 fied in paragraphs (2) through (7) of section 371(a)
11 of the Higher Education Act of 1965 (20 U.S.C.
12 1067q(a)).

13 (5) The term “Secretary” means the Secretary
14 of Defense.

15 (6) The term “very high research activity sta-
16 tus” means R1 status, as classified by the Carnegie
17 Classification of Institutions of Higher Education.

18 (7) The term “very high research activity status
19 indicators” means the categories used by the Car-
20 negie Classification of Institutions of Higher Edu-
21 cation to delineate which institutions have very high
22 activity status, including—

23 (A) annual expenditures in science and en-
24 gineering;

1 (B) per-capita (faculty member) expendi-
2 tures in science and engineering;

3 (C) annual expenditures in non-science and
4 engineering fields;

5 (D) per-capita (faculty member) expendi-
6 tures in non-science and engineering fields;

7 (E) doctorates awarded in science, tech-
8 nology, engineering, and mathematics fields;

9 (F) doctorates awarded in social science
10 fields;

11 (G) doctorates awarded in the humanities;

12 (H) doctorates awarded in other fields with
13 a research emphasis;

14 (I) total number of research staff including
15 postdoctoral researchers;

16 (J) other doctorate-holding non-faculty re-
17 searchers in science and engineering and per-
18 capita (faculty) number of doctorate-level re-
19 search staff including post-doctoral researchers;
20 and

21 (K) other categories utilized to determine
22 classification.

1 **SEC. 220. PILOT PROGRAM TO SUPPORT THE DEVELOP-**
2 **MENT OF PATENTABLE INVENTIONS IN THE**
3 **DEPARTMENT OF THE NAVY.**

4 (a) IN GENERAL.—Beginning not later than 120
5 days after the date of the enactment of this Act, the Sec-
6 retary of the Navy shall carry out a pilot program to ex-
7 pand the support available to covered personnel who seek
8 to engage in the development of patentable inventions
9 that—

10 (1) have applicablity to the job-related functions
11 of such personnel; and

12 (2) may have applicability in the civilian sector.

13 (b) ACTIVITIES.—As part of the pilot program under
14 subsection (a), the Secretary of the Navy shall—

15 (1) expand outreach to covered personnel re-
16 garding the availability of patent-related training,
17 legal assistance, and other support for personnel in-
18 terested in developing patentable inventions;

19 (2) expand the availability of patent-related
20 training to covered personnel, including by making
21 such training available online;

22 (3) clarify and issue guidance detailing how
23 covered personnel, including personnel outside of the
24 laboratories and other research organizations of the
25 Department of the Navy, may—

1 (A) seek and receive support for the devel-
2 opment of patentable inventions; and

3 (B) receive a portion of any royalty or
4 other payment as an inventor or coinventor
5 such as may be due under section
6 14(a)(1)(A)(i) of the Stevenson-Wylder Tech-
7 nology Innovation Act of 1980 (15 U.S.C.
8 3710c(a)(1)(A)(i)); and

9 (4) carry out other such activities as the Sec-
10 retary determines appropriate in accordance with the
11 purposes of the pilot program.

12 (c) TERMINATION.—The authority to carry out the
13 pilot program under subsection (a) shall terminate three
14 years after the date of the enactment of this Act.

15 (d) DEFINITIONS.—In this section:

16 (1) The term “covered personnel” means mem-
17 bers of the Navy and Marine Corps and civilian em-
18 ployees of the Department of the Navy, including
19 members and employees whose primary duties do
20 not involve research and development.

21 (2) The term “patentable invention” means an
22 invention that is patentable under title 35, United
23 States Code.

1 **SEC. 221. PILOT PROGRAM TO FACILITATE THE RESEARCH,**
2 **DEVELOPMENT, AND PRODUCTION OF AD-**
3 **VANCED BATTERY TECHNOLOGIES FOR**
4 **WARFIGHTERS.**

5 (a) ESTABLISHMENT.—The Secretary of Defense
6 shall carry out a pilot program to be known as the “Amer-
7 ican Sustainable Battery Production Technologies Pro-
8 gram” (referred to in this section as the “Program”).
9 Under the Program, the Secretary shall seek to award as-
10 sistance to eligible entities to facilitate the research, devel-
11 opment, and production of electric battery technologies
12 that may be useful for defense-related purposes.

13 (b) COORDINATION WITH RELATED PROGRAMS.—
14 The Secretary of Defense shall ensure that activities under
15 the Program are coordinated with—

16 (1) the Strategic Environmental Research and
17 Development Program under section 2901 of title
18 10, United States Code; and

19 (2) the Department of Energy, including by
20 taking into consideration the potential military ap-
21 plication of battery technologies developed by entities
22 awarded grants by the Department under section
23 40207 of the Infrastructure Investment and Jobs
24 Act (Public law 117–58; 42 U.S.C. 18741).

1 (c) PROGRAM ACTIVITIES.—Under the Program, the
2 Secretary of Defense shall seek to award assistance to eli-
3 gible entities—

4 (1) to conduct research and development into
5 electric battery technologies and any associated man-
6 ufacturing and production needs;

7 (2) to expand the battery recycling capabilities
8 of the Department of Defense;

9 (3) to reduce the reliance of the Department of
10 Defense on foreign competitors for critical materials
11 and technologies, including rare earth materials; and

12 (4) to transition battery technologies, including
13 technologies developed from other pilot programs,
14 prototype projects, or other research and develop-
15 ment programs, from the prototyping phase to pro-
16 duction.

17 (d) FORM OF ASSISTANCE.—Assistance awarded to
18 an eligible entity under the Program may consist of a
19 grant, a contract, a cooperative agreement, other trans-
20 action, or such other form of assistance as the Secretary
21 of Defense considers appropriate.

22 (e) PRIORITY CONSIDERATION.—In awarding assist-
23 ance to eligible entities under the Program, the Secretary
24 of Defense shall give priority to entities that—

1 (1) are located in and operate in the United
2 States, including any manufacturing operations;

3 (2) are owned by a United States entity; and

4 (3) deploy North American-owned intellectual
5 property and content.

6 (f) DATA COLLECTION.—The Secretary of Defense
7 shall collect and analyze data on the Program for the pur-
8 poses of—

9 (1) developing and sharing best practices for
10 achieving the objectives of the Program;

11 (2) providing information to the Secretary on
12 the implementation of the Program, and related pol-
13 icy issues; and

14 (3) reporting to the congressional defense com-
15 mittees in accordance with subsection (h).

16 (g) TERMINATION.—The Program shall terminate on
17 the date that is six years after the date of the enactment
18 of this Act.

19 (h) REPORTS.—

20 (1) ANNUAL REPORTS.—Not later than one
21 year after the date of the enactment of this Act and
22 annually thereafter until the date on which the Pro-
23 gram terminates under subsection (g), the Secretary
24 of Defense shall submit to the appropriate congres-
25 sional committees a report on the use of funds under

1 the Program. Each report shall include the fol-
2 lowing:

3 (A) An explanation of whether and to what
4 extent the assistance awarded to eligible entities
5 under the Program met mission requirements
6 during the period covered by the report, includ-
7 ing—

8 (i) the value of the assistance award-
9 ed, including the value of each grant, con-
10 tract, cooperative agreement, other trans-
11 action, or other form of assistance; and

12 (ii) a description of the research, tech-
13 nology, or capabilities funded with such as-
14 sistance.

15 (B) A description of any research, tech-
16 nology, or capabilities being tested under the
17 Program as of the date of the report together
18 with an explanation of how the Secretary has
19 applied, or expects to apply, such research,
20 technology, or capabilities within the Depart-
21 ment of Defense.

22 (2) FINAL REPORT.—Not later than one year
23 after the date on which the Program terminates
24 under subsection (g), the Secretary of Defense shall
25 submit to the appropriate congressional committees

1 a final report on the results of the Program. Such
2 report shall include—

3 (A) a summary of the objectives achieved
4 by the Program; and

5 (B) recommendations regarding the steps
6 that may be taken to promote battery tech-
7 nologies that are not dependent on foreign com-
8 petitors to meet the needs of the Armed Forces.

9 (i) DEFINITIONS.—In this section:

10 (1) The term “appropriate congressional com-
11 mittees” means—

12 (A) the congressional defense committees;

13 (B) the Committee on Energy and Com-
14 merce and the Committee on Science, Space,
15 and Technology of the House of Representa-
16 tives; and

17 (C) the Committee on Energy and Natural
18 Resources and the Committee on Commerce,
19 Science, and Transportation of the Senate.

20 (2) The term “eligible entity” means a battery
21 producer or other entity involved in the battery pro-
22 duction supply chain.

1 **SEC. 222. PILOT PROGRAM ON RESEARCH AND DEVELOP-**
2 **MENT OF PLANT-BASED PROTEIN FOR THE**
3 **NAVY.**

4 (a) ESTABLISHMENT.—Not later than March 1,
5 2023, the Secretary of the Navy shall establish and carry
6 out a pilot program to offer plant-based protein options
7 at forward operating bases for consumption by members
8 of the Navy.

9 (b) LOCATIONS.—Not later than March 1, 2023, the
10 Secretary shall identify not fewer than two naval facilities
11 to participate in the pilot program and shall prioritize fa-
12 cilities (such as Joint Region Marianas, Guam, Navy Sup-
13 port Facility, Diego Garcia, and U.S. Fleet Activities
14 Sasebo, Japan) where livestock-based protein options may
15 be costly to obtain or store.

16 (c) AUTHORITIES.—In establishing and carrying out
17 the pilot program under subsection (a), the Secretary of
18 the Navy may use the following authorities:

19 (1) The authority to carry out research and de-
20 velopment projects under section 4001 of title 10,
21 United States Code.

22 (2) The authority to enter into transactions
23 other than contracts and grants under section 4021
24 of such title.

1 (3) The authority to enter into cooperative re-
2 search and development agreements under section
3 4026 of such title.

4 (d) RULE OF CONSTRUCTION.—Nothing in this Act
5 shall be construed to prevent offering livestock-based pro-
6 tein options alongside plant-based protein options at naval
7 facilities identified under subsection (b).

8 (e) TERMINATION.—The requirement to carry out the
9 pilot program established under this section shall termi-
10 nate three years after the date on which the Secretary es-
11 tablishes the pilot program required under this section.

12 (f) REPORT.—Not later than one year after the ter-
13 mination of the pilot program, the Secretary shall submit
14 to the appropriate congressional committees a report on
15 the pilot program that includes the following:

16 (1) The consumption rate of plant-based pro-
17 tein options by members of the Navy under the pilot
18 program.

19 (2) Effective criteria to increase plant-based
20 protein options at naval facilities not identified
21 under subsection (b).

22 (3) An analysis of the costs of obtaining and
23 storing plant-based protein options compared to the
24 costs of obtaining and storing livestock-based protein
25 options at selected naval facilities.

1 (g) DEFINITIONS.—In this section:

2 (1) APPROPRIATE CONGRESSIONAL COMMIT-
3 TEES.—The term “appropriate congressional com-
4 mittees” means—

5 (A) the Committee on Armed Services of
6 the House of Representatives; and

7 (B) the Committee on Armed Forces of the
8 Senate.

9 (2) PLANT-BASED PROTEIN OPTIONS.—The
10 term “plant-based protein options” means edible
11 vegan or vegetarian meat alternative products made
12 using plant and other non-livestock-based proteins.

13 **SEC. 223. ALLOWABLE USES OF FUNDS UNDER THE COM-**
14 **MERCIAL WEATHER DATA PILOT PROGRAM**
15 **OF THE AIR FORCE.**

16 Funds authorized to be appropriated by this Act or
17 otherwise made available for fiscal year 2023 for the Air
18 Force for the Commercial Weather Data Pilot Program
19 may be used only for the piloting and demonstration of
20 radio occultation data for use in weather models.

21 **SEC. 224. PILOT PROGRAM ON USE OF DIGITAL TWIN TECH-**
22 **NOLOGIES IN THE ARMED FORCES.**

23 (a) IN GENERAL.—Each Secretary of a military de-
24 partment shall carry out a pilot program under which the
25 Secretary identifies, for each Armed Force under the juris-

1 diction of such Secretary, not fewer than one and not more
2 than three new areas in which digital twin technology may
3 be implemented to improve the operations of the Armed
4 Force. To the extent practicable, consideration shall be
5 given to operations involving reduced manpower and au-
6 tonomous systems.

7 (b) REPORT.—Not later than 90 days after the date
8 of the enactment of this Act, each Secretary of a military
9 department shall submit to the congressional defense com-
10 mittees a report that includes—

11 (1) a description of each proposed area in which
12 digital twin technology may be implemented in ac-
13 cordance with subsection (a);

14 (2) a plan for such implementation; and

15 (3) an explanation of any additional funding re-
16 quired for such implementation.

17 **SEC. 225. FUNDING FOR ADVANCED ABOVE WATER SEN-**
18 **SORS.**

19 (a) INCREASE.—Notwithstanding the amounts set
20 forth in the funding tables in division D, the amount au-
21 thorized to be appropriated in section 201 for research,
22 development, test, and evaluation, Navy, as specified in
23 the corresponding funding table in section 4201, for sys-
24 tem development & demonstration, advanced above water

1 sensors (PE 0604501N), line 129, is hereby increased by
2 \$24,004,000.

3 (b) OFFSET.—Notwithstanding the amounts set forth
4 in the funding tables in division D, the amount authorized
5 to be appropriated in section 301 for operation and main-
6 tenance, Defense-wide, as specified in the corresponding
7 funding table in section 4301, for administration and serv-
8 ice-wide activities, Office of the Secretary of Defense, line
9 440, is hereby reduced by \$24,004,000.

10 **SEC. 226. BIOFUEL AND FUEL CELL VEHICLE RESEARCH,**
11 **DEVELOPMENT, AND DEMONSTRATION PRO-**
12 **GRAM.**

13 (a) IN GENERAL.—The Secretary of Defense shall es-
14 tablish a research, development, and demonstration pro-
15 gram for a commercially viable fuel cell system that uses
16 biofuel as a fuel source for a vehicle.

17 (b) RESEARCH GOALS.—The Secretary of Defense
18 shall establish interim research and development goals
19 that will result in the demonstration of commercially via-
20 ble fuel cell systems that utilize biofuels as a fuel source,
21 including the following:

- 22 (1) Innovative stack designs and components,
23 including—
24 (A) catalysts;
25 (B) membranes and electrolytes;

1 (C) interconnects;

2 (D) seals; and

3 (E) metal- or electrolyte-supported stack
4 cell designs.

5 (2) Variety of renewable energy sources, includ-
6 ing ethanol and other biomass.

7 (3) Technologies that enable fuel cell durability
8 and fuel cell durability testing.

9 (4) Systems designs and component integration
10 that optimize efficiency, cost, transient response,
11 and lifetime.

12 (c) COORDINATION.—In carrying out the activities
13 under this section, the Secretary of Defense shall coordi-
14 nate with—

15 (1) appropriate Federal agencies, including the
16 Department of Agriculture and the Department of
17 Transportation;

18 (2) National Laboratories; and

19 (3) relevant industry stakeholders, non-govern-
20 ment organizations, and trade associations.

21 **SEC. 227. RADAR OBSTRUCTION RESEARCH, DEVELOP-**
22 **MENT, TEST, AND EVALUATION PROGRAM.**

23 (a) ESTABLISHMENT.—The Secretary of Defense, in
24 conjunction with the Director of the National Weather
25 Service, the Administrator of the Federal Aviation Admin-

1 istration, the Secretary of Commerce, and the Secretary
2 of Energy shall establish a research, development, test,
3 and evaluation program (in this Act referred to as the
4 “Program”) to ensure the continued performance of
5 weather radar detection and prediction capabilities with
6 physical obstructions in the radar line of sight.

7 (b) REQUIREMENTS.—In carrying out the Program,
8 the Secretary of Defense, in consultation with the Inter-
9 agency Council for Advancing Meteorological Services,
10 shall—

11 (1) partner with industry, academia, Federal,
12 State, and local government entities, and any other
13 entity that the Secretary considers appropriate;

14 (2) identify and test existing or near-commer-
15 cial technologies and solutions that mitigate the po-
16 tential impact of obstructions on a weather radar;

17 (3) research additional solutions that could
18 mitigate the effects of an obstruction on weather
19 radar, including—

20 (A) signal processing algorithms;

21 (B) short-term forecasting algorithms to
22 replace contaminated data; and

23 (C) the use of dual polarization character-
24 istics in mitigating the effects of wind turbines
25 on weather radar; and

1 (4) develop commercially viable technical miti-
2 gation solutions for obstructions to weather radar
3 capabilities.

4 (c) PRIORITY.—In carrying out the requirements de-
5 scribed in subsection (b), the Secretary of Defense shall
6 prioritize consideration of—

7 (1) multifunction phased array radar;

8 (2) the replacement of contaminated data with
9 commercial radar data;

10 (3) the utilization of data from private-sector-
11 associated meteorological towers;

12 (4) providing wind farm boundaries and consoli-
13 dated wind farm areas to display on local forecasting
14 equipment;

15 (5) installing and providing access to rain
16 gauges; and

17 (6) any other technology-based mitigation solu-
18 tion that the Director of the National Weather Serv-
19 ice determines could overcome beam blockage or
20 ghost echoes.

21 (d) TERMINATION.—The authority of the Secretary
22 of Defense to carry out the Program shall terminate on
23 the earlier of—

24 (1) September 30, 2026; or

1 (2) 1 year after date on which the final rec-
2 ommendation required by subsection (e)(2) is sub-
3 mitted by the Secretary.

4 (e) REPORT; RECOMMENDATION.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of enactment of this section, and annually
7 thereafter until the Program terminates pursuant to
8 subsection (d), the Secretary of Defense shall submit
9 to Congress a report on the implementation of the
10 Program, including an evaluation of each tech-
11 nology-based mitigation solution identified for pri-
12 ority consideration in subsection (c), and a rec-
13 ommendation regarding additional identification and
14 testing of new technologies based on such consider-
15 ation.

16 (2) FINAL RECOMMENDATION.—Not later than
17 5 years after the date of enactment of this section,
18 the Secretary of Defense shall provide to Congress
19 a recommendation on whether additional research,
20 testing, and development through the Program es-
21 tablished by subsection (a) is needed, and a deter-
22 mination of whether a cessation of field research, de-
23 velopment, testing, and evaluation is appropriate.

24 (f) DEFINITIONS.—In this section:

1 (1) BEAM BLOCKAGE.—The term “beam block-
2 age” means a signal that is partially or fully blocked
3 due to an obstruction.

4 (2) GHOST ECHO.—The term “ghost echo”
5 means radar signal reflectivity or velocity return er-
6 rors in radar data due to the close proximity of an
7 obstruction.

8 (3) OBSTRUCTION.—The term obstruction in-
9 cludes—

10 (A) a wind turbine that could limit the ef-
11 fectiveness of a weather radar system; and

12 (B) any building that disrupts or limits the
13 effectiveness of a weather radar system.

14 **SEC. 228. FUNDING FOR RESEARCH AND DEVELOPMENT**
15 **RELATING TO RARE EARTH ELEMENTS.**

16 (a) INCREASE.—Notwithstanding the amounts set
17 forth in the funding tables in division D, the amount au-
18 thorized to be appropriated for the National Defense
19 Stockpile Transaction Fund, as specified the funding table
20 in section 4501, is hereby increased by \$2,000,000 (with
21 the amount of such increase to be used strengthen and
22 implement the domestic industrial base for rare earth
23 metallization related to permanent magnet production and
24 related projects).

1 (b) OFFSET.—Notwithstanding the amounts set forth
2 in the funding tables in division D, the amount authorized
3 to be appropriated in section 201 for research, develop-
4 ment, test, and evaluation, Army, as specified in the cor-
5 responding funding table in section 4201, for system de-
6 velopment & demonstration, integrated personnel and pay
7 system-Army (IPPS-A) (PE 0605018A), line 123, is here-
8 by reduced by \$2,000,000.

9 **SEC. 229. FUNDING FOR NATIONAL DEFENSE EDUCATION**
10 **PROGRAM.**

11 (a) INCREASE.—Notwithstanding the amounts set
12 forth in the funding tables in division D, the amount au-
13 thorized to be appropriated in section 201 for research,
14 development, test, and evaluation, Defense-wide, as speci-
15 fied in the corresponding funding table in section 4201,
16 for basic research, National Defense Education Program,
17 line 006, is hereby increased by \$5,000,000.

18 (b) OFFSET.—Notwithstanding the amounts set forth
19 in the funding tables in division D, the amount authorized
20 to be appropriated in section 301 for operation and main-
21 tenance, Defense-wide, as specified in the corresponding
22 funding table in section 4301, for administration and serv-
23 ice-wide activities, Washington Headquarters Services,
24 line 500, is hereby reduced by \$5,000,000.

1 **SEC. 229A. FUNDING FOR HIGH ENERGY LASER AND CER-**
2 **TAIN EMERGING TECHNOLOGY INITIATIVES.**

3 (a) FUNDING FOR HIGH ENERGY LASER.—

4 (1) INCREASE.—Notwithstanding the amounts
5 set forth in the funding tables in division D, the
6 amount authorized to be appropriated in section 201
7 for research, development, test, and evaluation,
8 Army, as specified in the corresponding funding
9 table in section 4201, for advanced technology devel-
10 opment, air and missile defense advanced technology
11 (PE 0603466A), line 048, Counter-Unmanned Aer-
12 ial Systems Palatized-High Energy Laser is hereby
13 increased by \$25,000,000.

14 (2) OFFSET.—Notwithstanding the amounts set
15 forth in the funding tables in division D, the amount
16 authorized to be appropriated in section 201 for re-
17 search, development, test, and evaluation, Army, as
18 specified in the corresponding funding table in sec-
19 tion 4201, for advanced technology development, air
20 and missile defense advanced technology (PE
21 0603466A), line 048, Program Increase is hereby
22 reduced by \$25,000,000.

23 (b) FUNDING FOR EMERGING TECHNOLOGY INITIA-
24 TIVES.—

25 (1) INCREASE.—Notwithstanding the amounts
26 set forth in the funding tables in division D, the

1 amount authorized to be appropriated in section 201
2 for research, development, test, and evaluation,
3 Army, as specified in the corresponding funding
4 table in section 4201, for system development &
5 demonstration, emerging technology initiatives (PE
6 0605054A), line 136, Program Increase (10kw-50kw
7 DE-MSHORAD) is hereby increased by
8 \$70,000,000.

9 (2) OFFSET.—Notwithstanding the amounts set
10 forth in the funding tables in division D, the amount
11 authorized to be appropriated in section 201 for re-
12 search, development, test, and evaluation, Army, as
13 specified in the corresponding funding table in sec-
14 tion 4201, for system development & demonstration,
15 emerging technology initiatives (PE 0605054A), line
16 136, Program increase (10kw–50kw DE-
17 MSHORAD) and C-UAS P-HEL is hereby reduced
18 by \$70,000,000.

19 **SEC. 229B. DEPARTMENT OF DEFENSE ADVANCED TECH-**
20 **NOLOGY INVESTMENT INCENTIVE PILOT**
21 **PROGRAM.**

22 (a) ESTABLISHMENT.—

23 (1) IN GENERAL.—Subject to the availability of
24 appropriations for this purpose, the Secretary of De-
25 fense shall carry out a pilot program to accelerate

1 the development of advanced technology for national
2 security by creating incentives for trusted private
3 capital in domestic small businesses or nontradi-
4 tional businesses that are developing technology that
5 the Secretary considers necessary to support the
6 modernization of the Department of Defense and
7 national security priorities.

8 (2) PURPOSES.—The purposes of the pilot pro-
9 gram required by this subsection are as follows:

10 (A) To promote the global superiority of
11 the United States in advanced technologies of
12 importance to national security, which are not
13 adequately supported by private sector invest-
14 ment.

15 (B) To accelerate the transition and de-
16 ployment of advanced technologies into the
17 Armed Forces.

18 (C) To support Department spending
19 through a loan guarantee to accelerate develop-
20 ment of advanced technology as described in
21 paragraph (1).

22 (b) PUBLIC-PRIVATE PARTNERSHIP.—

23 (1) IN GENERAL.—In carrying out subsection
24 (a), the Secretary shall enter into a public-private
25 partnership with one or more persons using criteria

1 that the Secretary shall establish for purposes of
2 this subsection.

3 (2) CRITERIA.—The criteria established under
4 paragraph (1) for entering into a public-private
5 partnership with a person shall include the following:

6 (A) The person shall be independent.

7 (B) The person shall be free from foreign
8 oversight, control, influence, or beneficial own-
9 ership.

10 (C) The person shall have commercial pri-
11 vate capital fund experience with technology de-
12 velopment in the defense and commercial sec-
13 tors.

14 (D) The person shall be eligible for access
15 to classified information (as defined in the pro-
16 cedures established pursuant to section 801(a)
17 of the National Security Act of 1947 (50
18 U.S.C. 3161(a))).

19 (3) OPERATING AGREEMENT.—The Secretary
20 and a person with whom the Secretary enters a part-
21 nership under paragraph (1) shall enter into an op-
22 erating agreement that sets forth the roles, respon-
23 sibilities, authorities, reporting requirements, and
24 governance framework for the partnership and its
25 operations.

1 (c) INVESTMENT OF EQUITY.—

2 (1) Pursuant to a public-private partnership en-
3 tered into under subsection (c), a person with whom
4 the Secretary has entered the partnership shall in-
5 vest equity in domestic small businesses or nontradi-
6 tional businesses consistent with subsection (a).

7 (2) Investments under paragraph (1) shall be
8 selected based on their technical merit, economic
9 considerations, and ability to support modernization
10 goals of the Department.

11 (d) BRIEFINGS AND REPORTS.—

12 (1) INITIAL BRIEFING AND REPORT.—Not later
13 than one year after the date of the enactment of this
14 Act, the Secretary shall provide to the congressional
15 defense committees a briefing on the implementation
16 of this section and a report on the feasibility of im-
17 plementing loan guarantees to enhance the effective-
18 ness of the pilot program under subsection (a), in-
19 cluding—

20 (A) a detailed description of how loan
21 guarantees would be vetted, approved, and
22 managed, including mechanisms to protect the
23 government's interests; and

1 (B) how such loan guarantees would be co-
2 ordinated with other government invest mecha-
3 nisms or other private sector financing.

4 (2) FINAL BRIEFING.—Not later than five years
5 after the date of the enactment of this Act, the Sec-
6 retary shall provide to the congressional defense
7 committees a briefing on the outcomes of the pilot
8 program under subsection (a) and the feasibility and
9 advisability of making it permanent.

10 (e) TERMINATION.—The authority to carry out the
11 pilot program under subsection (a) shall terminate on the
12 date that is five years after the date of the enactment of
13 this Act.

14 (f) DEFINITIONS.—In this section:

15 (1) The term “domestic business” has the
16 meaning given the term “U.S. business” in section
17 800.252 of title 31, Code of Federal Regulations, or
18 successor regulation.

19 (2) The term “domestic small businesses or
20 nontraditional businesses” means—

21 (A) a small businesses that is a domestic
22 business; or

23 (B) a nontraditional business that is a do-
24 mestic business.

1 (3) The term “free from foreign oversight, con-
2 trol, influence, or beneficial ownership”, with respect
3 to a person, means a person who has not raised and
4 managed capital from a person or entity that is not
5 trusted and is otherwise free from foreign oversight,
6 control, influence, or beneficial ownership.

7 (4) The term “independent”, with respect to a
8 person, means a person who lacks a conflict of inter-
9 est accomplished by not having entity or manager
10 affiliation or ownership with an existing fund.

11 (5) The term “nontraditional business” has the
12 meaning given the term “nontraditional defense con-
13 tractors” in section 3014 of title 10, United States
14 Code.

15 (6) The term “small business” has the meaning
16 given the term “small business concern” in section
17 3 of the Small Business Act (15 U.S.C. 632).

18 **SEC. 229C. FUNDING FOR DEVELOPMENT OF MEASURES TO**
19 **PREVENT INFECTIONS CAUSED BY SEVERE**
20 **FRACTURES.**

21 (a) INCREASE.—Notwithstanding the amounts set
22 forth in the funding tables in division D, the amount au-
23 thorized to be appropriated in section 201 for research,
24 development, test, and evaluation, Army, as specified in
25 the corresponding funding table in section 4201, for ad-

1 vanced technology development, medical advanced tech-
2 nology (PE 0603002A), line 027, is hereby increased by
3 \$5,000,000 (with the amount of such increase to be used
4 to support the development of procedures and tools to pre-
5 vent infections in members of the Armed Forces who expe-
6 rience severe bone fractures).

7 (b) OFFSET.—Notwithstanding the amounts set forth
8 in the funding tables in division D, the amount authorized
9 to be appropriated in section 301 for operation and main-
10 tenance, Defense-wide, as specified in the corresponding
11 funding table in section 4301, for administration and serv-
12 ice-wide activities, Office of the Secretary of Defense, line
13 440, is hereby reduced by \$5,000,000.

14 **SEC. 229D. FUNDING FOR RESEARCH INTO THE EFFECTS**
15 **OF HEAD-SUPPORTED MASS ON CERVICAL**
16 **SPINE HEALTH.**

17 (a) INCREASE.—Notwithstanding the amounts set
18 forth in the funding tables in division D, the amount au-
19 thorized to be appropriated in section 201 for research,
20 development, test, and evaluation, Army, as specified in
21 the corresponding funding table in section 4201, for ad-
22 vanced technology development, medical advanced tech-
23 nology (PE 0603002A), line 027, is hereby increased by
24 \$5,000,000 (with the amount of such increase to be used

1 to support the advancement of research into the effects
2 of head-supported mass on cervical spine health).

3 (b) OFFSET.—Notwithstanding the amounts set forth
4 in the funding tables in division D, the amount authorized
5 to be appropriated in section 301 for operation and main-
6 tenance, Defense-wide, as specified in the corresponding
7 funding table in section 4301, for administration and serv-
8 ice-wide activities, Office of the Secretary of Defense, line
9 440, is hereby reduced by \$5,000,000.

10 **SEC. 229E. REQUIREMENT FOR SEPARATE PROGRAM ELE-**
11 **MENT FOR THE MULTI-MEDICINE MANUFAC-**
12 **TURING PLATFORM PROGRAM.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) Congress has maintained a strong interest
16 in critical materials subject to significant supply
17 chain disruptions, particularly those for which the
18 predominant supply sources are potential adver-
19 saries;

20 (2) as a result, Congress wishes to increase
21 transparency regarding funding and progress of the
22 multi-medicine manufacturing platform program of
23 the Office of Naval Research; and

24 (3) that program’s unique manufacturing plat-
25 form will ensure that members of the armed forces

1 have access to essential medicines, particularly for
2 those deployed, whether on land or at sea.

3 (b) PROGRAM ELEMENT REQUIRED.—In the mate-
4 rials submitted by the Secretary of the Navy in support
5 of the budget of the President for fiscal year 2025 and
6 each fiscal year thereafter (as submitted to Congress pur-
7 suant to section 1105 of title 31, United States Code),
8 the Secretary shall include a separate program element for
9 the multi-medicine manufacturing platform program
10 under the accounts of the Office of Naval Research.

11 **Subtitle C—Plans, Reports, and**
12 **Other Matters**

13 **SEC. 231. MODIFICATION OF NATIONAL SECURITY STRAT-**
14 **EGY FOR NATIONAL TECHNOLOGY AND IN-**
15 **DUSTRIAL BASE.**

16 Section 4811(a) of title 10, United States Code, is
17 amended by adding at the end the following new para-
18 graph:

19 “(12) Providing for the research and develop-
20 ment of sustainable and secure food sources, includ-
21 ing food innovation and alternative protein develop-
22 ment, in consultation with the Secretary of Agri-
23 culture.”.

1 **SEC. 232. DEFENSE ADVANCED RESEARCH PROJECTS**
2 **AGENCY INNOVATION FELLOWSHIP PRO-**
3 **GRAM.**

4 (a) IN GENERAL.—The Director of the Defense Ad-
5 vanced Research Projects Agency shall develop a plan for
6 the establishment of a fellowship program (to be known
7 as the “Innovation Fellowship Program”) to expand op-
8 portunities for early career scientists to participate in the
9 programs, projects, and other activities of the Agency.

10 (b) ELEMENTS.—In developing the plan under sub-
11 section (a), the Director of the Defense Advanced Re-
12 search Projects Agency shall—

13 (1) review the programs, projects, and other ac-
14 tivities of the Agency that are open to participation
15 from early career scientists to identify opportunities
16 for the expansion of such participation;

17 (2) conduct an assessment of the potential costs
18 of the fellowship program described in subsection
19 (a);

20 (3) establish detailed plans for the implementa-
21 tion of the fellowship program;

22 (4) define eligibility requirements for partici-
23 pants in the fellowship program;

24 (5) identify criteria for evaluating applicants to
25 the fellowship program; and

1 (6) address such other matters as the Director
2 determines appropriate.

3 (c) SUBMITTAL TO CONGRESS.—Not later than 180
4 days after the date of the enactment of this Act, the Direc-
5 tor of the Defense Advanced Research Projects Agency
6 shall submit to the congressional defense committee a re-
7 port that includes—

8 (1) the plan developed under subsection (a);
9 and

10 (2) recommendations for expanding opportuni-
11 ties for early career scientists to participate in the
12 programs, projects, and other activities of the Agen-
13 cy.

14 **SEC. 233. REPORT ON EFFORTS TO INCREASE THE PARTICI-**
15 **PATION OF HISTORICALLY BLACK COLLEGES**
16 **AND UNIVERSITIES AND OTHER MINORITY-**
17 **SERVING INSTITUTIONS IN THE RESEARCH**
18 **AND DEVELOPMENT ACTIVITIES OF THE DE-**
19 **PARTMENT OF DEFENSE.**

20 (a) REPORT REQUIRED.—Not later than 180 days
21 after the date of the enactment of this Act, the Under
22 Secretary of Defense for Research and Engineering shall
23 submit to the congressional defense committees a report
24 on measures that may be implemented to increase the par-
25 ticipation of historically Black colleges and universities

1 and other minority-serving institutions in the research, de-
2 velopment, test, and evaluation activities of the Depart-
3 ment of Defense.

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

6 (1) A strategy for the provision of long-term in-
7 stitutional support to historically Black colleges and
8 universities and other minority-serving institutions,
9 including support for—

10 (A) the development and enhancement of
11 the physical research infrastructure of such in-
12 stitutions; and

13 (B) the research activities of such institu-
14 tions.

15 (2) An evaluation of the feasibility of expanding
16 the support provided by the Department of Defense
17 to historically Black colleges and universities and
18 other minority-serving institutions to include support
19 for the development or enhancement of grant and
20 contract administration capabilities at such institu-
21 tions.

22 (3) An evaluation of options to strengthen sup-
23 port for historically Black colleges and universities
24 and other minority-serving institutions within the
25 military departments and other organizations and

1 elements of the Department, including an evaluation
2 of the need for and feasibility of establishing dedi-
3 cated organizations within the Army, Navy, Marine
4 Corps, Air Force, and Space Force to increase en-
5 gagement with such institutions.

6 (4) A review of the adequacy of the level of
7 staffing within the Department that is dedicated to
8 engagement with historically Black colleges and uni-
9 versities and other minority-serving institutions.

10 (5) A plan to improve data collection and eval-
11 uation with respect to historically Black colleges and
12 universities and other minority-serving institutions,
13 including—

14 (A) harmonization of standards with re-
15 spect to the type, detail, and organization of
16 data on such institutions;

17 (B) improving the completeness of data
18 submissions regarding such institutions;

19 (C) improving the retention of data on
20 such institutions across the Department;

21 (D) additional data collection specific to
22 such institutions, including data on—

23 (i) the rates at which such institutions
24 submit proposals for grants and contracts
25 from the Department, the success rates of

1 such proposals, and feedback regarding
2 such proposals;

3 (ii) the total number of grants and
4 contracts for which such institutions are
5 eligible to apply and the number of appli-
6 cations received from such institutions for
7 such grants and contracts; and

8 (iii) formal feedback mechanisms for
9 rejected proposals from first-time appli-
10 cants from such institutions; and

11 (E) as necessary, promulgation of addi-
12 tional or modified regulations, instructions, or
13 guidance regarding the collection, evaluation,
14 and retention of data on such institutions.

15 (6) Identification of the types of research facili-
16 ties, personnel, capabilities, and subject areas that
17 are in-demand within the Department so that his-
18 torically Black colleges and universities and other
19 minority-serving institutions may prioritize invest-
20 ment in those types of facilities, personnel, capabili-
21 ties, and subject areas as appropriate.

22 (7) Identification of metrics that may be used
23 to evaluate, track, and improve the competitiveness
24 of historically Black colleges and universities and

1 other minority-serving institutions for grants and
2 contracts with the Department.

3 (8) An evaluation of options to implement cri-
4 teria for the award of grants and contracts that as-
5 sign value to the inclusion of historically Black col-
6 leges and universities and other minority-serving in-
7 stitutions as research partners, including such mech-
8 anisms as weighted grant solicitation evaluation cri-
9 teria and longer periods of performance to allow for
10 capacity-building within such institutions.

11 (9) An evaluation of options to incentivize the
12 defense industry to support capacity building within
13 historically Black colleges and universities and other
14 minority-serving institutions, including through the
15 incentivization of independent research and develop-
16 ment or other activities.

17 (10) A plan to compile and maintain data re-
18 garding institutions of higher education, including
19 historically Black colleges and universities and other
20 minority-serving institutions, that receive funding
21 from departments and agencies of the Federal Gov-
22 ernment outside the Department of Defense.

23 (11) A review of the programs and practices of
24 departments and agencies of the Federal Govern-
25 ment outside the Department of Defense relevant to

1 increasing research capacity at historically Black col-
2 leges and universities and other minority-serving in-
3 stitutions for purposes of—

4 (A) the potential adoption of best practices
5 within the Department;

6 (B) the identification of opportunities to
7 leverage the research capacity of such institu-
8 tions; and

9 (C) increasing the level of collaboration be-
10 tween the Department and such institutions.

11 (12) Recommendations for the modification or
12 expansion of the workforce development programs of
13 the Department, including fellowships and intern-
14 ships, to increase the proportion of the workforce
15 hired from historically Black colleges and univer-
16 sities and other minority-serving institutions.

17 (13) Such other recommendations as the Under
18 Secretary of Defense for Research and Engineering
19 determines appropriate.

20 (14) A plan for the implementation of the rec-
21 ommendations included in the report, as appro-
22 priate, including an explanation of any additional
23 funding, authorities, or organizational changes need-
24 ed for the implementation of such recommendations.

25 (c) DEFINITIONS.—In this section:

1 (1) The term “historically Black college or uni-
2 versity” means a part B institution (as defined in
3 section 322 of the Higher Education Act of 1965
4 (20 U.S.C. 1061)).

5 (2) The term “institution of higher education”
6 has the meaning given that term in section 101 of
7 the Higher Education Act of 1932 (20 U.S.C.
8 1001).

9 (3) The term “other minority-serving institu-
10 tion” means an institution of higher education speci-
11 fied in paragraphs (2) through (7) of section 371(a)
12 of the Higher Education Act of 1965 (20 U.S.C.
13 1067q(a)).

14 (d) REPORT ON IMPLEMENTATION.—Not later than
15 180 days after the date of the submission of the report
16 under subsection (a), the Under Secretary of Defense for
17 Research and Engineering shall submit to the congres-
18 sional defense committees a report on the progress of the
19 Under Secretary in implementing measures to increase the
20 participation of historically Black colleges and universities
21 and other minority-serving institutions in the research, de-
22 velopment, test, and evaluation activities of the Depart-
23 ment of Defense, as identified in the report under sub-
24 section (a).

1 **SEC. 234. ASSESSMENT OF TEST INFRASTRUCTURE AND**
2 **PRIORITIES RELATED TO HYPERSONIC CAPA-**
3 **BILITIES AND RELATED TECHNOLOGIES AND**
4 **HYPERSONIC TEST STRATEGY.**

5 (a) ASSESSMENT.—The Secretary of Defense shall
6 assess the capacity of the Department of Defense to test,
7 evaluate, and qualify the hypersonic capabilities and re-
8 lated technologies of the Department.

9 (b) ELEMENTS.—The assessment under subsection
10 (a) shall include the following:

11 (1) An identification of facilities of other de-
12 partments and agencies of the Federal Government
13 and academia and industry testing facilities relevant
14 to the capacity described in subsection (a).

15 (2) An analysis of the capability of each test fa-
16 cility to simulate various individual and coupled
17 hypersonic conditions to accurately simulate a real-
18 istic flight-like environment with all relevant aero-
19 thermochemical conditions.

20 (3) An identification of the coordination, sched-
21 uling, reimbursement processes, and requirements
22 needed for the potential use of test facilities of other
23 departments and agencies of the Federal Govern-
24 ment, as available.

25 (4) An analysis of the test frequency, sched-
26 uling lead time, test cost, and capacity of each test

1 facility relating to testing technologies of the De-
2 partment for hypersonic flight.

3 (5) A review of academia, contractor-owned,
4 commercial ground and flight testbeds that could en-
5 hance efforts to test flight vehicles of the Depart-
6 ment in all phases of hypersonic flight, and other
7 technologies, including sensors, communications,
8 thermal protective shields and materials, optical win-
9 dows, navigation, and environmental sensors.

10 (6) An assessment of any cost- and time-sav-
11 ings that could result from using technologies identi-
12 fied in the strategy under subsection (c).

13 (c) STRATEGY.—

14 (1) REQUIREMENT.—Not later than 180 days
15 after the date of the enactment of this Act, the Sec-
16 retary of Defense shall submit to the appropriate
17 congressional committees a strategy to coordinate
18 the potential use of test facilities and ranges of
19 other departments and agencies of the Federal Gov-
20 ernment, as available, and academia, contractor-
21 owned, commercial flight and reentry test capabili-
22 ties to evaluate hypersonic technologies.

23 (2) ELEMENTS.—The strategy under paragraph
24 (1) shall—

1 (A) be based on the assessment under sub-
2 section (a);

3 (B) address how the Secretary will coordi-
4 nate with other departments and agencies of
5 the Federal Government, including the National
6 Aeronautics and Space Administration, to plan
7 for and schedule the potential use of other Fed-
8 eral Government-owned test facilities and
9 ranges, as available, to evaluate the hypersonic
10 technologies of the Department of Defense;

11 (C) to the extent practicable, address in
12 what cases the Secretary can use academia,
13 contractor-owned, commercial flight and reentry
14 test capabilities to fill any existing testing re-
15 quirement gaps to enhance and accelerate flight
16 qualification of critical hypersonic technologies
17 of the Department;

18 (D) identify—

19 (i) the resources needed to improve
20 the frequency and capacity for testing
21 hypersonic technologies of the Department
22 at ground-based test facilities and flight
23 test ranges;

24 (ii) the resources needed to reimburse
25 other departments and agencies of the

1 Federal Government for the use of the test
2 facilities and ranges of those departments
3 or agencies to test the hypersonics tech-
4 nologies of the Department;

5 (iii) the requirements, approval proc-
6 esses, and resources needed to enhance, as
7 appropriate, the testing capabilities and ca-
8 pacity of other Federal Government-owned
9 test facilities and flight ranges, in coordi-
10 nation with the heads of the relevant de-
11 partments and agencies;

12 (iv) investments that the Secretary
13 can make to incorporate academia, con-
14 tractor-owned, commercial ground and
15 flight testbeds into the overall hypersonic
16 test infrastructure of the Department of
17 Defense; and

18 (v) the environmental conditions, test-
19 ing sizes, and duration required for flight
20 qualification of both hypersonic cruise and
21 hypersonic boost-glide technologies of the
22 Department; and

23 (E) address all advanced or emerging tech-
24 nologies that could shorten timelines and reduce

costs for hypersonic missile testing, including
with respect to—

(i) 3D printing of hypersonic test missile components including the frame, warhead, and propulsion systems;

(ii) reusable hypersonic test beds, including air-sea-and ground launched options;

(iii) additive manufacturing solutions;

(iv) qualified airborne B-52 alternative platforms to provide improved flight schedules; and

(v) other relevant technologies.

(3) COORDINATION.—The Secretary shall develop the strategy under paragraph (1) in coordination with the Joint Hypersonic Transition Office, the Administrator of the National Aeronautics and Space Administration, the research labs of the military departments, and the Defense Test Resource Management Center.

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

(1) The congressional defense committees.

1 (2) The Committee on Science, Space, and
2 Technology of the House of Representatives and the
3 Committee on Commerce, Science, and Transpor-
4 tation of the Senate.

5 **SEC. 235. INDEPENDENT REVIEW AND ASSESSMENT OF**
6 **TEST AND EVALUATION RESOURCE PLAN-**
7 **NING.**

8 (a) REVIEW AND ASSESSMENT.—Not later than 60
9 days after the date of the enactment of this Act, the Sec-
10 retary of Defense shall seek to enter into an agreement
11 with a federally funded research and development center
12 to conduct an independent review and assessment of the
13 Strategic Plan for Test Resources, as prepared by the De-
14 partment of Defense Test Resource Management Center.

15 (b) ELEMENTS.—The review and assessment under
16 subsection (a) shall include the following:

17 (1) An assessment of the adequacy of the 30-
18 year planning horizon that serves as the basis for
19 the Strategic Plan for Test Resources.

20 (2) An assessment of whether and to what ex-
21 tent prior forecasts of the test and evaluation needs
22 of the Department of Defense align with investments
23 made by the Department in test and evaluation re-
24 sources.

25 (3) An identification and assessment of—

1 (A) any shortcomings in the infrastructure,
2 personnel, and equipment of the test and eval-
3 uation enterprise of the Department; and

4 (B) any risks that the status of such enter-
5 prise may pose with respect to the ability of the
6 Department to meet its current and future test
7 and evaluation needs.

8 (4) An assessment of whether and to what ex-
9 tent the test and evaluation efforts of the Depart-
10 ment sufficiently address software-intensive, multi-
11 domain, and continuously developed capabilities.

12 (5) Such other matters as the Secretary of De-
13 fense determines appropriate.

14 (c) REPORT REQUIRED.—Not later than 180 days
15 after the date on which the Secretary of Defense enters
16 into an agreement with a federally funded research and
17 development center under subsection (a), the center shall
18 submit to the Secretary and the congressional defense
19 committees a report on the results of the study conducted
20 under such subsection.

21 **SEC. 236. STUDY ON COSTS ASSOCIATED WITH UNDERPER-**
22 **FORMING SOFTWARE AND INFORMATION**
23 **TECHNOLOGY.**

24 (a) STUDY REQUIRED.—The Secretary of Defense
25 shall seek to enter into a contract with a federally funded

1 research and development center to conduct an inde-
2 pendent study on the impacts, and challenges associated
3 with the use of software and information technology, in-
4 cluding potential solutions to such challenges.

5 (b) ELEMENTS.—The independent study conducted
6 under subsection (a) shall include the following:

7 (1) A survey of members of the Armed Forces
8 under the jurisdiction of a Secretary of a military
9 department to identify the most important software
10 and information technology challenges that result in
11 lost working hours, including an estimate of the
12 number and cost of lost working hours for each mili-
13 tary department, the impact of each challenge on re-
14 tention, and the negative impact to any mission.

15 (2) A summary of the policy or technical chal-
16 lenges that limit the ability of each Secretary of a
17 military department to implement needed software
18 and information technology reforms, based on inter-
19 views conducted with individuals who serve as chief
20 information officer (or an equivalent position) in a
21 military department.

22 (3) Recommendations to address the challenges
23 described in paragraph (1) and improve the proc-
24 esses through which the Secretary provides software
25 and information technology Departmentwide.

1 (c) REPORT REQUIRED.—Not later than one year
2 after the date of the enactment of this Act, a federally
3 funded research and development center described in sub-
4 section (a) shall submit to the Secretary of Defense and
5 the congressional defense committees a report on any
6 independent study conducted under this section.

7 (d) SOFTWARE AND INFORMATION TECHNOLOGY DE-
8 FINED.—In this section, the term “software and informa-
9 tion technology” does not include embedded software and
10 information technology used for weapon systems.

11 **SEC. 237. STUDY AND REPORT ON SUFFICIENCY OF TEST**
12 **AND EVALUATION RESOURCES FOR CERTAIN**
13 **MAJOR DEFENSE ACQUISITION PROGRAMS.**

14 (a) STUDY.—The Director of Operational Test and
15 Evaluation of the Department of Defense shall conduct
16 a study of at least one major defense acquisition program
17 within each covered Armed Force to determine the suffi-
18 ciency of the test and evaluation resources supporting such
19 program.

20 (b) ELEMENTS.—The study under subsection (a)
21 shall include, with respect to each major defense acquisi-
22 tion program evaluated as part of the study, the following:

23 (1) Identification of the test and evaluation re-
24 sources supporting the program as of the date of the
25 study.

1 (2) An evaluation of whether and to what ex-
2 tent such resources are sufficient to meet the needs
3 of the program assuming that test and evaluation
4 resources allocated for other purposes will not be re-
5 allocated to support the program in the future.

6 (3) If the test and evaluation resources identi-
7 fied under paragraph (1) are insufficient to meet the
8 needs of the program, an evaluation of the amount
9 of additional funding required to ensure the suffi-
10 ciency of such resources.

11 (4) The amount of Government-funded, con-
12 tractor-provided test and evaluation resources that
13 are currently provided or are planned to be provided
14 as part of the program of record.

15 (5) The future availability of any resources
16 identified under paragraph (4) for programs,
17 projects, and activities other than the major defense
18 acquisition program evaluated as part of the study.

19 (c) REPORT.—Not later than one year after the date
20 of the enactment of this Act, the Director of Operational
21 Test and Evaluation shall submit to the congressional de-
22 fense committees a report on the results of the study con-
23 ducted under subsection (a).

24 (d) DEFINITIONS.—In this section:

1 (1) The term “covered Armed Force” means
2 the Army, the Navy, the Marine Corps, and the Air
3 Force.

4 (2) The term “major defense acquisition pro-
5 gram” has the meaning given that term in section
6 4201 of title 10, United States Code.

7 **SEC. 238. PERIODIC REPORTS ON RISK DISTRIBUTION**
8 **WITHIN RESEARCH, DEVELOPMENT, TEST,**
9 **AND EVALUATION ACTIVITIES.**

10 (a) **REPORTS REQUIRED.**—In accordance with sub-
11 section (d), the Secretary of Defense, acting through the
12 Under Secretary of Defense for Research and Engineering
13 and in consultation with the Secretaries of the military
14 departments, shall submit to the congressional defense
15 committees periodic reports on the distribution of risk
16 across the covered research activities of the Department
17 of Defense.

18 (b) **ELEMENTS.**—Each report under subsection (a)
19 shall include, with respect to the year covered by the re-
20 port, the following:

21 (1) A list of all covered research activities of
22 the Department of Defense with each such research
23 activity designated as either—

1 (A) research activity that is lower risk,
2 such as efforts aimed at the incremental im-
3 provement of an existing product; or

4 (B) research activity that is higher risk,
5 such as efforts aimed at the development of new
6 technology that could disrupt an entire field
7 (commonly referred to as “disruptive tech-
8 nology”).

9 (2) An assessment of whether the distribution
10 of covered research activities among the risk cat-
11 egories described in subparagraphs (A) and (B) of
12 paragraph (1) is optimal for serving the needs of the
13 Department of Defense.

14 (3) Such other information as the Secretary of
15 Defense determines appropriate.

16 (c) COVERED RESEARCH ACTIVITY DEFINED.—In
17 this section, the term “covered research activity” means
18 a program, project, or other activity of the Department
19 of Defense designated as budget activity 1 (basic re-
20 search), budget activity 2 (applied research), or budget ac-
21 tivity 3 (advanced technology development), as such budg-
22 et activity classifications are set forth in volume 2B, chap-
23 ter 5 of the Department of Defense Financial Manage-
24 ment Regulation (DOD 7000.14–R).

25 (d) SUBMITTAL OF REPORTS.—

1 (1) IN GENERAL.—The reports required under
2 subsection (a) shall be submitted as follows:

3 (A) The first such report shall be sub-
4 mitted by not later than February 1, 2023.

5 (B) A report shall be submitted at the
6 same time as each of the first three reports re-
7 quired under section 118c(e) of title 10, United
8 States Code, after the date of the enactment of
9 this Act.

10 (2) TERMINATION OF REQUIREMENT.—No re-
11 port shall be required to be submitted under this
12 section after the date of the submittal of the third
13 report under paragraph (1)(B).

14 **SEC. 239. REVIEW AND REPORT ON OFFENSIVE**
15 **HYPERSONIC WEAPONS PROGRAMS OF THE**
16 **DEPARTMENT OF DEFENSE.**

17 (a) REVIEW.—The Comptroller General of the United
18 States shall conduct a review of the offensive hypersonic
19 weapons programs of the Department of Defense, includ-
20 ing the Navy Conventional Prompt Strike Program, the
21 Army Long Range Hypersonic Weapon, and the Air Force
22 Air Launched Rapid Response Weapon.

23 (b) ELEMENTS.—The review under subsection (a)
24 shall address—

1 (1) cost and schedule estimates for the fielding
2 of offensive hypersonic weapon systems, including
3 any assumptions that underpin such estimates;

4 (2) whether and to what extent the hypersonic
5 weapon systems are expect to fully achieve the re-
6 quirements originally established for such systems;

7 (3) the technological and manufacturing matu-
8 rity of the critical technologies and materials
9 planned for the systems; and

10 (4) whether and to what extent the Department
11 has pursued alternatives to the critical technologies
12 identified under paragraph (3).

13 (c) INITIAL BRIEFING.—Not later than one year
14 after the date of the enactment of this Act, the Comp-
15 troller General shall provide to the congressional defense
16 committees a briefing on the initial results of the review
17 conducted under subsection (a).

18 (d) FINAL REPORT.—Following the briefing under
19 subsection (c), on a date mutually agreed upon by the
20 Comptroller General and the congressional defense com-
21 mittees, the Comptroller General shall submit to the com-
22 mittees a report on the final results of the review con-
23 ducted under subsection (a).

1 **SEC. 240. REPORT ON POTENTIAL FOR INCREASED UTILI-**
2 **ZATION OF THE ELECTRONIC PROVING**
3 **GROUNDS TESTING RANGE.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Electronic Proving Grounds located at
6 Fort Huachuca, Arizona is unique within the De-
7 partment of Defense because of its naturally quiet
8 electromagnetic environment, its specialized facili-
9 ties, its close relationship with the Army training
10 community, and its access to the expansive real-es-
11 tate of southern Arizona.

12 (2) The Electronic Proving Grounds has access
13 to 70,000 acres at Ft. Huachuca, 23,000 acres on
14 Wilcox Dry Lake, more than 100,000 acres at Gila
15 Bend, and with prior coordination, approximately 62
16 million acres of Federal and State-owned land.

17 (3) Live electronic warfare training is not pos-
18 sible at the majority of military installations in the
19 continental United States including the National
20 Training Center.

21 (4) The Electronic Proving Grounds has the ca-
22 pacity to handle additional testing as well as the ca-
23 pability for realistic electronic warfare training

24 (b) REPORT REQUIRED.—Not later than February 1,
25 2023, the Secretary of the Army shall submit to the con-
26 gressional defense committees a report on the Electronic

1 Proving Grounds testing range located at Fort Huachuca,
2 Arizona.

3 (c) ELEMENTS.—The report under subsection (b)
4 shall address—

5 (1) the amount and types of testing activities
6 conducted at the Electronic Proving Grounds testing
7 range;

8 (2) any shortfalls in the facilities and equip-
9 ment of the range;

10 (3) the capacity of the range to be used for ad-
11 ditional testing activities;

12 (4) the possibility of using the range for the
13 testing activities of other Armed Forces, Federal
14 agencies, and domestic companies;

15 (5) the capacity of the range to be used for re-
16 alistic electronic warfare training;

17 (6) electronic warfare training restrictions at
18 domestic military installations generally; and

19 (7) the feasibility and advisability of providing
20 a dedicated training area for electronic warfare
21 units.

22 (d) COORDINATION.—In preparing the report under
23 subsection (b), the Secretary of the Army shall coordinate
24 with the following:

1 (1) The Director of Operational Test and Eval-
2 uation of the Department of Defense.

3 (2) The governments of Cochise County and Si-
4 erra Vista, Arizona.

5 **SEC. 241. SENSE OF CONGRESS ON THE ADDITIVE MANU-**
6 **FACTURING AND MACHINE LEARNING INITIA-**
7 **TIVE OF THE ARMY.**

8 It is the sense of Congress that—

9 (1) the additive manufacturing and machine
10 learning initiative of the Army has the potential to
11 accelerate the ability to deploy additive manufac-
12 turing capabilities in expeditionary settings and
13 strengthen the United States defense industrial sup-
14 ply chain; and

15 (2) Congress and the Department of Defense
16 should continue to support the additive manufac-
17 turing and machine learning initiative of the Army.

18 **SEC. 242. FUNDING FOR ROBOTICS SUPPLY CHAIN RE-**
19 **SEARCH.**

20 (a) INCREASE.—Notwithstanding the amounts set
21 forth in the funding tables in division D, the amount au-
22 thorized to be appropriated in section 201 for Research,
23 Development, Test, and Evaluation, Defense-Wide, as
24 specified in the corresponding funding table in section
25 4201, for Defense Wide Manufacturing Science and Tech-

1 nology Program, Line 054, is hereby increased by
2 \$15,000,000, for Robotics Supply Chain Research.

3 (b) OFFSET.—Notwithstanding the amounts set forth
4 in the funding tables in division D, the amount authorized
5 to be appropriated in section 201 for Army, as specified
6 in the corresponding funding table in section 4201, for
7 Integrated Personnel and Pay System Army, Line 123,
8 is hereby reduced by \$15,000,000.

9 **SEC. 243. FUNDING FOR ENTERPRISE DIGITAL TRANS-**
10 **FORMATION WITH COMMERCIAL PHYSICS**
11 **SIMULATION.**

12 (a) INCREASE.—Notwithstanding the amounts set
13 forth in the funding tables in division D, the amount au-
14 thorized to be appropriated in section 201 for Research,
15 Development, Test, and Evaluation, Air Force, as speci-
16 fied in the corresponding funding table in section 4201,
17 for the Department of the Air Force Tech Architecture,
18 Line 040, is hereby increased by \$9,000,000, for Enter-
19 prise Digital Transformation with Commercial Physics
20 Simulation.

21 (b) OFFSET.—Notwithstanding the amounts set forth
22 in the funding tables in division D, the amount authorized
23 to be appropriated in section 201 for Research, Develop-
24 ment, Test, and Evaluation, Air Force, as specified in the
25 corresponding funding table in section 4201, for Stand-

1 In Attack Weapon, Line 096, is hereby reduced by
2 \$9,000,000.

3 **SEC. 244. REPORT ON NATIONAL SECURITY APPLICATIONS**
4 **FOR FUSION ENERGY TECHNOLOGY.**

5 (a) REPORT REQUIRED.—Not later than 180 days
6 after the date of the enactment of this Act, the Secretary
7 of Defense shall submit to the congressional defense com-
8 mittees a report on potential national security applications
9 for fusion energy technology.

10 (b) ELEMENTS.—The report under subsection (a)
11 shall include—

12 (1) an evaluation of commercial fusion energy
13 technologies under development by private sector
14 companies in the United States to determine if any
15 such technologies have potential national security
16 applications;

17 (2) consideration of commercial fusion energy
18 technologies—

19 (A) that have met relevant technical mile-
20 stones;

21 (B) that are supported by substantial pri-
22 vate sector financing;

23 (C) that meet applicable requirements of
24 the Department of Defense; and

1 (D) for which prototypes have been con-
2 structed;

3 (3) a timeline for the potential implementation
4 of fusion energy in the Department;

5 (4) a description of any major challenges to
6 such implementation; and

7 (5) recommendations to ensure the effec-
8 tiveness of such implementation.

9 **TITLE III—OPERATION AND**
10 **MAINTENANCE**
11 **Subtitle A—Authorization of**
12 **Appropriations**

13 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2023 for the use of the Armed Forces and other
16 activities and agencies of the Department of Defense for
17 expenses, not otherwise provided for, for operation and
18 maintenance, as specified in the funding table in section
19 4301.

20 **SEC. 302. FUNDING FOR ARMY COMMUNITY SERVICES.**

21 (a) INCREASE.—Notwithstanding the amounts set
22 forth in the funding tables in division D, the amount au-
23 thorized to be appropriated in section 301 for operation
24 and maintenance for Army, base operations support, line
25 110, as specified in the corresponding funding table in sec-

tion 4301, is hereby increased by \$20,000,000, for the purpose of Army Community Services.

(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, Army, as specified in the corresponding funding table in section 4301, for Army Administration, line 450, is hereby reduced by \$10,000,000.

(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, Army, as specified in the corresponding funding table in section 4301, for Army Other Service Support, line 490, is hereby reduced by \$10,000,000.

Subtitle B—Energy and Environment

SEC. 311. EQUIVALENT AUTHORITY FOR ENVIRONMENTAL RESTORATION PROJECTS AT NATIONAL GUARD TRAINING SITES.

(a) CLARIFICATION OF NATIONAL GUARD TRAINING SITES.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The term ‘National Guard training site’ means a facility or site when used for the training

1 of the National Guard pursuant to chapter 5 of title
2 32 with funds provided by the Secretary of Defense
3 or the Secretary of a military department, without
4 regard to—

5 “(A) the owner or operator of the facility
6 or site; or

7 “(B) whether the facility or site is under
8 the jurisdiction of the Department of Defense
9 or a military department.”.

10 (b) INCLUSION UNDER DEFENSE ENVIRONMENTAL
11 RESTORATION PROGRAM.—Section 2701(a)(1) of such
12 title is amended by inserting “and at National Guard
13 training sites” after “at facilities under the jurisdiction
14 of the Secretary”.

15 (c) RESPONSE ACTIONS AT NATIONAL GUARD
16 TRAINING SITES.—Section 2701(c)(1) of such title is
17 amended by adding at the end the following new subpara-
18 graph:

19 “(D) Each facility or site which was a Na-
20 tional Guard training site at the time of actions
21 leading to contamination by hazardous sub-
22 stances or pollutants or contaminants.”.

23 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) REPEAL OF PROVISION.—Section 2707 of
25 such title is amended by striking subsection (e).

1 (2) REFERENCE UPDATE.—Section 345(f)(1) of
2 the National Defense Authorization Act for Fiscal
3 Year 2022 (Public Law 117–81; 135 Stat. 1646; 10
4 U.S.C. 2715 note) is amended by striking “facility
5 where military activities are conducted by the Na-
6 tional Guard of a State pursuant to section 2707(e)
7 of title 10, United States Code” and inserting “Na-
8 tional Guard training site, as such term is defined
9 in section 2700 of title 10, United States Code”.

10 **SEC. 312. AMENDMENT TO BUDGETING OF DEPARTMENT**
11 **OF DEFENSE RELATING TO EXTREME WEATH-**
12 **ER.**

13 Section 328(a) of the National Defense Authorization
14 Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.
15 221 note) is amended—

16 (1) in paragraph (1), by striking “; and” and
17 inserting a semicolon;

18 (2) in paragraph (2), by striking the period at
19 the end and inserting “; and”; and

20 (3) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) a calculation of the annual costs to the
23 Department for assistance provided to—

24 “(A) the Federal Emergency Management
25 Agency or Federal land management agencies—

1 “(i) pursuant to requests for such as-
2 sistance; and

3 “(ii) approved under the National
4 Interagency Fire Center; and

5 “(B) any State, Territory, or possession
6 under title 10 or title 32, United States Code,
7 regarding extreme weather.”.

8 **SEC. 313. PROTOTYPE AND DEMONSTRATION PROJECTS**
9 **FOR ENERGY RESILIENCE AT CERTAIN MILI-**
10 **TARY INSTALLATIONS.**

11 (a) IN GENERAL.—Each Secretary of a military de-
12 partment shall ensure that covered prototype and dem-
13 onstration projects are conducted at each military installa-
14 tion designated by that Secretary as an “Energy Resil-
15 ience Testbed” pursuant to subsection (b).

16 (b) SELECTION OF MILITARY INSTALLATIONS.—

17 (1) SELECTION.—Not later than 180 days after
18 the date of the enactment of this Act, each Secretary
19 of a military department, in consultation with the
20 Secretary of the Defense, shall—

21 (A) select at least two military installations
22 under the jurisdiction of that Secretary for des-
23 ignation pursuant to paragraph (3); and

1 (B) incorporate the conduct of covered pro-
2 totype and demonstration projects into the mis-
3 sion of each installation so selected.

4 (2) CONSIDERATIONS.—In selecting military in-
5 stallations under paragraph (1), each Secretary of a
6 military department shall, to the extent practicable,
7 take into consideration the following:

8 (A) The mission of the installation.

9 (B) The geographic terrain of the installa-
10 tion and of the community surrounding the in-
11 stallation.

12 (C) The energy resources available to sup-
13 port the installation.

14 (D) Any State or local regulations that
15 apply with respect to public or private utilities
16 serving the installation.

17 (E) An assessment of any climate or ex-
18 treme weather risks or vulnerabilities at the in-
19 stallation and the community surrounding the
20 installation.

21 (3) DESIGNATION AS ENERGY RESILIENCE
22 TESTBED.—Each installation selected under para-
23 graph (1) shall be known as an “Energy Resilience
24 Testbed”.

1 (c) COVERED TECHNOLOGIES.—Covered prototype
2 and demonstration projects conducted at military installa-
3 tions designated pursuant to subsection (b) shall include
4 the prototype and demonstration of technologies in the fol-
5 lowing areas:

6 (1) Energy storage technologies, including long-
7 duration energy storage systems.

8 (2) Technologies that support electric vehicles
9 or the transition to use of electric vehicles, including
10 with respect to tactical vehicles.

11 (3) Technologies to improve building energy ef-
12 ficiency in a cyber-secure manner, such as advanced
13 lighting controls, high-performance cooling systems,
14 and technologies for waste heat recovery.

15 (4) Technologies to improve building energy
16 management and control in a cyber-secure manner.

17 (5) Tools and processes for design, assessment,
18 and decision-making on the installation with respect
19 to climate resilience and hazard analysis, energy use,
20 management, and the construction of climate resil-
21 ient buildings and infrastructure.

22 (6) Carbon sequestration technologies.

23 (7) Technologies relating to on-site resilient en-
24 ergy generation, including advanced geothermal and
25 advanced nuclear technologies.

1 (8) Port electrification and surrounding defense
2 critical infrastructure and related non-Federal infra-
3 structure, including surrounding defense community
4 infrastructure.

5 (9) Tidal and wave power technologies.

6 (10) Distributed ledger technologies.

7 (d) BRIEFING.—Not later than 180 days after the
8 enactment of this Act, the Secretary of Defense, in con-
9 sultation with the Secretaries of the military departments,
10 shall provide to the appropriate congressional committees
11 a briefing on the conduct of covered prototype and dem-
12 onstration projects at each military installation designated
13 pursuant to subsection (b). Such briefing shall include the
14 following:

15 (1) An identification of each military installa-
16 tion so designated.

17 (2) A justification as to why each military in-
18 stallation so designated was selected for such des-
19 ignation.

20 (3) A strategy for commencing the conduct of
21 such projects at each military installation so des-
22 ignated by not later than one year after the date of
23 the enactment of this Act.

24 (e) DEADLINE FOR COMMENCEMENT OF
25 PROJECTS.—The Secretary of Defense shall ensure that,

1 beginning not later than one year after the date of the
2 enactment of this Act, covered prototype and demonstra-
3 tion projects are conducted at, and such conduct is incor-
4 porated into the mission of, each military installation des-
5 ignated pursuant to subsection (b).

6 (f) CONSORTIUMS.—

7 (1) IN GENERAL.—Each Secretary of a military
8 department may enter into a partnership with, or
9 seek to establish, a consortium of industry, aca-
10 demia, and other entities described in paragraph (2)
11 to conduct covered prototype and demonstration
12 projects at a military installation designated by that
13 Secretary pursuant to subsection (b).

14 (2) CONSORTIUM ENTITIES.—The entities de-
15 scribed in this paragraph are as follows:

16 (A) National laboratories.

17 (B) Industry entities the primary work of
18 which relates to energy and climate security
19 technologies and business models.

20 (g) AUTHORITIES.—

21 (1) IN GENERAL.—Covered prototype and dem-
22 onstration projects required under this section may
23 be conducted as part of the program for operational
24 energy prototyping established under section 324(c)
25 of the William M. (Mac) Thornberry National De-

1 fense Authorization Act for Fiscal Year 2021 (Pub-
2 lic Law 116–283; 134 Stat. 3523; 10 U.S.C. 2911
3 note) (including by using funds available under the
4 Operational Energy Prototyping Fund established
5 pursuant to such section), using the other trans-
6 actions authority under section 4021 or 4022 of title
7 10, United States Code, or using any other available
8 authority or funding source the Secretary of Defense
9 determines appropriate.

10 (2) FOLLOW-ON PRODUCTION CONTRACTS OR
11 TRANSACTIONS.—Each Secretary of a military de-
12 partment shall ensure that, to the extent practicable,
13 any transaction entered into under the other trans-
14 actions authority under section 4022 of title 10,
15 United States Code, for the conduct of a covered
16 prototype and demonstration project under this sec-
17 tion shall provide for the award of a follow-on pro-
18 duction contract or transaction pursuant to sub-
19 section (f) of such section 4022.

20 (h) INTERAGENCY COLLABORATION.—In carrying
21 out this section, to the extent practicable, the Secretary
22 of Defense shall collaborate with the Secretary of Energy
23 and the heads of such other Federal departments and
24 agencies as the Secretary of Defense may determine ap-

1 appropriate, including by entering into relevant memoranda
2 of understanding.

3 (i) DEFINITIONS.—In this section:

4 (1) The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Armed Services and
7 the Committee on Energy and Commerce of the
8 House of Representatives; and

9 (B) the Committee on Armed Services and
10 the Committee on Energy and Natural Re-
11 sources of the Senate.

12 (2) The term “community infrastructure” has
13 the meaning given that term in section 2391(e) of
14 title 10, United States Code.

15 (3) The term “covered prototype and dem-
16 onstration project” means a project to prototype and
17 demonstrate advanced technologies to enhance en-
18 ergy resilience and climate security at a military in-
19 stallation.

20 (4) The term “military installation” has the
21 meaning given that term in section 2867 of title 10,
22 United States Code.

1 **SEC. 314. PILOT PROGRAM FOR TRANSITION OF CERTAIN**
2 **NONTACTICAL VEHICLE FLEETS OF DEPART-**
3 **MENT OF DEFENSE TO ELECTRIC VEHICLES.**

4 (a) IN GENERAL.—The Secretary of Defense, in co-
5 ordination with the Secretaries of the military depart-
6 ments, and in consultation with the Secretary of Energy,
7 shall carry out a pilot program to facilitate the transition
8 of nontactical vehicle fleets of the Department of Defense
9 at certain military installations and distribution centers
10 of the Defense Logistics Agency to nontactical vehicle
11 fleets comprised solely of electric vehicles, including
12 through the maintenance on the installations or centers,
13 as the case may be, of charging stations, microgrids, and
14 other covered infrastructure sufficient to cover the energy
15 demand of such fleets.

16 (b) SELECTION OF MILITARY INSTALLATIONS AND
17 DISTRIBUTION CENTERS.—

18 (1) SELECTION OF MILITARY INSTALLA-
19 TIONS.—Not later than 180 days after the date of
20 the enactment of this Act, each Secretary of a mili-
21 tary department shall—

22 (A) select at least one military installation
23 of each Armed Force under the jurisdiction of
24 that Secretary at which to carry out the pilot
25 program under subsection (a); and

1 (B) submit to the Committees on Armed
2 Services of the House of Representatives and
3 the Senate a notification containing an identi-
4 fication of each such selected installation.

5 (2) PRIORITY.—In selecting military installa-
6 tions under paragraph (1), each Secretary of a mili-
7 tary department shall give priority to the following:

8 (A) Military installations with existing
9 third-party financed, installed, operated, and
10 maintained charging stations on the installa-
11 tion.

12 (B) Military installations with other exist-
13 ing covered infrastructure, including charging
14 stations under ownership methods other than
15 those specified in subparagraph (A), on the in-
16 stallation.

17 (C) Military installations located in a geo-
18 graphic region with existing covered infrastruc-
19 ture, including charging stations, proximate to
20 the installation.

21 (D) Military installations with respect to
22 which the Secretary determines the future in-
23 clusion on the installation of charging stations
24 and other covered infrastructure is feasible and
25 cost effective given the anticipated need for

1 charging stations to service electric vehicles in
2 the nontactical vehicle fleet at the installation
3 (including those with respect to which the Sec-
4 retary determines there may be an opportunity
5 to enter into a contract for the third-party
6 charging stations specified in subparagraph
7 (A)).

8 (E) Military installations at which a
9 project authorized under section 2914 of title
10 10, United States Code, (known as the Energy
11 Resilience and Conservation Investment Pro-
12 gram) and determined by the Secretary to be
13 relevant to the pilot program has been con-
14 ducted or is planned to be conducted pursuant
15 to the future-years defense program submitted
16 under section 221 of such title.

17 (3) CONSIDERATIONS.—In determining whether
18 a military installation should receive priority pursu-
19 ant to paragraph (2)(D), each Secretary of a mili-
20 tary department shall take into account the fol-
21 lowing:

22 (A) A calculation of existing loads at the
23 installation and the existing capacity of the in-
24 stallation for the charging of electric vehicles,
25 including (as applicable) light duty trucks.

1 (B) The availability of adequate space for
2 vehicles awaiting charging during peak usage
3 times, as determined by the Secretary.

4 (C) Any required upgrades to covered in-
5 frastructure on the installation, including elec-
6 trical wiring, anticipated by the Secretary.

7 (4) SELECTION OF DISTRIBUTION CENTERS.—

8 (A) SELECTION.—Not later than 180 days
9 after the date of the enactment of this Act, the
10 Director of the Defense Logistics Agency shall
11 select at least one distribution center of the De-
12 fense Logistics Agency at which to carry out
13 the pilot program under subsection (a) and sub-
14 mit to the Committees on Armed Services of
15 the House of Representatives and notification
16 containing an identification of any such selected
17 distribution center.

18 (B) PRIORITY.—In selecting a distribution
19 center under subparagraph (A), the Director of
20 the Defense Logistics Agency shall apply the
21 same priorities as the Secretaries of the mili-
22 tary departments apply with respect to the se-
23 lection of a military installation under para-
24 graph (2) (including by taking into account the
25 same considerations specified in paragraph (3)),

1 except that, in addition to the priorities speci-
2 fied in paragraph (2), the Director shall also
3 give priority to the following:

4 (i) Distribution centers with signifi-
5 cant on-center use by vehicles of class 3 or
6 heavier, as determined pursuant to table II
7 of section 565.15 of title 49, Code of Fed-
8 eral Regulations.

9 (ii) Distribution centers at which
10 there is, or are plans to develop, renewable
11 energy resource generation.

12 (c) TRANSITION PLANS.—

13 (1) MILITARY INSTALLATIONS.—Not later than
14 one year after the date on which a Secretary of a
15 military department submits a notification identi-
16 fying a military installation under subsection (b)(1),
17 that Secretary shall submit to the Committees on
18 Armed Services of the House of Representatives and
19 the Senate a plan for—

20 (A) the replacement of all vehicles in the
21 nontactical vehicle fleet at the military installa-
22 tion with electric vehicles by January 1, 2025;
23 and

24 (B) the maintenance on the military instal-
25 lation of charging stations and other covered in-

1 frastructure, including a microgrid, that will be
2 sufficient—

- 3 (i) to cover the anticipated electricity
4 demand of such electric vehicles; and
5 (ii) to improve installation energy re-
6 silience.

7 (2) ELEMENTS.—Each plan under paragraph
8 (1) shall include, with respect to the military instal-
9 lation covered by the plan, the following:

10 (A) A determination of the type and num-
11 ber of charging stations to include on the in-
12 stallation, taking into account the interoper-
13 ability of chargers and the potential future
14 needs or applications for chargers, such as vehi-
15 cle-to-grid or vehicle-to-building applications.

16 (B) A determination of the optimal owner-
17 ship method to provide charging stations on the
18 installation, taking into account the following:

19 (i) Use of Government-owned (pur-
20 chased, installed, and maintained) charg-
21 ing stations.

22 (ii) Use of third-party financed, in-
23 stalled, operated, and maintained charging
24 stations.

1 (iii) Use of financing models in which
2 energy and charging infrastructure oper-
3 ations and maintenance are treated as a
4 service.

5 (iv) Cyber and physical security con-
6 siderations and best practices associated
7 with different ownership, network, and
8 control models.

9 (C) A determination of the optimal power
10 source to provide charging stations at the in-
11 stallation, taking into account the following:

12 (i) Transformer and substation re-
13 quirements.

14 (ii) Microgrids and distributed energy
15 to support both charging requirements and
16 energy storage.

17 (3) SOURCE OF SERVICES.—Each Secretary of
18 a military department may use expertise within the
19 military department or enter into a contract with a
20 non-Department of Defense entity to make the de-
21 terminations specified in paragraph (2).

22 (4) DISTRIBUTION CENTERS.—Not later than
23 one year after the date on which the Director of the
24 Defense Logistics Agency submits a notification
25 identifying a distribution center under subsection

1 (b)(1), the Director shall submit to the Committees
2 on Armed Services of the House of Representatives
3 and the Senate a plan specified in paragraph (1)
4 with respect to the distribution center. Such plan
5 shall include, with respect to the distribution center,
6 each of the same elements required under paragraph
7 (2) for a military installation, and the Director may
8 use expertise to the same extent and in the same
9 manner specified in paragraph (3).

10 (d) FINAL DEADLINE FOR REPLACEMENT.—Begin-
11 ning not later than January 1, 2025, all vehicles in the
12 nontactical vehicle fleet at each military installation or dis-
13 tribution center selected under subsection (b) shall be elec-
14 tric vehicles.

15 (e) DEFINITIONS.—In this section:

16 (1) The terms “Armed Forces” and “military
17 departments” have the meanings given those terms
18 in section 101 of title 10, United States Code.

19 (2) The term “charging station” means a col-
20 lection of one or more electric vehicle supply equip-
21 ment units.

22 (3) The term “covered infrastructure”—

23 (A) means infrastructure that the Sec-
24 retary of Defense determines may be used to—

1 (i) charge electric vehicles, including
2 by transmitting electricity to such vehicles
3 directly; or

4 (ii) support the charging of electric
5 vehicles, including by supporting the resil-
6 ience of grids or other systems for deliv-
7 ering energy to such vehicles (such as
8 through the mitigation of grid stress); and

9 (B) includes—

10 (i) charging stations;

11 (ii) batteries;

12 (iii) battery-swapping systems;

13 (iv) microgrids;

14 (v) off-grid charging systems; and

15 (vi) other apparatuses installed for
16 the specific purpose of delivering energy to
17 an electric vehicle or to a battery intended
18 to be used in an electric vehicle, including
19 wireless charging technologies.

20 (4) The term “electric vehicle” includes—

21 (A) a plug-in hybrid electric vehicle that
22 uses a combination of electric and gas powered
23 engine that can use either gasoline or electricity
24 as a fuel source; and

1 (B) a plug-in electric vehicle that runs
2 solely on electricity and does not contain an in-
3 ternal combustion engine or gas tank.

4 (5) The term “electric vehicle supply equipment
5 unit” means the port that supplies electricity to one
6 vehicle at a time.

7 (6) The term “microgrid” means a group of
8 interconnected loads and distributed energy re-
9 sources within clearly defined electrical boundaries
10 that acts as a single controllable entity with respect
11 to the grid.

12 (7) The term “military installation” has the
13 meaning given that term in section 2801 of title 10,
14 United States Code.

15 (8) The term “nontactical vehicle” means a ve-
16 hicle other than a tactical vehicle.

17 (9) The term “tactical vehicle” means a motor
18 vehicle designed to military specification, or a com-
19 mercial design motor vehicle modified to military
20 specification, to provide direct transportation sup-
21 port of combat or tactical operations, or for the
22 training of personnel for such operations.

23 (10) The term “renewable energy resources”
24 has the meaning given that term in section 403 of

1 the Renewable Energy Resources Act of 1980 (42
2 U.S.C. 7372).

3 (11) The term “wireless charging” means the
4 charging of a battery by inductive charging or by
5 any means in which a battery is charged without a
6 wire, or plug-in wire, connecting the power source
7 and battery.

8 **SEC. 315. PILOT PROGRAM ON USE OF SUSTAINABLE AVIA-**
9 **TION FUEL.**

10 (a) IN GENERAL.—The Secretary of Defense shall
11 conduct a pilot program at two or more geographically di-
12 verse Department of Defense facilities for the use of sus-
13 tainable aviation fuel. Such program shall be designed
14 to—

15 (1) identify any logistical challenges with re-
16 spect to the use of sustainable aviation fuel by the
17 Department of Defense; and

18 (2) explore opportunities for collaboration with
19 nearby commercial airports and sustainable aviation
20 fuel refinery facilities to facilitate such use.

21 (b) SELECTION OF FACILITIES.—

22 (1) SELECTION.—Not later than one year after
23 the date of the enactment of this Act, the Secretary
24 of Defense shall select at least two geographically di-
25 verse Department facilities at which to carry out the

1 pilot program. At least one such facility shall be a
2 facility with an onsite refinery that is located in
3 proximity to at least one major commercial airport
4 that is also actively seeking to increase the use of
5 sustainable aviation fuel.

6 (2) NOTICE TO CONGRESS.—Upon the selection
7 of each facility under paragraph (1), the Secretary
8 shall submit to the Committee on Armed Services
9 and the Committee on Transportation and Infra-
10 structure of the House of Representatives notice of
11 the selection, including an identification of the facil-
12 ity selected.

13 (c) CERTIFICATION AND USE OF BLENDED SUSTAIN-
14 ABLE AVIATION FUEL.—

15 (1) PLANS.—For each facility selected under
16 subsection (b), not later than one year after the se-
17 lection of the facility, the Secretary shall—

18 (A) develop a plan on how to implement,
19 by September 30, 2028, a certification program
20 under which aviation fuel must be certified as
21 blended to contain at least 10 percent sustain-
22 able aviation fuel as a requirement for use of
23 the aviation fuel at the facility (in addition to
24 any other fuel certification requirement of the
25 Department of Defense or the Armed Forces);

1 (B) submit the plan to the Committee on
2 Armed Services and the Committee on Trans-
3 portation and Infrastructure of the House of
4 Representatives; and

5 (C) provide to such Committees a briefing
6 on the plan that includes, at a minimum—

7 (i) a description of any operational,
8 infrastructure, or logistical requirements
9 and recommendations for the blending,
10 certification, and use of sustainable avia-
11 tion fuel; and

12 (ii) a description of any stakeholder
13 engagement in the development of the
14 plan, including any consultations with
15 nearby commercial airport owners or oper-
16 ators.

17 (2) IMPLEMENTATION OF PLANS.—For each fa-
18 cility selected under subsection (b), during the pe-
19 riod beginning on a date that is not later than Sep-
20 tember 30, 2028, and for five years thereafter, the
21 Secretary shall require, in accordance with the re-
22 spective plan developed under paragraph (1), the ex-
23 clusive use at the facility of aviation fuel that has
24 been certified as blended to contain at least 10 per-
25 cent sustainable aviation fuel.

1 (d) CRITERIA FOR SUSTAINABLE AVIATION FUEL.—
2 Sustainable aviation fuel used under the pilot program
3 shall meet the following criteria:

4 (1) Such fuel shall be produced in the United
5 States from non-food domestic feedstock sources.

6 (2) Such fuel shall constitute drop-in fuel that
7 meets all specifications and performance require-
8 ments of the Department of Defense and the Armed
9 Forces.

10 (e) WAIVER.—The Secretary may waive the require-
11 ment for the exclusive use at the facility of aviation fuel
12 that has been certified as blended to contain at least 10
13 percent sustainable aviation fuel under the pilot program
14 if the Secretary—

15 (1) determines such use is not feasible due to
16 a lack of domestic availability of sustainable aviation
17 fuel or a national security contingency; and

18 (2) submits to the congressional defense com-
19 mittees notice of such waiver and the reasons for
20 such waiver.

21 (f) FINAL REPORT.—At the conclusion of the pilot
22 program, the Assistant Secretary of Defense for Energy,
23 Installations, and Environment shall submit to the Com-
24 mittee on Armed Services and the Committee on Trans-
25 portation and Infrastructure of the House of Representa-

1 tives a final report on the pilot program. Such report shall
2 include each of the following:

3 (1) An assessment of the effect of using sus-
4 tainable aviation fuel on the overall fuel costs of
5 blended fuel.

6 (2) A description of any operational, infrastruc-
7 ture, or logistical requirements and recommenda-
8 tions for the blending, certification, and use of sus-
9 tainable aviation fuel, with a focus on scaling up
10 military-wide adoption of such fuel.

11 (3) Recommendations with respect to how mili-
12 tary installations can leverage proximity to commer-
13 cial airports and other jet fuel consumers to increase
14 the rate of use of sustainable aviation fuel, for both
15 military and non-military use, including potential
16 collaboration on innovative financing or purchasing
17 and shared supply chain infrastructure.

18 (4) A description of the effects on performance
19 and operation aircraft using sustainable aviation fuel
20 including—

21 (A) if used, considerations of various
22 blending ratios and their associated benefits;

23 (B) efficiency and distance improvements
24 of flights fuels using sustainable aviation fuel;

1 (C) weight savings on large transportation
2 aircraft and other types of aircraft with using
3 blended fuel with higher concentrations of sus-
4 tainable aviation fuel;

5 (D) maintenance benefits of using sustain-
6 able aviation fuel, including engine longevity;

7 (E) the effect of the use of sustainable
8 aviation fuel on emissions and air quality;

9 (F) the effect of the use of sustainable
10 aviation fuel on the environment and on sur-
11 rounding communities, including environmental
12 justice factors that are created by the demand
13 for and use of sustainable aviation fuel by the
14 Department of Defense; and

15 (G) benefits with respect to job creation in
16 the sustainable aviation fuel production and
17 supply chain.

18 (g) SUSTAINABLE AVIATION FUEL DEFINED.—In
19 this section, the term “sustainable aviation fuel” means
20 liquid fuel that—

21 (1) consists of synthesized hydrocarbon;

22 (2) meets the requirements of—

23 (A) ASTM International Standard D7566

24 (or such successor standard); or

1 (B) the co-processing provisions of ASTM
2 International Standard D1655, Annex A1 (or
3 such successor standard);

4 (3) is derived from biomass (as such term is de-
5 fined in section 45K(c)(3) of the Internal Revenue
6 Code of 1986), waste streams, renewable energy
7 sources, or gaseous carbon oxides;

8 (4) is not derived from palm fatty acid dis-
9 tillates; and

10 (5) conforms to the standards, recommended
11 practices, requirements and criteria, supporting doc-
12 uments, implementation elements, and any other
13 technical guidance, for sustainable aviation fuels
14 that are adopted by the International Civil Aviation
15 Organization with the agreement of the United
16 States.

17 **SEC. 316. POLICY TO INCREASE DISPOSITION OF SPENT AD-**
18 **VANCED BATTERIES THROUGH RECYCLING.**

19 (a) **POLICY REQUIRED.**—Not later than one year
20 after the date of the enactment of this Act, the Assistant
21 Secretary of Defense for Energy, Installations, and Envi-
22 ronment, in coordination with the Director of the Defense
23 Logistics Agency, shall establish a policy to increase the
24 disposition of spent advanced batteries of the Department
25 of Defense through recycling (including by updating the

1 Department of Defense Manual 4160.21, titled “Defense
2 Material Disposition: Disposal Guidance and Procedures”,
3 or such successor document, accordingly), for the purpose
4 of supporting the reclamation and return of precious met-
5 als, rare earth metals, and elements of strategic impor-
6 tance (such as cobalt and lithium) into the supply chain
7 or strategic reserves of the United States.

8 (b) CONSIDERATIONS.—In developing the policy
9 under subsection (a), the Assistant Secretary shall con-
10 sider, at a minimum, the following recycling methods:

11 (1) Pyroprocessing.

12 (2) Hydroprocessing.

13 (3) Direct cathode recycling, relithiation, and
14 upcycling.

15 **SEC. 317. GUIDANCE AND TARGET DEADLINE RELATING TO**
16 **FORMERLY USED DEFENSE SITES PRO-**
17 **GRAMS.**

18 (a) GUIDANCE RELATING TO SITE
19 PRIORITIZATION.—The Assistant Secretary of Defense for
20 Energy, Installations, and Environment shall issue guid-
21 ance setting forth how, in prioritizing sites for activities
22 funded under the “Environmental Restoration Account,
23 Formerly Used Defense Sites” account established under
24 section 2703(a)(5) of title 10, United States Code, the As-
25 sistant Secretary shall weigh the relative risk or other fac-

1 tors between Installation Restoration Program sites and
2 Military Munitions Response Program sites.

3 (b) TARGET DEADLINE FOR MILITARY MUNITIONS
4 RESPONSE PROGRAM.—The Assistant Secretary of De-
5 fense for Energy, Installations, and Environment shall es-
6 tablish a target deadline for the completion of the cleanup
7 of all Military Munitions Response Program sites.

8 **SEC. 318. BUDGET INFORMATION FOR ALTERNATIVES TO**
9 **BURN PITS.**

10 The Secretary of Defense shall include in the budget
11 materials submitted to Congress in support of the Depart-
12 ment of Defense budget for fiscal year 2024 (as submitted
13 with the budget of the President for such fiscal year under
14 section 1105(a) of title 31, United States Code) a dedi-
15 cated budget line item for incinerators and waste-to-en-
16 ergy waste disposal alternatives to burn pits.

17 **SEC. 319. PROGRAM TO TRACK AND REDUCE SCOPE 3 EMIS-**
18 **SIONS AND ENERGY COSTS.**

19 (a) PROGRAM AUTHORIZED.—The Secretary of De-
20 fense shall establish a program, to be known as the “Scope
21 3 Emissions Reduction Program”, under which the Sec-
22 retary shall use innovative software to—

23 (1) establish full accountability with respect to
24 the Scope 3 greenhouse gas emissions in the supply
25 chain of the Department of Defense; and

1 (2) produce actionable data to reduce emissions
2 and save energy costs.

3 (b) GOALS OF THE PROGRAM.—The goals of the
4 Scope 3 Emissions Reduction Program are—

5 (1) to prove emerging technologies, methodolo-
6 gies, and capabilities to effectively track and compile
7 transparent and reliable scope 3 emissions data and
8 energy costs in real time;

9 (2) to produce actionable emissions and climate
10 data; and

11 (3) to increase efficiencies and reduce costs.

12 **SEC. 320. REQUIREMENT TO INCLUDE INFORMATION RE-**
13 **LATING TO ELECTRIC VEHICLE CHARGING IN**
14 **CERTAIN MILITARY CONSTRUCTION**
15 **PROJECT PROPOSALS.**

16 (a) REQUIREMENT.—As part of the Department of
17 Defense Form 1391 submitted to the appropriate commit-
18 tees of Congress for a military construction project for a
19 facility that includes (or is planned to include) parking
20 for covered motor vehicles, the Secretary concerned shall
21 include the following:

22 (1) A proposal for the provision of charging sta-
23 tions and other covered infrastructure sufficient to
24 cover the anticipated electricity demand of the elec-
25 tric charging, concurrently, for not less than 15 per-

1 cent of all covered motor vehicles planned to be
2 parked at the facility.

3 (2) The cost of constructing such stations and
4 infrastructure in the overall cost of the project.

5 (3) An analysis of whether a parking structure
6 or lot will be the primary charging area for covered
7 motor vehicles or if another area, such as public
8 works or the motor pool, will be the primary charg-
9 ing area.

10 (b) APPLICABILITY.—The requirement under sub-
11 section (a) shall apply with respect to military construc-
12 tion projects for which a Department of Defense Form
13 1391 is submitted to the appropriate committees of Con-
14 gress beginning on or after the date of the enactment of
15 this Act.

16 (c) DEFINITIONS.—In this section:

17 (1) The terms “charging station” and “covered
18 infrastructure” have the meanings given those terms
19 in section 314(e).

20 (2) The term “covered motor vehicle” means a
21 Federal Government motor vehicle, including a
22 motor vehicle leased by the Federal Government.

23 (3) The term “Defense Agency” has the mean-
24 ing given that term in section 101(a) of title 10,
25 United States Code.

1 (4) The term “Secretary concerned” means—

2 (A) the Secretary of a military department,
3 with respect to facilities under the jurisdiction
4 of that Secretary; and

5 (B) the Secretary of Defense, with respect
6 to matters concerning—

7 (i) facilities of the Defense Agencies;

8 or

9 (ii) facilities of a reserve component
10 owned by a State rather than the United
11 States.

12 **SEC. 321. SENSE OF CONGRESS REGARDING ELECTRIC OR**
13 **ZERO-EMISSION VEHICLES FOR NON-COMBAT**
14 **VEHICLE FLEET.**

15 It is the sense of Congress that any new non-tactical
16 Federal vehicle purchased by the Department of Defense
17 for use outside of combat should, to the greatest extent
18 practicable, be an electric or zero-emission vehicles.

19 **SEC. 322. STUDY ON ENVIRONMENTAL CONTAMINATION**
20 **AND CLEANUP ASSOCIATED WITH THORIUM-**
21 **230 AND RELATED SUBSTANCES.**

22 (a) IN GENERAL.—Not later than 270 days after the
23 date of the enactment of this Act, the Secretary of De-
24 fense, in coordination with the Secretary of Energy and
25 the Administrator of the Environmental Protection Agen-

1 cy, shall submit to the congressional defense committees
2 a report containing the results of a study on the environ-
3 mental contamination and associated remediation efforts
4 at sites in the United States where weapons containing
5 Thorium-230 were developed, transported, stored, or oth-
6 erwise used.

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

9 (1) A list of sites with known or suspected Tho-
10 rium-230 contamination due to weapons develop-
11 ment, transportation or storage, or waste disposal.

12 (2) A discussion of the current characterization
13 of each such site as a formerly used defense site, a
14 site subject to a Base Realignment and Closure ac-
15 tion, an active site, or other type of site.

16 (3) A specific discussion of the area sur-
17 rounding Coldwater Creek in Saint Louis, Missouri.

18 (4) The status of each site identified under
19 paragraph (1) including—

20 (A) any environmental remediation that
21 has been completed or is underway at the site,
22 including contamination levels, if known;

23 (B) any significant illness cluster associ-
24 ated with the geographic proximity of the site;

1 (5) A detailed plan for any necessary environ-
2 mental remediation as well as site prioritization as-
3 sociated with the sites identified under paragraph
4 (1).

5 **SEC. 323. DESTRUCTION OF MATERIALS CONTAINING PFAS**
6 **WITH TECHNOLOGIES NOT REQUIRING IN-**
7 **CINERATION.**

8 (a) REPORT.—Not later than 180 days after the date
9 of the enactment of this Act, the Under Secretary of De-
10 fense for Acquisition and Sustainment shall submit to the
11 congressional defense committees a report on the progress
12 of the Department of Defense in implementing on-site
13 PFAS destruction technologies not requiring incineration.
14 The report shall include the following:

15 (1) A list of technologies that modify the char-
16 acteristics of the waste such that it is no longer clas-
17 sified as hazardous waste and can be disposed of
18 through more cost-effective mixed waste protocols.

19 (2) An identification of any such technologies
20 that have undergone, are undergoing, or will under-
21 go testing by the Environmental Security Tech-
22 nology Certification Program and the status of such
23 testing.

24 (3) The results of any such testing.

1 (b) GUIDANCE.—Not later than one year after the
2 date of the enactment of this Act, the Under Secretary
3 of Defense for Acquisition and Sustainment shall prescribe
4 guidance on best practices and preferred methods for de-
5 struction and disposal of PFAS wastes with an emphasis
6 on alternatives to incineration.

7 (c) EXTENSION OF MORATORIUM.—The Secretary of
8 Defense shall prohibit the incineration of covered mate-
9 rials under section 343 of the National Defense Authoriza-
10 tion Act for Fiscal Year 2022 (10 U.S.C. 2701 note) until
11 the date on which the Secretary prescribes the guidance
12 required under subsection (b).

13 **SEC. 324. ANALYSIS AND PLAN FOR ADDRESSING HEAT IS-**
14 **LAND EFFECT ON MILITARY INSTALLATIONS.**

15 (a) INSTALLATION ANALYSIS.—At the direction of
16 the Secretary of Defense, the commander of each large
17 military installation (as determined by the Secretary) shall
18 conduct an analysis of—

19 (1) how the effect known as the “heat island ef-
20 fect” exacerbates summer heat conditions and neces-
21 sitates the increased use of air conditioning on the
22 installation; and

23 (2) inventory on the percentage of tree cover
24 and plant shade trees on the property of the installa-
25 tion.

1 (b) REPORT.—Not later than September 30, 2023,
 2 the commander of each large military installation shall
 3 submit to the Secretary of the analysis conducted by the
 4 commander under subsection (a).

5 (c) PLAN.—The Secretary shall—

6 (1) review the reports submitted under sub-
 7 section (b);

8 (2) identify any installation that is a significant
 9 heat island with large expanses of concrete or as-
 10 phalt; and

11 (3) direct the commander of any installation so
 12 identified to increase the tree coverage on the prop-
 13 erty of the installation by 10 to 30 percent by not
 14 later than September 30, 2025.

15 (d) HEAT ISLAND DEFINED.—The term “heat is-
 16 land” means an area with a high concentration of struc-
 17 tures (such as building, roads, and other infrastructure)
 18 that absorb and re-emit the sun’s heat more than natural
 19 landscapes such as forests or bodies of water.

20 **SEC. 325. COMPTROLLER GENERAL REPORT ON ACCELERA-**
 21 **TION AND IMPROVEMENT OF ENVIRON-**
 22 **MENTAL CLEANUP OF VIEQUES AND**
 23 **CULEBRA, PUERTO RICO.**

24 (a) REPORT REQUIRED.—Not later than 180 days
 25 after the date of the enactment of this Act, the Comp-

1 troller General of the United States shall submit to the
2 congressional defense committees a report containing the
3 results of a study conducted by the Comptroller General
4 on the status of the Federal cleanup and decontamination
5 process in the island-municipalities of Vieques and
6 Culebra, Puerto Rico.

7 (b) CONTENTS.—The study shall include a com-
8 prehensive analysis of the following:

9 (1) The pace of ongoing cleanup and environ-
10 mental restoration efforts in the former military
11 training sites in Vieques and Culebra.

12 (2) Any potential alternatives to accelerate the
13 completion of such efforts, including their associated
14 costs.

15 (3) Any effects such alternatives might have on
16 the public health and safety of island residents and
17 steps that can be taken to mitigate risks.

18 (4) The views of residents of Vieques and
19 Culebra regarding actions that should be taken to
20 achieve the cleanup process more expeditiously and
21 successfully.

22 (5) Any adverse health outcomes resulting from
23 toxic matter at the sites or cleanup procedure in and
24 avenues to compensate local communities for eco-
25 nomic losses and medical costs incurred.

1 (6) The economic impact that the cleanup proc-
2 ess has had on local residents due to restricted use
3 of land for tourism and other activities and avenues
4 to compensate local communities for economic losses.

5 **SEC. 326. REPORT ON DEPARTMENT OF DEFENSE FLOOD**
6 **MAPPING EFFORTS.**

7 Not later than 180 days after the date of the enact-
8 ment of this Act, the Secretary of Defense shall submit
9 to the congressional defense committees a report on the
10 flood mapping efforts of the Department of Defense. Such
11 report shall address—

12 (1) how frequently the Department updates
13 such flood maps;

14 (2) the resources used to undertake flood map-
15 ping projects; and

16 (3) whether, and if so, how, such maps are in-
17 corporated into broader flood maps of the Federal
18 Emergency Management Agency.

19 **SEC. 327. BIENNIAL LEAK INSPECTIONS OF NAVY AND AIR**
20 **FORCE UNDERGROUND STORAGE TANKS ON**
21 **GUAM.**

22 (a) NAVY.—The Secretary of the Navy shall ensure
23 that underground fuel storage tanks owned by the Navy
24 and located on Guam are checked for leaks at least once
25 every six months.

1 (b) AIR FORCE.—The Secretary of the Air Force
2 shall ensure that underground fuel storage tanks owned
3 by the Air Force and located on Guam are checked for
4 leaks at least once every six months.

5 **SEC. 328. ADDITIONAL SPECIAL CONSIDERATIONS FOR EN-**
6 **ERGY PERFORMANCE GOALS AND ENERGY**
7 **PERFORMANCE MASTER PLAN.**

8 (a) ADDITIONAL SPECIAL CONSIDERATIONS.—Sec-
9 tion 2911(e) of title 10, United States Code, is amended
10 by adding at the end the following new paragraphs:

11 “(14) The reliability and security of energy re-
12 sources in the event of a military conflict.

13 “(15) The value of resourcing energy from
14 partners and allies of the United States.”.

15 (b) REPORT ON FEASIBILITY OF TERMINATING EN-
16 ERGY PROCUREMENT FROM FOREIGN ENTITIES OF CON-
17 CERN.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the As-
20 sistant Secretary of Defense for Operational Energy
21 Plans and Programs shall submit to the appropriate
22 congressional committees a report on the feasibility
23 and advisability of terminating energy procurement
24 by the Department of Defense from foreign entities
25 of concern.

1 (2) ELEMENTS.—The report under paragraph
2 (1) shall include the following:

3 (A) An assessment of the reliance by the
4 Department of Defense on foreign entities of
5 concern for the procurement of energy.

6 (B) An identification of the number of en-
7 ergy contracts in force between the Director of
8 the Defense Logistics Agency and a foreign en-
9 tity of concern or an entity headquartered in a
10 country that is a foreign entity of concern.

11 (c) DEFINITIONS.—In this section:

12 (1) The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Armed Services and
15 the Committee on Energy and Commerce of the
16 House of Representatives; and

17 (B) the Committee on Armed Services and
18 the Committee on Energy and Natural Re-
19 sources of the Senate.

20 (2) The term “foreign entity of concern” has
21 the meaning given that term in section 9901 of the
22 William M. (Mac) Thornberry National Defense Au-
23 thorization Act for Fiscal Year 2021 (15 U.S.C.
24 4651).

1 **SEC. 329. CLARIFICATION AND REQUIREMENT FOR DE-**
2 **PARTMENT OF DEFENSE RELATING TO RE-**
3 **NEWABLE BIOMASS AND BIOGAS.**

4 (a) CLARIFICATION OF RENEWABLE ENERGY
5 SOURCES.—Section 2924 of title 10, United States Code,
6 is amended—

7 (1) in paragraph (6)—

8 (A) by redesignating subparagraphs (D)
9 through (I) as subparagraphs (E) through (J),
10 respectively; and

11 (B) by inserting after subparagraph (C)
12 the following new subparagraph:

13 “(D) Biogas.”; and

14 (2) by adding at the end the following new
15 paragraphs:

16 “(7) The term ‘biomass’ has the meaning given
17 the term ‘renewable biomass’ in section 211(o)(1) of
18 the Clean Air Act (42 U.S.C. 7545(o)(1)), and the
19 regulations thereunder.

20 “(8) The term ‘biogas’ means biogas as such
21 term is used in section 211(o)(1)(B)(ii)(V) of the
22 Clean Air Act (42 U.S.C. 7545(o)(1)(B)(ii)(V)), and
23 the regulations thereunder.”.

24 (b) REQUIREMENT.—With respect to any energy-re-
25 lated activity carried out pursuant to chapter 173 of title
26 10, United States Code, biomass and biogas (as such

1 terms are defined in section 2924 of such title, as amend-
2 ed by subsection (a)) shall be considered an eligible energy
3 source for purposes of such activity.

4 **Subtitle C—Red Hill Bulk Fuel** 5 **Facility**

6 **SEC. 331. DEFUELING OF RED HILL BULK FUEL STORAGE** 7 **FACILITY.**

8 (a) DEADLINE FOR COMPLETION OF DEFUELING.—

9 (1) IN GENERAL.—Subject to the certification
10 requirement under subsection (e), the Secretary of
11 the Navy, in cooperation with the Director of the
12 Defense Logistics Agency, shall complete the
13 defueling of the Red Hill Bulk Fuel Storage Facility
14 by not later than December 31, 2023.

15 (2) REPORT.—Not later than December 31,
16 2022, the Secretary of the Navy shall submit to the
17 congressional defense committees, and make publicly
18 available on an appropriate website of the Depart-
19 ment of Defense, a report on the status of the
20 defueling of the Red Hill Bulk Fuel Storage Facil-
21 ity.

22 (b) COMPLIANCE WITH APPLICABLE LAWS.—The
23 Secretary of the Navy, in coordination with the Adminis-
24 trator of the Environmental Protection Agency and the
25 State of Hawaii, shall plan for and implement the

1 defueling of the Red Hill Bulk Fuel Facility in a manner
2 that complies with all applicable laws.

3 (c) MITIGATION PLAN.—

4 (1) IN GENERAL.—Not later than one year
5 after the date of the enactment of this Act, the Sec-
6 retary of the Navy shall make publicly available an
7 unclassified report containing the plan of the Sec-
8 retary for actions to be taken to mitigate the im-
9 pacts caused by releases at the Red Hill Bulk Fuel
10 Storage Facility, together with cost estimates for
11 such actions.

12 (2) BRIEFING.—Not later than one year after
13 the date of the enactment of this Act, the Secretary
14 of the Navy shall provide to the congressional de-
15 fense committees a briefing on the actions and cost
16 estimates included in the plan required under para-
17 graph (1).

18 (d) OVERSIGHT REQUIREMENTS.—

19 (1) REVIEW.—Not later than 30 days after the
20 date of the enactment of this Act, the Secretary of
21 Defense shall seek to enter into an agreement with
22 an appropriate independent entity under which the
23 entity agrees to conduct a review of the defueling
24 process for the Red Hill Bulk Fuel Storage Facility.

1 (2) REPORTING REQUIREMENTS.—An agree-
2 ment entered into under paragraph (1) shall provide
3 that the non-Department of Defense entity shall
4 produce and make publicly available, by not later
5 than 30 days after the completion of the defueling
6 of the Red Hill Bulk Fuel Storage Facility, an un-
7 classified report on the defueling process.

8 (e) CERTIFICATION REQUIREMENT.—The Secretary
9 of the Navy may not begin the process of defueling the
10 Red Hill Bulk Storage Facility before the date on which
11 the Secretary of Defense submits to the congressional de-
12 fense committees certification that such defueling would
13 not adversely affect the ability of the Department of De-
14 fense to provide fuel to support military operations in the
15 area of responsibility of the United States Indo-Pacific
16 Command.

17 (f) WAIVER.—

18 (1) IN GENERAL.—The Secretary of Defense
19 may waive the deadline under subsection (a)(1) for
20 a period of not more than 180 days if the Secretary
21 submits to the congressional defense committees cer-
22 tification in writing that—

23 (A) the Red Hill Bulk Fuel Storage Facil-
24 ity cannot be defueled safely and in an environ-
25 mentally sound manner before the deadline; or

1 (B) the State of Hawaii Department of
2 Health objects to the defueling of the Facility.

3 (2) EXTENSIONS.—The Secretary may extend a
4 waiver issued under paragraph (1) if the Secretary
5 submits to the congressional defense committees an
6 additional certification described in paragraph (1)
7 and a justification for the extension of the waiver.

8 **SEC. 332. ACTIVITIES PRIOR TO DECOMMISSIONING OF**
9 **RED HILL BULK STORAGE FACILITY.**

10 (a) LIMITATION.—None of the funds authorized to
11 be appropriated by this Act or otherwise made available
12 for the Department of Defense for fiscal year 2023 may
13 be obligated or expended to permanently close the Red Hill
14 Bulk Fuel Storage Facility until the date that is one year
15 after the date on which the Secretary of Defense, in con-
16 sultation with the Commander of United States Indo-Pa-
17 cific Command, submits to the congressional defense com-
18 mittees—

19 (1) the report required under subsection (b);
20 and

21 (2) certification that—

22 (A) a fuel capacity that is equivalent to the
23 capacity provided by the Red Hill Bulk Fuel
24 Storage Facility has been added to the fuel ca-

1 capacity of United States Indo-Pacific Command;
2 and

3 (B) the bulk fuel requirements of United
4 States Indo-Pacific Command have been fully
5 programmed for funding in the five fiscal years
6 following the year in which the certification is
7 submitted.

8 (b) REPORT REQUIRED.—

9 (1) IN GENERAL.—Not later than one year
10 after the date of the enactment of this Act, the Sec-
11 retary of the Defense shall submit to the congres-
12 sional defense committees a report on the costs asso-
13 ciated with replacing the Red Hill Bulk Fuel Stor-
14 age Facility.

15 (2) ELEMENTS.—The report required by para-
16 graph (1) shall include each of the following:

17 (A) Detailed plans for how the Department
18 of Defense will replicate the aggregate bulk fuel
19 storage capacity of the Red Hill Bulk Fuel
20 Storage Facility throughout the Indo-Pacific re-
21 gion, including on United States territories and
22 possessions, as appropriate, in both steady state
23 and in a major conflict lasting not less than
24 180 days, including through the use of—

25 (i) fleet oilers;

- 1 (ii) fuel bladders;
- 2 (iii) above ground storage facilities;
- 3 and
- 4 (iv) hardened storage facilities.

5 (B) An identification of—

- 6 (i) any additional costs to the Depart-
- 7 ment of acquiring or building the assets
- 8 planned to replicate such fuel storage ca-
- 9 pacity and of obtaining any required envi-
- 10 ronmental approvals to operate such as-
- 11 sets; and
- 12 (ii) the timelines associated with ac-
- 13 quiring or building such assets and obtain-
- 14 ing such approvals.

15 (C) An analysis of the relative surviv-

16 ability, reliability, risks, and any advantages as-

17 sociated with the assets planned to replicate

18 such fuel storage capacity, including any

19 changes necessary for the operational plans of

20 the Department compared to such operational

21 plans as in effect when the Red Hill Bulk Fuel

22 Storage Facility was operational.

23 (D) An identification of the cost to the De-

24 partment of maintaining the Red Hill Bulk

1 Fuel Storage Facility in an empty but rapidly
2 reconstitutable state.

3 (E) Any other matters the Secretary of the
4 Defense considers relevant.

5 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed to affect the authority of the Sec-
7 retary of Defense or the Secretary of the Navy to conduct
8 any of the following at Red Hill Bulk Fuel Storage Facil-
9 ity:

- 10 (1) Defueling activities.
- 11 (2) Remedial investigations.
- 12 (3) Site or safety inspections.
- 13 (4) Feasibility studies.
- 14 (5) Safety related repairs.
- 15 (6) Monitoring.
- 16 (7) Transferring of fuel.
- 17 (8) Maintenance and sustainment activities.

18 **SEC. 333. LIMITATION ON USE OF FUNDS PENDING AWARD**
19 **OF CERTAIN PROJECTS AND IMPLEMENTA-**
20 **TION OF CERTAIN RECOMMENDATIONS.**

21 Of the funds authorized to be appropriated by this
22 Act or otherwise made available for fiscal year 2023 for
23 operations and maintenance, Navy, Administration line
24 item, Line 440, not more than 25 percent may be obli-
25 gated or expended until the date on which the Secretary

1 of the Navy certifies to the congressional defense commit-
2 tees that the Navy has awarded the projects listed within
3 Chapter 8.1.1, Table 8-1, and implemented the rec-
4 ommendation listed as D1 within Appendix A.1 and Ap-
5 pendix A.2, of the document prepared by Simpson
6 Gumpertz & Heger Inc, entitled “Final Assessment Re-
7 port: Assessment of Red Hill Underground Fuel Storage
8 Facility Pearl Harbor, Hawaii” and dated April 29, 2022.

9 **SEC. 334. PLACEMENT OF SENTINEL OR MONITORING**
10 **WELLS IN PROXIMITY TO RED HILL BULK**
11 **FUEL FACILITY.**

12 (a) IN GENERAL.—Not later than April 1, 2023, the
13 Secretary of Defense, in coordination with the Director of
14 the United States Geological Survey and the Adminis-
15 trator of the Environmental Protection Agency, shall sub-
16 mit to the congressional defense committees a report on
17 the placement of sentinel or monitoring wells in proximity
18 to the Red Hill Bulk Fuel Facility for the purpose of mon-
19 itoring and tracking the movement of fuel that has es-
20 caped the Facility. Such report shall include—

- 21 (1) the number and location of new wells that
22 have been established during the 12-month period
23 preceding the date of the submission of the report;
24 (2) an identification of the wells proposed to be
25 established by the aquifer recovery working group;

1 (3) an analysis of the need for any wells not
2 recommended by the aquifer recovery working group;

3 (4) the proposed number and location of any
4 such additional wells; and

5 (5) the priority level of each proposed well
6 based on—

7 (A) the optimal locations for new wells;
8 and

9 (B) the capability of a proposed well to as-
10 sist in monitoring and tracking the movement
11 of fuel toward the Halawa shaft, the Halawa
12 Well, and the Aiea Well.

13 (b) QUARTERLY BRIEFINGS.—Not later than 30 days
14 after the submission of the report under subsection (a),
15 and every 90 days thereafter for 12 months, the Secretary
16 of Defense shall provide to the congressional defense com-
17 mittees a briefing on the progress of the Department to-
18 ward installing the wells described in paragraphs (2) and
19 (3) of subsection (a).

20 **SEC. 335. REPORT ON DEPARTMENT OF DEFENSE EFFORTS**
21 **TO TRACK HEALTH IMPLICATIONS OF FUEL**
22 **LEAKS AT RED HILL BULK FUEL FACILITY.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of the enactment of this Act, the Secretary of De-
25 fense, in consultation with the Director of the Centers for

1 Disease Control and Prevention and the Administrator of
2 the Environmental Protection Agency, shall submit to the
3 appropriate congressional committees a report on the ef-
4 forts of the Secretary to appropriately track the health
5 implications of fuel leaks from the Red Hill Bulk Fuel Fa-
6 cility for members of the Armed Forces and their depend-
7 ents, including members and dependents from each Armed
8 Force, including the Coast Guard. The report shall include
9 each of the following:

10 (1) A plan to coordinate with the Centers for
11 Disease Control and Prevention to align with the en-
12 vironmental health assessment and monitoring ef-
13 forts of the Centers.

14 (2) A description of any potential benefits of co-
15 ordinating and sharing data with the State of Ha-
16 waii Department of Health.

17 (3) An analysis of the extent to which data
18 from the State of Hawaii Department of Health and
19 data from other non-Department of Defense sources
20 can and should be used in any long-term health
21 study relating to fuel leaks from the Red Hill Bulk
22 Fuel Facility.

23 (4) A description of the potential health impli-
24 cations of contaminants, including fuel, found in the
25 drinking water distribution system at the Red Hill

1 Bulk Fuel Facility during testing after the fuel leaks
2 that occurred in May and November 2021.

3 (5) A description of any contaminants, includ-
4 ing fuel, detected in the water during the 12-month
5 period preceding the fuel leak that occurred in No-
6 vember 2021.

7 (6) A description of any potential benefits of
8 broadening the tracing window to include indications
9 of contaminants, including fuel, in the drinking
10 water supply at the Red Hill Bulk Fuel Facility be-
11 fore May 2021.

12 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—
13 In this section, the term “appropriate congressional com-
14 mittees” means—

15 (1) the congressional defense committees;

16 (2) the Committee on Energy and Commerce of
17 the House of Representatives; and

18 (3) the Committee on Energy and Natural Re-
19 sources of the Senate.

20 **SEC. 336. STUDIES RELATING TO WATER NEEDS OF THE**
21 **ARMED FORCES ON OAHU.**

22 (a) STUDY ON FUTURE WATER NEEDS OF OAHU.—

23 (1) IN GENERAL.—Not later than July 31,
24 2023, the Secretary of the Defense, in coordination
25 with the Honolulu Board of Water Supply, shall con-

1 duct a study on how the Department of Defense can
2 best address the future water needs on the island of
3 Oahu for the Armed Forces. Such study shall in-
4 clude consideration of—

5 (A) the construction of a new water treat-
6 ment plant or plants;

7 (B) the construction of a new well for use
8 by members of the Armed Forces and the civil-
9 ian population;

10 (C) the construction of a new well for the
11 exclusive use of members of the Armed Forces;

12 (D) transferring ownership and operation
13 of existing Department of Defense utilities to a
14 municipality or existing publicly owned utility;

15 (E) conveying the Navy utilities to the
16 Honolulu Board of Water Supply, with consid-
17 eration; and

18 (F) any other water solutions the Sec-
19 retary determines appropriate.

20 (2) COORDINATION.—In carrying out the study
21 under paragraph (1), the Secretary shall coordinate
22 with the State of Hawaii, the Honolulu Board of
23 Water Supply, the Secretary of the Department in
24 which the Coast Guard is operating, the Adminis-
25 trator of the Environmental Protection Agency, and

1 any other individual or entity the Secretary deter-
2 mines appropriate.

3 (b) HYDROLOGICAL STUDY.—

4 (1) IN GENERAL.—Not later than July 31,
5 2023, the Secretary of Defense shall enter into an
6 agreement with the Administrator of the Environ-
7 mental Protection Agency and the Director of the
8 United States Geological Survey, in consultation
9 with the State of Hawaii, to perform a study to
10 model the groundwater flow in the area surrounding
11 the Red Hill Bulk Fuel Storage Facility. The model
12 shall be designed to—

13 (A) seek to improve the understanding of
14 the direction and rate of groundwater flow and
15 dissolved constituent migration within the
16 aquifers around the facility;

17 (B) reflect site specific data, including
18 available data of the heterogeneous subsurface
19 geologic system; and

20 (C) address any previously identified defi-
21 ciencies in existing groundwater flow models.

22 (2) DEADLINE FOR COMPLETION.—The study
23 under paragraph (1) shall be completed by not later
24 than one year after the date of the enactment of this
25 Act.

1 (c) REPORT; BRIEFING.—

2 (1) IN GENERAL.—Upon completion of the
3 studies under subsections (a) and (b), the Secretary
4 shall—

5 (A) submit to the appropriate congres-
6 sional committees a report on the findings of
7 the studies; and

8 (B) provide to such committees a briefing
9 on such findings.

10 (2) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—In this subsection, the term “appropriate
12 congressional committees” means—

13 (A) the congressional defense committees;

14 (B) the Committee on Transportation and
15 Infrastructure and the Committee on Energy
16 and Commerce of the House of Representatives;
17 and

18 (C) the Committee on Commerce, Science,
19 and Transportation and the Committee on En-
20 vironment and Public Works of the Senate.

21 **SEC. 337. STUDY ON ALTERNATIVE USES FOR RED HILL**
22 **BULK FUEL FACILITY.**

23 (a) STUDY REQUIRED.—

24 (1) IN GENERAL.—Not later than 30 days after
25 the date of the enactment of this Act, the Secretary

1 of Defense shall seek to enter into an agreement
2 with a federally funded research and development
3 center that meets the criteria specified in paragraph
4 (2) under which such center will conduct a study to
5 determine the range of feasible alternative Depart-
6 ment of Defense uses for the Red Hill Bulk Fuel
7 Facility and provide to the Secretary a report on the
8 findings of the study. The conduct of such study
9 shall include—

10 (A) engagement with stakeholders;

11 (B) a review of historical alternative uses
12 of facilities with similar characteristics; and

13 (C) such other modalities as determined
14 necessary to appropriately identify alternative
15 use options, including data and information col-
16 lected from various stakeholders and through
17 site visits to physically inspect the facility.

18 (2) CRITERIA FOR FFRDC.—The federally fund-
19 ed research and development center with which the
20 Secretary seeks to enter into an agreement under
21 paragraph (1) shall meet the following criteria:

22 (A) A primary focus on studies and anal-
23 ysis.

24 (B) A record of conducting research and
25 analysis using a multidisciplinary approach.

1 (C) Demonstrated specific competencies
2 in—

- 3 (i) life cycle cost-benefit analysis;
4 (ii) military facilities and how such fa-
5 cilities support missions; and
6 (iii) the measurement of environ-
7 mental impacts.

8 (D) A strong reputation for publishing
9 publicly releasable analysis to inform public de-
10 bate.

11 (b) COST-BENEFIT ANALYSIS.—An agreement en-
12 tered into pursuant to subsection (a) shall specify that the
13 study conducted under the agreement will include a cost-
14 benefit analysis of the feasible Department of Defense al-
15 ternative uses considered under the study. Such cost-ben-
16 efit analysis shall cover each of the following for each such
17 alternative use:

- 18 (1) The design and construction costs.
19 (2) Life-cycle costs, including the operation and
20 maintenance costs of operating the facility, such as
21 annual operating costs, predicted maintenance costs,
22 and any disposal costs at the end of the useful life
23 of the facility.
24 (3) Any potential military benefits.

1 (4) Any potential benefits for the local econ-
2 omy, including any potential employment opportuni-
3 ties for members of the community.

4 (5) A determination of environmental impact
5 analysis requirements.

6 (6) The effects of the use on future mitigation
7 efforts.

8 (7) Any additional factors determined to be rel-
9 evant by the federally funded research and develop-
10 ment center in consultation with the Secretary.

11 (c) DEADLINE FOR COMPLETION.—An agreement en-
12 tered into pursuant to subsection (a) shall specify that the
13 study conducted under the agreement shall be completed
14 by not later than February 1, 2024.

15 (d) BRIEFING.—Upon completion of a study con-
16 ducted under an agreement entered into pursuant to sub-
17 section (a), the Secretary shall provide to the Committees
18 on Armed Services of the Senate and House of Represent-
19 atives a briefing on the findings of the study.

20 (e) PUBLIC AVAILABILITY.—

21 (1) FFRDC.—An agreement entered into pur-
22 suant to subsection (a) shall specify that the feder-
23 ally funded research and development center shall
24 make an unclassified version of the report provided

1 to the Secretary publicly available on an appropriate
2 website of the center.

3 (2) DEPARTMENT OF DEFENSE.—Upon receipt
4 of such report, the Secretary shall make an unclassi-
5 fied version of the report publicly available on an ap-
6 propriate website of the Department of Defense.

7 **Subtitle D—Treatment of**
8 **Perfluoroalkyl Substances and**
9 **Polyfluoroalkyl Substances**

10 **SEC. 341. PRIZES FOR DEVELOPMENT OF NON-PFAS-CON-**
11 **TAINING TURNOUT GEAR.**

12 Section 330 of the National Defense Authorization
13 Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat.
14 3528; 10 U.S.C. 2661 note prec.) is amended—

15 (1) in subsection (a)—

16 (A) by striking “of a non-PFAS-con-
17 taining” and inserting “of the following:”

18 “(1) A non-PFAS-containing”; and

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

21 “(2) Covered personal protective firefighting
22 equipment that does not contain an intentionally
23 added perfluoroalkyl substance or polyfluoroalkyl
24 substance.”; and

1 (2) by amending subsection (f) to read as fol-
2 lows:

3 “(f) DEFINITIONS.—In this section:

4 “(1) The term ‘perfluoroalkyl substance’ means
5 a man-made chemical of which all of the carbon
6 atoms are fully fluorinated carbon atoms.

7 “(2) The term ‘polyfluoroalkyl substance’
8 means a man-made chemical containing at least one
9 fully fluorinated carbon atom and at least one non-
10 fully fluorinated carbon atom.

11 “(3) The term ‘covered personal protective fire-
12 fighting equipment” means the following:

13 “(A) Turnout gear jacket or coat.

14 “(B) Turnout gear pants.

15 “(C) Turnout coveralls.

16 “(D) Any other personal protective fire-
17 fighting equipment, as determined by the Sec-
18 retary of Defense, in consultation with the Ad-
19 ministrator of the United States Fire Adminis-
20 tration.”.

1 **SEC. 342. MODIFICATION TO RESTRICTION ON DEPART-**
 2 **MENT OF DEFENSE PROCUREMENT OF CER-**
 3 **TAIN ITEMS CONTAINING**
 4 **PERFLUOROOCTANE SULFONATE OR**
 5 **PERFLUOROOCTANOIC ACID.**

6 (a) MODIFICATION.—Section 333 of the William M.
 7 (Mac) Thornberry National Defense Authorization Act for
 8 Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3531,
 9 10 U.S.C. 3063 note) is amended—

10 (1) in the section heading, by striking
 11 “**PERFLUOROOCTANE SULFONATE OR**
 12 **PERFLUOROOCTANOIC ACID**” and inserting
 13 “**PERFLUOROALKYL SUBSTANCES OR**
 14 **POLYFLUOROALKYL SUBSTANCES**”;

15 (2) in subsection (a), by striking
 16 “perfluorooctane sulfonate (PFOS) or
 17 perfluorooctanoic acid (PFOA)” and inserting “any
 18 perfluoroalkyl substance or polyfluoroalkyl sub-
 19 stance”; and

20 (3) by amending subsection (b) to read as fol-
 21 lows:

22 “(b) DEFINITIONS.—In this section:

23 “(1) The term ‘covered item’ means the fol-
 24 lowing:

25 “(A) Nonstick cookware or food service
 26 ware for use in galleys or dining facilities.

1 “(B) Food packaging materials.

2 “(C) Cleaning products, including floor
3 waxes.

4 “(D) Carpeting.

5 “(E) Rugs, curtains, and upholstered fur-
6 niture.

7 “(F) Sunscreen.

8 “(G) Shoes and clothing for which treat-
9 ment with a perfluoroalkyl substance or
10 polyfluoroalkyl substance is not necessary for
11 an essential function.

12 “(2) The term ‘perfluoroalkyl substance’ means
13 a man-made chemical of which all of the carbon
14 atoms are fully fluorinated carbon atoms.

15 “(3) The term ‘polyfluoroalkyl substance’
16 means a man-made chemical containing at least one
17 fully fluorinated carbon atom and at least one
18 nonfluorinated carbon atom.”.

19 (b) REPORTS ON PROCUREMENT OF CERTAIN ITEMS
20 WITHOUT INTENTIONALLY ADDED PERFLUOROALKYL
21 SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.—Not
22 later than 270 days after the date of the enactment of
23 this Act, and annually thereafter, the Secretary of Defense
24 shall submit to the Committees on Armed Services of the

1 House of Representatives and the Senate a report con-
2 taining a detailed description of the following:

3 (1) Steps taken to identify covered items with
4 any intentionally added perfluoroalkyl substance or
5 polyfluoroalkyl substance procured by the Depart-
6 ment of Defense.

7 (2) Steps taken to identify covered items with-
8 out any intentionally added perfluoroalkyl substance
9 or polyfluoroalkyl substance, and the vendors of such
10 covered items, for procurement by the Department.

11 (3) Steps taken to limit the procurement by the
12 Department of covered items with any intentionally
13 added perfluoroalkyl substance or polyfluoroalkyl
14 substance.

15 (4) Planned steps of the Department to limit
16 the procurement of items with any intentionally
17 added perfluoroalkyl substance or polyfluoroalkyl
18 substance.

19 (c) DEFINITIONS.—In this section:

20 (1) The term “covered item” includes the fol-
21 lowing:

22 (A) Nonstick cookware or food service
23 ware for use in galleys or dining facilities.

24 (B) Food packaging materials.

1 (C) Cleaning products, including floor
2 waxes.

3 (D) Carpeting.

4 (E) Rugs, curtains, and upholstered fur-
5 niture.

6 (F) Sunscreen.

7 (G) Shoes and clothing for which treat-
8 ment with a perfluoroalkyl substance or
9 polyfluoroalkyl substance is not necessary for
10 an essential function.

11 (H) Such other items as may be deter-
12 mined by the Secretary of Defense.

13 (2) The terms “perfluoroalkyl substance” and
14 “polyfluoroalkyl substance” have the meaning given
15 such terms in section 333 of the William M. (Mac)
16 Thornberry National Defense Authorization Act for
17 Fiscal Year 2021 (Public Law 116–283; 134 Stat.
18 3531, 10 U.S.C. 3063 note), as amended by sub-
19 section (a).

20 **SEC. 343. PROHIBITION ON PURCHASE BY DEPARTMENT OF**
21 **DEFENSE OF FIREFIGHTING EQUIPMENT**
22 **CONTAINING PER- AND POLYFLUOROALKYL**
23 **SUBSTANCES.**

24 (a) PROHIBITION ON PROCUREMENT.—Except as
25 provided in subsection (d), beginning October 1, 2025, the

1 Secretary of Defense may not enter into any contract for
2 the purchase of personal protective firefighting equipment
3 for use by firefighters of the Department of Defense if
4 such equipment contains a per- or polyfluoroalkyl sub-
5 stance.

6 (b) IMPLEMENTATION.—The Secretary of Defense
7 shall include the prohibition under subsection (a) in any
8 contract for the purchase of personal protective fire-
9 fighting equipment for use by firefighters of the Depart-
10 ment of Defense.

11 (c) SAVINGS CLAUSE.—Nothing in this section shall
12 be construed—

13 (1) to require the Secretary of Defense to test
14 any piece of covered personal protective firefighting
15 equipment to confirm the absence of per- and
16 polyfluoroalkyl substances; or

17 (2) to affect existing inventories of personal
18 protective firefighting equipment.

19 (d) LACK OF AVAILABILITY.—

20 (1) IN GENERAL.—If the Secretary of Defense
21 determines that equipment described in paragraph
22 (2) is not available for purchase by the Department
23 of Defense, the requirement under subsection (a)
24 shall not apply until such date as the Secretary de-

1 termines that such equipment is available for pur-
2 chase.

3 (2) EQUIPMENT DESCRIBED.—The equipment
4 described in this paragraph is personal protective
5 firefighting equipment that—

6 (A) does not contain a per- or
7 polyfluoroalkyl substance;

8 (B) meets every applicable standard for
9 personal protective firefighting equipment
10 (other than a standard specifically relating to
11 per- or polyfluoroalkyl substances); and

12 (C) is at least as protective as current per-
13 sonal protective firefighting equipment con-
14 taining a per- or polyfluoroalkyl substance.

15 **SEC. 344. STANDARDS FOR RESPONSE ACTIONS WITH RE-**
16 **SPECT TO PFAS CONTAMINATION.**

17 (a) IN GENERAL.—In conducting a response action
18 to address perfluoroalkyl or polyfluoroalkyl substance con-
19 tamination from Department of Defense or National
20 Guard activities, the Secretary of Defense shall conduct
21 such actions to achieve a level of such substances in the
22 environmental media that meets or exceeds the most strin-
23 gent of the following standards for each applicable covered
24 PFAS substance in any environmental media:

1 (1) A State standard, as described in section
2 121(d)(2)(A)(ii) of the Comprehensive Environ-
3 mental Response, Compensation, and Liability Act
4 of 1980 (42 U.S.C. 9621(d)(2)(A)(ii)), that is in ef-
5 fect in the State in which the response action is
6 being conducted, regardless of whether any agency
7 has made a determination under section 300.400(g)
8 of title 40, Code of Federal Regulations, with re-
9 spect to such standard for purposes of the response
10 action.

11 (2) A Federal standard, as described in section
12 121(d)(2)(A)(i) of the Comprehensive Environmental
13 Response, Compensation, and Liability Act of 1980
14 (42 U.S.C. 9621(d)(2)(A)(i)).

15 (3) A health advisory under section
16 1412(b)(1)(F) of the Safe Drinking Water Act (42
17 U.S.C. 300g–1(b)(1)(F)).

18 (b) DEFINITIONS.—In this section:

19 (1) The term “covered PFAS substance” means
20 any of the following:

21 (A) Perfluorononanoic acid (PFNA).

22 (B) Perfluorooctanoic acid (PFOA).

23 (C) Perfluorohexanoic acid (PFHxA).

24 (D) Perfluorooctane sulfonic acid (PFOS).

25 (E) Perfluorohexane sulfonate (PFHxS).

1 (F) Perfluorobutane sulfonic acid (PFBS).

2 (G) Perfluoroheptanoic acid (PFHpA).

3 (H) Perfluorodecanoic acid (PFDA).

4 (I) Fluorotelomer sulfonamide betaine.

5 (2) The term “response action” means an ac-
 6 tion taken pursuant to section 104 of the Com-
 7 prehensive Environmental Response, Compensation,
 8 and Liability Act of 1980 (42 U.S.C. 9604).

9 (c) SAVINGS CLAUSE.—Except with respect to the
 10 specific level required to be met under subsection (a),
 11 nothing in this section affects the application of the Com-
 12 prehensive Environmental Response, Compensation, and
 13 Liability Act of 1980 (42 U.S.C. 9601 et seq.).

14 **SEC. 345. LIST OF CERTAIN PFAS USES DEEMED ESSEN-**
 15 **TIAL; BRIEFINGS ON DEPARTMENT OF DE-**
 16 **FENSE PROCUREMENT OF CERTAIN ITEMS**
 17 **CONTAINING PFOS OR PFOA.**

18 (a) LIST OF PFAS USES DEEMED ESSENTIAL.—Not
 19 later than June 1, 2023, the Secretary of Defense shall
 20 submit to the Committees on Armed Services of the House
 21 of Representatives and the Senate a list of each known
 22 use of per- or polyfluoroalkyl substances that the Sec-
 23 retary has deemed an essential use for which use of a re-
 24 placement substance is impossible or impracticable. For
 25 each use so listed, the Secretary shall—

1 (1) identify why the use is essential; and

2 (2) provide a brief explanation as to why such
3 replacement is impossible or impracticable, as the
4 case may be.

5 (b) ANNUAL BRIEFINGS.—Not later than 270 days
6 after the date of the enactment of this Act, and annually
7 thereafter, the Secretary of Defense shall provide to the
8 Committees on Armed Services of the House of Represent-
9 atives and the Senate a briefing that includes a description
10 of each of the following:

11 (1) Steps taken to identify covered items pro-
12 cured by the Department of Defense that contain
13 perfluorooctane sulfonate (PFOS) or
14 perfluorooctanoic acid (PFOA).

15 (2) Steps taken to identify products and ven-
16 dors of covered items that do not contain PFOS or
17 PFOA.

18 (3) Steps taken to limit the procurement by the
19 Department of covered items that contain PFOS or
20 PFOA.

21 (4) Steps the Secretary intends to take to limit
22 the procurement of covered items that contain
23 PFOS or PFOA.

24 (c) COVERED ITEM DEFINED.—In this section, the
25 term “covered item” means—

1 (1) nonstick cookware or cooking utensils for
2 use in galleys or dining facilities; and

3 (2) upholstered furniture, carpets, and rugs
4 that have been treated with stain-resistant coatings.

5 **Subtitle E—Logistics and**
6 **Sustainment**

7 **SEC. 351. RESOURCES REQUIRED FOR ACHIEVING MATE-**
8 **RIEL READINESS METRICS AND OBJECTIVES**
9 **FOR MAJOR DEFENSE ACQUISITION PRO-**
10 **GRAMS.**

11 (a) IN GENERAL.—Section 118 of title 10, United
12 States Code, is amended:

13 (1) in subsection (d)(2), by striking “objec-
14 tives” and inserting “objectives, such as infrastruc-
15 ture, workforce, or supply chain considerations”;

16 (2) redesignating subsection (e) as subsection
17 (f); and

18 (3) inserting after subsection (d) the following
19 new subsection (e):

20 “(e) FUNDING ESTIMATES.—Not later than five days
21 after the date on which the Secretary of Defense submits
22 to Congress the materials in support of the budget of the
23 President for a fiscal year, the Director of Cost Assess-
24 ment and Performance Evaluation shall submit to the con-
25 gressional defense committees a comprehensive estimate

1 of the funds necessary to meet the materiel readiness ob-
2 jectives required by subsection (c) through the period cov-
3 ered by the most recent future-years defense program. At
4 a minimum, the Director shall provide, for each major
5 weapon system, by designated mission design series, vari-
6 ant, or class, a comprehensive estimate of the funds nec-
7 essary to meet such objectives that—

8 “(1) have been obligated by subactivity group
9 within the operation and maintenance accounts for
10 the second fiscal year preceding the budget year;

11 “(2) the Director estimates will have been obli-
12 gated by subactivity group within the operation and
13 maintenance accounts by the end of the fiscal year
14 preceding the budget year; and

15 “(3) have been budgeted and programmed
16 across the future years defense program within the
17 operation and maintenance accounts by subactivity
18 group.”.

19 (b) PHASED IMPLEMENTATION.—The Director of
20 Cost Assessment and Performance Evaluation, may meet
21 the requirements of subsection (e) of section 118 of title
22 10, United States Code, as added by subsection (a),
23 through a phased submission of the funding estimates re-
24 quired under such subsection. In conducting a phased im-
25 plementation, the Director shall ensure that—

1 (1) for the budget request for fiscal year 2024,
 2 funding estimates are provided for a representative
 3 sample by military department of at least one-third
 4 of the major weapon systems;

5 (2) for the budget request for fiscal year 2025,
 6 funding estimates are provided for an additional
 7 one-third of the major weapon systems; and

8 (3) full implementation for all major weapons
 9 systems is completed not later than five days after
 10 the date on which the Secretary of Defense submits
 11 to Congress the materials in support of the budget
 12 of the President for fiscal year 2026.

13 **SEC. 352. ANNUAL PLAN FOR MAINTENANCE AND MOD-**
 14 **ERNIZATION OF NAVAL VESSELS.**

15 (a) ANNUAL PLAN.—Section 231 of title 10, United
 16 States Code, is amended—

17 (1) in the heading, by inserting “, **main-**
 18 **nance, and modernization**” after “**con-**
 19 **struction**”;

20 (2) by redesignating subsections (d) through (f)
 21 as subsections (e) through (g), respectively;

22 (3) by inserting after subsection (c) the fol-
 23 lowing new subsection:

24 “(d) ANNUAL PLAN FOR MAINTENANCE AND MOD-
 25 ERNIZATION OF NAVAL VESSELS.—In addition to the plan

1 included under subsection (a)(1), the Secretary of Defense
2 shall include with the defense budget materials for a fiscal
3 year each of the following:

4 “(1) A plan for the maintenance and mod-
5 ernization of naval vessels that includes the fol-
6 lowing:

7 “(A) A forecast of the maintenance and
8 modernization requirements for both the naval
9 vessels in the inventory of the Navy and the
10 vessels required to be delivered under the naval
11 vessel construction plan under subsection
12 (a)(1).

13 “(B) A description of the initiatives of the
14 Secretary of the Navy to ensure that activities
15 key to facilitating the maintenance and mod-
16 ernization of naval vessels (including with re-
17 spect to increasing workforce and industrial
18 base capability and capacity, shipyard level-
19 loading, and facility improvements) receive suf-
20 ficient resourcing, and are including in appro-
21 priate planning, to facilitate the requirements
22 specified in subparagraph (A).

23 “(2) A certification by the Secretary that both
24 the budget for that fiscal year and the future-years
25 defense program submitted to Congress in relation

1 to such budget under section 221 of this title pro-
 2 vide for funding for the maintenance and moderniza-
 3 tion of naval vessels at a level that is sufficient for
 4 such maintenance and modernization in accordance
 5 with the plan under paragraph (1).”; and

6 (4) in subsection (f), as redesignated by para-
 7 graph (2), by inserting “ and the plan and certifi-
 8 cation under subsection (d)” after “subsection (a)”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 at the beginning of chapter 9 of title 10, United States
 11 Code, is amended by striking the item relating to section
 12 231 and inserting the following new item:

“231. Budgeting for construction, maintenance, and modernization of naval ves-
 sels: annual plan and certification.”.

13 **SEC. 353. INDEPENDENT STUDY RELATING TO FUEL DIS-**
 14 **TRIBUTION LOGISTICS ACROSS UNITED**
 15 **STATES INDO-PACIFIC COMMAND.**

16 (a) STUDY.—Not later than the 30 days after the
 17 date of the enactment of this Act, the Secretary of Defense
 18 shall seek to enter into a contract with a federally funded
 19 research and development center to conduct a study on
 20 fuel distribution logistics in the area of responsibility of
 21 the United States Indo-Pacific Command.

22 (b) CRITERIA FOR FFRDC.—The federally funded
 23 research and development center with which the Secretary
 24 seeks to enter into an contract under subsection (a) shall

1 meet the following criteria, as determined by the Sec-
2 retary:

3 (1) A primary focus on the conduct of studies
4 and analysis.

5 (2) A demonstrated record of conducting re-
6 search and analysis using a multidisciplinary ap-
7 proach.

8 (3) A strong reputation for publishing publicly
9 releasable analysis to inform public debate.

10 (c) ELEMENTS.—The study conducted pursuant to
11 subsection (a) shall include, with respect to the area of
12 responsibility of the United States Indo-Pacific Command,
13 the following:

14 (1) An evaluation of the vulnerabilities associ-
15 ated with the production, refinement, and distribu-
16 tion of fuel by the Armed Forces during periods of
17 conflict and in contested logistics environments with-
18 in the area, including with respect to the capability
19 of the Armed Forces to sustain operational flights
20 by aircraft and joint force distributed operations.

21 (2) An assessment of potential adversary capa-
22 bilities to disrupt such fuel distribution in the area
23 through a variety of means, including financial
24 means, cyber means, and conventional kinetic at-
25 tacks.

1 (3) An assessment of any gaps in the capability
2 or capacity of inter- or intra-theater fuel distribu-
3 tion, including any gaps relating to storage, transfer
4 platforms, manning for platforms, command and
5 control, or fuel handling.

6 (4) An evaluation of the positioning of defense
7 fuel support points in the area, including with re-
8 spect to operational suitability and vulnerability to a
9 variety of kinetic threats.

10 (5) An assessment of the readiness of allies and
11 partners of the United States to support the supply,
12 storage, and distribution of fuel by the Armed
13 Forces in the area, including a review of any rel-
14 evant security cooperation agreements entered into
15 between the United States and such allies and part-
16 ners.

17 (6) An assessment of potential actions to miti-
18 gate any vulnerabilities identified pursuant to the
19 study.

20 (d) REPORT.—

21 (1) SUBMISSION TO SECRETARY OF DE-
22 FENSE.—

23 (A) IN GENERAL.—The Secretary of De-
24 fense shall require, as a term of any contract
25 entered into with a federally funded research

1 and development center to conduct a study pur-
2 suant to subsection (a), that not later than one
3 year after the date of entering into such con-
4 tract, the federally funded research and devel-
5 opment center shall submit to the Secretary a
6 report containing the findings of the study.

7 (B) FORM.—The report under subpara-
8 graph (A) shall be submitted in an unclassified
9 and publicly releasable form, but may contain a
10 classified annex.

11 (2) SUBMISSION TO CONGRESS.—Not later than
12 30 days after the date on which the Secretary of De-
13 fense receives the report under paragraph (1), the
14 Secretary shall submit to the appropriate congres-
15 sional committees a copy of such report, submitted
16 without change.

17 (e) DEFINITIONS.—In this section:

18 (1) The term “appropriate congressional com-
19 mittees” means—

20 (A) the congressional defense committees;

21 (B) the Committee on Transportation and
22 Infrastructure of the House of Representatives;
23 and

24 (C) the Committee on Commerce, Science,
25 and Transportation of the Senate.

1 (2) The term “contested logistics environment”
2 has the meaning given that term in section 2926 of
3 title 10, United States Code.

4 **SEC. 354. PROGRAMS OF MILITARY DEPARTMENTS ON RE-**
5 **DUCTION OF FUEL RELIANCE AND PRO-**
6 **MOTION OF ENERGY-AWARE BEHAVIORS.**

7 (a) ESTABLISHMENT.—Subchapter III of chapter
8 173 of title 10, United States Code, is amended by adding
9 at the end the following new section:

10 **“§ 2928. Programs on reduction of fuel reliance and**
11 **promotion of energy-aware behaviors**

12 “(a) ESTABLISHMENT.—Each Secretary of a military
13 department shall establish a program for the promotion
14 of energy-aware behaviors within that military department
15 and the reduction of unnecessary fuel consumption in sup-
16 port of the goals under subsection (b).

17 “(b) GOALS.—The goals of the programs established
18 under subsection (a) shall be as follows:

19 “(1) To reduce the reliance of the Department
20 of Defense on fossil fuels.

21 “(2) To decrease energy-related strategic
22 vulnerabilities and enhance military readiness.

23 “(3) To integrate sustainability features for
24 new and existing military installations and other fa-
25 cilities of the Department.

1 “(c) MINIMUM REQUIRED ELEMENTS.—Under the
2 program of a military department under subsection (a),
3 the Secretary of such military department shall carry out,
4 with respect to the military department, and at a min-
5 imum, the following:

6 “(1) The development and implementation of a
7 strategy for the collection and analysis of data on
8 fuel consumption, to identify operational inefficien-
9 cies and enable data-driven decision-making with re-
10 spect to the reduction of fuel consumption and fuel
11 logistics.

12 “(2) The fostering of an energy-aware culture
13 across the military department to reduce fuel con-
14 sumption, including through—

15 “(A) the provision of educational and
16 training materials, including such materials
17 that provide information on the importance of
18 operational energy security and energy-aware
19 behavior for military readiness and combat ca-
20 pability; and

21 “(B) the pursuit of relevant research op-
22 portunities with civilian institutions of higher
23 education and postsecondary educational insti-
24 tutions within the Department of Defense.

1 “(3) The integration of operational energy fac-
2 tors into the wargaming of the military department
3 and other related training activities that involve the
4 modeling of scenarios, in accordance with subsection
5 (d), to provide to participants in such activities real-
6 istic data on the risks and challenges relating to
7 operational energy and fuel logistics.

8 “(4) The implementation of data-driven oper-
9 ations planning and logistics, to optimize cargo
10 transport, streamline operations, and reduce fuel de-
11 mand and reliance within the military department.

12 “(d) WARGAMING ELEMENTS.—In integrating oper-
13 ational energy factors into the wargaming and related
14 training activities of a military department under sub-
15 section (c)(4), the Secretary of the military department
16 shall seek to ensure that the planning, design, and execu-
17 tion of such activities include—

18 “(1) coordination with the elements of the mili-
19 tary department responsible for fuel and logistics
20 matters, to ensure the modeling of energy demand
21 and network risk during such activities are accurate,
22 taking into account shortfalls and the direct and in-
23 direct effects of the efforts of foreign adversaries to
24 target fuel supply chains; and

1 “(2) a focus on improving integrated life-cycle
2 management processes and fuel supply logistics.”.

3 (b) DEADLINE FOR ESTABLISHMENT.—The pro-
4 grams required under section 2928 of title 10, United
5 States Code, as added by subsection (a), shall be estab-
6 lished by not later than 180 days after the date of the
7 enactment of this Act.

8 (c) BRIEFING.—Not later than 180 days after the
9 date of enactment of this Act, each Secretary of a military
10 department shall provide to the congressional defense
11 committees a briefing on the establishment of the program
12 of the military department required under such section
13 2928.

14 **Subtitle F—Matters Relating to De-**
15 **pots and Ammunition Produc-**
16 **tion Facilities**

17 **SEC. 361. BUDGETING FOR DEPOT AND AMMUNITION PRO-**
18 **DUCTION FACILITY MAINTENANCE AND RE-**
19 **PAIR: ANNUAL REPORT.**

20 Chapter 9 of title 10, United States Code, is amended
21 by adding at the end the following new section (and con-
22 forming the table of sections at the beginning of such
23 chapter accordingly):

1 **“§ 239d. Budgeting for depot and ammunition pro-**
2 **duction facility maintenance and repair:**
3 **annual report**

4 “(a) ANNUAL REPORT.—The Secretary of Defense,
5 in coordination with the Secretaries of the military depart-
6 ments, shall include with the defense budget materials for
7 each fiscal year a report regarding the maintenance and
8 repair of covered facilities.

9 “(b) ELEMENTS.—Each report required under sub-
10 section (a) shall include, at a minimum, the following
11 (disaggregated by military department):

12 “(1) With respect to each of the three fiscal
13 years preceding the fiscal year covered by the de-
14 fense budget materials with which the report is in-
15 cluded, revenue data for that fiscal year for the
16 maintenance, repair, and overhaul workload funded
17 at all the depots of the military department.

18 “(2) With respect to the fiscal year covered by
19 the defense budget materials with which the report
20 is included and each of the two fiscal years prior, an
21 identification of the following:

22 “(A) The amount of appropriations budg-
23 eted for that fiscal year for depots, further
24 disaggregated by the type of appropriation.

25 “(B) The amount budgeted for that fiscal
26 year for working-capital fund investments by

1 the Secretary of the military department for the
2 capital budgets of the covered depots of the
3 military department, shown in total and further
4 disaggregated by whether the investment relates
5 to the efficiency of depot facilities, work envi-
6 ronment, equipment, equipment (non-capital in-
7 vestment program), or processes.

8 “(C) The total amount required to be in-
9 vested by the Secretary of the military depart-
10 ment for that fiscal year for the capital budgets
11 of covered depots pursuant to section 2476(a)
12 of this title.

13 “(D) A comparison of the budgeted
14 amount identified under subparagraph (B) with
15 the total required amount identified under sub-
16 paragraph (C).

17 “(E) For each covered depot of the mili-
18 tary department, of the total required amount
19 identified under subparagraph (C), the percent-
20 age of such amount allocated, or projected to be
21 allocated, to the covered depot for that fiscal
22 year.

23 “(3) For each covered facility of the military
24 department, the following:

1 “(A) Information on the average facility
2 condition, average critical facility condition, res-
3 toration and maintenance project backlog, and
4 average equipment age, including a description
5 of any changes in such metrics from previous
6 years.

7 “(B) Information on the status of the im-
8 plementation at the covered facility of the plans
9 and strategies of the Department of Defense re-
10 lating to covered facility improvement, includ-
11 ing, as applicable, the implementation of the
12 strategy required under section 359 of the Na-
13 tional Defense Authorization Act for Fiscal
14 Year 2020 (Public Law 116–92; 133 Stat.
15 1323; 10 U.S.C. 2460 note).

16 “(c) DEFINITIONS.—In this section:

17 “(1) The term ‘ammunition production facility’
18 means an ammunition organic industrial base pro-
19 duction facility.

20 “(2) The terms ‘budget’ and ‘defense budget
21 materials’ have the meaning given those terms in
22 section 234 of this title.

23 “(3) The term ‘covered depot’ has the meaning
24 given that term in section 2476 of this title.

1 “(4) The term ‘covered facility’ means a cov-
2 ered depot or an ammunition production facility.”.

3 **SEC. 362. EXTENSION OF AUTHORIZATION OF DEPOT**
4 **WORKING CAPITAL FUNDS FOR UNSPECIFIED**
5 **MINOR MILITARY CONSTRUCTION.**

6 Section 2208(u)(4) of title 10, United States Code,
7 is amended by striking “2023” and inserting “2025”.

8 **SEC. 363. MODIFICATION TO MINIMUM CAPITAL INVEST-**
9 **MENT FOR CERTAIN DEPOTS.**

10 (a) MODIFICATION.—Section 2476 of title 10, United
11 States Code, is amended—

12 (1) in subsection (a)—

13 (A) by striking “six” and inserting
14 “eight”; and

15 (B) by adding at the end the following new
16 sentence: “Of such total amount required to be
17 invested, an amount equal to not less than two
18 percent of such average total for the preceding
19 three fiscal years shall be invested from funds
20 authorized for Facilities Sustainment, Restora-
21 tion, and Modernization activities of the mili-
22 tary department.”; and

23 (2) in subsection (b), by inserting “ including
24 through the rebuilding of property following the end
25 of the economic useful life of the property and the

1 restoration of property or equipment to like-new con-
2 dition,” after “operations,”;

3 (3) by redesignating subsections (c) through (e)
4 as subsections (d) through (f); and

5 (4) by inserting after subsection (b) the fol-
6 lowing new subsection:

7 “(c) COMPLIANCE WITH CERTAIN REQUIRE-
8 MENTS.—In identifying amounts to invest pursuant to the
9 requirement under subsection (a), the Secretary of a mili-
10 tary department shall comply with all applicable require-
11 ments of sections 129 and 129a of this title.”.

12 (b) CONFORMING AMENDMENT.—Section 2861(b) of
13 such title is amended by striking “subsection (e) of section
14 2476” and inserting “subsection (f) of section 2476”.

15 (c) APPLICABILITY.—The amendments made by sub-
16 section (a) shall apply with respect to fiscal years begin-
17 ning on or after October 1, 2023.

18 **SEC. 364. CONTINUATION OF REQUIREMENT FOR BIENNIAL**
19 **REPORT ON CORE DEPOT-LEVEL MAINTENANCE AND REPAIR.**
20

21 (a) IN GENERAL.—Section 1080(a) of the National
22 Defense Authorization Act for Fiscal Year 2016 (Public
23 Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does
24 not apply to the report required to be submitted to Con-

1 gress under section 2464(d) of title 10, United States
2 Code.

3 (b) CONFORMING REPEAL.—Section 1061(c) of the
4 National Defense Authorization Act for Fiscal Year 2017
5 (Public Law 114–328; 130 Stat. 2401; 10 U.S.C. 111
6 note) is amended by striking paragraph (45).

7 **SEC. 365. CONTINUATION OF REQUIREMENT FOR ANNUAL**
8 **REPORT ON FUNDS EXPENDED FOR PER-**
9 **FORMANCE OF DEPOT-LEVEL MAINTENANCE**
10 **AND REPAIR WORKLOADS.**

11 (a) IN GENERAL.—Section 1080(a) of the National
12 Defense Authorization Act for Fiscal Year 2016 (Public
13 Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does
14 not apply to the report required to be submitted to Con-
15 gress under section 2466(d) of title 10, United States
16 Code.

17 (b) CONFORMING REPEAL.—Section 1061(c) of the
18 National Defense Authorization Act for Fiscal Year 2017
19 (Public Law 114–328; 130 Stat. 2401; 10 U.S.C. 111
20 note) is amended by striking paragraph (46).

21 **SEC. 366. FIVE-YEAR PLANS FOR IMPROVEMENTS TO**
22 **DEPOT AND AMMUNITION PRODUCTION FA-**
23 **CILITY INFRASTRUCTURE.**

24 (a) FIVE-YEAR PLANS REQUIRED.—Concurrent with
25 the submission to Congress of the budget of the President

1 for each of fiscal years 2024, 2025, 2026, 2027, and 2028
2 pursuant to section 1105(a) of title 31, United States
3 Code, each Secretary of a military department shall sub-
4 mit to the congressional defense committees a report con-
5 taining a description of the plan of that Secretary to im-
6 prove depot and ammunition production facility infra-
7 structure during the five fiscal years following the fiscal
8 year for which such budget is submitted, with the objective
9 of ensuring that all covered facilities have the capacity and
10 capability to support the readiness and material avail-
11 ability goals of current and future weapon systems of the
12 Department of Defense.

13 (b) ELEMENTS.—Each plan required pursuant to
14 subsection (a) shall include, with respect to the depots and
15 ammunition production facilities of the military depart-
16 ment for which the plan is submitted, the following:

17 (1) A comprehensive review of the conditions
18 and performance of each covered facility, including
19 the following:

20 (A) An assessment of the current status of
21 the following elements:

22 (i) Cost and schedule performance of
23 the covered facility.

24 (ii) Material availability of weapon
25 systems supported at the covered facility

1 and the impact of the performance of the
2 covered facility on that availability.

3 (iii) Work in progress and non-oper-
4 ational items awaiting covered facility
5 maintenance.

6 (iv) The condition of the covered facil-
7 ity.

8 (v) The backlog of restoration and
9 modernization projects at the covered facil-
10 ity.

11 (vi) The condition of equipment at the
12 covered facility.

13 (vii) The vulnerability of the covered
14 facility to adverse environmental conditions
15 and, if necessary, the investment required
16 to withstand those conditions.

17 (B) With respect to the five-year period
18 covered by the plan, an identification of the
19 major lines of effort, milestones, and specific
20 goals over such period to address the elements
21 specified in subparagraph (A) and a description
22 of how such goals serve the long-term strategies
23 of the Department of Defense relating to cov-
24 ered facility improvement, including, as applica-
25 ble, the strategy required under section 359 of

1 the National Defense Authorization Act for Fis-
2 cal Year 2020 (Public Law 116–92; 133 Stat.
3 1323; 10 U.S.C. 2460 note).

4 (2) The estimated costs of necessary depot and
5 ammunition production facility improvements and a
6 description of how such costs would be addressed by
7 the Department of Defense budget request sub-
8 mitted during the same year as the plan and the ap-
9 plicable future-years defense program.

10 (3) Information regarding the plan of the Sec-
11 retary of the military department to initiate such en-
12 vironmental and engineering studies as may be nec-
13 essary to carry out planned depot and ammunition
14 production facility improvements.

15 (4) Detailed information regarding how depot
16 improvement projects and ammunition production
17 facility improvement projects will be paced and
18 sequenced to ensure continuous operations.

19 (c) INCORPORATION OF RESULTS-ORIENTED MAN-
20 AGEMENT PRACTICES.—Each plan required pursuant to
21 subsection (a) shall incorporate the leading results-ori-
22 ented management practices identified in the report of the
23 Comptroller General of the United States titled “Actions
24 Needed to Improve Poor Conditions of Facilities and
25 Equipment that Affect Maintenance Timeliness and Effi-

1 ciency” (GAO–19–242), or any successor report, includ-
2 ing—

- 3 (1) analytically based goals;
- 4 (2) results-oriented metrics;
- 5 (3) the identification of required resources,
- 6 risks, and stakeholders; and
- 7 (4) regular reporting on progress to decision-
- 8 makers.

9 (d) DEFINITIONS.—In this section:

10 (1) The term “ammunition production facility”
11 means an ammunition organic industrial base pro-
12 duction facility.

13 (2) The term “covered depot” has the meaning
14 given that term in section 2476 of title 10, United
15 States Code.

16 (3) The term “covered facility” means a cov-
17 ered depot or an ammunition production facility.

18 **SEC. 367. CLARIFICATION OF CALCULATION FOR CERTAIN**
19 **WORKLOAD CARRYOVER OF DEPARTMENT**
20 **OF ARMY.**

21 For purposes of calculating the amount of workload
22 carryover with respect to the depots and arsenals of the
23 Department of the Army, the Secretary of Defense shall
24 authorize the Secretary of the Army to use a calculation

1 for such carryover that applies a material end of period
2 exclusion.

3 **Subtitle G—Reports**

4 **SEC. 371. ANNUAL REPORTS BY DEPUTY SECRETARY OF** 5 **DEFENSE ON ACTIVITIES OF JOINT SAFETY** 6 **COUNCIL.**

7 Section 184(k) of title 10, United States Code is
8 amended—

9 (1) by striking “REPORT.—The Chair” and in-
10 serting “REPORTS.—(1) The Chair”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2) Not later than December 31, 2022, and on an
14 annual basis thereafter, the Deputy Secretary of Defense
15 shall submit to the congressional defense committees a re-
16 port containing—

17 “(A) a summary of the goals and priorities of
18 the Deputy Secretary for the year following the date
19 of the submission of the report with respect to the
20 activities of the Council; and

21 “(B) an assessment by the Deputy Secretary of
22 the activities of the Council carried out during the
23 year preceding the date of such submission.”.

1 **SEC. 372. QUARTERLY REPORTS ON EXPENDITURES FOR**
2 **ESTABLISHMENT OF FUEL DISTRIBUTION**
3 **POINTS IN INDOPACOM AREA OF RESPONSIBILITY.**
4 **BILITY.**

5 (a) QUARTERLY REPORTS REQUIRED.—The Com-
6 mander of United States Indo-Pacific Command shall sub-
7 mit to the congressional defense committees quarterly re-
8 ports on the use of the funds described in subsection (c)
9 until the date on which all such funds are expended.

10 (b) CONTENTS OF REPORT.—Each report required
11 under subsection (a) shall include an expenditure plan for
12 the establishment of fuel distribution points in the area
13 of responsibility of United States Indo-Pacific Command
14 relating to the defueling and closure of the Red Hill Bulk
15 Fuel Storage Facility.

16 (c) FUNDS DESCRIBED.—The funds described in this
17 subsection are the amounts authorized to be appropriated
18 or otherwise made available for fiscal year 2023 for Mili-
19 tary Construction, Defense-wide for Planning and Design
20 for United States Indo-Pacific Command.

21 **SEC. 373. SECRETARY OF DEFENSE REPORT ON ESTAB-**
22 **LISHING PROCEDURE FOR ALERTING ABOUT**
23 **EXPOSURE TO PERFLUOROALKYL SUB-**
24 **STANCES.**

25 (a) IN GENERAL.—Not later than 1 year after the
26 date of the enactment of this Act, the Secretary of Defense

1 shall submit a report to Congress detailing how to estab-
2 lish a process for alerting active and retired members of
3 the Armed Forces (and their families) about any applica-
4 ble exposure of such individuals to perfluoroalkyl sub-
5 stances, and any potential health risks resulting from such
6 exposure.

7 (b) APPLICABLE EXPOSURE DEFINED.—For pur-
8 poses of subsection (a), “applicable exposure” means expo-
9 sure while serving on a military base that contains
10 perfluoroalkyl substance contamination of more than the
11 acceptable exposure limits provided by the Environmental
12 Protection Agency (0.004 parts per trillion (ppt) for
13 perfluorooctanoic acid (PFOA) and 0.02 ppt for
14 perfluorooctane sulfonic acid (PFOS)).

15 **SEC. 374. REPORT ON EFFECTS OF WILDFIRE AND**
16 **DROUGHT CONDITIONS ON MILITARY READI-**
17 **NESS AT UNITED STATES NAVAL OBSERV-**
18 **ATORY FLAGSTAFF STATION.**

19 Not later than one year after the date of the enact-
20 ment of this Act, the Secretary of Defense shall submit
21 to the congressional defense committees a report on the
22 effects of wildfire and persistent drought conditions at the
23 United States Naval Observatory Flagstaff Station. Such
24 report shall include the following:

1 (1) A detailed description of the threat that
2 such conditions pose to the United States Naval Ob-
3 servatory Flagstaff Station, including with respect to
4 the mission of the facility, continued operations,
5 military readiness, military and civilian workforce,
6 housing, and access to water at the facility.

7 (2) Recommendations for actions to be taken by
8 the Secretary of Defense, and by Congress, to en-
9 sure the continued and safe operations of the facil-
10 ity.

11 **SEC. 375. REPORTS RELATING TO AQUEOUS FILM-FORMING**
12 **FOAM SUBSTITUTES AND PFAS CONTAMINA-**
13 **TION AT CERTAIN INSTALLATIONS.**

14 (a) REPORT ON PROGRESS TOWARDS AFFF SUB-
15 STITUTES.—Not later than one year after the date of the
16 enactment of this Act, the Under Secretary of Defense for
17 Acquisition and Sustainment shall submit to the congres-
18 sional defense committees a report on the progress made
19 towards, and the status of any certification efforts relating
20 to, the replacement of fluorinated aqueous film-forming
21 foam with a fluorine-free fire-fighting agent, as required
22 under section 322 of the National Defense Authorization
23 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
24 1307; 10 USC 2661 note prec.).

1 (b) REPORT ON NON-AFFF PFAS CONTAMINATION
2 AT CERTAIN MILITARY INSTALLATIONS.—Not later than
3 one year after the date of the enactment of this Act, the
4 Under Secretary of Defense for Acquisition and
5 Sustainment shall submit to the congressional defense
6 committees a report on known or suspected contamination
7 on or around military installations located in the United
8 States resulting from the release of any perfluoroalkyl
9 substance or polyfluoroalkyl substance originating from a
10 source other than aqueous film-forming foam.

11 **SEC. 376. BRIEFINGS ON IMPLEMENTATION OF REC-**
12 **COMMENDATIONS RELATING TO SAFETY AND**
13 **ACCIDENT PREVENTION.**

14 Beginning not later than 45 days after the date of
15 the enactment of this Act, and on a biannual basis there-
16 after until such time as each recommendation referred to
17 in this section has been implemented, the Secretary of De-
18 fense shall provide to the Committees on Armed Services
19 of the House of Representatives and the Senate a briefing
20 on the status of the implementation of recommendations
21 relating to safety and the prevention of accidents and mis-
22 haps (including fatal accidents) with respect to members
23 of the Armed Forces, including—

24 (1) the recommendations of the Comptroller
25 General of the United States in the Government Ac-

countability Office report of July 2021, titled “Military Vehicles: Army and Marine Corps Should Take Additional Actions to Mitigate and Prevent Training Accidents” (relating to vehicle safety);

(2) the recommendations of the National Commission on Military Aviation Safety under section 1087 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1992); and

(3) the 117 recommendations of the Readiness Reform Oversight Committee of the Department of the Navy following the deaths of 17 members of the Armed Forces on the USS John McCain and the USS Fitzgerald.

Subtitle H—Other Matters

SEC. 381. ACCOUNTABILITY FOR MILITARY WORKING DOGS.

(a) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

“§ 995. Accountability for military working dogs

“(a) ANNUAL REPORTING REQUIREMENT FOR CONTRACTORS.—

“(1) REQUIREMENT.—The Secretary of Defense shall require that each covered contractor sub-

1 mit to the Under Secretary of Defense (Comp-
2 troller), on an annual basis for the contract period,
3 a report containing an identification of—

4 “(A) the number of military working dogs
5 that are in the possession of the covered con-
6 tractor and located outside of the continental
7 United States in support of a military oper-
8 ation, if any; and

9 “(B) the primary location of any such mili-
10 tary working dogs.

11 “(2) GUIDANCE.—The Under Secretary of De-
12 fense (Comptroller) shall issue guidance on the an-
13 nual reporting requirement under paragraph (1) for
14 purposes of carrying out this section.

15 “(b) ANNUAL REPORT TO CONGRESS.—Not later
16 than March 1, 2023, and on an annual basis thereafter,
17 the Secretary of Defense shall submit to the congressional
18 defense a committees a report on the implementation of
19 this section.

20 “(c) COVERED CONTRACTOR DEFINED.—The term
21 ‘covered contractor’ means a contractor of the Department
22 of Defense the contract of which the Secretary determines
23 involves military working dogs.”.

1 (b) APPLICABILITY.—The amendments made by sub-
2 section (a) shall apply with respect to contracts entered
3 into on or after the date of the enactment of this Act.

4 (c) DEADLINE FOR GUIDANCE.—Not later than 180
5 days after the date of the enactment of this Act, the Under
6 Secretary of Defense (Comptroller) shall issue the guid-
7 ance specified in section 995(a)(2) of title 10, United
8 States Code, as added by subsection (a).

9 (d) REGULATIONS TO PROHIBIT ABANDONMENT.—
10 Not later than 2 years after the date of the enactment
11 of this Act, the Secretary of Defense shall issue regula-
12 tions to prohibit the abandonment of military working
13 dogs used in support of a military operation outside of
14 the continental United States.

15 **SEC. 382. MEMBERSHIP OF COAST GUARD ON JOINT SAFE-**
16 **TY COUNCIL.**

17 Section 184(b)(1) of title 10, United States Code, is
18 amended—

19 (1) by redesignating subparagraph (D) as sub-
20 paragraph (E); and

21 (2) by inserting after subparagraph (C) the fol-
22 lowing new subparagraph:

23 “(D) During periods in which the Coast Guard
24 is not operating as a service in the Department of

1 the Navy, an officer of the Coast Guard, appointed
2 by the Secretary of Homeland Security.”.

3 **SEC. 383. REQUIREMENT OF SECRETARY OF DEFENSE TO**
4 **REIMBURSE STATE COSTS OF FIGHTING CER-**
5 **TAIN WILDLAND FIRES.**

6 (a) REQUIREMENT.—Section 2691(d) of title 10,
7 United States Code, is amended by striking “may” and
8 inserting “shall”.

9 (b) APPLICABILITY.—The amendment made by sub-
10 section (a) shall apply with respect to any lease, permit,
11 license, or other grant of access that the Secretary of De-
12 fense enters into, or grants, on or after the date of the
13 enactment of this Act.

14 **SEC. 384. EXPANDED CONSULTATION IN TRAINING OF NA-**
15 **TIONAL GUARD PERSONNEL ON WILDFIRE**
16 **RESPONSE.**

17 Section 351 of the National Defense Authorization
18 Act for Fiscal Year 2018 (Public Law 115–91) is amended
19 by inserting “and the National Interagency Fire Center”
20 after “Bureau”.

21 **SEC. 385. INTERAGENCY COLLABORATION AND EXTENSION**
22 **OF PILOT PROGRAM ON MILITARY WORKING**
23 **DOGS AND EXPLOSIVES DETECTION.**

24 (a) EXTENSION OF PILOT PROGRAM.—Section
25 381(b) of the National Defense Authorization Act for Fis-

1 cal Year 2022 (Public Law 117–81; 135 Stat. 1672; 10
2 U.S.C. 3062 note) is amended by striking “2024” and in-
3 serting “2025”.

4 (b) REVIEW OF RESEARCH EFFORTS OF DEPART-
5 MENT OF DEFENSE AND DEPARTMENT OF HOMELAND
6 SECURITY.—

7 (1) REVIEW.—The Secretary of Defense, in co-
8 ordination with the Secretary of Homeland Security,
9 shall conduct a review of the recent and ongoing re-
10 search, testing, and evaluation efforts of the Depart-
11 ment of Defense and the Department of Homeland
12 Security, respectively, regarding explosives detection
13 working dogs.

14 (2) MATTERS.—The review under paragraph
15 (1) shall include an analysis of the following:

16 (A) Any recent or ongoing research efforts
17 of the Department of Defense or the Depart-
18 ment of Homeland Security, respectively, relat-
19 ing to explosives detection working dogs, and
20 any similarities between such efforts.

21 (B) Any recent or ongoing veterinary re-
22 search efforts of the Department of Defense or
23 the Department of Homeland Security, respec-
24 tively, relating to working dogs, canines, or
25 other areas that may be relevant to the im-

1 provement of the breeding, health, performance,
2 or training of explosives detection working dogs.

3 (C) Any research areas relating to explo-
4 sives detection working dogs in which there is
5 a need for ongoing research but no such ongo-
6 ing research is being carried out by either the
7 Secretary of Defense or the Secretary of Home-
8 land Security, particularly with respect to the
9 health, domestic breeding, and training of ex-
10 plosives detection working dogs.

11 (D) How the recent and ongoing research
12 efforts of the Department of Defense and the
13 Department of Homeland Security, respectively,
14 may improve the domestic breeding of working
15 dogs, including explosives detection working
16 dogs, and the health outcomes and performance
17 of such domestically bred working dogs, includ-
18 ing through coordination with academic or in-
19 dustry partners with experience in research re-
20 lating to working dogs.

21 (E) Potential opportunities for the Sec-
22 retary of Defense to collaborate with the Sec-
23 retary of Homeland Security on research relat-
24 ing to explosives detection working dogs.

1 (F) Any research partners of the Depart-
2 ment of Defense or the Department of Home-
3 land Security, or both, that may be beneficial in
4 assisting with the research efforts and areas de-
5 scribed in this subsection.

6 (c) PLAN REQUIRED.—Not later than 180 days of
7 the date of the enactment of this Act, the Secretary of
8 Defense shall submit to the congressional defense commit-
9 tees a plan for the Secretary of Defense to collaborate,
10 as appropriate, with the Secretary of Homeland Security
11 on research relating to explosives detection working dogs
12 and other relevant matters. Such plan shall include the
13 following:

14 (1) An analysis of potential opportunities for
15 collaboration between the Secretary of Defense and
16 the Secretary of Homeland Security on the research
17 efforts and areas described in subsection (a)(2).

18 (2) An identification of specific programs or
19 areas of research for such collaboration.

20 (3) An identification of any additional agree-
21 ments or authorities necessary for the Secretaries to
22 carry out such collaboration.

23 (4) An identification of additional funding nec-
24 essary to carry out such collaboration.

1 (5) An analysis of potential coordination on the
2 research efforts and areas described in subsection
3 (a)(2) with academic and industry partners with ex-
4 perience in research relating to working dogs, in-
5 cluding an identification of potential opportunities
6 for such coordination in carrying out the collabora-
7 tion described in paragraph (1).

8 (6) A proposed timeline for the Secretary of
9 Defense to engage in such collaboration, including
10 specific proposed deadlines.

11 (7) Any other matters the Secretary of Defense
12 considers appropriate.

13 (d) **EXPLOSIVES DETECTION WORKING DOG.**—In
14 this section, the term “explosives detection working dog”
15 means a canine that, in connection with the work duties
16 of the canine performed for a Federal department or agen-
17 cy, is certified and trained to detect odors indicating the
18 presence of explosives in a given object or area, in addition
19 to the performance of such other duties for the Federal
20 department or agency as may be assigned.

21 **SEC. 386. ESTABLISHMENT OF ARMY AND AIR FORCE SAFE-**
22 **TY COMMANDS; IMPLEMENTATION OF ACCI-**
23 **DENT INVESTIGATION RECOMMENDATIONS.**

24 (a) **SAFETY COMMANDS.**—

25 (1) **ARMY SAFETY COMMAND.**—

1 (A) ESTABLISHMENT.—Not later than 180
2 days after the date of the enactment of this
3 Act, the Secretary of the Army shall establish
4 within the Department of the Army an “Army
5 Safety Command”.

6 (B) COMMANDER.—There is a Commander
7 of the Army Safety Command. The Commander
8 shall be selected by the Secretary of the Army
9 from among the general officers of the Army
10 who hold a rank of major general or higher.

11 (C) DUTIES.—The duties of the Army
12 Safety Command shall include, with respect to
13 the Army, the formulation of safety policy, the
14 development of risk management strategies, the
15 monitoring of risk adjudication processes, the
16 provision of safety-related training, and such
17 other duties as the Secretary of the Army may
18 determine appropriate.

19 (2) AIR FORCE SAFETY COMMAND.—

20 (A) ESTABLISHMENT.—Not later than 180
21 days after the date of the enactment of this
22 Act, the Secretary of the Air Force shall estab-
23 lish within the Department of the Air Force an
24 “Air Force Safety Command”.

1 (B) COMMANDER.—There is a Commander
2 of the Air Force Safety Command. The Com-
3 mander shall be selected by the Secretary of the
4 Air Force from among the general officers of
5 the Air Force who hold a rank of major general
6 or higher.

7 (C) DUTIES.—The duties of the Air Force
8 Safety Command shall include, with respect to
9 the Air Force, the formulation of safety policy,
10 the development of risk management strategies,
11 the monitoring of risk adjudication processes,
12 the provision of safety-related training, and
13 such other duties as the Secretary of the Air
14 Force may determine appropriate.

15 (3) TRANSFER OF PREEXISTING ORGANIZA-
16 TIONAL ELEMENTS.—As of the date on which the
17 Safety Command of a military department is estab-
18 lished under this subsection, any element of that
19 military department responsible for the duties of
20 such Safety Command as of the day before the date
21 of such establishment (including the duties, respon-
22 sibilities, and personnel of any such element) shall
23 be transferred to such Safety Command.

24 (4) BRIEFINGS.—Not later than 90 days after
25 the date on which the Safety Command of a military

1 department is established under this subsection, the
2 Secretary of that military department shall provide
3 to the congressional defense committees a briefing
4 on the duties, assigned personnel, key lines of effort,
5 and organizational structure of such Safety Com-
6 mand.

7 (b) IMPLEMENTATION OF ACCIDENT INVESTIGATION
8 RECOMMENDATION.—

9 (1) ESTABLISHMENT OF RESPONSIBLE ENTI-
10 TIES.—

11 (A) ARMY.—Not later than 180 days of
12 enactment of this Act, the Secretary of the
13 Army shall establish within the Department of
14 the Army an entity the primary responsibility of
15 which is to ensure the implementation across
16 the Army of recommended actions arising from
17 accident investigations conducted by the De-
18 partment of Defense.

19 (B) AIR FORCE.—Not later than 180 days
20 of enactment of this Act, the Secretary of the
21 Air Force shall establish within the Department
22 of the Air Force an entity the primary responsi-
23 bility of which is to ensure the implementation
24 across the Air Force of recommended actions

1 arising from accident investigations conducted
2 by the Department of Defense.

3 (2) BRIEFINGS.—Not later than 90 days after
4 the date on which the Secretary of a military depart-
5 ment establishes a responsible entity under para-
6 graph (1), that Secretary shall provide to the con-
7 gressional defense committees a briefing on the du-
8 ties, assigned personnel, key lines of effort, and or-
9 ganizational structure of such entity.

10 **SEC. 387. NATIONAL STANDARDS FOR FEDERAL FIRE PRO-**
11 **TECTION AT MILITARY INSTALLATIONS.**

12 (a) STANDARDS REQUIRED.—The Secretary of De-
13 fense shall ensure that—

14 (1) members of the Armed Forces and employ-
15 ees of Defense Agencies who provide fire protection
16 services to military installations shall comply with
17 the National Consensus Standards developed by the
18 National Fire Protection Association pursuant to
19 section 12(d) of the National Technology Transfer
20 and Advancement Act of 1995 (Pub. L. 104–113;
21 15 U.S.C. 272 note);

22 (2) the minimum staffing requirement for any
23 firefighting vehicle responding to a structural build-
24 ing emergency at a military installation is not less
25 than four firefighters per vehicle; and

1 (3) the minimum staffing requirement for any
2 firefighting vehicle responding to an aircraft or air-
3 field incident at a military installation is not less
4 than three firefighters per vehicle.

5 (b) DEFINITIONS.—In this section:

6 (1) The terms “Armed Forces” and “Defense
7 Agency” have the meanings given such terms in sec-
8 tion 101 of title 10, United States Code.

9 (2) The term “firefighter” has the meaning
10 given that term in section 707(b) of the National
11 Defense Authorization Act for Fiscal Year 2020
12 (Pub. L. 116–92; 10 U.S.C. 1074m note).

13 (3) The term “military installation” has the
14 meaning given that term in section 2801 of title 10,
15 United States Code.

16 **SEC. 388. PILOT PROGRAM FOR TACTICAL VEHICLE SAFETY**
17 **DATA COLLECTION.**

18 (a) IN GENERAL.—Not later than one year after the
19 date of the enactment of this Act, the Secretary of the
20 Army and the Secretary of the Navy shall jointly carry
21 out a pilot program to evaluate the feasibility of using
22 data recorders to monitor, assess, and improve the readi-
23 ness and safety of the operation of military tactical vehi-
24 cles (in this section referred to as the “pilot program”).

1 (b) PURPOSES.—The purposes of the pilot program
2 are—

3 (1) to allow for the automated identification of
4 hazards and potential hazards on and off military
5 installations;

6 (2) to mitigate and increase awareness of haz-
7 ards and potential hazards on and off military in-
8 stallations;

9 (3) to identify near-miss accidents;

10 (4) to create a standardized record source for
11 accident investigations;

12 (5) to assess individual driver proficiency, risk,
13 and readiness;

14 (6) to increase consistency in the implementa-
15 tion of military installation and unit-level range safe-
16 ty programs across military installations and units;

17 (7) to evaluate the feasibility of incorporating
18 metrics generated from data recorders into the safe-
19 ty reporting systems and to the Defense Readiness
20 Reporting System as a measure of assessing safety
21 risks, mitigations, and readiness;

22 (8) to determine the costs and benefits of retro-
23 fitting data recorders on legacy platforms and in-
24 cluding data recorders as a requirement in acquisi-
25 tion of military tactical vehicles; and

1 (9) any other matters as determined by the
2 Secretary concerned.

3 (c) REQUIREMENTS.—In carrying out the pilot pro-
4 gram, the Secretary of the Army and the Secretary of the
5 Navy shall—

6 (1) assess the feasibility of using commercial
7 technology, such as smartphones or technologies
8 used by insurance companies, as a data recorder;

9 (2) test and evaluate a minimum of two data
10 recorders that meet the pilot program requirements;

11 (3) select a data recorder capable of collecting
12 and exporting the telemetry data, event data, and
13 driver identification during operation and accidents;

14 (4) install and maintain a data recorder on a
15 sufficient number of each of the military tactical ve-
16 hicles listed under subsection (f) at installations se-
17 lected by the Secretary concerned under subsection
18 (e) for statistically significant results;

19 (5) establish and maintain a database that con-
20 tains telemetry data, driver data, and event data
21 captured by the data recorder;

22 (6) regularly generate for each installation se-
23 lected under subsection (e) a dataset that is viewable
24 in widely available mapping software of hazards and

1 potential hazards based on telemetry data and event
2 data captured by the data recorders;

3 (7) generate actionable data sets and statistics
4 on individual, vehicle, and military installation;

5 (8) require commanders at the installations se-
6 lected under subsection (e) to incorporate the action-
7 able data sets and statistics into the installation
8 range safety program;

9 (9) require unit commanders at the installations
10 selected under subsection (e) to incorporate the ac-
11 tionable data sets and statistics into the unit driver
12 safety program;

13 (10) evaluate the feasibility of integrating data
14 sets and statistics to improve driver certification and
15 licensing based on data recorded and generated by
16 the data recorders;

17 (11) use open architecture to the maximum ex-
18 tent practicable; and

19 (12) carry out any other activities determined
20 by the Secretary as necessary to meet the purposes
21 under subsection (b).

22 (d) IMPLEMENTATION PLAN.—Not later than 180
23 days after the date of the enactment of this Act, the Sec-
24 retary of the Army and the Secretary of the Navy shall
25 develop a plan for implementing the pilot program.

1 (e) LOCATIONS.—Each Secretary concerned shall
2 carry out the pilot program at not fewer than one military
3 installation in the United States selected by the Secretary
4 concerned that meets the following conditions:

5 (1) Contains the necessary force structure,
6 equipment, and maneuver training ranges to collect
7 driver and military tactical vehicle data during train-
8 ing and routine operation.

9 (2) Represents at a minimum one of the five
10 training ranges identified in the study by the Comp-
11 troller General of the United States titled “Army
12 and Marine Corps Should Take Additional Actions
13 to Mitigate and Prevent Training Accidents” that
14 did not track unit location during the training
15 events.

16 (f) COVERED MILITARY TACTICAL VEHICLES.—The
17 pilot program shall cover the following military tactical ve-
18 hicles:

19 (1) Army Strykers.

20 (2) Marine Corps Light Armored Vehicles.

21 (3) Army Family of Medium Tactical Vehicles.

22 (4) Marine Corps Medium Tactical Vehicle Re-
23 placements.

24 (5) Army and Marine Corps High Mobility Mul-
25 tipurpose Wheeled Vehicles.

1 (6) Army and Marine Corps Joint Light Tac-
2 tical Vehicles.

3 (7) Army and United States Special Operations
4 Command Ground Mobility Vehicles.

5 (8) Army Infantry Squad Vehicles.

6 (9) Army Heavy Tactical Wheeled Vehicles.

7 (g) METRICS.—The Secretaries shall develop metrics
8 to evaluate the effectiveness of the pilot program in moni-
9 toring, assessing, and improving vehicle safety, driver
10 readiness, and mitigation of risk.

11 (h) REPORTS.—

12 (1) INITIAL.—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary of
14 the Army and the Secretary of the Navy shall jointly
15 submit to the congressional defense committees a re-
16 port on the pilot program that addresses the plan
17 for implementing the requirements under subsection
18 (c), including the established metrics under sub-
19 section (g).

20 (2) INTERIM.—Not later than three years after
21 the commencement of the pilot program, the Sec-
22 retary of the Army and the Secretary of the Navy
23 shall jointly submit to the congressional defense
24 committees a report on the status of the pilot pro-
25 gram, including the preliminary results in carrying

1 out the pilot program, the metrics generated during
2 the pilot program, disaggregated by military tactical
3 vehicle, location, and service, and the implementa-
4 tion plan under subsection (d).

5 (3) FINAL.—

6 (A) IN GENERAL.—Not later than 90 days
7 after the termination of the pilot program, the
8 Secretary of the Army and the Secretary of the
9 Navy shall jointly submit to the congressional
10 defense committees a report on the results of
11 the program.

12 (B) ELEMENTS.—The report required by
13 subparagraph (A) shall—

14 (i) assess the effectiveness of the pilot
15 program in meeting the purposes under
16 subsection (b);

17 (ii) include the metrics generated dur-
18 ing the pilot program, disaggregated by
19 military tactical vehicle, location, and serv-
20 ice;

21 (iii) include the views of range per-
22 sonnel, unit commanders, and tactical vehi-
23 cle operators involved in the pilot program
24 on the level of effectiveness of the tech-
25 nology selected;

1 (iv) provide a cost estimate for equip-
2 ping legacy military tactical vehicles with
3 data recorders;

4 (v) determine the instances in which
5 data recorders should be a requirement in
6 the acquisition of military tactical vehicles;

7 (vi) recommend whether the pilot pro-
8 gram should be expanded or made into a
9 program of record; and

10 (vii) recommend any statutory, regu-
11 latory, or policy changes required to sup-
12 port the purposes under subsection (b).

13 (i) TERMINATION.—The authority to carry out the
14 pilot program under subsection (a) shall terminate five
15 years after the date of the enactment of this Act.

16 (j) DEFINITIONS.—In this section:

17 (1) The term “accident” means a collision, roll-
18 over, or other mishap involving a motor vehicle.

19 (2) The term “data recorder” means tech-
20 nologies installed in a motor vehicle to record driver
21 identification, telemetry data, and event data related
22 to the operation of the motor vehicle.

23 (3) The term “driver identification” means data
24 enabling the unique identification of the driver oper-
25 ating a motor vehicle.

1 (4) The term “event data” includes data related
2 to—

3 (A) the start and conclusion of each vehicle
4 operation;

5 (B) a vehicle accident;

6 (C) a vehicle acceleration, velocity, or loca-
7 tion with an increased potential for an accident;
8 or

9 (D) a vehicle orientation with an increased
10 potential for an accident.

11 (5) The term “Secretary concerned” means—

12 (A) the Secretary of the Army with respect
13 to matters concerning the Army; and

14 (B) the Secretary of the Navy with respect
15 to matters concerning the Navy and Marine
16 Corps.

17 (6) The term “tactical vehicle” means a motor
18 vehicle designed to military specification, or a com-
19 mercial design motor vehicle modified to military
20 specification, to provide direct transportation sup-
21 port of combat or tactical operations, or for the
22 training of personnel for such operations.

23 (7) The term “telemetry data” includes—

24 (A) time;

25 (B) vehicle distance traveled;

1 (C) vehicle acceleration and velocity;

2 (D) vehicle orientation, including roll,
3 pitch, and yaw; and

4 (E) vehicle location in a geographic coordi-
5 nate system, including elevation.

6 **SEC. 389. REQUIREMENT FOR PUBLIC DISCLOSURE OF RE-**
7 **SULTS OF DEPARTMENT OF DEFENSE LEAD**
8 **TESTING.**

9 Section 345 of the National Defense Authorization
10 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
11 1645; 10 U.S.C. 2715 note) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by inserting “or
14 lead” after “(commonly referred to as
15 ‘PFAS’)”; and

16 (B) in paragraph (2), by inserting “or
17 lead” after “substances”; and

18 (2) in subsections (b), (d), and (e), by inserting
19 “or lead” after “polyfluoroalkyl substances” each
20 place such term appears.

21 **SEC. 390. BRIEFING RELATING TO USE OF RECYCLED RUB-**
22 **BER WASTE PRODUCTS BY DEPARTMENT OF**
23 **DEFENSE.**

24 Not later than February 1, 2023, the Deputy Assist-
25 ant Secretary of Defense for Environment and Energy Re-

1 silience shall provide to the Committees on Armed Services
2 of the House of Representatives and the Senate a briefing
3 on the use, and potential use, by the Department of recy-
4 cled and recyclable rubber products, including an assess-
5 ment of the utility of such use.

6 **SEC. 391. REVIVAL OF REPORT ON NON-FEDERALIZED NA-**
7 **TIONAL GUARD PERSONNEL, TRAINING, AND**
8 **EQUIPMENT REQUIREMENTS.**

9 Section 10504(c)(1) of title 10, United States Code,
10 is amended by striking “years 2018 through 2020” and
11 inserting “years 2023 through 2025”.

12 **SEC. 392. USE OF AMOUNTS AVAILABLE TO DEPARTMENT**
13 **OF DEFENSE FOR OPERATION AND MAINTENANCE FOR REMOVAL OF MUNITIONS AND**
14 **EXPLOSIVES OF CONCERN IN GUAM.**

16 (a) IN GENERAL.—The Secretary of Defense may use
17 amounts available to the Department of Defense for oper-
18 ation and maintenance to remove munitions and explosives
19 of concern from military installations in Guam.

20 (b) MONITORING OF REMOVAL.—The Secretary shall
21 monitor and assess the removal by the Department of mu-
22 nitions and explosives of concern from military installa-
23 tions in Guam and shall constantly update processes for
24 such removal to mitigate any issues relating to such re-
25 moval.

1 (c) REPORT ON AMOUNTS NECESSARY.—Not later
2 than 180 days after the date of the enactment of this Act,
3 the Secretary of Defense shall submit to the congressional
4 defense committees a report indicating the amounts nec-
5 essary to conduct removal of munitions and explosives of
6 concern from military installations in Guam.

7 (d) DEFINITION.—In this section, the term “muni-
8 tions and explosives of concern” has the meaning given
9 that term in section 179.3 of title 32, Code of Federal
10 Regulations, or successor regulations.

11 **SEC. 393. FUNDING FOR UTILITY HELICOPTER MODS.**

12 (a) INCREASE.—Notwithstanding the amounts set
13 forth in the funding tables in division D, the amount au-
14 thorized to be appropriated in section 101 for Aircraft
15 Procurement, Army, as specified in the corresponding
16 funding table in section 4101, for Utility Helicopter Mods,
17 Line 026, is hereby increased by \$10,000,000 for 60kVA
18 Generators.

19 (b) OFFSET.—Notwithstanding the amounts set forth
20 in the funding tables in division D, the amount authorized
21 to be appropriated in section 301 for Operations and
22 Maintenance, Army, as specified in the corresponding
23 funding table in section 4301, for Other Service Support,
24 Line 490, is hereby reduced by \$10,000,000.

1 **SEC. 394. SENSE OF CONGRESS REGARDING THE USE OF**
2 **WORKING DOGS TO DETECT EARLY STAGES**
3 **OF DISEASES.**

4 It is the sense of Congress that—

5 (1) the ongoing research effort conducted by
6 the Department of the Army, in partnership with
7 the University of Pennsylvania, titled Training Aid
8 Delivery Device 2.0 Training Support for COVID-19
9 Detection, is exploring the effectiveness of using
10 scent detection working dogs to detect the early
11 stages of diseases, including the coronavirus disease
12 2019 (COVID-19);

13 (2) this research effort will soon complete
14 Phase 2 and has shown promising results, including
15 an accuracy rate of 89 percent in COVID-19 detec-
16 tion from t-shirt samples; and

17 (3) it is important that the Department of De-
18 fense funds Phase 3 of this research effort to deter-
19 mine whether the use of working dogs is a feasible
20 method of responding to emerging disease threats in
21 a low-cost, low-burden, timely, and widely applicable
22 manner.

1 **SEC. 395. REQUIREMENTS TO REDUCE OUT-OF-POCKET**
2 **COSTS OF MEMBERS OF THE ARMED FORCES**
3 **FOR UNIFORM ITEMS.**

4 (a) **TRACKING REQUIREMENT.**—The Secretary of
5 Defense shall take such steps as may be necessary to track
6 the expected useful life of uniform items for officers and
7 enlisted members of the Armed Forces, for the purposes
8 of—

9 (1) estimating the rate at which such uniform
10 items are replaced; and

11 (2) determining the resulting out-of-pocket
12 costs for such members over time.

13 (b) **UNIFORM REPLACEMENT ALLOWANCE FOR CER-**
14 **TAIN OFFICERS.**—

15 (1) **ESTABLISHMENT.**—The Secretary of De-
16 fense shall establish a uniform replacement allow-
17 ance under which each officer of the Armed Forces,
18 upon promotion to the grade of O–4, and once every
19 three years thereafter for such time as the officer is
20 in a grade of O–4 or above, shall be eligible to re-
21 ceive the allowance described in paragraph (2) for
22 the purpose of replacing required uniform items that
23 have exceeded the useful life of such items.

24 (2) **ALLOWANCE.**—The allowance described in
25 this paragraph is a cash allowance that the Sec-
26 retary shall calculate by multiplying the annual re-

1 placement cost of each required uniform item of an
2 officer (taking into account the expected useful life
3 of the item pursuant to subsection (a) and the price
4 of the item set by the Defense Logistics Agency as
5 of the date of the calculation) by three.

6 (c) REPORT.—Not later than 120 days after the date
7 of the enactment of this Act, the Secretary of Defense
8 shall submit to the congressional defense committees a re-
9 port on the expected useful life of required uniform items,
10 projected changes to such required uniform items, and re-
11 lated costs anticipated by the Secretary (disaggregated by
12 Armed Force). Such report shall include pricing informa-
13 tion for each such item, including items that are not con-
14 sidered uniquely military.

15 **SEC. 396. RECOGNITION OF SERVICE OF MILITARY WORK-**
16 **ING DOGS.**

17 Section 1125 of title 10, United States Code, is
18 amended—

19 (1) by inserting “(a) GENERAL AUTHORITY.—
20 ” before “The Secretary of Defense”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(b) RECOGNITION OF SERVICE OF MILITARY WORK-
24 ING DOGS.—The Secretary of Defense shall develop a
25 decoration or other appropriate recognition to recognize

1 military working dogs under the jurisdiction of the Sec-
2 retary that are killed in action or that perform an excep-
3 tionally meritorious or courageous act in service to the
4 United States.”.

5 **SEC. 397. MAINTENANCE OF PUBLICLY ACCESSIBLE**
6 **WEBSITE BY JOINT SAFETY COUNCIL.**

7 Section 184(d) of title 10, United States Code, is
8 amended by adding at the end the following new para-
9 graph:

10 “(10) Developing and maintaining (including by
11 updating on a basis that is not less frequent than
12 once every 180 days) a publicly accessible Internet
13 website that contains the following:

14 “(A) Information for the families of de-
15 ceased members of the armed forces who died
16 in a fatal operational or training accident.

17 “(B) Information on the findings of each
18 review or assessment conducted by the Council.

19 “(C) An identification of any recommenda-
20 tion of the Council relating to the prevention of
21 fatal accidents among members of the Armed
22 Forces, and information on the progress of the
23 implementation of any such recommendation.”.

1 **TITLE IV—MILITARY**
2 **PERSONNEL AUTHORIZATIONS**
3 **Subtitle A—Active Forces**

4 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

5 The Armed Forces are authorized strengths for active
6 duty personnel as of September 30, 2023, as follows:

- 7 (1) The Army, 473,000.
8 (2) The Navy, 348,220.
9 (3) The Marine Corps, 177,000.
10 (4) The Air Force, 323,400.
11 (5) The Space Force, 8,600.

12 **SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END**
13 **STRENGTH MINIMUM LEVELS.**

14 Section 691(b) of title 10, United States Code, is
15 amended by striking paragraphs (1) through (5) and in-
16 serting the following new paragraphs:

- 17 “(1) For the Army, 473,000.
18 “(2) For the Navy, 348,220.
19 “(3) For the Marine Corps, 177,000.
20 “(4) For the Air Force, 323,400.
21 “(5) For the Space Force, 8,600.”.

1 **Subtitle B—Reserve Forces**

2 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2023, as follows:

6 (1) The Army National Guard of the United
7 States, 336,000.

8 (2) The Army Reserve, 189,500.

9 (3) The Navy Reserve, 57,700.

10 (4) The Marine Corps Reserve, 33,000.

11 (5) The Air National Guard of the United
12 States, 108,400.

13 (6) The Air Force Reserve, 70,000.

14 (7) The Coast Guard Reserve, 7,000.

15 (b) END STRENGTH REDUCTIONS.—The end
16 strengths prescribed by subsection (a) for the Selected Re-
17 serve of any reserve component shall be proportionately
18 reduced by—

19 (1) the total authorized strength of units orga-
20 nized to serve as units of the Selected Reserve of
21 such component which are on active duty (other
22 than for training) at the end of the fiscal year; and

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected
25 Reserve of such component who are on active duty

1 (other than for training or for unsatisfactory partici-
2 pation in training) without their consent at the end
3 of the fiscal year.

4 (c) **END STRENGTH INCREASES.**—Whenever units or
5 individual members of the Selected Reserve of any reserve
6 component are released from active duty during any fiscal
7 year, the end strength prescribed for such fiscal year for
8 the Selected Reserve of such reserve component shall be
9 increased proportionately by the total authorized strengths
10 of such units and by the total number of such individual
11 members.

12 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
13 **DUTY IN SUPPORT OF THE RESERVES.**

14 Within the end strengths prescribed in section
15 411(a), the reserve components of the Armed Forces are
16 authorized, as of September 30, 2023, the following num-
17 ber of Reserves to be serving on full-time active duty or
18 full-time duty, in the case of members of the National
19 Guard, for the purpose of organizing, administering, re-
20 cruiting, instructing, or training the reserve components:

- 21 (1) The Army National Guard of the United
22 States, 30,845.
- 23 (2) The Army Reserve, 16,511.
- 24 (3) The Navy Reserve, 10,077.
- 25 (4) The Marine Corps Reserve, 2,388.

1 (5) The Air National Guard of the United
2 States, 26,630.

3 (6) The Air Force Reserve, 6,286.

4 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
5 **(DUAL STATUS).**

6 The minimum number of military technicians (dual
7 status) as of the last day of fiscal year 2023 for the re-
8 serve components of the Army and the Air Force (notwith-
9 standing section 129 of title 10, United States Code) shall
10 be the following:

11 (1) For the Army National Guard of the United
12 States, 22,294.

13 (2) For the Army Reserve, 6,492.

14 (3) For the Air National Guard of the United
15 States, 9,892.

16 (4) For the Air Force Reserve, 6,696.

17 **SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
18 **THORIZED TO BE ON ACTIVE DUTY FOR**
19 **OPERATIONAL SUPPORT.**

20 During fiscal year 2023, the maximum number of
21 members of the reserve components of the Armed Forces
22 who may be serving at any time on full-time operational
23 support duty under section 115(b) of title 10, United
24 States Code, is the following:

1 (1) The Army National Guard of the United
2 States, 17,000.

3 (2) The Army Reserve, 13,000.

4 (3) The Navy Reserve, 6,200.

5 (4) The Marine Corps Reserve, 3,000.

6 (5) The Air National Guard of the United
7 States, 16,000.

8 (6) The Air Force Reserve, 14,000.

9 **Subtitle C—Authorization of**
10 **Appropriations**

11 **SEC. 421. MILITARY PERSONNEL.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are hereby authorized to be appropriated for fiscal year
14 2023 for the use of the Armed Forces and other activities
15 and agencies of the Department of Defense for expenses,
16 not otherwise provided for, for military personnel, as spec-
17 ified in the funding table in section 4401.

18 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
19 thorization of appropriations in the subsection (a) super-
20 sedes any other authorization of appropriations (definite
21 or indefinite) for such purpose for fiscal year 2023.

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**
3 **Subtitle A—Officer Personnel**
4 **Policy**

5 **SEC. 501. DISTRIBUTION OF COMMISSIONED OFFICERS ON**
6 **ACTIVE DUTY IN GENERAL OFFICER AND**
7 **FLAG OFFICER GRADES.**

8 Section 525 of title 10, United States Code, is
9 amended—

10 (1) in subsection (a)—

11 (A) in the matter preceding paragraph (1),
12 by striking “as follows:” and inserting an em
13 dash;

14 (B) in paragraph (4)(C), by striking the
15 period at the end and inserting “; and”; and

16 (C) by adding at the end the following new
17 paragraph:

18 “(5) in the Space Force, if that appointment
19 would result in more than—

20 “(A) 2 officers in the grade of general;

21 “(B) 7 officers in a grade above the grade
22 of major general; or

23 “(C) 6 officers in the grade of major gen-
24 eral.”;”;

25 (2) in subsection (c)—

1 (A) in paragraph (1)(A), by striking “and
 2 Marine Corps” and inserting “Marine Corps,
 3 and Space Force”; and

4 (B) in paragraph (2), by striking “or Ma-
 5 rine Corps” and inserting “Marine Corps, or
 6 Space Force”; and

7 (3) in subsection (d), by striking “or Com-
 8 mandant of the Marine Corps” and inserting “Com-
 9 mandant of the Marine Corps, or Chief of Space Op-
 10 erations”.

11 **SEC. 502. AUTHORIZED STRENGTH AFTER DECEMBER 31,**
 12 **2022: GENERAL OFFICERS AND FLAG OFFI-**
 13 **CERS ON ACTIVE DUTY.**

14 Section 526a of title 10, United States Code, is
 15 amended—

16 (1) in subsection (a)—

17 (A) in the matter preceding paragraph (1),
 18 by striking “and Marine Corps” and inserting
 19 “Marine Corps, and Space Force”;

20 (B) in paragraph (1), by striking “220”
 21 and inserting “218”;

22 (C) in paragraph (2), by striking “151”
 23 and inserting “149”;

24 (D) in paragraph (3), by striking “187”
 25 and inserting “170”; and

1 (E) by adding at the end the following new
2 paragraph:

3 “(5) For the Space Force, 21.”; and

4 (2) in subsection (b)(2), by adding at the end
5 the following new subparagraph:

6 “(E) For the Space Force, 6.”.

7 **SEC. 503. EXCLUSION OF LEAD SPECIAL TRIAL COUNSEL**
8 **FROM LIMITATIONS ON GENERAL OFFICERS**
9 **AND FLAG OFFICERS ON ACTIVE DUTY.**

10 Section 526a of title 10, United States Code, as
11 amended by section 502, is further amended—

12 (1) by redesignating the second subsection (i)
13 as subsection (j);

14 (2) by redesignating subsections (g), (h), (i),
15 and (j) as subsections (h), (i), (j), and (k), respec-
16 tively; and

17 (3) by inserting after subsection (f) the fol-
18 lowing new subsection:

19 “(g) EXCLUSION OF OFFICERS SERVING AS LEAD
20 SPECIAL TRIAL COUNSEL.—The limitations in subsection
21 (a) do not apply to a general or flag officer serving in
22 the position of lead special trial counsel pursuant to an
23 appointment under section 1044f(a)(2) of this title.”.

1 **SEC. 504. CONSTRUCTIVE SERVICE CREDIT FOR CERTAIN**
2 **OFFICERS OF THE ARMED FORCES: AUTHOR-**
3 **IZATION; SPECIAL PAY.**

4 (a) CONSTRUCTIVE SERVICE CREDIT FOR WARRANT
5 OFFICERS.—Section 572 of title 10, United States Code,
6 is amended—

7 (1) by inserting “(a)” before “For the pur-
8 poses”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(b)(1) The Secretary concerned shall credit a person
12 who is receiving an original appointment as a warrant offi-
13 cer in the regular component of an armed force under the
14 jurisdiction of such Secretary concerned, and who has ad-
15 vanced education or training or special experience, with
16 constructive service for such education, training, or experi-
17 ence, as follows:

18 “(A) For special training or experience in a
19 particular warrant officer field designated by the
20 Secretary concerned, if such training or experience is
21 directly related to the operational needs of the
22 armed force concerned, as determined by such Sec-
23 retary concerned.

24 “(B) For advanced education in a warrant offi-
25 cer field designated by the Secretary concerned, if
26 such education is directly related to the operational

1 needs of the armed force concerned, as determined
2 by such Secretary concerned.

3 “(2) The authority under this subsection expires on
4 December 31, 2027.”.

5 (b) SPECIAL PAY FOR CERTAIN OFFICERS COMMIS-
6 SIONED OR APPOINTED WITH CONSTRUCTIVE SERVICE
7 CREDIT.—

8 (1) ESTABLISHMENT.—Subchapter II of chap-
9 ter 5 of title 37, United States Code, is amended by
10 inserting after section 336 the following new section:

11 **“§ 337. Special pay: certain officers of the armed**
12 **forces commissioned or appointed with**
13 **constructive service credit**

14 “(a) SPECIAL PAY AUTHORIZED.—The Secretary
15 concerned may pay monthly special pay to an eligible offi-
16 cer under this section.

17 “(b) ELIGIBLE OFFICER DEFINED.—In this section,
18 the term ‘eligible officer’ means an officer who—

19 “(1)(A) received an original appointment in a
20 commissioned grade on or after the date of the en-
21 actment of the National Defense Authorization Act
22 for Fiscal Year 2023; and

23 “(B) was credited by the Secretary of the mili-
24 tary department concerned with constructive service
25 under section 533(b)(1)(D) of title 10; or

1 “(2)(A) was originally appointed in a warrant
2 officer grade on or after the date of the enactment
3 of the National Defense Authorization Act for Fiscal
4 Year 2023; and

5 “(B) was credited by the Secretary concerned
6 with constructive service under section 572(b) of
7 title 10.

8 “(c) AMOUNT OF PAY.—The Secretary concerned
9 shall determine an amount of monthly special pay to pay
10 to an eligible officer under this section. Such amount may
11 not exceed \$5,000 per month.

“(d) RELATIONSHIP TO OTHER INCENTIVES.—Special pay under this section is in addition to any other pay or allowance to which an eligible officer is entitled.

15 “(e) SUNSET.—No special pay may be paid under
16 this section after December 31, 2027.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 336 the following:

“337. Special pay: certain officers of the armed forces commissioned or appointed with constructive service credit.”.

(c) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out the amendments made by this section not later than 180 days after the date of the enactment of this Act.

1 (d) REPORT.—Not later than February 1, 2027, the
2 Secretary of Defense, in consultation with the Secretary
3 of Homeland Security, shall submit to the appropriate
4 congressional committees a report on the amendments
5 made by this section. Such report shall include—

6 (1) the evaluation of such amendments by the
7 Secretary; and

8 (2) the recommendation of the Secretary wheth-
9 er such amendments should be made permanent.

10 (e) DEFINITIONS.—In this section:

11 (1) The term “appropriate congressional com-
12 mittees” means the following:

13 (A) The congressional defense committees.

14 (B) The Committee on Transportation and
15 Infrastructure of the House of Representatives.

16 (C) The Committee on Commerce, Science,
17 and Transportation of the Senate.

18 (2) The terms “congressional defense commit-
19 tees” and “Secretary concerned” have the meanings
20 given such terms in section 101 of title 10, United
21 States Code.

1 **SEC. 505. CLARIFICATION OF GRADE OF SURGEON GEN-**
2 **ERAL OF THE NAVY.**

3 Section 8077 of title 10, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(c) GRADE.—The Surgeon General, while so serv-
7 ing, shall hold the grade of O-9.”.

8 **SEC. 506. ASSESSMENTS OF STAFFING IN THE OFFICE OF**
9 **THE SECRETARY OF DEFENSE AND OTHER**
10 **DEPARTMENT OF DEFENSE HEADQUARTERS**
11 **OFFICES.**

12 (a) OFFICE OF THE SECRETARY OF DEFENSE.—The
13 Secretary of Defense shall conduct an assessment of staff-
14 ing of the Office of the Secretary of Defense. Such assess-
15 ment shall including the following elements:

16 (1) A validation of every military staff billet as-
17 signed to the Office of the Secretary of Defense
18 against existing military personnel requirements.

19 (2) The estimated effect of returning 15 per-
20 cent of such military staff billets to operational ac-
21 tivities of the Armed Forces concerned, over a period
22 of 36 months, would have on the office of the Sec-
23 retary of Defense and other Department of Defense
24 Headquarters Offices.

25 (3) A plan and milestones for how reductions
26 described in paragraph (2) would occur, a schedule

1 for such reductions, and the process by which the
2 billets would be returned to the operational activities
3 of the Armed Forces concerned.

4 (b) OFFICE OF THE JOINT CHIEFS OF STAFF.—The
5 Chairman of the Joint Chiefs of Staff shall conduct an
6 assessment of staffing of the Office of the Joint Chiefs
7 of Staff. Such assessment shall including the following ele-
8 ments:

9 (1) A validation of every military staff billet as-
10 signed to the Office of the Joint Chiefs of Staff
11 against existing military personnel requirements.

12 (2) The estimated effect of returning 15 per-
13 cent of such military staff billets to operational ac-
14 tivities of the Armed Forces concerned, over a period
15 of 36 months, would have on the office of the Joint
16 Staff and the Chairman's Controlled Activities and
17 other related Joint Staff Headquarters Offices.

18 (3) A plan and milestones for how reductions
19 described in paragraph (2) would occur, a schedule
20 for such reductions, and the process by which the
21 billets would be returned to the operational activities
22 of the Armed Forces concerned.

23 (c) INTERIM BRIEFING AND REPORT.—

24 (1) INTERIM BRIEFING.—Not later than April
25 1, 2023, the Secretary shall provide to the Commit-

tees on Armed Services of the Senate and House of Representatives an interim briefing on the assessments under subsections (a) and (b).

(2) FINAL REPORT.—Not later than one year 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 assessments under subsections (a) and (b). Such report shall include the following:

(A) A validation of every military staff billet assigned to the Office of the Secretary of Defense and the Joint Staff to include the Chairman's Controlled Activities against existing military personnel requirements.

(B) The methodology and process through which such validation was performed.

(C) Relevant statistical analysis on military billet fill rates against validated requirements.

(D) An analysis of unvalidated military billets currently performing staff support functions,

(E) The rationale for why unvalidated military billets may be required.

(F) The cost of military staff filling both validated and unvalidated billets.

1 (G) Lessons learned through the military
2 billet validation process and statistical analysis
3 under subparagraphs (B) through (F).

4 (H) Any other matters the Secretary deter-
5 mines relevant to understanding the use of mili-
6 tary staff billets described in subsections (a)
7 and (b).

8 (I) Any legislative, policy or budgetary rec-
9 ommendations of the Secretary related to the
10 subject matter of the report.

11 **SEC. 507. SURVEY OF CHAPLAINS.**

12 (a) DEVELOPMENT.—The Secretary of Defense shall
13 seek to enter into an agreement with a nonprofit entity
14 or a federally funded research and development center to
15 develop an anonymous survey of chaplains of the covered
16 Armed Forces. The survey shall include questions regard-
17 ing the following:

18 (1) Chaplain job satisfaction.

19 (2) The tools available for chaplains to minister
20 to members of the covered Armed Forces.

21 (3) Resources available to support religious pro-
22 grams.

23 (4) Inclusion of chaplains in resiliency and
24 wellness programs.

1 (5) The role of chaplains in embedded units,
2 headquarters activities, and military treatment facili-
3 ties.

4 (6) Recruitment and retention of chaplains.

5 (7) Any challenges in the ability of chaplains to
6 offer ministry services.

7 (b) ADMINISTRATION.—The Secretary shall admin-
8 ister the survey not later than 180 days after development.

9 (c) REPORT.—Not later than one year after the date
10 of the enactment of this Act, the Secretary of Defense
11 shall submit a report to the Committees on Armed Serv-
12 ices of the Senate and House of Representatives on the
13 findings from the survey.

14 (d) COVERED ARMED FORCE DEFINED.—The term
15 “covered Armed Force” means the following:

16 (1) The Army.

17 (2) The Navy.

18 (3) The Marine Corps.

19 (4) The Air Force.

20 (5) The Space Force.

21 **SEC. 508. INDEPENDENT REVIEW OF ARMY OFFICER PER-**
22 **FORMANCE EVALUATIONS.**

23 (a) STUDY REQUIRED.—Not later than six months
24 after the enactment of this Act, the Secretary of the Army

1 shall seek to enter into an agreement with a private entity
2 that the Secretary determines appropriate to—

3 (1) study the fitness report system used for the
4 performance evaluation of Army officers; and

5 (2) provide to the Secretary recommendations
6 regarding how to improve such system.

7 (b) ELEMENTS.—The study required under sub-
8 section (a) shall include the following:

9 (1) An analysis of the effectiveness of the fit-
10 ness report system at evaluating and documenting
11 the performance of Army officers.

12 (2) A comparison of the fitness report system
13 for Army officers with best practices for perform-
14 ance evaluations used by public- and private-sector
15 organizations.

16 (3) An analysis of the value of Army fitness re-
17 ports in providing useful information to officer pro-
18 motion boards.

19 (4) An analysis of the value of Army fitness re-
20 ports in providing useful feedback to Army officers
21 being evaluated.

22 (5) Recommendations to improve the Army fit-
23 ness report system to—

1 (A) increase its effectiveness at accurately
2 evaluating and documenting the performance of
3 Army officers;

4 (B) align with best practices for perform-
5 ance evaluations used by public- and private-
6 sector organizations;

7 (C) provide more useful information to of-
8 ficer promotion boards; and

9 (D) provide more useful feedback regard-
10 ing evaluated officers.

11 (c) ACCESS TO DATA AND RECORDS.—The Secretary
12 of the Army shall ensure that the entity selected under
13 subsection (a) has sufficient resources and access to tech-
14 nical data, individuals, organizations, and records nec-
15 essary to complete the study required under this section.

16 (d) SUBMISSION TO DEPARTMENT OF THE ARMY.—
17 Not later than one year after entering into an agreement
18 under subsection (a), the entity that conducts the study
19 under subsection (a) shall submit to the Secretary of the
20 Army a report on the results of the study.

21 (e) SUBMISSION TO CONGRESS.—Not later than 30
22 days after the date on which the Secretary of the Army
23 receives the report under subsection (d), the Secretary
24 shall submit to the congressional defense committees—

25 (1) an unaltered copy of such report; and

1 (2) any comments of the Secretary regarding
2 such report.

3 **Subtitle B—Reserve Component**
4 **Management**

5 **SEC. 511. GRADES OF CERTAIN CHIEFS OF RESERVE COM-**
6 **PONENTS.**

7 (a) IN GENERAL.—

8 (1) CHIEF OF ARMY RESERVE.—Section
9 7038(b) of title 10, United States Code, is amended
10 by striking paragraph (4) and inserting the fol-
11 lowing:

12 “(4) The Chief of Army Reserve, while so serving,
13 holds the grade of lieutenant general.”.

14 (2) CHIEF OF NAVY RESERVE.—Section
15 8083(b) of such title is amended by striking para-
16 graph (4) and inserting the following:

17 “(4) The Chief of Navy Reserve, while so serving,
18 holds the grade of vice admiral.”.

19 (3) COMMANDER, MARINE FORCES RESERVE.—
20 Section 8084(b) of such title is amended by striking
21 paragraph (4) and inserting the following:

22 “(4) The Commander, Marine Forces Reserve, while
23 so serving, holds the grade of lieutenant general.”.

1 (4) CHIEF OF AIR FORCE RESERVE.—Section
2 9038(b) of such title is amended by striking para-
3 graph (4) and inserting the following:

4 “(4) The Chief of Air Force Reserve, while so serving,
5 holds the grade of lieutenant general.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 subsection (a) shall take effect on the day that is one year
8 after the date of the enactment of this Act and shall apply
9 to appointments made after such date.

10 **SEC. 512. GRADE OF VICE CHIEF OF THE NATIONAL GUARD**
11 **BUREAU.**

12 Section 10505 of title 10, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(c) GRADE.—(1) The Vice Chief of the National
16 Guard Bureau shall be appointed to serve in the grade
17 of general.

18 “(2) The Secretary of Defense shall designate, pursu-
19 ant to subsection (b) of section 526 of this title, the posi-
20 tion of Vice Chief of the National Guard Bureau as one
21 of the general officer and flag officer positions to be ex-
22 cluded from the limitations in subsection (a) of such sec-
23 tion.”.

1 **SEC. 513. BACKDATING OF EFFECTIVE DATE OF RANK FOR**
2 **RESERVE OFFICERS IN THE NATIONAL**
3 **GUARD DUE TO UNDUE DELAYS IN FEDERAL**
4 **RECOGNITION.**

5 Paragraph (2) of section 14308(f) of title 10, United
6 States Code, is amended to read as follows:

7 “(2) If there is a delay in extending Federal recogni-
8 tion in the next higher grade in the Army National Guard
9 or the Air National Guard to a reserve commissioned offi-
10 cer of the Army or the Air Force that exceeds 100 days
11 from the date the National Guard Bureau deems such offi-
12 cer’s application for Federal recognition to be completely
13 submitted by the State and ready for review at the Na-
14 tional Guard Bureau, and the delay was not attributable
15 to the action or inaction of such officer—

16 “(A) in the event of State promotion with an
17 effective date before January 1, 2024, the effective
18 date of the promotion concerned under paragraph
19 (1) may be adjusted to a date determined by the
20 Secretary concerned, but not earlier than the effec-
21 tive date of the State promotion; and

22 “(B) in the event of State promotion with an
23 effective date on or after January 1, 2024, the effec-
24 tive date of the promotion concerned under para-
25 graph (1) shall be adjusted by the Secretary con-
26 cerned to the later of—

1 “(i) the date the National Guard Bureau
2 deems such officer’s application for Federal rec-
3 ognition to be completely submitted by the
4 State and ready for review at the National
5 Guard Bureau; and

6 “(ii) the date on which the officer occupies
7 a billet in the next higher grade.”.

8 **SEC. 514. FINANCIAL ASSISTANCE PROGRAM FOR SPE-**
9 **CIALLY SELECTED MEMBERS: ARMY RE-**
10 **SERVE AND ARMY NATIONAL GUARD.**

11 Section 2107a of title 10, United States Code, is
12 amended—

13 (1) in subsection (a)—

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

16 “(1) The Secretary of the Army may appoint as a
17 cadet in the Army Reserve or Army National Guard of
18 the United States any eligible member of the program
19 who—

20 “(A)(i) is enrolled in the Advanced Course of
21 the Army Reserve Officers’ Training Corps at a mili-
22 tary college or a military junior college; or

23 “(ii)(I) is enrolled in the Advanced Course of
24 the Army Reserve Officers’ Training Corps at a ci-
25 vilian institution; and

1 “(II) has completed the second year of a course
2 of study in science, technology, engineering, mathe-
3 matics, or a related field at such institution; and

4 “(B) will be under 31 years of age on December
5 31 of the calendar year in which the member eligible
6 under this section for appointment as a second lieu-
7 tenant in the Army Reserve or Army National
8 Guard.”;

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

11 “(3) The Secretary of the Army may prescribe regu-
12 lations specifying—

13 “(A) the courses of study that may be pursued
14 by a member of the program for purposes of meeting
15 the requirement under paragraph (1)(A)(ii); and

16 “(B) the level of academic achievement needed
17 to meet such requirement.”.

18 (2) in subsection (b)(3)(B)(i), by inserting “or
19 civilian institution” after “military junior college”;

20 (3) in subsection (c)—

21 (A) in paragraph (1), by inserting “or ci-
22 vilian institution” after “military junior col-
23 lege”;

1 (B) in paragraph (4)(A), by inserting “or
2 civilian institution” after “military junior col-
3 lege”;

4 (4) by amending subsection (h) to read as fol-
5 lows:

6 “(h)(1) The Secretary of the Army may appoint each
7 year under this section not less than 22 cadets at each
8 military junior college at which there are not less than
9 22 members of the program eligible under subsection (b)
10 for such an appointment. At any military junior college
11 at which in any year there are fewer than 22 such mem-
12 bers, the Secretary shall appoint each such member as a
13 cadet under this section.

14 “(2) The Secretary of the Army may appoint each
15 year under this section the number of cadets from civilian
16 institutions that the Secretary determines to be appro-
17 priate based on the needs of the Army.”; and

18 (5) in subsection (j), by inserting “or civilian
19 institution” after “military junior college”.

20 **SEC. 515. INSPECTIONS OF NATIONAL GUARD.**

21 (a) ESTABLISHMENT.—Chapter 1 of title 32, United
22 States Code, is amended by inserting, after section 105,
23 the following new section:

1 **“§ 105A. Additional inspections**

2 “(a) REGULAR INSPECTIONS REQUIRED.—The Sec-
3 retary of the Army and the Secretary of the Air Force
4 shall each prescribe regulations pursuant to which the Na-
5 tional Guard of each State shall be inspected not less fre-
6 quently than once every five years.

7 “(b) AUTHORIZED INSPECTORS.—An inspection of
8 the National Guard of a State under subsection (a) shall
9 be conducted by—

10 “(1) in the case of the Air National Guard, by
11 a qualified member of the regular component of the
12 Air Force or by the inspector general of the Depart-
13 ment of the Air Force; or

14 “(2) in the case of the Army National Guard,
15 by a qualified member of the regular component of
16 the Army or by the inspector general of the Depart-
17 ment of the Army.

18 “(c) ELEMENTS AND RECOMMENDATIONS.—Each in-
19 spection under subsection (a) shall include—

20 “(1) a review and assessment of—

21 “(A) the command climate of the National
22 Guard of the State;

23 “(B) the extent to which members of such
24 National Guard are treated with dignity and re-
25 spect; and

1 “(C) the compliance of such National
2 Guard with statutory, regulatory, and other ap-
3 plicable requirements relating to—

4 “(i) reporting and addressing sex-re-
5 lated offenses and sexual harassment;

6 “(ii) training in sexual assault preven-
7 tion and response; and

8 “(iii) training in suicide prevention;
9 and

10 “(2) the inspector’s recommendation as to
11 whether the Secretary of the military department
12 concerned should designate the performance of such
13 National Guard as unsatisfactory, satisfactory, or
14 excellent.

15 “(d) PERFORMANCE GRADE.—Following the conclu-
16 sion of an inspection of a National Guard of a State under
17 subsection (a), the Secretary of the military department
18 concerned shall—

19 “(1) based on the results of the inspection, des-
20 ignate the performance of such National Guard as
21 unsatisfactory, satisfactory, or excellent; and

22 “(2) post such designation on a publicly acces-
23 sible website of the Department of Defense.

24 “(e) MANDATORY REINSPECTION.—A National
25 Guard of a State that receives a designation of unsatisfac-

1 tory under subsection (d) shall be reinspected in accord-
2 ance with this section not later one year after the conclu-
3 sion of the inspection that resulted in such designation.

4 “(f) REPORTS.—

5 “(1) IN GENERAL.—Not later than 90 days,
6 after the conclusion of each inspection under this
7 section, the Secretary of the military department
8 concerned shall submit a report on the results of
9 such inspection—

10 “(A) to the Secretary of Defense; and

11 “(B) to the Committees on Armed Services
12 of the Senate and the House of Representa-
13 tives.

14 “(2) ELEMENTS.—Each report under para-
15 graph (1) shall—

16 “(A) summarize the results of the inspec-
17 tion with respect to each element specified in
18 subsection (c);

19 “(B) indicate the designation issued for
20 the National Guard of the State under sub-
21 section (d); and

22 “(C) in the case of a National Guard of a
23 State that received a designation of unsatisfac-
24 tory under subsection (d) after a reinspection

1 under subsection (e), include the Secretary's
2 recommendation as to whether—

3 “(i) Federal funds should be withheld
4 from such National Guard; or

5 “(ii) such National Guard unit should
6 be transferred to another State.

7 “(g) DEFINITIONS.—In this section:

8 “(1) The term ‘sex-related offense’ means an
9 alleged sex-related offense (as defined in section
10 1044e(h) of this title).

11 “(2) The term ‘sexual harassment’ means the
12 offense of sexual harassment as punishable under
13 section 934 of this title (article 134 of the Uniform
14 Code of Military Justice) pursuant to the regulations
15 prescribed by the Secretary of Defense for purposes
16 of such section (article).

17 “(3) The term ‘State’ has the meaning given
18 such term in section 901 of this title.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item relating to section 105 the following new
22 item:

“105A. Additional inspections.”.

1 **SEC. 516. REQUIREMENT OF CONSENT OF THE CHIEF EXEC-**
2 **UTIVE OFFICER FOR CERTAIN FULL-TIME NA-**
3 **TIONAL GUARD DUTY PERFORMED IN A**
4 **STATE, TERRITORY, OR THE DISTRICT OF CO-**
5 **LUMBIA.**

6 Section 502(f)(2)(A) of title 32, United States Code,
7 is amended to read as follows:

8 “(A) Support of operations or missions under-
9 taken by the member’s unit at the request of the
10 President or Secretary of Defense, with the consent
11 of—

12 “(i) the chief executive officer of each
13 State (as that term is defined in section 901 of
14 this title) in which such operations or missions
15 shall take place; and

16 “(ii) if such operations or missions shall
17 take place in the District of Columbia, the
18 Mayor of the District of Columbia.”.

19 **SEC. 517. EXTENSION OF NATIONAL GUARD SUPPORT FOR**
20 **FIREGUARD PROGRAM.**

21 Section 515 of the National Defense Authorization
22 Act for Fiscal Year 2022 (Public Law 117–81) is amended
23 by striking “September 30, 2026” and inserting “Sep-
24 tember 30, 2029”.

1 **SEC. 518. NOTICE TO CONGRESS BEFORE CERTAIN AC-**
2 **TIONS REGARDING UNITS OF CERTAIN RE-**
3 **SERVE COMPONENTS.**

4 (a) NOTICE REQUIRED; ELEMENTS.—The Secretary
5 of a military department may not take any covered action
6 regarding a covered unit until the day that is 60 days after
7 the Secretary of a military department submits to Con-
8 gress notice of such covered action. Such notice shall in-
9 clude the following elements:

10 (1) An analysis of how the covered action would
11 improve readiness.

12 (2) A description of how the covered action
13 would align with the National Defense Strategy and
14 the supporting strategies of each military depart-
15 ments.

16 (3) A description of any proposed organiza-
17 tional change associated with the covered action and
18 how the covered action will affect the relationship of
19 administrative, operational, or tactical control re-
20 sponsibilities of the covered unit.

21 (4) The projected cost and any projected long-
22 term cost savings of the covered action.

23 (5) A detailed description of any requirements
24 for new infrastructure or relocation of equipment
25 and assets necessary for the covered action.

1 (6) An analysis whether the covered action
2 would facilitate—

3 (A) total force integration; and

4 (B) general officer progression.

5 (7) A description of how the covered activity
6 will affect the ability of the covered unit to accom-
7 plish its current mission.

8 (b) APPLICABILITY.—This section shall apply to any
9 step to perform covered action regarding a covered unit
10 on or after the date of the enactment of this Act.

11 (c) DEFINITIONS.—In this section:

12 (1) The term “covered action” means any of
13 the following:

14 (A) To deactivate.

15 (B) To reassign.

16 (C) To move the home station.

17 (D) To reassign any responsibility.

18 (E) To integrate, in the case of—

19 (i) a covered unit and a unit of the
20 regular component of a covered Armed
21 Force; or

22 (ii) more than one covered unit.

23 (2) The term “covered Armed Force” means
24 the following:

25 (A) The Army.

1 (B) The Navy.

2 (C) The Marine Corps.

3 (D) The Air Force.

4 (E) The Space Force.

5 (3) The term “covered unit” means a unit of a
6 reserve component of a covered Armed Force.

7 **SEC. 519. PLAN TO ENSURE REASONABLE ACCESS TO THE**
8 **JUNIOR RESERVE OFFICERS’ TRAINING**
9 **CORPS.**

10 (a) PLAN REQUIRED.—The Secretary of Defense, in
11 consultation with the Secretaries of the military depart-
12 ments, shall develop a plan to increase the total number
13 of units of the Junior Reserve Officers’ Training Corps
14 to ensure that there is reasonable access to such units in
15 each geographic region of the United States by not later
16 than September 30, 2031.

17 (b) ELEMENTS.—The plan required under subsection
18 (a) shall include the following:

19 (1) A proposal to increase the total number of
20 units of the Junior Reserve Officers’ Training Corps
21 to ensure reasonable access for students throughout
22 the United States.

23 (2) The estimated cost of implementing the pro-
24 posed increase in the number of such units.

1 (3) A prioritized list of the States and regions
2 in which the Secretary proposes adding additional
3 units.

4 (4) Actions the Secretary expects to carry out
5 to ensure adequate representation and fair access to
6 such units for students in all regions of the United
7 States, including rural and remote areas and in
8 underrepresented States.

9 (5) To the extent appropriate, modifications to
10 the requirements for such units, including the re-
11 quirements applicable to instructors, to accommo-
12 date units in rural areas and small schools.

13 (6) A plan to increase school and community
14 awareness of Junior Reserve Officers' Training
15 Corps programs in underrepresented areas.

16 (c) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Secretary of Defense
18 shall submit to the Committees on Armed Services of the
19 Senate and the House of Representatives a report that
20 includes the plan developed under subsection (a).

21 (d) REASONABLE ACCESS DEFINED.—In this section,
22 the term “reasonable access”, when used with respect to
23 units of the Junior Reserve Officers' Training Corps,
24 means a level of access determined by the Secretary of
25 Defense be reasonable taking into account the demand for

1 student participation, the availability of instructors, and
2 the physical distance between units.

3 **SEC. 519A. INCLUSION OF ADDITIONAL INFORMATION ON**
4 **THE SENIOR RESERVE OFFICERS' TRAINING**
5 **CORPS IN REPORTS ACCOMPANYING THE NA-**
6 **TIONAL DEFENSE STRATEGY.**

7 Section 113(m) of title 10, United States Code, is
8 amended—

9 (1) by redesignating the second paragraph (8)
10 as paragraph (11);

11 (2) by redesignating the first paragraph (8), as
12 paragraph (10);

13 (3) by redesignating paragraphs (5), (6), and
14 (7) paragraphs (7), (8), and (9), respectively; and

15 (4) by inserting after paragraph (4) the fol-
16 lowing new paragraphs:

17 “(5) The number of Senior Reserve Officers’
18 Training Corps scholarships awarded during the fis-
19 cal year covered by the report, disaggregated by gen-
20 der, race, and ethnicity, for each military depart-
21 ment.

22 “(6) The program completion rates and pro-
23 gram withdrawal rates of Senior Reserve Officers’
24 Training Corps scholarship recipients during the fis-
25 cal year covered by the report, disaggregated by gen-

1 der, race, and ethnicity, for each military depart-
2 ment.”.

3 **SEC. 519B. ADDITIONAL MATTERS RELATING TO SUPPORT**
4 **FOR FIREGUARD PROGRAM.**

5 Section 515 of the National Defense Authorization
6 Act for Fiscal Year 2022 (Public Law 117–81), as amend-
7 ed by section 517, is further amended—

8 (1) by inserting “**(a) IN GENERAL.—**” before
9 “Until”;

10 (2) by striking “support” and inserting “carry
11 out”;

12 (3) by striking “personnel of the California Na-
13 tional Guard” and inserting “National Guard per-
14 sonnel (including from the Colorado National Guard
15 and the California National Guard)”; and

16 (4) by adding at the end the following:

17 “(b) TRANSFER.—Until the date specified in sub-
18 section (a), no component (including any analytical re-
19 sponsibility) of the FireGuard program may be transferred
20 from the Department of Defense to another entity. If the
21 Secretary seeks to make such a transfer, the Secretary
22 shall, at least three years before such transfer, provide to
23 the appropriate congressional committees a written report
24 and briefing that detail—

1 “(1) plans of the Secretary for such transfer;
2 and

3 “(2) how such transfer will sustain and improve
4 detection and monitoring of wildfires.

5 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES
6 DEFINED.—In this section, the term ‘appropriate congres-
7 sional committees’ means the following:

8 “(1) The Committee on Armed Services of the
9 Senate.

10 “(2) The Committee on Armed Services of the
11 House of Representatives.

12 “(3) The Select Committee on Intelligence of
13 the Senate.

14 “(4) The Permanent Select Committee on Intel-
15 ligence of the House of Representatives.”.

16 **SEC. 519C. DIVESTITURE OF TACTICAL CONTROL PARTY.**

17 No divestiture of any Tactical Control Party spe-
18 cialist force structure from the Air National Guard may
19 occur until the Chief of the National Guard Bureau pro-
20 vides a report to the congressional defense committees de-
21 scribing—

22 (1) the capability gaps caused by divestiture of
23 Tactical Control Party force structure from the Air
24 National Guard and its impact on the Department

1 of Defense to execute the National Defense Strat-
2 egy; and

3 (2) the impacts of such divestiture to the oper-
4 ational capabilities of the Army National Guard.

5 **SEC. 519D. RECOGNITION OF THE ARMY INTERAGENCY**
6 **TRAINING AND EDUCATION CENTER AS A**
7 **JOINT ACTIVITY OF THE NATIONAL GUARD;**
8 **REPORT.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) AITEC has been designated by the National
12 Guard Bureau as a joint activity of the Army and
13 Air National Guard responsible for the following ac-
14 tivities:

15 (A) Mission assurance and other critical
16 infrastructure protection activities in support of
17 the Department of Defense and Department of
18 Homeland Security entities.

19 (B) All-hazards disaster response training
20 and exercises for the National Guard in part-
21 nership with Federal, State, local, territorial,
22 and Tribal response enterprise organizations.

23 (2) AITEC is composed of members of the
24 Army and Air National Guard who possess relevant
25 private-sector critical skills and experience in the

1 fields of emergency response, engineering, cybersecu-
2 rity, electric power, logistics, telecommunications,
3 utilities, medical, rescue, or such other fields as de-
4 termined by evolving mission requirements.

5 (3) The National Guard Bureau has designated
6 AITEC as having the following duties:

7 (A) Providing the Department of Defense
8 with—

9 (i) unique civilian expertise and expe-
10 rience of critical infrastructure protection,
11 Chemical, Biological, Radiological, and Nu-
12 clear response, emergency management,
13 control systems cybersecurity, and incident
14 management;

15 (ii) training and exercise support of
16 Joint Interagency Training Capability, in-
17 cluding Joint Force Headquarters-State
18 and Joint Task Force-State Headquarters
19 elements, National Guard Reaction Forces,
20 Weapons of Mass Destruction Civil Sup-
21 port Teams, and Chemical, Biological, Ra-
22 diological, Nuclear, or High-Yield Explo-
23 sive Emergency Response Force Packages,
24 and Homeland Response Forces; and

1 (iii) personnel to conduct Mission As-
2 surance, Cybersecurity, Port Security &
3 Resiliency, and other critical infrastructure
4 assessments and training along with
5 Counter-IED and bombing prevention
6 training to intergovernmental partners and
7 first responders.

8 (B) On an ongoing basis, partnering with
9 the military departments, the combatant com-
10 mands, other Department of Defense agencies,
11 the Department of Homeland Security, and
12 State, local, territorial, and Tribal governments
13 to conduct—

14 (i) all-threats, all-hazards Mission As-
15 surance assessments in the areas of Mis-
16 sion Assurance Related Programs and Ac-
17 tivities, including cyber supply chain risk
18 management, position, navigation, and tim-
19 ing, and unmanned systems on Defense
20 Critical Infrastructure;

21 (ii) all-hazards and disaster response
22 training and exercise support;

23 (iii) infrastructure protection assess-
24 ment activities, cybersecurity, and counter-
25 IED and bombing prevention training for

1 the Department of Homeland Security;
2 and
3 (iv) Port Security & Resiliency assess-
4 ments for the Coast Guard.

5 (b) REPORT.—Not later than 120 days after the date
6 of the enactment of this Act, the Secretary of Defense,
7 in consultation with the Assistant Secretary of Defense
8 for Homeland Defense and Global Security and the Chief
9 of the National Guard Bureau, shall submit to the appro-
10 priate congressional committees a report that includes—

11 (1) an organizational plan and an estimate of
12 the annual costs necessary for AITEC to complete
13 its duties as described in subsection (a)(3); and

14 (2) the manpower requirements needed to ade-
15 quately staff such duties.

16 (c) DEFINITIONS.—In this section:

17 (1) The term “AITEC” means the Army Inter-
18 agency Training and Education Center.

19 (2) The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Armed Services, the
22 Committee on Homeland Security and Govern-
23 mental Affairs, and the Committee on Appro-
24 priations of the Senate; and

1 (B) the Committee on Armed Services, the
2 Committee on Homeland Security, and the
3 Committee on Appropriations of the House of
4 Representatives.

5 (3) The term “critical infrastructure” has the
6 meaning given the term in section 702 of the De-
7 fense Production Act of 1950 (50 U.S.C. 4552).

8 **SEC. 519E. ENHANCEMENT OF NATIONAL GUARD YOUTH**
9 **CHALLENGE PROGRAM.**

10 (a) IN GENERAL.—During fiscal year 2023, the Sec-
11 retary of Defense may provide assistance in addition to
12 assistance under subsection (d) of section 509 of title 32,
13 United States Code, to a National Guard Youth Challenge
14 Program of a State for the following purposes:

- 15 (1) New program start-up costs.
16 (2) Special projects.
17 (3) Workforce development programs.
18 (4) Emergency costs.

19 (b) LIMITATIONS.—

20 (1) MATCHING.—Before the Secretary may use
21 the authority under this section, the State shall com-
22 ply with the matching requirement under such sub-
23 section.

24 (2) TOTAL ASSISTANCE.—Total assistance
25 under this section may not exceed \$5,000,000.

1 (c) REPORTING.—Any assistance provided under this
 2 section shall be included in the annual report under sub-
 3 section (k) of such section.

4 **Subtitle C—General Service**
 5 **Authorities and Military Records**

6 **SEC. 521. NOTIFICATION TO NEXT OF KIN UPON THE**
 7 **DEATH OF A MEMBER OF THE ARMED**
 8 **FORCES.**

9 Subchapter II of chapter 75 of title 10, United States
 10 Code, is amended by adding at the end the following new
 11 section (and the table of sections at the beginning of such
 12 subchapter is amended accordingly):

13 **“§ 1493. Notification to next of kin or other appro-**
 14 **priate person: timing; training**

15 “(a) IN GENERAL.—In the event of a death that re-
 16 quires the Secretary of the military department concerned
 17 to provide a death benefit under this subchapter, such Sec-
 18 retary shall notify the next of kin or other appropriate
 19 person not later than four hours after such death.

20 “(b) DEATH OUTSIDE THE UNITED STATES.—If a
 21 death described in subsection (a) occurs outside the
 22 United States, the Secretary of Defense, in coordination
 23 with the Secretary of State, shall attempt to delay report-
 24 ing, by the media of the country in which such death oc-
 25 curs, of the name of the decedent until after the Secretary

1 of the military department concerned has notified the next
2 of kin or other appropriate person pursuant to subsection
3 (a).

4 “(c) TRAINING.—The Secretary of the military de-
5 partment concerned shall include a training exercise re-
6 garding a death described in this section in each major
7 exercise or planning conference conducted by such Sec-
8 retary or the Secretary of Defense.”.

9 **SEC. 522. DIRECT ACCEPTANCE OF GIFTS FROM CERTAIN**
10 **SOURCES BY ENLISTED MEMBERS.**

11 (a) AUTHORITY.—Section 2601a of title 10, United
12 States Code, is amended—

13 (1) in subsection (b)—

14 (A) by redesignating paragraphs (1)
15 through (3) as subparagraphs (A) through (C),
16 respectively;

17 (B) in the matter preceding subparagraph
18 (A), as redesignated, by striking “This section
19 applies to” and inserting “(1) A member de-
20 scribed in this paragraph is”;

21 (C) by adding at the end the following new
22 paragraph:

23 “(2) A member described in this paragraph is an en-
24 listed member of the armed forces.”; and

25 (2) in subsection (d)—

1 (A) by inserting “(1)” before “The regula-
2 tions”; and

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

5 “(2) A member described in subsection (b)(2) may
6 not accept a gift—

7 “(A) from a source described in paragraph (1);

8 “(B) solicited by the member;

9 “(C) that a reasonable person would believe was
10 intended to influence the member in the performance
11 of duties as a member; or

12 “(D) that a reasonable person would believe
13 was intended to supplement the pay of the mem-
14 ber.”.

15 (b) CONFORMING AMENDMENTS.—Such section is
16 further amended—

17 (1) in subsection (b)(1)(C), as redesignated, by
18 striking “paragraph (1)” and inserting “subpara-
19 graph (A)”;

20 (2) in subsection (e), by striking “, (2) or (3)”;
21 and

22 (3) in subsection (e), by striking “subsection
23 (b)(2)” and inserting “subsection (b)(1)(B)”.

1 **SEC. 523. LIMITATION OF EXTENSION OF PERIOD OF AC-**
2 **TIVE DUTY FOR A MEMBER WHO ACCEPTS A**
3 **FELLOWSHIP, SCHOLARSHIP, OR GRANT.**

4 (a) LIMITATION.—Subsection (b) of section 2603 of
5 title 10, United States Code, is amended by adding at the
6 end “No such period may exceed five years”.

7 (b) RETROACTIVE EFFECT.—An agreement under
8 such subsection, made by a member of the Armed Forces
9 on or before the date of the enactment of this Act, may
10 not require such member to serve on active duty for a pe-
11 riod longer than five years.

12 **SEC. 524. BRIEFING AND REPORT ON ADMINISTRATIVE**
13 **SEPARATION BOARDS.**

14 Subsection (c) of section 529B of the National De-
15 fense Authorization Act for Fiscal Year 2022 (Public Law
16 117–81) is amended to read as follows:

17 “(c) BRIEFING; REPORT.—The Comptroller General
18 shall submit to the Committees on Armed Services of the
19 Senate and House of Representatives—

20 “(1) a briefing on preliminary results of the
21 study conducted under subsection (a) not later than
22 December 27, 2022; and

23 “(2) a report on the final results of the study
24 conducted under subsection (a) not later than May
25 31, 2023.”.

1 **SEC. 525. ELIMINATION OF TIME LIMIT FOR MANDATORY**
2 **CHARACTERIZATIONS OF ADMINISTRATIVE**
3 **DISCHARGES OF CERTAIN MEMBERS ON THE**
4 **BASIS OF FAILURE TO RECEIVE COVID-19**
5 **VACCINE.**

6 Section 736(a) of the National Defense Authorization
7 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.
8 1161 note) is amended in the matter preceding paragraph
9 (1) by striking “During the time period beginning on Au-
10 gust 24, 2021, and ending on the date that is two years
11 after the date of the enactment of this Act, any” and in-
12 serting “Any”.

13 **SEC. 526. PROHIBITION ON USE OF PHOTOGRAPHS BY CER-**
14 **TAIN MILITARY PROMOTION BOARDS.**

15 (a) IN GENERAL.—The Secretary of Defense shall
16 ensure that no military promotion record of a covered
17 Armed Force includes any official or unofficial photo-
18 graphs.

19 (b) COVERED ARMED FORCE DEFINED.—In this sec-
20 tion, the term “covered Armed Force” means the fol-
21 lowing:

- 22 (1) The Army.
23 (2) The Navy.
24 (3) The Marine Corps.
25 (4) The Air Force.
26 (5) The Space Force.

1 **SEC. 527. GENDER-NEUTRAL FITNESS STANDARDS FOR**
2 **COMBAT MILITARY OCCUPATIONAL SPECIAL-**
3 **TIES OF THE ARMY.**

4 (a) ESTABLISHMENT.—Not later than 180 days after
5 the date of the enactment of this Act, the Secretary of
6 the Army shall—

7 (1) establish gender-neutral fitness standards
8 for combat MOSs that are higher than those for
9 non-combat MOSs; and

10 (2) provide a briefing to the Committees on
11 Armed Services of the Senate and House of Rep-
12 resentatives setting forth—

13 (A) the list of combat MOSs described in
14 paragraph (1); and

15 (B) the methodology used to determine
16 whether to include an MOS on such list.

17 (b) MOS DEFINED.—In this section, the term
18 “MOS” means a military occupational specialty.

19 **SEC. 528. RETENTION AND RECRUITMENT OF MEMBERS OF**
20 **THE ARMY WHO SPECIALIZE IN AIR AND MIS-**
21 **SILE DEFENSE SYSTEMS.**

22 (a) STUDY.—The Comptroller General of the United
23 States shall study efforts to retain and recruit members
24 with military occupational specialties regarding air and
25 missile defense systems of the Army.

1 (b) REPORT.—Not later than six months after the
2 date of the enactment of this Act, the Comptroller General
3 shall submit to the Committees on Armed Services of the
4 Senate and House of Representatives a report that identi-
5 fies steps the Secretary of the Army may take to improve
6 such retention and recruitment.

7 (c) IMPLEMENTATION.—Not later than September
8 30, 2023, the Secretary of the Army shall implement the
9 steps identified in the report under subsection (b).

10 **SEC. 529. PILOT PROGRAM ON REMOTE PERSONNEL PROC-**
11 **ESSING IN THE ARMY.**

12 (a) PILOT PROGRAM.—Not later than January 1,
13 2024, the Secretary of the Army shall implement a pilot
14 program to test the use of a software application to expe-
15 dite in-processing and out-processing at one or more mili-
16 tary installations—

17 (1) under the jurisdiction of such Secretary;
18 and

19 (2) located within the continental United
20 States.

21 (b) APPLICATION REQUIREMENTS.—The software
22 application shall perform the following functions:

23 (1) Enable the remote in-processing and out-
24 processing of covered personnel, including by permit-
25 ting covered personnel to electronically sign forms.

1 (2) Reduce the number of hours required of
2 covered personnel for in-processing and out-proc-
3 essing.

4 (3) Provide, to covered personnel and the com-
5 mander of a military installation concerned, elec-
6 tronic copies of records related to in-processing and
7 out-processing.

8 (c) SELECTION OF LOCATION.—In selecting a mili-
9 tary installation for the pilot program, the Secretary shall
10 give priority to the military installation that is the least
11 popular according to preferences of Army officers in the
12 Active Duty Officer Assignment Interactive Module.

13 (d) TERMINATION.—The pilot program shall termi-
14 nate on January 1st, 2027.

15 (e) REPORT.—Not later than January 1, 2026, the
16 Secretary shall submit to the Committees on Armed Serv-
17 ices of the Senate and House of Representatives a report
18 regarding the pilot program, including the recommenda-
19 tion of the Secretary whether to make the pilot program
20 permanent.

21 (f) DEFINITIONS.—In this section:

22 (1) The term “covered personnel” includes
23 members of the Army and civilian employees of the
24 Department of the Army.

1 (2) The term “in-processing” means the admin-
2 istrative activities that covered personnel undertake
3 pursuant to a permanent change of station.

4 (3) The term “out-processing” means the ad-
5 ministrative activities that covered personnel under-
6 take pursuant to a permanent change of station,
7 separation from the Army, or end of employment
8 with the Department of the Army.

9 **SEC. 529A. IMPROVING OVERSIGHT OF MILITARY RECRUIT-**
10 **MENT PRACTICES IN PUBLIC SECONDARY**
11 **SCHOOLS.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Secretary of Defense shall submit
14 to the congressional defense committees a report on mili-
15 tary recruitment practices in public secondary schools dur-
16 ing calendar years 2018 through 2022, including—

17 (1) the zip codes of public secondary schools
18 visited by military recruiters; and

19 (2) the number of recruits from public sec-
20 ondary schools by zip code and local education agen-
21 cy.

1 **SEC. 529B. ENLISTMENTS: COMPILATION OF DIRECTORY**
2 **AND OTHER PROSPECTIVE RECRUIT INFOR-**
3 **MATION.**

4 (a) COMPILATION OF PROSPECTIVE RECRUIT INFOR-
5 MATION.—Section 503 of title 10, United States Code, is
6 amended—

7 (1) by striking the section designation and
8 heading and inserting the following:

9 **“§ 503. Enlistments: recruiting campaigns; compila-**
10 **tion of directory and other prospective**
11 **recruit information”;**

12 (2) in subsection (a)(1), by striking “Regular
13 Army” and all that follows before the period at the
14 end and inserting “regular and reserve components
15 of the armed forces”;

16 (3) by redesignating subsections (c) and (d) as
17 subsections (d) and (e), respectively; and

18 (4) by inserting after subsection (b) the fol-
19 lowing new subsection:

20 **“(c) COMPILATION OF OTHER PROSPECTIVE RE-**
21 **CRUIT INFORMATION.—**(1) The Secretary of Defense may
22 collect and compile other prospective recruit information
23 pertaining to individuals who are—

24 **“(A) 17 years of age or older or in the**
25 **eleventh grade (or its equivalent) or higher; and**

1 “(B) enrolled in a secondary school in the
2 United States (including its territories and pos-
3 sessions) or the Commonwealth of Puerto Rico.

4 “(2) The Secretary may make prospective re-
5 cruit information collected and compiled under this
6 subsection available to the armed forces for military
7 recruiting purposes. Such information may not be
8 disclosed for any other purpose.

9 “(3) Other prospective recruit information col-
10 lected and compiled under 1 this subsection shall be
11 confidential, and a person who has had access to
12 such information may not disclose the information
13 except for the purposes described in paragraph (2).

14 “(4) In this subsection, the term ‘prospective
15 recruit information’ means information for use in
16 identifying prospective recruits, tailoring marketing
17 efforts to reach the primary recruit market, and
18 measuring the return on investment of ongoing mar-
19 keting efforts. Citizens will be made aware of the
20 categories of personally identifiable information
21 (PII), as well as non-PII information, to be collected
22 and the purposes for which the categories of per-
23 sonal information are collected and used. Categories
24 of information may include, but are not limited to—

1 “(A) identifiers (such as Internet Protocol
2 address, social media handles);

3 “(B) information about your connected de-
4 vices and how you interact with our apps and
5 websites (such as browser type, unique device
6 identifier, cookie data, and associated identi-
7 fying and usage information);

8 “(C) demographic (such as date of birth,
9 high school or college graduation year, grade
10 currently enrolled in, citizenship, marital status,
11 household composition, or veteran or military
12 status);

13 “(D) protected classification characteristics
14 under state or federal law (such as age and
15 gender);

16 “(E) audio or video information (social
17 media content, photographs and videos shared
18 on recruitment digital properties, images and
19 likeness captured at events);

20 “(F) fitness activity data (for example, ex-
21 ercise length, duration, activities); and

22 “(G) login and profile information, includ-
23 ing screen name, password and unique user ID
24 for recruitment digital properties.

1 “(5) The collection, use, and retention of a citi-
 2 zen’s personal information shall be reasonably nec-
 3 essary and proportionate to military recruitment ob-
 4 jectives.

5 “(6) Where possible, citizens will have the abil-
 6 ity to manage and/or opt-out of data collection via
 7 a clear and easy to access process in compliance
 8 with state legislation.”.

9 (c) REGULATIONS.—The Secretary of Defense shall
 10 prescribe regulations to carry out the amendments made
 11 by this section.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 at the beginning of chapter 31 of such 10 title is amended
 14 by striking the item relating to section 503 and inserting
 15 the following new item:

“503. Enlistments: recruiting campaigns; compilation of directory and other pro-
 spective recruit information.”.

16 **SEC. 529C. CONTINUING MILITARY SERVICE FOR CERTAIN**
 17 **MEMBERS ELIGIBLE FOR CHAPTER 61 RE-**
 18 **TIREMENT.**

19 (a) IN GENERAL.—Not later than one year after the
 20 date of the enactment of this act, the Secretary of Defense
 21 shall prescribe regulations that allow a covered member
 22 to continue to elect to serve in the Armed Forces—

1 (1) in the current military occupational spe-
2 cialty of such covered member, for which the covered
3 member may not be deployable; or

4 (2) in a military occupational specialty for
5 which the covered member is deployable.

6 (b) RULE OF CONSTRUCTION.—A covered member
7 who completes 20 years of service computed under section
8 1208 of title 10, United States Code shall not be denied
9 any benefit under laws administered by the Secretary of
10 Defense or the Secretary of Veterans Affairs solely on the
11 basis that the covered member elected to continue to serve
12 in the Armed Forces instead of taking retirement under
13 chapter 61 of title 10, United States Code.

14 (c) COVERED MEMBER DEFINED.—In this section,
15 the term “covered member” means a member of the
16 Armed Forces—

17 (1) whom the Secretary concerned determines
18 possesses skill or experience vital to the Armed
19 Force concerned;

20 (2) who incurs a disability—

21 (A) while eligible for special pay under sec-
22 tion 310 of title 37, United States Code; and

23 (B) that renders the member eligible for
24 retirement under chapter 61 of title 10, United
25 States Code; and

1 (3) who elects to continue to serve in the
2 Armed Forces instead of such retirement.

3 **SEC. 529D. SENSE OF CONGRESS REGARDING THE PORT**
4 **CHICAGO 50.**

5 It is the sense of Congress that—

6 (1) the American people should recognize the
7 role of racial bias in the prosecution and convictions
8 of the Port Chicago 50 following the deadliest home
9 front disaster in World War II;

10 (2) the military records of each of the Port Chi-
11 cago 50 should reflect such exoneration of any and
12 all charges brought against them in the aftermath of
13 the explosion; and

14 (3) the Secretary of the Navy should upgrade
15 the general and summary discharges of each of the
16 Port Chicago 50 sailors to honorable discharges.

17 **SEC. 529E. TREATMENT OF PERSONALLY IDENTIFIABLE IN-**
18 **FORMATION REGARDING PROSPECTIVE RE-**
19 **CRUITS.**

20 Section 503(a) of title 10, United States Code, is
21 amended adding at the end the following new paragraphs:

22 “(3) PII regarding a prospective recruit col-
23 lected or compiled under this subsection shall be
24 kept confidential, and a person who has had access
25 to such PII may not disclose the information except

1 for purposes of this section or other purpose author-
 2 ized by law.

3 “(4) In the course of conducting a recruiting
 4 campaign, the Secretary concerned shall—

5 “(A) notify a prospective recruit of data
 6 collection policies of the armed force concerned;
 7 and

8 “(B) permit the prospective recruit to elect
 9 not to participate in such data collection.

10 “(5) In this subsection, the term ‘PII’ means
 11 personally identifiable information.”.

12 **SEC. 529F. IMPLEMENTATION OF CERTAIN RECOMMENDA-**
 13 **TIONS REGARDING SCREENING INDIVIDUALS**
 14 **WHO SEEK TO ENLIST IN THE ARMED**
 15 **FORCES AND COUNTERING EXTREMIST AC-**
 16 **TIVITY IN THE DEPARTMENT OF DEFENSE.**

17 (a) ENLISTMENT SCREENING.—Not later than 60
 18 days after the date of the enactment of this Act, the Sec-
 19 retary of Defense shall implement the seven recommenda-
 20 tions of the Under Secretary of Defense for Personnel and
 21 Readiness on page 2 of the report titled “Screening Indi-
 22 viduals Who Seek to Enlist in the Armed Forces”, sub-
 23 mitted to the Committees on Armed Services of the Senate
 24 and House of Representatives on October 14, 2020.

1 (b) COUNTERING EXTREMISM.—Not later than 180
2 days after the date of the enactment of this Act, the Sec-
3 retary of Defense shall implement six recommendations of
4 the Countering Extremist Activity Working Group on
5 pages 15 through 18 on the report entitled “Report on
6 Countering Extremist Activity Within the Department of
7 Defense” published in December 2021.

8 **SEC. 529G. BEST PRACTICES FOR THE RETENTION OF CER-**
9 **TAIN FEMALE MEMBERS OF THE ARMED**
10 **FORCES.**

11 The Secretaries of the military departments shall
12 share and implement best practices (including use of civil-
13 ian industry best practices) regarding the use of retention
14 and exit survey data to identify barriers and lessons
15 learned to improve the retention of female members of the
16 Armed Forces under the jurisdiction of such Secretaries.

17 **SEC. 529H. RECORD OF MILITARY SERVICE FOR MEMBERS**
18 **OF THE ARMED FORCES.**

19 (a) STANDARD RECORD OF SERVICE REQUIRED.—
20 Chapter 59 of title 10, United States Code, is amended
21 by inserting after section 1168 the following new sections:
22 **“§ 1168a. Discharge or release: record of military**
23 **service**

24 “(a) RECORD OF SERVICE REQUIRED.—(1) The Sec-
25 retary of Defense shall establish and implement a stand-

1 and record of military service for all members of the armed
2 forces (including the reserve components), regarding all
3 duty under this title, title 32, and title 14.

4 “(2) The record established under this section shall
5 be known as the ‘Certificate of Military Service’.

6 “(b) NATURE AND SCOPE.—A Certificate of Military
7 Service shall—

8 “(1) provide a standardized summary of the
9 service, in any Federal duty status or on State ac-
10 tive duty, in the armed forces of a member of the
11 armed forces;

12 “(2) be the same document for all members of
13 the armed forces; and

14 “(3) serve as the discharge certificate or certifi-
15 cate of release from active duty for purposes of sec-
16 tion 1168 of this title.

17 “(c) COORDINATION.—In carrying out this section,
18 the Secretary of Defense shall coordinate with other Fed-
19 eral officers, including the Secretary of Veterans Affairs,
20 to ensure that a Certificate of Military Service serves as
21 acceptable proof of military service for receipt of benefits
22 under the laws administered by such Federal officers.”.

23 (b) ISSUANCE TO MEMBERS OF RESERVE COMPO-
24 NENTS.—Chapter 59 of such title, as amended by sub-

1 section (a), is further amended by inserting after section
2 1168a the following new section:

3 **“§ 1168b. Record of military service: issuance to mem-**
4 **bers of reserve components**

5 “An up-to-date record of military service under sec-
6 tion 1168a of this title shall be issued to a member of
7 a reserve component as follows:

8 “(1) Upon permanent change to duty status
9 (including retirement, resignation, expiration of a
10 term of service, promotion or commissioning as an
11 officer, or permanent transfer to active duty).

12 “(2) Upon discharge or release from temporary
13 active duty orders (minimum of 90 days on orders
14 or 30 days for a contingency operation).

15 “(3) Upon promotion to each grade beginning
16 with—

17 “(A) O–3 for commissioned officers;

18 “(B) W–3 for warrant officers; and

19 “(C) E–4 for enlisted members.

20 “(4) In the case of a member of the National
21 Guard, upon any transfer to the National Guard of
22 another State or territory (commonly referred to as
23 an ‘Interstate Transfer’).”.

24 (c) CONFORMING AMENDMENTS RELATED TO CUR-
25 RENT DISCHARGE CERTIFICATE AUTHORITIES.—

1 (1) IN GENERAL.—Subsection (a) of section
2 1168 of title 10, United States Code, is amended—

3 (A) by striking “his discharge certificate or
4 certificate of release from active duty, respec-
5 tively, and his final pay” and inserting “the
6 member’s record of military service under sec-
7 tion 1168a of this title, and the member’s final
8 pay”; and

9 (B) by striking “him or his” and inserting
10 “the member or the member’s”.

11 (2) HEADING AMENDMENT.—The heading of
12 such section 1168 is amended to read as follows:

13 **“§ 1168. Discharge or release from active duty: limita-**
14 **tions; issuance of record of military serv-**
15 **ice”.**

16 (d) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 59 of such title is amended
18 by striking the item relating to section 1168 and inserting
19 the following new items:

 “1168. Discharge or release from active duty: limitations; issuance of record of
 military service.

 “1168a. Discharge or release: record of military service.

 “1168b. Record of military service: issuance to members of reserve compo-
 nents.”.

1 **Subtitle D—Military Justice**

2 **SEC. 531. SEXUAL HARASSMENT INDEPENDENT INVESTIGA-**
3 **TIONS AND PROSECUTION.**

4 (a) INCLUSION OF SEXUAL HARASSMENT IN OF-
5 FENSES SUBJECT TO AUTHORITY OF SPECIAL TRIAL
6 COUNSEL.—

7 (1) DEFINITION OF COVERED OFFENSE.—Sec-
8 tion 801(17)(A) of title 10, United States Code (ar-
9 ticle 1(17)(A) of the Uniform Code of Military Jus-
10 tice), as added by section 533 of the National De-
11 fense Authorization Act for Fiscal Year 2022 (Pub-
12 lic Law 117–81), is amended—

13 (A) by striking “or”; and

14 (B) by striking “of this title” and inserting
15 “, or the standalone offense of sexual harass-
16 ment punishable under section 934 (article 134)
17 of this title”.

18 (2) EFFECTIVE DATE.—The amendments made
19 by subsection (a) shall take effect two years after
20 the coming into effect of the amendments made by
21 section 533 of the National Defense Authorization
22 Act for Fiscal Year 2022 (Public Law 117–81) as
23 provided in section 539C of that Act.

24 (b) INDEPENDENT INVESTIGATION OF SEXUAL HAR-
25 ASSMENT.—

(1) DEFINITIONS.—Section 1561 of title 10, United States Code, as amended by section 543 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81), is amended—

(A) in subsection (a)—

(i) by striking “or Space Force” and inserting “Space Force, or Coast Guard”; and

(ii) by inserting “or the Department of Homeland Security (in the case of a matter involving the Coast Guard when not operating as a service in the Navy)” after “Department of Defense”; and

(B) by amending subsection (e) to read as follows:

“(e) DEFINITIONS.—In this section:

“(1) The term ‘independent investigator’ means a member of the armed forces or a civilian employee of the Department of Defense or the Department of Homeland Security (in the case of a matter involving the Coast Guard when not operating as a service in the Navy) who—

“(A) is outside the chain of command of the complainant and the subject of the investigation; and

1 “(B) is trained in the investigation of sex-
2 ual harassment, as determined by—

3 “(i) the Secretary concerned, in the
4 case of a member of the armed forces;

5 “(ii) the Secretary of Defense, in the
6 case of a civilian employee of the Depart-
7 ment of Defense; or

8 “(iii) the Secretary of Homeland Se-
9 curity, in the case of a civilian employee of
10 the Department of Homeland Security.

11 “(2) The term ‘sexual harassment’ means con-
12 duct that constitutes the offense of sexual harass-
13 ment as punishable under section 934 of this title
14 (article 134) pursuant to the regulations prescribed
15 by the Secretary of Defense for purposes of such
16 section (article).”.

17 (2) EFFECTIVE DATE.—The amendments made
18 by paragraph (1) shall take effect immediately after
19 the coming into effect of the amendments made by
20 section 543 of the National Defense Authorization
21 Act for Fiscal Year 2022 (Public Law 117–81) as
22 provided in subsection (c) of that section.

23 **SEC. 532. MATTERS IN CONNECTION WITH SPECIAL TRIAL**
24 **COUNSEL.**

25 (a) DEFINITION OF COVERED OFFENSE.—

1 (1) IN GENERAL.—Paragraph (17)(A) of sec-
2 tion 801 of title 10, United States Code (article 1
3 of the Uniform Code of Military Justice), as added
4 by section 533 of the National Defense Authoriza-
5 tion Act for Fiscal Year 2022 (Public Law 117–81;
6 135 Stat. 1695) and amended by section 531, is fur-
7 ther amended by striking “section 920 (article 120)”
8 and inserting “section 919a (article 119a), section
9 920 (article 120), section 920a (article 120a)”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by paragraph (1) shall—

12 (A) take effect on the date that is two
13 years after the date of the enactment of the
14 National Defense Authorization Act for Fiscal
15 Year 2022 (Public Law 117–81); and

16 (B) apply with respect to any offenses that
17 occur after that date.

18 (b) RESIDUAL PROSECUTORIAL DUTIES AND OTHER
19 JUDICIAL, FUNCTIONS OF CONVENING AUTHORITIES IN
20 COVERED CASES.—The President shall prescribe regula-
21 tions to ensure that residual prosecutorial duties and other
22 judicial functions of convening authorities, including but
23 not limited to granting immunity, ordering depositions,
24 and hiring experts, with respect to charges and specifica-
25 tions over which a special trial counsel exercises authority

1 pursuant to section 824a of title 10, United States Code
2 (article 24a of the Uniform Code of Military Justice), are
3 transferred to the military judge, the special trial counsel,
4 or other authority as appropriate in such cases by no later
5 than the effective date established in section 539C of the
6 National Defense Authorization Act for fiscal Year 2022
7 (Public Law 117–81; 10 U.S.C. 801 note), in consider-
8 ation of due process for all parties involved in such a case.

9 (c) AMENDMENTS TO THE RULES FOR COURTS MAR-
10 TIAL.—The President shall prescribe in regulation such
11 modifications to Rule 813 of the Rules for Courts-Martial
12 and other Rules as appropriate to ensure that at the be-
13 ginning of each court-martial convened, the presentation
14 of orders does not in open court specify the name, rank,
15 or position of the convening authority convening such
16 court, unless such convening authority is the Secretary
17 concerned, the Secretary of Defense, or the President.

18 (d) BRIEFING REQUIRED.—Not later than 180 days
19 after the date of the enactment of this Act, the Secretary
20 of Defense shall provide to the Committees on Armed
21 Services of the Senate and the House of Representatives
22 a briefing on the progress of the Department of Defense
23 in implementing this section, including an identification
24 of—

1 (1) the duties to be transferred under sub-
2 section (b);

3 (2) the positions to which those duties will be
4 transferred; and

5 (3) any provisions of law or Rules for Courts
6 Martial that must be amended or modified to fully
7 complete the transfer.

8 (e) ADDITIONAL REPORTING RELATIVE TO IMPLE-
9 MENTATION OF SUBTITLE D OF TITLE V OF THE NA-
10 TIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
11 YEAR 2022.—Not later than February 1, 2025, and annu-
12 ally thereafter for five years, the Secretary of Defense and
13 the Secretary of the department in which the Coast Guard
14 is operating (with respect to the Coast Guard) shall sub-
15 mit to the appropriate congressional committees a report
16 assessing the holistic effect of the reforms contained in
17 subtitle D of title V of the National Defense Authorization
18 Act for Fiscal Year 2022 (Public Law 117–81) on the
19 military justice system. The report shall include the fol-
20 lowing elements:

21 (1) An overall assessment of the effect such re-
22 forms have had on the military justice system and
23 the maintenance of good order and discipline in the
24 ranks.

1 (2) The percentage of caseload and courts-mar-
2 tial assessed as meeting, or having been assessed as
3 potentially meeting, the definition of “covered of-
4 fense”, disaggregated by offense and military service
5 where possible.

6 (3) An assessment of prevalence and data con-
7 cerning disposition of cases by commanders after
8 declination of prosecution by special trial counsel,
9 disaggregated by offense and military service when
10 possible.

11 (4) Assessment of the effect, if any, the reforms
12 contained in such subtitle have had on non-judicial
13 punishment concerning covered and non-covered of-
14 fenses.

15 (5) A description of the resources and personnel
16 required to maintain and execute the reforms made
17 by such subtitle during the reporting period relative
18 to fiscal year 2022.

19 (6) A description of any other factors or mat-
20 ters considered by the Secretary to be important to
21 a holistic assessment of these reforms on the mili-
22 tary justice system.

23 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
24 FINED.—In this section, the term “appropriate congres-
25 sional committees” means the following:

1 (1) The Committee on Armed Services of the
2 House of Representatives.

3 (2) The Committee on Armed Services of the
4 Senate.

5 (3) The Committee on Transportation and In-
6 frastructure of the House of Representatives.

7 (4) The Committee on Commerce, Science, and
8 Transportation of the Senate.

9 **SEC. 533. STANDARDS FOR IMPOSITION OF COMMANDING**
10 **OFFICER'S NON-JUDICIAL PUNISHMENT.**

11 (a) COMMANDING OFFICER'S NON-JUDICIAL PUN-
12 ISHMENT.—

13 (1) IN GENERAL.—Section 815 of title 10,
14 United States Code (article 15 of the Uniform Code
15 of Military Justice), is amended—

16 (A) by redesignating subsections (c)
17 through (g) as subsections (d) through (h), re-
18 spectively;

19 (B) by inserting after subsection (b), the
20 following new subsection:

21 “(c)(1) Except as provided in paragraphs (2) and (3),
22 a commanding officer may not impose a punishment au-
23 thorized in subsection (b) unless, before the imposition of
24 such punishment, the commanding officer—

1 “(A) requests and receives legal guidance re-
2 garding the imposition of such punishment from a
3 judge advocate or other legal officer of the armed
4 force of which the commanding officer is a member;
5 and

6 “(B) provides the member who may be subject
7 to such punishment with an opportunity to consult
8 appropriate legal counsel.

9 “(2) Paragraph (1) shall not apply to the punish-
10 ments specified in subparagraphs (E) and (F) of sub-
11 section (b)(2).

12 “(3) A commanding officer may waive the require-
13 ments set forth in subparagraphs (A) and (B) of para-
14 graph (1), on a case by case basis, if the commanding offi-
15 cer determines such a waiver is necessary on the basis of
16 operational necessity.”; and

17 (C) in subsection (f), as so redesignated,
18 by striking “subsection (d)” and inserting “sub-
19 section (e)”.

20 (2) EFFECTIVE DATE AND APPLICABILITY.—

21 The amendments made by paragraph (1) shall take
22 effect 180 days after the date of the enactment of
23 this Act and shall apply with respect to punishments
24 imposed under section 815 of title 10, United States

1 Code (article 15 of the Uniform Code of Military
2 Justice), on or after such effective date.

3 (3) ADDITIONAL GUIDANCE REQUIRED.—Not
4 later than one year after the date of the enactment
5 of this Act, each Secretary concerned shall prescribe
6 regulations or issue other written guidance with re-
7 spect to non-judicial punishment under section 815
8 of title 10, United States Code (article 15 of the
9 Uniform Code of Military Justice) that—

10 (A)(i) identifies criteria to be considered
11 when determining whether a member of the
12 armed forces is attached to or embarked in a
13 vessel for the purposes of determining whether
14 such member may demand trial by court-mar-
15 tial in lieu of punishment under such section
16 (article); and

17 (ii) establishes a policy about the appro-
18 priate and responsible invocation of such excep-
19 tion; and

20 (B) establishes criteria commanders must
21 consider when evaluating whether to issue a
22 waiver under subsection (c)(3) of such section
23 (article) (as added by paragraph (1) of this
24 subsection) on the basis of operational neces-
25 sity.

1 (b) MODIFICATION OF ANNUAL REPORTS ON RACIAL
2 AND ETHNIC DEMOGRAPHICS IN THE MILITARY JUSTICE
3 SYSTEM.—Section 486(b) of title 10, United States Code,
4 is amended—

5 (1) in paragraph (7), by striking “and” at the
6 end;

7 (2) in paragraph (8), by striking the period at
8 the end and inserting a semicolon; and

9 (3) by adding at the end the following new
10 paragraphs:

11 “(9) with respect to principals on sea duty who
12 were not attached to or embarked in a vessel (as de-
13 termined by the Secretary of the Navy or the Sec-
14 retary of the department in which the Coast Guard
15 is operating), the number of non-judicial punish-
16 ments proposed and finalized under section 815 of
17 this title (article 15 of the Uniform Code of Military
18 Justice), in total and disaggregated by—

19 “(A) whether the commanding officer im-
20 posing non-judicial punishment requested and
21 received legal guidance regarding the imposition
22 of such punishment from a judge advocate or
23 other legal officer of the armed force of which
24 the commanding officer is a member;

1 “(B) whether the principal was provided
2 the opportunity to consult appropriate legal
3 counsel; and

4 “(C) statistical category as related to the
5 principal; and

6 “(10) with respect to principals on sea duty
7 who were attached to or embarked in a vessel (as de-
8 termined by the Secretary of the Navy or the Sec-
9 retary of the department in which the Coast Guard
10 is operating), the number of non-judicial punish-
11 ments proposed and finalized under section 815 of
12 this title (article 15 of the Uniform Code of Military
13 Justice), in total and disaggregated by—

14 “(A) whether the commanding officer im-
15 posing non-judicial punishment requested and
16 received legal guidance regarding the imposition
17 of such punishment from a judge advocate or
18 other legal officer of the armed force of which
19 the commanding officer is a member;

20 “(B) whether the principal was provided
21 the opportunity to consult appropriate legal
22 counsel; and

23 “(C) statistical category as related to the
24 principal.”.

1 **SEC. 534. SPECIAL TRIAL COUNSEL OF THE AIR FORCE.**

2 (a) IN GENERAL.—Section 1044f of title 10, United
3 States Code, is amended—

4 (1) in subsection (a), in the matter preceding
5 paragraph (1), by striking “The policies shall” and
6 inserting “Subject to subsection (c), the policies
7 shall”;

8 (2) by redesignating subsection (c) as sub-
9 section (d); and

10 (3) by inserting after subsection (b) the fol-
11 lowing new subsection:

12 “(c) SPECIAL TRIAL COUNSEL OF DEPARTMENT OF
13 THE AIR FORCE.—In establishing policies under sub-
14 section (a), the Secretary of Defense shall—

15 “(1) in lieu of providing for separate offices for
16 the Air Force and Space Force under subsection
17 (a)(1), provide for the establishment of a single dedi-
18 cated office from which office the activities of the
19 special trial counsel of the Department of the Air
20 Force shall be supervised and overseen; and

21 “(2) in lieu of providing for separate lead spe-
22 cial trial counsels for the Air Force and Space Force
23 under subsection (a)(2), provide for the appointment
24 of one lead special trial counsel who shall be respon-
25 sible for the overall supervision and oversight of the

1 activities of the special trial counsel of the Depart-
2 ment of the Air Force.”.

3 (b) EFFECTIVE DATE.—The amendments made sub-
4 section (a) shall take effect immediately after the coming
5 into effect of the amendments made by section 532 of the
6 National Defense Authorization Act for Fiscal Year 2022
7 (Public Law 117–81) as provided in section 539C of that
8 Act.

9 **SEC. 535. FINANCIAL ASSISTANCE FOR VICTIMS OF OF-**
10 **FENSES UNDER THE UNIFORM CODE OF MILI-**
11 **TARY JUSTICE.**

12 (a) MILITARY CRIME VICTIMS FINANCIAL ASSIST-
13 ANCE FUND.—Chapter 53 of title 10, United States Code,
14 is amended by inserting before section 1045 the following
15 new section:

16 **“§ 1044g. Military Crime Victims Financial Assistance**
17 **Fund**

18 “(a) ESTABLISHMENT.—There is established in the
19 Treasury of the United States a fund to be known as the
20 ‘Military Crime Victims Financial Assistance Fund’ (re-
21 ferred to in this section as the ‘Fund’).

22 “(b) ADMINISTRATION OF FUND.—The Secretary of
23 the Treasury shall administer the Fund consistent with
24 the provisions of this section.

1 “(c) DEPOSITS.—There shall be deposited in the
2 Fund the following:

3 “(1) Any amounts appropriated to the Fund.

4 “(2) Any amounts donated to the Fund.

5 “(d) AVAILABILITY AND USE OF FUND.—Amounts
6 in the Fund shall, to the extent provided in appropriations
7 Acts, be available solely for the payment of financial as-
8 sistance to victims of covered violent offenses in accord-
9 ance with the regulations prescribed under subsection (e).

10 “(e) REGULATIONS.—Not later than one year after
11 the date of the enactment of this section, the Secretary
12 of Defense shall prescribe regulations pursuant to which
13 a victim of a covered violent offense may apply for and
14 receive financial assistance payments from the Fund. Such
15 regulations shall provide as follows:

16 “(1) A victim of a covered violent offense may
17 apply to the Fund for—

18 “(A) a standard payment;

19 “(B) a reimbursement payment; or

20 “(C) a standard payment and a reimburse-
21 ment payment.

22 “(2) A standard payment to a victim shall be
23 a fixed amount determined by the Secretary of De-
24 fense for each covered violent offense.

1 “(3) A reimbursement payment to a victim
2 shall be an amount determined by the Secretary of
3 Defense that is sufficient to reimburse the victim for
4 health care expenses, travel expenses, and expenses
5 for property damage resulting from the covered vio-
6 lent offense, subject to such limits as the Secretary
7 may prescribe. A reimbursement payment may not
8 be made for any expenses for which a victim receives
9 reimbursement from other sources, including insur-
10 ance claims.

11 “(4) An individual victim may receive not more
12 than \$50,000 from the Fund per incident.

13 “(5) The eligibility of a victim to receive pay-
14 ments from the Fund shall be subject to such terms,
15 conditions, and other requirements as the Secretary
16 may prescribe.

17 “(6) The Secretary may not make a payment
18 from the Fund if the amount of such payment would
19 exceed the amounts available in the fund.

20 “(f) ANNUAL REPORTS.—Not later than February 1
21 of each year, the Secretaries concerned, in consultation
22 with the Secretary of the Treasury, shall submit to the
23 appropriate congressional committees a report that in-
24 cludes—

1 “(1) a summary of the amounts deposited to
2 and paid from the Fund during the preceding year;

3 “(2) the number of victims who received pay-
4 ments from the Fund during the preceding year, set
5 forth separately for each covered violent offense; and

6 “(3) an estimate of the amount of appropria-
7 tions required, if any, to maintain the solvency of
8 the fund for the period of two fiscal years following
9 the date of the report.

10 “(g) DEFINITIONS.—In this section:

11 “(1) The term ‘appropriate congressional com-
12 mittees’ means the following:

13 “(A) The congressional defense commit-
14 tees.

15 “(B) The Committee on Transportation
16 and Infrastructure of the House of Representa-
17 tives.

18 “(C) The Committee on Commerce,
19 Science, and Transportation of the Senate.

20 “(2) The term ‘covered violent offense’ means—

21 “(A) an offense under section 918 (article
22 118), section 919 (article 119), section 919a
23 (article 119a), section 920 (article 120), section
24 920b (article 120b), section 920c (article 120c),
25 section 922 (article 122), section 925 (article

1 125), section 928 (article 128), section 928a
2 (article 128a), section 928b (article 128b), sec-
3 tion 930 (article 130), or the standalone offense
4 of sexual harassment as punishable under sec-
5 tion 934 (article 134) of this title; or

6 “(B) an attempt to commit an offense
7 specified in subparagraph (A) as punishable
8 under section 880 of this title (article 880).

9 “(3) The term ‘victim’ means individual who
10 has suffered direct physical, emotional, or pecuniary
11 harm as a result of the commission of a covered vio-
12 lent offense.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by inserting
15 before the item relating to section 1045 the following new
16 item:

 “1044g. Military Crime Victims Financial Assistance Fund.”.

17 (c) APPLICABILITY.—Eligibility to receive a payment
18 from the Military Crime Victims Financial Assistance
19 Fund under section 1044g of title 10, United States Code
20 (as added by subsection (a)), shall be limited to individuals
21 who—

22 (1) are victims of covered violent offenses that
23 occur on or after the date of the enactment of this
24 Act; and

1 (2) apply for payment from the Fund after the
2 effective date of the regulations prescribed under
3 subsection (e) of such section 1044g.

4 (d) PROGRESS REPORT.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this Act, the Secretary
7 of Defense shall submit to the appropriate congressional
8 committees a report on plans of the Secretary
9 for implementing the Military Crime Victims Financial
10 Assistance Fund under section 1044g of title
11 10, United States Code (as added by subsection (a)).

12 (2) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this subsection, the term “appropriate
14 congressional committees” means the following:
15

16 (A) The congressional defense committees.

17 (B) The Committee on Transportation and
18 Infrastructure of the House of Representatives.

19 (C) The Committee on Commerce, Science,
20 and Transportation of the Senate.

21 **SEC. 536. ADDRESSING SEX-RELATED OFFENSES AND SEX-**
22 **UAL HARASSMENT INVOLVING MEMBERS OF**
23 **THE NATIONAL GUARD.**

24 (a) ADDRESSING CERTAIN SEX-RELATED OF-
25 FENSES.—

1 (1) IN GENERAL.—Chapter 80 of title 10,
2 United States Code, is amended by inserting after
3 section 1561b the following new section:

4 **“§ 1561c. Addressing sex-related offenses and sexual**
5 **harassment involving members of the Na-**
6 **tional Guard**

7 “(a) IN GENERAL.—An adjutant general who re-
8 ceives notice of an allegation of a sex-related offense or
9 sexual harassment committed by a member of the Na-
10 tional Guard under the jurisdiction of the adjutant general
11 shall, not later than 72 hours after receiving such notice—

12 “(1) report the allegation to the Chief of the
13 National Guard Bureau; and

14 “(2) ensure that the alleged victim is informed
15 of the availability of Special Victims’ Counsel in ac-
16 cordance with section 1044e of this title, as applica-
17 ble.

18 “(b) INITIAL REPORT.—

19 “(1) ELEMENTS.—Each report under sub-
20 section (a)(1) shall include the following:

21 “(A) A summary of the allegation.

22 “(B) Identification of—

23 “(i) the individual who is alleged to
24 have committed the offense;

1 “(ii) the alleged victim of the offense;

2 and

3 “(iii) the individual or entity that is

4 investigating the allegation.

5 “(C) A statement indicating whether the

6 alleged victim has been informed of the avail-

7 ability of legal counsel in accordance with sub-

8 section (a)(2).

9 “(2) LATE REPORTS.—In the event that an ad-
10 jutant general submits a report required under sub-
11 section (a) after the expiration of the 72-hour period
12 specified in such subsection, the report shall in-
13 clude—

14 “(A) the information specified in para-
15 graph (1); and

16 “(B) an explanation of the reasons the re-
17 port was not timely submitted.

18 “(c) FINAL REPORT.—Not later than 30 days after
19 determining whether or not to take action against a mem-
20 ber of the National guard accused of a sex-related offense
21 or sexual harassment, the adjutant general shall submit
22 to the Chief of the National Guard Bureau a report that
23 includes—

24 “(1) the information described in subpara-
25 graphs (A) and (B) of subsection (b)(1);

1 “(2) a description of any administrative, judi-
2 cial, or other action taken against the member; and

3 “(3) if no such action was taken, an expla-
4 nation of the reasons the adjutant general declined
5 to take such action.

6 “(d) APPLICABILITY.—The requirements of this sec-
7 tion shall apply with respect to an allegation of a sex-re-
8 lated offense or sexual harassment of which an adjutant
9 general receives notice after the date of the enactment of
10 this section without regard to—

11 “(1) the jurisdiction in which the offense oc-
12 curred; or

13 “(2) whether prosecution for the offense would
14 be time barred by a statute of limitations.

15 “(e) DEFINITIONS.—In this section:

16 “(1) The term ‘sex-related offense’ means an
17 alleged sex-related offense (as defined in section
18 1044e(h) of this title).

19 “(2) The term ‘sexual harassment’ means the
20 offense of sexual harassment as punishable under
21 section 934 of this title (article 134 of the Uniform
22 Code of Military Justice) pursuant to the regulations
23 prescribed by the Secretary of Defense for purposes
24 of such section (article).”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of such chapter is amended
 3 by inserting after the item relating to section 1561b
 4 the following new item:

“1561c. Addressing sex-related offenses and sexual harassment involving mem-
 bers of the National Guard.”.

5 (b) EFFECTIVE DATE.—The amendments made by
 6 subsection (a) shall take effect immediately after the effec-
 7 tive date of the amendments made by part 1 of subtitle
 8 D of title V of the National Defense Authorization Act
 9 for Fiscal Year 2022 (Public Law 117–81) as provided
 10 in section 539C of that Act.

11 (c) IMPLEMENTATION.—The Secretary of Defense
 12 shall prescribe regulations implementing section 1561c of
 13 title 10, United States Code, as added by subsection (a).

14 **SEC. 537. PROHIBITION ON SHARING OF INFORMATION ON**
 15 **DOMESTIC VIOLENCE INCIDENTS.**

16 Section 1562 of title 10, United States Code, is
 17 amended by adding at the end the following new sub-
 18 section:

19 “(c) PROHIBITION ON SHARING OF CERTAIN INFOR-
 20 MATION.—

21 “(1) IN GENERAL.—In a case in which the in-
 22 formation maintained and reported by the Secretary
 23 of a military department under subsection (b) in-
 24 cludes the findings of an Incident Determination

1 Committee, the Secretary may not share such find-
2 ings with any party other than the administrator of
3 the database under subsection (a).

4 “(2) WAIVER.—The Secretary of Defense may
5 waive the prohibition under paragraph (1) on a case-
6 by-case basis if the Secretary determines that it is
7 necessary to share the findings of an Incident Deter-
8 mination Committee with a member of the Armed
9 Forces or a civilian employee of the Department of
10 Defense acting within the scope of their official du-
11 ties.

12 “(3) INCIDENT DETERMINATION COMMITTEE
13 DEFINED.—In this subsection, the term ‘Incident
14 Determination Committee’ means a committee es-
15 tablished at a military installation that is responsible
16 for reviewing a reported incident of domestic vio-
17 lence and determining whether such incident con-
18 stitutes serious harm to the victim according to the
19 applicable criteria of the Department of Defense.”.

20 **SEC. 538. MANDATORY NOTIFICATION OF MEMBERS OF**
21 **THE ARMED FORCES IDENTIFIED IN CERTAIN**
22 **RECORDS OF CRIMINAL INVESTIGATIONS.**

23 (a) IN GENERAL.—Chapter 80 of title 10, United
24 States Code, is amended by adding at the end the fol-
25 lowing new section:

1 **“§ 1567b. Mandatory notification of members of the**
2 **armed forces and reserve components**
3 **identified in certain records of criminal**
4 **investigations**

5 “(a) NOTIFICATION OF INCLUSION IN MCIO
6 RECORDS.—As soon as practicable after the conclusion of
7 a criminal investigation for which a military criminal in-
8 vestigative organization is the lead investigative agency,
9 the head of such organization shall provide, to any mem-
10 ber or a former member of the armed forces and reserve
11 components who is designated in the records of the organi-
12 zation as a subject of such investigation, written notice
13 of such designation.

14 “(b) INITIAL NOTIFICATION OF PREVIOUS INCLU-
15 SION IN MCIO RECORDS.—Not later than 180 days after
16 the date of the enactment of this section, the head of each
17 military criminal investigative organization shall provide,
18 to any member or former member of the armed forces and
19 reserve components who is designated after January 1,
20 2011 in the records of the organization as a subject of
21 a criminal investigation that is closed as of such date,
22 written notice of such designation.

23 “(c) CONTENTS OF NOTICE.—Each notice provided
24 under subsection (a) and (b) shall include the following
25 information—

1 “(1) The date on which the member was des-
2 ignated as a subject of a criminal investigation in
3 the records of the military criminal investigative or-
4 ganization.

5 “(2) Identification of each crime for which the
6 member was investigated, including a citation to
7 each provision of chapter 47 of this title (the Uni-
8 form Code of Military Justice) that the member was
9 suspected of violating, if applicable.

10 “(3) Instructions on how the member may seek
11 removal of the record in accordance with subsection
12 (d).

13 “(d) REMOVAL OF RECORD.—The Secretary of De-
14 fense shall—

15 “(1) establish a process through which a mem-
16 ber of the armed forces and reserve components who
17 receives a notice under subsection (a) or (b) may re-
18 quest the removal of the record that is the subject
19 of such notice; and

20 “(2) issue uniform guidance, applicable to all
21 military criminal investigative organizations, speci-
22 fying the conditions under which such a record may
23 be removed.

24 “(f) ON-GOING AND SENSITIVE INVESTIGATIONS.—
25 The head of a military criminal investigative organization

1 may waive the notification requirements of this section if
2 such head determines that a notification made pursuant
3 to this section would—

4 “(1) endanger any witness or victim of the of-
5 fense under investigation;

6 “(2) disclose the existence of an intelligence or
7 counterintelligence investigation; or

8 “(3) compromise or reveal any other on-going
9 criminal investigation.

10 “(e) MILITARY CRIMINAL INVESTIGATIVE ORGANIZA-
11 TION DEFINED.—In this section, the term ‘military crimi-
12 nal investigative organization’ means any organization or
13 element of the Department of Defense or an armed force
14 that is responsible for conducting criminal investigations,
15 including—

16 “(1) the Army Criminal Investigation Com-
17 mand;

18 “(2) the Naval Criminal Investigative Service;

19 “(3) the Air Force Office of Special Investiga-
20 tions;

21 “(4) the Coast Guard Investigative Service; and

22 “(5) the Defense Criminal Investigative Serv-
23 ice.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by adding
 3 at the end the following new item:

“1567b. Mandatory notification of members of the armed forces and reserve
 components identified in certain records of criminal investigations.”.

4 **SEC. 539. SENTENCING PARAMETERS UNDER THE UNIFORM**
 5 **CODE OF MILITARY JUSTICE FOR HATE**
 6 **CRIMES.**

7 Section 539E(e)(2)(A)(ii) of the National Defense
 8 Authorization Act for Fiscal Year 2022 (Public Law 117–
 9 81; 10 U.S.C. 856 note) is amended by inserting “(includ-
 10 ing whether the offense is described in section 249 of title
 11 18)” after “district court”.

12 **SEC. 539A. LIMITATION ON AVAILABILITY OF FUNDS FOR**
 13 **RELOCATION OF ARMY CID SPECIAL AGENT**
 14 **TRAINING COURSE.**

15 (a) LIMITATION.—None of the funds authorized to
 16 be appropriated by this Act or otherwise made available
 17 for fiscal year 2023 for the Army may be obligated or ex-
 18 pended to relocate an Army CID special agent training
 19 course until—

20 (1)(A) the Secretary of the Army submits to
 21 the Committees on Armed Services of the Senate
 22 and the House of Representatives—

23 (i) the evaluation and plan required by
 24 subsection (a) of section 549C of the National

1 Defense Authorization Act for Fiscal Year 2022
2 (Public Law 117–81; 135 Stat. 1724);

3 (ii) the implementation plan required by
4 subsection (b) of such section; and

5 (iii) a separate report on any plans of the
6 Secretary to relocate an Army CID special
7 agent training course, including an explanation
8 of the business case for any transfer of training
9 personnel proposed as part of such plan;

10 (B) the Secretary provides to the Committee on
11 Armed Services of the House of Representatives a
12 briefing on the contents of each report specified in
13 subparagraph (A); and

14 (C) a period of 90 days has elapsed following
15 the briefing under subparagraph (B); and

16 (2) the Secretary submits a written certification
17 to the Committees on Armed Services of the Senate
18 and the House of Representatives indicating that the
19 Army has fully complied with subsection (c) of sec-
20 tion 549C of the National Defense Authorization
21 Act for Fiscal Year 2022 (Public Law 117–81; 135
22 Stat. 1724) with regard to locations at which mili-
23 tary criminal investigative training is conducted.

24 (b) DEFINITIONS.—In this section:

1 (1) The term “relocate”, when used with re-
2 spect to an Army CID special agent training course,
3 means the transfer of such course to a location dif-
4 ferent than the location used for such course as of
5 the date of the enactment of this Act.

6 (2) The term “Army CID special agent training
7 course” means a training course provided to mem-
8 bers of the Army to prepare such members for serv-
9 ice as special agents in the Army Criminal Investiga-
10 tion Division.

11 **SEC. 539B. RECOMMENDATIONS FOR SENTENCING OF**
12 **MARIJUANA-BASED OFFENSES UNDER THE**
13 **UNIFORM CODE OF MILITARY JUSTICE.**

14 (a) RECOMMENDATIONS.—The Military Justice Re-
15 view Panel shall develop recommendations specifying ap-
16 propriate sentencing ranges for offenses involving the use
17 and possession of marijuana under chapter 47 of title 10,
18 United States Code (the Uniform Code of Military Jus-
19 tice). In developing such recommendations, the Military
20 Justice Review Panel shall consider—

21 (1) how the sentences typically imposed for
22 marijuana-based offenses under such chapter com-
23 pare to the sentences typically imposed for other
24 comparable offenses, such as offenses involving the
25 misuse of alcohol;

1 (2) the overall burden on the military justice
2 system of the current approach of the Department
3 of Defense to sentencing marijuana-based offenses
4 under such chapter; and

5 (3) the historically discriminatory manner in
6 which laws related to marijuana offenses have been
7 enforced, the potential for the continued discrimina-
8 tory application of the law (whether intentional or
9 unintentional), and recommendations for actions
10 that can be taken to minimize the risk of such dis-
11 crimination.

12 (b) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the Military Justice Review
14 Panel shall submit to the Committees on Armed Services
15 of the Senate and the House of Representatives a report
16 that includes the recommendations developed under sub-
17 section (a).

18 **SEC. 539C. REPORT ON SHARING INFORMATION WITH**
19 **COUNSEL FOR VICTIMS OF OFFENSES UNDER**
20 **THE UNIFORM CODE OF MILITARY JUSTICE.**

21 (a) REPORT REQUIRED.—Not later than one year
22 after the date of the enactment of this Act, the Defense
23 Advisory Committee on Investigation, Prosecution, and
24 Defense of Sexual Assault in the Armed Forces (referred
25 to in this section as the “Advisory Committee”) shall sub-

1 mit to the appropriate congressional committees and each
2 Secretary concerned a report on the feasibility and advis-
3 ability of establishing a uniform policy for the sharing of
4 the information described in subsection (c) with a Special
5 Victims' Counsel, Victims' Legal Counsel, or other counsel
6 representing a victim of an offense under chapter 47 of
7 title 10, United States Code (the Uniform Code of Military
8 Justice).

9 (b) ELEMENTS.—The report under subsection (a)
10 shall include the following:

11 (1) An assessment of the feasibility and advis-
12 ability of establishing the uniform policy described in
13 subsection (a), including an assessment of the poten-
14 tial effects of such a policy on—

15 (A) the privacy of individuals;

16 (B) the criminal investigative process; and

17 (C) the military justice system generally.

18 (2) If the Advisory Committee determines that
19 the establishment of such a policy is feasible and ad-
20 visable, a description of—

21 (A) the stages of the military justice proc-
22 ess at which the information described in sub-
23 section (c) should be made available to counsel
24 representing a victim; and

1 (B) any circumstances under which some
2 or all of such information should not be shared.

3 (3) Such recommendations for legislative or ad-
4 ministrative action as the Advisory Committee con-
5 siders appropriate.

6 (c) INFORMATION DESCRIBED.—The information de-
7 scribed in this subsection is the following:

8 (1) Any recorded statements of the victim to in-
9 vestigators.

10 (2) The record of any forensic examination of
11 the person or property of the victim, including the
12 record of any sexual assault forensic exam of the vic-
13 tim that is in possession of investigators or the Gov-
14 ernment.

15 (3) Any medical record of the victim that is in
16 the possession of investigators or the Government.

17 (d) DEFINITIONS.—In this section—

18 (1) The term “appropriate congressional com-
19 mittees” means—

20 (A) the congressional defense committees;

21 (B) the Committee on Commerce, Science,
22 and Transportation of the Senate; and

23 (C) the Committee on Transportation and
24 Infrastructure of the House of Representatives.

1 (2) The term “Secretary concerned” has the
2 meaning given that term in section 101(a)(9) of title
3 10, United States Code.

4 **SEC. 539D. PUBLIC AVAILABILITY OF MILITARY COMMIS-**
5 **SION PROCEEDINGS.**

6 Section 949d(c) of title 10, United States Code, is
7 amended by adding at the end the following new para-
8 graph:

9 “(4) In the case of any proceeding of a military com-
10 mission under this chapter that is made open to the public,
11 the military judge may order arrangements for the avail-
12 ability of the proceeding to be watched remotely by the
13 public through the internet.”.

14 **SEC. 539E. REVIEW AND REPORT ON THE DEFINITION OF**
15 **CONSENT FOR PURPOSES OF THE OFFENSES**
16 **OF RAPE AND SEXUAL ASSAULT UNDER THE**
17 **UNIFORM CODE OF MILITARY JUSTICE.**

18 (a) EVALUATION AND REVIEW.—Not later than 30
19 days after the date of the enactment of this Act, the Joint
20 Service Committee on Military Justice shall commission
21 a comprehensive evaluation and review of the definition
22 of consent, as set forth in section 920(g)(7) of title 10,
23 United States Code (article 120(g)(7) of the Uniform
24 Code of Military Justice).

1 (b) ELEMENTS.—The review and evaluation con-
2 ducted under subsection (a) shall assess how the definition
3 of consent set forth in section 920(g)(7) of title 10, United
4 States Code (article 120(g)(7) of the Uniform Code of
5 Military Justice) can be—

6 (1) expanded to require knowledgeable and in-
7 formed agreement, freely entered into, without any
8 malicious factors or influences such as force, coer-
9 cion, fear, fraud or false identity, or exploitation of
10 a person's incapacity;

11 (2) enhanced through consultation with other
12 recognized standards for the definition of such term;
13 and

14 (3) clarified to state clearly that—

15 (A) the circumstances surrounding an inci-
16 dent of sexual contact are irrelevant when mali-
17 cious factors induced compliance;

18 (B) consent for a sexual act does not con-
19 stitute consent for all sexual acts; and

20 (C) consent is revocable by either party
21 during sexual conduct.

22 (c) REPORT.—Not later than 180 days after the com-
23 mencement of the evaluation and review under subsection
24 (a), the Joint Service Committee on Military Justice shall

1 submit to the congressional defense committees a report
2 on the results of the evaluation and review.

3 **SEC. 539F. STANDARDS AND REPORTS RELATING TO CASES**
4 **OVERSEEN BY MILITARY CRIMINAL INVES-**
5 **TIGATIVE ORGANIZATIONS.**

6 (a) STANDARDS REQUIRED.—

7 (1) IN GENERAL.—The Secretary of Defense, in
8 consultation with the Secretaries of the military de-
9 partments, shall develop and implement uniform
10 standards applicable to the military criminal inves-
11 tigative organizations of the Department of Defense
12 that—

13 (A) establish processes and procedures for
14 the handling of cold cases;

15 (B) specify the circumstances under which
16 a case overseen by such an organization shall be
17 referred to the Inspector General of the Depart-
18 ment of Defense for review; and

19 (C) establish procedures to ensure that, in
20 the event an investigator transfers out of such
21 an organization or otherwise ceases to be an in-
22 vestigator, the cases overseen by such investi-
23 gator are transferred to a new investigator
24 within the organization.

1 (2) REPORT.—Not later than 90 days after the
2 date of the enactment of this Act the Secretary of
3 Defense shall submit to Congress a report on the
4 standards developed under paragraph (1).

5 (3) IMPLEMENTATION.—Following the sub-
6 mittal of the report under paragraph (2), but not
7 later than 120 days after the date of the enactment
8 of this Act, the Secretary of Defense shall implement
9 the standards developed under paragraph (1).

10 (b) REPORT ESTABLISHMENT OF COLD CASE UNIT
11 IN THE ARMY.—Not later than 120 days after the date
12 of the enactment of this Act, the Secretary of the Army
13 shall submit to Congress a report on the feasibility of es-
14 tablishing a cold case unit in the Army Criminal Investiga-
15 tion Division that is similar to the cold case units oper-
16 ating within the Naval Criminal Investigative Service and
17 the Air Force Office of Special Investigations.

1 **Subtitle E—Other Legal Matters**

2 **SEC. 541. CLARIFICATIONS OF PROCEDURE IN INVESTIGA-**
3 **TIONS OF PERSONNEL ACTIONS TAKEN**
4 **AGAINST MEMBERS OF THE ARMED FORCES**
5 **IN RETALIATION FOR PROTECTED COMMU-**
6 **NICATIONS.**

7 (a) IN GENERAL.—Subparagraphs (D) and (E) of
8 paragraph (4) of section 1034(c) of title 10, United States
9 Code, is amended to read as follows:

10 “(D)(i) Upon determining that an investigation of an
11 allegation under paragraph (1) is warranted, the Inspector
12 General making the determination shall expeditiously in-
13 vestigate the allegation to determine whether the protected
14 communication or activity under subsection (b) was a con-
15 tributing factor in the personnel action prohibited under
16 subsection (b) that was taken or withheld (or threatened
17 to be taken or withheld) against a member of the armed
18 forces.

19 “(ii) In the case of a determination made by the In-
20 spector General of the Department of Defense, that In-
21 spector General may delegate responsibility for the inves-
22 tigation to an appropriate Inspector General of a military
23 department.

24 “(iii) The member alleging the prohibited personnel
25 action may use circumstantial evidence to demonstrate

1 that the protected communication or activity under sub-
2 section (b) was a contributing factor in the personnel ac-
3 tion prohibited under subsection (b). Such circumstantial
4 evidence may include that the person taking such prohib-
5 ited personnel action knew of the protected communication
6 or activity, and that the prohibited personnel action oc-
7 curred within a period of time such that a reasonable per-
8 son could conclude that the communication or protected
9 activity was a contributing factor in the personnel action.

10 “(iv) If the Inspector General determines it likelier
11 than not that the member made a communication or par-
12 ticipated in an activity protected under subsection (b) that
13 was a contributing factor in a personnel action described
14 in such subsection, the Inspector General shall presume
15 such personnel action to be prohibited under such sub-
16 section unless the Inspector General determines there is
17 clear and convincing evidence that the same personnel ac-
18 tion would have occurred in the absence of such protected
19 communication or activity.

20 “(E) If the Inspector General preliminarily deter-
21 mines in an investigation under subparagraph (D) that a
22 personnel action prohibited under subsection (b) has oc-
23 curred and that such personnel action shall result in an
24 immediate hardship to the member alleging the personnel
25 action, the Inspector General shall promptly notify the

1 Secretary of the military department concerned or the Sec-
2 retary of Homeland Security, as applicable, of the hard-
3 ship, and such Secretary shall take such action as such
4 Secretary determines appropriate.”.

5 (b) TECHNICAL AMENDMENTS.—Such paragraph is
6 further amended in subparagraphs (A) and (B) by striking
7 “subsection (h)” both places it appears and inserting
8 “subsection (i)”.

9 **SEC. 542. PRIMARY PREVENTION OF VIOLENCE.**

10 (a) ANNUAL PRIMARY PREVENTION RESEARCH
11 AGENDA.—Section 549A(c) of the National Defense Au-
12 thorization Act for Fiscal Year 2022 (Public Law 117–
13 811 10 U.S.C. 1561 note) is amended—

14 (1) by redesignating paragraphs (2), (3), and
15 (4) as paragraphs (5), (6), and (7), respectively;

16 (2) by inserting after paragraph (1) the fol-
17 lowing new paragraphs:

18 “(2) include a focus on whether and to what ex-
19 tent sub-populations of the military community may
20 be targeted for sexual assault, sexual harassment, or
21 domestic violence more than others;

22 “(3) seek to identify factors that influence the
23 prevention, perpetration, and victimization of sexual
24 assault, sexual harassment, and domestic violence;

1 “(4) seek to improve the collection and dissemi-
2 nation of data on hazing and bullying related to sex-
3 ual assault, sexual harassment, and domestic vio-
4 lence;”; and

5 (3) in paragraph (6), as redesignated by para-
6 graph (1) of this section, by amending the text to
7 read as follows:

8 “(6) incorporate collaboration with other Fed-
9 eral departments and agencies, including the De-
10 partment of Health and Human Services and the
11 Centers for Disease Control and Prevention, State
12 governments, academia, industry, federally funded
13 research and development centers, nonprofit organi-
14 zations, and other organizations outside of the De-
15 partment of Defense, including civilian institutions
16 that conduct similar data-driven studies, collection,
17 and analysis; and”.

18 (b) PRIMARY PREVENTION WORKFORCE.—Section
19 549B of the National Defense Authorization Act for Fis-
20 cal Year 2022 (Public Law 117–81; 10 U.S.C. 501 note)
21 is amended—

22 (1) in subsection (c), by adding at the end the
23 following new paragraph:

24 “(3) COMPTROLLER GENERAL REPORT.—Not
25 later than one year after the date of the enactment

1 of the National Defense Authorization Act for Fiscal
2 Year 2023, the Comptroller General of the United
3 States shall submit to the appropriate congressional
4 committees a report comparing the sexual harass-
5 ment and prevention training of the Department of
6 Defense with similar programs at other Federal de-
7 partments and agencies and including data collected
8 by colleges and universities and other relevant out-
9 side entities.”; and

10 (2) by adding at the end the following new sub-
11 sections:

12 “(e) INCORPORATION OF RESEARCH AND FIND-
13 INGS.—The Primary Prevention Workforce established
14 under subsection (a) shall, on a regular basis, incorporate
15 findings and conclusions from the primary prevention re-
16 search agenda established under section 549A, as appro-
17 priate, into the work of the workforce.

18 “(f) APPROPRIATE CONGRESSIONAL COMMITTEES
19 DEFINED.—In this section, the term ‘appropriate congres-
20 sional committees’ means the following:

21 “(1) The Committees on Armed Services of the
22 Senate and House of Representatives.

23 “(2) The Committees on Appropriations of the
24 Senate and House of Representatives.

1 “(3) The Committee on Committee on Home-
2 land Security and Governmental Affairs of the Sen-
3 ate.

4 “(4) The Committee on Oversight and Reform
5 of the House of Representatives.”.

6 **SEC. 543. TREATMENT OF CERTAIN COMPLAINTS FROM**
7 **MEMBERS OF THE ARMED FORCES.**

8 (a) REGULATIONS REQUIRED.—Not later than 180
9 days after the date of the enactment of this Act, each Sec-
10 retary of a military department shall issue regulations im-
11 plementing subsections (b) and (c).

12 (b) MANDATORY IG INVESTIGATION OF CERTAIN
13 COMPLAINTS.—

14 (1) INSPECTOR GENERAL INVESTIGATION.—A
15 complaint described in paragraph (2) from a mem-
16 ber an Armed Force under the jurisdiction of the
17 Secretary of a military department—

18 (A) may be investigated only by the In-
19 spector General of the Armed Force or military
20 department concerned; and

21 (B) may not be referred to an individual in
22 the chain of command of the complainant for
23 investigation.

24 (2) COMPLAINT DESCRIBED.—A complaint de-
25 scribed in this paragraph—

1 (A) is a complaint alleging that there was
2 a violation of a Department of Defense policy
3 relating to the investigation, processing, or
4 other administrative treatment of a report sex-
5 ual assault, sexual harassment, or domestic vio-
6 lence; and

7 (B) does not include a complaint alleging
8 an actual act of sexual harassment, sexual as-
9 sault, or domestic violence.

10 (c) OPPORTUNITY TO WITHDRAW COMPLAINTS BE-
11 FORE REFERRAL TO CHAIN OF COMMAND.—

12 (1) NOTICE AN OPPORTUNITY TO WITHDRAW.—

13 An Inspector General of an Armed Force or military
14 department who is in receipt of a complaint that is
15 eligible for referral to the chain of command of the
16 complainant may refer such complaint to the chain
17 of command only if the Inspector General—

18 (A) notifies the complainant of the intent
19 of the Inspector General to make such referral;
20 and

21 (B) provides the complainant with the op-
22 portunity to withdraw the complaint during the
23 period of 10 days following the issuance of such
24 notice.

1 (2) EFFECT OF WITHDRAWAL.—If a complain-
2 ant withdraws a complaint pursuant to paragraph
3 (1)(B), the Inspector General may not refer the
4 complaint to an individual in the complainant's
5 chain of command and there shall be no further in-
6 vestigation of the complaint.

7 **SEC. 544. PILOT PROGRAM ON FINANCIAL ASSISTANCE FOR**
8 **VICTIMS OF DOMESTIC VIOLENCE.**

9 (a) IN GENERAL.—Beginning not later than one year
10 after the date of the enactment of this Act, the Secretary
11 of Defense shall carry out a pilot program under which
12 the Secretary makes grants, on a discretionary basis, to
13 qualified victims of domestic violence to assist such victims
14 in seeking refuge from an abuser.

15 (b) DISBURSEMENT.—A grant under subsection (a)
16 may be disbursed—

17 (1) as a single, lump sum payment; or

18 (2) in multiple payments at such times and in
19 such amounts as the Secretary determines appro-
20 priate.

21 (c) MAXIMUM AMOUNT.—A qualified victim of do-
22 mestic violence may receive not more than a total of
23 \$7,500 in grants under subsection (a) during the victim's
24 lifetime.

1 (d) REPORT.—Not later than one year prior to the
2 termination date specified in subsection (e), the Secretary
3 of Defense shall submit to the Committees on Armed Serv-
4 ices of the Senate and the House of Representatives a re-
5 port that—

6 (1) evaluates the effectiveness of the pilot pro-
7 gram under this section;

8 (2) indicates whether the pilot program should
9 be continued or expanded;

10 (3) takes into account voluntary feedback from
11 program recipients and relevant Department staff,
12 including direct testimonials about their experiences
13 with the program and ways in which they think it
14 could be improved; and

15 (4) examines other potential actions that arise
16 during the course of the program that the Depart-
17 ment could take to further protect the safety of pro-
18 gram participants and eligible individuals, as the
19 Secretary determines appropriate.

20 (e) TERMINATION.—The authority to carry out the
21 pilot program under this section shall terminate six years
22 after the date of the enactment of this Act.

23 (f) REGULATIONS.—The Secretary of Defense shall
24 prescribe regulations implementing this section.

25 (g) DEFINITIONS.—In this section:

1 (1) The term “domestic violence” means an act
2 described in section 928b of title 10, United States
3 Code (article 128b of the Uniform Code of Military
4 Justice).

5 (2) The term “qualified victim of domestic vio-
6 lence” means an individual who meets the following
7 criteria:

8 (A) The individual is a member of an
9 Armed Force or a spouse, intimate partner, or
10 immediate family member of a member of an
11 Armed Force.

12 (B) The individual reported an incident of
13 domestic violence to an organization or element
14 of the Department of Defense or to a civilian
15 law enforcement organization.

16 (C) The individual or a dependent of that
17 individual was an alleged victim of such inci-
18 dent.

19 (D) The individual demonstrates—

20 (i) an intent to seek refuge from the
21 alleged abuser; and

22 (ii) a need for financial assistance.

1 **SEC. 545. AGREEMENTS WITH CIVILIAN VICTIM SERVICE**
2 **AGENCIES.**

3 (a) **GUIDANCE REQUIRED.**—The Secretary of De-
4 fense, in consultation with the Secretaries of the military
5 departments and the Secretary of the department in which
6 the Coast Guard is operating (with respect to the Coast
7 Guard), shall issue guidance pursuant to which installa-
8 tion commanders may enter into memoranda of under-
9 standing with qualified victim service agencies for pur-
10 poses of providing services to victims of sexual assault in
11 accordance with subsection (b).

12 (b) **CONTENTS OF AGREEMENT.**—A memorandum of
13 understanding entered into under subsection (a) shall pro-
14 vide that personnel of the sexual assault prevention and
15 response program at a military installation may refer a
16 victim of sexual assault to a qualified civilian victim serv-
17 ice agency if such personnel determine that such a referral
18 would benefit the victim.

19 (c) **VICTIM SERVICE AGENCY DEFINED.**—In this sec-
20 tion, the term “victim service agency” means an agency
21 which may provide legal services, counseling, or safe hous-
22 ing.

1 **SEC. 546. ACTIVITIES TO IMPROVE INFORMATION SHARING**
2 **AND COLLABORATION ON MATTERS RELAT-**
3 **ING TO THE PREVENTION OF AND RESPONSE**
4 **TO DOMESTIC ABUSE AND CHILD ABUSE AND**
5 **NEGLECT AMONG MILITARY FAMILIES.**

6 (a) ENHANCEMENT OF ACTIVITIES FOR AWARENESS
7 OF MILITARY FAMILIES REGARDING FAMILY ADVOCACY
8 PROGRAMS AND OTHER SIMILAR SERVICES.—

9 (1) PILOT PROGRAM ON INFORMATION ON FAPS
10 FOR FAMILIES.—The Secretary of Defense shall
11 carry out a pilot program to assess the feasibility
12 and advisability of various mechanisms to inform
13 families about the Family Advocacy Programs and
14 resiliency training of the covered Armed Forces dur-
15 ing command orientation and during enrollment in
16 the Defense Enrollment Eligibility Reporting Sys-
17 tem. The matters assessed by the pilot program
18 shall include the following:

19 (A) An option for training of family mem-
20 bers on the Family Advocacy Programs.

21 (B) The provision to families of informa-
22 tion on the resources available through the
23 Family Advocacy Programs.

24 (C) The availability through the Family
25 Advocacy Programs of both restricting and un-

1 restricted reporting on incidents of domestic
2 abuse.

3 (D) The provision to families of informa-
4 tion on the Military OneSource program of the
5 Department of Defense.

6 (E) The provision to families of informa-
7 tion on resources relating to domestic abuse
8 and child abuse and neglect that are available
9 through local community service organizations.

10 (F) The availability of the Military and
11 Family Life Counseling Program.

12 (2) OUTREACH ON FAP AND SIMILAR SERVICES
13 FOR MILITARY FAMILIES.—Each Secretary of a mili-
14 tary department shall improve the information avail-
15 able to military families under the jurisdiction of
16 such Secretary that are the victim of domestic abuse
17 or child abuse and neglect in order to provide such
18 families with comprehensive information on the serv-
19 ices available to such families in connection with
20 such violence and abuse and neglect. The informa-
21 tion so provided shall include a complete guide to
22 the following:

23 (A) The Family Advocacy Program of the
24 covered Armed Force or military department
25 concerned.

1 (B) Military law enforcement services, in-
2 cluding the process following a report of an in-
3 cidence of domestic abuse or child abuse or ne-
4 glect.

5 (C) Other applicable victim services.

6 (b) IMPROVEMENT OF COLLABORATION IN DOMESTIC
7 ABUSE PREVENTION SERVICES.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, Depart-
10 ment of Defense Instruction 6400.01, relating to the
11 Family Advocacy Program of the Department of De-
12 fense, shall be modified to enhance collaboration
13 among the programs and entities specified in para-
14 graph (2) for the purpose of leveraging the expertise
15 and resources of such programs and components to
16 order to improve the availability and scope of domes-
17 tic abuse prevention services for military families.

18 (2) PROGRAMS AND ENTITIES.—The programs
19 and entities specified in this paragraph are the fol-
20 lowing:

21 (A) The Family Advocacy Program of the
22 Department of Defense.

23 (B) The Sexual Assault Prevention and
24 Response Office of the Department of Defense.

25 (C) The Defense Suicide Prevention Office.

1 (D) The Defense Equal Opportunity Man-
2 agement Institute.

3 (E) The Defense Health Agency.

4 (F) The substance abuse prevention pro-
5 grams and entities of the covered Armed
6 Forces.

7 (G) Relevant programs and entities of the
8 Department of Veterans Affairs.

9 (H) Civilian organizations with missions
10 relevant to domestic abuse prevention, including
11 community health and social services organiza-
12 tions.

13 (I) Such other programs and entities as
14 the Secretary of Defense considers appropriate.

15 (c) COVERED ARMED FORCE DEFINED.—In this sec-
16 tion, the term “covered Armed Force” means the fol-
17 lowing:

18 (1) The Army.

19 (2) The Navy.

20 (3) The Marine Corps.

21 (4) The Air Force.

22 (5) The Space Force.

1 **SEC. 547. INSPECTOR GENERAL INVESTIGATION INTO DIS-**
2 **CRIMINATION AGAINST MEMBERS AND EM-**
3 **PLOYEES OF MIDDLE EASTERN AND NORTH**
4 **AFRICAN DESCENT.**

5 (a) INVESTIGATION.—The Assistant Inspector Gen-
6 eral for Diversity and Inclusion of the Department of De-
7 fense shall conduct an investigation into discrimination
8 faced by members of the Armed Forces, and civilian em-
9 ployees of the Department, who are of Middle Eastern or
10 North African descent.

11 (b) REPORT.—Not later than one year after the date
12 of the enactment of this Act, Assistant Inspector General
13 shall submit to the Committees on Armed Services of the
14 House of Representatives and Senate a report containing
15 the results of such investigation.

16 **SEC. 548. TIME LIMIT FOR PROCESSING CERTAIN ADMINIS-**
17 **TRATIVE COMPLAINTS.**

18 (a) IN GENERAL.—Chapter 80 of title 10, United
19 States Code, is amended by inserting after section 1561b
20 the following new section:

21 **“§ 1561c. Processing a harassment or military equal**
22 **opportunity complaint**

23 “(a) TIME LIMIT.—An official authorized to take
24 final action on a complaint from a member of the armed
25 forces of harassment or prohibited discrimination shall en-
26 sure the procedures and requirements for the complaint

1 are completed within 180 days after the date on which
2 any supervisor or designated office received the complaint.

3 “(b) JUDICIAL REVIEW.—

4 “(1) Pursuant to section 706(1) of title 5,
5 United States Code, a member of the armed forces
6 may seek an order in a court of the United States
7 directing the Secretary concerned to take final ac-
8 tion or provide a written explanation no later than
9 30 days after the court enters its order, if an au-
10 thorized official does not—

11 “(A) take final action on a complaint
12 under subsection (a) within 180 days; or

13 “(B) provide the member a written expla-
14 nation of the final action taken on a complaint
15 under subsection (a).

16 “(2) Pursuant to section 706(2) of title 5,
17 United States Code, and no later than 30 days after
18 a member of the armed forces receives a written ex-
19 planation of the final action taken on a complaint
20 under subsection (a), the member may seek review
21 of the action in a court of the United States.

22 “(c) REPORT.—Not later than April 1 each year, the
23 Secretary concerned shall submit to the appropriate con-
24 gressional committees a report of the total number of

1 court orders sought under subsection (b) and orders
2 granted by such courts.

3 “(d) DEFINITIONS.—In this section:

4 “(1) The term ‘appropriate congressional com-
5 mittees’ means the following:

6 “(A) The Committee on Armed Services of
7 the House of Representatives.

8 “(B) The Committee on Armed Services of
9 the Senate.

10 “(C) The Committee on Transportation
11 and Infrastructure of the House of Representa-
12 tives.

13 “(D) The Committee on Commerce,
14 Science, and Transportation of the Senate.

15 “(2) The term ‘complaint’ means an allegation
16 or report of harassment or prohibited discrimination.

17 “(3) The term ‘designated office’ means a mili-
18 tary equal opportunity office or an office of the in-
19 spector general or staff judge advocate, and any
20 other departmental office authorized by the Sec-
21 retary concerned to receive harassment and prohib-
22 ited discrimination complaints.

23 “(4) The term ‘harassment’ means behavior
24 that is unwelcome or offensive to a reasonable per-

1 son, whether oral, written, or physical, that creates
2 an intimidating, hostile, or offensive environment.

3 “(5) The term ‘prohibited discrimination’
4 means unlawful discrimination, including disparate
5 treatment, of an individual or group on the basis of
6 race, color, national origin, religion, sex (including
7 pregnancy), gender identity, or sexual orientation.

8 “(6) The term ‘member of the armed forces’
9 means a member of an armed force serving on active
10 duty.

11 “(7) The term ‘supervisor’ means a member of
12 the armed forces in charge or command of other
13 members of the armed forces or a civilian employee
14 (as defined in section 2105 of title 5, United States
15 Code) authorized to direct and control service mem-
16 bers.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by inserting
19 after the item relating to section 1561b the following new
20 item:

“1561c. Processing a harassment or military equal opportunity complaint.”.

21 **SEC. 549. REVIEW AND REPORT ON ADMINISTRATION OF**
22 **SEXUAL HARASSMENT CLAIMS.**

23 (a) REVIEW.—The Secretary of Defense shall review
24 the practices of the Department of Defense pertaining to

1 the administration of sexual harassment claims. As part
2 of the review, the Secretary shall—

3 (1) assess the efforts of the Department to pre-
4 vent sexual harassment and protect members of the
5 Armed Forces who submit sexual harassment claims;
6 and

7 (2) compile data and research on the prevalence
8 of sexual harassment in the military, including—

9 (A) the number of sexual harassment inci-
10 dents reported;

11 (B) the number and percentage of such re-
12 ports that resulted in the initiation of legal pro-
13 ceedings against the alleged perpetrator; and

14 (C) the number and percentage of such
15 cases leading to convictions or other adverse ac-
16 tion against the alleged perpetrator.

17 (b) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, the Secretary of Defense
19 shall submit to the congressional defense committees a re-
20 port on the results of the review conducted under sub-
21 section (a).

1 **SEC. 549A. INTERAGENCY TASK FORCE TO PROTECT MEM-**
2 **BERS, VETERANS, AND MILITARY FAMILIES**
3 **FROM FINANCIAL FRAUD.**

4 (a) ESTABLISHMENT.—Not later than 90 days after
5 the date of the enactment of this Act, the Secretary of
6 Defense, in consultation with the Secretary of Veterans
7 Affairs, shall establish an Interagency Task Force on Fi-
8 nancial Fraud targeting members of the Armed Forces
9 and veterans (referred to in this section as the “Task
10 Force”).

11 (b) MEMBERSHIP.—The Task Force established
12 under this section shall include representatives from the
13 following:

- 14 (1) The Department of Defense.
- 15 (2) The Department of Veterans Affairs,
- 16 (3) The Federal Trade Commission.
- 17 (4) The Consumer Financial Protection Bu-
18 reau.
- 19 (5) The Department of Justice.
- 20 (6) The Federal Communications Commission.
- 21 (7) The Postal Inspection Service.
- 22 (8) Three representatives, appointed by the Sec-
23 retary of Defense in consultation with the Secretary
24 of the Department of Veterans Affairs, of non-gov-
25 ernmental organizations (at least one of whom is a
26 representative of a veterans’ service organization)

1 with expertise in identifying, preventing, and com-
2 battling financial fraud targeting members of the
3 Armed Forces, veterans, and military families.

4 (c) CONSULTATION.—The Task Force shall regularly
5 consult with the following:

6 (1) Members of the Armed Forces, veterans,
7 and members of military families that have been vic-
8 tims of financial fraud.

9 (2) Relevant Federal agencies and departments
10 that are not represented on the Task Force.

11 (3) Other relevant public and private sector
12 stakeholders, including State and local law enforce-
13 ment agencies, financial services providers, tech-
14 nology companies, and social media platforms.

15 (d) MEETINGS.—The Task Force shall not meet less
16 frequently than three times per calendar year.

17 (e) PURPOSE.—The purpose of the Task Force is to
18 identify and examine current and developing methods of
19 financial fraud targeting members of the Armed Forces,
20 veterans, and military families and issue recommendations
21 to enhance efforts undertaken by Federal agencies to iden-
22 tify, prevent, and combat such financial fraud.

23 (f) DUTIES.—The duties of the Task Force shall in-
24 clude the following:

1 (1) Collecting and reviewing robust data per-
2 taining to medical billing, credit reporting, debt col-
3 lection, and other serious financial challenges facing
4 members of the Armed Forces, veterans, and mili-
5 tary families.

6 (2) Identifying and reviewing current methods
7 of financial exploitation targeting members of the
8 Armed Forces, veterans, and military families, in-
9 cluding—

10 (A) imposter or phishing scams;

11 (B) investment-related fraud;

12 (C) pension poaching;

13 (D) veterans benefit fraud;

14 (E) fraudulent offers pertaining to employ-
15 ment or business opportunities;

16 (F) predatory lending;

17 (G) veteran charity schemes;

18 (H) foreign money offers and fake check
19 scams;

20 (I) mortgage foreclosure relief and debt
21 management fraud;

22 (J) military allotment system abuse; and

23 (K) military records fraud.

24 (3) Identifying and evaluating the new financial
25 risks that emerging financial technologies, including

1 buy-now-pay-later credit and digital payment eco-
2 systems, may present to members of the Armed
3 Forces, veterans, and military families.

4 (4) Evaluating the efficacy of current Federal
5 programs, educational campaigns, policies, and stat-
6 utes, including the Military Lending Act and the
7 Servicemembers Civil Relief Act, in preventing and
8 combatting financial fraud targeting members of the
9 Armed Forces, veterans, and military families.

10 (5) Developing recommendations to enhance ef-
11 forts of Federal agencies to detect, prevent, and
12 combat financial fraud targeting members of the
13 Armed Forces, veterans, and military families.

14 (g) REPORT.—Not later than 180 days after the date
15 of the enactment of this Act and annually thereafter, the
16 Task Force shall submit to the appropriate congressional
17 committees a report on its findings to date and rec-
18 ommendations to enhance the efforts of Federal agencies
19 to identify, prevent, and combat financial fraud targeting
20 members of the Armed Forces, veterans, and military fam-
21 ilies.

22 (h) APPROPRIATE CONGRESSIONAL COMMITTEES
23 DEFINED.—In this section, the term “appropriate con-
24 gressional committees” means the following:

1 (1) The Committee on Oversight and Reform of
2 the House of Representatives.

3 (2) The Committee on Armed Services of the
4 House of Representatives.

5 (3) The Committee on Veterans' Affairs of the
6 House of Representatives.

7 (4) The Committee on Homeland Security and
8 Governmental Affairs of the Senate.

9 (5) The Committee on Armed Services of the
10 Senate.

11 (6) The Committee on Veterans' Affairs of the
12 Senate.

13 **SEC. 549B. EXCLUSION OF EVIDENCE OBTAINED WITHOUT**
14 **PRIOR AUTHORIZATION.**

15 Section 271 of title 10, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(d) Notwithstanding any other provision of law, any
19 information obtained by or with the assistance of a mem-
20 ber of the Armed Forces in violation of section 1385 of
21 title 18, shall not be received in evidence in any trial, hear-
22 ing, or other proceeding in or before any court, grand jury,
23 department, officer, agency, regulatory body, legislative
24 committee, or other authority of the United States, a
25 State, or a political subdivision thereof.”.

1 **Subtitle F—Member Education**

2 **SEC. 551. INCREASE IN MAXIMUM NUMBER OF STUDENTS**
3 **ENROLLED AT UNIFORMED SERVICES UNI-**
4 **VERSITY OF THE HEALTH SCIENCES.**

5 Section 2114(f)(2) of title 10, United States Code,
6 is amended by striking “40” and inserting “60”.

7 **SEC. 552. AUTHORIZATION OF CERTAIN SUPPORT FOR**
8 **MILITARY SERVICE ACADEMY FOUNDATIONS.**

9 (a) IN GENERAL.—Subchapter I of chapter 134 of
10 title 10, United States Code, is amended by inserting after
11 section 2245 the end the following new section:

12 **“§ 2246. Authorization of certain support for military**
13 **service academy foundations**

14 “(a) AUTHORITY.—Subject to subsection (b), the
15 Secretary of the military department concerned may pro-
16 vide the following support to a covered foundation:

17 “(1) The use, on an unreimbursed basis, of fa-
18 cilities or equipment of the United States by the cov-
19 ered foundation, authorized by any—

20 “(A) general or flag officer;

21 “(B) Senior Executive Service employee
22 assigned to the Service Academy supported by
23 that covered foundation; or

24 “(C) official designated by the Secretary
25 concerned.

1 “(2) Endorsement by an individual described in
2 paragraph (1) of—

3 “(A) the covered foundation;

4 “(B) an event of the covered foundation;

5 or

6 “(C) an activity of the covered foundation.

7 “(b) LIMITATIONS.—Support under subsection (a)
8 may be provided only if such support—

9 “(1) is without any liability of the United
10 States to the covered foundation;

11 “(2) does not affect the ability of any official or
12 employee of the military department concerned, or
13 any member of the armed forces, to carry out any
14 responsibility or duty in a fair and objective manner;

15 “(3) does not compromise the integrity or ap-
16 pearance of integrity of any program of the military
17 department concerned, or any individual involved in
18 such a program; and

19 “(4) does not include the participation of any
20 cadet or midshipman, other than participation in an
21 honor guard at an event of the covered foundation.

22 “(c) BRIEFING.—In any fiscal year during which sup-
23 port is provided under subsection (a), the Secretary of the
24 military department concerned shall provide a briefing not
25 later than the last day of that fiscal year to the congres-

1 sional defense committees regarding the number of events
 2 or activities of a covered foundation in which an individual
 3 described in subsection (a)(1) participated during such fis-
 4 cal year.

5 “(d) DEFINITIONS.—In this section:

6 “(1) The term ‘covered foundation’ means a
 7 charitable, educational, or civic nonprofit organiza-
 8 tion under section 501(c)(3) of the Internal Revenue
 9 Code of 1986, that the Secretary concerned deter-
 10 mines operates exclusively to support, with respect
 11 to a Service Academy, any of the following:

12 “(A) Recruiting.

13 “(B) Parent or alumni development.

14 “(C) Academic, leadership, or character
 15 development.

16 “(D) Institutional development.

17 “(E) Athletics.

18 “(2) The term ‘Service Academy’ has the mean-
 19 ing given such term in section 347 of this title.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
 21 at the beginning of such subchapter is amended by insert-
 22 ing after the item relating to item 2245 the following new
 23 item:

“2246. Authorization of certain support for military service academy founda-
 tions.”.

1 **SEC. 553. AGREEMENT BY A CADET OR MIDSHIPMAN TO**
2 **PLAY PROFESSIONAL SPORT CONSTITUTES A**
3 **BREACH OF SERVICE OBLIGATION.**

4 (a) UNITED STATES MILITARY ACADEMY.—Section
5 7448 of title 10, United States Code, is amended as fol-
6 lows:

7 (1) Paragraph (5) of subsection (a) is amended
8 to read as follows:

9 “(5) The cadet may not obtain employment, in-
10 cluding as a professional athlete, until after com-
11 pleting the cadet’s commissioned service obligation.”.

12 (2) Subsection (b) is amended by adding at the
13 end the following new paragraph:

14 “(4) A cadet who violates paragraph (5) of subsection
15 (a) by obtaining employment as a professional athlete is
16 not eligible for the alternative obligation under paragraph
17 (1).”.

18 (3) Subsection (c) is amended—

19 (A) by redesignating paragraphs (2) and
20 (3) as paragraphs (3) and (4), respectively; and

21 (B) by inserting, after paragraph (1), the
22 following new paragraph (2):

23 “(2) that a cadet who obtains employment as a
24 professional athlete before completing the cadet’s
25 commissioned service obligation has breached an
26 agreement under such subsection;”.

1 (4) Subsection (d) is amended—

2 (A) by striking “with respect to an officer
3 who is a graduate of the Academy” and insert-
4 ing “with respect to a cadet”; and

5 (B) by striking “officer’s” and inserting
6 “cadet’s”.

7 (5) Subsection (f) is amended by striking “the
8 terms” and inserting “each term”.

9 (b) UNITED STATES NAVAL ACADEMY.—Section
10 8459 of title 10, United States Code, is amended as fol-
11 lows:

12 (1) Paragraph (5) of subsection (a) is amended
13 to read as follows:

14 “(5) The midshipman may not obtain employ-
15 ment, including as a professional athlete, until after
16 completing the midshipman’s commissioned service
17 obligation.”.

18 (2) Subsection (b) is amended by adding at the
19 end the following new paragraph:

20 “(4) A midshipman who violates paragraph (5) of
21 subsection (a) by obtaining employment as a professional
22 athlete is not eligible for the alternative obligation under
23 paragraph (1).”.

24 (3) Subsection (c) is amended—

1 (A) by redesignating paragraphs (2) and
2 (3) as paragraphs (3) and (4), respectively; and

3 (B) by inserting, after paragraph (1), the
4 following new paragraph (2):

5 “(2) that a midshipman who obtains employ-
6 ment as a professional athlete before completing the
7 midshipman’s commissioned service obligation has
8 breached an agreement under such subsection;”.

9 (4) Subsection (d) is amended—

10 (A) by striking “with respect to an officer
11 who is a graduate of the Academy” and insert-
12 ing “with respect to a midshipman”; and

13 (B) by striking “officer’s” and inserting
14 “midshipman’s”.

15 (5) Subsection (f) is amended by striking “the
16 terms” and inserting “each term”.

17 (c) UNITED STATES AIR FORCE ACADEMY.—Section
18 9448 of title 10, United States Code, is amended as fol-
19 lows:

20 (1) Paragraph (5) of subsection (a) is amended
21 to read as follows:

22 “(5) The cadet may not obtain employment, in-
23 cluding as a professional athlete, until after com-
24 pleting the cadet’s commissioned service obligation.”.

1 (2) Subsection (b) is amended by adding at the
2 end the following new paragraph:

3 “(4) A cadet who violates paragraph (5) of subsection
4 (a) by obtaining employment as a professional athlete is
5 not eligible for the alternative obligation under paragraph
6 (1).”.

7 (3) Subsection (c) is amended—

8 (A) by redesignating paragraphs (2) and
9 (3) as paragraphs (3) and (4), respectively; and

10 (B) by inserting, after paragraph (1), the
11 following new paragraph (2):

12 “(2) that a cadet who obtains employment as a
13 professional athlete before completing the cadet’s
14 commissioned service obligation has breached an
15 agreement under such subsection;”.

16 (4) Subsection (d) is amended—

17 (A) by striking “with respect to an officer
18 who is a graduate of the Academy” and insert-
19 ing “with respect to a cadet”; and

20 (B) by striking “officer’s” and inserting
21 “cadet’s”.

22 (5) Subsection (f) is amended by striking “the
23 terms” and inserting “each term”.

1 **SEC. 554. NAVAL POSTGRADUATE SCHOOL: ATTENDANCE**
2 **BY ENLISTED MEMBERS.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that:

5 (1) The demands of the future operating envi-
6 ronment need to be met by the most professional, in-
7 telligent, innovative, and capable servicemembers our
8 nation has ever produced.

9 (2) Though officers comprise roughly 18% of
10 the armed forces, they receive significantly higher in-
11 vestments into their education up to the PhD level
12 than that of their enlisted counterparts.

13 (3) Investing in enlisted advanced education
14 will strengthen the lethality of the armed forces by
15 producing higher quantities of noncommissioned offi-
16 cers able to operate through the intellectual de-
17 mands of complex contingencies, producing military
18 leaders at rates higher than is otherwise feasible
19 with the pool of eligible officers.

20 (4) Conducting research and analysis on the
21 impact of advanced education on enlisted
22 servicemembers performance, promotion rate, mis-
23 conduct, and retention is critical to propelling the
24 Department of Defense's initiatives for a modern,
25 state-of-the art approach to education and research

1 to create and sustain an intellectual overmatch in to-
2 day's warfighting domains.

3 (5) The Naval Postgraduate School serves as a
4 converging point for all branches of the United
5 States military while simultaneously offering innova-
6 tive learning environments that, combined, offers an
7 ideal testing ground to evaluate the potential bene-
8 fits of expanding enlisted higher education across
9 the Joint Force.

10 (b) IN GENERAL.—Subsection (a)(2)(D)(iii) of sec-
11 tion 8545 of title 10, United States Code, is amended by
12 striking “only on a space-available basis” and inserting
13 “at a rate of acceptance not to be conditioned by the num-
14 ber of officer applications”.

15 (c) BRIEFING.—Six years after the date of the enact-
16 ment of this Act, the Secretary of Defense shall brief the
17 Committees on Armed Services of the Senate and House
18 of Representatives on the effects of increasing enrollment
19 of enlisted members at the Naval Postgraduate School
20 pursuant to the amendment made by subsection (a). Such
21 briefing shall include the following elements:

22 (1) Any increase to the lethality of the Armed
23 Forces.

24 (2) Effects on rates of recruitment, promotion
25 (including compensation to members), and retention.

1 (3) Effects on malign behavior by members of
2 the Armed Forces.

3 **SEC. 555. AUTHORITY TO WAIVE TUITION AT UNITED**
4 **STATES AIR FORCE INSTITUTE OF TECH-**
5 **NOLOGY FOR CERTAIN PRIVATE SECTOR CI-**
6 **VILIANS.**

7 Section 9414a(e)(1) of title 10, United States Code,
8 is amended—

9 (1) in by striking “The United” and inserting
10 “Subject to paragraph (3), the United”; and

11 (2) by adding at the end the following:

12 “(3) The Director and Chancellor of the United
13 States Air Force Institute of Technology may waive tui-
14 tion for a student, enrolled under this section, who attends
15 a course for professional continuing education.”.

16 **SEC. 556. TERMS OF PROVOST AND ACADEMIC DEAN OF**
17 **THE UNITED STATES AIR FORCE INSTITUTE**
18 **OF TECHNOLOGY.**

19 (a) IN GENERAL.—Paragraph (2) of subsection (b)
20 of section 9414b of title 10, United States Code, is amend-
21 ed to read as follows: “An individual selected for the posi-
22 tion of Provost and Chief Academic Officer shall serve in
23 that position for a term of not more than five years and
24 may be continued in that position for an additional term
25 of up to five years”.

1 (b) CONFORMING AMENDMENT.—Paragraph (1) of
2 such subsection is amended by striking “appointed” and
3 inserting “selected”.

4 **SEC. 557. ESTABLISHMENT OF CONSORTIUM FOR CUR-**
5 **RICULA IN MILITARY EDUCATION.**

6 (a) ESTABLISHMENT.—Not later than one year after
7 the date of the enactment of this Act, the Secretary of
8 Defense, in coordination with the Chairman of the Joint
9 Chiefs of Staff, and in coordination with the Under Sec-
10 retary of Defense for Personnel and Readiness, shall es-
11 tablish a consortium of the institutions of military edu-
12 cation and covered entities.

13 (b) ACTIVITIES.—The duties of the consortium shall
14 be to conduct research and develop common, research-
15 based curricula for the institutions of military education
16 in order to improve military education for students of the
17 consortium members.

18 (c) CURRICULA.—

19 (1) IN GENERAL.—Curricula developed by the
20 consortium shall—

21 (A) be more responsive to new opportuni-
22 ties and challenges in an era of great power
23 competition, and in which security requires
24 knowledge of economics, new technologies (in-

cluding artificial intelligence), supply chains,
and adversarial governments;

(B) creatively apply military power to inform national strategy, conduct globally integrated operations, and fight under conditions of disruptive change; and

(C) include non-military topics, such as diplomacy, economics, information, intelligence, and culture.

(2) APPLIED DESIGN FOR INNOVATION OF THE DEFENSE ANALYSIS DEPARTMENT AT THE NAVAL POSTGRADUATE SCHOOL.—The Secretary may make permanent the curriculum of the Applied Design for Innovation of the Defense Analysis Department at the Naval Postgraduate School and use such curriculum as a model to be replicated at other institutions of military education.

(d) DIRECTOR.—The Director of the consortium shall be the President of National Defense University.

(e) MEETINGS.—The consortium shall meet at the call of the Director, in accordance with the following:

(1) The consortium and the Chiefs of the Armed Forces shall meet not less than once annually to establish or revise curricula.

1 (2) The consortium shall meet not less than
2 twice annually to establish a plan of action and mile-
3 stones to prepare curricula.

4 (f) REPORTS.—

5 (1) INTERIM REPORT.—Not later than 180
6 days after the date of the enactment of this Act, the
7 Secretary shall submit to the Committees on Armed
8 Services of the Senate and House of Representative
9 an interim report on the organization, activities,
10 funding, actions and milestones of the consortium.

11 (2) ANNUAL REPORT.—Not later than Sep-
12 tember 30 of each year, beginning in 2024 and end-
13 ing in 2028, the Secretary shall submit to the Com-
14 mittees on Armed Services of the Senate and House
15 of Representative a report describing the activities,
16 funding, curricula created, and research conducted
17 by the consortium during the preceding year.

18 (g) TERMINATION.—The consortium shall terminate
19 on September 30, 2028.

20 (h) DEFINITIONS.—In this section:

21 (1) The term “institutions of military edu-
22 cation” means—

23 (A) the professional military education
24 schools;

25 (B) the senior level service schools;

1 (C) the intermediate level service schools;

2 (D) the joint intermediate level service
3 school;

4 (E) the Naval Postgraduate School; and

5 (F) the military service academies.

6 (2) The term “covered entity” means—

7 (A) an institution of higher education that
8 the Secretary determines has an established
9 program of education regarding national secu-
10 rity or technology relevant to the Department
11 of Defense; or

12 (B) an entity that the Secretary deter-
13 mines conducts research in policy relevant to
14 the Department of Defense.

15 (3) The term “institution of higher education”
16 has the meaning given that term in section 101 of
17 the Higher Education Act of 1965 (Public Law 89–
18 329; 20 U.S.C. 1001).

19 (4) The terms “intermediate level service
20 school”, “joint intermediate level service school”,
21 and “senior level service school” have the meaning
22 given such terms in section 2151 of title 10, United
23 States Code.

24 (5) The term “military service academy” means
25 the following:

1 (A) The United States Military Academy.

2 (B) The United States Naval Academy.

3 (C) The United States Air Force Academy.

4 (6) The term “professional military education
5 schools” means the schools specified in section 2162
6 of title 10, United States Code.

7 **SEC. 558. ESTABLISHMENT OF CONSORTIUM OF INSTITU-**
8 **TIONS OF MILITARY EDUCATION FOR CYBER-**
9 **SECURITY MATTERS.**

10 (a) ESTABLISHMENT.—Not later than one year after
11 the date of the enactment of this Act, the Secretary of
12 Defense, in coordination with the Chairman of the Joint
13 Chiefs of Staff and the Under Secretary of Defense for
14 Personnel and Readiness, shall establish a consortium of
15 the institutions of military education and covered entities.

16 (b) FUNCTIONS.—The functions of the consortium
17 include the following:

18 (1) To provide a forum for members of the con-
19 sortium to share information regarding matters of
20 education on cybersecurity, including—

21 (A) education of cyber mission forces;

22 (B) lessons learned;

23 (C) the intersection of cybersecurity across
24 all warfighting domains; and

1 (D) other matters of cybersecurity related
2 to national security.

3 (2) To develop a cybersecurity research agenda
4 to—

5 (A) identify gaps in cybersecurity of the
6 Department of Defense; and

7 (B) study offensive threats, defensive
8 threats, and active deterrence in the cyber do-
9 main.

10 (3) To provide the Secretary, the consortium
11 members, and other entities determined appropriate
12 by the Secretary, access to the expertise of the mem-
13 bers of the consortium on matters relating to cyber-
14 security.

15 (4) To align the efforts of the members of the
16 consortium to support cybersecurity of the Depart-
17 ment of Defense.

18 (c) DIRECTOR.—The Director of the consortium shall
19 be the President of National Defense University. The Di-
20 rector shall consult and coordinate with representatives of
21 the institutions of military education and covered entities.

22 (d) MEETINGS.—The consortium shall meet at the
23 call of the Director, including—

24 (1) not less than once annually with the Chiefs
25 of the Armed Forces; and

1 (2) not less than once annually to conduct cyber
2 space war games wherein members of the consor-
3 tium compete.

4 (e) COORDINATION WITH OTHER ENTITIES.—The
5 Consortium shall, to the maximum extent practicable, co-
6 ordinate on matters of mutual interest and align its efforts
7 with the consortium established under section 1659 of the
8 National Defense Authorization Act for Fiscal Year 2020
9 (Public Law 116–92; 10 U.S.C. 391 note).

10 (f) REPORTS.—

11 (1) INTERIM REPORT.—Not later than 180
12 days after the date of the enactment of this Act, the
13 Secretary shall submit to the Committees on Armed
14 Services of the Senate and House of Representative
15 an interim report on the organization, activities,
16 funding, actions and milestones of the consortium.

17 (2) ANNUAL REPORT.—Not later than Sep-
18 tember 30 of each year, beginning in 2024 and end-
19 ing in 2028, the Secretary shall submit to the Com-
20 mittees on Armed Services of the Senate and House
21 of Representative a report describing the activities,
22 funding, research conducted by the consortium, and
23 other matters determined by the Secretary, during
24 the preceding year.

1 (g) TERMINATION.—The consortium shall terminate
2 on September 30, 2028.

3 (h) DEFINITIONS.—In this section:

4 (1) The term “institutions of military edu-
5 cation” means—

6 (A) the professional military education
7 schools;

8 (B) the senior level service schools;

9 (C) the intermediate level service schools;

10 (D) the joint intermediate level service
11 school;

12 (E) the Naval Postgraduate School; and

13 (F) the military service academies.

14 (2) The term “covered entity” means—

15 (A) an institution of higher education that
16 the Secretary determines has an established
17 program of education regarding cybersecurity
18 or technology relevant to the Department of
19 Defense; or

20 (B) an entity that the Secretary deter-
21 mines conducts research in cybersecurity rel-
22 evant to the Department of Defense.

23 (3) The term “institution of higher education”
24 has the meaning given that term in section 101 of

1 the Higher Education Act of 1965 (Public Law 89–
2 329; 20 U.S.C. 1001).

3 (4) The terms “intermediate level service
4 school”, “joint intermediate level service school”,
5 and “senior level service school” have the meaning
6 given such terms in section 2151 of title 10, United
7 States Code.

8 (5) The term “military service academy” means
9 the following:

10 (A) The United States Military Academy.

11 (B) The United States Naval Academy.

12 (C) The United States Air Force Academy.

13 (6) The term “professional military education
14 schools” means the schools specified in section 2162
15 of title 10, United States Code.

16 **SEC. 559. COMMISSION ON PROFESSIONAL MILITARY EDU-**
17 **CATION.**

18 (a) ESTABLISHMENT.—There is established a com-
19 mission to examine the purpose, implementation, out-
20 comes, and relevance of professional military education
21 programs operated by the Department of Defense. The
22 commission shall be known as the “Commission on Profes-
23 sional Military Education” (referred to in this section as
24 the “Commission”).

25 (b) MEMBERSHIP.—

1 (1) COMPOSITION.—The Commission shall be
2 composed of the following members:

3 (A) Two members appointed by the Chair-
4 man of the Committee on Armed Services of
5 the Senate, one of whom shall be a Senator and
6 one who may not be a Senator.

7 (B) Two members appointed by the Rank-
8 ing Minority Member of the Committee on
9 Armed Services of the Senate, one of whom
10 shall be a Senator and one who may not be a
11 Senator.

12 (C) Two members appointed by the Chair
13 of the Committee on Armed Services of the
14 House of Representatives, one of whom shall be
15 a Member of the House of Representatives and
16 one who may not be a Member of the House of
17 Representatives.

18 (D) Two members appointed by the Rank-
19 ing Minority Member of the Committee on
20 Armed Services of the House of Representa-
21 tives, one of whom shall be a Member of the
22 House of Representatives and one who may not
23 be a Member of the House of Representatives.

24 (2) CHAIR.—The Commission shall have one
25 Chair, selected by the members of the Commission.

1 (c) APPOINTMENT; INITIAL MEETING.—

2 (1) APPOINTMENT.—Members of the Commis-
3 sion shall be appointed not later than 60 days after
4 the date of the enactment of this Act.

5 (2) INITIAL MEETING; NOTICE.—The Commis-
6 sion shall hold its initial meeting on or before the
7 date that is 90 days after the date of the enactment
8 of this Act. In lieu of publication in the Federal
9 Register, the Commission shall post a notice of such
10 meeting on a publicly accessible website of the Com-
11 mission at least 15 days before such meeting.

12 (d) MEETINGS; NOTICE; QUORUM; VACANCIES.—

13 (1) IN GENERAL; NOTICE.—After its initial
14 meeting, the Commission shall meet—

15 (A) upon the call of the Chair of the Com-
16 mission; and

17 (B) not fewer than 15 days after posting
18 a notice of such meeting on a publicly accessible
19 website of the Commission, in lieu of publica-
20 tion in the Federal Register.

21 (2) QUORUM.—Five members of the Commis-
22 sion shall constitute a quorum for purposes of con-
23 ducting business, except that two members of the
24 Commission shall constitute a quorum for purposes
25 of receiving testimony.

1 (3) VACANCIES.—Members shall be appointed
2 for the life of the Commission. Any vacancy in the
3 Commission shall not affect its powers, but shall be
4 filled in the same manner as the original appoint-
5 ment.

6 (4) QUORUM WITH VACANCIES.—If vacancies in
7 the Commission occur on any day after 60 days
8 after the date of the enactment of this Act, a
9 quorum shall consist of a majority of the members
10 of the Commission as of such day.

11 (e) ACTIONS OF COMMISSION.—

12 (1) IN GENERAL.—The Commission shall act by
13 resolution agreed to by a majority of the members
14 of the Commission voting and present.

15 (2) SUBCOMMITTEES.—The Commission may
16 establish subcommittees composed of less than the
17 full membership of the Commission for purposes of
18 carrying out the duties of the Commission under this
19 section. The actions of any such subcommittee shall
20 be subject to the review and control of the Commis-
21 sion. Any findings and determinations made by such
22 a subcommittee shall not be considered the findings
23 and determinations of the Commission unless ap-
24 proved by the Commission.

1 (3) DELEGATION.—Any member, agent, or staff
2 of the Commission may, if authorized by the Chair
3 of the Commission, take any action which the Com-
4 mission is authorized to take pursuant to this sec-
5 tion.

6 (f) DUTIES.—The duties of the Commission are as
7 follows:

8 (1) To—

9 (A) review the purpose and desired out-
10 comes, as indicated in Department of Defense
11 Instruction 1322.35, of professional military
12 education in support of the National Defense
13 Strategy; and

14 (B) evaluate whether the Armed Forces
15 are achieving such purpose and outcomes.

16 (2) To review and evaluate the means by which
17 faculty assigned to teach professional military edu-
18 cation are selected, managed, promoted, evaluated,
19 and afforded academic freedom, including—

20 (A) members serving on active duty;

21 (B) civilian instructors who are military re-
22 tirees; and

23 (C) civilian instructors who are not mili-
24 tary retirees.

25 (3) To—

1 (A) review how members are selected for
2 residential and non-residential professional mili-
3 tary education;

4 (B) evaluate whether students are ade-
5 quately prepared for professional military edu-
6 cation programs; and

7 (C) whether additional entrance require-
8 ments, such as a writing assessment and aca-
9 demic prerequisites, should be established.

10 (4) To—

11 (A) review and assess how the performance
12 of professional military education students is
13 evaluated during the academic year;

14 (B) how such performance is reflected in
15 the service records of such students; and

16 (C) consider whether students assigned to
17 residential professional military education at
18 the war colleges should be objectively evaluated
19 by the faculty for potential at more senior
20 ranks.

21 (5) To review and evaluate whether and how
22 professional military education prepares graduates
23 for senior-level operational and strategic assign-
24 ments.

1 (6) To review and evaluate whether and how
2 the Armed Forces consider and fully leverage profes-
3 sional military education in subsequent assignments.

4 (7) To consider whether professional military
5 education tracks focused on China, Russia, or other
6 key adversaries or topics of importance to the Na-
7 tional Defense Strategy would provide value for the
8 Armed Forces.

9 (8) With respect to professional military edu-
10 cation curriculum, to review and evaluate—

11 (A) relevance to the National Defense
12 Strategy and current and future defense needs,
13 including topics covered and modalities of in-
14 struction, such as interactive seminars,
15 wargaming, and other simulations; and

16 (B) the process for developing and modi-
17 fying the curriculum.

18 (9) To evaluate whether the Armed Forces have
19 established a system of accountability to ensure that
20 professional military education meets the defense
21 needs of the United States at a reasonable cost.

22 (10) To review and evaluate the appropriate-
23 ness of the service commitments imposed by the
24 Armed Forces for members selected for professional
25 military education.

1 (g) POWERS OF COMMISSION.—

2 (1) IN GENERAL.—The Commission or, on the
3 authorization of the Commission, any subcommittee
4 or member thereof, may, for the purpose of carrying
5 out the provisions of this section hold such hearings
6 and sit and act at such times and places, take such
7 testimony, receive such evidence, and administer
8 such oaths.

9 (2) CONTRACTING.—The Commission may, to
10 such extent and in such amounts as are provided in
11 advance in appropriation Acts, enter into contracts
12 to enable the Commission to discharge its duties
13 under this section.

14 (3) INFORMATION FROM FEDERAL AGENCIES.—

15 (A) IN GENERAL.—The Commission may
16 secure directly from any executive department,
17 agency, bureau, board, commission, office, inde-
18 pendent establishment, or instrumentality of the
19 Government information, suggestions, esti-
20 mates, and statistics for the purposes of this
21 section.

22 (B) COMPLIANCE.—Except for the intel-
23 ligence community (as such term is defined in
24 section 3 of the National Security Act of 1947
25 (Chapter 343; 61 Stat. 496; 50 U.S.C. 3003)),

1 each such department, agency, bureau, board,
2 commission, office, establishment, or instrumen-
3 tality shall, to the extent authorized by law, fur-
4 nish such information, suggestions, estimates,
5 and statistics directly to the Commission, upon
6 request of the Chair of the Commission.

7 (C) CLASSIFIED INFORMATION.—The
8 Commission shall handle and protect all classi-
9 fied information provided to it under this sec-
10 tion in accordance with applicable statutes and
11 regulations.

12 (4) ASSISTANCE FROM DEPARTMENT OF DE-
13 FENSE.—The Secretary of Defense shall provide to
14 the Commission, on a nonreimbursable basis, such
15 administrative services, funds, staff, facilities, and
16 other support services as are necessary for the per-
17 formance of the Commission’s duties under this sec-
18 tion.

19 (5) POSTAL SERVICES.—The Commission may
20 use the United States postal services in the same
21 manner and under the same conditions as the de-
22 partments and agencies of the United States.

23 (6) GIFTS.—No member or staff of the Com-
24 mission may receive a gift or benefit by reason of

1 the service of such member or staff to the Commis-
2 sion.

3 (h) STAFF OF COMMISSION.—

4 (1) DIRECTOR.—The Chair of the Commission,
5 in accordance with rules agreed upon by the Com-
6 mission, shall appoint and fix the compensation of a
7 staff director and such other personnel as may be
8 necessary to enable the Commission to carry out its
9 duties, without regard to the provisions of title 5,
10 United States Code, governing appointments in the
11 competitive service, and without regard to the provi-
12 sions of chapter 51 and subchapter III of chapter 53
13 of such title relating to classification and General
14 Schedule pay rates, except that no rate of pay fixed
15 under this subsection may exceed the equivalent of
16 that payable to a person occupying a position at
17 level V of the Executive Schedule under section 5316
18 of such title.

19 (2) DETAILEES.—Any Federal Government em-
20 ployee may be detailed to the Commission without
21 reimbursement from the Commission, and such
22 detailee shall retain the rights, status, and privileges
23 of his or her regular employment without interrup-
24 tion.

1 (3) CONSULTANT SERVICES.—The Commission
2 may procure the services of experts and consultants
3 in accordance with section 3109 of title 5, United
4 States Code, but at rates not to exceed the daily rate
5 paid a person occupying a position at level IV of the
6 Executive Schedule under section 5315 of such title.

7 (i) COMPENSATION AND TRAVEL EXPENSES.—

8 (1) COMPENSATION.—

9 (A) IN GENERAL.—Except as provided in
10 paragraph (2), each member of the Commission
11 may be compensated at not to exceed the daily
12 equivalent of the annual rate of basic pay in ef-
13 fect for a position at level IV of the Executive
14 Schedule under section 5315 of title 5, United
15 States Code, for each day during which that
16 member is engaged in the actual performance of
17 the duties of the Commission under this sec-
18 tion.

19 (B) FEDERAL OFFICERS OR EMPLOY-
20 EES.—Members of the Commission who are of-
21 ficers or employees of the United States or
22 Members of Congress shall receive no additional
23 pay by reason of their service on the Commis-
24 sion.

1 (2) TRAVEL EXPENSES.—While away from
2 their homes or regular places of business in the per-
3 formance of services for the Commission, members
4 of the Commission may be allowed travel expenses,
5 including per diem in lieu of subsistence, in the
6 same manner as persons employed intermittently in
7 the Government service are allowed expenses under
8 section 5703 of title 5, United States Code.

9 (j) FINAL REPORT; TERMINATION.—

10 (1) FINAL REPORT.—Not later than 18 months
11 after the date of the enactment of this Act, the
12 Commission shall submit to the congressional de-
13 fense committees and the Secretary of Defense an
14 unclassified report (that may include a classified
15 annex) containing the findings and recommendations
16 of the Commission.

17 (2) TERMINATION.—

18 (A) IN GENERAL.—The Commission, and
19 all the authorities of this section, shall termi-
20 nate at the end of the 120-day period beginning
21 on the date on which the final report under
22 paragraph (1) is submitted to the congressional
23 defense committees.

24 (B) WINDING DOWN.—The Commission
25 may use the 120-day period referred to in sub-

1 paragraph (A) for the purposes of concluding
2 its activities, including providing testimony to
3 Congress concerning the final report referred to
4 in that subparagraph and disseminating the re-
5 port.

6 **SEC. 559A. INCREASE IN THE NUMBER OF INDIVIDUALS**
7 **FROM THE DISTRICT OF COLUMBIA WHO MAY**
8 **BE APPOINTED TO MILITARY SERVICE ACAD-**
9 **EMIES.**

10 (a) UNITED STATES MILITARY ACADEMY.—Section
11 7442 of title 10, United States Code, is amended—

12 (1) in subsection (a)(5), by striking “Five” and
13 inserting “Fifteen”; and

14 (2) in subsection (b)(5), by striking “para-
15 graphs (3) and (4)” and inserting “paragraphs (3),
16 (4), and (5)”.

17 (b) UNITED STATES NAVAL ACADEMY.—Section
18 8454 of title 10, United States Code, is amended—

19 (1) in subsection (a)(5), by striking “Five” and
20 inserting “Fifteen”; and

21 (2) in subsection (b)(5), by striking “para-
22 graphs (3) and (4)” and inserting “paragraphs (3),
23 (4), and (5)”.

24 (c) UNITED STATES AIR FORCE ACADEMY.—Section
25 9442 of title 10, United States Code, is amended—

1 (1) in subsection (a)(5), by striking “Five” and
2 inserting “Fifteen”; and

3 (2) in subsection (b)(5), by striking “para-
4 graphs (3) and (4)” and inserting “paragraphs (3),
5 (4), and (5)”.

6 **SEC. 559B. MODIFICATION OF ANNUAL REPORT ON DEMO-**
7 **GRAPHICS OF MILITARY SERVICE ACADEMY**
8 **APPLICANTS.**

9 Subsection (c)(2) of section 575 of the William M.
10 (Mac) Thornberry National Defense Authorization Act for
11 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 7442
12 note) is amended by adding at the end the following new
13 subparagraph:

14 “(C) Any significant disparity in gender,
15 race, ethnicity, or other demographic category
16 described in subsection (b), and any suspected
17 cause of such disparity within the application or
18 nominating process.”.

19 **SEC. 559C. REPORT ON TREATMENT OF CHINA IN CUR-**
20 **RICULA OF PROFESSIONAL MILITARY EDU-**
21 **CATION.**

22 (a) IN GENERAL.—Not later than December 1, 2022,
23 the Secretary of Defense shall submit to the Committees
24 on Armed Services of the Senate and House of Represent-
25 atives a report regarding the treatment of China in the

1 curricula of institutions of military education, including
2 changes to such treatment implemented in the five years
3 preceding the date of such report.

4 (b) DEFINITIONS.—In this section:

5 (1) The term “institutions of military edu-
6 cation” means—

7 (A) the professional military education
8 schools;

9 (B) the senior level service schools;

10 (C) the intermediate level service schools;

11 (D) the joint intermediate level service
12 school; and

13 (E) the Naval Postgraduate School.

14 (2) The terms “intermediate level service
15 school”, “joint intermediate level service school”,
16 and “senior level service school” have the meaning
17 given such terms in section 2151 of title 10, United
18 States Code.

19 (3) The term “professional military education
20 schools” means the schools specified in section 2162
21 of title 10, United States Code.

22 **SEC. 559D. SPEECH DISORDERS OF CADETS AND MID-**
23 **SHIPMEN.**

24 (a) TESTING.—The Superintendent of a military
25 service academy shall provide testing for speech disorders

1 to incoming cadets or midshipmen under the jurisdiction
2 of that Superintendent.

3 (b) NO EFFECT ON ADMISSION.—The testing under
4 subsection (a) may not have any affect on admission to
5 a military service academy.

6 (c) RESULTS.—The Superintendent shall provide
7 each cadet or midshipman under the jurisdiction of that
8 Superintendent the result of the testing under subsection
9 (a) and a list of warfare unrestricted line officer positions
10 and occupation specialists that require successful perform-
11 ance on the speech test.

12 (d) THERAPY.—The Superintendent shall furnish
13 speech therapy to a cadet or midshipman under the juris-
14 diction of that Superintendent at the election of the cadet
15 or midshipman.

16 (e) RETAKING.—A cadet or midshipman whose test-
17 ing indicate a speech disorder or impediment may elect
18 to retake the testing once each academic year while en-
19 rolled at the military service academy.

20 **SEC. 559E. AMENDMENTS TO PATHWAYS FOR COUNSELING**
21 **IN THE TRANSITION ASSISTANCE PROGRAM.**

22 Section 1142(c)(1) of title 10, United States Code,
23 is amended—

1 (1) in subparagraph (E), by striking “Dis-
2 ability” and inserting “Potential or confirmed dis-
3 ability”;

4 (2) in subparagraph (F), by striking “Char-
5 acter” and inserting “Potential or confirmed char-
6 acter”;

7 (3) by redesignating subparagraph (M) as sub-
8 paragraph (R); and

9 (4) by inserting after subparagraph (L) the fol-
10 lowing:

11 “(M) Child care requirements of the member
12 (including whether a dependent of the member is en-
13 rolled in the Exceptional Family Member Program).

14 “(N) The employment status of other adults in
15 the household of the member.

16 “(O) The location of the duty station of the
17 member (including whether the member was sepa-
18 rated from family while on duty).

19 “(P) The effects of operating tempo and per-
20 sonnel tempo on the member and the household of
21 the member.

22 “(Q) Whether the member is an Indian or
23 urban Indian, as those terms are defined in section
24 4 of the Indian Health Care Improvement Act (Pub-
25 lic Law 94–437; 25 U.S.C. 1603).”.

1 **Subtitle G—Member Training and**
2 **Transition**

3 **SEC. 561. INFORMATION REGARDING APPRENTICESHIPS**
4 **FOR MEMBERS DURING INITIAL ENTRY**
5 **TRAINING.**

6 (a) REQUIREMENT.—Chapter 31 of title 10, United
7 States Code, is amended by inserting after section 510 the
8 following new section:

9 **“§ 510a. Provision of information regarding appren-**
10 **ticeships during initial entry training**

11 “(a) IN GENERAL.—The Secretary concerned shall
12 provide to a member, during initial entry training, infor-
13 mation regarding registered apprenticeship programs re-
14 lated to the military occupational specialty or career field
15 of such member.

16 “(b) REGISTERED APPRENTICESHIP PROGRAM DE-
17 FINED.—In this section, the term ‘registered apprentice-
18 ship program’ means an apprenticeship program reg-
19 istered under the Act of August 16, 1937 (commonly
20 known as the ‘National Apprenticeship Act’; 50 Stat. 664,
21 chapter 663; 29 U.S.C. 50 et seq.).”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by inserting,
24 after the item relating to section 510, the following new
25 item:

“510a. Provision of information regarding apprenticeships during initial entry training.”.

1 **SEC. 562. EXTREMIST ACTIVITY BY A MEMBER OF THE**
 2 **ARMED FORCES: NOTATION IN SERVICE**
 3 **RECORD; TAP COUNSELING.**

4 (a) TAP COUNSELING.—Subsection (b) of section
 5 1142 of title 10, United States Code, is amended by add-
 6 ing at the end the following new paragraph (20):

7 “(20) In the case of a member who has violated
 8 Department of Defense Instruction 1325.06 (or suc-
 9 cessor document), relating to extremist activity, in-
 10 person counseling, developed by the Secretary of De-
 11 fense in consultation with the Secretary of Home-
 12 land Security, that includes—

13 “(A) information regarding why extremist
 14 activity is inconsistent with service in the armed
 15 forces and with national security;

16 “(B) information regarding the dangers
 17 associated with involvement with an extremist
 18 group; and

19 “(C) methods for the member to recognize
 20 and avoid information that may promote ex-
 21 tremist activity.”.

22 (b) SERVICE RECORD.—In the case of a member de-
 23 scribed in paragraph (20) of such subsection, as added
 24 by subsection (a) of this section, the Secretary concerned

1 shall ensure that the commanding officer of such member
2 notes such violation in the service record of such member.

3 (c) IMPLEMENTATION DATE.—The Secretary of De-
4 fense shall complete development of counseling under such
5 paragraph not later than the day that is one year after
6 the date of the enactment of this Act. The Secretary con-
7 cerned shall ensure that such counseling is carried out on
8 and after such day.

9 **SEC. 563. CODIFICATION OF SKILLBRIDGE PROGRAM.**

10 (a) IN GENERAL.—Section 1143(e) of title 10,
11 United States Code, is amended—

12 (1) in the heading, by adding “; SKILLBRIDGE”
13 after “TRAINING”; and

14 (2) in paragraph (1), by adding at the end
15 “Such a program shall be known as ‘Skillbridge’.”.

16 (b) REGULATIONS.—To carry out Skillbridge, the
17 Secretary of Defense shall, not later than September 30,
18 2023—

19 (1) update Department of Defense Instruction
20 1322.29, titled “Job Training, Employment Skills
21 Training, Apprenticeships, and Internships (JTEST-
22 AI) for Eligible Service Members”; and

23 (2) develop a funding plan for Skillbridge that
24 includes funding lines across the future-years de-

1 fense program under section 221 of title 10, United
2 States Code.

3 **SEC. 564. TRAINING ON DIGITAL CITIZENSHIP AND MEDIA**
4 **LITERACY IN ANNUAL CYBER AWARENESS**
5 **TRAINING FOR CERTAIN MEMBERS.**

6 (a) IN GENERAL.—The annual cyber awareness
7 training provided to members of the covered Armed
8 Forces shall include a digital literacy module regarding
9 digital citizenship, media literacy, and protection against
10 cyber threats (such as influenced or digitally altered infor-
11 mation).

12 (b) DEFINITIONS.—In this section:

13 (1) The term “covered Armed Force” means
14 the following:

15 (A) The Army.

16 (B) The Navy.

17 (C) The Marine Corps.

18 (D) The Air Force.

19 (E) The Space Force.

20 (2) The term “digital citizenship” means the
21 ability to safely, responsibly, and ethically use com-
22 munication technologies and digital information
23 technology tools and platforms; create and share
24 media content using principles of social and civic re-
25 sponsibility and with awareness of the legal and eth-

1 ical issues involved; and participate in the political,
2 economic, social, and cultural aspects of life related
3 to technology, communications, and the digital world
4 by consuming and creating digital content, including
5 media.

6 (3) The term “media literacy” means the ability
7 to access relevant and accurate information through
8 media in a variety of forms; critically analyze media
9 content and the influences of different forms of
10 media; evaluate the comprehensiveness, relevance,
11 credibility, authority, and accuracy of information;
12 make educated decisions based on information ob-
13 tained from media and digital sources; operate var-
14 ious forms of technology and digital tools; and re-
15 flect on how the use of media and technology may
16 affect private and public life.

17 **SEC. 565. PILOT GRANT PROGRAM TO SUPPLEMENT THE**
18 **TRANSITION ASSISTANCE PROGRAM OF THE**
19 **DEPARTMENT OF DEFENSE.**

20 (a) ESTABLISHMENT.—The Secretary of Defense, in
21 consultation with the Secretary of Veterans Affairs, shall
22 carry out a pilot grant program under which the Secretary
23 of Defense provides enhanced support and funding to eligi-
24 ble entities to supplement TAP to provide job opportuni-
25 ties for industry recognized certifications, job placement

1 assistance, and related employment services directly to
2 covered individuals.

3 (b) SERVICES.—Under the pilot grant program, the
4 Secretary of Defense shall provide grants to eligible enti-
5 ties to provide to covered individuals the following services:

6 (1) Using an industry-validated screening tool,
7 assessments of prior education, work history, and
8 employment aspirations of covered individuals, to
9 tailor appropriate and employment services.

10 (2) Preparation for civilian employment
11 through services like mock interviews and salary ne-
12 gotiations, training on professional networking plat-
13 forms, and company research.

14 (3) Several industry-specific learning path-
15 ways—

16 (A) with entry-level, mid-level and senior
17 versions;

18 (B) in fields such as project management,
19 cybersecurity, and information technology;

20 (C) in which each covered individual works
21 with an academic advisor to choose a career
22 pathway and navigate coursework during the
23 training process; and

1 (D) in which each covered individual can
2 earn industry-recognized credentials and certifi-
3 cations, at no charge to the covered individual.

4 (4) Job placement services.

5 (c) PROGRAM ORGANIZATION AND IMPLEMENTATION
6 MODEL.—The pilot grant program shall follow existing
7 economic opportunity program models that combine indus-
8 try-recognized certification training, furnished by profes-
9 sionals, with online learning staff.

10 (d) CONSULTATION.—In carrying out the program,
11 the Secretary of Defense shall seek to consult with private
12 entities to assess the best economic opportunity program
13 models, including existing economic opportunity models
14 furnished through public-private partnerships.

15 (e) ELIGIBILITY.—To be eligible to receive a grant
16 under the pilot grant program, an entity shall—

17 (1) follow a job training and placement model;

18 (2) have rigorous program evaluation practices;

19 (3) have established partnerships with entities

20 (such as employers, governmental agencies, and non-

21 profit entities) to provide services described in sub-

22 section (b);

23 (4) have online training capability to reach

24 rural veterans, reduce costs, and comply with new

25 conditions forced by COVID-19; and

1 (5) have a well-developed practice of program
2 measurement and evaluation that evinces program
3 performance and efficiency, with data that is high
4 quality and shareable with partner entities.

5 (f) COORDINATION WITH FEDERAL ENTITIES.—A
6 grantee shall coordinate with Federal entities, including—

7 (1) the Office of Transition and Economic De-
8 velopment of the Department of Veterans Affairs;
9 and

10 (2) the Office of Veteran Employment and
11 Transition Services of the Department of Labor.

12 (g) METRICS AND EVALUATION.—Performance out-
13 comes shall be verifiable using a third-party auditing
14 method and include the following:

15 (1) The number of covered individuals who re-
16 ceive and complete skills training.

17 (2) The number of covered individuals who se-
18 cure employment.

19 (3) The retention rate for covered individuals
20 described in paragraph (2).

21 (4) Median salary of covered individuals de-
22 scribed in paragraph (2).

23 (h) SITE LOCATIONS.—The Secretary of Defense
24 shall select five military installations in the United States
25 where existing models are successful.

1 (i) ASSESSMENT OF POSSIBLE EXPANSION.—A
2 grantee shall assess the feasibility of expanding the cur-
3 rent offering of virtual training and career placement serv-
4 ices to members of the reserve components of the Armed
5 Forces and covered individuals outside the United States.

6 (j) DURATION.—The pilot grant program shall termi-
7 nate on September 30, 2025.

8 (k) REPORT.—Not later than 180 days after the ter-
9 mination of the pilot grant program, the Secretary of De-
10 fense shall submit to the congressional defense committees
11 a report that includes—

12 (1) a description of the pilot grant program, in-
13 cluding a description of specific activities carried out
14 under this section; and

15 (2) the metrics and evaluations used to assess
16 the effectiveness of the pilot grant program.

17 (l) DEFINITIONS.—In this section:

18 (1) The term “covered individual” means—

19 (A) a member of the Armed Forces partici-
20 pating in TAP; or

21 (B) a spouse of a member described in
22 subparagraph (A).

23 (2) The term “military installation” has the
24 meaning given such term in section 2801 of title 10,
25 United States Code.

1 (3) The term “TAP” means the transition as-
2 sistance program of the Department of Defense
3 under sections 1142 and 1144 of title 10, United
4 States Code.

5 **SEC. 566. FEMALE MEMBERS OF CERTAIN ARMED FORCES**
6 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
7 **MENT OF DEFENSE IN STEM.**

8 (a) STUDY ON MEMBERS AND CIVILIANS.—Not later
9 than September 30, 2023, the Secretary of Defense shall
10 submit to the Committees on Armed Services of the Sen-
11 ate and House of Representatives a report containing the
12 results of a study on how to increase participation of cov-
13 ered individuals in positions in the covered Armed Forces
14 or Department of Defense and related to STEM.

15 (b) STUDY ON SKILLBRIDGE.—Not later than Sep-
16 tember 30, 2023, the Secretary shall submit to such Com-
17 mittees a report containing the results of a study on how
18 to change Skillbridge to help covered individuals, eligible
19 for Skillbridge, find civilian employment in positions re-
20 lated to STEM.

21 (c) DEFINITIONS.—In this section:

22 (1) The term “covered Armed Force” means an
23 Armed Force under the jurisdiction of the Secretary
24 of a military department.

1 (2) The term “covered individual” means a fe-
2 male—

3 (A) member of a covered Armed Force; or

4 (B) civilian employee of the Department of
5 Defense.

6 (3) The term “Skillbridge” means an employ-
7 ment skills training program under section 1143(e)
8 of title 10, United States Code, as amended by sec-
9 tion 563 of this Act.

10 (4) The term “STEM” means science, tech-
11 nology, engineering, and mathematics.

12 **SEC. 567. SKILLBRIDGE: APPRENTICESHIP PROGRAMS.**

13 (a) STUDY.—Not later than September 30, 2023, the
14 Secretary of Defense, in consultation with the Secretary
15 of the Department in which the Coast Guard is operating,
16 shall conduct a study to identify the private entities par-
17 ticipating in Skillbridge that offer positions in registered
18 apprenticeship programs to covered members.

19 (b) RECRUITMENT.—The Secretary shall consult with
20 officials and employees of the Department of Labor who
21 have experience with registered apprenticeship programs
22 to facilitate the Secretary entering into agreements with
23 entities that offer positions described in subsection (a) in
24 areas where the Secretary determines few such positions
25 are available to covered members.

1 (c) DEFINITIONS.—In this section:

2 (1) The term “covered member” means a mem-
3 ber of the Armed Forces eligible for Skillbridge.

4 (2) The term “registered apprenticeship pro-
5 gram” means an apprenticeship program registered
6 under the Act of August 16, 1937 (commonly known
7 as the “National Apprenticeship Act”; 50 Stat. 664,
8 chapter 663; 29 U.S.C. 50 et seq.).

9 (3) The term “Skillbridge” means an employ-
10 ment skills training program under section 1143(e)
11 of title 10, United States Code, as amended by sec-
12 tion 563 of this Act.

13 **SEC. 568. TRAINING ON CONSEQUENCES OF COMMITTING A**
14 **CRIME IN PRESEPARATION COUNSELING OF**
15 **THE TRANSITION ASSISTANCE PROGRAM.**

16 (a) ESTABLISHMENT.—Subsection (b) of section
17 1142 of title 10, United States Code, is amended by add-
18 ing at the end the following new paragraph:

19 “(20) Training regarding the consequences to
20 such a member who is convicted of a crime, specifi-
21 cally regarding the loss of benefits from the Federal
22 Government to such member.”.

23 (b) IMPLEMENTATION DATE.—The Secretary con-
24 cerned shall carry out paragraph (20) of such subsection,

1 as added by subsection (a), not later than one year after
2 the date of the enactment of this Act.

3 (c) DEVELOPMENT.—The Secretary of Defense shall
4 develop the training under such paragraph.

5 (d) PROGRESS BRIEFING.—Not later than 180 days
6 of the enactment of this Act, the Secretary of Defense
7 shall provide a briefing to the Committees on Armed Serv-
8 ices of the Senate and House of Representatives regarding
9 progress of the Secretary in preparing the training under
10 such paragraph.

11 **SEC. 569. PARTICIPATION OF MEMBERS OF THE RESERVE**
12 **COMPONENTS OF THE ARMED FORCES IN**
13 **THE SKILLBRIDGE PROGRAM.**

14 Section 1143(e)(2) of title 10, United States Code,
15 is amended to read as follows:

16 “(2) A member of the armed forces is eligible
17 for a program under this subsection if—

18 “(A) the member—

19 “(i) has completed at least 180 days
20 on active duty in the armed forces; and

21 “(ii) is expected to be discharged or
22 released from active duty in the armed
23 forces within 180 days of the date of com-
24 mencement of participation in such a pro-
25 gram; or

1 “(B) the member is a member of a reserve
2 component.”.

3 **SEC. 569A. ANNUAL REPORT ON MEMBERS SEPARATING**
4 **FROM ACTIVE DUTY WHO FILE CLAIMS FOR**
5 **DISABILITY BENEFITS.**

6 (a) **REPORT REQUIRED.**—Not later than one year
7 after the date of the enactment of this Act, and not later
8 than each January 1 thereafter, the Secretary of Defense
9 and the Secretary of Veterans Affairs, shall jointly submit
10 to the appropriate congressional committees a report on
11 members of the Armed Forces who file claims for dis-
12 ability benefits.

13 (b) **ELEMENTS.**—The report under this section shall
14 include, for the period beginning on October 1, 2019,
15 through the month that ended most recently before the
16 date of the report, the number of members serving on ac-
17 tive duty, disaggregated by Armed Force, who filed a
18 claim for disability benefits—

19 (1) more than 180 days before the discharge or
20 release of such member from active duty;

21 (2) between 180 and 90 days before the dis-
22 charge or release of such member from active duty;

23 (3) fewer than 90 days before the discharge or
24 release of such member from active duty;

1 (4) before separation and was issued a decision
2 letter before the discharge or release of such member
3 from active duty;

4 (5) before separation and was issued a decision
5 letter after the discharge or release of such member
6 from active duty;

7 (6) completed a mental health evaluation before
8 the discharge or release of such member from active
9 duty; and

10 (7) did not complete a mental health evaluation
11 before the discharge or release of such member from
12 active duty.

13 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “appropriate congres-
15 sional committees” means the following:

16 (1) The Committees on Armed Services of the
17 Senate and House of Representatives.

18 (2) The Committees on Veterans’ Affairs of the
19 Senate and House of Representatives.

20 **SEC. 569B. OUTREACH TO MEMBERS REGARDING POSSIBLE**
21 **TOXIC EXPOSURE.**

22 (a) ESTABLISHMENT.—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary of
24 Defense, in consultation with the Secretary of Veterans
25 Affairs, shall establish—

1 (1) a new risk assessment for toxic exposure for
2 members of the Armed Forces assigned to work near
3 burn pits; and

4 (2) an outreach program to inform such mem-
5 bers regarding such toxic exposure. Such program
6 shall include information regarding benefits and sup-
7 port programs furnished by the Secretary (including
8 eligibility requirements and timelines) regarding
9 toxic exposure.

10 (b) PROMOTION.—The Secretary shall promote the
11 program to members described in subsection (a) by direct
12 mail, email, text messaging, and social media.

13 (c) PUBLICATION.—Not later than one year after the
14 date of the enactment of this Act, the Secretary shall pub-
15 lish on a website of the Department of Defense a list of
16 resources furnished by the Secretary for—

17 (1) members and veterans who experienced
18 toxic exposure in the course of serving as a member
19 of the Armed Forces;

20 (2) dependents and caregivers of such members
21 and veterans; and

22 (3) survivors of such members and veterans
23 who receive death benefits under laws administered
24 by the Secretary.

1 (d) TOXIC EXPOSURE DEFINED.—In this section, the
2 term “toxic exposure” has the meaning given such term
3 in section 631 of the Jeff Miller and Richard Blumenthal
4 Veterans Health Care and Benefits Improvement Act of
5 2016 (Public Law 114–315; 38 U.S.C. 1116 note).

6 **SEC. 569C. ACTIVITIES TO ASSIST THE TRANSITION OF**
7 **MEMBERS OF THE ARMED FORCES AND VET-**
8 **ERANS INTO CAREERS IN EDUCATION.**

9 (a) VETERANS-TO-CLASSROOMS PROGRAM.—

10 (1) MODIFICATION AND REDESIGNATION OF
11 PROGRAM.—Section 1154 of title 10, United States
12 Code, is amended—

13 (A) in the section heading, by striking:
14 **“employment as teachers: Troops-to-**
15 **Teachers Program”** and inserting **“em-**
16 **ployment in schools: Veterans-to-**
17 **Classrooms Program”**;

18 (B) in subsection (a)—

19 (i) by redesignating paragraphs (2)
20 through (8) as paragraphs (4) through
21 (10), respectively;

22 (ii) by inserting after paragraph (1)
23 the following new paragraphs:

24 “(2) SECRETARY.—The term ‘Secretary’ means
25 the Secretary of Defense.

1 “(3) COVERED POSITION.—

2 “(A) The term ‘covered position’ means a
3 full-time position in an eligible school as—

4 “(i) a teacher, including an elemen-
5 tary school teacher, a secondary school
6 teacher, and a career and technical edu-
7 cation teacher;

8 “(ii) a school leader;

9 “(iii) a school administrator;

10 “(iv) a nurse;

11 “(v) a principal;

12 “(vi) a counselor;

13 “(vii) a teaching aide;

14 “(viii) specialized instructional sup-
15 port personnel;

16 “(ix) a school resource officer; or

17 “(x) a contractor who performs the
18 functions of a position described in any of
19 clauses (i) through (viii).”;

20 (iii) by amending paragraph (4), as so
21 redesignated, to read as follows:

22 “(4) ELIGIBLE SCHOOL.—The term ‘eligible
23 school’ means—

24 “(A) a public elementary school, including
25 a public elementary charter school;

1 “(B) a public secondary school, including a
2 public secondary charter school; or

3 “(C) a Bureau-funded school as defined in
4 section 1141(3) of the Education Amendments
5 of 1978 (25 U.S.C. 2021(3)).”;

6 (iv) in paragraph (8), as so redesign-
7 nated, by striking “Troops-to-Teachers”
8 and inserting “Veterans-to-Classrooms”;

9 (v) by striking paragraph (9), as so
10 redesignated, and inserting the following
11 new paragraph (9):

12 “(9) SCHOOL RESOURCE OFFICER.—The term
13 ‘school resource officer’ has the meaning given that
14 term in section 1709(4) of the Omnibus Crime Con-
15 trol and Safe Streets Act of 1968 (34 U.S.C.
16 10389(4)).”; and

17 (vi) in paragraph (10), as so redesign-
18 nated, by striking “and ‘State’” and in-
19 serting “‘specialized instructional support
20 personnel’, and ‘State’”;

21 (C) in subsection (b)—

22 (i) in the matter preceding paragraph
23 (1), by striking “Secretary of Defense may
24 carry out a Troops-to-Teachers Program”
25 and inserting “The Secretary of Defense,

1 in consultation with the Secretary of Edu-
2 cation, may carry out a Veterans-to-Class-
3 rooms Program”;

4 (ii) in paragraph (1), by striking “be-
5 come a teacher” and inserting “obtain a
6 covered position”; and

7 (iii) by amending subparagraph (A) of
8 paragraph (2) to read as follows:

9 “(A) by local educational agencies or char-
10 ter schools in States with a shortage of individ-
11 uals to fill covered positions, as determined by
12 the Secretary of Education.”;

13 (D) in subsection (d)(4)(A)—

14 (i) in clause (i), by striking “or career
15 or technical subjects” and inserting “ca-
16 reer and technical education, or subjects
17 relating to a covered position”; and

18 (ii) in clause (ii), by inserting “in a
19 covered position or” after “seek employ-
20 ment”;

21 (E) in subsection (e)—

22 (i) in paragraph (1)(A)—

23 (I) in clause (i), by striking “be-
24 come a teacher” and inserting “obtain
25 a covered position”; and

1 (II) in clause (ii), by striking “as
2 an elementary school teacher” and all
3 that follows through the period at the
4 end and inserting “in a covered posi-
5 tion for not less than three school
6 years in an eligible school to begin the
7 school year after the member obtains
8 the professional credentials required
9 for the position involved”; and

10 (ii) in paragraph (2)(E), by striking
11 “as a teacher in an eligible elementary
12 school or secondary school or as a career
13 or technical teacher” and inserting “in a
14 covered position”; and

15 (iii) in paragraph (3)—

16 (I) in subparagraph (A)—

17 (aa) in the first sentence, by
18 striking “educational level, cer-
19 tification, or licensing” and in-
20 serting “educational level, certifi-
21 cation, licensing, or other profes-
22 sional credentials”; and

23 (bb) in the second sentence,
24 by striking “\$5,000” and insert-
25 ing “\$9,000 (except as adjusted

1 by the Secretary in accordance
2 with subparagraph (D))”;

3 (II) in subparagraph (B)—

4 (aa) in clause (i), by striking
5 “as an elementary school teacher,
6 secondary school teacher, or ca-
7 reer or technical teacher” and in-
8 serting “in a covered position”;
9 and

10 (bb) in clause (ii), by strik-
11 ing “may not exceed \$5,000, un-
12 less the eligible school is a high-
13 need school, in which case the
14 amount of the bonus may not ex-
15 ceed \$10,000” and inserting
16 “may not exceed \$9,000 (except
17 as adjusted by the Secretary in
18 accordance with subparagraph
19 (D)), unless the eligible school is
20 a high-need school, in which case
21 the amount of the bonus may not
22 exceed \$18,000 (except as so ad-
23 justed)”;

24 (III) in subparagraph (C)—

1 (aa) in clause (i), by striking
2 “5,000” and inserting “20,000”;

3 (bb) in clause (ii), by strik-
4 ing “3,000” and inserting
5 “5,000”; and

6 (cc) in clause (iv), by strik-
7 ing “\$10,000” and inserting
8 “\$18,000 (except as adjusted by
9 the Secretary in accordance with
10 subparagraph (D))”; and

11 (IV) by adding at the end the fol-
12 lowing:

13 “(D)(i) The Secretary may adjust the dollar
14 amounts set forth in subparagraphs (A), (B)(ii), and
15 (C)(iv) to reflect changes in the Consumer Price
16 Index over the applicable period.

17 “(ii) In this subparagraph, the term ‘applicable
18 period’ means—

19 “(I) with respect to an initial adjustment
20 under clause (i), the period that has elapsed
21 since the date of the enactment of the TEAMS
22 Act; or

23 “(II) with respect to any adjustment after
24 the initial adjustment, the period that has

1 elapsed since the date of the most recent ad-
2 justment under clause (i).”;

3 (F) in subsection (f)(1)—

4 (i) in subparagraph (A)—

5 (I) by striking “become a teach-
6 er” and inserting “obtain a covered
7 position”; and

8 (II) by striking “as an elemen-
9 tary school teacher, secondary school
10 teacher, or career or technical teach-
11 er” and insert “in a covered position”;
12 and

13 (ii) in subparagraph (B), by striking
14 “, employment as an elementary school
15 teacher, secondary school teacher, or ca-
16 reer or technical teacher” and inserting
17 “employment in a covered position”;

18 (G) in subsection (h)(2)(A), by striking
19 “as elementary school teachers, secondary
20 school teachers, and career or technical teach-
21 ers” and inserting “in covered positions”;

22 (H) by adding at the end the following new
23 subsections:

24 “(j) PARTNERSHIPS.—

1 “(1) IN GENERAL.—The Secretary may enter
2 into one or more partnerships with States, local edu-
3 cational agencies, or covered entities—

4 “(A) to help sustain and expand the reach
5 of the Veterans-to-Classrooms Program to pro-
6 mote careers in education among current and
7 future veterans under this section;

8 “(B) to provide information on the Pro-
9 gram in accordance with subsection (k)(2) in
10 widely available, user-friendly formats;

11 “(C) to help recruit more veterans, includ-
12 ing veterans who are retired law enforcement
13 officers, and service members who are within 6
14 months of transitioning out of the military into
15 new careers in education;

16 “(D) to promote careers in education
17 among current and future veterans by providing
18 veterans with information on other employment
19 transition programs, including—

20 “(i) the Veterans’ Employment &
21 Training Service and the National Vet-
22 erans’ Training Institute of the Depart-
23 ment of Labor;

1 “(ii) the transition assistance pro-
2 grams established under section 1144 of
3 this title;

4 “(iii) the SkillBridge and Career
5 Skills Programs of the Department of De-
6 fense;

7 “(iv) the AmeriCorps program carried
8 out under subtitle C of title I of the Na-
9 tional and Community Service Act of 1990
10 (42 U.S.C. 12571 et seq.); and

11 “(v) other transitional or educational
12 programs; and

13 “(E) to promote careers in education by
14 helping veterans learn about educational bene-
15 fits available to them, including Post-9/11 Edu-
16 cational Assistance, certification programs, and
17 applicable on-the-job training and apprentice-
18 ship programs, to help veterans get into an edu-
19 cational career field.

20 “(2) COVERED ENTITY DEFINED.—In this sub-
21 section, the term ‘covered entity’ means—

22 “(A) an entity qualifying as an exempt or-
23 ganization under section 501(c)(3) of the Inter-
24 nal Revenue Code of 1986; or

1 “(B) an veterans service organization rec-
2 ognized by the Secretary of Veterans Affairs for
3 the representation of veterans under section
4 5902 of title 38.

5 “(k) PROGRAM INFORMATION.—

6 “(1) INFORMATION FROM SECRETARY.—The
7 Secretary shall make available, on a publicly acces-
8 sible website of the Department of Defense, the in-
9 formation described in paragraph (3).

10 “(2) INFORMATION FROM COVERED ENTI-
11 TIES.—Each State, local educational agency, and
12 covered entity that enters into a partnership with
13 the Secretary under paragraph (1) shall make avail-
14 able, on a publicly accessible website, the informa-
15 tion described in paragraph (3).

16 “(3) INFORMATION DESCRIBED.—The informa-
17 tion described in this subparagraph is information
18 on the Veterans-to-Classrooms program authorized
19 under this section, including a description of the ap-
20 plication process for the program and the potential
21 benefits of participating in the program.

22 “(l) BIENNIAL REVIEW.—Not less frequently than
23 once every two years, the Secretary shall submit to Con-
24 gress a report on the Veterans-to-Classrooms Program. At
25 minimum, the report shall include a comparison of the

1 number of participants in the Program during the period
 2 covered by the report relative to the number of stipends
 3 authorized under the Program during such period.

4 “(m) PROCESS TO STREAMLINE APPLICATIONS.—
 5 Not later than one year after the date of the enactment
 6 of the TEAMS Act, the Secretary shall implement a proc-
 7 ess to simplify the submission of applications under sub-
 8 section (d)(2).”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
 10 tions at the beginning of chapter 58 of such title is
 11 amended by striking the item relating to section
 12 1154 and inserting the following new item:

“1154. Assistance to eligible members and former members to obtain employ-
 ment in schools: Veterans-to-Classrooms Program.”.

13 (3) EFFECTIVE DATE.—The amendments made
 14 by paragraphs (1) and (2) shall take effect on the
 15 date of the enactment of this Act.

16 (4) REFERENCES.—Beginning on the effective
 17 date specified in paragraph (3), any reference in
 18 Federal law (other than this Act), regulations, guid-
 19 ance, instructions, or other documents of the Fed-
 20 eral Government to the Troops-to-Teachers Program
 21 shall be deemed to be a reference to the Veterans-
 22 to-Classrooms Program.

23 (b) VETERANS EMPLOYABLE AS SCHOOL RESOURCE
 24 OFFICERS.—Section 1709(4) of the Omnibus Crime Con-

1 trol and Safe Streets Act of 1968 (34 U.S.C. 10389(4))
2 is amended by inserting after “a career law enforcement
3 officer, with sworn authority,” the following: “or a veteran
4 (as such term is defined in section 101(2) of title 38,
5 United States Code) who is hired by a State or local public
6 agency as a law enforcement officer for purposes of serv-
7 ing as a school resource officer, who is”.

8 (c) TASK FORCE ON EDUCATION CAREERS FOR VET-
9 ERANS.—

10 (1) TASK FORCE.—Not later than 120 days
11 after the date of the enactment of this Act, the
12 President shall convene a task force to identify
13 strategies that may be used to assist veterans in ob-
14 taining employment in the field of education.

15 (2) RESPONSIBILITIES.—The task force con-
16 vened under paragraph (1) shall—

17 (A) consult regularly with veterans service
18 organizations in performing the duties of the
19 task force; and

20 (B) coordinate administrative and regu-
21 latory activities and develop proposals to—

22 (i) identify State licensing and certifi-
23 cation requirements that are excessive and
24 unnecessarily burdensome for veterans

1 seeking to transition into careers in edu-
2 cation;

3 (ii) identify potential compensation
4 structures for educational employment that
5 include salary credit for prior military and
6 law enforcement experience;

7 (iii) recommend incentives to encour-
8 age educational employers to hire veterans;

9 (iv) assess the feasibility of estab-
10 lishing dedicated military veteran liaison
11 positions in school districts;

12 (v) examine how funds made available
13 for the Veterans-to-Classrooms Program
14 under section 1154 of title 10, United
15 States Code, may be used to conduct out-
16 reach, provide certification support, and
17 help States establish outreach centers for
18 veterans; and

19 (vi) explore how partnerships entered
20 by the Secretary under subsection (j) of
21 such section may be used to promote ca-
22 reers in education among veterans through
23 collaboration with relevant employment
24 transition programs, including the Transi-
25 tion Assistance Program, the SkillBridge

1 and Career Skills Programs of the Depart-
2 ment of Defense, and the AmeriCorps pro-
3 gram.

4 (3) MEMBERSHIP.—The task force shall consist
5 of—

6 (A) the Secretary of Defense, or the des-
7 ignee of the Secretary, who shall be the head of
8 the task force;

9 (B) the Secretary of Education, or the des-
10 ignee of the Secretary;

11 (C) the Attorney General, or the designee
12 of the Attorney General;

13 (D) the Secretary of Veterans Affairs, or
14 the designee of the Secretary;

15 (E) the Secretary of Labor, or the designee
16 of the Secretary;

17 (F) the Director of the Office of Manage-
18 ment and Budget, or the designee of the Direc-
19 tor;

20 (G) four representatives from a veterans
21 service organization, selected by the President;

22 (H) a representative of the Administrative
23 Conference of the United States; and

24 (I) representatives of State and local gov-
25 ernments selected by the President, which may

1 include representatives of State boards of edu-
2 cation and relevant State licensing agencies.

3 (4) REPORT.—

4 (A) IN GENERAL.—Not later than one year
5 after the date on which the task force is con-
6 vened under paragraph (1), the task force shall
7 submit to Congress a report that includes—

8 (i) a description of actions that may
9 be carried out by State and local govern-
10 ments to reduce barriers that interfere
11 with the ability of veterans to transition
12 into careers in education; and

13 (ii) recommendations for specific legis-
14 lative and regulatory actions that may be
15 carried out to reduce such barriers.

16 (B) PUBLIC AVAILABILITY.—The report
17 under subparagraph (A) shall be made available
18 on a publicly accessible website of the Depart-
19 ment of Defense.

20 (5) DEFINITION.—In this subsection, the term
21 “veterans service organization” means any organiza-
22 tion recognized by the Secretary of Veterans Affairs
23 for the representation of veterans under section
24 5902 of title 38, United States Code.

25 (d) FUNDING.—

1 (1) AUTHORIZATION.—Notwithstanding the
2 amounts set forth in the funding tables in division
3 D, there are authorized to be appropriated
4 \$240,000,000 to carry out the Veterans-to-Class-
5 rooms Program under section 1154 of title 10,
6 United States Code (as amended by subsection (a)).

7 (2) OFFSET.—Notwithstanding the amounts set
8 forth in the funding tables in division D, the amount
9 authorized to be appropriated in section 301 for Op-
10 eration and Maintenance, Defense-wide, Administra-
11 tion and Service-wide Activities, Line 500A, as spec-
12 ified in the corresponding funding table in section
13 4301, is hereby reduced by \$240,000,000.

14 **SEC. 569D. FUNDING FOR SKILLBRIDGE.**

15 (a) INCREASE.—Notwithstanding the amounts set
16 forth in the funding tables in division D, the amount au-
17 thorized to be appropriated in section 4301, line 440 for
18 Office of Secretary of Defense, as specified in the cor-
19 responding funding table in section 4301, is hereby in-
20 creased by \$5,000,000 for the Skillbridge program.

21 (b) OFFSET.—Notwithstanding the amounts set forth
22 in the funding tables in division D, the amount authorized
23 to be appropriated in section 301 for Operation and Main-
24 tenance, Defense-wide, for Washington Headquarters
25 Services, Line 500, as specified in the corresponding fund-

1 ing table in section 4301, is hereby reduced by
2 \$5,000,000.

3 **SEC. 569E. FUNDING FOR SKILLBRIDGE FOR LAW EN-**
4 **FORCEMENT TRAINING.**

5 (a) INCREASE.—Notwithstanding the amounts set
6 forth in the funding tables in division D, the amount au-
7 thorized to be appropriated in section 4301, line 440 for
8 Office of Secretary of Defense, as specified in the cor-
9 responding funding table in section 4301, is hereby in-
10 creased by \$5,000,000. Such additional amounts shall be
11 for the Skillbridge program under section 1143(e) of title
12 10, United States Code, to provide training to members
13 of the Armed Forces to become law enforcement officers.

14 (b) OFFSET.—Notwithstanding the amounts set forth
15 in the funding tables in division D, the amount authorized
16 to be appropriated in section 301 for Operation and Main-
17 tenance, Defense-wide, for Washington Headquarters
18 Services, Line 500, as specified in the corresponding fund-
19 ing table in section 4301, is hereby reduced by
20 \$5,000,000.

21 **SEC. 569F. NUMBERS OF CERTAIN NOMINATIONS FOR CA-**
22 **DETS AT THE UNITED STATES MILITARY**
23 **ACADEMY.**

24 Section 7442 of title 10, United States Code, is
25 amended—

1 (1) in subsection (a), in the matter following
2 paragraph (10), by striking “10” and inserting
3 “15”; and

4 (2) in subsection (b)(5), by striking “150” and
5 inserting “200”.

6 **SEC. 569G. PILOT TRANSITION ASSISTANCE PROGRAM FOR**
7 **MILITARY SPOUSES.**

8 (a) ESTABLISHMENT.—Not later than 180 days after
9 the date of the enactment of this Act, the Secretary of
10 Defense shall establish a pilot transition assistance pro-
11 gram for covered individuals (in this section referred to
12 as the “pilot program”).

13 (b) SERVICES.—The Secretary of Defense shall pro-
14 vide to a covered individual, who elects to participate in
15 the pilot program, services similar to those available under
16 TAP to members of the Armed Forces, including the fol-
17 lowing:

18 (1) Assessments of prior education, work his-
19 tory, and employment aspirations of covered individ-
20 uals, to tailor appropriate employment services.

21 (2) Preparation for employment through serv-
22 ices like mock interviews and salary negotiations,
23 training on professional networking platforms, and
24 company research.

25 (3) Job placement services.

1 (4) Services offering guidance on available
2 health care resources, mental health resources, and
3 financial assistance resources.

4 (5) Training in mental health first aid to learn
5 how to assist someone experiencing a mental health
6 or substance use-related crisis.

7 (c) LOCATIONS.—The Secretary shall carry out the
8 pilot program at 12 military installations located in the
9 United States.

10 (d) DURATION.—The pilot program shall terminate
11 five years after enactment.

12 (e) REPORT.—Not later than two years after the date
13 of the enactment of this Act, the Secretary shall submit
14 to the Committees on Armed Services of the and House
15 of Representatives a report that includes—

16 (1) a description of the pilot program, including
17 a description of specific activities carried out under
18 this section; and

19 (2) the metrics and evaluations used to assess
20 the effectiveness of the pilot program.

21 (f) DEFINITIONS.—In this section:

22 (1) The term “covered individual” means a
23 spouse of a member of the Armed Forces eligible for
24 TAP.

1 (2) The term “military installation” has the
2 meaning given such term in section 2801 of title 10,
3 United States Code.

4 (3) The term “TAP” means the Transition As-
5 sistance Program under sections 1142 and 1144 of
6 title 10, United States Code.

7 **SEC. 569H. GUIDELINES FOR ACTIVE DUTY MILITARY ON**
8 **POTENTIAL RISKS AND PREVENTION OF**
9 **TOXIC EXPOSURES.**

10 Not later than 90 days after the date of the enact-
11 ment of this Act, the Secretary of Defense and the Sec-
12 retary of Veterans Affairs, in consultation with the Sec-
13 retary of Health and Human Services and the Adminis-
14 trator of the Environmental Protection Agency, shall
15 jointly coordinate and establish guidelines to be used dur-
16 ing training of members of the Armed Forces serving on
17 active duty to provide the members awareness of the po-
18 tential risks of toxic exposures and ways to prevent being
19 exposed during combat.

20 **SEC. 569I. GAO REPORT ON USE OF TRANSITION PRO-**
21 **GRAMS BY MEMBERS OF SPECIAL OPER-**
22 **ATIONS FORCES.**

23 (a) STUDY.—The Comptroller General of the United
24 States shall review the use of DOD transition programs
25 by members assigned to special operations forces.

1 (b) BRIEFING.—Not later than one year after the
2 date of the enactment of this Act, the Comptroller General
3 shall provide to the Committees on Armed Services of the
4 Senate and House of Representatives a briefing on the
5 preliminary findings of such review.

6 (c) REPORT.—The Comptroller General shall submit
7 to the committees identified in paragraph (b) a report con-
8 taining the final results of such review on a date agreed
9 to at the time of the briefing. The GAO review shall in-
10 clude an examination of the following:

11 (1) The extent to which members assigned to
12 special operations forces participate in DOD transi-
13 tion programs.

14 (2) What unique challenges such members face
15 in make the transition to civilian life and the extent
16 to which existing DOD transition programs address
17 those challenges.

18 (3) The extent to which the Secretary directs
19 such members to transition resources provided by
20 non-governmental entities.

21 (d) DEFINITIONS.—In this section:

22 (1) The term “DOD transition programs”
23 means programs (including TAP and Skillbridge)
24 under laws administered by the Secretary of Defense

1 that help members of the Armed Forces make the
2 transition to civilian life.

3 (2) The term “Skillbridge” means an employ-
4 ment skills training program under section 1143(e)
5 of title 10, United States Code

6 (3) The term “special operations forces” means
7 the forces described in section 167(j) of title 10,
8 United States Code.

9 (4) The term “TAP” means the Transition As-
10 sistance Program under sections 1142 and 1144 of
11 title 10, United States Code.

12 **SEC. 569J. GAO REPORT ON SCREENINGS INCLUDED IN**
13 **THE HEALTH ASSESSMENT FOR MEMBERS**
14 **SEPARATING FROM THE ARMED FORCES.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Comptroller General of the United
17 States shall submit to the Committees on Armed Services
18 of the Senate and House of Representatives a report on
19 screenings included in the health assessment administered
20 to members separating from the the Armed Forces. Such
21 report shall include the following elements:

22 (1) A list of screenings are included in such as-
23 sessment.

24 (2) Whether such screenings—

25 (A) are uniform across the Armed Forces;

1 (B) include questions to assess if the mem-
2 ber is at risk for social isolation, homelessness,
3 or substance abuse; and

4 (C) include questions about community.

5 (3) How many such screenings result in referral
6 of a member to—

7 (A) community services;

8 (B) community services other than medical
9 services; and

10 (C) a veterans service organization.

11 (4) An assessment of the effectiveness of refer-
12 rals described in paragraph (3).

13 (5) How organizations, including veterans serv-
14 ice organizations, perform outreach to members in
15 underserved communities.

16 (6) The extent to which organizations described
17 in paragraph (5) perform such outreach.

18 (7) The effectiveness of outreach described in
19 paragraph (6).

20 (8) The annual amount of Federal funding for
21 services and organizations described in paragraphs
22 (3) and (5).

1 **SEC. 569K. DEPARTMENT OF DEFENSE REPORT ON THIRD-**
2 **PARTY JOB SEARCH TECHNOLOGY.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Secretary of Defense shall submit to Con-
5 gress a report on potential partnership opportunities with
6 companies that provide third-party job search software to
7 assist active duty service members and veterans up to two
8 years post-separation from the military find employment
9 following their active duty service. Such report shall in-
10 clude the potential use and effectiveness of any such part-
11 nerships.

12 **Subtitle H—Military Family Readi-**
13 **ness and Dependents’ Education**

14 **SEC. 571. CLARIFICATION AND EXPANSION OF AUTHORIZA-**
15 **TION OF SUPPORT FOR CHAPLAIN-LED PRO-**
16 **GRAMS FOR MEMBERS OF THE ARMED**
17 **FORCES.**

18 Section 1789 of title 10, United States Code, is
19 amended—

20 (1) in subsection (a)—

21 (A) by striking “chaplain-led programs”
22 and inserting “a chaplain-led program”;

23 (B) by striking “members of the armed
24 forces” and all that follows through “status and
25 their immediate family members,” and inserting
26 “a covered individual”; and

1 (C) by inserting “, or to support the resil-
2 iency, suicide prevention, or holistic wellness of
3 such covered individual” after “structure”;
4 (2) in subsection (b)—

5 (A) by striking “members of the armed
6 forces and their family members” and inserting
7 “a covered individual”;

8 (B) by striking “programs” and inserting
9 “a program”; and

10 (C) by striking “retreats and conferences”
11 and inserting “a retreat or conference”; and

12 (3) by striking subsection (c) and inserting the
13 following:

14 “(c) COVERED INDIVIDUAL DEFINED.—In this sec-
15 tion, the term ‘covered individual’ means—

16 “(1) a member of the armed forces on active
17 duty;

18 “(2) a member of the reserve components in an
19 active status; or

20 “(3) a dependent of an individual described in
21 subparagraph (A) or (B).”.

1 **SEC. 572. RIGHTS OF PARENTS OF CHILDREN ATTENDING**
2 **SCHOOLS OPERATED BY THE DEPARTMENT**
3 **OF DEFENSE EDUCATION ACTIVITY.**

4 (a) IN GENERAL.—Chapter 108 of title 10, United
5 States Code, is amended by inserting after section 2164
6 the following new section:

7 **“§ 2164a. Rights of parents of children attending**
8 **schools operated by the Department of**
9 **Defense Education Activity**

10 “(a) IN GENERAL.—The parent of a child who at-
11 tends a school operated by the Department of Defense
12 Education Activity has the following rights:

13 “(1) The right to review the curriculum of the
14 school.

15 “(2) The right to be informed if the school or
16 Department of Defense Education Activity alters the
17 school’s academic standards or learning benchmarks.

18 “(3) The right to meet with each teacher of
19 their child not less than twice during each school
20 year.

21 “(4) The right to review the budget, including
22 all revenues and expenditures, of the school.

23 “(5) The right to review all instructional mate-
24 rials and teacher professional development materials
25 used by the school.

1 “(6) The right to inspect a list of the books and
2 other reading materials contained in the library of
3 the school.

4 “(7) The right to address the school advisory
5 committee or the school board.

6 “(8) The right to information about the school’s
7 discipline policy and any violent activity in the
8 school.

9 “(9) The right to information about any plans
10 to eliminate gifted and talented programs or acceler-
11 ated coursework at the school.

12 “(10) The right to be informed of the results of
13 drinking water testing at school facilities.

14 “(b) DISCLOSURES AND NOTIFICATIONS.—Con-
15 sistent with the parental rights specified in subsection (a),
16 a school operated by the Department of Defense Edu-
17 cation Activity shall—

18 “(1) post on a publicly accessible website of the
19 school—

20 “(A) the curriculum for each course and
21 grade level;

22 “(B) the academic standards or other
23 learning benchmarks used by the school;

1 “(C) notice of any proposed revisions to
2 such standards or benchmarks and a copy of
3 any such revisions;

4 “(D) the budget for the school year, in-
5 cluding all revenues and expenditures (including
6 expenditures made for items and services pro-
7 vided by private entities); and

8 “(E) the results of drinking water testing
9 at school facilities;

10 “(2) provide the parents of a child attending
11 the school with—

12 “(A) the opportunity to meet in-person
13 with each teacher of their child not less fre-
14 quently than twice during each school year at a
15 time mutually agreed upon by both parties; and

16 “(B) notice of such opportunity at the be-
17 ginning of each school year;

18 “(3) make all instructional and educator profes-
19 sional development materials, including teachers’
20 manuals, films, tapes, books or other reading mate-
21 rials, or other supplementary materials used in any
22 survey, analysis, or evaluation, available for inspec-
23 tion by the parents of children attending the school;

24 “(4) at the beginning of each school year, pro-
25 vide parents a list of reading materials in the school

1 library, including a list of any reading materials that
2 were added to or removed from the list of materials
3 from the prior year;

4 “(5) notify parents in a timely manner of any
5 plans to eliminate gifted and talented programs or
6 accelerated coursework at the school;

7 “(6) except as provided in paragraph (7), notify
8 parents of any medical examinations or screenings
9 the school may administer to their child and receive
10 written consent from parents for any such examina-
11 tion or screening prior to conducting the examina-
12 tion or screening;

13 “(7) in the event of an emergency that requires
14 a medical examination or screening without time for
15 parental notification, promptly notify parents of
16 such examination or screening and, not later than
17 24 hours after the incident occurs, provide an expla-
18 nation of the emergency that prevented notification
19 prior to such examination or screening;

20 “(8) notify parents of any medical information
21 that will be collected on their child, receive written
22 parental consent prior to collecting such information,
23 and provide parents an opportunity to inspect such
24 information at the parent’s request; and

1 “(9) notify parents of any policy changes involv-
2 ing their reporting obligations under the Family Ad-
3 vocacy Program of the Department of Defense.

4 “(c) SCHOOL ADVISORY COMMITTEES AND
5 BOARDS.—Not less frequently than twice per year, a
6 school advisory committee or school board for a school op-
7 erated by the Department of Defense Education Activity
8 shall provide parents of children attending the school with
9 the opportunity to address the advisory committee or
10 school board on any matters relating to the school or the
11 educational services provided to their children.

12 “(d) DEFINITION.—In this section, the term ‘school
13 operated by the Department of Defense Education Activ-
14 ity’ means—

15 “(1) a Department of Defense domestic depend-
16 ent elementary or secondary school, as described in
17 section 2164 of this title; or

18 “(2) any elementary or secondary school or pro-
19 gram for dependents operated by the Department of
20 Defense Education Activity.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by inserting
23 after the item relating to section 2164 the following new
24 item:

 “2164a. Rights of parents of children attending schools operated by the Depart-
 ment of Defense Education Activity.”.

1 **SEC. 573. EXPANSION OF PILOT PROGRAM TO PROVIDE FI-**
2 **NANCIAL ASSISTANCE TO MEMBERS OF THE**
3 **ARMED FORCES FOR IN-HOME CHILD CARE.**

4 Section 589(b) of the William M. (Mac) Thornberry
5 National Defense Authorization Act for Fiscal Year 2021
6 (Public Law 116–283; 10 U.S.C. 1791 note) is amended
7 by striking “five locations” and inserting “six locations”.

8 **SEC. 574. EXTENSION OF PILOT PROGRAM TO EXPAND ELI-**
9 **GIBILITY FOR ENROLLMENT AT DOMESTIC**
10 **DEPENDENT ELEMENTARY AND SECONDARY**
11 **SCHOOLS.**

12 Section 589C(e) of the William M. (Mac) Thornberry
13 National Defense Authorization Act for Fiscal Year 2021
14 (Public Law 116–283; 10 U.S.C. 2164 note) is amended
15 by striking “four years” and inserting “eight years”.

16 **SEC. 575. ADVISORY PANEL ON COMMUNITY SUPPORT FOR**
17 **MILITARY FAMILIES WITH SPECIAL NEEDS.**

18 Section 563(d) of the National Defense Authorization
19 Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C.
20 1781c note) is amended—

21 (1) by amending paragraph (2) to read as fol-
22 lows:

23 “(2) MEMBERS.—The advisory panel shall con-
24 sist of the following members, appointed by the Sec-
25 retary of Defense:

1 “(A) Nine individuals from military fami-
2 lies with special needs, with respect to whom
3 the Secretary shall ensure that—

4 “(i) one individual is the spouse of an
5 enlisted member;

6 “(ii) one individual is the spouse of an
7 officer in a grade below O-6;

8 “(iii) one individual is a junior en-
9 listed member;

10 “(iv) one individual is a junior officer;

11 “(v) individuals reside in different ge-
12 ographic regions;

13 “(vi) one individual is a member serv-
14 ing at a remote installation or is a member
15 of the family of such a member; and

16 “(vii) at least two individuals are
17 members serving on active duty, each with
18 a dependent who—

19 “(I) is enrolled in the Excep-
20 tional Family Member Program; and

21 “(II) has an individualized edu-
22 cation program.

23 “(B) One representative of the Defense
24 Health Agency.

1 “(C) One representative of the Department
2 of Defense Education Activity.

3 “(D) One representative of the Office of
4 Special Needs of the Department of Defense.

5 “(E) One or more representatives of advo-
6 cacy groups with missions relating to the Ex-
7 ceptional Family Member Program of the De-
8 partment of Defense.

9 “(F) One or more adult dependents en-
10 rolled in the Exceptional Family Member Pro-
11 gram of the Department of Defense.”; and

12 (2) by adding at the end the following new
13 paragraph:

14 “(5) TRANSPARENCY AND ACCESSIBILITY.—The
15 advisory panel shall—

16 “(A) provide advice that is relevant, objec-
17 tive, and transparent;

18 “(B) ensure that any meetings or other
19 proceedings of the advisory panel are accessible
20 to the public; and

21 “(C) make available on a publicly acces-
22 sible website—

23 “(i) meeting announcements;

24 “(ii) minutes of meetings;

1 “(iii) the names of council representa-
2 tives; and

3 “(iv) regular updates on the progress
4 of the panel in fulfilling the duties speci-
5 fied in paragraph (3).”.

6 **SEC. 576. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL**
7 **AGENCIES THAT BENEFIT DEPENDENTS OF**
8 **MILITARY AND CIVILIAN PERSONNEL.**

9 (a) CONTINUATION OF AUTHORITY TO ASSIST LOCAL
10 EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS
11 OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT
12 OF DEFENSE CIVILIAN EMPLOYEES.—Of the amount au-
13 thorized to be appropriated for fiscal year 2023 by section
14 301 and available for operation and maintenance for De-
15 fense-wide activities as specified in the funding table in
16 section 4301, \$53,000,000 shall be available only for the
17 purpose of providing assistance to local educational agen-
18 cies under subsection (a) of section 572 of the National
19 Defense Authorization Act for Fiscal Year 2006 (Public
20 Law 109–163; 20 U.S.C. 7703b).

21 (b) IMPACT AID FOR CHILDREN WITH SEVERE DIS-
22 ABILITIES.—Of the amount authorized to be appropriated
23 for fiscal year 2023 pursuant to section 301 and available
24 for operation and maintenance for Defense-wide activities
25 as specified in the funding table in section 4301,

1 \$22,000,000 shall be available for payments under section
2 363 of the Floyd D. Spence National Defense Authoriza-
3 tion Act for Fiscal Year 2001 (as enacted into law by Pub-
4 lic Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

5 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
6 this section, the term “local educational agency” has the
7 meaning given that term in section 7013(9) of the Ele-
8 mentary and Secondary Education Act of 1965 (20 U.S.C.
9 7713(9)).

10 **SEC. 577. VERIFICATION OF REPORTING OF ELIGIBLE FED-**
11 **ERALLY CONNECTED CHILDREN FOR PUR-**
12 **POSES OF FEDERAL IMPACT AID PROGRAMS.**

13 (a) CERTIFICATION.—On an annual basis, each com-
14 mander of a military installation under the jurisdiction of
15 the Secretary of a military department shall submit to
16 such Secretary a written certification verifying whether
17 the commander has confirmed the information contained
18 in all impact aid source check forms received from local
19 educational agencies as of the date of such certification.

20 (b) REPORT.—Not later June 30 of each year, each
21 Secretary of a military department shall submit to the
22 congressional defense committees a report, based on the
23 information received under subsection (a), that identi-
24 fies—

1 (1) each military installation under the jurisdic-
2 tion of such Secretary that has confirmed the infor-
3 mation contained in all impact aid source check
4 forms received from local educational agencies as of
5 the date of the report; and

6 (2) each military installation that has not con-
7 firmed the information contained in such forms as of
8 such date.

9 **SEC. 578. EFMP GRANT PROGRAM.**

10 (a) ESTABLISHMENT.—The Secretary of Defense
11 shall establish a program to award grants to, and enter
12 into agreements with, eligible entities under which partici-
13 pating eligible entities shall provide, to covered members
14 assigned to PRIs, services described in subsection (b).

15 (b) SERVICES.—Services described in this subsection
16 are the provision of—

17 (1) training and information that help a cov-
18 ered dependent—

19 (A) meet developmental, functional, and
20 academic goals; and

21 (B) prepare to lead a productive and inde-
22 pendent adult life;

23 (2) training and information that help a cov-
24 ered member—

1 (A) better understand the disabilities and
2 educational, developmental, and transitional
3 needs of the covered dependent of such covered
4 member;

5 (B) participate in the development of an
6 individualized education program for the cov-
7 ered dependent;

8 (C) communicate effectively and work col-
9 laboratively with individuals responsible for pro-
10 viding, to covered dependents, special education,
11 early intervention services, transition services,
12 and related services; and

13 (D) resolve a dispute, regarding education
14 or services described in subparagraph (C), as
15 expeditiously and effectively as possible, includ-
16 ing encouraging the use, and explaining the
17 benefits, of alternative methods of dispute reso-
18 lution; and

19 (3) if an eligible entity is not a PTI—

20 (A) information regarding services offered
21 by the local PTI (about which the eligible entity
22 shall consult with the local PTI not less than
23 once each quarter year); and

24 (B) referrals of covered members to the
25 local PTI.

1 (c) CO-LOCATION.—To the extent practical, the Sec-
2 retary shall ensure that an eligible entity that participates
3 in the program under this section shall provide services
4 described in subsection (b) at a location on the military
5 installation concerned where the Secretary furnishes other
6 services under the EFMP.

7 (d) IMPLEMENTATION.—The Secretary shall imple-
8 ment the program under this section at—

9 (1) six PRIs (one PRI for each covered Armed
10 Force and one joint PRI) not later than two years
11 after the date of the enactment of this Act; and

12 (2) all PRIs not later than four years after the
13 date of the enactment of this Act.

14 (e) PLAN.— Not later than one year after the date
15 of the enactment of this Act, the Secretary shall submit
16 to the appropriate congressional committees the plan of
17 the Secretary to implement the program under this sec-
18 tion.

19 (f) REPORT.—Not later than two years after the Sec-
20 retary implements the program under this section, the
21 Secretary shall submit to the appropriate congressional
22 committees a report on implementation of the program.
23 Such report shall include evaluations of the following:

1 (1) Satisfaction of covered members and cov-
2 ered dependents who receive services under such
3 program.

4 (2) Adherence of schools, with respect to cov-
5 ered dependents described in paragraph (1), to—

6 (A) individualized education programs; and

7 (B) plans under section 504 of the Reha-
8 bilitation Act of 1973 (Public Law 93–112; 29
9 U.S.C. 794).

10 (g) DEFINITIONS.—In this section:

11 (1) The term “appropriate congressional com-
12 mittees” means the following:

13 (A) The congressional defense committees.

14 (B) The Committee on Transportation and
15 Infrastructure of the House of Representatives.

16 (C) The Committee on Commerce, Science,
17 and Transportation of the Senate.

18 (2) The term “congressional defense commit-
19 tees” has the meaning given such term in section
20 101 of title 10, United States Code.

21 (3) The term “covered Armed Force” means an
22 Armed Force under the jurisdiction of the Secretary
23 of a military department.

24 (4) The term “covered dependent” means a de-
25 pendent—

1 (A) of a member of a covered Armed
2 Force;

3 (B) who is a minor; and

4 (C) who is enrolled in the EFMP.

5 (5) The term “covered member” means a mem-
6 ber—

7 (A) of a covered Armed Force; and

8 (B) with a covered dependent.

9 (6) The term “EFMP” means an Exceptional
10 Family Member Program of the Department of De-
11 fense under section 1781c(e) of title 10, United
12 States Code.

13 (7) The term “eligible entity” means a private,
14 nonprofit entity, or an institution of higher edu-
15 cation, that the Secretary of Defense determines ap-
16 propriate to provide services described in subsection
17 (b).

18 (8) The term “individualized education pro-
19 gram” has the meaning given such term in section
20 614 of the Individuals with Disabilities Education
21 Act (20 U.S.C. 1414).

22 (9) The term “institution of higher education”
23 has the meaning given such term in section 101 of
24 the Higher Education Act of 1965 (20 U.S.C.
25 1001).

1 (10) The term “PRI” means a primary receiv-
2 ing installation, as that term is used in section 582
3 of the William M. (Mac) Thornberry National De-
4 fense Authorization Act for Fiscal Year 2021 (Pub-
5 lic Law 116–283; 10 U.S.C. 1781c note).

6 (11) The term “PTI” means a parent training
7 and information center, as that term is defined in
8 section 602 of the Individuals with Disabilities Edu-
9 cation Act (Public Law 91–230; 20 U.S.C. 1401).

10 **SEC. 579. PROMOTION OF CERTAIN CHILD CARE ASSIST-**
11 **ANCE.**

12 (a) IN GENERAL.—Each Secretary concerned shall
13 promote, to members of the Armed Forces under the juris-
14 diction of such Secretary concerned, awareness of child
15 care assistance available under—

16 (1) section 1798 of title 10, United States
17 Code; and

18 (2) section 589 of the William M. (Mac) Thorn-
19 berry National Defense Authorization Act for Fiscal
20 Year 2021 (Public Law 116–283; 10 U.S.C. 1791
21 note).

22 (b) REPORTING.—Not later than one year after the
23 date of the enactment of this Act, each Secretary con-
24 cerned shall submit to the appropriate congressional com-

1 mittees a report summarizing activities taken by such Sec-
2 retary concerned to carry out subsection (a).

3 (c) DEFINITIONS.—In this section:

4 (1) The term “appropriate congressional com-
5 mittees” means the following:

6 (A) The Committees on Armed Services of
7 the Senate and House of Representatives.

8 (B) The Committees on Appropriations of
9 the Senate and House of Representatives.

10 (C) The Committee on Commerce, Science,
11 and Transportation of the Senate.

12 (D) The Committee on Transportation and
13 Infrastructure of the House of Representatives.

14 (2) The term “Secretary concerned” has the
15 meaning given such term in section 101 of title 10,
16 United States Code.

17 **SEC. 579A. RECOMMENDATIONS FOR THE IMPROVEMENT**
18 **OF THE MILITARY INTERSTATE CHILDREN’S**
19 **COMPACT.**

20 (a) RECOMMENDATIONS REQUIRED.—The Secre-
21 taries concerned, in consultation with States through the
22 Defense-State Liaison Office, shall develop recommenda-
23 tions to improve and fully implement the Military Inter-
24 state Children’s Compact.

1 (b) CONSIDERATIONS.—In carrying out subsection
2 (a), the Secretaries concerned shall—

3 (1) identify any barriers—

4 (A) to the ability of a parent of a transfer-
5 ring military-connected child to enroll the child,
6 in advance, in an elementary or secondary
7 school in the State in which the child is trans-
8 ferring, without requiring the parent or child to
9 be physically present in the State; and

10 (B) to the ability of a transferring mili-
11 tary-connected child who receives special edu-
12 cation services to gain access to such services
13 and related supports in the State to which the
14 child transfers within the timeframes required
15 under the Individuals with Disabilities Edu-
16 cation Act (20 U.S.C. 1400 et seq.);

17 (2) consider the feasibility and advisability of—

18 (A) tracking and reporting the number of
19 families who use advanced enrollment in States
20 that offer advanced enrollment to military-con-
21 nected children;

22 (B) States clarifying in legislation that eli-
23 gibility for advanced enrollment requires only
24 written evidence of a permanent change of sta-
25 tion order, and does not require a parent of a

1 military-connected child to produce a rental
2 agreement or mortgage statement; and

3 (C) the Secretary of Defense, in coordina-
4 tion with the Military Interstate Children's
5 Compact, developing a letter or other memo-
6 randum that military families may present to
7 local educational agencies that outlines the pro-
8 tections afforded to military-connected children
9 by the Military Interstate Children's Compact;
10 and

11 (3) identify any other actions that may be
12 taken by the States (acting together or separately)
13 to improve the Military Interstate Children's Com-
14 pact.

15 (c) REPORT REQUIRED.—Not later than 180 days
16 after the date of the enactment of this Act, the Secretaries
17 concerned shall submit to the appropriate congressional
18 committees and to the States a report setting forth the
19 recommendations developed under subsection (a).

20 (d) DEFINITIONS.—In this section:

21 (1) The term “appropriate congressional com-
22 mittees” means—

23 (A) the congressional defense committees;

24 (B) the Committee on Health, Education,
25 Labor, and Pensions and the Committee on

1 Homeland Security and Governmental Affairs
2 of the Senate; and

3 (C) the Committee on Education and
4 Labor and the Committee on Homeland Secu-
5 rity of the House of Representatives.

6 (2) The terms “child”, “elementary school”,
7 “local educational agency”, “secondary school”,
8 “parent”, and “State” have the meanings given
9 those terms in section 8101 of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C. 7801).

11 (3) The terms “armed forces”, “active duty”
12 and “congressional defense committees” have the
13 meanings given those terms in section 101 of title
14 10, United States Code.

15 (4) The term “transferring military-connected
16 child” means the child of a parent who—

17 (A) is serving on active duty in the Armed
18 Forces;

19 (B) is changing duty locations due to a
20 permanent change of station order; and

21 (C) has not yet established an ongoing
22 physical presence in the State to which the par-
23 ent is transferring.

24 (5) The term “Military Interstate Children’s
25 Compact” means the Interstate Compact on Edu-

1 cational Opportunity for Military Children as de-
2 scribed in Department of Defense Instruction
3 1342.29, dated January 31, 2017 (or any successor
4 to such instruction).

5 (6) The term “Secretary concerned” means—

6 (A) the Secretary of Defense, with respect
7 to matters concerning the Department of De-
8 fense; and

9 (B) the Secretary of the department in
10 which the Coast Guard is operating, with re-
11 spect to matters concerning the Coast Guard
12 when it is not operating as a service in the De-
13 partment of the Navy.

14 **SEC. 579B. INDUSTRY ROUNDTABLE ON MILITARY SPOUSE**
15 **HIRING.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Under Secretary
18 of Defense for Personnel and Readiness shall seek to con-
19 vene an industry roundtable to discuss the hiring of mili-
20 tary spouses. Such discussion shall include the following
21 elements:

22 (1) The value of, and opportunities to, private
23 entities that hire military spouses.

24 (2) Career opportunities for military spouses.

1 (3) Understanding the challenges that military
2 spouses encounter in the labor market.

3 (4) Gaps and opportunities in the labor market
4 for military spouses.

5 (5) Best hiring practices from industry leaders
6 in human resources.

7 (6) The benefits of portable licenses and inter-
8 state licensure compacts for military spouses.

9 (b) PARTICIPANTS.—The participants in the round-
10 table shall include the following:

11 (1) The Under Secretary.

12 (2) The Assistant Secretary for Manpower and
13 Reserve Affairs of each military department.

14 (3) The Director of the Defense Human Re-
15 sources Activity.

16 (4) Other officials of the Department of De-
17 fense the Secretary of Defense determines appro-
18 priate.

19 (5) Private entities that elect to participate.

20 (c) NOTICE.—The Under Secretary shall publish no-
21 tice of the roundtable in multiple private sector forums
22 and the Federal Register to encourage participation in the
23 roundtable by private entities and entities interested in the
24 hiring of military spouses.

1 (d) BRIEFING.—Not later than one year after the
2 date of the enactment of this Act, the Secretary of Defense
3 shall provide a briefing to the Committees on Armed Serv-
4 ices of the Senate and House of Representatives on the
5 lessons learned from the roundtable, including the rec-
6 ommendation of the Secretary whether to convene the
7 roundtable annually.

8 **SEC. 579C. FEASIBILITY STUDY AND REPORT ON PILOT**
9 **PROGRAM TO PROVIDE POTFF SERVICES TO**
10 **SEPARATING MEMBERS OF SPECIAL OPER-**
11 **ATIONS FORCES AND CERTAIN FAMILY MEM-**
12 **BERS.**

13 (a) REPORT REQUIRED.—Not later than March 1,
14 2023, the Secretary shall submit to the Committees on
15 Armed Services of the Senate and House of Representa-
16 tives a report on the feasibility of a pilot program to pro-
17 vide, to covered individuals, services under POTFF. The
18 report shall include the following elements:

19 (1) An outline of the tools, resources, and per-
20 sonnel the Secretary determines necessary to carry
21 out the pilot program.

22 (2) An assessment of the potential benefits, im-
23 plications, and effects of the pilot program.

1 (3) The POTFF services that the Secretary
2 could provide to covered individuals under the pilot
3 program.

4 (4) An assessment of how best to carry out the
5 separation of covered members, including any addi-
6 tional resources the Secretary determines necessary.

7 (5) Any legislative or administrative action that
8 the Secretary determines necessary to carry the such
9 pilot program.

10 (6) Any other information the Secretary deter-
11 mines appropriate.

12 (b) DEFINITIONS.—In this section:

13 (1) The term “covered individual” means—

14 (A) a covered member;

15 (B) an immediate family of a covered
16 member; or

17 (C) an individual eligible for a gold star
18 lapel button under section 1126 of title 10,
19 United States Code, on the basis of the rela-
20 tionship of such individual to a deceased mem-
21 ber of special operations forces.

22 (2) The term “covered member” means a mem-
23 ber of the Armed Forces—

24 (A) assigned to special operations forces;

25 and

1 (B) who is separating from the Armed
2 Forces.

3 (3) The term “immediate family member” has
4 the meaning given that term in section 1789 of title
5 10, United States Code.

6 (4) The term “POTFF” means the Preserva-
7 tion of the Force and Family Program of United
8 States Special Operations Command under section
9 1788a of title 10, United States Code.

10 (5) The term “special operations forces” means
11 the forces described in section 167(j) of title 10,
12 United States Code.

13 **SEC. 579D. MYSTEP: PROVISION ONLINE AND IN MULTIPLE**
14 **LANGUAGES.**

15 The Secretary concerned shall provide all services of
16 the Military Spouse Transition Program (commonly re-
17 ferred to as “MySTeP”) online and in English, Spanish,
18 Tagalog, and the rest of the 10 most commonly spoken
19 languages in the United States.

1 **SEC. 579E. ASSISTANCE TO LOCAL EDUCATIONAL AGEN-**
2 **CIES THAT BENEFIT DEPENDENTS OF MEM-**
3 **BERS OF THE ARMED FORCES WITH ENROLL-**
4 **MENT CHANGES DUE TO BASE CLOSURES,**
5 **FORCE STRUCTURE CHANGES, OR FORCE RE-**
6 **LOCATIONS.**

7 (a) ASSISTANCE AUTHORIZED.—To assist commu-
8 nities in making adjustments resulting from changes in
9 the size or location of the Armed Forces, the Secretary
10 of Defense shall provide financial assistance to an eligible
11 local educational agency described in subsection (b) if,
12 during the period between the end of the school year pre-
13 ceding the fiscal year for which the assistance is author-
14 ized and the beginning of the school year immediately pre-
15 ceding that school year, the local educational agency—

16 (1) had (as determined by the Secretary of De-
17 fense in consultation with the Secretary of Edu-
18 cation) an overall increase or reduction of—

19 (A) not less than five percent in the aver-
20 age daily attendance of military dependent stu-
21 dents in the schools of the local educational
22 agency; or

23 (B) not less than 500 military dependent
24 students in average daily attendance in the
25 schools of the local educational agency; or

1 (2) is projected to have an overall increase, be-
2 tween fiscal years 2023 and 2028, of not less than
3 500 military dependent students in average daily at-
4 tendance in the schools of the local educational
5 agency as the result of a signed record of decision.

6 (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A
7 local educational agency is eligible for assistance under
8 subsection (a) for a fiscal year if—

9 (1) 20 percent or more of students enrolled in
10 schools of the local educational agency are military
11 dependent students; and

12 (2) in the case of assistance described in sub-
13 section (a)(1), the overall increase or reduction in
14 military dependent students in schools of the local
15 educational agency is the result of one or more of
16 the following:

17 (A) The global rebasing plan of the De-
18 partment of Defense.

19 (B) The official creation or activation of
20 one or more new military units.

21 (C) The realignment of forces as a result
22 of the base closure process.

23 (D) A change in the number of housing
24 units on a military installation.

25 (E) A signed record of decision.

1 (c) CALCULATION OF AMOUNT OF ASSISTANCE.—

2 (1) PRO RATA DISTRIBUTION.—The amount of
3 the assistance provided under subsection (a) to a
4 local educational agency that is eligible for such as-
5 sistance for a fiscal year shall be equal to the prod-
6 uct obtained by multiplying—

7 (A) the per-student rate determined under
8 paragraph (2) for that fiscal year; by

9 (B) the net of the overall increases and re-
10 ductions in the number of military dependent
11 students in schools of the local educational
12 agency, as determined under subsection (a).

13 (2) PER-STUDENT RATE.—For purposes of
14 paragraph (1)(A), the per-student rate for a fiscal
15 year shall be equal to the dollar amount obtained by
16 dividing—

17 (A) the total amount of funds made avail-
18 able for that fiscal year to provide assistance
19 under subsection (a); by

20 (B) the sum of the overall increases and
21 reductions in the number of military dependent
22 students in schools of all eligible local edu-
23 cational agencies for that fiscal year under that
24 subsection.

1 (3) MAXIMUM AMOUNT OF ASSISTANCE.—A
2 local educational agency may not receive more than
3 \$15,000,000 in assistance under subsection (a) for
4 any fiscal year.

5 (d) DURATION.—Assistance may not be provided
6 under subsection (a) after September 30, 2028.

7 (e) NOTIFICATION.—Not later than June 30, 2023,
8 and June 30 of each fiscal year thereafter for which funds
9 are made available to carry out this section, the Secretary
10 of Defense shall notify each local educational agency that
11 is eligible for assistance under subsection (a) for that fis-
12 cal year of—

13 (1) the eligibility of the local educational agency
14 for the assistance; and

15 (2) the amount of the assistance for which the
16 local educational agency is eligible.

17 (f) DISBURSEMENT OF FUNDS.—The Secretary of
18 Defense shall disburse assistance made available under
19 subsection (a) for a fiscal year not later than 30 days after
20 the date on which notification to the eligible local edu-
21 cational agencies is provided pursuant to subsection (e)
22 for that fiscal year.

23 (g) BRIEFING REQUIRED.—Not later than March 1,
24 2023, the Secretary of Defense shall brief the Committees
25 on Armed Services of the Senate and the House of Rep-

1 representatives on the estimated cost of providing assistance
2 to local educational agencies under subsection (a) through
3 September 30, 2028.

4 (h) ELIGIBLE USES.—Amounts disbursed to a local
5 education agency under subsection (f) may be used by
6 such local educational agency for—

- 7 (1) general fund purposes;
- 8 (2) special education;
- 9 (3) school maintenance and operation;
- 10 (4) school expansion; or
- 11 (5) new school construction.

12 (i) FUNDING.—

13 (1) INCREASE.—Notwithstanding the amounts
14 set forth in the funding tables in division D, the
15 amount authorized to be appropriated in section 301
16 for Operation and Maintenance, Defense-wide, De-
17 partment of Defense Education Activity, Line 390,
18 as specified in the corresponding funding table in
19 section 4301, is hereby increased by \$15,000,000 for
20 purposes of this section.

21 (2) OFFSET.—Notwithstanding the amounts set
22 forth in the funding tables in division D, the amount
23 authorized to be appropriated in section 301 for Op-
24 eration and Maintenance, Defense-wide, for Wash-
25 ington Headquarters Services, Line 500, as specified

1 in the corresponding funding table in section 4301,
2 is hereby reduced by \$15,000,000.

3 (j) DEFINITIONS.—In this section:

4 (1) BASE CLOSURE PROCESS.—The term “base
5 closure process” means any base closure and realign-
6 ment process conducted after the date of the enact-
7 ment of this Act under section 2687 of title 10,
8 United States Code, or any other similar law en-
9 acted after that date.

10 (2) LOCAL EDUCATIONAL AGENCY.—The term
11 “local educational agency” has the meaning given
12 that term in section 7013(9) of the Elementary and
13 Secondary Education Act of 1965 (20 U.S.C.
14 7713(9)).

15 (3) MILITARY DEPENDENT STUDENTS.—The
16 term “military dependent students” means—

17 (A) elementary and secondary school stu-
18 dents who are dependents of members of the
19 Armed Forces; and

20 (B) elementary and secondary school stu-
21 dents who are dependents of civilian employees
22 of the Department of Defense.

23 (4) STATE.—The term “State” means each of
24 the 50 States and the District of Columbia.

1 **SEC. 579F. SURVEYS REGARDING MILITARY SPOUSES.**

2 (a) SURVEYS.—The Secretary of Defense, in coordi-
3 nation with the Commissioner of the Bureau of Labor Sta-
4 tistics, shall determine the feasibility of—

5 (1) measuring labor market outcomes and char-
6 acteristics of military spouses with existing data
7 from surveys conducted by the Department of De-
8 fense and Bureau of Labor Statistics; and

9 (2) modifying such surveys to capture more in-
10 formation about military spouses.

11 (c) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Secretary shall submit
13 to Congress a report containing—

14 (1) determinations under subsection (a);

15 (2) ways to implement modifications described
16 in subsection (a) that comport with the Employment
17 Situation Report of the Bureau of Labor Statistics.

18 (3) and estimated costs to implement such
19 modifications.

20 **SEC. 579G. REVIEW OF POLICIES REGARDING SINGLE PAR-**
21 **ENTS SERVING AS MEMBERS OF THE ARMED**
22 **FORCES.**

23 Not later than September 30, 2023, the Secretary of
24 Defense shall review regulations and rules of the Depart-
25 ment of Defense regarding single parents serving as mem-
26 bers of the Armed Forces.

1 **SEC. 579H. PUBLIC REPORTING ON CERTAIN MILITARY**
2 **CHILD CARE PROGRAMS.**

3 Not later than September 30, 2023, and each cal-
4 endar quarter thereafter, the Secretary of Defense shall
5 post, on a publicly accessible website of the Department
6 of Defense, information regarding the Military Child Care
7 in Your Neighborhood and Military Child Care in Your
8 Neighborhood-Plus programs. Such information shall in-
9 clude the following elements, disaggregated by State, ZIP
10 code, month, and Armed Force:

11 (1) The number of children, military families,
12 and child care providers who benefit from each pro-
13 gram.

14 (2) Whether such providers are nationally ac-
15 credited or rated by the Quality Rating and Im-
16 provement System of the State.

17 (3) The amounts of subsidy paid.

18 **SEC. 579I. FEASIBILITY OF INCLUSION OF AU PAIRS IN**
19 **PILOT PROGRAM TO PROVIDE FINANCIAL AS-**
20 **SISTANCE TO MEMBERS OF THE ARMED**
21 **FORCES FOR IN-HOME CHILD CARE.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that members of the Armed Forces who participate
24 in the au pair exchange visitor program should be eligible
25 for assistance under the pilot program of the Department

1 of Defense to provide financial assistance to members of
2 the Armed Forces for in-home child care.

3 (b) FEASIBILITY ASSESSMENT.—Not later than one
4 year after the date of the enactment of this Act, the Sec-
5 retary of Defense, in coordination with the Secretary of
6 State, shall submit to the appropriate congressional com-
7 mittees a report containing the assessment of the Sec-
8 retary of Defense of the feasibility, advisability, and con-
9 siderations of expanding eligibility for the pilot program
10 under section 589 of the William M. (Mac) Thornberry
11 National Defense Authorization Act for Fiscal Year 2021
12 (Public Law 116–283; 10 U.S.C. 1791 note) to members
13 of the Armed Forces who participate in an exchange vis-
14 itor program under section 62.31 of title 22, Code of Fed-
15 eral Regulations, or successor regulation.

16 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
17 FINED.—The term “appropriate congressional commit-
18 tees” means:

19 (1) The Committees on Armed Services of the
20 Senate and House of Representatives.

21 (2) The Committee on Foreign Affairs of the
22 House of Representatives.

23 (3) The Committee on Foreign Relations of the
24 Senate.

1 **SEC. 579J. REPORT ON THE EFFECTS OF ECONOMIC INFLA-**
2 **TION ON FAMILIES OF MEMBERS OF THE**
3 **ARMED FORCES.**

4 The Secretary of Defense shall submit to the congres-
5 sional defense committees a report on the extent to which
6 economic inflation has affected families of members of the
7 Armed Forces.

8 **SEC. 579K. REPORT ON THE EFFECTS OF THE SHORTAGE**
9 **OF INFANT FORMULA ON THE FAMILIES OF**
10 **MEMBERS OF THE ARMED FORCES.**

11 The Secretary of Defense shall submit to the congres-
12 sional defense committees a report on the extent to which
13 families of members of the Armed Forces—

- 14 (1) have access to infant formula; and
15 (2) have been affected by any shortage of infant
16 formula available for consumer purchase from Janu-
17 ary 1, 2022, through the date of the enactment of
18 this Act.

19 **SEC. 579L. BRIEFING ON CHILD CARE AT CAMP BULL SI-**
20 **MONS.**

21 Not later than 90 days after the date of the enact-
22 ment of this Act, the Secretary of the Army and the Sec-
23 retary of the Air Force shall submit to the congressional
24 defense committees a joint briefing regarding the provision
25 of child care at Camp Bull Simons, Eglin Air Force Base.
26 The briefing shall include the following elements:

1 (1) Risk mitigation measures that could allow
2 the current proposed site to achieve certification for
3 child care.

4 (2) Plans for alternative locations, including ac-
5 quiring land for a military child development center
6 (as such term is defined in section 1800 of title 10,
7 United States Code) in proximity to Camp Bull Si-
8 mons.

9 (3) An update on public-private partnership
10 agreements for child care that could alleviate the
11 deficit in available child care at Camp Bull Simons.

12 (4) Current availability for child care, and re-
13 lated wait times, at military child development cen-
14 ters on the main campus of Eglin Air Force Base.

15 **Subtitle I—Decorations and** 16 **Awards**

17 **SEC. 581. AUTHORITY TO AWARD THE MEDAL OF HONOR TO**

18 **A MEMBER OF THE ARMED FORCES FOR**

19 **ACTS OF VALOR WHILE A PRISONER OF WAR.**

20 (a) AUTHORITY.—

21 (1) ARMY.—Section 7271(1) of title 10, United
22 States Code, is amended by inserting “, including
23 active resistance, gallantry, or defiance while serving
24 as a prisoner of war” after “United States”.

1 (2) NAVY AND MARINE CORPS.—Section
2 8291(1) of title 10, United States Code, is amended
3 by inserting “, including active resistance, gallantry,
4 or defiance while serving as a prisoner of war” after
5 “United States”.

6 (3) AIR FORCE AND SPACE FORCE.—Section
7 9271(1) of title 10, United States Code, is amended
8 by inserting “, including active resistance, gallantry,
9 or defiance while serving as a prisoner of war” after
10 “United States”.

11 (4) COAST GUARD.—Section 2732(1) of title
12 14, United States Code, is amended by inserting “,
13 including active resistance, gallantry, or defiance
14 while serving as a prisoner of war” after “United
15 States”.

16 (b) REGULATIONS.—Not later than one year after the
17 date of the enactment of this Act, the Secretary of Defense
18 and the Secretary of the Department in which the Coast
19 Guard is operating shall prescribe regulations that set
20 forth uniform standards for awarding the Medal of Honor
21 to a member of the Armed Forces pursuant to an amend-
22 ment made by subsection (a). Such regulations shall apply
23 retroactively to a member who was a prisoner of war be-
24 fore the date of the prescription of such regulations.

1 (c) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary of Defense
3 shall submit to the Committees on Armed Services of the
4 Senate and House of Representatives a report regarding
5 the number of individuals who may be eligible for a Medal
6 of Honor pursuant to the amendments made by this sec-
7 tion.

8 **SEC. 582. AUTHORIZATION FOR AWARD OF THE MEDAL OF**
9 **HONOR TO DAVID R. HALBRUNER FOR ACTS**
10 **OF VALOR ON SEPTEMBER 11-12, 2012.**

11 (a) AUTHORIZATION.—Notwithstanding the time lim-
12 itations specified in section 7274 of title 10, United States
13 Code, or any other time limitation with respect to the
14 awarding of certain medals to persons who served in the
15 Armed Forces, the President may award the Medal of
16 Honor under section 7272 of such title to David R.
17 Halbruner for the acts of valor described in the subsection
18 (b).

19 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
20 described in this subsection are the actions of David R.
21 Halbruner as a master sergeant in the Army on Sep-
22 tember 11-12, 2012, for which he was previously awarded
23 the Distinguished-Service Cross.

1 **SEC. 583. AUTHORIZATION FOR POSTHUMOUS AWARD OF**
2 **MEDAL OF HONOR TO MASTER SERGEANT**
3 **RODERICK W. EDMONDS FOR ACTS OF VALOR**
4 **DURING WORLD WAR II.**

5 (a) WAIVER OF TIME LIMITATIONS.—Notwith-
6 standing the time limitations specified in section 7274 of
7 title 10, United States Code, or any other time limitation
8 with respect to the awarding of certain medals to persons
9 who served in the Armed Forces, the President may award
10 the Medal of Honor posthumously under section 7271 of
11 such title to Master Sergeant Roderick W. Edmonds for
12 the acts of valor described in subsection (c).

13 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
14 referred to in subsection (b) are the actions of Master Ser-
15 geant Roderick W. Edmonds on January 27, 1945, as a
16 prisoner of war and member of the Army serving in Ger-
17 many in support of the Battle of the Bulge, for which he
18 has never been recognized by the United States Army.

19 **SEC. 584. RESCISSION OF MEDALS OF HONOR AWARDED**
20 **FOR ACTS AT WOUNDED KNEE CREEK ON DE-**
21 **CEMBER 29, 1890.**

22 (a) IN GENERAL.—Each Medal of Honor awarded for
23 acts at Wounded Knee Creek, Lakota Pine Ridge Indian
24 Reservation, South Dakota, on December 29, 1890, is re-
25 scinded.

1 (b) MEDAL OF HONOR ROLL.—The Secretary con-
2 cerned shall remove the name of each individual awarded
3 a Medal of Honor for acts described in subsection (a) from
4 the Army, Navy, Air Force, and Coast Guard Medal of
5 Honor Roll maintained under section 1134a of title 10,
6 United States Code.

7 (c) RETURN OF MEDAL NOT REQUIRED.—No person
8 may be required to return to the Federal Government a
9 Medal of Honor rescinded under subsection (a).

10 (d) NO DENIAL OF BENEFITS.—This Act shall not
11 be construed to deny any individual any benefit from the
12 Federal Government.

13 **SEC. 585. SENSE OF CONGRESS REGARDING SERVICE OF**
14 **GARY ANDREW CYR.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) On February 23, 1971, Corporal Gary An-
17 drew Cyr was 19 years old.

18 (2) Corporal Cyr was assigned to the 10th
19 Pathfinder Detachment in May of 1970 and served
20 as a Special Operations Pathfinder until January
21 1972.

22 (3) In February 1971, Corporal Cyr's Path-
23 finder Unit was tasked with supporting Operation
24 Dak Soo Ri 71-1, a joint operation with Korean in-
25 fantry units.

1 (4) On February 23, 1971, Corporal Cyr was
2 the Pathfinder air traffic controller and cargo
3 loadmaster for four flights and twelve landing pick-
4 up zones for the Operation, including the primary
5 insertion point.

6 (5) This Operation involved the insertion of
7 over 1,000 Korean soldiers from two divisions and
8 31 sling loads of cargo transported by 35 helicopters
9 over the course of the evening of February 23, 1971.

10 (6) Corporal Cyr was responsible for coordi-
11 nating incoming helicopter flights and providing ac-
12 curate on-the-ground information to the pilots, es-
13 sentially operating as a one-man air traffic control
14 tower inside a combat zone.

15 (7) Corporal Cyr's leadership and execution en-
16 abled the mission to be completed in a minimum
17 time period with no damaged cargo or casualties.

18 (8) Corporal Cyr's actions were hailed by heli-
19 copter pilots and officers from the inserting battal-
20 ions.

21 (9) Corporal Cyr's actions on February 23 epit-
22 omized the Pathfinder motto of "First in, Last
23 out,".

24 (10) William P. Murphy, Commander of the
25 10th Pathfinder Detachment, submitted a rec-

1 ommendation for the award of a Bronze Star to Cor-
2 poral Cyr to 10th Combat Aviation Battalion Com-
3 mander, Captain Charles E. Markham.

4 (11) Captain Markham approved the rec-
5 ommendation and submitted it to 17th Aviation
6 Group Commander, Lieutenant Colonel Jack A.
7 Walker.

8 (12) Lieutenant Colonel Walker approved the
9 recommendation.

10 (13) The 10th Pathfinder Detachment began to
11 stand down in December 1971 and deactivated in
12 January 1972, before Corporal Cyr could be award-
13 ed the Bronze Star.

14 (14) Corporal Cyr's initial award was lost as a
15 result of the deactivation.

16 (b) PURPOSE.—That the House of Representatives—

17 (1) honors the heroism of Corporal Gary An-
18 drew Cyr to successfully insert troops and ammuni-
19 tion on time and on target; and

20 (2) believes the United States Army, in light of
21 new information, should consider revisiting deco-
22 rating and honoring the courage and leadership of
23 Corporal Gary Andrew Cyr.

1 **SEC. 586. ELIGIBILITY OF VETERANS OF OPERATION END**
2 **SWEEP FOR VIETNAM SERVICE MEDAL.**

3 The Secretary of the military department concerned
4 may, upon the application of an individual who is a vet-
5 eran who participated in Operation End Sweep, award
6 that individual the Vietnam Service Medal.

7 **SEC. 587. AUTHORIZATION FOR AWARD OF MEDAL OF**
8 **HONOR TO E. ROYCE WILLIAMS FOR ACTS OF**
9 **VALOR DURING THE KOREAN WAR.**

10 (a) **WAIVER OF TIME LIMITATIONS.**—Notwith-
11 standing the time limitations specified in section 8298 of
12 title 10, United States Code, or any other time limitation
13 with respect to the awarding of certain medals to persons
14 who served in the Armed Forces, the President may award
15 the Medal of Honor under section 8291 of such title to
16 E. Royce Williams for the acts of valor described in sub-
17 section (b).

18 (b) **ACTS OF VALOR DESCRIBED.**—The acts of valor
19 described in this subsection are the actions of E. Royce
20 Williams, as a lieutenant in the Navy, on November 18,
21 1952, for which he was previously awarded the Silver Star.

1 **SEC. 588. AUTHORIZATION FOR AWARD OF MEDAL OF**
2 **HONOR TO JAMES CAPERS, JR. FOR ACTS OF**
3 **VALOR AS A MEMBER OF THE MARINE CORPS**
4 **DURING THE VIETNAM WAR.**

5 (a) AUTHORIZATION.—Notwithstanding the time lim-
6 itations specified in sections 8298(a) and 8300 of title 10,
7 United States Code, or any other time limitation with re-
8 spect to the awarding of certain medals to persons who
9 served in the Armed Forces, the President is authorized
10 to award the Medal of Honor, under section 8291 of such
11 title, to James Capers, Jr. for the acts of valor described
12 in subsection (b).

13 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
14 described in this subsection are the actions of James Ca-
15 pers, Jr., as a member of the Marine Corps, during the
16 period of March 31 through April 3, 1967, during the
17 Vietnam War, for which he was previously awarded the
18 Silver Star.

19 **SEC. 589. INCLUSION OF PURPLE HEART AWARDS ON MILI-**
20 **TARY VALOR WEBSITE.**

21 The Secretary of Defense shall ensure that the pub-
22 licly accessible internet website of the Department of De-
23 fense that lists individuals who have been awarded certain
24 military awards includes a list of each individual who
25 meets each of the following criteria:

1 (1) The individual is awarded the Purple Heart
2 for qualifying actions that occur after the date of
3 the enactment of this Act.

4 (2) The individual elects to be included on such
5 list (or, if the individual is deceased, the primary
6 next of kin elects the individual to be included on
7 such list).

8 (3) The public release of the individual's name
9 does not constitute a security risk, as determined by
10 the Secretary of the military department concerned.

11 **SEC. 589A. STUDY ON FRAUDULENT MISREPRESENTATION**
12 **ABOUT RECEIPT OF A MILITARY MEDAL OR**
13 **DECORATION.**

14 (a) STUDY.—Not later than 90 days after the date
15 of the enactment of this Act, the Secretary of Veterans
16 Affairs shall conduct a study to identify any monetary or
17 government benefits obtained through a fraudulent mis-
18 representation about the receipt a military decoration or
19 medal as described by section 704(c)(2) or 704(d) of title
20 18, United States Code.

21 (b) REPORT.—Not later than 180 days after the date
22 of the enactment of this Act, the Secretary of Veterans
23 Affairs shall report to Congress on the findings of the
24 study conducted under subsection (b) and policy rec-
25 ommendations to resolve issues identified in the study.

1 **Subtitle J—Miscellaneous Reports**
2 **and Other Matters**

3 **SEC. 591. ELECTRONIC NOTARIZATION FOR MEMBERS OF**
4 **THE ARMED FORCES.**

5 Section 1044a of title 10, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(e)(1) A person named in subsection (b) may exer-
9 cise the powers described in subsection (a) through elec-
10 tronic means, including under circumstances where the in-
11 dividual with respect to whom such person is performing
12 the notarial act is not physically present in the same loca-
13 tion as such person.

14 “(2) A determination of the authenticity of a notarial
15 act authorized in this section shall be made without regard
16 to whether the notarial act was performed through elec-
17 tronic means.

18 “(3) A log or journal of a notarial act authorized in
19 this section shall be considered for evidentiary purposes
20 without regard to whether the log or journal is in elec-
21 tronic form.”.

22 **SEC. 592. DISINTERMENTS FROM NATIONAL CEMETERIES.**

23 (a) APPLICABILITY OF AUTHORITY TO RECONSIDER
24 DECISIONS OF SECRETARY OF VETERANS AFFAIRS OR

1 SECRETARY OF THE ARMY TO INTER THE REMAINS OR
2 MEMORIALIZE A PERSON IN A NATIONAL CEMETERY.—

3 (1) IN GENERAL.—Section 2(c) of the Alicia
4 Dawn Koehl Respect for National Cemeteries Act
5 (Public Law 113–65; 38 U.S.C. 2411 note) is
6 amended by striking “after the date of the enact-
7 ment of this Act” and inserting “after November 21,
8 1997”.

9 (2) CONGRESSIONAL NOTICES.—Upon becoming
10 aware of a covered interment or memorialization—

11 (A) the Secretary of Veterans Affairs shall
12 issue to the Committees on Veterans’ Affairs of
13 the Senate and House of Representatives writ-
14 ten notice of such covered interment or memori-
15 alization; and

16 (B) the Secretary of the Army, in the case
17 of a covered interment or memorialization in
18 Arlington National Cemetery, shall issue to the
19 Committees on Armed Services of the Senate
20 and House of Representatives and the Commit-
21 tees on Veterans’ Affairs of the Senate and
22 House of Representatives written notice of such
23 covered interment or memorialization.

24 (3) COVERED INTERMENT OR MEMORIALIZA-
25 TION DEFINED.—In this subsection, the term “cov-

1 ered interment or memorialization” means an inter-
2 ment or memorialization—

3 (A) in a national cemetery;

4 (B) between January 1, 1990 and Novem-
5 ber 21, 1997; and

6 (C) that would have been subject to section
7 2411 of title 38, United States Code, as amend-
8 ed by the Alicia Dawn Koehl Respect for Na-
9 tional Cemeteries Act if subsection 2(c) of such
10 Act were amended by striking “after the date
11 of the enactment of this Act” and inserting “on
12 or after January 1, 1990”.

13 (b) DISINTERMENT OF REMAINS OF ANDREW
14 CHABROL FROM ARLINGTON NATIONAL CEMETERY.—

15 (1) DISINTERMENT.—Not later than September
16 30, 2023, the Secretary of the Army shall disinter
17 the remains of Andrew Chabrol from Arlington Na-
18 tional Cemetery.

19 (2) NOTIFICATION.—The Secretary of the Army
20 may not carry out paragraph (1) until after noti-
21 fying the next of kin of Andrew Chabrol.

22 (3) DISPOSITION.—After carrying out para-
23 graph (1), the Secretary of the Army shall—

24 (A) relinquish the remains to the next of
25 kin described in paragraph (2); or

1 (B) if no such next of kin responds to noti-
2 fication under paragraph (2), arrange for dis-
3 position of the remains the Secretary of the
4 Army determines appropriate.

5 **SEC. 593. CLARIFICATION OF AUTHORITY OF NCMAF TO UP-**
6 **DATE CHAPLAINS HILL AT ARLINGTON NA-**
7 **TIONAL CEMETERY.**

8 Section 584(a) of the National Defense Authorization
9 Act for Fiscal Year 2022 (Public Law 117–81; 38 U.S.C.
10 2409 note) is amended by adding at the end the following
11 new paragraph:

12 “(4) AUTHORITY OF SECRETARY OF THE
13 ARMY.—The Secretary of the Army may permit
14 NCMAF to carry out any action authorized by this
15 subsection without regard to the time limitation
16 under section 2409(b)(2)(C) of title 38, United
17 States Code.”.

18 **SEC. 594. NOTIFICATIONS ON MANNING OF AFLOAT NAVAL**
19 **FORCES.**

20 Section 597(d)(3) of the National Defense Authoriza-
21 tion Act for Fiscal Year 2020 (Public Law 116–92; 10
22 U.S.C. 8013 note) is amended by inserting “or a commis-
23 sioned ship undergoing nuclear refueling or defueling and
24 any concurrent complex overhaul” after “Register”.

1 **SEC. 595. PILOT PROGRAM ON CAR SHARING ON MILITARY**
2 **INSTALLATIONS IN ALASKA.**

3 (a) ESTABLISHMENT.—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary of
5 Defense shall seek to carry out a pilot program to allow
6 car sharing on military installations in Alaska.

7 (b) PROGRAM ELEMENTS.—To carry out a pilot pro-
8 gram under this section, the Secretary shall take steps in-
9 cluding the following:

10 (1) Seek to enter into an agreement with an en-
11 tity that—

12 (A) provides car sharing services; and

13 (B) is capable of serving all military instal-
14 lations in Alaska.

15 (2) Provide to members assigned to military in-
16 stallations in Alaska the resources the Secretary de-
17 termines necessary to participate in such pilot pro-
18 gram.

19 (3) Promote such pilot program to such mem-
20 bers.

21 (c) IMPLEMENTATION PLAN.—Not later than 90
22 days after the date the Secretary enters into an agreement
23 under subsection (b)(1), the Secretary shall submit to the
24 congressional defense committees a plan to carry out the
25 pilot program.

1 (d) DURATION.—A pilot program under this section
2 shall terminate two years after the Secretary commences
3 such pilot program.

4 (e) REPORT.—Upon the termination of a pilot pro-
5 gram under this section, the Secretary of Defense shall
6 submit to the congressional defense committees a report
7 containing the following information:

8 (1) The number of individuals who used car
9 sharing services offered pursuant to the pilot pro-
10 gram.

11 (2) The cost to the United States of the pilot
12 program.

13 (3) An analysis of the effect of the pilot pro-
14 gram on mental health and community connected-
15 ness of members described in subsection (b)(2).

16 (4) Other information the Secretary determines
17 appropriate.

18 (f) MILITARY INSTALLATION DEFINED.—In this sec-
19 tion, the term “military installation” has the meaning
20 given such term in section 2801 of title 10, United States
21 Code.

1 **SEC. 596. SUPPORT FOR MEMBERS WHO PERFORM DUTIES**
2 **REGARDING REMOTELY PILOTED AIRCRAFT:**
3 **STUDY; REPORT.**

4 (a) STUDY.—The Secretary of Defense (in consulta-
5 tion with the Secretary of Transportation and Adminis-
6 trator of the Federal Aviation Administration) shall con-
7 duct a study to identify opportunities to provide more sup-
8 port services to, and greater recognition of combat accom-
9 plishments of, RPA crew. Such study shall identify the
10 following with respect to each covered Armed Force:

11 (1) Safety policies applicable to crew of tradi-
12 tional aircraft that apply to RPA crew.

13 (2) Personnel policies, including crew staffing
14 and training practices, applicable to crew of tradi-
15 tional aircraft that apply to RPA crew.

16 (3) Metrics the Secretaries of the military de-
17 partments use to evaluate the health of RPA crew.

18 (4) Incentive pay, retention bonuses, promotion
19 rates, and career advancement opportunities for
20 RPA crew.

21 (5) Combat zone compensation available to
22 RPA crew.

23 (6) Decorations and awards for combat avail-
24 able to RPA crew.

1 (7) Mental health care available to crew of tra-
2 ditional aircraft and RPA crew who conduct combat
3 operations.

4 (8) Whether RPA crew receive post-separation
5 health (including mental health) care equivalent to
6 crew of traditional aircraft.

7 (9) An explanation of any difference under
8 paragraph (8).

9 (b) REPORT.—Not later than one year after the date
10 of the enactment of this Act, the Secretary of Defense
11 shall submit to the appropriate congressional committees
12 a report containing the results of the study conducted
13 under this section, including any policy recommendations
14 of the Secretary regarding such results.

15 (c) DEFINITIONS.—In this section:

16 (1) In this section, the term “appropriate con-
17 gressional committees” means the following:

18 (A) The Committees on Armed Services of
19 the Senate and House of Representatives.

20 (B) The Committees on Appropriations of
21 the Senate and House of Representatives.

22 (C) The Committee on Commerce, Science,
23 and Transportation of the Senate.

24 (D) The Committee on Transportation and
25 Infrastructure of the House of Representatives.

1 (2) The term “covered Armed Force” means an
2 Armed Force under the jurisdiction of the Secretary
3 of a military department.

4 (3) The term “RPA crew” means members of
5 covered Armed Forces who perform duties relating
6 to remotely piloted aircraft.

7 (4) The term “traditional aircraft” means fixed
8 or rotary wing aircraft operated by an onboard pilot.

9 **SEC. 597. REVIEW OF MARKETING AND RECRUITING OF**
10 **THE DEPARTMENT OF DEFENSE.**

11 (a) IN GENERAL.—Not later than September 30,
12 2023, the Secretary of Defense, in consultation with the
13 Comptroller General of the United States and experts de-
14 termined by the Secretary, shall evaluate the marketing
15 and recruiting efforts of the Department of Defense to de-
16 termine how to use social media and other technology plat-
17 forms to convey to young people the opportunities and
18 benefits of service in the covered Armed Forces.

19 (b) COVERED ARMED FORCE DEFINED.—In this sec-
20 tion, the term “covered Armed Force” means the fol-
21 lowing:

22 (1) The Army.

23 (2) The Navy.

24 (3) The Marine Corps.

25 (4) The Air Force.

1 (5) The Space Force.

2 **SEC. 598. REPORT ON RECRUITING EFFORTS OF THE ARMY.**

3 (a) REPORT REQUIRED.—Not later than 120 days
4 after the date of the enactment of this act, the Secretary
5 of the Army shall submit to the congressional defense com-
6 mittees a report on recruiting efforts of the Army. Such
7 report shall contain the following elements:

8 (1) A comparison of the number of active Army
9 enlistments from each region annually during fiscal
10 years 2018 through 2022, the number of recruiters
11 stationed in each region, and advertising dollars
12 spent in each region, including annual numbers and
13 averages.

14 (2) A comparison of the number of active Army
15 enlistments produced by each Army Recruiting Bat-
16 talion during fiscal years 2018 through 2022, the
17 number of recruiters stationed in each battalion, and
18 advertising dollars spent in support of each bat-
19 talion, including annual numbers and averages.

20 (3) An analysis of the geographic dispersion of
21 enlistments by military occupational specialty during
22 fiscal years 2018 through 2022.

23 (4) An analysis of the amount of Federal funds
24 spent on advertising per active duty enlistment by
25 Army Recruiting Battalion and region during fiscal

1 years 2018 through 2022, and a ranked list of those
2 battalions from most efficient to least efficient.

3 (5) A comparison of the race, religion, gender,
4 education levels, military occupational specialties,
5 and waivers for enlistment granted to enlistees by
6 region and Army Recruiting Battalion area of re-
7 sponsibility during fiscal years 2018 through 2022.

8 (b) FORMAT.—The report under this section shall
9 display data through infographics wherever possible.

10 (c) PUBLICATION.—Not later than 30 days after sub-
11 mitting the report under subsection (a), the Secretary of
12 the Army shall publish, on a publicly accessible website
13 of the Army, the report and the data sets (scrubbed of
14 all personally identifiable information) used to generate
15 the report.

16 (d) REGION DEFINED.—In this section, the term “re-
17 gion” means a region used for the 2020 decennial census.

18 **SEC. 599. SENSE OF CONGRESS REGARDING WOMEN INVOL-**
19 **UNTARILY SEPARATED FROM THE ARMED**
20 **FORCES DUE TO PREGNANCY OR PARENT-**
21 **HOOD.**

22 (a) FINDINGS.—Congress finds the following:

23 (1) In June 1948, Congress enacted the Wom-
24 en’s Armed Services Integration Act of 1948, which
25 formally authorized the appointment and enlistment

1 of women in the regular components of the Armed
2 Forces.

3 (2) With the expansion of the Armed Forces to
4 include women, the possibility arose for the first
5 time that members of the regular components of the
6 Armed Forces could become pregnant.

7 (3) The response to such possibilities and actu-
8 alities was Executive Order 10240, signed by Presi-
9 dent Harry S. Truman in 1951, which granted the
10 Armed Forces the authority to involuntarily separate
11 or discharge a woman if she became pregnant, gave
12 birth to a child, or became a parent by adoption or
13 a stepparent.

14 (4) The Armed Forces responded to the Execu-
15 tive order by systematically discharging any woman
16 in the Armed Forces who became pregnant, regard-
17 less of whether the pregnancy was planned, un-
18 planned, or the result of sexual abuse.

19 (5) Although the Armed Forces were required
20 to offer women who were involuntarily separated or
21 discharged due to pregnancy the opportunity to re-
22 quest retention in the military, many such women
23 were not offered such opportunity.

24 (6) The Armed Forces did not provide required
25 separation benefits, counseling, or assistance to the

1 members of the Armed Forces who were separated
2 or discharged due to pregnancy.

3 (7) Thousands of members of the Armed
4 Forces were involuntarily separated or discharged
5 from the Armed Forces as a result of pregnancy.

6 (8) There are reports that the practice of the
7 Armed Forces to systematically separate or dis-
8 charge pregnant members caused some such mem-
9 bers to seek an unsafe or inaccessible abortion,
10 which was not legal at the time, or to put their chil-
11 dren up for adoption, and that, in some cases, some
12 women died by suicide following their involuntary
13 separation or discharge from the Armed Forces.

14 (9) Such involuntary separation or discharge
15 from the Armed Forces on the basis of pregnancy
16 was challenged in Federal district court by Steph-
17 anie Crawford in 1975, whose legal argument stated
18 that this practice violated her constitutional right to
19 due process of law.

20 (10) The Court of Appeals for the Second Cir-
21 cuit ruled in Stephanie Crawford's favor in 1976
22 and found that Executive Order 10240 and any reg-
23 ulations relating to the Armed Forces that made
24 separation or discharge mandatory due to pregnancy
25 were unconstitutional.

1 (11) By 1976, all regulations that permitted in-
2 voluntary separation or discharge of a member of
3 the Armed Forces because of pregnancy or any form
4 of parenthood were rescinded.

5 (12) Today, women comprise 17 percent of the
6 Armed Forces, and many are parents, including 12
7 percent of whom are single parents.

8 (13) While military parents face many hard-
9 ships, today's Armed Forces provides various lengths
10 of paid family leave for mothers and fathers, for
11 both birth and adoption of children.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that women who served in the Armed Forces before
14 February 23, 1976, should not have been involuntarily
15 separated or discharged due to pregnancy or parenthood.

16 (c) EXPRESSION OF REMORSE.—Congress hereby ex-
17 presses deep remorse for the women who patriotically
18 served in the Armed Forces, but were forced, by official
19 United States policy, to endure unnecessary and discrimi-
20 natory actions, including the violation of their constitu-
21 tional right to due process of law, simply because they be-
22 came pregnant or became a parent while a member of the
23 Armed Forces.

1 **SEC. 599A. ARMED FORCES WORKPLACE AND GENDER RE-**
2 **LATIONS SURVEYS.**

3 Subsection (c) of section 481 of title 10, United
4 States Code, is amended—

5 (1) by redesignating paragraphs (3), (4), and
6 (5) as paragraphs (4), (5), and (6), respectively; and

7 (2) by inserting after paragraph (2) the fol-
8 lowing new paragraph:

9 “(3) Indicators of the assault (including un-
10 wanted sexual contact) that give reason to believe
11 that the victim was targeted, or discriminated
12 against, or both, for a real or perceived status in a
13 minority group based on race, color, national origin,
14 religion, sex (including gender identity, sexual ori-
15 entation, or sex characteristics), and any other fac-
16 tor considered appropriate by the Secretary.”.

17 **SEC. 599B. TASK FORCE ON HISTORICAL AND CURRENT**
18 **BARRIERS TO AFRICAN AMERICAN PARTICI-**
19 **PATION AND EQUAL TREATMENT IN THE**
20 **ARMED SERVICES.**

21 (a) ESTABLISHMENT.—The Secretary of Defense
22 shall establish within the Department of Defense a task
23 force to be known as the “Task Force on Historical and
24 Current Barriers to African American Participation and
25 Equal Treatment in the Armed Services” (hereafter re-
26 ferred to as the “Task Force”).

1 (b) DUTIES.—The Task Force shall advise, consult
2 with, report to, and make recommendations to the Sec-
3 retary, as appropriate, on the development, refinement,
4 and implementation of policies, programs, planning, and
5 training which will provide redress for historical barriers
6 to African American participation and equal treatment in
7 the Armed Services.

8 (c) STUDIES AND INVESTIGATIONS.—

9 (1) INVESTIGATION OF HISTORICAL RECORD OF
10 SLAVERY.—As part of its duties, the Task Force
11 shall identify, compile, examine, and synthesize the
12 relevant corpus of evidentiary documentation regard-
13 ing the military or Armed Service’s involvement in
14 the institution of slavery. The Task Force’s docu-
15 mentation and examination shall include facts re-
16 lated to—

17 (A) the capture and procurement of Afri-
18 cans;

19 (B) the transport of Africans to the United
20 States and the colonies that became the United
21 States for the purpose of enslavement, including
22 their treatment during transport;

23 (C) the sale and acquisition of Africans
24 and their descendants as chattel property in
25 interstate and intrastate commerce;

1 (D) the treatment of African slaves and
2 their descendants in the colonies and the
3 United States, including the deprivation of their
4 freedom, exploitation of their labor, and de-
5 struction of their culture, language, religion,
6 and families; and

7 (E) the extensive denial of humanity, sex-
8 ual abuse, and the chattelization of persons.

9 (2) STUDY OF EFFECTS OF DISCRIMINATORY
10 POLICIES IN THE ARMED SERVICES.—As part of its
11 duties, the Task Force shall study and analyze the
12 official policies or routine practices of the Armed
13 Services with discriminatory intent or discriminatory
14 effect on the formerly enslaved Africans and their
15 descendants in the Armed Services following the
16 overdue recognition of such persons as United States
17 citizens beginning in 1868.

18 (3) STUDY OF OTHER FORMS OF DISCRIMINA-
19 TION.—As part of its duties, the Task Force shall
20 study and analyze the other forms of discrimination
21 in the Armed Services against freed African slaves
22 and their descendants who were belatedly accorded
23 their rightful status as United States citizens from
24 1868 to the present.

1 (4) STUDY OF LINGERING EFFECTS OF DIS-
2 CRIMINATION.—As part of its duties, the Task Force
3 shall study and analyze the lingering negative effects
4 of the institution of slavery and the matters de-
5 scribed in the preceding paragraphs on living Afri-
6 can Americans and their participation in the Armed
7 Services.

8 (d) RECOMMENDATIONS FOR REMEDIES.—

9 (1) RECOMMENDATIONS.—Based on the results
10 of the investigations and studies carried out under
11 subsection (c), the Task Force shall recommend ap-
12 propriate remedies to the Secretary.

13 (2) ISSUES ADDRESSED.—In recommending
14 remedies under this subsection, the Task Force shall
15 address the following:

16 (A) How Federal laws and policies that
17 continue to disproportionately and negatively
18 affect African Americans as a group in the
19 Armed Services, and those that perpetuate the
20 lingering effects, materially and psycho-socially,
21 can be eliminated.

22 (B) How the injuries resulting from the
23 matters described in subsection (c) can be re-
24 versed through appropriate policies, programs,
25 and projects.

1 (C) How, in consideration of the Task
2 Force's findings, to calculate any form of repair
3 for inequities to the descendants of enslaved Af-
4 ricans.

5 (D) The form of that repair which should
6 be awarded, the instrumentalities through
7 which the repair should be provided, and who
8 should be eligible for the repair of such inequi-
9 ties.

10 (e) ANNUAL REPORT.—

11 (1) SUBMISSION.—Not later than 90 days after
12 the end of each year, the Task Force shall submit
13 a report to the Secretary on its activities, findings,
14 and recommendations during the preceding year.

15 (2) PUBLICATION.—Not later than 180 days
16 after the date on which the Secretary receives an an-
17 nual report for a year under paragraph (1), the Sec-
18 retary shall publish a public version of the report,
19 and shall include such related matters as the Sec-
20 retary finds would be informative to the public dur-
21 ing that year.

22 (f) COMPOSITION; GOVERNANCE.—

23 (1) COMPOSITION.—The Task Force shall be
24 composed of such number of members as the Sec-
25 retary may appoint from among individuals whom

1 the Secretary finds are qualified to serve by virtue
2 of their military service, education, training, activism
3 or experience, particularly in the field of history, so-
4 ciology, and African American studies.

5 (2) PUBLICATION OF LIST OF MEMBERS.—The
6 Secretary shall post and regularly update on a public
7 website of the Department of Defense the list of the
8 members of the Task Force.

9 (3) MEETINGS.—The Task Force shall meet
10 not less frequently than quarterly, and may convene
11 additional meetings during a year as necessary. At
12 least one of the meetings during each year shall be
13 open to the public.

14 (4) GOVERNANCE.—The Secretary shall estab-
15 lish rules for the structure and governance of the
16 Task Force.

17 (5) DEADLINE.—The Secretary shall complete
18 the appointment of the members of the Task Force
19 not later than 180 days after the date of the enact-
20 ment of this Act.

1 **SEC. 599C. PLAN TO COMBAT RACIAL BIAS, DISCRIMINA-**
2 **TION, AND HARASSMENT AGAINST ASIAN**
3 **AMERICAN SERVICE MEMBERS, CIVILIANS,**
4 **AND CONTRACTOR PERSONNEL.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that:

7 (1) Asian American service members, civilians,
8 and contractors serve with honor and distinction in
9 the Department of Defense.

10 (2) Asian Americans continue to be underrep-
11 resented in the Department of Defense and other
12 national security agencies, especially at senior lead-
13 ership and general and flag officer levels.

14 (3) Greater recruitment, retention, and inclu-
15 sion of Asian American personnel, particularly those
16 with language skills and cultural competencies, is
17 critical to implementation of the Administration's
18 Interim National Security Strategic Guidance and
19 National Defense Strategy, both of which place
20 greater emphasis on strategic competition in the
21 Indo-Pacific region.

22 (4) The Department of Defense has a responsi-
23 bility to take meaningful action in addressing the
24 higher rates of racially or ethnically rooted bias, dis-
25 crimination, and harassment experienced and re-
26 ported by service members, civilians, and contractor

1 personnel of Asian American descent, especially
2 women.

3 (5) Protecting and upholding our values in di-
4 versity, equity, and inclusion at home are essential
5 to our efforts in promoting democracy and inclusion
6 abroad.

7 (b) PLAN REQUIRED.—Not later than 180 days after
8 the date of the enactment of this Act, the Secretary of
9 Defense shall—

10 (1) submit to the congressional defense commit-
11 tees a report that includes—

12 (A) an assessment of the extent to which
13 Department of Defense service members, civil-
14 ians, and contractor personnel experience anti-
15 Asian bias, discrimination, or harassment, in-
16 cluding contributing factors such as the security
17 clearance review process;

18 (B) a review of Department of Defense
19 programs, policies, and practices that impact
20 diversity, equity, and inclusion goals, especially
21 with respect to such service members, civilians,
22 and contractor personnel who are Asian Ameri-
23 cans; and

24 (C) recommendations, developed in con-
25 sultation with Asian American organizations, to

1 address unconscious bias, discrimination, and
2 harassment targeted at Asian Americans and to
3 improve recruitment and retention of Asian
4 American service members, civilians, and con-
5 tractor personnel, including accountability
6 measures and improvements to services to in-
7 form and support personnel with resolving dis-
8 crimination complaints through administrative
9 or judicial processes; and

10 (2) make the report required under paragraph
11 (1) publicly available on the website of the Depart-
12 ment of Defense.

13 (c) IMPLEMENTATION AND UPDATE.—Not later than
14 2 years after the date of the enactment of this Act, the
15 Secretary of Defense shall—

16 (1) implement the recommendations described
17 in subsection (b)(1)(C); and

18 (2) provide to the congressional defense com-
19 mittees an update on the implementation of such
20 recommendations.

21 **SEC. 599D. RECURRING REPORT REGARDING COVID-19**
22 **MANDATE.**

23 Not later than 60 days after the date of the enact-
24 ment of this Act and every 60 days thereafter until the
25 Secretary of Defense lifts the requirement that a member

1 of the Armed Forces shall receive a vaccination against
2 COVID-19, the Secretary shall submit to the Committees
3 on Armed Services of the Senate and House of Represent-
4 atives a report, without any personally identifiable infor-
5 mation, containing the following:

6 (1) With regard to religious exemptions to such
7 requirement—

8 (A) the number of such exemptions for
9 which members applied;

10 (B) the number of such religious exemp-
11 tions denied;

12 (C) the reasons for such denials;

13 (D) the number of members denied such a
14 religious exemption who complied with the re-
15 quirement; and

16 (E) the number of members denied such a
17 religious exemption who did not comply with
18 the requirement who were separated, and with
19 what characterization.

20 (2) With regard to medical exemptions to such
21 requirement—

22 (A) the number of such medical exemp-
23 tions for which members applied;

24 (B) the number of such medical exemp-
25 tions denied;

1 (C) the reasons for such denials;

2 (D) the number of members denied such a
3 medical exemption who complied with the re-
4 quirement; and

5 (E) the number of members denied such a
6 medical exemption who did not comply with the
7 requirement who were separated, and with what
8 characterization.

9 **SEC. 599E. PILOT PROGRAM ON SAFE STORAGE OF PER-**
10 **SONALLY OWNED FIREARMS.**

11 (a) ESTABLISHMENT.—The Secretary of Defense
12 shall establish a voluntary pilot program to promote the
13 safe storage of personally owned firearms.

14 (b) ELEMENTS.—Under the pilot program under sub-
15 section (a), the Secretary of Defense shall furnish to mem-
16 bers of the Armed Forces described in subsection (c) se-
17 cure gun storage or safety devices for the purpose of se-
18 curing personally owned firearms when not in use (includ-
19 ing by directly providing, subsidizing, or otherwise making
20 available such devices).

21 (c) VOLUNTARY PARTICIPANTS.—A member of the
22 Armed Forces described in this subsection is a member
23 of the Armed Forces who elects to participate in the pilot
24 program under subsection (a) and is stationed at a mili-
25 tary installation selected under subsection (e).

1 (d) PLAN.—Not later than one year after the date
2 of enactment of this Act, the Secretary of Defense shall
3 submit to the congressional defense committees a plan for
4 the implementation of the pilot program under subsection
5 (a).

6 (e) SELECTION OF INSTALLATIONS.—Not later than
7 two years after the date of the enactment of this Act, the
8 Secretary of Defense shall select not fewer than five mili-
9 tary installations at which to carry out the pilot program
10 under subsection (a).

11 (f) DURATION.—The duration of the pilot program
12 under subsection (a) shall be for a period of six years.

13 (g) REPORT.—Upon the termination of the pilot pro-
14 gram under subsection (a), the Secretary of Defense shall
15 submit to the congressional defense committees a report
16 containing the following information:

17 (1) The number and type of secure gun storage
18 or safety devices furnished to members of the Armed
19 Forces under such pilot program.

20 (2) The cost of such pilot program.

21 (3) An analysis of the effect of such pilot pro-
22 gram on suicide prevention.

23 (4) Such other information as the Secretary
24 may determine appropriate, except that such infor-

1 mation may not include the personally identifiable
2 information of a participant in such pilot program.

3 (h) SECURE GUN STORAGE OR SAFETY DEVICE DE-
4 FINED.—In this subsection, the term “secure gun storage
5 or safety device” means—

6 (1) a device that, when installed on a firearm,
7 is designed to prevent the firearm from being oper-
8 ated without first deactivating the device;

9 (2) a device incorporated into the design of the
10 firearm that is designed to prevent the operation of
11 the firearm by any individual without access to the
12 device; or

13 (3) a safe, gun safe, gun case, lock box, or
14 other device that may be used to store a firearm and
15 is designed to be unlocked only by a key, combina-
16 tion, or other similar means.

17 **SEC. 599F. REPORT ON NON-CITIZEN MEMBERS OF THE**
18 **ARMED FORCES.**

19 Section 147(b) of title 10, United States Code, is
20 amended—

21 (1) in paragraph (8), by striking “and” at the
22 end;

23 (2) by redesignating paragraph (9) as para-
24 graph (10); and

1 (3) by inserting after paragraph (8) the fol-
2 lowing new paragraph:

3 “(9) shall submit to the congressional defense
4 committees an annual report on—

5 “(A) the number of members of the Armed
6 Forces who are not citizens of the United
7 States during the year covered by such report;

8 “(B) the immigration status of such mem-
9 bers; and

10 “(C) the number of such members natural-
11 ized; and”.

12 **SEC. 599G. REPORT ON INSTANCES OF ANTISEMITISM.**

13 The Secretaries concerned shall submit to the con-
14 gressional defense committees a report that identifies,
15 with respect to the equal opportunity programs under the
16 jurisdiction of each Secretary concerned—

17 (1) all administrative investigations into allega-
18 tions of antisemitism; and

19 (2) all substantiated instances of antisemitism.

20 **SEC. 599H. ANNUAL REPORT REGARDING COST OF LIVING**
21 **FOR MEMBERS AND EMPLOYEES OF THE DE-**
22 **PARTMENT OF DEFENSE.**

23 Section 136 of title 10, United States Code, is
24 amended by adding at the end the following new sub-
25 section:

1 “(e) The Under Secretary of Defense for Personnel
2 and Readiness shall submit annually to the Committees
3 on Armed Services of the Senate and House of Represent-
4 atives a report containing an analysis of the costs of living,
5 nationwide, for

6 “(1) members of the Armed Forces on active
7 duty; and

8 “(2) employees of the Department of Defense.”.

9 **SEC. 599I. REVIEW OF RECRUITING EFFORTS FOR WOMEN.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, the Secretary of Defense
12 shall evaluate the effectiveness and scale of existing out-
13 reach programs, with the objective of creating new pro-
14 grams or adjusting the existing programs to increase the
15 recruitment of women, including young women, for service
16 in the Armed Forces.

17 (b) REPORT.—Not later than 365 days after the date
18 of the enactment of this Act, the Department shall submit
19 to the Committees on Armed Services of the House of
20 Representatives and the Senate a report that includes—

21 (1) evaluations of existing marketing and re-
22 cruitment efforts to increase recruitment of women
23 in the Armed Forces; and

1 (2) recommendations on new initiatives, pro-
2 grams, or practices to increase the recruitment of
3 women in the Armed Forces.

4 **SEC. 599J. REPORT ON SUPPORT FOR PREGNANT MEM-**
5 **BERS.**

6 The Secretary of Defense shall report to the Commit-
7 tees on Armed Services of the Senate and House of Rep-
8 resentatives a summary of past, current, and future ef-
9 forts to support pregnant members of the Armed Forces,
10 including—

11 (1) the number of pregnant members who
12 served at least one day of active duty in a calendar
13 year;

14 (2) recommendations to improve efforts to sup-
15 port pregnant members.

16 **SEC. 599K. CLARIFICATION OF AUTHORITY TO SOLICIT**
17 **GIFTS IN SUPPORT OF THE MISSION OF THE**
18 **DEFENSE POW/MIA ACCOUNTING AGENCY TO**
19 **ACCOUNT FOR MEMBERS OF THE ARMED**
20 **FORCES AND DEPARTMENT OF DEFENSE CI-**
21 **VILIAN EMPLOYEES LISTED AS MISSING.**

22 Section 1501a of title 10, United States Code, is
23 amended—

24 (1) in subsection (e)(1), by inserting “solicit,”
25 after “the Secretary may”; and

1 (2) in subsection (f)(2)—

2 (A) by inserting “solicitation or” after
3 “provide that”; and

4 (B) by striking “acceptance or use” and
5 inserting “solicitation, acceptance, or use”.

6 **SEC. 599L. REPORT ON EFFORTS TO PREVENT AND RE-**
7 **SPOND TO DEATHS BY SUICIDE IN THE NAVY.**

8 (a) REVIEW REQUIRED.—The Inspector General of
9 the Department of Defense shall conduct a review of the
10 efforts by the Secretary of the Navy to—

11 (1) prevent incidents of deaths by suicide, sui-
12 cide attempts, and suicidal ideation among covered
13 members; and

14 (2) respond to such incidents.

15 (b) ELEMENTS OF REVIEW.—The study conducted
16 under subsection (a) shall include an assessment of each
17 of the following:

18 (1) The extent of data collected regarding inci-
19 dents of deaths by suicide, suicide attempts, and sui-
20 cidal ideation among covered members, including
21 data regarding whether such covered members are
22 assigned to sea duty or shore duty at the time of
23 such incidents.

24 (2) The means used by commanders to prevent
25 and respond to incidents of deaths by suicide, sui-

1 cide attempts, and suicidal ideation among covered
2 members.

3 (3) Challenges related to—

4 (A) the prevention of incidents of deaths
5 by suicide, suicide attempts, and suicidal idea-
6 tion among members of the Navy assigned to
7 sea duty; and

8 (B) the development of a response to such
9 incidents.

10 (4) The capacity of teams providing mental
11 health services to covered members to respond to in-
12 cidents of suicidal ideation or suicide attempts
13 among covered members in the respective unit each
14 such team serves.

15 (5) The means used by such teams to respond
16 to such incidents, including the extent to which post-
17 incident programs are available to covered members.

18 (6) Such other matters as the Inspector Gen-
19 eral considers appropriate in connection with the
20 prevention of deaths by suicide, suicide attempts,
21 and suicidal ideation among covered members.

22 (c) REPORT REQUIRED.—Not later than 180 days
23 after the date of the enactment of this Act, the Inspector
24 General of the Department of Defense shall submit to the
25 congressional defense committees a report that includes

1 a summary of the results of the review conducted under
2 subsection (a).

3 (d) COVERED MEMBER DEFINED.—In this section
4 the term “covered member” means a member of the Navy
5 assigned to sea duty or shore duty.

6 **SEC. 599M. REPORT ON PROGRAMS THROUGH WHICH MEM-**
7 **BERS OF THE ARMED FORCES MAY FILE**
8 **ANONYMOUS CONCERNS.**

9 (a) REVIEW REQUIRED.—The Inspector General of
10 the Department of Defense shall conduct a review that
11 shall include an assessment of the extent to which the Sec-
12 retary of Defense and each Secretary of a military depart-
13 ment have—

14 (1) issued policy and guidance concerning the
15 establishment, promotion, and management of an
16 anonymous concerns program;

17 (2) established safeguards in such policy and
18 guidance to ensure the anonymity of concerns or
19 complaints filed through an anonymous concerns
20 program; and

21 (3) used an anonymous concerns program—

22 (A) for purposes that include services on a
23 military installation; and

24 (B) in settings that include—

25 (i) naval vessels;

- 1 (ii) military installations outside the
2 continental United States; and
3 (iii) remote locations.

4 (b) REPORT REQUIRED.—Not later than 180 days
5 after the date of the enactment of this Act, the Inspector
6 General of the Department of Defense shall submit to the
7 congressional defense committees a report that includes
8 the findings of the review conducted under subsection (a).

9 (c) ANONYMOUS CONCERNS PROGRAM DEFINED.—
10 In this section, the term “anonymous concerns pro-
11 gram”—

12 (1) means a program that enables a member of
13 the Armed Force to anonymously submit a com-
14 plaint or concern related to topics that include—

15 (A) morale;

16 (B) quality of life;

17 (C) safety; or

18 (D) the availability of Department of De-
19 fense programs or services to support members
20 of the Armed Forces; and

21 (2) does not include an anonymous reporting
22 mechanism related to sexual harassment, sexual as-
23 sault, anti-harassment complaints, or military equal
24 opportunity complaints.

1 **SEC. 599N. SENSE OF CONGRESS REGARDING ULYSSES S.**
2 **GRANT.**

3 It is the Sense of Congress that—

4 (1) the efforts and leadership of Ulysses S.
5 Grant in defending the United States deserve honor;

6 (2) the military victories achieved under the
7 command of Ulysses S. Grant were integral to the
8 preservation of the United States; and

9 (3) Ulysses S. Grant is among the most influen-
10 tial military commanders in the history of the
11 United States.

12 **TITLE VI—COMPENSATION AND**
13 **OTHER PERSONNEL BENEFITS**
14 **Subtitle A—Basic Pay and**
15 **Allowances**

16 **SEC. 601. EXCLUSION OF BAH FROM GROSS HOUSEHOLD**
17 **INCOME FOR PURPOSES OF BASIC NEEDS AL-**
18 **LOWANCE.**

19 Section 402b(k)(1) of title 37, United States Code,
20 is amended by striking subparagraph (B) and inserting
21 the following:

22 “(B) the basic allowance for housing under
23 section 403 of this title paid to such member.”.

1 **SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR A MEMBER**
2 **WITHOUT DEPENDENTS WHOSE RELOCATION**
3 **WOULD FINANCIALLY DISADVANTAGE SUCH**
4 **MEMBER.**

5 Section 403(o) of title 37, United States Code, is
6 amended—

7 (1) by inserting “(1)” before “In the case of a
8 member who is assigned”; and

9 (2) by adding at the end the following new
10 paragraph:

11 “(2) In the case of a member without dependents who
12 is assigned to a unit that undergoes a change of home
13 port or a change of permanent duty station, the Secretary
14 concerned may, if the Secretary concerned determines that
15 it would be inequitable to base the member’s entitlement
16 to, and amount of, a basic allowance for housing on the
17 new home port or permanent duty station, treat such
18 member, for the purposes of this section, as if the unit
19 to which the member is assigned did not undergo such
20 a change.”.

1 **SEC. 603. TEMPORARY CONTINUATION OF RATE OF BASIC**
2 **ALLOWANCE FOR HOUSING FOR MEMBERS**
3 **OF THE ARMED FORCES WHOSE SOLE DE-**
4 **PENDENT DIES WHILE RESIDING WITH THE**
5 **MEMBER.**

6 (a) **AUTHORITY.**—Section 403 of title 37, United
7 States Code, as amended by section 602, is further amend-
8 ed by—

9 (1) redesignating subsections (m) through (p)
10 as subsections (n) through (q);

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

13 “(m) **TEMPORARY CONTINUATION OF RATE OF**
14 **BASIC ALLOWANCE FOR MEMBERS OF THE ARMED**
15 **FORCES WHOSE SOLE DEPENDENT DIES WHILE RESID-**
16 **ING WITH THE MEMBER.**—(1) Notwithstanding sub-
17 section (a)(2) or any other section of law, the Secretary
18 of Defense and or the Secretary of the Department in
19 which the Coast Guard is operating, may, after the death
20 of the sole dependent of a member of the armed forces,
21 continue to pay a basic allowance for housing to such
22 member at the rate paid to such member at the time of
23 the death of such sole dependent if—

24 “(A) such sole dependent dies—

25 “(i) while the member is on active duty;

26 and

1 “(ii) while residing with the member, un-
2 less separated by the necessity of military serv-
3 ice or to receive institutional care as a result of
4 disability or incapacitation or under such other
5 circumstances as the Secretary concerned may
6 by regulation prescribe; and

7 “(B) the member—

8 “(i) is not occupying a housing facility
9 under the jurisdiction of the Secretary con-
10 cerned on the date of the death of the sole de-
11 pendent; or

12 “(ii) is occupying such housing on a rental
13 basis on such date.

14 “(2) The continuation of the rate of an allowance
15 under this subsection shall terminate 365 days after the
16 date of the death of the sole dependent.”.

17 (b) CONFORMING AMENDMENT.—Section 2881a(c)
18 of title 10, United States Code, is amended by striking
19 “section 403(n)” and inserting “section 403(o)”.

1 **SEC. 604. ALLOWANCE FOR GYM MEMBERSHIP FOR CER-**
2 **TAIN MEMBERS OF THE ARMED FORCES WHO**
3 **RESIDE MORE THAN 10 MILES FROM A MILI-**
4 **TARY INSTALLATION.**

5 (a) ESTABLISHMENT.—Chapter 7 of title 37, United
6 States Code, is amended by inserting after section 425 the
7 following new section:

8 **“§ 426. Allowance for gym membership for certain**
9 **members of the armed forces who reside**
10 **more than 10 miles from a military instal-**
11 **lation**

12 “(a) ALLOWANCE AUTHORIZED.—The Secretary of
13 the military department concerned may pay, to a covered
14 member, a monthly allowance for a gym membership.

15 “(b) AMOUNT.—A monthly allowance to a covered
16 member under this section shall be in an amount deter-
17 mined by the Secretary of Defense based on the average
18 cost of a gym membership in the military housing area
19 in which the covered member resides.

20 “(c) DEFINITIONS.—In this section:

21 “(1) The term ‘covered armed force’ means the
22 following:

23 “(A) The Army.

24 “(B) The Navy.

25 “(C) The Marine Corps.

26 “(D) The Air Force.

1 “(E) The Space Force.

2 “(2) The term ‘covered member’ means a mem-
3 ber of a covered armed force—

4 “(A) who resides more than 10 miles from
5 a military installation; and

6 “(B) who furnishes to the Secretary of the
7 military department concerned receipts or other
8 evidence such member has a gym member-
9 ship.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of such chapter is amended by inserting
12 after the item relating to section 425 the following:

“426. Allowance for gym membership for certain members of the armed forces
who reside more than 10 miles from a military installation.”.

13 **SEC. 605. REVIVAL AND REDESIGNATION OF PROVISION ES-**
14 **TABLISHING BENEFITS FOR CERTAIN MEM-**
15 **BERS ASSIGNED TO THE DEFENSE INTEL-**
16 **LIGENCE AGENCY.**

17 (a) REVIVIAL.—Section 491 of title 37, United States
18 Code—

19 (1) is revived to read as it did immediately be-
20 fore its repeal under section 604 of the National De-
21 fense Authorization Act for Fiscal Year 2022 (Pub-
22 lic Law 117–81); and

23 (2) is redesignated as section 431 of such title.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 7 of such title is amended by
3 inserting, after the item relating to section 427, the fol-
4 lowing new item:

“431. Benefits for certain members assigned to the Defense Intelligence Agen-
cy.”.

5 **SEC. 606. REIMBURSEMENT OF CERTAIN CHILD CARE**
6 **COSTS INCIDENT TO A PERMANENT CHANGE**
7 **OF STATION OR ASSIGNMENT.**

8 (a) DESIGNATED CHILD CARE PROVIDER: DEFINI-
9 TION; INCLUSION AS AUTHORIZED TRAVELER.—Section
10 451(a) of title 37, United States Code, is amended—

11 (1) in paragraph (2)(C), by inserting “, or as
12 a designated child care provider if child care is not
13 available to a member of the armed forces at a mili-
14 tary child development center (as that term is de-
15 fined in section 1800 of title 10) at the permanent
16 duty location of such member not later than 30 days
17 after the member arrives at such location” before
18 the period; and

19 (2) by adding at the end the following new
20 paragraph:

21 “(4) The term ‘designated child care provider’
22 means an adult selected by a member of the armed
23 forces to provide child care to a dependent child of
24 such member.”.

1 (b) AUTHORIZATION OF REIMBURSEMENT.—Section
2 453 of title 37, United States Code, is amended by adding
3 at the end the following new subsection:

4 “(h) REIMBURSEMENT OF CERTAIN CHILD CARE
5 COSTS INCIDENT TO A MEMBER’S PERMANENT CHANGE
6 OF STATION OR ASSIGNMENT.—(1) From amounts other-
7 wise made available for a fiscal year to provide travel and
8 transportation allowances under this chapter, the Sec-
9 retary concerned may reimburse a member of the armed
10 forces for travel expenses for a designated child care pro-
11 vider when—

12 “(A) the member is reassigned, either as a per-
13 manent change of station or permanent change of
14 assignment, to a new duty station;

15 “(B) the movement of the member’s dependents
16 is authorized at the expense of the United States
17 under this section as part of the reassignment;

18 “(C) child care is not available at a military
19 child development center (as that term is defined in
20 section 1800 of title 10) at such duty station not
21 later than 30 days after the member arrives at such
22 duty station; and

23 “(D) the dependent child is on the wait list for
24 child care at such military child development center.

1 “(2) Reimbursement provided to a member under
2 this subsection may not exceed—

3 “(A) \$500 for a reassignment between duty sta-
4 tions within the continental United States; and

5 “(B) \$1,500 for a reassignment involving a
6 duty station outside of the continental United
7 States.

8 “(3) A member may not apply for reimbursement
9 under this subsection later than one year after a reassign-
10 ment described in paragraph (1).

11 “(4) In the event a household contains two or more
12 members eligible for reimbursement under this subsection,
13 reimbursement may be paid to one member among such
14 members as such members shall jointly elect.”.

15 **SEC. 607. ALLOWABLE TRAVEL AND TRANSPORTATION AL-**
16 **LOWANCES: COMPLEX OVERHAUL.**

17 Section 452(b) of title 37, United States Code, is
18 amended—

19 (1) by redesignating the second paragraph (18)
20 as paragraph (21); and

21 (2) by adding at the end the following new
22 paragraphs:

23 “(22) Permanent change of assignment to or
24 from a naval vessel undergoing nuclear refueling or
25 defueling and any concurrent complex overhaul, even

1 if such assignment is within the same area as the
2 current assignment of the member.

3 “(23) Current assignment to a naval vessel en-
4 tering or exiting nuclear refueling or defueling and
5 any concurrent complex overhaul.”.

6 **SEC. 608. EXPANSION OF AUTHORITY TO REIMBURSE A**
7 **MEMBER OF THE UNIFORMED SERVICES FOR**
8 **SPOUSAL BUSINESS COSTS ARISING FROM A**
9 **PERMANENT CHANGE OF STATION.**

10 Subsection (g) of section 453 of title 37, United
11 States Code, as amended by section 606, is further amend-
12 ed—

13 (1) in the heading, by inserting “OR BUSINESS
14 COSTS” after “RELICENSING COSTS”;

15 (2) in paragraph (1), by inserting “or qualified
16 business costs” after “qualified relicensing costs”;

17 (3) in paragraph (2)—

18 (A) by inserting “(A)” before “Reimburse-
19 ment”;

20 (B) by inserting “for qualified relicensing
21 costs” after “subsection”;

22 (C) by striking “\$1000” and inserting
23 “\$1,000”; and

24 (D) by adding at the end the following new
25 subparagraph:

1 “(B) Reimbursement provided to a member under
2 this subsection for qualified business costs may not exceed
3 \$2,000 in connection with each reassignment described in
4 paragraph (1).”;

5 (4) in paragraph (3), by inserting “or qualified
6 business costs” after “qualified relicensing costs”;

7 (5) in paragraph (4)—

8 (A) in the matter preceding subparagraph
9 (A), by inserting “business license, permit,”
10 after “courses,”;

11 (B) in subparagraph (A)—

12 (i) by inserting “, or owned a busi-
13 ness,” before “during”;

14 (ii) by inserting “professional” before
15 “license”; and

16 (iii) by inserting “, or business license
17 or permit,” after “certification”; and

18 (C) in subparagraph (B)—

19 (i) by inserting “professional” before
20 “license”; and

21 (ii) by inserting “, or business license
22 or permit,” after “certification”; and

23 (6) by adding at the end the following new
24 paragraph:

1 “(5) In this subsection, the term ‘qualified business
2 costs’ means costs, including moving services for equip-
3 ment, equipment removal, new equipment purchases, in-
4 formation technology expenses, and inspection fees, in-
5 curred by the spouse of a member if—

6 “(A) the spouse owned a business during the
7 member’s previous duty assignment and the costs re-
8 sult from a movement described in paragraph (1)(B)
9 in connection with the member’s change in duty lo-
10 cation pursuant to reassignment described in para-
11 graph (1)(A); and

12 “(B) the costs were incurred or paid to move
13 such business to a new location in connection with
14 such reassignment.”.

15 **SEC. 609. PERMANENT AUTHORITY TO REIMBURSE MEM-**
16 **BERS FOR SPOUSE RELICENSING COSTS PUR-**
17 **SUANT TO A PERMANENT CHANGE OF STA-**
18 **TION.**

19 Subsection (g) of section 453 of title 37, United
20 States Code, as amended by sections 606 and 608, is fur-
21 ther amended by striking paragraph (3) and redesignating
22 paragraph (4) as paragraph (3).

1 **SEC. 609A. TRAVEL AND TRANSPORTATION ALLOWANCES**
2 **FOR CERTAIN MEMBERS OF THE ARMED**
3 **FORCES WHO ATTEND A PROFESSIONAL**
4 **MILITARY EDUCATION INSTITUTION OR**
5 **TRAINING CLASSES.**

6 Section 453 of title 37, United States Code, as
7 amended by sections 606, 608, and 609, is further amend-
8 ed by adding at the end the following new subsection:

9 “(i) ATTENDANCE AT PROFESSIONAL MILITARY
10 EDUCATION INSTITUTION OR TRAINING CLASSES.—

11 “(1) The Secretary of the military department
12 concerned may authorize temporary duty status, and
13 travel and transportation allowances payable to a
14 member in such status, for a member under the ju-
15 risdiction of such Secretary who is reassigned—

16 “(A) between duty stations located within
17 the United States;

18 “(B) for a period of not more than one
19 year;

20 “(C) for the purpose of participating in
21 professional military education or training
22 classes,

23 “(D) with orders to return to the duty sta-
24 tion where the member maintains primary resi-
25 dence and the dependents of such member re-
26 side.

1 “(2) If the Secretary of the military department
2 concerned assigns permanent duty status to a mem-
3 ber described in paragraph (1), such member shall
4 be eligible for travel and transportation allowances
5 including the following:

6 “(A) Transportation, including mileage at
7 the same rate paid for a permanent change of
8 station.

9 “(B) Per diem while traveling between the
10 permanent duty station and professional mili-
11 tary education institution or training site.

12 “(C) Per diem paid in the same manner
13 and amount as temporary lodging expenses.

14 “(D) Per diem equal to the amount of the
15 basic allowance for housing under section 403
16 of this title paid to a member—

17 “(i) in the grade of such member;

18 “(ii) without dependents;

19 “(iii) who resides in the military hous-
20 ing area in which the professional military
21 education institution or training site is lo-
22 cated.

23 “(E) Movement of household goods in an
24 amount determined under applicable regula-
25 tions.”.

1 **SEC. 609B. ESTABLISHMENT OF ALLOWANCE FOR CERTAIN**
2 **RELOCATIONS OF PETS OF MEMBERS OF THE**
3 **UNIFORMED SERVICES.**

4 (a) ESTABLISHMENT.—Section 453 of title 37,
5 United States Code, as amended by sections 606, 608,
6 609, and 609A, is further amended by adding at the end
7 the following new subsection:

8 “(j) PET RELOCATION ARISING FROM A PERMANENT
9 CHANGE OF DUTY STATION TO OR FROM A LOCATION
10 OUTSIDE THE CONTINENTAL UNITED STATES.—(1) The
11 Secretary concerned shall reimburse a member for costs—

12 “(A) to move a pet of the member; and

13 “(B) arising from a permanent change of duty
14 station of such member to or from a location outside
15 the continental United States.

16 “(2) Reimbursement provided to a member under
17 this subsection may not exceed \$2,000 in connection with
18 each permanent change of duty station described in para-
19 graph (1).

20 “(3) In this subsection, the term ‘pet’ has the mean-
21 ing given such term in section 2266 of title 18.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 this section takes effect on the day that is 180 days after
24 the date of the enactment of this Act and applies to the
25 relocation of a member of the uniformed services on or
26 after such day.

1 **SEC. 609C. EXTENSION OF ONE-TIME UNIFORM ALLOW-**
2 **ANCE FOR OFFICERS WHO TRANSFER TO THE**
3 **SPACE FORCE.**

4 Subsection (d)(1) of section 606 of the William M.
5 (Mac) Thornberry National Defense Authorization Act for
6 Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3672;
7 37 U.S.C. 416 note) is amended by striking “September
8 30, 2022” and inserting “September 30, 2023”.

9 **SEC. 609D. OCONUS COST OF LIVING ALLOWANCE: ADJUST-**
10 **MENTS; NOTICE TO CERTAIN CONGRES-**
11 **SIONAL COMMITTEES.**

12 (a) ADJUSTMENTS.—

13 (1) REDUCTIONS: LIMITATION.—The Secretary
14 of Defense and the Secretary of the Department in
15 which the Coast Guard is operating may not reduce
16 the cost-of-living allowance for a member of the
17 Armed Forces assigned to a duty station located
18 outside the United States except in connection with
19 a permanent change of station for such member.

20 (2) INCREASES.—The Secretary of Defense and
21 the Secretary of the Department in which the Coast
22 Guard is operating may increase the allowance de-
23 scribed in paragraph (1) for a member of the Armed
24 Forces at any time.

25 (b) NOTICE TO CERTAIN CONGRESSIONAL COMMIT-
26 TEES.—The Secretary of Defense shall notify the appro-

1 piate congressional committees not less than 180 days be-
 2 fore modifying a table used to calculate the living allow-
 3 ance described in subsection (a).

4 (c) BRIEFING.—Not later than March 1, 2023, the
 5 Secretary of Defense shall brief the Committees on Armed
 6 Services of the Senate and House of Representatives re-
 7 garding effects of this section on the allowance described
 8 in subsection (a).

9 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
 10 DEFINED.—In this section, the term “appropriate con-
 11 gressional committees” means the following:

12 (1) The Committee on Armed Services of the
 13 Senate.

14 (2) The Committees on Armed Services of the
 15 House of Representatives.

16 (3) The Committee on Commerce, Science, and
 17 Transportation of the Senate.

18 (4) The Committee on Transportation and In-
 19 frastructure of the House of Representatives.

20 **SEC. 609E. PAY FOR DOD AND COAST GUARD CHILD CARE**
 21 **PROVIDERS; STUDIES; ADJUSTMENT.**

22 (a) DOD CHILD CARE EMPLOYEE COMPENSATION
 23 REVIEW.—

24 (1) REVIEW REQUIRED.—The Secretary of De-
 25 fense shall, for each geographic area in which the

1 Secretary of a military department operates a mili-
2 tary child development center, conduct a study—

3 (A) comparing the total compensation, in-
4 cluding all pay and benefits, of child care em-
5 ployees of each military child development cen-
6 ter in the geographic area to the total com-
7 pensation of similarly credentialed employees of
8 public elementary schools in such geographic
9 area; and

10 (B) estimating the difference in average
11 pay and the difference in average benefits be-
12 tween such child care employees and such em-
13 ployees of public elementary schools.

14 (2) SCHEDULE.—The Secretary of Defense
15 shall complete the studies required under paragraph
16 (1)—

17 (A) for the geographic areas containing the
18 military installations with the 25 longest wait
19 lists for child care services at military child de-
20 velopment centers, not later than one year after
21 the date of the enactment of this Act; and

22 (B) for geographic areas other than geo-
23 graphic areas described in subparagraph (A),
24 not later than two years after the date of the
25 enactment of this Act.

1 (3) REPORTS.—

2 (A) INTERIM REPORT.—Not later than one
3 year after the date of the enactment of this Act,
4 the Secretary of Defense shall submit to the
5 congressional defense committees and the Coast
6 Guard committees a report summarizing the re-
7 sults of the studies required under paragraph
8 (1) that have been completed as of the date of
9 the submission of such report.

10 (B) FINAL REPORT.—Not later than 120
11 days after the completion of all the studies re-
12 quired under paragraph (1), the Secretary shall
13 submit to the congressional defense committees
14 and the Coast Guard committees a report sum-
15 marizing the results of such studies.

16 (b) COAST GUARD CHILD DEVELOPMENT CENTER
17 EMPLOYEE COMPENSATION REVIEW.—

18 (1) REVIEW REQUIRED.—The Secretary of
19 Homeland Security shall, for each geographic area
20 in which the Secretary operates a Coast Guard child
21 development center, conduct a study—

22 (A) comparing the total compensation (in-
23 cluding all pay and benefits) of child develop-
24 ment center employees of each Coast Guard
25 child development center in such geographic

1 area, to the total compensation of similarly
2 credentialed employees of public elementary
3 schools in such geographic area; and

4 (B) estimating the difference in average
5 pay and the difference in average benefits be-
6 tween such child development center employees
7 and such employees of public elementary
8 schools.

9 (2) SCHEDULE.—The Secretary of Homeland
10 Security shall complete the studies required under
11 paragraph (1)—

12 (A) for the geographic areas containing the
13 Coast Guard installations with the 10 longest
14 wait lists for child development services at
15 Coast Guard child development centers, not
16 later than one year after the date of the enact-
17 ment of this Act; and

18 (B) for geographic areas other than geo-
19 graphic areas described in subparagraph (A),
20 not later than two years after the date of the
21 enactment of this Act.

22 (3) REPORTS.—

23 (A) INTERIM REPORT.—Not later than one
24 year after the date of the enactment of this Act,
25 the Secretary of Homeland Security shall sub-

mit to the Coast Guard committees and the congressional defense committees a report summarizing the results of the respective studies required under paragraph (1) that the Secretary has completed as of the date of the submission of such report.

(B) FINAL REPORT.—Not later than 120 days after the completion of all respective studies required under paragraph (1), the Secretary of Homeland Security shall submit to the Coast Guard committees and the congressional defense committees a report summarizing the results of such studies.

(c) COMPENSATION ADJUSTMENT.—

(1) IN GENERAL.—

(A) DEPARTMENT OF DEFENSE.—Not later than 90 days after the date on which the Secretary of Defense completes the study for a geographic area under subsection (a), the Secretary of each military department that operates a military child development center in such geographic area shall ensure that the dollar value of the total compensation, including the pay and benefits, of child care employees is not less than the average dollar value of the total

1 compensation of similarly credentialed employ-
2 ees of public elementary schools in such geo-
3 graphic area.

4 (B) COAST GUARD.—Not later than 90
5 days after the date on which the Secretary of
6 Homeland Security completes the study for a
7 geographic area under subsection (b), the Com-
8 mandant of the Coast Guard shall ensure that
9 the dollar value of the total compensation, in-
10 cluding the pay and benefits, of child develop-
11 ment center employees in such geographic area
12 is not less than the average dollar value of the
13 total compensation of similarly credentialed em-
14 ployees of public elementary schools in such ge-
15 ographic area.

16 (2) ADJUSTMENT LIMIT.—No child care em-
17 ployee or child development center employee may
18 have his or her pay or benefits decreased pursuant
19 to paragraph (1).

20 (3) REPORTS.—

21 (A) DEPARTMENT OF DEFENSE.—Not
22 later than one year after the date of the enact-
23 ment of this Act, and annually thereafter for
24 five years, each Secretary of a military depart-
25 ment shall submit to the congressional defense

1 committees and the Coast Guard committees a
2 report detailing the effects of changes in the
3 total compensation under this subsection, in-
4 cluding the effects on the hiring and retention
5 of child care employees and on the number of
6 children for which military child development
7 centers provide child care services.

8 (B) COAST GUARD.—Not later than one
9 year after the date of the enactment of this Act,
10 and annually thereafter for five years, the Com-
11 mandant of the Coast Guard shall submit to
12 the Coast Guard committees and the congres-
13 sional defense committees a report detailing the
14 effects of changes in the total compensation
15 under this subsection, including the effects on
16 the hiring and retention of child development
17 center employees and on the number of children
18 for which Coast Guard child development cen-
19 ters provide child development services.

20 (d) DEFINITIONS.—In this section:

21 (1) The term “benefits” includes—

22 (A) retirement benefits;

23 (B) any insurance premiums paid by an
24 employer;

1 (C) education benefits, including tuition re-
2 imbursement and student loan repayment; and

3 (D) any other compensation an employer
4 provides to an employee for service performed
5 as an employee (other than pay), as determined
6 appropriate by the Secretary of Defense or Sec-
7 retary of Homeland Security, as applicable.

8 (2) The terms “child care employee” and “mili-
9 tary child development center” have the meanings
10 given such terms in section 1800 of title 10, United
11 States Code.

12 (3) The terms “child development center em-
13 ployee” and “Coast Guard child development center”
14 have the meanings given such terms in section 2921
15 of title 14, United States Code.

16 (4) The term “Coast Guard committees”
17 means—

18 (A) the Committee on Commerce, Science,
19 and Transportation of the Senate;

20 (B) the Committee on Transportation and
21 Infrastructure of the House of Representatives;
22 and

23 (C) the Committees on Appropriations of
24 the Senate and the House of Representatives.

1 (5) The term “congressional defense commit-
2 tees” has the meaning given such term in section
3 101 of title 10, United States Code.

4 (6) The term “elementary school” means a day
5 or residential school which provides elementary edu-
6 cation, as determined under State law.

7 (7) The term “pay” includes the basic rate of
8 pay of an employee and any additional payments an
9 employer pays to an employee for service performed
10 as an employee.

11 **Subtitle B—Bonus and Incentive**
12 **Pays**

13 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING**
14 **BONUS AND SPECIAL PAY AUTHORITIES.**

15 (a) AUTHORITIES RELATING TO RESERVE
16 FORCES.—Section 910(g) of title 37, United States Code,
17 relating to income replacement payments for reserve com-
18 ponent members experiencing extended and frequent mo-
19 bilization for active duty service, is amended by striking
20 “December 31, 2022” and inserting “December 31,
21 2023”.

22 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
23 CARE PROFESSIONALS.—The following sections of title
24 10, United States Code, are amended by striking “Decem-
25 ber 31, 2022” and inserting “December 31, 2023”:

1 (1) Section 2130a(a)(1), relating to nurse offi-
2 cer candidate accession program.

3 (2) Section 16302(d), relating to repayment of
4 education loans for certain health professionals who
5 serve in the Selected Reserve.

6 (c) AUTHORITIES RELATING TO NUCLEAR OFFI-
7 CERS.—Section 333(i) of title 37, United States Code, is
8 amended by striking “December 31, 2022” and inserting
9 “December 31, 2023”.

10 (d) AUTHORITIES RELATING TO TITLE 37 CONSOLI-
11 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-
12 THORITIES.—The following sections of title 37, United
13 States Code, are amended by striking “December 31,
14 2022” and inserting “December 31, 2023”:

15 (1) Section 331(h), relating to general bonus
16 authority for enlisted members.

17 (2) Section 332(g), relating to general bonus
18 authority for officers.

19 (3) Section 334(i), relating to special aviation
20 incentive pay and bonus authorities for officers.

21 (4) Section 335(k), relating to special bonus
22 and incentive pay authorities for officers in health
23 professions.

1 (5) Section 336(g), relating to contracting
2 bonus for cadets and midshipmen enrolled in the
3 Senior Reserve Officers' Training Corps.

4 (6) Section 351(h), relating to hazardous duty
5 pay.

6 (7) Section 352(g), relating to assignment pay
7 or special duty pay.

8 (8) Section 353(i), relating to skill incentive
9 pay or proficiency bonus.

10 (9) Section 355(h), relating to retention incen-
11 tives for members qualified in critical military skills
12 or assigned to high priority units.

13 (e) AUTHORITY TO PROVIDE TEMPORARY INCREASE
14 IN RATES OF BASIC ALLOWANCE FOR HOUSING.—Section
15 403(b) of title 37, United States Code, is amended—

16 (1) in paragraph (7)(E), by striking “December
17 31, 2022” and inserting “December 31, 2023”; and

18 (2) in paragraph (8)(C), by striking “Sep-
19 tember 30, 2022” and inserting “December 31,
20 2023”.

21 **SEC. 612. INCREASE TO MAXIMUM AMOUNTS OF CERTAIN**
22 **BONUS AND SPECIAL PAY AUTHORITIES.**

23 (a) GENERAL BONUS AUTHORITY FOR ENLISTED
24 MEMBERS.—Section 331(c)(1) of title 37, United States
25 Code, is amended—

1 (1) in subparagraph (A), by striking “\$50,000”
2 and inserting “\$75,000”; and

3 (2) in subparagraph (B), by striking “\$30,000”
4 and inserting “\$50,000”.

5 (b) SPECIAL BONUS AND INCENTIVE PAY AUTHORI-
6 TIES FOR NUCLEAR OFFICERS.—Section 333(d)(1)(A) of
7 title 37, United States Code, is amended by striking
8 “\$50,000” and inserting “\$75,000”.

9 (c) SPECIAL AVIATION INCENTIVE PAY AND BONUS
10 AUTHORITIES FOR OFFICERS.—Section 334(c)(1) of title
11 37, United States Code, is amended—

12 (1) in subparagraph (A), by striking “\$1,000”
13 and inserting “\$1,500”; and

14 (2) in subparagraph (B), by striking “\$35,000”
15 and inserting “\$75,000”.

16 (d) SKILL INCENTIVE PAY OR PROFICIENCY
17 BONUS.—Section 353(c)(1)(A) of title 37, United States
18 Code, is amended by striking “\$1,000” and inserting
19 “\$1,750”.

20 **SEC. 613. SPECIAL PAY AND ALLOWANCES FOR MEMBERS**
21 **OF THE ARMED FORCES ASSIGNED TO COLD**
22 **WEATHER OPERATIONS.**

23 (a) SPECIAL PAY.—

1 (1) ESTABLISHMENT.—Subchapter II of chap-
2 ter 5 of title 37, United States Code, is amended by
3 inserting after section 336 the following new section:

4 **“§ 337. Special pay: members of the armed forces as-**
5 **signed to cold weather operations**

6 “(a) SPECIAL PAY AUTHORIZED.—The Secretary
7 concerned shall pay monthly special pay (to be known as
8 ‘arctic pay’) to a member of the armed forces—

9 “(1) assigned to perform cold weather oper-
10 ations; or

11 “(2) required to maintain proficiency through
12 frequent operations in cold weather.

13 “(b) AMOUNT OF PAY.—Special pay under this sec-
14 tion shall equal \$300 per month.

15 “(c) RELATIONSHIP TO OTHER PAY OR ALLOW-
16 ANCES.—Special pay under this section is in addition to
17 any other pay or allowance to which a member is entitled.

18 “(d) SUNSET.—No special pay may be paid under
19 this section after December 31, 2023.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of such chapter is amended
22 by inserting after the item relating to section 336
23 the following:

“337. Special pay: members of the armed forces assigned to permanent duty
stations in Alaska.”.

1 (3) REGULATIONS.—The Secretary of Defense
2 shall prescribe regulations for the payment of arctic
3 pay under section 337 of such title, as added by sub-
4 section (a).

5 (b) PILOT ALLOWANCE FOR BROADBAND.—

6 (1) ESTABLISHMENT.—Chapter 7 of title 37,
7 United States Code, is amended by inserting after
8 section 425 the following new section:

9 **“§ 426. Allowance for broadband for members of the**
10 **armed forces assigned to permanent duty**
11 **stations in Alaska**

12 “(a) ALLOWANCE AUTHORIZED.—The Secretary con-
13 cerned shall pay, to a member of the armed forces as-
14 signed to a permanent duty station in Alaska, a monthly
15 allowance for broadband.

16 “(b) AMOUNT.—The monthly allowance to a member
17 under this section shall be—

18 “(1) \$125 during calendar year 2023; and

19 “(2) in subsequent calendar years, an amount
20 determined by the Secretary of Defense based on the
21 difference between the average costs of unlimited
22 broadband plans in Alaska and in the continental
23 United States.

24 “(c) SUNSET.—No allowance may be paid under this
25 section after December 31, 2028.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by inserting after the item relating to section 425
4 the following:

“426. Allowance for broadband for members of the armed forces assigned to
permanent duty stations in Alaska.”.

5 (3) EFFECTIVE DATE.—Section 426 of such
6 title, as added by this subsection, shall take effect on
7 the day the Secretary of Defense prescribes regula-
8 tions under paragraph (4).

9 (4) REGULATIONS.—Not later than six months
10 after the date of the enactment of this Act, the Sec-
11 retary of Defense shall prescribe regulations to carry
12 out section 426 of such title, as added by this sub-
13 section.

14 (5) REPORT.—Not later than December 31,
15 2027, the Secretary of Defense shall submit to the
16 Committees on Armed Services of the Senate and
17 House of Representatives a report containing—

18 (A) the evaluation of the Secretary of the
19 allowance under section 426 of such title, as
20 added by this subsection; and

21 (B) any recommendation of the Secretary
22 regarding whether such allowance should be
23 amended, extended, or made permanent.

24 (c) TRAVEL AND TRANSPORTATION ALLOWANCE.—

1 (1) ENTITLEMENT.—Not later than 90 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense shall prescribe regulations and
4 guidance that entitle a member of the Armed
5 Forces, assigned to a permanent duty station in
6 Alaska, to a one-time allowance for air travel for the
7 member and dependents of such member.

8 (2) AMOUNTS.—If the air travel is to the per-
9 manent residence of the member, the amount of the
10 allowance shall equal the total costs of such air trav-
11 el. If such air travel is to another destination within
12 the United States, amount of the allowance shall be
13 equal to the lesser of the following:

14 (A) The rate for such air travel under the
15 City Pair Program of the General Services Ad-
16 ministration (or successor program) in effect at
17 the time of such air travel.

18 (B) The actual costs of such air travel.

19 (3) TIMING.—Air travel reimbursed under such
20 regulation may not commence later than 30 months
21 after the member is assigned to a permanent duty
22 station in Alaska.

23 (4) ADDITIONAL AUTHORIZATION.—The Sec-
24 retary concerned may authorize an additional allow-

1 ance for a member who has used the allowance to
2 which such member is entitled under this subsection.

3 **SEC. 614. AUTHORIZATION OF INCENTIVE PAY TO A MEM-**
4 **BER OF THE ARMED FORCES WHOSE DISCLO-**
5 **SURE OF FRAUD, WASTE, OR MISMANAGE-**
6 **MENT RESULTS IN COST SAVINGS TO THE**
7 **MILITARY DEPARTMENT CONCERNED.**

8 (a) **AUTHORITY.**—Subchapter II of chapter 5 of title
9 37, United States Code, is amended by adding at the end
10 the following new section:

11 **“§ 358. Incentive pay for cost savings disclosures**

12 “(a) **AUTHORITY.**—The Secretary concerned may pay
13 an incentive pay to a member of the Armed Forces whose
14 disclosure of fraud, waste, or mismanagement to a covered
15 official, results in cost savings for the military department
16 concerned. The amount of an award under this section
17 may not exceed the lesser of—

18 “(1) \$10,000; or

19 “(2) an amount equal to 1 percent of the cost
20 savings that the covered official determines to be the
21 total savings attributable to such disclosure.

22 “(b) **CALCULATION.**—For purposes of subsection
23 (a)(2), the covered official may take into account cost sav-
24 ings projected for subsequent fiscal years that will be at-
25 tributable to such disclosure.

1 “(c) COVERED OFFICIAL DEFINED.—In this section,
2 the term ‘covered official’ includes the following:

3 “(1) The Secretary concerned.

4 “(2) The Inspector General concerned.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item relating to section 357 the following:

“358. Incentive pay for cost savings disclosures.”.

8 **SEC. 615. INFLATION BONUS PAY.**

9 (a) BONUS PAY.—Beginning on January 1, 2023, the
10 Secretary concerned shall pay a bonus to each eligible
11 member under the jurisdiction of such Secretary con-
12 cerned.

13 (b) PAYMENT.—Bonus pay under this section shall
14 be paid to an eligible member on a monthly basis.

15 (c) AMOUNT OF PAY.—Each bonus payment under
16 this section shall be in an amount determined by the Sec-
17 retary concerned, based on prevailing economic conditions
18 that adversely affect members, but in no case shall be less
19 than 2.4 percent of the rate—

20 (1) in effect on January 1, 2023; and

21 (2) of, for an eligible member—

22 (A) pay under section 204 of title 37,
23 United States Code; or

24 (B) compensation under section 206 of
25 title 37, United States Code.

1 (d) RELATIONSHIP TO OTHER PAY AND ALLOW-
2 ANCES.—Bonus pay paid to an eligible member under this
3 section is in addition to any other pay and allowances to
4 which the eligible member is entitled.

5 (e) TERMINATION.—No bonus may be paid under
6 this section after December 31, 2023.

7 (f) ELIGIBLE MEMBER DEFINED.—In this section,
8 the term “eligible member” means a member of the uni-
9 formed services—

10 (1) who is entitled to pay or compensation de-
11 scribed in subsection (c)(2); and

12 (2) whose basic pay for 2023 is less than
13 \$45,000.

14 **SEC. 616. ESTABLISHING COMPLEX OVERHAUL PAY.**

15 (a) ESTABLISHMENT.—Not later than six months
16 after the date of the enactment of this Act, the Secretary
17 of Defense shall prescribe regulations under section 352
18 of title 37, United States Code, for the payment of special
19 monthly pay (to be known as “complex overhaul pay”) to
20 a member of the Armed Forces assigned to a naval vessel
21 undergoing nuclear refueling or defueling and any concur-
22 rent complex overhaul.

23 (b) AMOUNT OF PAY.—Complex overhaul pay shall
24 equal \$200 per month.

1 (c) RELATIONSHIP TO OTHER PAY OR ALLOW-
2 ANCES.—Complex overhaul pay is in addition to any other
3 pay or allowance to which a member is entitled.

4 **SEC. 617. AIR FORCE RATED OFFICER RETENTION DEM-**
5 **ONSTRATION PROGRAM.**

6 (a) PROGRAM REQUIREMENT.—The Secretary shall
7 establish and carry out within the Department of the Air
8 Force a demonstration program to assess and improve re-
9 tention on active duty in the Air Force of rated officers
10 described in subsection (b).

11 (b) RATED OFFICERS DESCRIBED.—Rated officers
12 described in this subsection are rated officers serving on
13 active duty in the Air Force, excluding rated officers with
14 a reserve appointment in the Air National Guard or Air
15 Force Reserve—

16 (1) whose continued service on active duty
17 would be in the best interest of the Department of
18 the Air Force, as determined by the Secretary; and

19 (2) who have not more than three years and not
20 less than one year remaining on an active duty serv-
21 ice obligation under section 653 of title 10, United
22 States Code.

23 (c) WRITTEN AGREEMENT.—

24 (1) IN GENERAL.—Under the demonstration
25 program required under subsection (a), the Sec-

1 retary shall offer retention incentives under sub-
2 section (d) to a rated officer described in subsection
3 (b) who executes a written agreement to remain on
4 active duty in a regular component of the Air Force
5 for not less than four years after the completion of
6 the active duty service obligation of the officer under
7 section 653 of title 10, United States Code.

8 (2) EXCEPTION.—If the Secretary of the Air
9 Force determines that an assignment previously
10 guaranteed under subsection (d)(1) to a rated officer
11 described in subsection (b) cannot be fulfilled, the
12 agreement of the officer under paragraph (1) to re-
13 main on active duty shall expire not later than one
14 year after that determination.

15 (d) RETENTION INCENTIVES.—

16 (1) GUARANTEE OF FUTURE ASSIGNMENT LO-
17 CATION.—Under the demonstration program re-
18 quired under subsection (a), the Secretary may offer
19 to a rated officer described in subsection (b) a guar-
20 antee of future assignment locations based on the
21 preference of the officer.

22 (2) AVIATION BONUS.—Under the demonstra-
23 tion program required under subsection (a), notwith-
24 standing section 334(c) of title 37, United States
25 Code, the Secretary may pay to a rated officer de-

1 scribed in subsection (b) an aviation bonus not to
2 exceed an average annual amount of \$50,000 (sub-
3 ject to paragraph (3)(B)).

4 (3) COMBINATION OF INCENTIVES.—The Sec-
5 retary may offer to a rated officer described in sub-
6 section (b) a combination of incentives under para-
7 graphs (1) and (2).

8 (4) VARIATIONS; LIMITATIONS.—The Secretary
9 may vary or limit the total number of available con-
10 tracts and the combination of incentives within such
11 contracts to target certain Air Force specialty codes,
12 ensure required assignments locations are filled, and
13 readiness is not negatively affected. The Secretary
14 shall determine the criteria for such variations or
15 limitations and include such criteria in the annual
16 briefing under subsection (e).

17 (e) ANNUAL BRIEFING.—Not later than December
18 31, 2023, and annually thereafter until the termination
19 of the demonstration program required under subsection
20 (a), the Secretary shall provide to the Committees on
21 Armed Services of the Senate and the House of Represent-
22 atives a briefing describing the use of such demonstration
23 program and its effects on the retention on active duty
24 in the Air Force of rated officers described in subsection
25 (b).

1 (f) DEFINITIONS.—In this section:

2 (1) RATED OFFICER.—The term “rated officer”
3 means an officer specified in section 9253 of title
4 10, United States Code.

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of the Air Force.

7 (g) TERMINATION.—This section shall terminate on
8 December 31, 2028.

9 **Subtitle C—Family and Survivor**
10 **Benefits**

11 **SEC. 621. EXPANDED ELIGIBILITY FOR BEREAVEMENT**
12 **LEAVE FOR MEMBERS OF THE ARMED**
13 **FORCES.**

14 (a) EXPANSION.—Section 701(m) of title 10, United
15 States Code, is amended in paragraph (3) by striking sub-
16 paragraphs (A) and (B) and inserting the following:

17 “(A) a spouse;

18 “(B) a son or daughter; or

19 “(C) a parent.

20 “(4) In this section, the term ‘son or daughter’
21 means—

22 “(A) a biological, adopted, step, or foster son or
23 daughter of the individual;

24 “(B) a person who is a legal ward of the mem-
25 ber, or was a legal ward of the individual when the

1 person was a minor or otherwise required a legal
2 guardian; or

3 “(C) a person for whom the member stands in
4 loco parentis or stood in loco parentis when the per-
5 son was a minor or otherwise required the individual
6 to stand in loco parentis.

7 “(5) In this section, the term ‘parent’ means—

8 “(A) a biological, adoptive, step, or foster par-
9 ent of the individual, or a person who was a foster
10 parent of the individual when the individual was a
11 minor;

12 “(B) a legal guardian of the individual, or per-
13 son who was a legal guardian of the individual when
14 the individual was a minor or otherwise required a
15 legal guardian; or

16 “(C) a person who stands in loco parentis to
17 the member or stood in loco parentis when the indi-
18 vidual was a minor or otherwise required a person
19 to stand in loco parentis.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall take effect on the latter of July 3,
22 2022, and the date of the enactment of this Act.

1 **SEC. 622. CLAIMS RELATING TO THE RETURN OF PER-**
2 **SONAL EFFECTS OF A DECEASED MEMBER**
3 **OF THE ARMED FORCES.**

4 Section 1482(a) of title 10, United States Code, is
5 amended by adding at the end the following new para-
6 graph:

7 “(11)(A) Delivery of personal effects of a dece-
8 dent to the next of kin or other appropriate person.

9 “(B) If the Secretary concerned enters into an
10 agreement with an entity to carry out subparagraph
11 (A), the Secretary concerned shall pursue a claim
12 against such entity that arises from the failure of
13 such entity to substantially perform such subpara-
14 graph.

15 “(C) If an entity described in subparagraph (B)
16 fails to substantially perform subparagraph (A) by
17 damaging, losing, or destroying the personal effects
18 of a decedent, the Secretary concerned shall reim-
19 burse the person designated under subsection (c) the
20 greater of \$1,000 or the fair market value of such
21 damage, loss, or destruction. The Secretary con-
22 cerned may request from, the person designated
23 under subsection (c), proof of fair market value and
24 ownership of the personal effects.”.

1 **SEC. 623. EXPANSION OF AUTHORIZED ASSISTANCE FOR**
2 **PROVIDERS OF CHILD CARE SERVICES TO**
3 **MEMBERS OF THE ARMED FORCES.**

4 (a) **EXPANSION.**—Section 1798 of title 10, United
5 States Code, is amended—

6 (1) by striking “financial assistance” each place
7 it appears and inserting “covered assistance”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(d) **COVERED ASSISTANCE DEFINED.**—In this sec-
11 tion, the term ‘covered assistance’ includes—

12 “(1) financial assistance; and

13 “(2) free or reduced-cost child care services fur-
14 nished by the Secretary.”.

15 (b) **TECHNCIAL AND CONFORMING AMENDMENTS.**—

16 (1) **SECTION HEADING.**—The heading of such
17 section is amended by striking “**financial**”.

18 (2) **TABLE OF SECTIONS.**—The table of sections
19 at the beginning of subchapter II of chapter 88 of
20 such title is amended by striking the item relating
21 to section 1798 and inserting the following:

“1798. Child care services and youth program services for dependents: assist-
ance for providers.”.

1 **SEC. 624. SURVIVOR BENEFIT PLAN OPEN ENROLLMENT**
2 **PERIOD.**

3 (a) PERSONS NOT CURRENTLY PARTICIPATING IN
4 SURVIVOR BENEFIT PLAN.—

5 (1) ELECTION OF SBP COVERAGE.—An eligible
6 retired or former member may elect to participate in
7 the Survivor Benefit Plan during the open enroll-
8 ment period specified in subsection (d).

9 (2) ELIGIBLE RETIRED OR FORMER MEMBER.—
10 For purposes of subparagraph (A), an eligible re-
11 tired or former member is a member or former
12 member of the uniformed services who, on the day
13 before the first day of the open enrollment period,
14 discontinued participation in the Survivor Benefit
15 Plan under section 1452(g) of title 10, United
16 States Code, and—

17 (A) is entitled to retired pay; or

18 (B) would be entitled to retired pay under
19 chapter of title 10, United States Code (or
20 chapter 67 of such title as in effect before Octo-
21 ber 5, 1994), but for the fact that such member
22 or former member is under 60 years of age.

23 (3) STATUS UNDER SBP OF PERSONS MAKING
24 ELECTIONS.—

25 (A) STANDARD ANNUITY.—A person mak-
26 ing an election under subparagraph (A) by rea-

1 son of eligibility under subparagraph (B)(i)
2 shall be treated for all purposes as providing a
3 standard annuity under the Survivor Benefit
4 Plan.

5 (B) RESERVE-COMPONENT ANNUITY.—A
6 person making an election under subparagraph
7 (A) by reason of eligibility under subparagraph
8 (B)(ii) shall be treated for all purposes as pro-
9 viding a reserve-component annuity under the
10 Survivor Benefit Plan.

11 (b) MANNER OF MAKING ELECTIONS.—

12 (1) IN GENERAL.—An election under this sub-
13 section must be made in writing, signed by the per-
14 son making the election, and received by the Sec-
15 retary concerned before the end of the open enroll-
16 ment period. Except as provided in subparagraph
17 (B), any such election shall be made subject to the
18 same conditions, and with the same opportunities for
19 designation of beneficiaries and specification of base
20 amount, that apply under the Survivor Benefit Plan.
21 A person making an election under paragraph (1) to
22 provide a reserve-component annuity shall make a
23 designation described in section 1448(e) of title 10,
24 United States Code.

1 (2) ELECTION MUST BE VOLUNTARY.—An elec-
2 tion under this subsection is not effective unless the
3 person making the election declares the election to
4 be voluntary. An election to participate in the Sur-
5 vivor Benefit Plan under this subsection may not be
6 required by any court. An election to participate or
7 not to participate in the Survivor Benefit Plan is not
8 subject to the concurrence of a spouse or former
9 spouse of the person.

10 (c) EFFECTIVE DATE FOR ELECTIONS.—Any such
11 election shall be effective as of the first day of the first
12 calendar month following the month in which the election
13 is received by the Secretary concerned.

14 (d) OPEN ENROLLMENT PERIOD DEFINED.—The
15 open enrollment period is the period beginning on the date
16 of the enactment of this Act and ending on January 1,
17 2024.

18 (e) APPLICABILITY OF CERTAIN PROVISIONS OF
19 LAW.—The provisions of sections 1449, 1453, and 1454
20 of title 10, United States Code, are applicable to a person
21 making an election, and to an election, under this sub-
22 section in the same manner as if the election were made
23 under the Survivor Benefit Plan.

24 (f) PREMIUMS FOR OPEN ENROLLMENT ELEC-
25 TION.—

1 (1) PREMIUMS TO BE CHARGED.—The Sec-
2 retary of Defense shall prescribe in regulations pre-
3 miums which a person electing under this subsection
4 shall be required to pay for participating in the Sur-
5 vivor Benefit Plan pursuant to the election. The
6 total amount of the premiums to be paid by a person
7 under the regulations shall be equal to the sum of—

8 (A) the total amount by which the retired
9 pay of the person would have been reduced be-
10 fore the effective date of the election if the per-
11 son had elected to participate in the Survivor
12 Benefit Plan (for the same base amount speci-
13 fied in the election) at the first opportunity that
14 was afforded the member to participate under
15 chapter 73 of title 10, United States Code;

16 (B) interest on the amounts by which the
17 retired pay of the person would have been so re-
18 duced, computed from the dates on which the
19 retired pay would have been so reduced at such
20 rate or rates and according to such method-
21 ology as the Secretary of Defense determines
22 reasonable; and

23 (C) any additional amount that the Sec-
24 retary determines necessary to protect the actu-
25 arial soundness of the Department of Defense

1 Military Retirement Fund against any increased
2 risk for the fund that is associated with the
3 election.

4 (2) PREMIUMS TO BE CREDITED TO RETIRE-
5 MENT FUND.—Premiums paid under the regulations
6 shall be credited to the Department of Defense Mili-
7 tary Retirement Fund.

8 (g) DEFINITIONS.—In this subsection:

9 (1) The term “Survivor Benefit Plan” means
10 the program established under subchapter II of
11 chapter 73 of title 10, United States Code.

12 (2) The term “retired pay” includes retainer
13 pay paid under section 8330 of title 10, United
14 States Code.

15 (3) The terms “uniformed services” and “Sec-
16 retary concerned” have the meanings given those
17 terms in section 101 of title 37, United States Code.

18 (4) The term “Department of Defense Military
19 Retirement Fund” means the Department of De-
20 fense Military Retirement Fund established under
21 section 1461(a) of title 10, United States Code.

22 **SEC. 625. STUDY AND REPORT ON MILITARY INSTALLA-**
23 **TIONS WITH LIMITED CHILD CARE.**

24 (a) STUDY.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall conduct a study regarding child care at mili-
3 tary installations of the covered Armed Forces—

4 (A) that are not served by a military child
5 development center; or

6 (B) where the military child development
7 center has few available spots.

8 (2) ELEMENTS.—The study shall identify the
9 following with regards to each military installation
10 described in paragraph (1):

11 (A) The current and maximum possible en-
12 rollment at the military child development cen-
13 ter (if one exists).

14 (B) Plans of the Secretary to expand an
15 existing, or construct a new, military child de-
16 velopment center.

17 (C) The resulting capacity of each military
18 child development center described in subpara-
19 graph (B).

20 (D) The median cost of services at accred-
21 ited child care facilities located near such mili-
22 tary installation compared to the amount of as-
23 sistance provided by the Secretary of the mili-
24 tary department concerned to members for
25 child care services.

1 (E) The unique needs or challenges facing
2 the population of such military installation that
3 may require additional tailored resources, in-
4 cluding—

5 (i) the needs of non-English speaking
6 members of that population; and

7 (ii) the needs of English as a second
8 language members of that population.

9 (b) REPORT.—Not later than one year after the date
10 of the enactment of this Act, the Secretary shall submit
11 to the congressional defense committees a report con-
12 taining the results of the study conducted under this sec-
13 tion, including any policy recommendations of the Sec-
14 retary to address the rising cost of child care near military
15 installations and the rates of child care fee assistance pro-
16 vided to members of the covered Armed Forces.

17 (c) DEFINITIONS.—In this section:

18 (1) The term “covered Armed Force” means
19 the following:

20 (A) The Army.

21 (B) The Navy.

22 (C) The Marine Corps.

23 (D) The Air Force.

24 (E) The Space Force.

1 (2) The term “military child development cen-
2 ter” has the meaning given such term in section
3 1800 of title 10, United States Code.

4 **SEC. 626. HUNGER AMONG MILITARY FAMILIES: DATA COL-**
5 **LECTION; TRAINING; REPORT.**

6 (a) DATA COLLECTION.—Not later than one year
7 after the date of the enactment of this Act, the Under
8 Secretary of Defense for Personnel and Readiness, acting
9 through the Deputy Assistant Secretary for Military Com-
10 munity and Family Policy, in coordination with the Under
11 Secretary for Food, Nutrition, and Consumer Services of
12 the Department of Agriculture, shall—

13 (1) develop a survey, in collaboration with the
14 Department of Agriculture, to determine how many
15 members of the Armed Forces serving on active
16 duty, and dependents of such members, are food in-
17 secure;

18 (2) issue the survey to such members and de-
19 pendents;

20 (3) collect data from the survey on the use, by
21 such members and dependents, of Federal nutrition
22 assistance programs, including the supplemental nu-
23 trition assistance program under the Food and Nu-
24 trition Act of 2008 (7 U.S.C. 2011 et seq.), the spe-
25 cial supplemental nutrition program for women, in-

1 fants, and children under section 17 of the Child
2 Nutrition Act of 1966 (42 U.S.C. 1786), the school
3 lunch program under the Richard B. Russell Na-
4 tional School Lunch Act (42 U.S.C. 1751 et seq.),
5 and the school breakfast program under section 4 of
6 the Child Nutrition Act of 1966 (42 U.S.C. 1773);
7 and

8 (4) collect data related to the number of such
9 members and dependents who—

10 (A) are eligible for the basic needs allow-
11 ance under section 402b of title 37, United
12 States Code; and

13 (B) receive such basic needs allowance;

14 (5) develop and carry out a plan to train and
15 designate an individual who will assist members at
16 military installations on how and where to refer such
17 members and their dependents for participation in
18 Federal nutrition assistance programs described in
19 paragraph (3); and

20 (6) coordinate Department of Defense efforts to
21 address food insecurity and nutrition.

22 (b) REPORT.—Not later than one year after the date
23 of the enactment of this Act, and annually thereafter, the
24 Under Secretary of Defense for Personnel & Readiness
25 shall submit to the congressional defense committees, the

1 Committees on Agriculture and Education and Labor of
2 the House of Representatives, and the Committee on Agri-
3 culture, Nutrition, and Forestry of the Senate a report
4 including the following:

5 (1) The number of members of the Armed
6 Forces serving on active duty and their dependents
7 who are food insecure.

8 (2) The number of such members and their de-
9 pendents who use the Federal nutrition assistance
10 programs described in subsection (a)(3).

11 (3) The number of such members and their de-
12 pendents described in subsection (a)(3).

13 (4) The status of implementation of the plan
14 under subsection (a)(5).

15 **Subtitle D—Defense Resale Matters**

16 **SEC. 631. PROHIBITION ON SALE OF CHINESE GOODS IN** 17 **COMMISSARY STORES AND MILITARY EX-** 18 **CHANGES.**

19 The Secretary of Defense shall prohibit the sale, at
20 a commissary store or military exchange, of goods—

21 (1) manufactured in China;

22 (2) assembled in China;

23 (3) imported into the United States from
24 China; or

1 (4) containing materials from the Xinjiang
2 Uyghur Autonomous Region of the People’s Repub-
3 lic of China.

4 **Subtitle E—Miscellaneous Rights,**
5 **Benefits, and Reports**

6 **SEC. 641. TRANSITIONAL COMPENSATION AND BENEFITS**
7 **FOR THE FORMER SPOUSE OF A MEMBER OF**
8 **THE ARMED FORCES WHO ALLEGEDLY COM-**
9 **MITTED A DEPENDENT-ABUSE OFFENSE DUR-**
10 **ING MARRIAGE.**

11 (a) IN GENERAL.—Section 1059 of title 10, United
12 States Code, is amended—

13 (1) in the heading—

14 (A) by striking “**separated for**” and in-
15 serting “**who commit**”; and

16 (B) by inserting “**; health care**” after
17 “**exchange benefits**”;

18 (2) in subsection (b)—

19 (A) in the heading, by striking “PUNITIVE
20 AND OTHER ADVERSE ACTIONS COVERED” and
21 inserting “COVERED MEMBERS”;

22 (B) in paragraph (2), by striking “of-
23 fense.” and inserting “offense; or”; and

24 (C) by adding at the end the following new
25 paragraph:

1 “(3) who is not described in paragraph (1) or
2 (2) and whose former spouse alleges that the mem-
3 ber committed a dependent-abuse offense—

4 “(A) during the marriage to the former
5 spouse;

6 “(B) for which the applicable statute of
7 limitations has not lapsed; and

8 “(C) that an incident determination com-
9 mittee determines meets the criteria for
10 abuse.”;

11 (3) in subsection (e)(1)—

12 (A) in subparagraph (A)(ii), by striking “;
13 and” and inserting a semicolon;

14 (B) in subparagraph (B), by striking the
15 period at the end and inserting “; and”; and

16 (C) by adding at the end the following new
17 subparagraph:

18 “(C) in the case of a member described in sub-
19 section (b)(3), shall commence upon the date of the
20 final decree of divorce, dissolution, or annulment of
21 that member from the former spouse described in
22 such subsection.”; and

23 (4) by adding at the end the following new sub-
24 section:

1 “(n) HEALTH CARE FOR CERTAIN FORMER
 2 SPOUSES.—The Secretary concerned shall treat a former
 3 spouse described in subsection (b)(3) as an abused de-
 4 pendent described in section 1076(e) of this title.”.

5 (b) TECHNICAL AMENDMENT.—The table of sections
 6 at the beginning of chapter 53 of such title is amended
 7 by striking the item relating to section 1059 and inserting
 8 the following:

“1059. Dependents of members who commit dependent abuse: transitional com-
 pensation; commissary and exchange benefits; health care.”.

9 (c) EFFECTIVE DATE.—The amendments made by
 10 this Act shall apply to a former spouse described in sub-
 11 section (b)(3) of such section 1059, as added by subsection
 12 (a)(2) of this section, whose final decree of divorce, dis-
 13 solution, or annulment described in subsection (e)(1)(C)
 14 of such section 1059, as added by subsection (a)(3) of this
 15 section, is issued on or after the date of the enactment
 16 of this Act.

17 **SEC. 642. AUTHORIZATION OF PERMISSIVE TEMPORARY**
 18 **DUTY FOR WELLNESS.**

19 In order to reduce the rate of suicides in the Armed
 20 Forces, the Secretary of each military department may
 21 prescribe regulations that authorize a member of an
 22 Armed Force under the jurisdiction of such Secretary to
 23 take not more than two weeks of permissive temporary

1 duty each year to attend a seminar, retreat, workshop, or
2 outdoor recreational therapy event—

3 (1) hosted by a non-profit organization; and

4 (2) that focuses on psychological, physical, spir-
5 itual, or social wellness.

6 **SEC. 643. STUDY ON BASIC PAY.**

7 (a) IN GENERAL.—The Secretary of Defense shall
8 seek to enter into an agreement with a nonprofit entity
9 or a federally funded research and development center to
10 conduct research and analysis on the value of basic pay
11 for members of the Armed Forces. The Secretary may in-
12 clude such research and analysis in the next quadrennial
13 review of military compensation.

14 (b) ELEMENTS.—The research and analysis con-
15 ducted under subsection (a) shall include the following:

16 (1) An assessment of the model used to deter-
17 mine the basic pay in the current basic pay tables,
18 including—

19 (A) an analysis of whether to update the
20 current model to meet the needs of the 2023
21 employment market;

22 (B) a historical understanding of when the
23 current model was established and how fre-
24 quently it has been during the last 10 years;

1 (C) an understanding of the assumptions
2 on which the model is based and how such as-
3 sumptions are validated;

4 (D) an analysis of time-in-grade require-
5 ments and how they may affect retention and
6 promotion; and

7 (E) an assessment of how recruiting and
8 retention information is used to adjust the
9 model.

10 (2) An assessment of whether to modify current
11 basic pay tables to consider higher rates of pay for
12 specialties the Secretary determines are in critical
13 need of personnel.

14 (3) An analysis of—

15 (A) how basic pay has compared with civil-
16 ian pay since the 70th percentile benchmark for
17 basic pay was established; and

18 (B) whether to change the 70th percentile
19 benchmark.

20 (4) An assessment of whether—

21 (A) to adjust the annual increase in basic
22 pay, currently guided by changes in the Em-
23 ployment Cost Index as a measure of the
24 growth in private-sector employment costs; or

1 (B) to use a different index, such as the
2 Defense Employment Cost Index.

3 (5) Legislative and policy recommendations re-
4 garding basic pay table based on analyses and as-
5 sessments under paragraphs (1) through (4).

6 (c) BRIEFINGS AND PROGRESS REPORT.—

7 (1) INTERIM BRIEFING.—Not later than April
8 1, 2023, the Secretary shall provide to the appro-
9 priate congressional committees an interim briefing
10 on the elements described in subsection (b).

11 (2) PROGRESS REPORT.—Not later than one
12 year after the date of the enactment of this Act, the
13 Secretary shall submit to the appropriate congres-
14 sional committees a progress report on the study
15 under this section.

16 (3) FINAL BRIEFING.—Not later than two years
17 after the date of the enactment of this Act, the Sec-
18 retary shall submit to the appropriate congressional
19 committees a final briefing on the study under this
20 section.

21 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
22 DEFINED.—In this section, the term “appropriate con-
23 gressional committees” means the following:

24 (1) The Committee on Armed Services of the
25 House of Representatives.

1 (2) The Committee on Armed Services of the
2 Senate.

3 (3) The Committee on Transportation and In-
4 frastructure of the House of Representatives.

5 (4) The Committee on Commerce, Science, and
6 Transportation of the Senate.

7 **SEC. 644. REPORT ON ACCURACY OF BASIC ALLOWANCE**
8 **FOR HOUSING.**

9 (a) REPORT; ELEMENTS.—Not later than one year
10 after the date of the enactment of this Act, the Secretary
11 of Defense, in consultation with the Secretary of the de-
12 partment in which the Coast Guard is operating, shall pre-
13 pare and submit to the appropriate congressional commit-
14 tees a report on BAH. Such report shall contain the fol-
15 lowing elements:

16 (1) The evaluation of the Secretary—

17 (A) of the efficiency and accuracy of the
18 current system used to calculate BAH;

19 (B) the appropriateness of using mean and
20 median housing costs in such calculation;

21 (C) of existing MHAs, in relation to
22 choices in, and availability of, housing to
23 servicemembers;

24 (D) of the suitability of the six standard
25 housing profiles in relation to the average fam-

1 ily sizes of servicemembers, disaggregated by
2 uniformed service, rank, and MHA;

3 (E) of the flexibility of BAH to respond to
4 changes in real estate markets; and

5 (F) of residential real estate processes to
6 determine rental rates.

7 (2) The recommendation of the Secretary—

8 (A) regarding the feasibility of including
9 information, furnished by Federal entities, re-
10 garding school districts, in calculating BAH;

11 (B) whether to calculate BAH more fre-
12 quently, including in response to a sudden
13 change in the housing market;

14 (C) whether to enter into an agreement
15 with a covered entity, to compile data and de-
16 velop an enterprise grade, objective, data-driven
17 algorithm to calculate BAH;

18 (D) whether to publish the methods used
19 by the Secretary to calculate BAH on a publicly
20 accessible website of the Department of De-
21 fense; and

22 (E) whether BAH calculations appro-
23 priately account for increased housing costs as-
24 sociated with Coast Guard facilities.

25 (b) DEFINITIONS.—In this section:

1 (1) The term “appropriate congressional com-
2 mittees” means the following:

3 (A) The Committee on Armed Services of
4 the House of Representatives.

5 (B) The Committee on Armed Services of
6 the Senate.

7 (C) The Committee on Transportation and
8 Infrastructure of the House of Representatives.

9 (D) The Committee on Commerce, Science,
10 and Transportation of the Senate.

11 (2) The term “BAH” means the basic allow-
12 ance for housing for members of the uniformed serv-
13 ices under section 403 of title 37, United States
14 Code.

15 (3) The term “covered entity” means a nation-
16 ally recognized entity in the field of commercial real
17 estate that has data on local rental rates in real es-
18 tate markets across the United States.

19 (4) The term “MHA” means military housing
20 area.

21 (5) The term “servicemember” has the meaning
22 given such term in section 101 of the
23 Servicemembers Civil Relief Act (50 U.S.C. 3911).

1 **SEC. 645. STUDY AND REPORT ON BARRIERS TO HOME**
2 **OWNERSHIP FOR MEMBERS OF THE ARMED**
3 **FORCES.**

4 (a) IN GENERAL.—Not later than one year after the
5 date of the enactment of this Act, the Secretary of Defense
6 shall seek to enter into an agreement with a federally
7 funded research and development center or non-profit en-
8 tity to conduct a study on the barriers to home ownership
9 for members of the Armed Forces. At the conclusion of
10 such study, the Secretary shall submit, to the appropriate
11 congressional committees, a report containing the fol-
12 lowing elements:

13 (1) Potential barriers to such home ownership,
14 including down payments, concerns about home
15 maintenance, and challenges in selling a home.

16 (2) The percentage of members who use the
17 basic allowance for housing to pay for a mortgage,
18 disaggregated by Armed Force, rank, and military
19 housing area.

20 (3) Any identified differences in home owner-
21 ship rates among members correlated with race or
22 gender.

23 (4) What percentage of members own a home
24 before separating from the Armed Forces.

1 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means the following:

4 (1) The Committee on Armed Services of the
5 House of Representatives.

6 (2) The Committee on Armed Services of the
7 Senate.

8 (3) The Committee on Transportation and In-
9 frastructure of the House of Representatives.

10 (4) The Committee on Commerce, Science, and
11 Transportation of the Senate.

12 **SEC. 646. PLAN FOR REIMBURSEMENT OF CERTAIN EX-**
13 **PENSES OF CERTAIN MEMBERS AND VET-**
14 **ERANS RELATED TO AFGHANISTAN EVACU-**
15 **ATION.**

16 (a) PLAN.—Not later than one year after the date
17 of the enactment of this Act, the Secretary of Defense
18 shall submit to the appropriate congressional committees
19 a plan (in this section referred to as the “Plan”) to reim-
20 burse members of the Armed Forces serving on active duty
21 and veterans who expended personal funds in support of
22 efforts to evacuate, from Afghanistan, Afghan nationals
23 who previously supported military or reconstruction mis-
24 sions of the United States in Afghanistan.

1 (b) CONSULTATION.—In developing the plan, the
2 Secretary shall consult with the following:

3 (1) The Secretary of State.

4 (2) The Secretary of Veterans Affairs.

5 (3) Non-governmental organizations and vet-
6 erans service organizations with expertise in sup-
7 porting the evacuation of Afghan nationals from Af-
8 ghanistan.

9 (c) ELEMENTS.—The Plan shall include the following
10 elements:

11 (1) Eligibility requirements for members of the
12 Armed Forces serving on active duty and veterans to
13 file a reimbursement claim under the Plan.

14 (2) The criteria for reimbursement, including
15 the types of reimbursable claims and maximum re-
16 imbursement limit.

17 (3) The process for filing a reimbursement
18 claim.

19 (4) The supporting documentation required to
20 file a reimbursement claim.

21 (5) An estimate of the costs that would be asso-
22 ciated with implementing the Plan.

23 (d) PUBLIC AVAILABILITY.—Not later than one year
24 after the date of the enactment of this Act, the Secretary

1 shall of Defense post the plan on a publicly available
2 website of the Department of Defense.

3 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term “appropriate congres-
5 sional committees” means:

6 (1) With respect to the House of Representa-
7 tives:

8 (A) The Committee on Oversight and Re-
9 form.

10 (B) The Committee on Armed Services.

11 (2) With respect to the Senate:

12 (A) The Committee on Homeland Security
13 and Government Affairs.

14 (B) The Committee on Armed Services.

15 **SEC. 647. EXPANSION OF THE SPACE-AVAILABLE TRAVEL**
16 **PROGRAM TO ALLOW CERTAIN DISABLED**
17 **VETERANS TO TRAVEL WITH A CAREGIVER**
18 **OR DEPENDENT ON CERTAIN AIRCRAFT.**

19 (a) EXCEPTION TO LIMITATION ON USE OF TRAVEL
20 PROGRAM FUNDS.—Section 2641b(b) of title 10, United
21 States Code, is amended by adding at the end the fol-
22 lowing new paragraph:

23 “(3) The limitation in paragraph (2) shall not apply
24 to the use of funds to purchase or design new equipment
25 to carry out paragraphs (4) and (5) of subsection (c).”.

1 (b) CERTAIN CAREGIVER OR DEPENDENT ELIGI-
2 BILITY FOR TRAVEL PROGRAM.—Section 2641b(c) of title
3 10, United States Code, is amended—

4 (1) by redesignating paragraphs (5) and (6) as
5 paragraphs (6) and (7), respectively;

6 (2) in paragraph (6) (as redesignated by para-
7 graph (1)), by striking “paragraphs (1) through
8 (3)” and inserting “paragraphs (1) through (4)”;
9 and

10 (3) by inserting after paragraph (4) the fol-
11 lowing new paragraph:

12 “(5) Subject to subsection (f) and under condi-
13 tions and circumstances as the Secretary shall speci-
14 fy in regulations under subsection (a), a caregiver or
15 family caregiver (as such terms are defined in sec-
16 tion 1720G of title 38) of a veteran with a perma-
17 nent service-connected disability rated as total.”.

18 (c) LIMITATION ON PRIORITY IN TRAVEL PRO-
19 GRAM.—Section 2641b(f) of title 10, United States Code,
20 is amended—

21 (1) in paragraph (1), by striking “a veteran eli-
22 gible for travel pursuant to subsection (c)(4)” and
23 inserting “an individual eligible for travel pursuant
24 to paragraph (4) or (5) of subsection (c)”;

(2) in paragraphs (2) and (3), by striking “The authority in subsection (c)(4)” each place it appears and inserting “The authority in paragraph (4) or (5) of subsection (c)”.

Subtitle F—Disability and Retired Pay

SEC. 651. ELIMINATION OF CAP ON ADDITIONAL RETIRED PAY FOR EXTRAORDINARY HEROISM FOR MEMBERS OF THE ARMY AND AIR FORCE WHO SERVED DURING THE VIETNAM ERA.

Title 10, United States Code, is amended—

(1) in section 1402(f)(2), by striking “The amount” and inserting “Except in the case of a member who served during the Vietnam Era (as that term is defined in section 12731 of this title), the amount”;

(2) in section 7361(a)(2), by inserting “(except in the case of a member who served during the Vietnam Era, as that term is defined in section 12731 of this title)” after “based”; and

(3) in section 9361(a)(2), by inserting “(except in the case of a member who served during the Vietnam Era, as that term is defined in section 12731 of this title)” after “based”.

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**
3 **Subtitle A—TRICARE and Other**
4 **Health Care Benefits**

5 **SEC. 701. CLARIFICATION OF COVERAGE OF ARTIFICIAL**
6 **REPRODUCTIVE SERVICES FOR CERTAIN**
7 **TRICARE BENEFICIARIES.**

8 Section 1074(c)(4) of title 10, United States Code,
9 is amended by adding at the end the following new sub-
10 paragraphs:

11 “(C) In providing for the coverage under this sub-
12 section of artificial reproductive services to any member
13 of a covered armed force who incurs a serious injury or
14 illness on active duty as specified in subparagraph (A),
15 the Secretary of Defense shall ensure that the coverage
16 of such services, including gamete donation and surrogacy
17 services, is provided without regard to whether the mem-
18 ber is married to a spouse of the same gender, married
19 to a spouse of the opposite gender, or unmarried.

20 “(D) In this paragraph, the term ‘covered armed
21 force’ means the following:

22 “(i) The Army.

23 “(ii) The Navy.

24 “(iii) The Marine Corps.

25 “(iv) The Air Force.

1 “(v) The Space Force.”.

2 **SEC. 702. CLARIFICATION OF COVERAGE OF CERTAIN**
 3 **AREOLAR NIPPLE TATTOOING PROCEDURES**
 4 **UNDER TRICARE PROGRAM.**

5 (a) COVERAGE UNDER TRICARE PROGRAM.—Sec-
 6 tion 1079(a)(11)(A) of title 10, United States Code, is
 7 amended by inserting “(including two-dimensional and
 8 three-dimensional areolar nipple tattooing)” after “breast
 9 reconstructive surgery”.

10 (b) APPLICABILITY.—The amendments made by sub-
 11 section (a) shall apply with respect to breast reconstruc-
 12 tive surgeries provided on or after the date of the enact-
 13 ment of this Act.

14 **SEC. 703. TRICARE DENTAL FOR SELECTED RESERVE.**

15 Section 1076a of title 10, United States Code, is
 16 amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) in the header, by striking “selected
 20 reserve and”; and

21 (ii) by striking “for members of the
 22 Selected Reserve of the Ready Reserve
 23 and”;

24 (B) in paragraph (2), in the header, by in-
 25 serting “individual ready” after “other”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(5) PLAN FOR SELECTED RESERVE.—A dental
4 benefits plan for members of the Selected Reserve of
5 the Ready Reserve.”;

6 (2) in subsection (d)—

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

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

11 “(3) NO PREMIUM PLANS.—(A) The dental in-
12 surance plan established under subsection (a)(5) is
13 a no premium plan.

14 “(B) Members enrolled in a no premium plan
15 may not be charged a premium for benefits provided
16 under the plan.”;

17 (3) in subsection (e)(2)(A), by striking “a mem-
18 ber of the Selected Reserve of the Ready Reserve
19 or”;

20 (4) by redesignating subsections (f) through (k)
21 as subsections (g) through (l), respectively;

22 (5) by inserting after subsection (e) the fol-
23 lowing new subsection (f):

24 “(f) COPAYMENTS UNDER NO PREMIUM PLANS.—A
25 member who receives dental care under a no premium plan

1 referred to in subsection (d)(3) shall pay no charge for
 2 any care described in subsection (c).”; and

3 (6) in subsection (i), as redesignated by para-
 4 graph (4), by striking “subsection (k)(2)” and in-
 5 serting “subsection (l)(2)”.

6 **SEC. 704. REPORT REQUIREMENT FOR CERTAIN CON-**
 7 **TRACTS UNDER TRICARE PROGRAM.**

8 (a) GAO REPORT UPON AWARD OF CERTAIN CON-
 9 TRACTS.—Chapter 55 of title 10, United States Code, is
 10 amended by inserting after section 1097d the following
 11 new section (and conforming the table of sections at the
 12 beginning of such chapter accordingly):

13 **“§ 1097e. TRICARE program: report requirement for**
 14 **certain contracts**

15 “(a) GAO REPORT.—Not later than 180 days after
 16 the date on which the Secretary of Defense enters into
 17 a major military health care contract, the Comptroller
 18 General of the United States shall submit to the congres-
 19 sional defense committees a report on the contract.

20 “(b) MATTERS.—Each report under subsection (a)
 21 shall include, with respect to the contract for which the
 22 report is submitted, a review of the process used in award-
 23 ing the contract.

24 “(c) MAJOR MILITARY HEALTH CARE CONTRACT
 25 DEFINED.—In this section, the term ‘major military

1 health care contract’ means a contract the Secretary de-
2 termines is a managed care support contract for the ad-
3 ministration of the TRICARE program (including the ad-
4 ministration of medical and dental care services under
5 such program) and is estimated by the Secretary to re-
6 quire an eventual total expenditure of more than
7 \$1,000,000,000.”.

8 (b) SUBMISSION OF CRITERIA TO CONGRESS.—Not
9 later than 180 days after the date of the enactment of
10 this Act, the Secretary of Defense shall develop specific
11 criteria for the determination of a contract as a “major
12 military health care contract” pursuant to section
13 1097e(c) of title 10, United States Code, as added by sub-
14 section (a), and submit to the congressional defense com-
15 mittees a detailed list of such criteria.

16 **SEC. 705. TEMPORARY REQUIREMENT FOR CONTRACEP-**
17 **TION COVERAGE PARITY UNDER THE**
18 **TRICARE PROGRAM.**

19 (a) IN GENERAL.—The Secretary of Defense shall
20 ensure that, during the one-year period beginning on the
21 date that is 30 days after the date of the enactment of
22 the Act, the imposition or collection of cost-sharing for
23 certain services is prohibited as follows:

24 (1) PHARMACY BENEFITS PROGRAM.—Notwith-
25 standing subparagraphs (A), (B), and (C), of section

1 1074g(a)(6) of title 10, United States Code, cost-
2 sharing may not be imposed or collected with respect
3 to any eligible covered beneficiary for any prescrip-
4 tion contraceptive on the uniform formulary pro-
5 vided through a retail pharmacy described in section
6 1074(a)(2)(E)(ii) of such title or through the na-
7 tional mail-order pharmacy program of the
8 TRICARE Program.

9 (2) TRICARE SELECT.—Notwithstanding any
10 provision under section 1075 of title 10, United
11 States Code, cost-sharing may not be imposed or
12 collected with respect to any beneficiary under such
13 section for a covered service that is provided by a
14 network provider under the TRICARE program.

15 (3) TRICARE PRIME.—Notwithstanding sub-
16 sections (a), (b), and (c) of section 1075a of title 10,
17 United States Code, cost-sharing may not be im-
18 posed or collected with respect to any beneficiary
19 under such section for a covered service that is pro-
20 vided under TRICARE Prime.

21 (b) DEFINITIONS.—In this section:

22 (1) The term “covered service” means any
23 method of contraception approved by the Food and
24 Drug Administration, any contraceptive care (includ-
25 ing with respect to insertion, removal, and follow

1 up), any sterilization procedure, or any patient edu-
2 cation or counseling service provided in connection
3 with any such method, care, or procedure.

4 (2) The term “eligible covered beneficiary” has
5 the meaning given such term in section 1074g of
6 title 10, United States Code.

7 (3) The terms “TRICARE Program” and
8 “TRICARE Prime” have the meaning given such
9 terms in section 1072 of title 10, United States
10 Code.

11 **SEC. 706. RATES OF REIMBURSEMENT FOR PROVIDERS OF**
12 **APPLIED BEHAVIOR ANALYSIS.**

13 (a) IN GENERAL.—In furnishing applied behavior
14 analysis under the TRICARE program to individuals de-
15 scribed in subsection (b) during the period beginning on
16 the date of the enactment of this Act and ending on De-
17 cember 31, 2023, the Secretary of Defense shall ensure
18 that the reimbursement rates for providers of applied be-
19 havior analysis are not less than the rates that were in
20 effect on April 30, 2022.

21 (b) INDIVIDUALS DESCRIBED.—Individuals described
22 in this subsection are individuals who are covered bene-
23 ficiaries by reason of being a member or former member
24 of the Army, Navy, Air Force, Space Force, or Marine

1 Corps, including the reserve components thereof, or a de-
2 pendent of such a member or former member.

3 (c) DEFINITIONS.—In this section, the terms “cov-
4 ered beneficiary” and “TRICARE program” have the
5 meaning given those terms in section 1072 of title 10,
6 United States Code.

7 **SEC. 707. MEDICAL TESTING AND RELATED SERVICES FOR**
8 **FIREFIGHTERS OF DEPARTMENT OF DE-**
9 **FENSE.**

10 (a) PROVISION OF SERVICES.—During the annual
11 periodic health assessment of each firefighter of the De-
12 partment of Defense, or at such other intervals as may
13 be indicated in this subsection, the Secretary shall provide
14 to the firefighter (at no cost to the firefighter) appropriate
15 medical testing and related services to detect, document
16 the presence or absence of, and prevent, certain cancers.
17 Such services shall meet, at a minimum, the following cri-
18 teria:

19 (1) BREAST CANCER.—With respect to the
20 breast cancer screening, if the firefighter is a female
21 firefighter—

22 (A) such services shall include the provi-
23 sion of a mammogram to the firefighter—

1 (i) on at least a biannual basis if the
2 firefighter is 40 years old to 49 years old
3 (inclusive);

4 (ii) on at least an annual basis if the
5 firefighter is at least 50 years old; and

6 (iii) as clinically indicated (without re-
7 gard to age); and

8 (B) in connection with such provision, a li-
9 censed radiologist shall review the most recent
10 mammogram provided to the firefighter, as
11 compared to prior mammograms so provided,
12 and provide to the firefighter the results of such
13 review.

14 (2) COLON CANCER.—With respect to colon
15 cancer screening—

16 (A) if the firefighter is at least 40 years
17 old, and as otherwise clinically indicated, such
18 services shall include the communication to the
19 firefighter of the risks and benefits of stool-
20 based blood testing;

21 (B) if the firefighter is at least 45 years
22 old, and as clinically indicated (without regard
23 to age), such services shall include the provi-
24 sion, at regular intervals, of visual examinations
25 (such as a colonoscopy, CT colonoscopy, or

1 flexible sigmoidoscopy) or stool-based blood
2 testing; and

3 (C) in connection with such provision, a li-
4 censed physician shall review and provide to the
5 firefighter the results of such examination or
6 testing, as the case may be.

7 (3) PROSTATE CANCER.—With respect to pros-
8 tate cancer screening, if the firefighter is a male
9 firefighter, the communication to the firefighter of
10 the risks and benefits of prostate cancer screenings
11 and the provision to the firefighter of a prostate-spe-
12 cific antigen test—

13 (A) on an annual basis, if the firefighter is
14 at least 50 years old;

15 (B) on an annual basis, if the firefighter is
16 at least 40 years old and is a high-risk indi-
17 vidual; and

18 (C) as clinically indicated (without regard
19 to age).

20 (4) OTHER CANCERS.—Such services shall in-
21 clude routine screenings for any other cancer the
22 risk or occurrence of which the Director of the Cen-
23 ters for Disease Control and Prevention has identi-
24 fied as higher among firefighters than among the
25 general public, the provision of which shall be car-

1 ried out during the annual periodic health assess-
2 ment of the firefighter.

3 (b) OPTIONAL NATURE.—A firefighter of the Depart-
4 ment of Defense may opt out of the receipt of a medical
5 testing or related service provided under subsection (a).

6 (c) USE OF CONSENSUS TECHNICAL STANDARDS.—
7 In providing medical testing and related services under
8 subsection (a), the Secretary shall use consensus technical
9 standards in accordance with section 12(d) of the National
10 Technology Transfer and Advancement Act of 1995 (15
11 U.S.C. 272 note).

12 (d) DOCUMENTATION.—

13 (1) IN GENERAL.—In providing medical testing
14 and related services under subsection (a), the Sec-
15 retary—

16 (A) shall document the acceptance rates of
17 such tests offered and the rates of such tests
18 performed;

19 (B) shall document tests results, to iden-
20 tify trends in the rates of cancer occurrences
21 among firefighters; and

22 (C) may collect and maintain additional in-
23 formation from the recipients of such tests and
24 other services, to allow for appropriate scientific
25 analysis.

1 (2) PRIVACY.—In analyzing any information of
2 an individual documented, collected, or maintained
3 under paragraph (1), in addition to complying with
4 other applicable privacy laws, the Secretary shall en-
5 sure the name, and any other personally identifiable
6 information, of the individual is removed from such
7 information prior to the analysis.

8 (3) SHARING WITH CENTERS FOR DISEASE
9 CONTROL AND PREVENTION.—The Secretary may
10 share data from any tests performed under sub-
11 section (a) with the Director of the Centers for Dis-
12 ease Control and Prevention, as appropriate, to in-
13 crease the knowledge and understanding of cancer
14 occurrences among firefighters.

15 (e) DEFINITIONS.—In this section:

16 (1) The term “firefighter” has the meaning
17 given that term in section 707 of the National De-
18 fense Authorization Act for Fiscal Year 2020 (Pub-
19 lic Law 116–92; 133 Stat. 1441; 10 U.S.C. 1074m
20 note).

21 (2) The term “high-risk individual” means an
22 individual who—

23 (A) is African American;

1 (B) has at least one first-degree relative
2 who has been diagnosed with prostate cancer at
3 an early age; or

4 (C) is otherwise determined by the Sec-
5 retary to be high-risk with respect to prostate
6 cancer.

7 **SEC. 708. AUDIT OF BEHAVIORAL HEALTH CARE NETWORK**
8 **PROVIDERS LISTED IN TRICARE DIRECTORY.**

9 (a) **AUDIT REQUIRED.**—The Secretary of Defense
10 shall conduct an audit of the behavioral health care pro-
11 viders listed in the TRICARE directory.

12 (b) **REPORT.**—Not later than one year after the date
13 of the enactment of this Act, the Secretary shall submit
14 to the congressional defense committees a report on the
15 findings of the audit under subsection (a). Such report
16 shall include the following:

17 (1) An identification of the following,
18 disaggregated by provider specialty and TRICARE
19 region:

20 (A) The number of such behavioral health
21 care providers with respect to which there are
22 duplicate listings in the TRICARE directory.

23 (B) The number of such behavioral health
24 care providers that, as of the commencement of
25 the audit, were listed in the TRICARE direc-

1 tory as available and accepting new TRICARE
2 patients.

3 (C) The number of such behavioral health
4 care providers that, as a result of the audit, the
5 Secretary determines are no longer available or
6 accepting new TRICARE patients.

7 (D) The number of such behavioral health
8 care providers that were not previously listed in
9 the TRICARE directory as available and ac-
10 cepting new TRICARE patients but that, as a
11 result of the audit, the Secretary determines
12 are so available and accepting.

13 (E) The number of behavioral health care
14 providers listed in the TRICARE directory that
15 are no longer practicing.

16 (F) The number of behavioral health care
17 providers that, in conducting the audit, the Sec-
18 retary of Defense could not reach for purposes
19 of verifying information relating to availability
20 or status.

21 (2) An identification of the number of
22 TRICARE beneficiaries in each TRICARE region,
23 disaggregated by beneficiary category.

24 (3) A description of the methods by which the
25 Secretary measures the following:

1 (A) The accessibility and accuracy of the
2 TRICARE directory, with respect to behavioral
3 health care providers listed therein.

4 (B) The adequacy of behavioral health care
5 providers under the TRICARE program.

6 (4) A description of the efforts of the Secretary
7 to recruit and retain behavioral health care pro-
8 viders.

9 (5) Recommendations by the Secretary, based
10 on the findings of the audit, on how to improve the
11 availability of behavioral health care providers that
12 are network providers under the TRICARE pro-
13 gram, including through the inclusion of specific re-
14 quirements in the next generation of TRICARE con-
15 tracts.

16 (c) DEFINITIONS.—In this section:

17 (1) The term “TRICARE directory” means the
18 directory of network providers under the TRICARE
19 program.

20 (2) The term “TRICARE program” has the
21 meaning given such term in section 1072 of title 10,
22 United States Code.

1 **SEC. 709. INDEPENDENT ANALYSIS OF QUALITY AND PA-**
2 **TIENT SAFETY REVIEW PROCESS UNDER DI-**
3 **RECT CARE COMPONENT OF TRICARE PRO-**
4 **GRAM.**

5 (a) AGREEMENT.—

6 (1) IN GENERAL.—The Secretary of Defense
7 shall seek to enter into an agreement with the Na-
8 tional Academies of Sciences, Engineering, and Med-
9 icine (in this section referred to as the “National
10 Academies”) for the National Academies to carry
11 out the activities described in subsections (b) and
12 (c).

13 (2) TIMING.—The Secretary shall seek to enter
14 into the agreement described in paragraph (1) not
15 later than 60 days after the date of the enactment
16 of this Act.

17 (b) ANALYSIS BY THE NATIONAL ACADEMIES.—

18 (1) ANALYSIS.—Under an agreement between
19 the Secretary and the National Academies entered
20 into pursuant to subsection (a), the National Acad-
21 emies shall conduct an analysis of the quality and
22 patient safety review process for health care pro-
23 vided under the direct care component of the
24 TRICARE program and develop recommendations
25 for the Secretary based on such analysis.

1 (2) ELEMENTS.—The analysis conducted and
2 recommendations developed under paragraph (1)
3 shall include, with respect to the direct care compo-
4 nent, the following:

5 (A) An assessment of the procedures under
6 such component regarding credentialing and
7 privileging for health care providers (and an as-
8 sessment of compliance with such procedures).

9 (B) An assessment of the processes under
10 such component for quality assurance, standard
11 of care, and incident review (and an assessment
12 of compliance with such processes).

13 (C) An assessment of the accountability
14 processes under such component for health care
15 providers who are found to have not met a re-
16 quired standard of care.

17 (3) INFORMATION ACCESS AND PRIVACY.—

18 (A) ACCESS TO RECORDS.—Notwith-
19 standing section 1102 of title 10, United States
20 Code, the Secretary shall provide the National
21 Academies with access to such records of the
22 Department of Defense as the Secretary may
23 determine necessary for purposes of the Na-
24 tional Academies conducting the analysis and

1 developing the recommendations under para-
2 graph (1).

3 (B) PRIVACY OF INFORMATION.—In con-
4 ducting the analysis and developing the rec-
5 ommendations under paragraph (1), the Na-
6 tional Academies—

7 (i) shall maintain any personally iden-
8 tifiable information in records accessed by
9 the National Academies pursuant to sub-
10 paragraph (A) in accordance with applica-
11 ble laws, protections, and best practices re-
12 garding the privacy of information; and

13 (ii) may not permit access to such in-
14 formation by any individual or entity not
15 engaged in conducting such analysis or de-
16 veloping such recommendations.

17 (c) REPORT.—Under an agreement entered into be-
18 tween the Secretary and the National Academies under
19 subsection (a), the National Academies, not later than one
20 year after the date of the execution of the agreement,
21 shall—

22 (1) submit to the congressional defense commit-
23 tees and (with respect to any findings concerning the
24 Coast Guard when it is not operating as a service
25 in the Department of the Navy) the Committee on

1 Transportation and Infrastructure of the House of
2 Representatives and the Committee on Commerce,
3 Science, and Transportation of the Senate a report
4 on the findings of the National Academies with re-
5 spect to the analysis conducted and recommenda-
6 tions developed under subsection (b); and

7 (2) make such report available on a public
8 website in unclassified form.

9 (d) TRICARE PROGRAM DEFINED.—In this section,
10 the term “TRICARE program” has the meaning given
11 such term in section 1072 of title 10, United States Code.

12 **Subtitle B—Health Care**

13 **Administration**

14 **SEC. 721. CONGRESSIONAL NOTIFICATION REQUIREMENT**

15 **TO MODIFY SCOPE OF SERVICES PROVIDED**

16 **AT MILITARY MEDICAL TREATMENT FACILI-**

17 **TIES.**

18 Section 1073c(a) of title 10, United States Code, is
19 amended by adding at the end the following new para-
20 graph:

21 “(7)(A) The Secretary of Defense may not modify the
22 scope of medical care provided at a military medical treat-
23 ment facility pursuant to paragraph (2)(C) (including by
24 modifying the staff, types of services available, or bene-
25 ficiary population served, at the facility), unless—

1 “(i) the Secretary submits to the Committees
2 on Armed Services of the House of Representatives
3 and the Senate a notification of the proposed modi-
4 fication in scope;

5 “(ii) a period of 180 days has elapsed following
6 the date on which the Secretary submits such notifi-
7 cation; and

8 “(iii) if the proposed modification in scope in-
9 volves the termination or reduction of inpatient ca-
10 pabilities at a military medical treatment facility lo-
11 cated outside the United States, the Secretary has
12 provided to each member of the armed forces or cov-
13 ered beneficiary receiving services at such facility a
14 transition plan for the continuity of health care for
15 such member or covered beneficiary and an oppor-
16 tunity to participate in at least two public forums
17 convened by the Secretary, to discuss the transition
18 plan and any related concerns.

19 “(B) Each notification under subparagraph (A) shall
20 contain information demonstrating, with respect to the
21 military medical treatment facility for which the modifica-
22 tion in scope has been proposed, the extent to which the
23 commander of the military installation at which the facil-
24 ity is located has been consulted regarding such modifica-
25 tion, to ensure that the proposed modification in scope

1 would have no impact on the operational plan for such
2 installation.”.

3 **SEC. 722. MODIFICATION OF CERTAIN DEADLINE AND RE-**
4 **QUIREMENT TO TRANSFER RESEARCH AND**
5 **DEVELOPMENT FUNCTIONS TO DEFENSE**
6 **HEALTH AGENCY.**

7 Section 1073c of title 10, United States Code, is
8 amended—

9 (1) in subsection (e)—

10 (A) in the matter preceding paragraph (1),
11 by striking “September 30, 2022” and inserting
12 “September 30, 2023”; and

13 (B) in paragraph (1)(B), by striking “the
14 Army Medical Research and Materiel Com-
15 mand” and inserting “such elements and func-
16 tions of the Army Medical Research and Mate-
17 riel Command as the Secretary determines ap-
18 propriate”;

19 (2) by redesignating subsections (g) and (h) as
20 subsections (h) and (i); and

21 (3) by inserting after subsection (f) the fol-
22 lowing new subsection:

23 “(g) REPORT REQUIREMENT.—The Secretary of De-
24 fense may not take any action to exclude an element or
25 function of the Army Medical Research and Materiel Com-

1 mand from organization under or transfer to the Defense
2 Health Agency Research and Development pursuant to a
3 determination referred to in subsection (e)(1)(B) unless—

4 “(1) the Secretary submits to the Committees
5 on Armed Services of the House of Representatives
6 and the Senate a report containing an explanation of
7 the determination and a plan for the proposed exclu-
8 sion; and

9 “(2) a period of 90 days has elapsed following
10 the date on which the Secretary submits such re-
11 port.”.

12 **SEC. 723. MODIFICATION OF REQUIREMENT TO TRANSFER**
13 **PUBLIC HEALTH FUNCTIONS TO DEFENSE**
14 **HEALTH AGENCY.**

15 Section 1073c(e)(2) of title 10, United States Code,
16 is amended—

17 (1) in the matter preceding subparagraph (A),
18 by striking “A subordinate” and inserting “(A) A
19 subordinate”;

20 (2) by redesignating subparagraphs (A) and
21 (B) as clauses (i) and (ii);

22 (3) in clause (ii), as so redesignated—

23 (A) by striking “comprised of” and insert-
24 ing “except as provided in subparagraph (B),
25 comprised of”; and

1 (B) by striking “Command” each place it
2 appears and inserting “Center”; and

3 (4) by adding at the end the following new sub-
4 paragraph:

5 “(B) At the discretion of the Secretary of De-
6 fense, the Secretary of a military department may
7 retain an element or function that would otherwise
8 be organized under or transferred to the Defense
9 Health Agency Public Health pursuant to subpara-
10 graph (A)(ii) if the Secretary of Defense determines
11 such element or function—

12 “(i) addresses a need that is unique to that
13 military department; and

14 “(ii) is in direct support of operating
15 forces and necessary to implement national se-
16 curity or defense strategies.

17 “(C) The Secretary of a military department
18 may not take any action to retain an element or
19 function pursuant to a determination by the Sec-
20 retary of Defense referred to in subparagraph (B)
21 unless—

22 “(i) the Secretary of Defense submits to
23 the Committees on Armed Services of the
24 House of Representatives and the Senate a re-
25 port containing an explanation of such deter-

1 mination and a plan for the proposed retention;
2 and

3 “(ii) a period of 90 days has elapsed fol-
4 lowing the date on which the Secretary submits
5 such report.”.

6 **SEC. 724. OTHER TRANSACTION AUTHORITY FOR STUDIES**
7 **AND DEMONSTRATION PROJECTS RELATING**
8 **TO DELIVERY OF HEALTH AND MEDICAL**
9 **CARE.**

10 Section 1092(b) of title 10, United States Code, is
11 amended by inserting “or transactions (other than con-
12 tracts, cooperative agreements, and grants)” after “con-
13 tracts”.

14 **SEC. 725. LICENSURE REQUIREMENT FOR CERTAIN**
15 **HEALTH-CARE PROFESSIONALS PROVIDING**
16 **SERVICES AS PART OF MISSION RELATING TO**
17 **EMERGENCY, HUMANITARIAN, OR REFUGEE**
18 **ASSISTANCE.**

19 Section 1094(d)(2) of title 10, United States Code,
20 is amended by inserting “ contractor not covered under
21 section 1091 of this title who is providing medical treat-
22 ment as part of a mission relating to emergency, humani-
23 tarian, or refugee assistance,” after “section 1091 of this
24 title,”.

1 **SEC. 726. IMPROVEMENTS RELATING TO MEDICAL OFFICER**
2 **OF THE MARINE CORPS POSITION.**

3 (a) IN GENERAL.—Chapter 806 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section (and conforming the table of sections
6 at the beginning of such chapter accordingly):

7 **“§ 8048. Medical Officer of the Marine Corps**

8 “(a) There is a Medical Officer of the Marine Corps
9 who shall be appointed from among flag officers of the
10 Navy.

11 “(b) The Medical Officer of the Marine Corps, while
12 so serving, shall hold the grade of rear admiral (lower
13 half).”.

14 (b) EXCLUSION FROM CERTAIN DISTRIBUTION LIM-
15 TATIONS.—Section 525 of such title is amended—

16 (1) by redesignating subsection (g) as sub-
17 section (h); and

18 (2) by inserting after subsection (f) the fol-
19 lowing new subsection:

20 “(g) A naval officer while serving as the Medical Offi-
21 cer of the Marine Corps is in addition to the number that
22 would otherwise be permitted for the Navy for officers
23 serving on active duty in the grade of rear admiral (lower
24 half) under subsection (a).”.

1 (c) EXCLUSION FROM ACTIVE DUTY STRENGTH LIM-
2 ITATIONS PRIOR TO DECEMBER 31, 2022.—Section 526
3 of such title is amended—

4 (1) by redesignating subsection (k) as sub-
5 section (l); and

6 (2) by inserting after subsection (j) the fol-
7 lowing new subsection:

8 “(k) EXCLUSION OF MEDICAL OFFICER OF MARINE
9 CORPS.—The limitations of this section do not apply to
10 the flag officer who is serving as the Medical Officer of
11 the Marine Corps.”.

12 (d) EXCLUSION FROM ACTIVE DUTY STRENGTH
13 LIMITATIONS AFTER DECEMBER 31, 2022.—Section
14 526a of such title is amended—

15 (1) by redesignating subsections (h) through (k)
16 as subsections (i) through (l), respectively; and

17 (2) by inserting after subsection (g) the fol-
18 lowing new subsection:

19 “(h) EXCLUSION OF MEDICAL OFFICER OF MARINE
20 CORPS.—The limitations of this section do not apply to
21 the flag officer who is serving as the Medical Officer of
22 the Marine Corps.”.

1 **SEC. 727. AUTHORITY FOR DEPARTMENT OF DEFENSE PRO-**
2 **GRAM TO PROMOTE EARLY LITERACY**
3 **AMONG CERTAIN YOUNG CHILDREN AS PART**
4 **OF PEDIATRIC PRIMARY CARE.**

5 (a) PROGRAM.—Chapter 55 of title 10, United States
6 Code, is amended by inserting after section 1109 the fol-
7 lowing new section (and conforming the table of sections
8 at the beginning of such chapter accordingly):

9 **“§ 1109A. Authority for program to promote early lit-**
10 **eracy among certain young children as**
11 **part of pediatric primary care**

12 “(a) AUTHORITY.—The Secretary of Defense may
13 carry out a program to promote early literacy among
14 young children the caregivers of whom are members of the
15 armed forces as part of the pediatric primary care of such
16 children.

17 “(b) ACTIVITIES.—Activities under the program
18 under subsection (a) shall be evidence-informed and in-
19 clude the following:

20 “(1) The provision to pediatric primary care
21 providers and other appropriate personnel of the De-
22 partment of training on early literacy promotion.

23 “(2) The purchase and distribution of age-ap-
24 propriate books to covered caregivers.

25 “(3) The modification of waiting rooms in mili-
26 tary medical treatment facilities, including in spe-

1 cific clinics within such facilities, to ensure such
2 waiting rooms include materials that reinforce lan-
3 guage-rich interactions between young children and
4 their covered caregivers, including a full selection of
5 literature for young children.

6 “(4) The dissemination to covered caregivers of
7 education materials on pediatric early literacy.

8 “(5) Such other activities as the Secretary de-
9 termines appropriate.

10 “(c) LOCATIONS.—In carrying out the program
11 under subsection (a), the Secretary may conduct the ac-
12 tivities under subsection (b) at any military medical treat-
13 ment facility.

14 “(d) DEFINITIONS.—In this section:

15 “(1) The term ‘covered caregiver’ means a
16 member of the armed forces who is a caregiver of a
17 young child.

18 “(2) The term ‘young child’ means any child
19 from birth to the age of five years old, inclusive.”.

20 (b) REPORT.—Not later than one year after the date
21 of the enactment of this Act, the Secretary of Defense
22 shall submit to the Committees on Armed Services of the
23 House of Representatives and the Senate a report on the
24 extent to which the authority under section 1109A(a) of
25 title 10, United States Code, (as added by subsection (a))

1 is used, including a description of any activities carried
2 out under the program so authorized.

3 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion, or the amendments made by this section, shall be
5 construed as requiring that a child have more than one
6 caregiver as a condition of receiving services under, or oth-
7 erwise participating in, the program authorized under
8 such section 1109A.

9 **SEC. 728. ACCOUNTABILITY FOR WOUNDED WARRIORS UN-**
10 **DERGOING DISABILITY EVALUATION.**

11 (a) IN GENERAL.—Not later than April 1, 2023, the
12 Secretary of Defense, in consultation with the Secretaries
13 concerned, shall establish a policy to ensure accountability
14 for actions taken under the authorities of the Defense
15 Health Agency and the Armed Forces, respectively, con-
16 cerning wounded, ill, and injured members of the Armed
17 Forces during the integrated disability evaluation system
18 process. Such policy shall include the following:

19 (1) A requirement that a determination of fit-
20 ness for duty under chapter 61 of title 10, United
21 States Code, of a member of the Armed Forces falls
22 under the jurisdiction of the Secretary concerned.

23 (2) A description of the role of the Director of
24 the Defense Health Organization in supporting the

1 Secretaries concerned in carrying out determinations
2 of fitness for duty as specified in paragraph (1).

3 (3) A requirement that a medical evaluation
4 provided under the authority of the Defense Health
5 Agency under section 1073c of title 10, United
6 States Code, shall comply with applicable law and
7 Department of Defense regulations and shall be con-
8 sidered by the Secretary concerned in determining
9 fitness for duty under such chapter.

10 (4) A description of how the Director of the De-
11 fense Health Agency adheres to the medical evalua-
12 tion processes of the Armed Forces, including an
13 identification of each applicable regulation or policy
14 the Director is required to adhere to.

15 (5) A requirement that wounded, ill, and in-
16 jured members of the Armed Forces shall not be de-
17 nied the protections, privileges, or right to due proc-
18 ess afforded under applicable law and regulations of
19 the Department of Defense and the Armed Forces.

20 (6) A description of the types of due process
21 protections, privileges, and rights afforded to mem-
22 bers of the Armed Forces pursuant to paragraph
23 (5), including an identification of each such due
24 process protection.

1 (b) CLARIFICATION OF RESPONSIBILITIES REGARD-
2 ING MEDICAL EVALUATION BOARDS.—Section 1073c of
3 title 10, United States Code, is amended by redesignating
4 subsection (h) as subsection (i); and by inserting after
5 subsection (g) the following new subsection (h):

6 “(h) AUTHORITIES RESERVED TO THE SECRETARIES
7 CONCERNED REGARDING THE DISABILITY EVALUATION
8 SYSTEM.—Notwithstanding the responsibilities and au-
9 thorities of the Defense Health Agency with respect to the
10 administration of military medical treatment facilities as
11 set forth in this section, including medical evaluations of
12 members of the armed forces, the Secretary concerned
13 shall maintain personnel authority over and responsibility
14 for any member of the armed forces while the member
15 is being considered by a medical evaluation board. Such
16 responsibility shall include the following:

17 “(1) Responsibility for administering the morale
18 and welfare of the member.

19 “(2) Responsibility for determinations of fitness
20 for duty of the member under chapter 61 of this
21 title.”.

22 (c) BRIEFING.—Not later than February 1, 2023, the
23 Secretary of Defense shall provide to the appropriate con-
24 gressional committees a briefing on the status of the im-
25 plementation of subsections (a) and (b).

1 (d) DEFINITIONS.—In this section:

2 (1) The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Armed Services and
5 the Committee on Transportation and Infra-
6 structure of the House of Representatives; and

7 (B) the Committee on Armed Services and
8 the Committee on Commerce, Science, and
9 Transportation of the Senate.

10 (2) The term “Secretary concerned” has the
11 meaning given that term in section 101 of title 10,
12 United States Code.

13 **SEC. 729. INCENTIVE PAYMENTS FOR RETENTION OF CER-**
14 **TAIN BEHAVIORAL HEALTH PROVIDERS.**

15 (a) INCENTIVE PAYMENTS FOR CERTAIN BEHAV-
16 IORAL HEALTH PROVIDERS.—

17 (1) INCENTIVE PAYMENTS.—The Secretary of
18 Defense, using authorities available to the Secretary,
19 shall increase the use of incentive payments paid to
20 individuals described in paragraph (2) for the pur-
21 pose of retaining such employees.

22 (2) ELIGIBLE RECIPIENTS.—Individuals de-
23 scribed in this paragraph are covered civilian behav-
24 ioral health providers in the following professions:

25 (A) Clinical psychologists.

1 (B) Social workers.

2 (C) Counselors.

3 (3) PRIORITIZATION.—In increasing the use of
4 incentive payments under paragraph (1), the Sec-
5 retary of Defense shall give priority for such an in-
6 centive payment to an individual described in para-
7 graph (2) who is stationed at a remote installation
8 or an installation with a higher-than-average turn-
9 over of covered civilian behavioral health providers,
10 as determined by the Secretary.

11 (4) REPORTS.—Not later than February 1 of
12 each of calendar years 2023, 2024, 2025, and 2026,
13 the Secretary of Defense shall submit to the con-
14 gressional defense committees a report that includes
15 the following:

16 (A) The number of covered civilian behav-
17 ioral health providers as of the end of the fiscal
18 year preceding the year in which the report is
19 submitted, disaggregated by the professions
20 specified in paragraph (2) and by whether the
21 covered civilian behavioral health provider is
22 stationed at a remote installation.

23 (B) Of such covered civilian behavioral
24 health providers, the number who, during such
25 preceding fiscal year, received an incentive pay-

1 ment referred to in paragraph (1),
2 disaggregated by the professions specified in
3 paragraph (2) and by whether the covered civil-
4 ian behavioral health provider is stationed at a
5 remote installation.

6 (C) With respect to such covered civilian
7 behavioral health providers who so received an
8 incentive payment, the median and mean incen-
9 tive payment amount so received, disaggregated
10 by the professions specified in paragraph (2)
11 and by whether the covered civilian behavioral
12 health provider is stationed at a remote instal-
13 lations.

14 (D) For the five fiscal years preceding the
15 year in which the report is submitted, the ag-
16 gregate amount of incentive payments referred
17 to in paragraph (1) paid to covered civilian be-
18 havioral health providers.

19 (E) A summary of the actions taken by the
20 Secretary to implement the requirements of this
21 section.

22 (F) An assessment of the effectiveness of
23 increasing the use of incentive payments under
24 paragraph (1) for improved retention of covered
25 civilian behavioral health providers.

1 (G) Any recommendations by the Secretary
2 for additional authorities, or modifications to
3 authorities already available to the Secretary, to
4 further improve the retention of covered civilian
5 behavioral health providers.

6 (b) DEFINITIONS.—In this section:

7 (1) The term “behavioral health” includes clin-
8 ical psychology, social work, counseling, and related
9 fields.

10 (2) The term “civilian behavioral health pro-
11 vider” means a behavioral health provider who is a
12 civilian employee of the Department of Defense.

13 (3) The term “counselor” means an individual
14 who holds—

15 (A) a master’s or doctoral degree from an
16 accredited graduate program in—

17 (i) marriage and family therapy; or

18 (ii) clinical mental health counseling;

19 and

20 (B) a current license or certification from
21 a State that grants the individual the authority
22 to provide counseling services as an independent
23 practitioner in the respective field of the indi-
24 vidual.

1 (4) The term “covered civilian behavioral health
2 provider” means a civilian behavioral health provider
3 whose employment by the Secretary of Defense in-
4 volves the provision of behavioral health services at
5 a military medical treatment facility.

6 (5) The term “military installation” has the
7 meaning given that term in section 2801 of title 10,
8 United States Code.

9 (6) The term “remote installation” means a
10 military installation that the Secretary determines to
11 be in a remote location.

12 **SEC. 730. CLARIFICATION OF LICENSE PORTABILITY FOR**
13 **HEALTH CARE PROVIDERS PROVIDING SERV-**
14 **ICES UNDER RESERVE HEALTH READINESS**
15 **PROGRAM.**

16 For purposes of license portability under paragraph
17 (1) of section 1094(d) of title 10, United States Code, a
18 health care provider who provides medical or dental serv-
19 ices under the Reserve Health Readiness program of the
20 Department of Defense (or any successor program) and
21 meets the requirements specified in subparagraphs (A)
22 and (B) of paragraph (2) of such section shall be consid-
23 ered a health-care professional described in such para-
24 graph.

1 **SEC. 731. POLICY OF DEFENSE HEALTH AGENCY ON EX-**
2 **PANDED RECOGNITION OF BOARD CERTIFI-**
3 **CATIONS FOR PHYSICIANS.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Director of the Defense Health
6 Agency shall revise the policy of the Defense Health Agen-
7 cy relating to credentialing and privileging under the mili-
8 tary health system, to expand the recognition of board cer-
9 tifications for physicians under such policy to a wide range
10 of additional board certifications.

11 **SEC. 732. SLEEP APNEA SCREENING.**

12 (a) IN GENERAL.—Not later than 90 days after the
13 date of the enactment of this Act, the Assistant Secretary
14 of Defense for Health Affairs shall provide a plan to the
15 congressional defense committees for a pilot program to
16 screen for obstructive sleep apnea among persons going
17 through the officer accession program.

18 (b) PLAN CONTENTS.—This plan required under sub-
19 section (a) shall include—

20 (1) how many individuals will be tested under
21 the pilot program; and

22 (2) how much the pilot program would cost.

1 **SEC. 733. DEMONSTRATION PROJECT ON INFANT AND**
2 **EARLY CHILDHOOD MENTAL HEALTH SERV-**
3 **ICES FOR CHILDREN OF MEMBERS OF THE**
4 **ARMED FORCES.**

5 (a) ASSESSMENT OF AVAILABILITY OF SERVICES.—

6 The Secretary of Defense shall conduct an assessment of
7 the availability at military installations (and in the sur-
8 rounding communities) of covered services at the Federal,
9 State, and local level for covered children, for the purpose
10 of ensuring access to such services for covered children
11 with infant and early childhood mental health needs. Such
12 assessment shall address, at a minimum, the following:

13 (1) The availability of covered services that ad-
14 vance social and emotional development for covered
15 children, including any relevant certification or en-
16 dorsement programs for professionals serving as in-
17 fant and early childhood mental health consultants
18 for military child development centers.

19 (2) The availability of adequate diagnostic and
20 non-medical intervention covered services for covered
21 children.

22 (3) The availability of supplemental covered
23 services for covered children, such as consultation
24 services provided by licensed professionals who are
25 appropriately certified or endorsed in infant and

1 early childhood mental health, as determined by the
2 Secretary.

3 (4) The ease of access to adequate covered edu-
4 cational or treatment services for covered children,
5 as appropriate, such as the average duration of time
6 spent on waiting lists prior to receiving such serv-
7 ices.

8 (b) REVIEW OF BEST PRACTICES.—In developing the
9 assessment under subsection (a), the Secretary of Defense
10 shall conduct a review of best practices across the United
11 States for the provision of covered services to covered chil-
12 dren. Such review shall include an assessment of any cov-
13 ered services of the Federal or State government available
14 in each State, with an emphasis on the availability in loca-
15 tions where members of the Armed Forces with children
16 reside.

17 (c) DEMONSTRATION PROJECTS.—

18 (1) PROJECTS AUTHORIZED.—The Secretary of
19 Defense may conduct one or more demonstration
20 projects under this subsection to test and evaluate
21 various approaches to the provision of covered serv-
22 ices to covered children, for the purposes of deter-
23 mining the efficacy of such approaches, reducing in-
24 cidents of behavioral issues among those with infant
25 and early childhood mental health needs, ensuring

1 the early identification of such needs that may re-
2 quire non-medical intervention, and such other re-
3 lated purposes as may be determined appropriate by
4 the Secretary.

5 (2) PARTICIPANTS.—The Secretary may select
6 for participation in the study—

7 (A) members of the Armed Forces with
8 covered children who elect to so participate; and

9 (B) military child development centers that
10 are located on or near military installations or
11 that otherwise provide services to covered chil-
12 dren.

13 (3) PERSONNEL.—In carrying out a demonstra-
14 tion project under this subsection, the Secretary of
15 Defense may assign personnel who hold a covered
16 degree that the Secretary determines appropriate for
17 the provision of covered services to act as consult-
18 ants for the provision of such services to covered
19 children who are participants in the demonstration
20 project. Under such demonstration project, such as-
21 signed personnel may—

22 (A) develop and monitor promotion and
23 prevention, and non-medical intervention, plans
24 for such participants;

1 (B) provide appropriate training in the
2 provision of covered services to such partici-
3 pants;

4 (C) provide non-medical counseling services
5 to such participants, and any members of the
6 Armed Forces who are the caregivers of such
7 participants, as appropriate;

8 (D) coordinate and collaborate with other
9 relevant service providers on the military instal-
10 lation or in the surrounding community regard-
11 ing covered services; and

12 (E) become endorsed, or work towards be-
13 coming endorsed, by an organization that pro-
14 vides licensing or professional certifications rec-
15 ognized by the Federal or State government for
16 infant and early childhood mental health profes-
17 sionals.

18 (4) INFANT AND EARLY CHILDHOOD MENTAL
19 HEALTH CONSULTATIONS.—

20 (A) CURRICULUM.—As an activity under
21 the demonstration project, the Secretary of De-
22 fense may authorize the development of a com-
23 prehensive professional development curriculum
24 for use in training non-medical counselors in in-
25 fant and early childhood mental health con-

1 sultation services, so that such counselors may
2 serve as infant early childhood mental health
3 consultants for covered children who are partici-
4 pants in the demonstration project.

5 (B) COMPETENCY GUIDELINES.—The cur-
6 riculum under subparagraph (A) shall be based
7 on a set of competency guidelines that are—

8 (i) designed to enhance culturally sen-
9 sitive, relationship-focused practice within
10 the framework of infant and early child-
11 hood mental health; and

12 (ii) recognized by an organization
13 specified in paragraph (3)(E) for the pur-
14 poses of certification or endorsement as a
15 infant and early childhood mental health
16 practitioner.

17 (5) CONTRACT AUTHORITY.—

18 (A) AUTHORITY.—The Secretary of De-
19 fense may enter into a contract, or multiple
20 contracts, for the conduct of any demonstration
21 project under this subsection.

22 (B) REQUIREMENT FOR SUPERVISORY-
23 LEVEL PROVIDERS.—As a term of any contract
24 that is entered into pursuant to subparagraph
25 (A) for the implementation of special edu-

1 cational and behavioral intervention plans for
2 covered children who are participants in the
3 demonstration project, the Secretary shall re-
4 quire that any such plan be developed, reviewed,
5 and maintained by supervisory-level providers
6 approved by the Secretary.

7 (C) CONTRACTOR REQUIREMENTS.—The
8 Secretary shall establish, and ensure the imple-
9 mentation of, the following:

10 (i) Minimum required criteria for the
11 education, training, and experience of any
12 contractor furnishing covered services pur-
13 suant to a contract under subparagraph
14 (A).

15 (ii) Requirements for the supervision
16 and oversight of contractors who are infant
17 and early childhood mental health consult-
18 ants, including requirements for relevant
19 credentials for such consultants and the
20 frequency and intensity of such super-
21 vision.

22 (iii) Such other requirements as the
23 Secretary considers appropriate to ensure
24 the safety and protection of covered chil-

1 dren who are participants in the dem-
2 onstration project.

3 (6) DEADLINE TO COMMENCE; MINIMUM PE-
4 RIOD.—For each demonstration project conducted
5 under this subsection—

6 (A) the Secretary shall commence the dem-
7 onstration project not later than 180 days after
8 the date of the enactment of this Act; and

9 (B) the demonstration project shall be con-
10 ducted for a period of not less than two years.

11 (7) EVALUATION.—

12 (A) REQUIREMENT.—The Secretary of De-
13 fense shall conduct an evaluation of the out-
14 comes of each demonstration project conducted
15 under this subsection, to determine the efficacy
16 of covered services provided under the dem-
17 onstration project.

18 (B) MATTERS.— Each evaluation under
19 subparagraph (A) shall include, with respect to
20 the relevant demonstration project, an assess-
21 ment of the extent to which activities under the
22 demonstration project contributed to the fol-
23 lowing:

24 (i) Positive outcomes for covered chil-
25 dren.

1 (ii) Improvements to the services and
2 continuity of care for covered children.

3 (iii) Improvements to military family
4 readiness and enhanced military retention.

5 (d) REPORTS ON DEMONSTRATION PROJECTS.—Not
6 later than two years and 180 days after the date of the
7 commencement of a demonstration project under sub-
8 section (c), the Secretary of Defense shall submit to the
9 Committees on Armed Services of the House of Represent-
10 atives and the Senate a report on the demonstration
11 project. Such report shall include the following:

12 (1) A description of the demonstration project.

13 (2) The results of the evaluation under sub-
14 section (c)(7) with respect to the demonstration
15 project.

16 (3) A description of plans for the future provi-
17 sion of covered services, in accordance with the
18 model or approach evaluated pursuant to the dem-
19 onstration project.

20 (e) RELATIONSHIP TO OTHER BENEFITS.—Nothing
21 in this section shall be construed as precluding a member
22 of the Armed Forces, or a dependent of such a member,
23 from eligibility for benefits under chapter 55 of title 10,
24 United States Code, to which such member or dependent
25 would otherwise be eligible.

1 (f) DEFINITIONS.—In this section:

2 (1) The term “child” has the meaning given
3 that term in section 1072 of title 10, United States
4 Code.

5 (2) The term “covered child” means the infant,
6 toddler, or young child (from birth to age five, inclu-
7 sive) of a member of the Armed Forces.

8 (3) The term “covered degree” means a post-
9 secondary degree that—

10 (A) is awarded by an institution of higher
11 of education eligible to participate in programs
12 under title IV of the Higher Education Act of
13 1965 (20 U.S.C. 1070 et seq.); and

14 (B) is in the field of mental health, human
15 development, social work, or a related field, as
16 determined by the Secretary of Defense.

17 (4) The term “covered educational or treatment
18 service”—

19 (A) means a service, including a supportive
20 service, that provides quality early childhood
21 education by promoting healthy social and emo-
22 tional development and providing support for
23 children experiencing mental health challenges;
24 and

1 (B) includes the conduct of assessments,
2 coaching for educators and parents, and refer-
3 rals to health care professionals with specialties
4 in infant and early childhood mental health for
5 diagnosis, therapeutic treatment, and early
6 intervention.

7 (5) The term “covered service” means a covered
8 educational and treatment service or any other med-
9 ical or non-medical service, including consultation
10 services, relating to the improvement of infant and
11 early childhood mental health in the context of fam-
12 ily, community, and culture.

13 (6) The term “infant and early childhood men-
14 tal health” means the developing capacity of an in-
15 fant, toddler, or young child (from birth to age five,
16 inclusive), to—

17 (A) form close and secure adult and peer
18 relationships;

19 (B) experience, manage, and express a full
20 range of emotions; and

21 (C) explore the environment and learn.

1 **SEC. 734. IMPROVEMENTS TO PROCESSES TO REDUCE FI-**
2 **NANCIAL HARM CAUSED TO CIVILIANS FOR**
3 **CARE PROVIDED AT MILITARY MEDICAL**
4 **TREATMENT FACILITIES.**

5 (a) CLARIFICATION OF FEE WAIVER PROCESS.—Sec-
6 tion 1079b of title 10, United States Code, is amended—

7 (1) by amending subsection (b) to read as fol-
8 lows:

9 “(b) WAIVER OF FEES.—Each commander (or direc-
10 tor, as applicable) of a military medical treatment facility
11 shall issue a waiver for a fee that would otherwise be
12 charged under the procedures implemented under sub-
13 section (a) to a civilian provided medical care at the facil-
14 ity who is not a covered beneficiary if the provision of such
15 care enhances the knowledge, skills, and abilities of health
16 care providers, as determined by the respective com-
17 mander or director.”; and

18 (2) by redesignating subsection (c) as sub-
19 section (d).

20 (b) MODIFIED PAYMENT PLAN FOR CERTAIN CIVIL-
21 IANS.—

22 (1) IN GENERAL.—Such section is further
23 amended—

24 (A) by inserting after subsection (b), as
25 amended by subsection (a), the following:

1 “(c) MODIFIED PAYMENT PLAN FOR CERTAIN CIVIL-
2 IANS.—(1)(A) If a civilian specified in subsection (a) is
3 covered by a covered payer at the time care under this
4 section is provided, the civilian shall only be responsible
5 to pay, for any services not covered by such covered payer,
6 copays, coinsurance, deductibles, or nominal fees.

7 “(B)(i) The Secretary of Defense may bill only the
8 covered payer for care provided to a civilian described in
9 subparagraph (A).

10 “(ii) Payment received by the Secretary from the cov-
11 ered payer of a civilian for care provided under this section
12 that is provided to the civilian shall be considered payment
13 in full for such care.

14 “(2) If a civilian specified in subsection (a) does not
15 meet the criteria under paragraph (1), is underinsured,
16 or has a remaining balance and is at risk of financial
17 harm, the Secretary of Defense shall reduce each fee that
18 would otherwise be charged to the civilian under this sec-
19 tion according to a sliding fee discount program.

20 “(3) If a civilian specified in subsection (a) does not
21 meet the criteria under paragraph (1) or (2), the Sec-
22 retary of Defense shall implement an additional cata-
23 strophic waiver to prevent financial harm.

1 “(4) The modified payment plan under this sub-
2 section may not be administered by a Federal agency other
3 than the Department of Defense.”; and

4 (B) by adding at the end the following new
5 subsection:

6 “(e) DEFINITIONS.—In this section:

7 “(1) The term ‘covered payer’ means a third-
8 party payer or other insurance, medical service, or
9 health plan.

10 “(2) The terms ‘third-party payer’ and ‘insur-
11 ance, medical service, or health plan’ have the mean-
12 ing given those terms in section 1095(h) of this
13 title.”.

14 (c) APPLICABILITY.—The amendments made by sub-
15 sections (a) and (b) shall apply with respect to care pro-
16 vided on or after the date that is 180 days after the date
17 of the enactment of this Act.

18 **SEC. 735. IMPROVEMENTS TO MILITARY MEDICAL TREAT-**
19 **MENT FACILITIES AND OTHER FACILITIES**
20 **UNDER MILITARY HEALTH SYSTEM.**

21 (a) STUDY.—The Secretary of Defense shall conduct
22 a study on any deficiencies of, and necessary improve-
23 ments to, military medical treatment facilities and other
24 covered facilities, to ensure the design, construction, and
25 maintenance of such facilities are in compliance with each

1 covered code, specification, and standard. Such study shall
2 include an identification of any necessary updates to the
3 Unified Facilities Criteria relating to military construction
4 planning and design with respect to such facilities, to en-
5 sure such compliance.

6 (b) REPORTS.—

7 (1) FIRST REPORT.—Not later than one year
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense shall submit to the congressional
10 defense committees a report on the findings of the
11 study under subsection (a). Such report shall in-
12 clude—

13 (A) for each covered facility, a description
14 of any deficiencies identified pursuant to such
15 study; and

16 (B) the plans of the Secretary, including
17 costs and timelines, to address such deficiencies
18 through the rehabilitation, repair, or retrofit of
19 the facility, as applicable.

20 (2) ANNUAL REPORTS.—Not later than one
21 year after the date on which the report under para-
22 graph (1) is submitted, and on an annual basis
23 thereafter until the date on which the Secretary de-
24 termines all covered facilities are in compliance with
25 each covered code, specification, and standard, the

1 Secretary shall submit to the congressional defense
2 committees a report on the progress made toward
3 addressing any deficiency of a covered facility and
4 maintaining covered facilities, to ensure such compli-
5 ance.

6 (c) DEFINITIONS.—In this section:

7 (1) The term “covered code, specification, and
8 standard”—

9 (A) means the latest published edition of
10 any code, specification, or standard that incor-
11 porates the latest hazard-resistant and energy-
12 efficient designs, establishes minimum accept-
13 able criteria for design, construction, or mainte-
14 nance, and is at least as stringent as the pre-
15 viously published edition; and

16 (B) includes the following (or the latest
17 published edition thereof that is at least as
18 stringent as the previously published edition):

19 (i) The 2021 International Energy
20 Conservation Code.

21 (ii) The ASHRAE Standard 90.1.

22 (iii) The ASHRAE Standard 170.

23 (iv) The ASHRAE Standard 189.3.

24 (v) The American Society of Civil En-
25 gineers Minimum Design Loads for Build-

ings and Other Structures (ASCE Standard ASCE 7).

(vi) The International Wildland-Urban Interface Code.

(vii) Executive Order 13690 of January 30, 2015 (80 Fed. Reg. 6425) (relating to a Federal Flood Risk Management Standard for critical facilities).

(2) The term “covered facility” means any Department of Defense-owned facility used for activities under the military health system, including military medical treatment facilities, military ambulatory care and occupational health facilities, and defense health research facilities.

SEC. 736. ACCESS TO CERTAIN DEPENDENT MEDICAL RECORDS BY REMARRIED FORMER SPOUSES.

(a) ACCESS.—The Secretary of Defense may authorize a remarried former spouse who is a custodial parent of a dependent child to retain electronic access to the privileged medical records of such dependent child, notwithstanding that the former spouse is no longer a dependent under section 1072(2) of title 10, United States Code.

(b) DEFINITIONS.—In this section:

1 (1) The term “dependent” has the meaning
2 given that term in section 1072 of title 10, United
3 States Code.

4 (2) The term “dependent child” means a de-
5 pendent child of a remarried former spouse and a
6 member or former member of a uniformed service.

7 (3) The term “remarried former spouse” means
8 a remarried former spouse of a member or former
9 member of a uniformed service.

10 **SEC. 737. AFFILIATES SHARING PILOT PROGRAM.**

11 Section 5318(g)(8)(B)(iii) of title 31, United States
12 Code, is amended by striking “3 years after the date of
13 enactment of this paragraph” and inserting “3 years after
14 the date that the Secretary of the Treasury issues rules
15 pursuant to subparagraph (A)”.

16 **SEC. 738. HOUSING FIRST REPORT.**

17 (a) IN GENERAL.—The Secretary of Housing and
18 Urban Development shall, not later than 180 days after
19 the date of the enactment of this section, submit to the
20 Financial Services Committee of the House of Representa-
21 tives and the Banking, Housing and Urban Affairs Com-
22 mittee of the Senate, a report about the effectiveness and
23 success of housing first policies in addressing homeless-
24 ness by connecting homeless individuals with housing and
25 voluntary services.

1 (b) CONTENTS.—The report required under sub-
 2 section (a) shall include findings made by the Secretary
 3 of Housing and Urban Development with respect to the
 4 barriers that people experiencing homelessness face when
 5 attempting to secure permanent housing.

6 (c) HOUSING FIRST POLICY DEFINED.—In this sec-
 7 tion, the term “housing first policy” means a policy that
 8 prohibits conditioning the provision of housing assistance
 9 for an individual or family on—

10 (1) individual or family participation in sup-
 11 portive services, such as counseling, job training, or
 12 addiction treatment, for such individual or family; or

13 (2) such individuals or family meeting certain
 14 prerequisites, including employment, sobriety, or
 15 lack of drug use.

16 **Subtitle C—Studies and Reports**

17 **SEC. 741. GAO STUDY ON COVERAGE OF MENTAL HEALTH** 18 **DISORDERS UNDER TRICARE PROGRAM AND** 19 **RELATIONSHIP TO CERTAIN MENTAL** 20 **HEALTH PARITY LAWS.**

21 (a) STUDY AND REPORT REQUIRED.—Not later than
 22 180 days after the date of the enactment of this Act, the
 23 Comptroller General of the United States shall—

24 (1) conduct a study to identify and assess the
 25 similarities and differences with respect to coverage

1 of mental health disorders under the TRICARE pro-
2 gram and coverage requirements under mental
3 health parity laws; and

4 (2) submit to the Secretary of Defense, the con-
5 gressional defense committees, and (with respect to
6 any findings concerning the Coast Guard when it is
7 not operating as a service in the Department of the
8 Navy), the Secretary of Homeland Security, the
9 Committee on Transportation and Infrastructure of
10 the House of Representatives, and the Committee on
11 Commerce, Science, and Transportation of the Sen-
12 ate a report containing the findings of such study.

13 (b) MATTERS.—The report under subsection (a) shall
14 include the following:

15 (1) A description of any overlaps or gaps be-
16 tween coverage requirements under the TRICARE
17 program and under the mental health parity laws,
18 with respect to treatment for the continuum of men-
19 tal health disorders (including substance use dis-
20 order).

21 (2) An identification of any existing or antici-
22 pated effects of any such overlaps or gaps on access
23 to care by TRICARE beneficiaries.

24 (3) An identification of denial rates under the
25 TRICARE program for requests by TRICARE bene-

1 ficiaries for coverage of mental or behavioral health
2 care services, and the overturn rates of appeals for
3 such requests, disaggregated by type of health care
4 service.

5 (4) A list of each mental or behavioral health
6 care provider type that is not an authorized provider
7 type under the TRICARE program.

8 (5) An identification of any anticipated effects
9 of modifying coverage requirements under the
10 TRICARE program to bring such requirements into
11 conformity with mental health parity laws, including
12 an assessment of the following:

13 (A) Potential costs to the Department of
14 Defense, the Department of Homeland Security
15 (with respect to matters concerning the Coast
16 Guard when it is not operating as a service in
17 the Department of the Navy), and TRICARE
18 beneficiaries as a result of such modification.

19 (B) The adequacy of the TRICARE pro-
20 gram network to support such modification.

21 (C) Potential effects of such modification
22 on access to care by TRICARE beneficiaries.

23 (D) Such other matters as may be deter-
24 mined appropriate by the Comptroller General.

1 (c) BRIEFING.—Not later than 90 days after the date
2 on which the Secretaries receives the report submitted
3 under subsection (a), the Secretaries shall provide to the
4 congressional defense committees a briefing on any statu-
5 tory changes the Secretaries determine necessary to close
6 gaps in the coverage of mental health disorders under the
7 TRICARE program, including any such gaps identified in
8 the report, to bring such coverage into conformity with
9 requirements under mental health parity laws.

10 (d) DEFINITIONS.—In this section:

11 (1) The term “mental health parity laws”
12 means—

13 (A) section 2726 of the Public Health
14 Service Act (42 U.S.C. 300gg–26);

15 (B) section 712 of the Employee Retire-
16 ment Income Security Act of 1974 (29 U.S.C.
17 1185a);

18 (C) section 9812 of the Internal Revenue
19 Code of 1986 (26 U.S.C. 9812); or

20 (D) any other Federal law that applies the
21 requirements under any of the sections de-
22 scribed in subparagraph (A), (B), or (C), or re-
23 quirements that are substantially similar to
24 those provided under any such section, as deter-
25 mined by the Comptroller General.

1 (2) The term “TRICARE program” has the
2 meaning given such term in section 1072 of title 10,
3 United States Code.

4 **SEC. 742. FEASIBILITY STUDY ON ESTABLISHMENT OF NEW**
5 **COMMAND ON DEFENSE HEALTH.**

6 (a) STUDY.—The Secretary of Defense shall conduct
7 a feasibility study regarding the establishment of a new
8 defense health command under which the Defense Health
9 Agency would be a joint component. In conducting such
10 study, the Secretary shall consider for the new command
11 each of the following potential structures:

12 (1) A unified combatant command.

13 (2) A specified combatant command.

14 (3) Any other defense health command struc-
15 ture the Secretary determines appropriate.

16 (b) MATTERS.—The study under subsection (a) shall
17 include, with respect to the new command specified in
18 such subsection, the following:

19 (1) An assessment of the organizational struc-
20 ture required to establish the new command with the
21 following responsibilities and duties:

22 (A) The conduct of health operations
23 among operational units of the Armed Forces.

24 (B) The administration of military medical
25 treatment facilities.

1 (C) The administration of the TRICARE
2 program.

3 (D) Serving as the element of the Armed
4 Forces with the primary responsibility for the
5 following:

6 (i) Medical treatment, advanced trau-
7 ma management, emergency surgery, and
8 resuscitative care.

9 (ii) Emergency and specialty surgery,
10 intensive care, medical specialty care, and
11 related services.

12 (iii) Preventive, acute, restorative, cu-
13 rative, rehabilitative, and convalescent
14 care.

15 (E) Collaboration with medical facilities
16 participating in the National Disaster Medical
17 System established pursuant to section 2812 of
18 the Public Health Service Act (42 U.S.C.
19 300hh–11), the Veterans Health Administra-
20 tion, and such other Federal departments and
21 agencies and nongovernmental organizations as
22 may be determined appropriate, including with
23 respect to the care services specified in subpara-
24 graph (D)(iii).

1 (F) The conduct of existing research and
2 education activities of the Department of De-
3 fense in the field of health sciences.

4 (G) The conduct of public health and glob-
5 al health activities not otherwise assigned to the
6 Armed Forces.

7 (H) The administration of the Defense
8 Health Program Account under section 1100 of
9 title 10, United States Code.

10 (2) A description of the potential reporting rela-
11 tionship between the commander of the new com-
12 mand, the Assistant Secretary of Defense for Health
13 Affairs, and the Under Secretary of Defense for Per-
14 sonnel and Readiness.

15 (3) A description of the roles of the Surgeons
16 General of the Army, Navy and Air Force, with re-
17 spect to the commander of the new command.

18 (4) A description of the additional legislative
19 authorities, if any, necessary to establish the new
20 command.

21 (c) BRIEFING; REPORT.—Not later than September
22 30, 2023, the Secretary of Defense shall—

23 (1) provide to the Committees of Armed Serv-
24 ices of the House of Representatives and the Senate

1 briefing on the results of the study under subsection
2 (a); and

3 (2) submit to the Committees of Armed Serv-
4 ices of the House of Representatives and the Senate
5 briefing and report on the results of such study.

6 **SEC. 743. STUDY AND AWARENESS INITIATIVE REGARDING**
7 **USE OF QUALIFIED ALTERNATIVE THERA-**
8 **PIES TO TREAT CERTAIN MEMBERS OF THE**
9 **ARMED FORCES ON TERMINAL LEAVE.**

10 (a) STUDY.—The Secretary of Defense shall conduct
11 a study on the use of qualified alternative therapies as
12 alternative therapies to prescription opioids in the treat-
13 ment of members of the Armed Forces on terminal leave
14 preceding separation, retirement, or release from active
15 duty.

16 (b) PARTICIPANTS.—The Secretary shall select par-
17 ticipants in the study under subsection (a) from among
18 members of the Armed Forces on terminal leave—

19 (1) who have been diagnosed with post trau-
20 matic stress disorder, a traumatic brain injury, or
21 any other condition involving severe pain, as deter-
22 mined by the Secretary for purposes of this section;

23 (2) who but for such participation, would be
24 prescribed opioid medications in connection with the
25 treatment of such condition; and

1 (3) who elect to participate in the study (includ-
2 ing in the post-study monitoring under subsection
3 (c)).

4 (c) POST-STUDY MONITORING.—Following the con-
5 clusion of the study under subsection (a), the Secretary
6 shall monitor the effects of such study on the health of
7 former participants by conducting assessments of such
8 former participants, and shall submit to the congressional
9 defense committees reports on the results of such moni-
10 toring, at the following intervals:

11 (1) One year after the date of such conclusion.

12 (2) Three years after the date of such conclu-
13 sion.

14 (d) EFFECT ON OTHER BENEFITS.—The eligibility
15 or entitlement of a member of the Armed Forces to any
16 other benefit under the laws administered by the Secretary
17 shall not be affected by the participation of the member
18 in the study under this section (including by participation
19 in the post-study monitoring under subsection (c)).

20 (e) REPORT.—Not later than one year after the date
21 of the enactment of this Act, the Secretary of Defense
22 shall submit to the appropriate congressional committees
23 a report on the findings of the study under subsection (a).
24 Such report shall include—

1 (1) a description of any such findings relating
2 to the benefits or other effects of using a qualified
3 alternative therapy as an alternative to prescription
4 opioids under the study; and

5 (2) any recommendations of the Secretary
6 based on such findings.

7 (f) EDUCATION INITIATIVE.—The Secretary shall
8 carry out an education initiative regarding the use of a
9 qualified alternative therapy for the treatment of the con-
10 ditions referred to in subsection (b)(1). In carrying out
11 such initiative, the Secretary shall take into consider-
12 ation—

13 (1) to the extent practicable, the findings of the
14 study under subsection (a);

15 (2) the specific vulnerability to opioid abuse and
16 substance abuse disorder of individuals transitioning
17 from serving on active duty in the Armed Forces;
18 and

19 (3) best practices for reducing the stigmatiza-
20 tion of qualified alternative therapies.

21 (g) DEFINITIONS.—In this section:

22 (1) The terms “active duty” and “Armed
23 Forces” have the meaning given those terms in sec-
24 tion 101 of title 10, United States Code.

1 (2) The term “appropriate congressional com-
2 mittees” means—

3 (A) the congressional defense committees;

4 (B) the Committee on Energy and Com-
5 merce of the House of Representatives; and

6 (C) the Committee on Commerce, Science,
7 and Transportation of the Senate.

8 (3) The term “qualified alternative therapy”
9 means—

10 (A) medicinal cannabis;

11 (B) methylenedioxymethamphetamine
12 (commonly referred to as MDMA); and

13 (C) psilocybin.

14 **SEC. 744. REPORT ON COMPOSITION OF MEDICAL PER-**
15 **SONNEL OF EACH MILITARY DEPARTMENT**
16 **AND RELATED MATTERS.**

17 (a) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, and annually thereafter for
19 five years, the Secretary of Defense, in coordination with
20 the Secretaries of the military departments, shall submit
21 to the Committees on Armed Services of the House of
22 Representatives and the Senate a report on the composi-
23 tion of the medical personnel of each military department
24 and related matters.

1 (b) MATTERS.—The report under subsection (a) shall
2 include the following:

3 (1) With respect to each military department,
4 the following:

5 (A) An identification of the total number
6 of medical personnel of the military depart-
7 ment.

8 (B) An identification of the number of
9 such medical personnel who are officers in a
10 grade above O–6.

11 (C) An identification of the number of
12 such medical personnel who are officers in a
13 grade below O–7.

14 (D) An identification of the number of
15 such medical personnel who are enlisted mem-
16 bers.

17 (E) An assessment of potential issues re-
18 lating to the composition of such medical per-
19 sonnel.

20 (F) A description of any plans of the Sec-
21 retary to—

22 (i) reduce the total number of such
23 medical personnel; or

24 (ii) eliminate any covered position for
25 such medical personnel.

1 (G) A recommendation by the Secretary
2 for the number of covered positions for such
3 medical personnel that should be required for
4 purposes of maximizing medical readiness
5 (without regard to current statutory limitations,
6 or potential future statutory limitations, on
7 such number), presented as a total number for
8 each military department and disaggregated by
9 grade.

10 (2) An assessment of the advisability of estab-
11 lishing within the Department of the Air Force, by
12 not later than five years after the date of the enact-
13 ment of this Act, a position of the Medical Officer
14 of the Space Force with the responsibilities of advis-
15 ing the Chief of Space Operations on all matters re-
16 lating to health care for members of the Space Force
17 and serving as the expert on such matters in work-
18 ing with the heads of other Federal departments and
19 agencies on related issues.

20 (3) An assessment of the necessity of maintain-
21 ing the position of the Medical Officer of the Marine
22 Corps, including—

23 (A) a comparison of the effects of filling
24 such position with an officer in the grade of O-
25 6 versus an officer in the grade of O-7;

1 (B) an assessment of potential issues asso-
2 ciated with the elimination of such position; and

3 (C) a description of any potential effects of
4 such elimination with respect to medical readi-
5 ness.

6 (c) DISAGGREGATION OF CERTAIN DATA.—The data
7 specified in subparagraphs (A) through (D) of subsection
8 (b)(1) shall be presented as a total number and
9 disaggregated by each medical component of the respective
10 military department.

11 (d) INCLUSION OF CERTAIN DEMOGRAPHIC DATA.—
12 The data specified in subparagraphs (A) through (D) of
13 subsection (b)(1) shall include a description and analysis
14 of the demographic information of the medical personnel
15 covered by each such subparagraph, including with respect
16 to the following:

17 (1) Race (presented in the aggregate and
18 disaggregated by the same major race categories as
19 are used in the decennial census of population and
20 housing conducted by the Director of the Census
21 Bureau).

22 (2) Ethnicity.

23 (3) Gender identity.

24 (e) CONSIDERATIONS IN ASSESSING CERTAIN SPACE
25 FORCE MATTER.—In conducting the assessment pursuant

1 to subsection (b)(2), the Secretary of Defense shall take
2 into consideration the tasks, operations, and specific
3 health care considerations that accompany the space
4 warfighting mission of the Space Force.

5 (f) DEFINITIONS.—In this section:

6 (1) The term “covered position” means a posi-
7 tion for an officer in a grade above O–6.

8 (2) The terms “enlisted member” and “officer”
9 have the meanings given those terms in section
10 101(b) of title 10, United States Code.

11 (3) The term “medical component” means—

12 (A) in the case of the Army, the Medical
13 Corps, Dental Corps, Nurse Corps, Medical
14 Service Corps, Veterinary Corps, and Army
15 Medical Specialist Corps;

16 (B) in the case of the Air Force, members
17 designated as medical officers, dental officers,
18 Air Force nurses, medical service officers, and
19 biomedical science officers; and

20 (C) in the case of the Navy, the Medical
21 Corps, Dental Corps, Nurse Corps, and Medical
22 Service Corps.

23 (4) The term “medical personnel” has the
24 meaning given such term in section 115a(e) of title
25 10, United States Code.

1 (5) The term “military department” has the
2 meaning given that term in section 101(a) of such
3 title.

4 **SEC. 745. BRIEFING AND REPORT ON REDUCTION OR RE-**
5 **ALIGNMENT OF MILITARY MEDICAL MAN-**
6 **NING AND MEDICAL BILLETS.**

7 Section 731(a)(2)(A) of the National Defense Au-
8 thorization Act for Fiscal Year 2022 (Public Law 117–
9 81) is amended to read as follows:

10 “(A) BRIEFING; REPORT.—The Comp-
11 troller General shall submit to the Committees
12 on Armed Services of the House of Representa-
13 tives and the Senate—

14 “(i) a briefing on preliminary observa-
15 tions regarding the analyses used to sup-
16 port any reduction or realignment of mili-
17 tary medical manning, including any re-
18 duction or realignment of medical billets of
19 the military departments, not later than
20 December 27, 2022; and

21 “(ii) a report on such analyses not
22 later than May 31, 2023.”.

1 **SEC. 746. REPORT ON FEASIBILITY OF CERTAIN LICENS-**
2 **ING MODELS FOR DEPARTMENT OF DE-**
3 **FENSE-OWNED VACCINES AND OTHER MED-**
4 **ICAL INTERVENTIONS RELATING TO COVID-**
5 **19.**

6 (a) REPORT.—The Secretary of Defense shall submit
7 to the congressional defense committees a report on the
8 feasibility of a licensing model under which, with respect
9 to Department of Defense-owned vaccines or other medical
10 interventions relating to COVID–19 that are approved, li-
11 censed, or otherwise authorized for use in accordance with
12 applicable law, the Secretary would grant to Government-
13 owned contractor-operated manufacturers nonexclusive li-
14 censes to manufacture such vaccines or other interven-
15 tions.

16 (b) MATTERS.—The report under subsection (a) shall
17 include an evaluation of the estimated differences in the
18 pricing of, and equitable access to, the vaccines and other
19 interventions specified in such subsection, that may arise
20 as a result of—

21 (1) the Secretary granting exclusive licenses to
22 manufacture such vaccines and other interventions,
23 as compared with nonexclusive licenses; and

24 (2) the Secretary granting either such license to
25 Government-owned contractor-operated manufactur-
26 ers, as compared with other manufacturers.

1 **SEC. 747. STUDY ON THE IMPACT OF MILITARY TRAUMA**
2 **AND INTIMATE PARTNER VIOLENCE ON MA-**
3 **TERNAL HEALTH OUTCOMES.**

4 (a) STUDY.—The Secretary of Defense shall carry
5 out a study on the impact of military trauma and intimate
6 partner violence on maternal health outcomes, with a focus
7 on racial and ethnic backgrounds.

8 (b) REPORT.—The Secretary of Defense shall issue
9 a report to the Congress containing all findings and deter-
10 minations made in carrying out the study required under
11 subsection (a).

12 **SEC. 748. REPORT ON COVERAGE OF BEHAVIORAL AND**
13 **MENTAL HEALTH CRISIS SERVICES UNDER**
14 **TRICARE PROGRAM.**

15 (a) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, the Secretary of Defense
17 shall submit to the congressional defense committees a re-
18 port on the scope of coverage under the TRICARE pro-
19 gram of inpatient and outpatient behavioral and mental
20 health crisis services.

21 (b) MATTERS.—The report under subsection (a) shall
22 include, with respect to the period beginning on January
23 1, 2019, and ending on December 31, 2021, an identifica-
24 tion of the following:

25 (1) The total amount of funds expended under
26 the TRICARE program on behavioral and mental

1 health crisis services, disaggregated by the site at
2 which the service was furnished.

3 (2) The total amount of funds expended under
4 such program for other services furnished to individ-
5 uals in behavioral or mental health crisis.

6 (3) The provider types that billed for the serv-
7 ices specified in paragraphs (1) and (2).

8 (c) DEFINITIONS.—In this section:

9 (1) The term “crisis services” means the serv-
10 ices identified as such in the document of the Sub-
11 stance Abuse and Mental Health Service Adminis-
12 tration published in 2020, titled “National Guide-
13 lines for Behavioral Health Crisis Care: Best Prac-
14 tice Toolkit”.

15 (2) The term “TRICARE program” has the
16 meaning given that term in section 1072 of title 10,
17 United States Code.

18 **SEC. 749. REPORT ON MENTAL HEALTH PROVIDER READI-**
19 **NESS DESIGNATIONS.**

20 Not later than 90 days after the date of the enact-
21 ment of this Act, the Secretary of Defense shall update
22 the registry and provider lists under subsection (b) of sec-
23 tion 717 of the National Defense Authorization Act for
24 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 868; 10

1 U.S.C. 1073 note) and submit to the congressional defense
2 committees a report containing—

3 (1) the number of providers that have received
4 a mental health provider readiness designation under
5 such section 717, disaggregated by geographic re-
6 gion and provider specialty; and

7 (2) recommendations to incentivize, or other-
8 wise increase the number of, providers with such
9 designation.

10 **SEC. 750. STUDY ON PROVIDER TRAINING GAPS WITH RE-**
11 **SPECT TO SCREENING AND TREATMENT OF**
12 **MATERNAL MENTAL HEALTH CONDITIONS.**

13 (a) **STUDY.**—The Secretary of Defense, acting
14 through the Assistant Secretary of Defense for Health Af-
15 fairs, shall conduct a study to identify gaps in the training
16 of covered providers with respect to the screening and
17 treatment of maternal mental health conditions. Such
18 study shall include—

19 (1) an assessment of the level of experience of
20 covered providers with, and the attitudes of such
21 providers regarding, the treatment of pregnant and
22 postpartum women with mental or substance use
23 disorders; and

1 (2) recommendations for the training of covered
2 providers, taking into account any training gaps
3 identified pursuant to the study.

4 (b) REPORT.—Not later than one year after the date
5 of the enactment of this Act, the Secretary of Defense
6 shall submit to the Committees on Armed Services of the
7 House of Representatives and the Senate a report con-
8 taining the findings of the study under section (a).

9 (c) DEFINITIONS.—In this section:

10 (1) The term “covered provider” means a ma-
11 ternal health care provider or behavioral health pro-
12 vider furnishing services under the military health
13 system (including under the TRICARE program).

14 (2) The term “TRICARE program” has the
15 meaning given that term in section 1072 of title 10,
16 United States Code.

17 **SEC. 751. REPORT ON MENTAL HEALTH CONDITIONS AND**
18 **METABOLIC DISEASE AMONG CERTAIN MEM-**
19 **BERS OF ARMED FORCES.**

20 Not later than one year after the date of the enact-
21 ment of this Act, the Secretary of Defense shall conduct
22 a study, and submit to Congress a report, on the rate of
23 incidence of the simultaneous presence among members of
24 the Armed Forces serving on active duty of a metabolic
25 disease and a mental health condition (including post

1 traumatic stress disorder, depression, and anxiety) or sub-
2 stance use disorder.

3 **SEC. 752. STUDY ON ACCESSABILITY OF MENTAL HEALTH**
4 **PROVIDERS AND SERVICES FOR ACTIVE**
5 **DUTY MEMBERS OF THE ARMED FORCES.**

6 (a) STUDY.—The Secretary of Defense shall conduct
7 a study on the accessibility of mental health care providers
8 and services for members of the Armed Forces serving on
9 active duty, including an assessment of—

10 (1) the accessibility of mental health care pro-
11 viders on military installations;

12 (2) the accessibility of inpatient services for
13 mental health care for such members; and

14 (3) steps that may be taken to improve such ac-
15 cessibility.

16 (b) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Secretary of Defense
18 shall submit to the Committees on Armed Services of the
19 House of Representatives and the Senate a report con-
20 taining the findings of the study under subsection (a).

21 **SEC. 753. HEALTH-RELATED BEHAVIORS SURVEY AND RE-**
22 **PORT.**

23 (a) SURVEY.—The Director of the Defense Health
24 Agency shall conduct a health-related behaviors survey
25 among the members of the Armed Forces.

1 (b) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Director of the Defense
3 Health Agency shall submit to the Committees on Armed
4 Services of the House of Representatives and the Senate
5 a report containing the results of the survey under sub-
6 section (a).

7 **SEC. 754. REPORT ON COORDINATION, DATA SHARING, AND**
8 **EVALUATION EFFORTS FOR SUICIDE PRE-**
9 **VENTION.**

10 Not later than 120 days after the date of the enact-
11 ment of this Act, the Secretary of Defense, in coordination
12 with the Secretary of Health and Human Services and the
13 Secretary of Veterans Affairs, shall submit to each con-
14 gressional committee with jurisdiction over the Depart-
15 ment of Defense, the Department of Veterans Affairs, and
16 the Department of Health and Human Services, a report
17 on the coordination, data sharing, and evaluation efforts
18 on suicide prevention across these departments. The re-
19 port shall include:

20 (1) An overview of the functioning and core
21 findings of the Interagency Task Force on Military
22 and Veterans Mental Health since its creation in
23 2012.

1 (2) An accounting of the funding each Depart-
2 ment has obligated towards suicide prevention re-
3 lated research.

4 (3) An outline of methods of comparing pro-
5 grams and sharing best practices for suicide preven-
6 tion by each Department.

7 (4) An outline of the work to actively develop
8 and improve joint suicide prevention practices based
9 on information compiled and shared by each Depart-
10 ment.

11 (5) An outline of the plan each Department has
12 to achieve greater government efficiency and cross-
13 agency coordination, data sharing, and evaluation in
14 Federal suicide prevention efforts, in line with Pri-
15 ority Goal 5 of the plan entitled, “Reducing Military
16 and Veteran Suicide”, published by the White House
17 in November 2021.

18 (6) Any other information the Secretary of De-
19 fense, Secretary of Health and Human Services, or
20 the Secretary of Veterans Affairs determines to be
21 appropriate.

22 **SEC. 755. GAO STUDY ON DOD AND VA MAMMOGRAM AND**
23 **BREAST CANCER SCREENING POLICIES.**

24 (a) STUDY.—The Comptroller General of the United
25 States shall conduct a review, beginning not later than 90

1 days after the date of the enactment of this Act, to exam-
2 ine and determine whether current Department of Defense
3 and Department of Veterans Affairs policies allow individ-
4 uals with dense breast, regardless of age, with no-cost or
5 low-cost access through their health programs to all the
6 screening and diagnostic tools needed to confirm breast
7 cancer, including when standard mammograms are incon-
8 clusive or ineffective in doing so.

9 (b) CONTENTS.—The study conducted pursuant to
10 subsection (a) shall—

11 (1) examine the utilization of existing screening
12 and diagnosis tools by participants in health pro-
13 grams administered by the Department of Defense
14 and Department of Veterans Affairs, disaggregated
15 by demographic characteristics;

16 (2) identify and examine barriers to greater ac-
17 cess to such tools in each such agency, including
18 whether cost prevents individuals from receiving ad-
19 ditional breast cancer diagnostic or screening exams
20 that may confirm the presence of breast cancer;

21 (3) make recommendations on how each such
22 agency can improve policies to best address the
23 unique challenges identifying breast cancer in those
24 with dense breasts;

1 (4) analyze how well such agencies' policies re-
2 garding breast cancer screening and diagnoses for
3 those with dense breast align with coverage under
4 other Federal health care programs such as Med-
5 icaid, Medicare, coverage on the Affordable Care Act
6 health care marketplace, and the recommendations
7 of the United States Preventive Services Task
8 Force;

9 (5) identify the most recent time that relevant
10 policies were updated by each such agency and how
11 often they are currently reviewed or updated;

12 (6) analyze how well existing policies reflect or
13 include the best available science on helping women
14 with dense breast receive accurate diagnosis regard-
15 ing the presence or absence of cancer; and

16 (7) identify any efforts by each such agency to
17 educate health care providers who provide cancer
18 screening, treatment, or diagnosis services and pa-
19 tients receiving such services on the limitations of
20 mammograms in confirming breast cancer for those
21 with dense breasts.

22 (c) CONSULTATION.—In conducting the study pursu-
23 ant to subsection (a), the Comptroller General may consult
24 with breast cancer patients or their advocates receiving
25 care through the health care systems of the Department

1 of Defense and Department of Veterans Affairs, health
2 care providers supporting breast cancer care or organiza-
3 tions representing such providers, other Federal agencies,
4 and other stakeholders, as appropriate.

5 (d) STUDY.—Not later than September 30, 2024, the
6 Comptroller General shall submit to the Congress a report
7 on the study conducted pursuant to subsection (a) con-
8 taining a description of the study and any findings and
9 conclusions of the study.

10 **SEC. 756. STUDY AND REPORT ON RATE OF CANCER-RE-**
11 **LATED MORBIDITY AND MORTALITY.**

12 (a) IN GENERAL.—The Secretary of Defense shall
13 conduct, or enter into a contract with an appropriate fed-
14 erally funded research and development center to conduct,
15 a study to assess whether individuals (including individ-
16 uals on active duty or in a reserve component or the Na-
17 tional Guard) assigned to the Pease Air Force Base and
18 Pease Air National Guard Base for a significant period
19 of time during the period of 1970 through 2020 experience
20 a higher-than-expected rate of cancer-related morbidity
21 and mortality as a result of time on base or exposures
22 associated with time on base compared to the rate of can-
23 cer-related morbidity and mortality of the general popu-
24 lation of the United States, accounting for differences in
25 sex, age, and race.

1 (b) COMPLETION; REPORT.—Not later than 1 year
2 after the date of enactment of this Act, the Secretary of
3 Defense shall provide for—

4 (1) the completion of the study under sub-
5 section (a); and

6 (2) the submission of a report on the results of
7 the study to the Committees on Armed Services of
8 the Senate and House of Representatives.

9 (c) DEFINITION.—In this section, the term “signifi-
10 cant period of time” shall be defined by the Secretary of
11 Defense or by the entity conducting the study under sub-
12 section (a), as the Secretary determines appropriate.

13 **SEC. 757. GAO STUDY ON ACCESS TO EXCEPTIONAL FAMILY**
14 **MEMBER PROGRAM AND EXTENDED CARE**
15 **HEALTH OPTION PROGRAM BY MEMBERS OF**
16 **RESERVE COMPONENTS.**

17 (a) STUDY AND REPORT.—Not later than 180 days
18 after the date of the enactment of this Act, the Comp-
19 troller General of the United States shall—

20 (1) conduct a study to determine the barriers to
21 members of the reserve components accessing the
22 Extended Care Health Option program and the Ex-
23 ceptional Family Member program of the Depart-
24 ment of Defense; and

1 (2) submit to the Secretary of Defense and the
2 congressional defense committees a report containing
3 the findings of such study.

4 (b) ELEMENTS.—The report under subsection (a)(2)
5 shall include the following:

6 (1) A description of the methodology used by
7 the Department of Defense to disseminate informa-
8 tion regarding the eligibility of members of the re-
9 serve components for the Extended Care Health Op-
10 tion program and the Exceptional Family Member
11 program upon such members commencing the per-
12 formance of Active Guard and Reserve duty.

13 (2) An identification of the timeline of the en-
14 rollment process for members of the reserve compo-
15 nents in such programs and any effects of delayed
16 enrollment, such as exclusion from benefits or re-
17 sources.

18 (3) An identification of impediments to enroll-
19 ment in such programs among such members, in-
20 cluding an assessment of the following:

21 (A) The availability of resources under
22 such programs, including specialist providers
23 under the Exceptional Family Member pro-
24 gram, at the time of enrollment in such pro-
25 grams.

1 (B) The availability of support under such
2 programs at facilities of the reserve compo-
3 nents.

4 (C) Any misinformation provided to service
5 members seeking enrollment.

6 (4) With respect to the Exceptional Family
7 Member program—

8 (A) an identification of the number of fam-
9 ilies with a family member eligible to enroll in
10 such program, disaggregated by whether the
11 member of the reserve component in such fam-
12 ily is performing Active Guard and Reserve
13 duty;

14 (B) an assessment of the effects of navi-
15 gating the process of enrollment in such pro-
16 gram on the mission to which the member is as-
17 signed while performing Active Guard and Re-
18 serve duty; and

19 (C) an identification of the number of spe-
20 cialist providers and staff who support reserve
21 component members through such program.

22 (5) Recommendations on improving the dis-
23 semination of information regarding the eligibility of
24 members of the reserve components for the Ex-

1 tended Care Health Option program and the Excep-
2 tional Family Member program.

3 (6) Recommendations on improvements to such
4 programs with respect to the reserve components.

5 (c) ACTIVE GUARD AND RESERVE DEFINED.—The
6 term “Active Guard and Reserve” has the meaning given
7 such term in section 101(b) of title 10, United States
8 Code.

9 **SEC. 758. KYLE MULLEN NAVAL SAFETY ENHANCEMENTS.**

10 The Secretary of Defense, or his designee to Naval
11 Special Warfare Command, shall conduct an appraisal of
12 and provide recommended policies for improved medical
13 care and oversight of individuals in the Navy engaged in
14 high-stress training environments, in an effort to ensure
15 sailor safety and prevent related long-term injury, illness,
16 and death. The Secretary of the Navy shall ensure that
17 such recommended policies are implemented to the full ex-
18 tent practicable and in a timely manner.

19 **SEC. 759. REPORT ON OPERATIONAL AND PHYSICAL AND**
20 **MENTAL HEALTH EFFECTS OF LOW RECRUIT-**
21 **MENT AND RETENTION TO ARMED FORCES.**

22 The Secretary of Defense shall submit to the congres-
23 sional defense committees a report on the current oper-
24 ational tempo resulting from low recruitment to and reten-
25 tion in the Armed Forces and the resulting effects on the

1 physical and mental health of members of the Armed
2 Forces.

3 **SEC. 759A. REPORT ON MATERNAL MORTALITY RATES OF**
4 **FEMALE MEMBERS OF THE ARMED FORCES.**

5 Not later than one year after the date of the enact-
6 ment of this Act, the Secretary of Defense shall submit
7 to the congressional defense committees a report on how
8 maternal mortality rates may disproportionately affect fe-
9 male members of the Armed Forces (as compared with
10 female civilians). Such report shall include an identifica-
11 tion of any relevant barriers to the access of health care
12 for such female members and any recommendations by the
13 Secretary to improve such access and reduce such rates.

14 **SEC. 759B. REPORT ON DEFENSE HEALTH AGENCY CON-**
15 **TRACTS.**

16 Not later than February 1, 2023, the Director of the
17 Defense Health Agency shall submit to the Committees
18 on Armed Services of the House of Representatives and
19 the Senate a report that includes, with respect to fiscal
20 years 2020, 2021, and 2022—

21 (1) the total number of contracts awarded by
22 the Defense Health Agency during each such fiscal
23 year; and

24 (2) the number and percent of such contracts
25 for each such fiscal year that were—

1 (A) protested and the protest was upheld;

2 (B) standard professional services con-
3 tracts;

4 (C) issued as a direct award;

5 (D) in the case of the contracts described
6 in subparagraph (C), exceeded \$5 million in
7 total value; and

8 (E) awarded to the following:

9 (i) Businesses eligible to enter into a
10 contract under section 8(a) of the Small
11 Business Act (15 U.S.C. 637(a)).

12 (ii) Qualified HUBZone small busi-
13 ness concerns.

14 (iii) Small business concerns owned
15 and controlled by service-disabled veterans.

16 (iv) Small business concerns owned
17 and controlled by women (as defined in
18 section 8(m)(1) of the Small Business Act
19 (15 U.S.C. 637(m)(1))).

Subtitle D—Other Matters

SEC. 761. INCLUSION OF EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AS COMPONENT OF PERIODIC HEALTH ASSES- MENTS.

(a) PERIODIC HEALTH ASSESSMENT.—Each Secretary concerned shall ensure that any periodic health assessment provided to a member of the Armed Forces includes an evaluation of whether the member has been—

(1) based or stationed at a military installation identified by the Secretary concerned 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

(2) exposed to such substances, including by evaluating any information in the health record of the member.

(b) SEPARATION HISTORY AND PHYSICAL EXAMINATIONS.—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—

1 “(i) based or stationed at a military installation
2 identified by the Secretary concerned as a location
3 with a known or suspected release of perfluoroalkyl
4 substances or polyfluoroalkyl substances during the
5 period in which the member was based or stationed
6 at the military installation; or

7 “(ii) exposed to such substances, including by
8 assessing any information in the health record of the
9 member.”.

10 (c) DEPLOYMENT ASSESSMENTS.—Section
11 1074f(b)(2) of title 10, United States Code, is amended
12 by adding at the end the following new subparagraph:

13 “(E) An assessment of whether the member
14 was—

15 “(i) based or stationed at a military instal-
16 lation identified by the Secretary concerned as
17 a location with a known or suspected release of
18 perfluoroalkyl substances or polyfluoroalkyl sub-
19 stances during the period in which the member
20 was based or stationed at the military installa-
21 tion; or

22 “(ii) exposed to such substances, including
23 by assessing any information in the health
24 record of the member.”

1 (d) PROVISION OF BLOOD TESTING TO DETERMINE
2 EXPOSURE TO PERFLUOROALKYL SUBSTANCES OR
3 POLYFLUOROALKYL SUBSTANCES.—

4 (1) PROVISION OF BLOOD TESTING.—

5 (A) IN GENERAL.—If a covered evaluation
6 of a member of the Armed Forces results in a
7 positive determination of potential exposure to
8 perfluoroalkyl substances or polyfluoroalkyl sub-
9 stances, the Secretary concerned shall provide
10 to that member, during the covered evaluation,
11 blood testing to determine and document poten-
12 tial exposure to such substances.

13 (B) INCLUSION IN HEALTH RECORD.—The
14 results of blood testing of a member of the
15 Armed Forces conducted under subparagraph
16 (A) shall be included in the health record of the
17 member.

18 (2) ANALYSIS OF BLOOD TESTING RESULTS.—

19 (A) PLAN.—Not later than one year after
20 the date of the enactment of this Act, the Sec-
21 retary of Defense shall submit to the Commit-
22 tees on Armed Services of the House of Rep-
23 resentatives and the Senate a plan, consistent
24 with Department of Defense Instruction
25 6055.05 (or such successor instruction), to

1 track and analyze, including through the identi-
2 fication and analysis of trends, the results of
3 blood testing results provided pursuant to the
4 paragraph (1) or under section 707 of the Na-
5 tional Defense Authorization Act for Fiscal
6 Year 2020 (Public Law 116–92; 133 Stat.
7 1441; 10 U.S.C. 1074m note).

8 (B) ANNUAL REPORTS.—Not later than
9 two years after the date of the enactment of
10 this Act, and annually thereafter, the Secretary
11 shall submit to the Committees on Armed Serv-
12 ices of the House of Representatives and the
13 Senate a report containing a summary of the
14 results of blood testing provided pursuant to
15 paragraph (1), at a Department of Defense-
16 wide level.

17 (e) DEFINITIONS.—In this section:

18 (1) The term “covered evaluation” means—

19 (A) a periodic health assessment conducted
20 in accordance with subsection (a);

21 (B) a separation history and physical ex-
22 amination conducted under section 1145(a)(5)
23 of title 10, United States Code, as amended by
24 subsection (b); or

1 (C) a deployment assessment conducted
2 under section 1074f(b)(2) of such title, as
3 amended by subsection (c).

4 (2) The term “Secretary concerned” has the
5 meaning given such term in section 101 of title 10,
6 United States Code.

7 **SEC. 762. MANDATORY TRAINING ON HEALTH EFFECTS OF**
8 **PERFLUOROALKYL OR POLYFLUOROALKYL**
9 **SUBSTANCES.**

10 The Secretary of Defense shall provide to each med-
11 ical provider of the Department of Defense mandatory
12 training with respect to the potential health effects of
13 perfluoroalkyl or polyfluoroalkyl substances.

14 **SEC. 763. NON-MEDICAL COUNSELING SERVICES FOR MILI-**
15 **TARY FAMILIES.**

16 Section 1781 of title 10, United States Code, is
17 amended by adding at the end the following new sub-
18 sections:

19 “(d) NON-MEDICAL COUNSELING SERVICES.—(1) In
20 carrying out the duties of the Office under subsection (b),
21 the Director of Military Family Readiness Policy may co-
22 ordinate programs and activities for the provision of non-
23 medical counseling services to military families through
24 the Military and Family Counseling Program.

1 “(2) Notwithstanding any law regarding the licensure
2 or certification of mental health professionals, a mental
3 health professional described in paragraph (3) may pro-
4 vide non-medical counseling services through the Military
5 and Family Counseling Program at any location in a
6 State, the District of Columbia, or a Commonwealth, terri-
7 tory or possession of the United States, without regard
8 to where the provider or recipient of such services is lo-
9 cated or the mode of the delivery of such services, if the
10 provision of such services is within the scope of the author-
11 ized Federal duties of the professional.

12 “(3) A mental health professional described in this
13 paragraph is an individual who is—

14 “(A) a mental health professional who holds a
15 current license or certification that is—

16 “(i) issued by a State, the District of Co-
17 lumbia, or a Commonwealth, territory, or pos-
18 session of the United States; and

19 “(ii) recognized by the Secretary of De-
20 fense;

21 “(B) a member of the uniformed services, a ci-
22 vilian employee of the Department of Defense, or a
23 contractor designated by the Secretary of Defense;
24 and

1 “(C) performing authorized duties for the De-
 2 partment of Defense under a program or as part of
 3 an activity referred to in paragraph (1).

4 “(e) DEFINITIONS.—In this section:

5 “(1) The term ‘Military and Family Counseling
 6 Program’ means the Military and Family Counseling
 7 Program of the Department of Defense, or any suc-
 8 cessor program.

9 “(2) The term ‘non-medical counseling services’
 10 means mental health care services that—

11 “(A) are non-clinical, short-term, and solu-
 12 tion-focused; and

13 “(B) address topics related to personal
 14 growth, development, and positive func-
 15 tioning.”.

16 **SEC. 764. CLARIFICATIONS RELATING TO ANALYSIS OF DE-**
 17 **PARTMENT OF DEFENSE COMPREHENSIVE**
 18 **AUTISM DEMONSTRATION PROGRAM BY NA-**
 19 **TIONAL ACADEMIES.**

20 (a) CLARIFICATIONS.—Section 737 of the National
 21 Defense Authorization Act for Fiscal Year 2022 (Public
 22 Law 117–81; 135 Stat. 1800) is amended—

23 (1) in subsection (b)(2)—

24 (A) in subparagraph (A), by inserting
 25 “broadly” after “disorder”;

1 (B) in subparagraph (C), by inserting “pa-
2 rental involvement in applied behavior analysis
3 treatment, and” after “including”;

4 (C) by amending subparagraph (D) to read
5 as follows:

6 “(D) A review of the health outcomes, in-
7 cluding mental health outcomes, for individuals
8 who have received applied behavioral analysis
9 treatments over time.”;

10 (D) in subparagraph (E), by inserting “,
11 since the inception of such program,” after
12 “demonstration program”;

13 (E) in subparagraph (F), by striking “ef-
14 fectiveness” and inserting “cost effectiveness,
15 program effectiveness, and clinical effective-
16 ness”;

17 (F) in subparagraph (G), by inserting
18 “than in the general population” after “military
19 families”;

20 (G) by redesignating subparagraph (H) as
21 subparagraph (I); and

22 (H) by inserting after subparagraph (G),
23 as amended by subparagraph (F) of this para-
24 graph, the following new subparagraph:

1 “(H) An analysis on whether the diagnosis
2 and treatment of autism is more prevalent
3 among the children of military families than in
4 the general population.”; and
5 (2) in subsection (c), by striking “nine months”
6 and inserting “two years and seven months”.

7 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
8 Such section is further amended by striking “demonstra-
9 tion project” each place it appears and inserting “dem-
10 onstration program”.

11 **SEC. 765. CLARIFICATION OF ELIGIBILITY FOR MEMBER-**
12 **SHIP TO INDEPENDENT SUICIDE PREVEN-**
13 **TION AND RESPONSE REVIEW COMMITTEE.**

14 Section 738(b)(3) of the National Defense Authoriza-
15 tion Act for Fiscal Year 2022 (Public Law 117–81; 135
16 Stat. 1801) is amended by inserting “, unless the indi-
17 vidual is a retired member of the Armed Forces or a
18 former civilian employee of the Department, or the indi-
19 vidual is hired for the purpose of serving on such com-
20 mittee” after “Department of Defense”.

21 **SEC. 766. IMPROVEMENT TO WOUNDED WARRIOR SERVICE**
22 **DOG PROGRAM.**

23 Section 745 of the William M. (Mac) Thornberry Na-
24 tional Defense Authorization Act for Fiscal Year 2021

1 (134 Stat. 3710; Public Law 10 U.S.C. 1071 note) is
2 amended—

3 (1) by redesignating subsection (b) as sub-
4 section (c); and

5 (2) by inserting after subsection (a) the fol-
6 lowing new subsection:

7 “(b) GRANTS.—

8 “(1) IN GENERAL.—In carrying out the Wound-
9 ed Warrior Service Dog Program, the Secretary of
10 Defense may award grants to nonprofit organiza-
11 tions to provide assistance dogs under such program.

12 “(2) APPLICATIONS.—An applicant for a grant
13 under paragraph (1) shall submit an application at
14 such time, in such manner, and containing such in-
15 formation as the Secretary determines.

16 “(3) SELECTION.—The Secretary shall select
17 nonprofit organizations that submit applications for
18 the award of grants under the Wounded Warrior
19 Service Dog Program using a competitive process.

20 “(4) CONSIDERATIONS FOR GRANT AMOUNT.—
21 In determining the amount of a grant to award to
22 a nonprofit organization selected under paragraph
23 (3), the Secretary shall consider the following:

24 “(A) The merits of the application sub-
25 mitted by the nonprofit organization.

1 “(B) Whether, and to what extent, there is
2 demand by covered members or covered vet-
3 erans for assistance dogs provided by the non-
4 profit organization.

5 “(C) The capacity and capability of the
6 nonprofit organization to raise and train assist-
7 ance dogs to meet such demand.

8 “(D) Such other factors as the Secretary
9 may determine appropriate.

10 “(5) LIMITATION ON GRANT AMOUNTS.—The
11 amount of a grant awarded to a nonprofit organiza-
12 tion selected under paragraph (3) may not exceed
13 \$2,000,000.”.

14 **SEC. 767. IMPROVEMENTS RELATING TO BEHAVIORAL**
15 **HEALTH CARE AVAILABLE UNDER MILITARY**
16 **HEALTH SYSTEM.**

17 (a) EXPANSION OF CERTAIN BEHAVIORAL HEALTH
18 PROGRAMS AT THE UNIFORMED SERVICES UNIVERSITY
19 OF THE HEALTH SCIENCES.—

20 (1) ESTABLISHMENT OF GRADUATE PRO-
21 GRAMS.—The Secretary of Defense shall establish
22 graduate degree-granting programs in counseling
23 and social work at the Uniformed Services Univer-
24 sity of the Health Sciences.

1 (2) EXPANSION OF CLINICAL PSYCHOLOGY
2 GRADUATE PROGRAM.—The Secretary of Defense
3 shall take such steps as may be necessary to expand
4 the clinical psychology graduate program of the Uni-
5 formed Services University of the Health Sciences.

6 (3) POST-AWARD EMPLOYMENT OBLIGATION.—

7 (A) AGREEMENT WITH SECRETARY.—Sub-
8 ject to subparagraph (B), as a condition of en-
9 rolling in a degree-granting program in clinical
10 psychology, social work, or counseling at the
11 Uniformed Services University of the Health
12 Sciences, a civilian student shall enter into an
13 agreement with the Secretary of Defense pursu-
14 ant to which the student agrees that, if the stu-
15 dent does not become a member of a uniformed
16 service upon graduating such program, the stu-
17 dent shall work on a full-time basis as a covered
18 civilian behavioral health provider for a period
19 of a duration that is at least equivalent to the
20 period during which the student was enrolled in
21 such program.

22 (B) OTHER TERMS AND CONDITIONS.—An
23 agreement entered into pursuant to subpara-
24 graph (A) may include such other terms and
25 conditions as the Secretary of Defense may de-

1 termine necessary to protect the interests of the
2 United States or otherwise appropriate for pur-
3 poses of this section, including terms and condi-
4 tions providing for limited exceptions from the
5 employment obligation specified in such sub-
6 paragraph.

7 (C) REPAYMENT.—A civilian graduate who
8 does not complete the employment obligation
9 required under the agreement entered into pur-
10 suant to subparagraph (A) shall repay to the
11 Secretary of Defense a prorated portion of the
12 student's costs of attendance in the program
13 described in such paragraph. The amount of
14 such prorated portion shall be determined by
15 the Secretary.

16 (D) APPLICABILITY.—This subsection shall
17 apply to civilian students who enroll in the first
18 year of a degree-granting program in clinical
19 psychology, social work, or counseling at the
20 Uniformed Services University of the Health
21 Sciences on or after the date of the enactment
22 of this Act.

23 (4) IMPLEMENTATION PLAN.—Not later than
24 one year after the date of the enactment of this Act,
25 the Secretary shall submit to the congressional de-

1 fense committees a plan for the implementation of
2 this subsection. Such plan shall include—

3 (A) a determination as to the resources for
4 personnel and facilities required for such imple-
5 mentation;

6 (B) estimated timelines for such implemen-
7 tation; and

8 (C) a projection of the number of grad-
9 uates from the programs specified in paragraph
10 (1) upon the completion of such implementa-
11 tion.

12 (b) SCHOLARSHIP-FOR-SERVICE PROGRAM FOR CI-
13 VILIAN BEHAVIORAL HEALTH PROVIDERS.—

14 (1) IN GENERAL.—Beginning not later than
15 two years after the date of the enactment of this
16 Act, the Secretary of Defense shall carry out a pro-
17 gram under which—

18 (A) the Secretary may provide—

19 (i) direct grants to cover tuition, fees,
20 living expenses, and other costs of attend-
21 ance at an institution of higher education
22 to an individual enrolled in a program of
23 study leading to a graduate degree in clin-
24 ical psychology, social work, counseling, or

1 a related field (as determined by the Sec-
2 retary); and

3 (ii) student loan repayment assistance
4 to a credentialed behavioral health provider
5 who has a graduate degree in clinical psy-
6 chology, social work, counseling, or a re-
7 lated field (as determined by the Sec-
8 retary); and

9 (B) in exchange for such assistance, the
10 recipient shall commit to work as a covered ci-
11 vilian behavioral health provider in accordance
12 with paragraph (2).

13 (2) POST-AWARD EMPLOYMENT OBLIGA-
14 TIONS.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), as a condition of receiving assistance
17 under paragraph (1), the recipient of such as-
18 sistance shall enter into an agreement with the
19 Secretary of Defense pursuant to which the re-
20 cipient agrees to work on a full-time basis as a
21 covered civilian behavioral health provider for a
22 period of a duration that is at least equivalent
23 to the period during which the recipient re-
24 ceived assistance under such paragraph.

1 (B) OTHER TERMS AND CONDITIONS.—An
2 agreement entered into pursuant to subpara-
3 graph (A) may include such other terms and
4 conditions as the Secretary of Defense may de-
5 termine necessary to protect the interests of the
6 United States or otherwise appropriate for pur-
7 poses of this section, including terms and condi-
8 tions providing for limited exceptions from the
9 post-award employment obligation specified in
10 such subparagraph.

11 (3) REPAYMENT.—An individual who receives
12 assistance under paragraph (1) and does not com-
13 plete the employment obligation required under the
14 agreement entered into pursuant to paragraph (2)
15 shall repay to the Secretary of Defense a prorated
16 portion of the financial assistance received by the in-
17 dividual under paragraph (1). The amount of such
18 prorated portion shall be determined by the Sec-
19 retary.

20 (4) IMPLEMENTATION PLAN.—Not later than
21 one year after the date of the enactment of this Act,
22 the Secretary of Defense shall submit to the con-
23 gressional defense committees a plan for the imple-
24 mentation of this subsection. Such plan shall in-
25 clude—

1 (A) a determination as to the resources re-
2 quired for such implementation;

3 (B) estimated timelines for such implemen-
4 tation; and

5 (C) a projection of the number of recipi-
6 ents of assistance under paragraph (1) upon
7 the completion of such implementation.

8 (c) REPORT ON BEHAVIORAL HEALTH WORK-
9 FORCE.—

10 (1) REPORT.—Not later than 90 days after the
11 date of the enactment of this Act, the Secretary of
12 Defense shall conduct an analysis of the behavioral
13 health workforce under the direct care component of
14 the TRICARE program and submit to the congres-
15 sional defense committees a report containing the re-
16 sults of such analysis. Such report shall include,
17 with respect to such workforce, the following:

18 (A) The number of positions authorized for
19 military behavioral health providers within such
20 workforce, and the number of such positions
21 filled, disaggregated by the professions de-
22 scribed in paragraph (2).

23 (B) The number of positions authorized for
24 civilian behavioral health providers within such
25 workforce, and the number of such positions

1 filled, disaggregated by the professions de-
2 scribed in paragraph (2).

3 (C) For each military department, the
4 ratio of military behavioral health providers as-
5 signed to military medical treatment facilities
6 compared to civilian behavioral health providers
7 so assigned, disaggregated by the professions
8 described in paragraph (2).

9 (D) For each military department, the
10 number of military behavioral health providers
11 authorized to be embedded within an oper-
12 ational unit, and the number of such positions
13 filled, disaggregated by the professions de-
14 scribed in paragraph (2).

15 (E) Data on the historical demand for be-
16 havioral health services by members of the
17 Armed Forces.

18 (F) An estimate of the number of health
19 care providers necessary to meet the demand by
20 such members for behavioral health care serv-
21 ices under the direct care component of the
22 TRICARE program, disaggregated by provider
23 type.

24 (G) An identification of any shortfall be-
25 tween the estimated number under subpara-

1 graph (F) and the total number of positions for
2 behavioral health providers filled within such
3 workforce.

4 (H) Such other information as the Sec-
5 retary may determine appropriate.

6 (2) PROVIDER TYPES.—The professions de-
7 scribed in this paragraph are as follows:

8 (A) Clinical psychologists.

9 (B) Social workers.

10 (C) Counselors.

11 (D) Such other professions as the Sec-
12 retary may determine appropriate.

13 (3) BEHAVIORAL WORKFORCE AT REMOTE LO-
14 CATIONS.—In conducting the analysis of the behav-
15 ioral health workforce under paragraph (1), the Sec-
16 retary of Defense shall ensure such behavioral health
17 workforce at remote locations (including Guam and
18 Hawaii) and any shortfalls thereof, is taken into ac-
19 count.

20 (d) PLAN TO ADDRESS SHORTFALLS IN BEHAVIORAL
21 HEALTH WORKFORCE.—Not later than 180 days after the
22 date of the enactment of this Act, the Secretary shall sub-
23 mit to the congressional defense committees a plan to ad-
24 dress any shortfall of the behavioral health workforce iden-

1 tified under subsection (c)(1)(G). Such plan shall address
2 the following:

3 (1) With respect to any such shortfall of mili-
4 tary behavioral health providers (addressed sepa-
5 rately with respect to such providers assigned to
6 military medical treatment facilities and such pro-
7 viders assigned to be embedded within operational
8 units), the recruitment, accession, retention, special
9 pay and other aspects of compensation, workload,
10 role of the Uniformed Services University of the
11 Health Sciences and the Armed Forces Health Pro-
12 fessions Scholarship Program under chapter 105 of
13 title 10, United States Code, any additional authori-
14 ties or resources necessary for the Secretary to in-
15 crease the number of such providers, and such other
16 considerations as the Secretary may consider appro-
17 priate.

18 (2) With respect to addressing any such short-
19 fall of civilian behavioral health providers, the re-
20 cruitment, hiring, retention, pay and benefits, work-
21 load, educational scholarship programs, any addi-
22 tional authorities or resources necessary for the Sec-
23 retary to increase the number of such providers, and
24 such other considerations as the Secretary may con-
25 sider appropriate.

1 (3) A recommendation as to whether the num-
2 ber of military behavioral health providers in each
3 military department should be increased, and if so,
4 by how many.

5 (4) A plan to ensure that remote installations
6 are prioritized for the assignment of military behav-
7 ioral health providers.

8 (5) Updated access standards for behavioral
9 health care under the military health system, taking
10 into account—

11 (A) the duration of time between a patient
12 receiving a referral for such care and the pa-
13 tient receiving individualized treatment (fol-
14 lowing an initial intake assessment) from a be-
15 havioral health provider; and

16 (B) the frequency of regular follow-up ap-
17 pointments subsequent to the first appointment
18 at which a patient receives such individualized
19 treatment.

20 (6) A plan to expand access to behavioral
21 health care under the military health system using
22 telehealth.

23 (e) DEFINITIONS.—In this section:

1 (1) The term “behavioral health” includes psy-
2 chiatry, clinical psychology, social work, counseling,
3 and related fields.

4 (2) The term “civilian behavioral health pro-
5 vider” means a behavioral health provider who is a
6 civilian employee of the Department of Defense.

7 (3) The term “cost of attendance” has the
8 meaning given that term in section 472 of the High-
9 er Education Act of 1965 (20 U.S.C. 1087ll).

10 (4) The term “counselor” means an individual
11 who holds—

12 (A) a master’s or doctoral degree from an
13 accredited graduate program in—

14 (i) marriage and family therapy; or

15 (ii) clinical mental health counseling;

16 and

17 (B) a current license or certification from
18 a State that grants the individual the authority
19 to provide counseling services as an independent
20 practitioner in the respective field of the indi-
21 vidual.

22 (5) The term “covered civilian behavioral health
23 provider” means a civilian behavioral health provider
24 whose employment by the Secretary of Defense in-

1 volves the provision of behavioral health services at
2 a military medical treatment facility.

3 (6) The term “institution of higher education”
4 has the meaning given that term in section 101 of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1001).

7 (7) The term “military behavioral health pro-
8 vider” means a behavioral health provider who is a
9 member of the Armed Forces.

10 (8) The term “military installation” has the
11 meaning given that term in section 2801 of title 10,
12 United States Code.

13 (9) The term “military medical treatment facil-
14 ity” means a facility specified in section 1073d of
15 such title.

16 (10) The term “remote installation” means a
17 military installation that the Secretary determines to
18 be in a remote location.

19 (11) The term “State” means each of the sev-
20 eral States, the District of Columbia, and each com-
21 monwealth, territory or possession of the United
22 States.

23 (12) The term “TRICARE program” has the
24 meaning given that term in section 1072 of title 10,
25 United States Code.

1 **SEC. 768. ASSIGNMENT OF BEHAVIORAL HEALTH PRO-**
2 **VIDERS AND TECHNICIANS TO AIRCRAFT**
3 **CARRIERS.**

4 (a) ASSIGNMENT.—Beginning not later than Decem-
5 ber 31, 2023, the Secretary of the Navy shall ensure there
6 is assigned to each aircraft carrier not fewer than two
7 military behavioral health providers and not fewer than
8 two behavioral health technicians.

9 (b) DEFINITIONS.—In this section:

10 (1) The term “behavioral health” includes clin-
11 ical psychology, social work, counseling, and related
12 fields.

13 (2) The term “behavioral health technician”
14 means an enlisted member of the Armed Forces who
15 is trained to perform clinical activities in support of
16 a licensed behavioral health provider.

17 (3) The term “military behavioral health pro-
18 vider” means a behavioral health provider who is a
19 member of the Armed Forces.

20 **SEC. 769. DEPARTMENT OF DEFENSE INTERNSHIP PRO-**
21 **GRAMS RELATING TO CIVILIAN BEHAVIORAL**
22 **HEALTH PROVIDERS.**

23 (a) INTERNSHIP PROGRAMS FOR CIVILIAN BEHAV-
24 IORAL HEALTH.—

25 (1) ESTABLISHMENT OF PROGRAMS.—The Sec-
26 retary of Defense shall establish paid pre-doctoral

1 and post-doctoral internship programs for the pur-
2 pose of training clinical psychologists to work as cov-
3 ered civilian behavioral health providers.

4 (2) EMPLOYMENT OBLIGATION.—

5 (A) IN GENERAL.—Subject to subpara-
6 graph (B), as a condition of participating in an
7 internship program under paragraph (1), the
8 participant shall enter into an agreement with
9 the Secretary of Defense pursuant to which the
10 participant agrees to work on a full-time basis
11 as a covered civilian behavioral health provider
12 for a period of a duration that is at least equiv-
13 alent to the period of participation in such in-
14 ternship program.

15 (B) OTHER TERMS AND CONDITIONS.—An
16 agreement entered into pursuant to subpara-
17 graph (A) may include such other terms and
18 conditions as the Secretary of Defense may de-
19 termine necessary to protect the interests of the
20 United States or otherwise appropriate for pur-
21 poses of this section, including terms and condi-
22 tions providing for limited exceptions from the
23 employment obligation specified in such sub-
24 paragraph.

1 (3) REPAYMENT.—An individual who partici-
2 pates in an internship program under paragraph (1)
3 and does not complete the employment obligation re-
4 quired under the agreement entered into pursuant to
5 paragraph (2) shall repay to the Secretary of De-
6 fense a prorated portion of the cost of administering
7 such program with respect to such individual and of
8 any payment received by the individual under such
9 program. The amount of such prorated portion shall
10 be determined by the Secretary.

11 (4) IMPLEMENTATION PLAN.—Not later than
12 one year after the date of the enactment of this Act,
13 the Secretary of Defense shall submit to the con-
14 gressional defense committees a plan for the imple-
15 mentation of this subsection. Such plan shall include
16 an explanation of how the Secretary will adjust the
17 workload and staffing of behavioral health providers
18 in military medical treatment facilities to ensure suf-
19 ficient capacity to supervise participants in the in-
20 ternship programs under paragraph (1).

21 (b) DEFINITIONS.—In this section:

22 (1) The term “behavioral health” includes psy-
23 chiatry, clinical psychology, social work, counseling,
24 and related fields.

1 (2) The term “behavioral health provider” in-
2 cludes the following:

3 (A) A licensed professional counselor.

4 (B) A licensed mental health counselor.

5 (C) A licensed clinical professional coun-
6 selor.

7 (D) A licensed professional clinical coun-
8 selor of mental health.

9 (E) A licensed clinical mental health coun-
10 selor.

11 (F) A licensed mental health practitioner.

12 (3) The term “covered civilian behavioral health
13 provider” means a civilian behavioral health provider
14 whose employment by the Secretary of Defense in-
15 volves the provision of behavioral health services at
16 a military medical treatment facility.

17 (4) The term “civilian behavioral health pro-
18 vider” means a behavioral health provider who is a
19 civilian employee of the Department of Defense.

20 (5) The term “military medical treatment facil-
21 ity” means a facility specified in section 1073d of
22 such title.

1 **SEC. 770. BRAIN HEALTH INITIATIVE OF DEPARTMENT OF**
2 **DEFENSE.**

3 (a) IN GENERAL.—The Secretary of Defense, in con-
4 sultation with the Secretaries concerned, shall establish a
5 comprehensive initiative for brain health to be known as
6 the “Warfighter Brain Health Initiative” (in this section
7 referred to as the “Initiative”) for the purpose of unifying
8 efforts and programs across the Department of Defense
9 to improve the cognitive performance and brain health of
10 members of the Armed Forces.

11 (b) OBJECTIVES.—The objectives of the Initiative
12 shall be the following:

13 (1) To enhance, maintain, and restore the cog-
14 nitive performance of members of the Armed Forces
15 through education, training, prevention, protection,
16 monitoring, detection, diagnosis, treatment, and re-
17 habilitation, including through the following activi-
18 ties:

19 (A) The establishment of a program to
20 monitor cognitive brain health across the De-
21 partment of Defense, beginning upon the acces-
22 sion of a member to the Armed Forces and re-
23 peated at regular intervals thereafter, with the
24 goal of detecting any need for cognitive en-
25 hancement or restoration resulting from poten-
26 tial brain exposures of the member, to mitigate

1 possible evolution of injury or disease progres-
2 sion.

3 (B) The identification and dissemination of
4 thresholds for blast pressure safety and associ-
5 ated emerging scientific evidence.

6 (C) The modification of high-risk training
7 and operational activities to mitigate the nega-
8 tive effects of repetitive blast exposure.

9 (D) The identification of individuals who
10 perform high-risk training or occupational ac-
11 tivities, for purposes of increased monitoring of
12 the brain health of such individuals.

13 (E) The development and operational field-
14 ing of non-invasive, portable, point-of-care med-
15 ical devices, to inform the diagnosis and treat-
16 ment of traumatic brain injury.

17 (F) The establishment of a standardized
18 monitoring program that documents and ana-
19 lyzes blast exposures that may affect the brain
20 health of members of the Armed Forces.

21 (G) The development of a resource that
22 would set forth specific criteria used in the
23 awarding of potential grants for research
24 projects relating to the direct correlation of en-

1 vironmental exposures and brain injuries to the
2 brain health of members of the Armed Forces.

3 (H) The incorporation of the findings and
4 recommendations of the report of the National
5 Academies of Science, Engineering, and Medi-
6 cine titled “Traumatic Brain Injury: A Road-
7 map for Accelerating Progress” and published
8 in 2022 (relating to the acceleration of progress
9 in traumatic brain injury research and care), or
10 any successor report, into activities of the De-
11 partment relating to brain health, as applicable.

12 (2) To harmonize and prioritize the efforts of
13 the Department of Defense into a single approach to
14 brain health, to produce more efficient and effective
15 results.

16 (c) STRATEGY AND IMPLEMENTATION PLAN.—Not
17 later than one year after the date of the enactment of this
18 Act, the Secretary of Defense shall submit to the congres-
19 sional defense committees a report setting forth a strategy
20 and implementation plan of the Department of Defense
21 to achieve the objectives of the Initiative under subsection
22 (b).

23 (d) ANNUAL BUDGET JUSTIFICATION DOCU-
24 MENTS.—In the budget justification materials submitted
25 to Congress in support of the Department of Defense

1 budget for each of fiscal years 2025 through 2029 (as sub-
2 mitted with the budget of the President under section
3 1105(a) of title 31, United States Code), the Secretary
4 of Defense shall include a budget justification display that
5 includes all activities of the Department relating to the
6 Initiative.

7 (e) ANNUAL REPORTS.—Not later than January 31,
8 2024, and annually thereafter until January 31, 2030, the
9 Secretary of Defense shall submit to the congressional de-
10 fense committees a report on the Initiative that includes
11 the following:

12 (1) A description of the activities taken under
13 the Initiative and resources expended under the Ini-
14 tiative during the prior fiscal year.

15 (2) A summary of the progress made during the
16 prior fiscal year with respect to the objectives of the
17 Initiative under subsection (b).

18 (f) SECRETARY CONCERNED DEFINED.—In this sec-
19 tion, the term “Secretary concerned” has the meaning
20 given that term in section 101 of title 10, United States
21 Code.

1 **SEC. 771. AUTHORITY TO CONDUCT PILOT PROGRAM RE-**
2 **LATING TO MONITORING OF BLAST OVER-**
3 **PRESSURE EXPOSURE.**

4 (a) **AUTHORITY.**—The Director of the Defense
5 Health Agency may conduct, as part of the initiative of
6 the Department of Defense known as the “Warfighter
7 Brain Initiative” (or any successor initiative), a pilot pro-
8 gram under which the Director shall monitor blast over-
9 pressure exposure through the use of commercially avail-
10 able, off-the-shelf, wearable sensors, and document and
11 evaluate data collected as a result of such monitoring.

12 (b) **LOCATIONS.**—Monitoring activities under a pilot
13 program conducted pursuant to subsection (a) shall be
14 carried out in each training environment that the Director
15 determines poses a risk for blast overpressure exposure.

16 (c) **DOCUMENTATION AND SHARING OF DATA.**—If
17 the Director conducts a pilot program pursuant to sub-
18 section (a), the Director shall—

19 (1) ensure that any data collected pursuant to
20 such pilot program that is related to the health ef-
21 fects of the blast overpressure exposure of a member
22 of the Armed Forces who participated in the pilot
23 program is documented and maintained by the Sec-
24 retary of Defense in an electronic health record for
25 the member; and

1 (2) to the extent practicable, and in accordance
2 with applicable provisions of law relating to data pri-
3 vacy, make data collected pursuant to such pilot pro-
4 gram available to other academic and medical re-
5 searchers for the purpose of informing future re-
6 search and treatment options.

7 **SEC. 772. STANDARDIZATION ACROSS DEPARTMENT OF DE-**
8 **FENSE OF POLICIES RELATING TO SERVICE**
9 **BY INDIVIDUALS DIAGNOSED WITH HBV.**

10 (a) IN GENERAL.—The Secretary of Defense, in co-
11 ordination with the Secretaries concerned, shall—

12 (1) review regulations, establish policies, and
13 issue guidance relating to service by individuals di-
14 agnosed with HBV, consistent with the health care
15 standards and clinical guidelines of the Department
16 of Defense; and

17 (2) identify areas where regulations, policies,
18 and guidance of the Department relating to individ-
19 uals diagnosed with HBV (including with respect to
20 enlistments, assignments, deployments, and reten-
21 tion standards) may be standardized across the
22 Armed Forces.

23 (b) AWARENESS, EDUCATION, AND TRAINING.—

24 (1) REVIEWS AND RECOMMENDATIONS.—The
25 Secretary of Defense shall—

1 (A) conduct a review of the education,
2 training, and resources furnished to members of
3 the Armed Forces regarding the regulations
4 and policies of the Department of Defense that
5 govern the screening, documentation, treatment,
6 management, and practice standards for indi-
7 viduals diagnosed with HBV, including a review
8 of the awareness and understanding of such
9 policies within clinical settings;

10 (B) conduct a review of the resources and
11 support services furnished to members of the
12 Armed Forces diagnosed with HBV, including
13 any resources containing information on—

14 (i) the health care options of the
15 member; or

16 (ii) regulations or policies of the De-
17 partment relating to such diagnosed mem-
18 bers; and

19 (C) identify recommendations, based on
20 the findings of the reviews conducted under
21 subsections (A) and (B), to improve the aware-
22 ness and understanding of regulations and poli-
23 cies of the Department for individuals diag-
24 nosed with HBV.

1 (2) PROVISION OF EDUCATION, TRAINING, RE-
2 SOURCES, AND SUPPORT.—The Secretary of De-
3 fense, taking into account the recommendations
4 under paragraph (1)(C), shall provide to members of
5 the Armed Forces—

6 (A) education, training, and resources to
7 increase awareness and understanding of the
8 regulations and policies of the Department of
9 Defense that govern the screening, documenta-
10 tion, treatment, management, and practice
11 standards for individuals diagnosed with HBV,
12 including in health care settings; and

13 (B) in the case of members of the Armed
14 Forces diagnosed with HBV, education, re-
15 sources, and support services regarding the reg-
16 ulations and policies of the Department relating
17 to such diagnosed members, including with re-
18 spect to enlistments, assignments, deployments,
19 retention standards, and health care services
20 available to such members.

21 (c) DEFINITIONS.—In this section:

22 (1) The term “HBV” means the Hepatitis B
23 Virus.

1 (2) The term “Secretary concerned” has the
2 meaning given that term in section 101 of title 10,
3 United States Code.

4 **SEC. 773. CERTIFICATION PROGRAM IN PROVISION OF**
5 **MENTAL HEALTH SERVICES TO MEMBERS OF**
6 **THE ARMED FORCES, VETERANS, AND MILI-**
7 **TARY FAMILIES.**

8 (a) IN GENERAL.—The Secretary of Defense, in con-
9 sultation with the Secretary of Veterans Affairs and the
10 President of the Uniformed Services University of the
11 Health Sciences, shall develop a curriculum and certifi-
12 cation program to provide civilian mental health profes-
13 sionals and students in mental health-related disciplines
14 with the specialized knowledge and skills necessary to ad-
15 dress the unique mental health needs of members of the
16 Armed Forces, veterans, and military families.

17 (b) IMPLEMENTATION.—Not later than 90 days after
18 completing the development of the curriculum and certifi-
19 cation program under subsection (a), the Secretary of De-
20 fense shall implement such curriculum and certification
21 program in the Uniformed Services University of the
22 Health Sciences.

23 (c) AUTHORITY TO DISSEMINATE BEST PRAC-
24 TICES.—The Secretary of Defense may disseminate best
25 practices based on the curriculum and certification pro-

1 gram developed and implemented under this section to
2 other institutions of higher education.

3 (d) TERMINATION.—The authority to carry out the
4 curriculum and certification program under this section
5 shall terminate on the date that is five years after the date
6 of the enactment of this Act.

7 (e) REPORT.—Not later than 180 days after the ter-
8 mination date specified in subsection (d), the Secretary
9 of Defense shall submit to the appropriate congressional
10 committees a report on the results of the curriculum and
11 certification program developed and implemented under
12 this section.

13 (f) DEFINITIONS.—In this section:

14 (1) The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Armed Services and
17 the Committee on Energy and Commerce of the
18 House of Representatives; and

19 (B) the Committee on Armed Services and
20 the Committee on Health, Education, Labor,
21 and Pensions of the Senate.

22 (2) The term “institution of higher education”
23 has the meaning given that term in section 102 of
24 the Higher Education Act of 1965 (20 U.S.C.
25 1002).

1 **SEC. 774. PILOT PROGRAM ON CRYOPRESERVATION AND**
2 **STORAGE.**

3 (a) PILOT PROGRAM.—The Secretary of Defense
4 shall establish a pilot program to provide not more than
5 1,000 members of the Armed Forces serving on active
6 duty with the opportunity to cryopreserve and store their
7 gametes prior to deployment in support of combat or spe-
8 cial operations.

9 (b) PERIOD.—

10 (1) IN GENERAL.—The Secretary shall provide
11 for the cryopreservation and storage of gametes of
12 a participating member of the Armed Forces under
13 subsection (a), at no cost to the member, in a facil-
14 ity of the Department of Defense or at a private en-
15 tity pursuant to an agreement under subsection (d)
16 until the date that is one year after the retirement,
17 separation, or release of the member from the
18 Armed Forces.

19 (2) CONTINUED CRYOPRESERVATION AND
20 STORAGE.—At the end of the one-year period speci-
21 fied in paragraph (1), the Secretary shall authorize
22 an individual whose gametes were cryopreserved and
23 stored in a facility of the Department as described
24 in such paragraph to select, including pursuant to
25 an advance medical directive or military testa-

1 mentary instrument completed under subsection (c),
2 one of the following options:

3 (A) To continue such cryopreservation and
4 storage in such facility with the cost of such
5 cryopreservation and storage borne by the indi-
6 vidual.

7 (B) To transfer the gametes to a private
8 cryopreservation and storage facility selected by
9 the individual.

10 (C) To authorize the Secretary to dispose
11 of the gametes of the individual not earlier than
12 the date that is 90 days after the end of the
13 one-year period specified in paragraph (1) with
14 respect to the individual.

15 (c) ADVANCE MEDICAL DIRECTIVE AND MILITARY
16 TESTAMENTARY INSTRUMENT.—A member of the Armed
17 Forces who elects to cryopreserve and store their gametes
18 under this section shall complete an advance medical di-
19 rective described in section 1044c(b) of title 10, United
20 States Code, and a military testamentary instrument
21 described in section 1044d(b) of such title, that explicitly
22 specifies the use of their cryopreserved and stored gametes
23 if such member dies or otherwise loses the capacity to con-
24 sent to the use of their cryopreserved and stored gametes.

1 (d) AGREEMENTS.—To carry out this section, the
2 Secretary—

3 (1) may enter into agreements with private en-
4 tities that provide cryopreservation and storage serv-
5 ices for gametes; and

6 (2) in selecting such private entities with which
7 to enter into agreements, shall (to the maximum ex-
8 tent practicable) select such private entities that
9 offer multi-site storage and fertility testing services
10 prior to cryopreservation.

11 **SEC. 775. PILOT PROGRAM FOR PARTICIPATION BY MEM-**
12 **BERS OF SELECTED RESERVE IN HEALTH**
13 **PROFESSIONS SCHOLARSHIP AND FINANCIAL**
14 **ASSISTANCE PROGRAMS.**

15 (a) PILOT PROGRAM.—Notwithstanding section 2123
16 of title 10, United States Code, and in accordance with
17 such regulations as may be prescribed by the Secretary
18 of Defense for the purpose of carrying out this section,
19 each Secretary of a military department shall carry out
20 a pilot program under which that Secretary may modify
21 service obligations for certain individuals under the health
22 professions scholarship and financial assistance program
23 of that military department, to expand participation in
24 such program to such individuals.

1 (b) ELIGIBILITY.—To be eligible for participation in
2 the pilot program under subsection (a), in addition to
3 meeting the eligibility requirements under section 2122 of
4 title 10, United States Code, an individual may not have
5 previously been a member of the health professions schol-
6 arship and financial assistance program.

7 (c) CONDITIONS ON PARTICIPATION.—

8 (1) IN GENERAL.—As a condition of partici-
9 pating in the pilot program under subsection (a), an
10 individual eligible under subsection (b) shall enter
11 into an agreement with the Secretary of the military
12 department concerned pursuant to which the indi-
13 vidual agrees—

14 (A) to participate as a member of the
15 health professions scholarship and financial as-
16 sistance program of that military department;

17 (B) to complete courses of study and spe-
18 cialized training under such program in a
19 health profession discipline designated by that
20 Secretary as a critically needed wartime dis-
21 cipline; and

22 (C) upon completion of participation in
23 such program, to satisfy, in lieu of the active
24 duty obligation under section 2123 of title 10,
25 United States Code, a service obligation in the

1 Selected Reserve of the Ready Reserve of that
2 military department for the period described in
3 paragraph (2).

4 (2) LENGTH OF PERIOD OF SERVICE.—The pe-
5 riod described in this paragraph is a period of time
6 of a length determined by the Secretary of the mili-
7 tary department concerned, except that such period
8 may not be shorter than a period equal to—

9 (A) each year of participation in the health
10 professions scholarship and financial assistance
11 program pursuant to paragraph (1)(A) multi-
12 plied by two and a half; plus

13 (B) if such participation was for a period
14 of two years or fewer, an additional two and a
15 half years.

16 (3) DETAILS OF SERVICE OBLIGATION.—Unless
17 otherwise specified by the Secretary of the military
18 department concerned—

19 (A) any period of time spent in intern or
20 residency training shall not be creditable in sat-
21 isfying the service obligation under paragraph
22 (1)(C);

23 (B) any period of time used to satisfy an-
24 other military service obligation shall not be

1 creditable in satisfying the service obligation
2 under paragraph (1)(C); and

3 (C) the period described in paragraph (2)
4 shall be a consecutive period of time.

5 (4) FAILURE TO COMPLETE.—

6 (A) ALTERNATIVE OBLIGATIONS.—A par-
7 ticipant in the pilot program under subsection
8 (a) who is relieved of the service obligation
9 under paragraph (1)(C) before the completion
10 of that service obligation may be given, with or
11 without the consent of the participant, either of
12 the following alternative obligations, as deter-
13 mined by the Secretary of the military depart-
14 ment concerned:

15 (i) A service obligation in the Selected
16 Reserve of the Ready Reserve of another
17 military department for a period of time
18 not less than the remaining service obliga-
19 tion of the participant.

20 (ii) Repayment to the Secretary of
21 Defense of a percentage of the total cost
22 incurred by the Secretary under such pilot
23 program on behalf of the member pursuant
24 to the repayment provisions of section

1 303a(e) or 373 of title 37, United States
2 Code.

3 (B) CIVILIAN EMPLOYEE ALTERNATIVE.—

4 In addition to the alternative obligations speci-
5 fied in subparagraph (A), if a participant in the
6 pilot program under subsection (a) is relieved of
7 the service obligation under paragraph (1)(C)
8 by reason of the separation of the participant
9 because of a physical disability, the Secretary of
10 the military department concerned may give the
11 participant a service obligation as a civilian em-
12 ployee employed as a health care professional in
13 a facility of the uniformed services for a period
14 of time determined by that Secretary, but not
15 to exceed the remaining service obligation of the
16 participant.

17 (d) METRICS AND EVALUATIONS.—The Secretary of
18 Defense shall establish metrics, and carry out evaluations
19 using such metrics, to determine the effectiveness of the
20 pilot program under subsection (a).

21 (e) TERMINATION.—The authority to carry out the
22 pilot program under subsection (a) shall terminate on Oc-
23 tober 1, 2027.

24 (f) BRIEFINGS.—Not later than 180 days prior to the
25 date on which the pilot program under subsection (a) ter-

1 minates, each Secretary of a military department shall
2 provide to the Committees on Armed Services of the
3 House of Representatives and the Senate a briefing on the
4 effectiveness of the pilot program.

5 (g) DEFINITIONS.—In this section:

6 (1) The terms “course of study” and “special-
7 ized training” have the meaning given those terms
8 in section 2120 of title 10, United States Code.

9 (2) The term “health professions scholarship
10 and financial assistance program” has the meaning
11 given the term “program” under such section.

12 (3) The term “member of the health professions
13 scholarship and financial assistance program” has
14 the meaning given the term “member of the pro-
15 gram” under such section.

16 **SEC. 776. PILOT PROGRAM ON ENSURING PHARMA-**
17 **CEUTICAL SUPPLY STABILITY.**

18 (a) IN GENERAL.—Not later than January 1 2024,
19 the Secretary of Defense, acting through the Director of
20 the Defense Logistics Agency, shall establish a pilot pro-
21 gram to acquire, manage, and replenish a 180-day supply
22 of at least 30 commonly used generic drugs at risk of
23 shortage under the military health system as a result of
24 a pharmaceutical supply chain disruption, to ensure the
25 stability of such supply.

1 (b) MILITARY MEDICAL TREATMENT FACILITIES.—

2 The Secretary of Defense shall select for participation in
3 the pilot program established under subsection (a) not
4 fewer than five military medical treatment facilities that
5 are—

6 (1) located in the continental United States;

7 and

8 (2) at the greatest risk of pharmaceutical sup-
9 ply chain disruption, as determined by the Secretary.

10 (c) ELEMENTS.—In carrying out the pilot program
11 established under subsection (a), the Secretary of Defense
12 shall—

13 (1) use the systems and processes of the Direct
14 Vendor Delivery System established by section 352
15 of the National Defense Authorization Act for Fiscal
16 Year 1996 (Public Law 104–106; 10 U.S.C. 2458
17 note);

18 (2) include the establishment of a vendor man-
19 aged inventory approach to pharmaceutical distribu-
20 tion, to acquire, manage, and replenish the vendor-
21 held supply described in subsection (a) to prevent
22 product expiration and shortages; and

23 (3) ensure guaranteed Department of Defense
24 access to the vendor managed inventory approach
25 specified in paragraph (2).

1 (d) TERMINATION.—The pilot program established
2 under this section shall terminate on the date that is three
3 years after the date of the enactment of this Act.

4 (e) INITIAL REPORT.—Not later than 30 days after
5 the date of the establishment of the pilot program under
6 subsection (a), the Secretary of Defense shall submit to
7 the Committees on Armed Services of the House of Rep-
8 resentatives and Senate a report on the design of the pilot
9 program. Such report shall include—

10 (1) a description of the military medical treat-
11 ment facilities selected under subsection (b) and the
12 generic drugs selected for the pilot program pursu-
13 ant to subsection (a);

14 (2) the plan for the implementation and man-
15 agement of the pilot program; and

16 (3) key performance indicators to measure the
17 success of the pilot program in ensuring the avail-
18 ability of generic drugs selected for the pilot pro-
19 gram pursuant to subsection (a).

20 (f) FINAL REPORT.—Not later than 180 days after
21 the termination date under subsection (d), the Secretary
22 of Defense shall submit to the Committees on Armed Serv-
23 ices of the House of Representatives and Senate a final
24 report on the results of the pilot program. The report shall
25 include—

1 (1) measurements of key performance indica-
2 tors identified in the initial report required under
3 subsection (e);

4 (2) an analysis of the success of the pilot pro-
5 gram in preventing shortages of commonly used ge-
6 neric drugs within the military medical treatment fa-
7 cilities selected under subsection (b); and

8 (3) recommendations for further expansions of
9 the pilot program, including any legislative or regu-
10 latory proposals the Secretary determines would re-
11 duce supply chain risk to commonly used generic
12 drugs under the military health system.

13 (g) DEFINITIONS.—In this section:

14 (1) The term “generic drug” means a drug (as
15 defined in section 201 of the Federal Food, Drug,
16 and Cosmetic Act (21 U.S.C. 231)) that is approved
17 pursuant to section 505(j) of such Act (21 U.S.C.
18 355(j)).

19 (2) The term “pharmaceutical supply chain dis-
20 ruption” means a disruption described in the report
21 of the Inspector General of the Department of De-
22 fense titled “Evaluation of the Department of De-
23 fense’s Mitigation of Foreign Suppliers in the Phar-
24 maceutical Supply Chain” (DODIG-2021-126) and
25 published on September 20, 2021.

1 **SEC. 777. ESTABLISHMENT OF PARTNERSHIP PROGRAM BE-**
2 **TWEEN UNITED STATES AND UKRAINE FOR**
3 **MILITARY TRAUMA CARE AND RESEARCH.**

4 Not later than February 24, 2023, the Secretary of
5 Defense shall seek to enter into a partnership with the
6 appropriate counterpart from the Government of Ukraine
7 for the establishment of a joint program on military trau-
8 ma care and research. Such program shall consist of the
9 following:

10 (1) The sharing of relevant lessons learned
11 from the Russo-Ukraine War.

12 (2) The conduct of relevant joint conferences
13 and exchanges with military medical professionals
14 from Ukraine and the United States.

15 (3) Collaboration with the armed forces of
16 Ukraine on matters relating to health policy, health
17 administration, and medical supplies and equipment,
18 including through knowledge exchanges.

19 (4) The conduct of joint research and develop-
20 ment on the health effects of new and emerging
21 weapons.

22 (5) The entrance into agreements with military
23 medical schools of Ukraine for reciprocal education
24 programs under which students at the Uniformed
25 Services University of the Health Sciences receive
26 specialized military medical instruction at the such

1 military medical schools of Ukraine and military
2 medical personnel of Ukraine receive specialized
3 military medical instruction at the Uniformed Serv-
4 ices University of the Health Sciences, pursuant to
5 section 2114(f) of title 10, United States Code.

6 (6) The provision of support to Ukraine for the
7 purpose of facilitating the establishment in Ukraine
8 of a program substantially similar to the Wounded
9 Warrior Program in the United States.

10 (7) The provision of training to the armed
11 forces of Ukraine in the following areas:

12 (A) Health matters relating to chemical,
13 biological, radiological, nuclear and explosive
14 weapons.

15 (B) Preventive medicine and infectious dis-
16 ease.

17 (C) Post traumatic stress disorder.

18 (D) Suicide prevention.

19 (8) The maintenance of a list of medical sup-
20 plies and equipment needed.

21 (9) Such other elements as the Secretary of De-
22 fense may determine appropriate.

1 **SEC. 778. GRANT PROGRAM FOR INCREASED COOPERA-**
2 **TION ON POST-TRAUMATIC STRESS DIS-**
3 **ORDER RESEARCH BETWEEN UNITED STATES**
4 **AND ISRAEL.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the Secretary of Defense, acting through the
7 Psychological Health and Traumatic Brain Injury Re-
8 search Program, should seek to explore scientific collabo-
9 ration between American academic institutions and non-
10 profit research entities, and Israeli institutions with exper-
11 tise in researching, diagnosing, and treating post-trau-
12 matic stress disorder.

13 (b) GRANT PROGRAM.—The Secretary of Defense, in
14 coordination with the Secretary of Veterans Affairs and
15 the Secretary of State, shall award grants to eligible enti-
16 ties to carry out collaborative research between the United
17 States and Israel with respect to post-traumatic stress dis-
18 orders. The Secretary of Defense shall carry out the grant
19 program under this section in accordance with the agree-
20 ment titled “Agreement Between the Government of the
21 United States of America and the Government of Israel
22 on the United States-Israel Binational Science Founda-
23 tion”, dated September 27, 1972.

24 (c) ELIGIBLE ENTITIES.—To be eligible to receive a
25 grant under this section, an entity shall be an academic

1 institution or a nonprofit entity located in the United
2 States.

3 (d) AWARD.—The Secretary shall award grants
4 under this section to eligible entities that—

5 (1) carry out a research project that—

6 (A) addresses a requirement in the area of
7 post-traumatic stress disorders that the Sec-
8 retary determines appropriate to research using
9 such grant; and

10 (B) is conducted by the eligible entity and
11 an entity in Israel under a joint research agree-
12 ment; and

13 (2) meet such other criteria that the Secretary
14 may establish.

15 (e) APPLICATION.—To be eligible to receive a grant
16 under this section, an eligible entity shall submit an appli-
17 cation to the Secretary at such time, in such manner, and
18 containing such commitments and information as the Sec-
19 retary may require.

20 (f) GIFT AUTHORITY.—The Secretary may accept,
21 hold, and administer, any gift of money made on the con-
22 dition that the gift be used for the purpose of the grant
23 program under this section. Such gifts of money accepted
24 under this subsection shall be deposited in the Treasury
25 in the Department of Defense General Gift Fund and shall

1 be available, subject to appropriation, without fiscal year
2 limitation.

3 (g) REPORTS.—Not later than 180 days after the
4 date on which an eligible entity completes a research
5 project using a grant under this section, the Secretary
6 shall submit to Congress a report that contains—

7 (1) a description of how the eligible entity used
8 the grant; and

9 (2) an evaluation of the level of success of the
10 research project.

11 (h) TERMINATION.—The authority to award grants
12 under this section shall terminate on the date that is 7
13 years after the date on which the first such grant is
14 awarded.

15 **SEC. 779. SUICIDE CLUSTER: STANDARDIZED DEFINITION**
16 **FOR USE BY DEPARTMENT OF DEFENSE; CON-**
17 **GRESSIONAL NOTIFICATION.**

18 (a) STANDARDIZATION OF DEFINITION.—Not later
19 than one year after the date of the enactment of this Act,
20 the Secretary of Defense, in consultation with the Secre-
21 taries concerned, shall develop, for use across the Armed
22 Forces, a standardized definition for the term “suicide
23 cluster”.

24 (b) NOTIFICATION REQUIRED.—Beginning not later
25 than one year after the date of the enactment of this Act,

1 whenever the Secretary determines the occurrence of a sui-
2 cide cluster (as that term is defined pursuant to sub-
3 section (a)) among members of the Armed Forces, the
4 Secretary shall submit to the appropriate congressional
5 committees a notification of such determination.

6 (c) COORDINATION REQUIRED.—In developing the
7 definition under subsection (a) and the process for submit-
8 ting required notifications under subsection (b), the Sec-
9 retary of Defense shall coordinate with the Secretaries
10 concerned.

11 (d) BRIEFING.—Not later than April 1, 2023, the
12 Secretary of Defense shall provide to the appropriate con-
13 gressional committees a briefing on the following:

14 (1) The methodology being used in the develop-
15 ment of the definition under subsection (a).

16 (2) The progress made towards the development
17 of the process for submitting required notifications
18 under subsection (b).

19 (3) An estimated timeline for the implementa-
20 tion of this section.

21 (e) DEFINITIONS.—In this section:

22 (1) The term “appropriate congressional com-
23 mittees” means the following:

24 (A) The Committee on Armed Services of
25 the House of Representatives.

1 (B) The Committee on Armed Services of
2 the Senate.

3 (C) The Committee on Transportation and
4 Infrastructure of the House of Representatives.

5 (D) The Committee on Commerce, Science,
6 and Transportation of the Senate.

7 (2) The term “Secretary concerned” has the
8 meaning given that term in section 101 of title 10,
9 United States Codes.

10 **SEC. 780. LIMITATION ON REALIGNMENT OR REDUCTION**
11 **OF MILITARY MEDICAL MANNING END**
12 **STRENGTH: CERTIFICATION REQUIREMENT**
13 **AND OTHER REFORMS.**

14 (a) LIMITATION.—

15 (1) IN GENERAL.—In addition to the limitation
16 under section 719 of the National Defense Author-
17 ization Act for Fiscal Year 2020 (Public Law 116–
18 92; 133 Stat. 1454), as most recently amended by
19 section 731 of the National Defense Authorization
20 Act for Fiscal Year 2022 (Public Law 117–81; 135
21 Stat. 1795), the Secretary of Defense and the Secre-
22 taries concerned may not realign or reduce military
23 medical end strength authorizations during the pe-
24 riod described in paragraph (2), and after such pe-

1 riod, may not realign or reduce such authorizations
2 unless—

3 (A) the report is submitted under sub-
4 section (b); and

5 (B) the certification is submitted under
6 subsection (c).

7 (2) COVERED PERIOD.—The period described in
8 this paragraph is a period of at least three years
9 that begins on the date of the enactment of this Act.

10 (b) REPORT ON COMPOSITION OF MILITARY MED-
11 ICAL WORKFORCE REQUIREMENTS.—The Secretary of
12 Defense, in coordination with the Secretaries of the mili-
13 tary departments, shall conduct an assessment of military
14 medical manning requirements and submit to Committees
15 on Armed Services of the House of Representatives and
16 the Senate a report containing the findings of such assess-
17 ment. Such assessment shall be informed by the following:

18 (1) The National Defense Strategy submitted
19 under section 113(g) of title 10, United States Code.

20 (2) The National Military Strategy prepared
21 under section 153(b) of such title.

22 (3) The campaign plans of the combatant com-
23 mands.

24 (4) Theater strategies.

1 (5) The joint medical estimate under section
2 732 of the John S. McCain National Defense Au-
3 thorization Act for Fiscal Year 2019 (Public Law
4 115–232; 132 Stat. 1817).

5 (6) The plan of the Department of Defense on
6 integrated medical operations, as updated pursuant
7 to paragraph (1) of section 724(a) of the National
8 Defense Authorization Act for Fiscal Year 2022
9 (Public Law 117–81; 135 Stat. 1793; 10 U.S.C.
10 1096 note).

11 (7) The plan of the Department of Defense on
12 global patient movement, as updated pursuant to
13 paragraph (2) of such section.

14 (8) The biosurveillance program of the Depart-
15 ment of Defense established pursuant to Depart-
16 ment of Defense Directive 6420.02 (relating to bio-
17 surveillance).

18 (9) Requirements for graduate medical edu-
19 cation.

20 (10) The report of the COVID–19 Military
21 Health System Review Panel under section 731 of
22 the William M. (Mac) Thornberry National Defense
23 Authorization Act for Fiscal Year 2021 (Public Law
24 116–283; 134 Stat. 3698).

1 (11) The report of the Inspector General of the
2 Department of Defense titled “Evaluation of De-
3 partment of Defense Military Medical Treatment
4 Facility Challenges During the Coronavirus Disease-
5 2019 (COVID-19) Pandemic in Fiscal Year 2021
6 (DODIG-2022-081)” and published on April 5,
7 2022.

8 (12) Such other reports as may be determined
9 appropriate by the Secretary of Defense.

10 (c) CERTIFICATION.—The Secretary of Defense shall
11 submit to the Committees on Armed Services of the House
12 of Representatives and the Senate a certification con-
13 taining the following:

14 (1) A certification of the completion of a com-
15 prehensive review of military medical Manning, in-
16 cluding with respect to the medical corps (or other
17 health- or medical-related component of a military
18 department), designator, profession, occupation, and
19 rating of medical personnel.

20 (2) A justification for any proposed increase,
21 realignment, reduction, or other change to the spe-
22 cialty and occupational composition of military med-
23 ical end strength authorizations, which may include
24 compliance with a requirement or recommendation

1 set forth in a strategy, plan, or other matter speci-
2 fied in subsection (b).

3 (3) A certification that, in the case that any
4 change to such specialty or occupational composition
5 is required, a vacancy resulting from such change
6 may not be filled with a position other than a
7 health- or medical-related position until such time as
8 there are no military medical billets remaining to fill
9 the vacancy.

10 (4) A risk analysis associated with the potential
11 realignment or reduction of any military medical end
12 strength authorizations.

13 (5) An identification of any plans of the De-
14 partment to backfill military medical personnel posi-
15 tions with civilian personnel.

16 (6) A plan to address persistent vacancies for
17 civilian personnel in health- or medical-related posi-
18 tions, and a risk analysis associated with the hiring,
19 onboarding, and retention of such civilian personnel,
20 taking into account provider shortfalls across the
21 United States.

22 (7) A comprehensive plan to mitigate any risk
23 identified pursuant to paragraph (4) or (6), includ-
24 ing with respect to funding necessary for such miti-
25 gation across fiscal years.

1 (d) INTERIM BRIEFINGS AND FINAL REPORT.—

2 (1) INITIAL BRIEFING.—Not later than April 1,
3 2023, the Secretary of Defense shall provide to the
4 Committees on Armed Services of the House of Rep-
5 resentatives and the Senate a briefing on how the
6 Secretary plans to meet the report requirement
7 under subsection (b) and the certification require-
8 ment under subsection (c).

9 (2) BRIEFING ON PROGRESS.—Not later than
10 two years after the date of the enactment of this
11 Act, the Secretary of Defense shall provide to the
12 Committees on Armed Services of the House of Rep-
13 resentatives and the Senate a briefing on the
14 progress made towards completion of such require-
15 ments.

16 (3) FINAL REPORT.—Not later than three years
17 after the date of the enactment of this Act, the Sec-
18 retary of Defense shall submit to the Committees on
19 Armed Services of the House of Representatives and
20 the Senate a final report on the completion of such
21 requirements. Such final report shall be in addition
22 to the report required under subsection (b) and the
23 certification required under subsection (c).

24 (e) DEFINITIONS.—In this section:

1 (1) The term “medical personnel” has the
2 meaning given such term in section 115a(e) of such
3 title.

4 (2) The term “theater strategy” means an over-
5 arching construct outlining the vision of a combatant
6 commander for the integration and synchronization
7 of military activities and operations with other na-
8 tional power instruments to achieve the strategic ob-
9 jectives of the United States.

10 **SEC. 781. REVIEW AND UPDATE OF POLICY RELATING TO**
11 **COMMAND NOTIFICATION PROCESS AND RE-**
12 **DUCTION OF MENTAL HEALTH STIGMA.**

13 (a) REVIEW AND UPDATE.—

14 (1) IN GENERAL.—Not later than October 1,
15 2023, the Secretary of Defense, in coordination with
16 the Secretaries of the military departments, shall re-
17 view and update the Department of Defense Instruc-
18 tion 6490.08, titled “Command Notification Re-
19 quirements to Dispel Stigma in Providing Mental
20 Health Care to Service Members”, or any successor
21 instruction.

22 (2) ELEMENTS.—In carrying out the review
23 and update of the instruction under paragraph (1),
24 the Secretary shall ensure the updated version—

1 (A) provides health care providers with
2 clear guidance on the process and timeline for
3 making a required command notification;

4 (B) provides for the protection of the pri-
5 vacy of mental health information shared
6 through such notification process, including
7 by—

8 (i) restricting access to such informa-
9 tion to personnel for whom such specific
10 knowledge is necessary for the conduct of
11 official duties;

12 (ii) requiring that military com-
13 manders, and any other personnel with ac-
14 cess to such information, treat such infor-
15 mation as any other health information, in-
16 cluding with respect to applicable privacy
17 laws; and

18 (iii) setting forth updated training re-
19 quirements for military commanders on the
20 treatment of such information; and

21 (C) directs military commanders to take
22 steps to further reduce the stigma of mental
23 health among members of the Armed Forces,
24 including by promoting mental health care as
25 equivalent to other types of health care.

1 (b) REPORT.—Not later than April 1, 2023, the Sec-
2 retary of Defense shall submit to the Committees on
3 Armed Services of the House of Representatives and the
4 Senate a report on the progress made towards the comple-
5 tion of the review and update under subsection (a).

6 **SEC. 782. GRANT PROGRAM TO STUDY TREATMENT OF**
7 **POST-TRAUMATIC STRESS DISORDER USING**
8 **CERTAIN PSYCHEDELIC SUBSTANCES.**

9 (a) GRANT PROGRAM.—The Secretary of Defense
10 shall carry out a program to award grants to eligible enti-
11 ties to conduct research on the treatment of members of
12 the Armed Forces serving on active duty with post-trau-
13 matic stress disorder using covered psychedelic sub-
14 stances.

15 (b) CRITERION FOR APPROVAL.—The Secretary may
16 award a grant under this section to an eligible entity to
17 conduct research if the Secretary determines that the re-
18 search involves a therapy that has the potential to dem-
19 onstrate significant medical evidence of a therapeutic ad-
20 vantage.

21 (c) ELIGIBLE ENTITIES.—The Secretary may award
22 a grant under this section to any of the following:

23 (1) A department or agency of the Federal Gov-
24 ernment or a State government.

25 (2) An academic institution.

1 (3) A nonprofit entity.

2 (d) USE OF GRANT FUNDS.—A recipient of a grant
3 awarded under this section may use the grant to—

4 (1) conduct one or more phase two clinical
5 trials for the treatment of post-traumatic stress dis-
6 order that—

7 (A) include members of the Armed Forces
8 serving on active duty as participants in the
9 clinical trial; and

10 (B) use individual or group therapy as-
11 sisted by covered psychedelic substances; or

12 (2) train practitioners to provide treatment to
13 members of the Armed Forces serving on active duty
14 for post-traumatic stress disorder using covered psy-
15 chedelic substances.

16 (e) PARTICIPATION IN CLINICAL TRIALS.—The Sec-
17 retary may authorize a member of the Armed Forces to
18 participate in a clinical trial that is conducted using a
19 grant awarded under this section or funds provided under
20 subsection (f) and is authorized pursuant to section 505
21 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
22 355), without regard to—

23 (1) whether the clinical trial involves a sub-
24 stance included in the schedule under section 202 of
25 the Controlled Substances Act (21 U.S.C. 812); or

1 (2) section 912a of title 10, United States Code
2 (article 112a of the Uniform Code of Military Jus-
3 tice).

4 (f) ADDITIONAL AUTHORITY.—In addition to award-
5 ing grants under this section, the Secretary may provide
6 funds for a clinical research trial using covered psychedelic
7 substances that is authorized pursuant to section 505 of
8 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
9 355) and includes members of the Armed Forces as par-
10 ticipants in the trial.

11 (g) DEFINITIONS.—In this section:

12 (1) The term “covered psychedelic substances”
13 means any of the following:

14 (A) 3,4-methylenedioxy-methamphetamine
15 (commonly known as “MDMA”).

16 (B) Psilocybin.

17 (C) Ibogaine.

18 (D) 5-Methoxy-N,N-dimethyltryptamine
19 (commonly known as “5-MeO-DMT”).

20 (2) The term “State” includes any State, dis-
21 trict, territory, or possession of the United States.

22 **SEC. 783. PILOT PROGRAMS OF DEFENSE HEALTH AGENCY**
23 **RELATING TO SEXUAL HEALTH.**

24 (a) TELEHEALTH PILOT PROGRAM ON SEXUAL
25 HEALTH.—

1 (1) ESTABLISHMENT.—The Director of the De-
2 fense Health Agency shall carry out a five-year tele-
3 health pilot program for sexual health (in this sub-
4 section referred to as the “telehealth pilot pro-
5 gram”).

6 (2) ELIGIBILITY.—An individual is eligible to
7 participate in the telehealth pilot program if the in-
8 dividual is a member of the uniformed services on
9 active duty enrolled in TRICARE Prime, without re-
10 gard to whether a health care professional has re-
11 ferred the individual for such participation.

12 (3) APPLICATIONS.—

13 (A) IN GENERAL.—Eligible individuals
14 seeking to participate in the telehealth pilot
15 program shall submit to the Director an appli-
16 cation for participation at such time, in such
17 form, and containing such information as the
18 Director may prescribe.

19 (B) ONLINE ACCESSIBILITY.—Any applica-
20 tion form under subparagraph (A) shall be ac-
21 cessible online.

22 (4) NUMBER OF PARTICIPANTS.—In selecting
23 participants for the telehealth pilot program from
24 among eligible individuals who have submitted an
25 application in accordance with paragraph (3), the

1 Director may establish a cap limiting the number of
2 such participants only if—

3 (A) the Director determines that such lim-
4 ited participation is necessary as a result of
5 limited provider availability; and

6 (B) not later than 30 days after making
7 such determination, the Director submits to the
8 congressional defense committees a report that
9 includes—

10 (i) a description of the limited pro-
11 vider availability upon which the Director
12 has based such determination;

13 (ii) an identification of the total num-
14 ber of eligible individuals who have sub-
15 mitted an application in accordance with
16 paragraph (3); and

17 (iii) an estimated timeline for lifting
18 the cap established.

19 (5) TELEHEALTH SCREENINGS.—

20 (A) IN GENERAL.—Under the telehealth
21 pilot program, the Director shall furnish to any
22 eligible individual who elects to participate in
23 such program a telehealth screening. During
24 such screening, a health care provider shall—

1 (i) conduct a remote assessment with
2 respect to the individual's sexual health,
3 including any medication conditions related
4 to the individual's sexual health

5 (ii) provide comprehensive counseling
6 on the full range of methods of contracep-
7 tion available to the individual, in accord-
8 ance with the clinical practice guidelines
9 established under section 718 of the Na-
10 tional Defense Authorization Act for Fiscal
11 Year 2016 (Public Law 114–92; 129 Stat.
12 686; 10 U.S.C. 1074d note);

13 (iii) as applicable, diagnose the indi-
14 vidual or, pursuant to subparagraph (B),
15 order appropriate follow-up diagnostic
16 services as necessary as a result of the as-
17 sessment under clause (i); and

18 (iv) prescribe such prescription medi-
19 cations, including contraceptives or Pre-
20 Exposure Prophylaxis, as may be deter-
21 mined necessary by the provider as a result
22 of such assessment.

23 (B) LABORATORY DIAGNOSTIC SERV-
24 ICES.—In diagnosing an individual under sub-
25 paragraph (A)(iii), a health care provider may

1 furnish to the individual such laboratory diag-
2 nostic services as may be necessary for the di-
3 agnosis (including mail-order laboratory diag-
4 nostic services).

5 (C) PRESCRIPTIONS.—The Director shall
6 ensure that prescriptions under subparagraph
7 (A)(iv) may be filled through either military
8 medical treatment facility pharmacies or the na-
9 tional mail-order pharmacy program under the
10 TRICARE program.

11 (6) FOLLOW-UP REMOTE APPOINTMENTS.—If a
12 health care provider prescribes medications to an in-
13 dividual pursuant to a screening under the telehealth
14 pilot program, that health care provider shall con-
15 duct such follow-up remote appointments as may be
16 necessary to monitor the health of the individual fol-
17 lowing fulfilment of the prescription.

18 (7) COORDINATION WITH FACILITIES.—The Di-
19 rector shall coordinate with each military com-
20 mander or director of a military medical treatment
21 facility to facilitate the provision through the facility
22 of laboratory and other services necessary for the
23 furnishment of screenings and the fulfilment of pre-
24 scriptions under the telehealth pilot program.

1 (8) CONTRACT AUTHORITY.—In carrying out
2 the telehealth pilot program, the Director may enter
3 into contracts under such program with providers of
4 mail-order laboratory services and providers of mail-
5 order contraceptives or Pre-Exposure Prophylaxis
6 for the furnishment of laboratory services or the ful-
7 filment of prescriptions under paragraph (5).

8 (9) REPORTS.—Not later than one year after
9 the date of the enactment of this Act, and annually
10 thereafter for five years, the Secretary of Defense
11 shall submit to the congressional defense committees
12 a report on the status and effects of the telehealth
13 pilot program. Each such report shall include, with
14 respect to the year covered by the report, the fol-
15 lowing:

16 (A) The number of health care providers
17 who have furnished services under the tele-
18 health pilot program, disaggregated by whether
19 the provider is a TRICARE network provider.

20 (B) The average wait time for screenings
21 under the telehealth pilot program.

22 (C) Any effect of the telehealth pilot pro-
23 gram with respect to the Defense Health Agen-
24 cy.

1 (D) Such other information relating to the
2 status or effect of the telehealth pilot program
3 as may be determined relevant by the Sec-
4 retary.

5 (b) PILOT PROGRAM ON REQUIRED SEXUAL HEALTH
6 SCREENINGS.—

7 (1) IN GENERAL.—The Director of the Defense
8 Health Agency shall carry out a five-year pilot pro-
9 gram to require certain sexual health screenings (in
10 this subsection referred to as the “pilot program”).

11 (2) SEXUAL HEALTH SCREENINGS.—

12 (A) IN GENERAL.—Under the pilot pro-
13 gram, the Director shall ensure that, during the
14 period in which the pilot program is carried out,
15 each covered member completes a sexual health
16 screening on an annual basis and prior to any
17 deployment of the covered member.

18 (B) NOTICE REQUIREMENT.—The Director
19 shall ensure that, prior to a covered member re-
20 ceiving a sexual health screening under the pilot
21 program, the covered member is provided no-
22 tice, and submits an acknowledgment, that the
23 results of such screening shall be subject to the
24 confidentiality provisions under paragraph (3).

1 (C) OPTION FOR FOLLOW-UP APPOINT-
2 MENT.—Following the provision of a sexual
3 health screening to a covered member under the
4 pilot program, the covered member may elect to
5 receive a follow-up appointment related to such
6 screening. Any such follow-up appointment shall
7 be conducted by the provider specified in para-
8 graph (4) responsible for reviewing the results
9 of the screening.

10 (3) CONFIDENTIALITY.—

11 (A) TRANSMISSION OF RESULTS OUTSIDE
12 CHAIN OF COMMAND.—Except as provided in
13 subparagraph (B), the results of a sexual health
14 screening furnished to a covered member under
15 the pilot program shall be transmitted for re-
16 view to the provider specified in paragraph (4)
17 at the military medical treatment facility near-
18 est to the location at which the screening was
19 furnished. Such results may not be transmitted
20 to or otherwise accessed by the following:

21 (i) Any individual in the chain of com-
22 mand of the covered member.

23 (ii) The primary health care provider
24 for the unit of the covered member.

1 (B) EXCEPTION AT ELECTION OF MEM-
2 BER.—The results of a sexual health screening
3 furnished to a covered member under the pilot
4 program may be transmitted for review to, or
5 otherwise accessed by, the primary health care
6 provider for the unit of the covered member at
7 the election of the covered member.

8 (C) SEVERABILITY OF RESULTS.—If a sex-
9 ual health screening under the pilot program is
10 furnished as part of a periodic health assess-
11 ment (or other similar assessment) provided to
12 a covered member, the results of such screening
13 shall be separated from the other results of the
14 assessment for purposes of separate trans-
15 mission and review in accordance with subpara-
16 graph (A).

17 (4) SEXUAL HEALTH OR INFECTIOUS DISEASE
18 HEALTH CARE PROVIDERS.—The Director shall en-
19 sure that at each military medical treatment facility
20 there is a health care provider with a specialty in
21 sexual health or infectious diseases who shall review
22 screening results under the pilot program.

23 (5) REPORTS.—Not later than one year after
24 the date of the enactment of this Act, and annually
25 thereafter for five years, the Secretary of Defense

1 shall submit to the congressional defense committees
2 a report on the status and effects of the pilot pro-
3 gram.

4 (c) DEFINITIONS.—In this section:

5 (1) The term “covered member” means a mem-
6 ber of a uniformed service described in section
7 1074(a)(2) of title 10, United States Code.

8 (2) The term “military medical treatment facil-
9 ity” means a facility specified in section 1073d of
10 title 10, United States Code.

11 (3) The terms “TRICARE Prime” and
12 “TRICARE program” have the meaning given those
13 terms in section 1072 of such title.

14 **SEC. 784. DROP BOXES ON MILITARY INSTALLATIONS FOR**
15 **DEPOSIT OF UNUSED PRESCRIPTION DRUGS.**

16 (a) DROP BOXES.—The Secretary of Defense shall
17 ensure there is maintained on each military installation
18 a drop box that is accessible to members of the Armed
19 Forces and the family members thereof, into which such
20 members and family members may deposit unused pre-
21 scription drugs.

22 (b) PRESCRIPTION DRUG DEFINED.—In this section,
23 the term “prescription drug” has the meaning given that
24 term in section 1074g(i) of title 10, United States Code.

1 **SEC. 785. FUNDING FOR PANCREATIC CANCER RESEARCH.**

2 (a) INCREASE.—Notwithstanding the amounts set
3 forth in the funding tables in division D, the amount au-
4 thorized to be appropriated in section 1405 for the De-
5 fense Health Program, as specified in the corresponding
6 funding table in section 4501, for Defense Health Pro-
7 gram, R&D research is hereby increased by \$5,000,000
8 (with the amount of such increase to be used in support
9 of the CRDMP Program for Pancreatic Cancer Research).

10 (b) OFFSET.—Notwithstanding the amounts set forth
11 in the funding tables in division D, the amount authorized
12 to be appropriated in section 301 for operation and main-
13 tenance, Defense-wide, as specified in the corresponding
14 funding table in section 4301, for administration and serv-
15 ice-wide activities, Defense Human Resources Activity,
16 line 240, is hereby reduced by \$5,000,000.

17 **SEC. 786. PSYCHOLOGICAL EVALUATIONS FOR MEMBERS**
18 **OF THE ARMED FORCES RETURNING FROM**
19 **KABUL.**

20 (a) INITIAL EVALUATION.—Not later than 180 days
21 after the date of the enactment of this Act, the Secretary
22 of Defense shall provide an initial psychological evaluation
23 to each member of the Armed Forces who—

24 (1) served at the Hamid Karzai International
25 Airport in Kabul, Afghanistan, between August 15
26 and August 29, 2021; and

1 (2) has not already received a psychological
2 evaluation with respect to such service.

3 (b) ADDITIONAL EVALUATIONS.—The Secretary of
4 Defense shall provide to each member of the Armed
5 Forces who receives a psychological evaluation under sub-
6 section (a), or would have received such an evaluation but
7 for the application of subsection (a)(2)—

8 (1) an additional psychological evaluation not
9 later than two years after the date of the enactment
10 of this Act; and

11 (2) a second additional psychological evaluation
12 not later than five years after the date of the enact-
13 ment of this Act.

14 (c) REPORTING REQUIREMENT.—Not later than 220
15 days after the date of the enactment of this Act, the Sec-
16 retary of Defense shall submit to the congressional defense
17 committees a report on the number of members of the
18 Armed Forces, broken down by component (National
19 Guard, Reserve, and Active), that are eligible for, and re-
20 ceive, an initial psychological evaluation—

21 (1) under subsection (a); or

22 (2) otherwise resulting from service at the
23 Hamid Karzai International Airport in Kabul, Af-
24 ghanistan, between August 15 and August 29, 2021.

1 **SEC. 787. ANNUAL REVIEW AND UPDATE OF ONLINE INFOR-**
2 **MATION RELATING TO SUICIDE PREVENTION.**

3 Not later than September 30, 2023, and on an an-
4 nual basis thereafter, each Secretary of a military depart-
5 ment shall—

6 (1) review any information relating to suicide
7 prevention or behavioral health, including any con-
8 tact information for related resources, that is pub-
9 lished on an Internet website of the military depart-
10 ment at the installation level;

11 (2) make updates to such information as may
12 be necessary; and

13 (3) submit to the congressional defense commit-
14 tees a certification that such information is up-to-
15 date.

16 **SEC. 788. FUNDING FOR POST-TRAUMATIC STRESS DIS-**
17 **ORDER.**

18 (a) **FUNDING.**—Notwithstanding the amounts set
19 forth in the funding tables in division D, the amount au-
20 thorized to be appropriated by section 1405 for the De-
21 fense Health Program, as specified in the corresponding
22 funding table in such division, is hereby increased by
23 \$2,500,000 for post-traumatic stress disorder.

24 (b) **OFFSET.**—Notwithstanding the amounts set forth
25 in the funding tables in division D, the amount authorized
26 to be appropriated by section 1405 for the Defense Health

1 Program, as specified in the corresponding funding tables
2 in division D, for Private Sector Care is hereby reduced
3 by \$2,500,000.

4 **SEC. 789. INCREASED COLLABORATION WITH NIH TO COM-**
5 **BAT TRIPLE NEGATIVE BREAST CANCER.**

6 (a) IN GENERAL.—The Office of Health of the De-
7 partment of Defense shall work in collaboration with the
8 National Institutes of Health to—

9 (1) identify specific genetic and molecular tar-
10 gets and biomarkers for triple negative breast can-
11 cer; and

12 (2) provide information useful in biomarker se-
13 lection, drug discovery, and clinical trials design that
14 will enable both—

15 (A) triple negative breast cancer patients
16 to be identified earlier in the progression of
17 their disease; and

18 (B) the development of multiple targeted
19 therapies for the disease.

20 (b) FUNDING.—Notwithstanding the amounts set
21 forth in the funding tables in division D, the amount au-
22 thorized to be appropriated by section 1405 for the De-
23 fense Health Program, as specified in the corresponding
24 funding tables in division D, is hereby increased by
25 \$10,000,000 to carry out subsection (a).

1 (c) OFFSET.—Notwithstanding the amounts set forth
2 in the funding tables in division D, the amount authorized
3 to be appropriated by section 1405 for the Defense Health
4 Program, as specified in the corresponding funding tables
5 in division D, for Private Sector Care is hereby reduced
6 by \$10,000,000.

7 **SEC. 790. PILOT PROGRAM TO IMPROVE MILITARY READI-**
8 **NESS THROUGH NUTRITION AND WELLNESS**
9 **INITIATIVES.**

10 (a) PILOT PROGRAM.—The Secretary of Defense, in
11 consultation with the Secretaries of the military depart-
12 ments, shall carry out a pilot program to improve military
13 readiness through nutrition and wellness initiatives.

14 (b) UNIT SELECTION.—The Secretary of Defense
15 shall select for participation in the pilot program under
16 subsection (a) a unit at a basic training facility or an early
17 instructional facility of a military department.

18 (c) ELEMENTS.—The pilot program under subsection
19 (a) shall include the following activities:

20 (1) The development, and administration to the
21 unit selected pursuant to subsection (b), of an edu-
22 cational curriculum relating to nutrition, physical
23 fitness, the proper use of supplements, and any
24 other human performance elements determined rel-

1 evant by the Secretary of the military department
2 with jurisdiction over the unit.

3 (2) The provision to the unit of health-related
4 testing.

5 (3) The provision to the unit of dietary supple-
6 ments.

7 (d) IMPLEMENTING PARTNER.—

8 (1) SELECTION.—The Secretary of Defense
9 shall select as an implementing partner a single con-
10 tractor to both carry out all of the activities under
11 subsection (c) and manufacture at a manufacturing
12 facility owned by the contractor the dietary supple-
13 ments to be provided pursuant to subsection (c)(3).
14 In making such selection, the Secretary shall ensure
15 that the contractor enforces an appropriate level of
16 third-party review with respect to the quality and
17 safety of products manufactured, as determined by
18 the Secretary.

19 (2) CONSIDERATIONS.— In selecting the con-
20 tractor under paragraph (1), the Secretary shall con-
21 sider the following:

22 (A) Whether the contractor has the ability
23 to carry out each activity under subsection (c),
24 in addition to the ability to manufacture the di-

1 etary supplements to be provided pursuant to
2 subsection (c)(3).

3 (B) Whether the manufacturing facility of
4 the contractor is a fully independent, third-
5 party certified, manufacturing facility that
6 holds the highest “Good Manufacturing Prac-
7 tice” certification or rating possible, as issued
8 by a regulatory agency of the Federal govern-
9 ment.

10 (C) Whether the manufacturing facility of
11 the contractor, and all finished products manu-
12 factured therein, have been verified by a third-
13 party as free from banned substances and con-
14 taminants.

15 (D) Whether the contractor is in compli-
16 ance with the adverse event reporting policy
17 and third-party adverse event monitoring policy
18 of the Food and Drug Administration.

19 (E) Whether the contractor implements a
20 stability testing program that supports product
21 expiration dating.

22 (F) Whether the contractor has a credible
23 and robust environment, social, and governance
24 policy that articulates responsibilities and an-
25 nual goals.

1 (G) Whether the contractor has dem-
2 onstrated at least five years of operation as a
3 business in good standing in the industry.

4 (H) Whether the contractor has a dem-
5 onstrated history of maintaining relationships
6 with nationally-recognized medical and health
7 organizations.

8 (e) COORDINATION.—In carrying out the pilot pro-
9 gram under subsection (a), the contractor selected under
10 subsection (d) shall coordinate with the following:

11 (1) Command, training, and medical officers
12 and noncommissioned officers.

13 (2) Outside experts (including experts with rel-
14 evant experience from research and testing organiza-
15 tions, credible medical committees, or hospitals) that
16 may lend personalized support, capture data, and fa-
17 cilitate third-party adverse event reporting.

18 (f) DURATION.—The pilot program under subsection
19 (a) shall be for a period of six months.

20 (g) REPORT.—Upon the termination of the pilot pro-
21 gram under subsection (a), the Secretary of Defense shall
22 submit to the congressional defense committees a report
23 on the results of the pilot program, including any findings
24 or data from the pilot program, and a recommendation
25 by the Secretary of Defense for improvements to the readi-

1 ness of the Armed Forces based on such findings and
2 data.

3 **SEC. 791. GUIDANCE FOR ADDRESSING HEALTHY RELA-**
4 **TIONSHIPS AND INTIMATE PARTNER VIO-**
5 **LENCE THROUGH TRICARE PROGRAM.**

6 The Secretary of Defense shall disseminate guidance
7 on—

8 (1) the provision through the TRICARE Pro-
9 gram of universal education on healthy relationships
10 and intimate partner violence; and

11 (2) implementation of protocols through the
12 TRICARE Program for—

13 (A) routine assessment of intimate partner
14 violence and sexual assault; and

15 (B) promotion and strategies for trauma-
16 informed care plans.

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **Subtitle A—Acquisition Policy and**
6 **Management**

7 **SEC. 801. WRITING AWARD TO ENCOURAGE CURIOSITY AND**
8 **PERSISTENCE IN OVERCOMING OBSTACLES**
9 **IN ACQUISITION.**

10 (a) IN GENERAL.—Chapter 87 of title 10, United
11 States Code, is amended by inserting after section 1742
12 the following new section:

13 **“§ 1743. Writing award to encourage curiosity and**
14 **persistence in overcoming obstacles in**
15 **the defense acquisition system**

16 “(a) ESTABLISHMENT.—The President of the De-
17 fense Acquisition University shall establish an award to
18 recognize members of the acquisition workforce who use
19 an iterative writing process to document a first-hand ac-
20 count of using independent judgment to overcome an ob-
21 stacle the member faced while working within the defense
22 acquisition system (as defined in section 3001 of this
23 title).

1 “(b) SUBMISSION REQUIRED.—A member of the ac-
2 quisition workforce desiring an award under this section
3 shall submit to the President such first-hand account.

4 “(c) AMOUNT OF AWARD.—A recipient of an award
5 under this section shall receive \$10,000.

6 “(d) NUMBER OF AWARDS.—The President of the
7 Defense Acquisition University may make not more than
8 five awards each year.

9 “(e) WEBPAGE.—The President of the Defense Ac-
10 quisition University shall establish and maintain a
11 webpage to serve as a repository for submissions made
12 under subsection (b). Such webpage shall allow for public
13 comments and discussion.

14 “(f) CONTENTS OF SUBMISSION.—The recipient of
15 an award under this section shall demonstrate in the sub-
16 mission described under subsection (b)—

17 “(1) an original and engaging idea documenting
18 the use of independent judgment to overcome an ob-
19 stacle the recipient faced while working within the
20 defense acquisition system; and

21 “(2) the use of an iterative writing process, in-
22 cluding evidence of—

23 “(A) critical thinking;

24 “(B) incorporation of feedback from di-
25 verse perspectives; and

1 “(C) editing to achieve plain writing (as
2 defined in section 3 of the Plain Writing Act of
3 2010 (5 U.S.C. 301 note)).

4 “(g) FUNDING.—The Secretary of Defense shall use
5 funds from the Defense Acquisition Workforce Develop-
6 ment Account to carry out this section.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by inserting
9 after section 1742 the following new item:

“1743. Writing award to encourage curiosity and persistence in overcoming ob-
stacles in acquisition.”.

10 **SEC. 802. DATA REQUIREMENTS FOR COMMERCIAL ITEM**
11 **PRICING NOT BASED ON ADEQUATE PRICE**
12 **COMPETITION.**

13 (a) INFORMATION REQUIRED.—Section 3455 of title
14 10, United States Code, is amended—

15 (1) in subsection (b)—

16 (A) by inserting “(1)” before “A sub-
17 system”;

18 (B) by redesignating paragraphs (1) and
19 (2) as subparagraphs (A) and (B), respectively;
20 and

21 (C) by adding at the end the following new
22 paragraph:

23 “(2) With respect to a subsystem for which a con-
24 tracting officer made a determination under paragraph

1 (1)(B) and for a subsystem proposed as commercial (as
2 defined in section 103(1) of title 41, United States Code)
3 and that has not previously been determined commercial
4 in accordance with section 3703(d) of this title, the offeror
5 shall provide the following information:

6 “(A) An identification of a comparable commer-
7 cial product that is customarily used by the general
8 public or nongovernmental entities that serves as the
9 basis for assertion that the proposed subsystem is a
10 commercial product.

11 “(B) A comparison of the essential physical
12 characteristics and functionality between the pro-
13 posed subsystem and the comparable commercial
14 product in support of such assertion.

15 “(C) The national stock number (as defined in
16 section 101-30.101-3 of title 41, Code of Federal
17 Regulations (or a successor regulation)), if available,
18 for the comparable commercial product and the pro-
19 posed subsystem.”;

20 (2) in subsection (c), by adding at the end the
21 following new paragraph:

22 “(3) With respect to components or spare parts pro-
23 posed as commercial for which a contracting officer made
24 a determination under paragraph (1)(B), the offeror shall
25 provide the following information for components or spare

1 parts proposed as commercial (as defined in section
2 103(1) of title 41, United States Code) and that have not
3 previously been determined commercial in accordance with
4 section 3703(d) of this title:

5 “(A) An identification of a comparable commer-
6 cial product that is customarily used by the general
7 public or nongovernmental entities that serves as the
8 basis for the assertion that the proposed components
9 or spare parts are commercial products.

10 “(B) A comparison of the essential physical
11 characteristics and functionality between the pro-
12 posed components or spare parts and the com-
13 parable commercial product in support of such as-
14 sertion.

15 “(C) The national stock number (as defined in
16 section 101-30.101-3 of title 41, Code of Federal
17 Regulations (or a successor regulation)), if available,
18 for the comparable commercial product and the pro-
19 posed components or spare parts.”.

20 (b) MODIFICATIONS TO INFORMATION SUB-
21 MITTED.—Section 3455(d) is amended—

22 (1) in the subsection heading, by inserting
23 “FOR CERTAIN PROCUREMENTS” after “SUB-
24 MITTED”;

25 (2) in paragraph (1)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “section,” and all that follows
3 through “to submit” and inserting “section that
4 are not subject to the exceptions in section
5 3703(a)(1) of this title, the offeror shall be re-
6 quired to submit to or to provide access to the
7 contracting officer, on an unredacted basis”;

8 (B) in subparagraph (A)—

9 (i) by inserting “all” before “prices
10 paid”; and

11 (ii) by inserting “, and the contents of
12 such terms and conditions” after “com-
13 mercial customers”;

14 (C) in subparagraph (B)—

15 (i) by striking “information on” and
16 all that follows through “same or similar”
17 and inserting “information on prices for
18 the same or similar”;

19 (ii) by striking “conditions;” and in-
20 serting “conditions, and the contents of
21 such terms and conditions; and”;

22 (iii) by striking clauses (ii), (iii), and
23 (iv).

24 (D) in subparagraph (C)—

(i) by striking “reasonableness of price,” and inserting the following: “reasonableness of price because the comparable products provided by the offeror are not a valid basis for a price analysis, or the contracting officer determines the proposed price is not reasonable after evaluating prices paid, the offeror shall be required to provide”; and

(ii) by inserting before the period at the end the following: “, where a request for cost data shall be approved at a level above the contracting officer”.

SEC. 803. PREFERENCE FOR DOMESTIC FOODS FOR MILITARY WORKING DOGS.

(a) IN GENERAL.—Chapter 287 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 3906. Preference for domestic foods for military working dogs

“With respect to the acquisition of food for military working dogs by the Defense Logistics Agency, the Director of the Defense Logistic Agency shall give a preference for the acquisition of food that is manufactured or produced—

1 “(1) in the United States;

2 “(2) by an entity that is based in the United
3 States; and

4 “(3) using only ingredients and materials that
5 were grown, mined, manufactured, or produced in
6 the United States.”.

7 (b) CLERICAL AMENDMENT.—The table of chapters
8 for chapter 287 of title 10, United States Code, is amend-
9 ed by adding at the end the following new item:

“3906. Preference for domestic food for military working dogs.”.

10 **SEC. 804. LIFE CYCLE MANAGEMENT AND PRODUCT SUP-**
11 **PORT.**

12 Section 4324(b) of title 10, United States Code, is
13 amended—

14 (1) by designating the matter preceding sub-
15 paragraph (A), as so redesignated, as paragraph (1);

16 (2) by redesignating paragraphs (1), (2), (3),
17 (4), (5), (6), (7), and (8) as subparagraphs (A), (B),
18 (C), (D), (E), (F), (G), and (I), respectively;

19 (3) in paragraph (1), as so designated—

20 (A) in the matter preceding subparagraph
21 (A), as so redesignated—

22 (i) by inserting “IN GENERAL.—” be-
23 fore “Before granting” ; and

24 (ii) by inserting after “approved life
25 cycle sustainment plan” the following: “ap-

1 proved by all covered individuals for such
2 covered system”;

3 (B) by amending subparagraph (G), as so
4 redesignated, to read as follows:

5 “(G) an intellectual property management
6 plan for product support, including access to
7 technical data and computer software, as well
8 as contract delivery requirements for the data
9 rights;”;

10 (C) by inserting after subparagraph (G),
11 as so redesignated, the following new subpara-
12 graph:

13 “(H) an estimate of the number of per-
14 sonnel needed to operate and maintain the cov-
15 ered system;”;

16 (D) in subparagraph (I), as so redesign-
17 ated, by striking the period at the end and in-
18 serting “; and” at the end; and

19 (E) by inserting after subparagraph (I), as
20 so redesignated, the following new subpara-
21 graph:

22 “(J) a product support business case anal-
23 ysis that—

24 “(i) addresses—

1 “(I) the costs, benefits, and risks
2 to sustainment associated with the
3 performance goals;

4 “(II) the engineering and design
5 considerations;

6 “(III) intellectual property, in-
7 cluding access to technical data and
8 computer software; and

9 “(IV) the number of personnel
10 needed to operate and maintain the
11 covered system; and

12 “(ii) explicitly addresses—

13 “(I) the tradeoffs made between
14 the factors described in clause (i); and

15 “(II) the associated implications
16 of such tradeoffs for—

17 “(aa) design, development,
18 production, and operating and
19 support costs;

20 “(bb) operational and mate-
21 riel availability;

22 “(cc) the mix of active and
23 reserve components of the mili-
24 tary, Government civilian em-
25 ployee, host nation support, and

1 contractor personnel to operate
2 and maintain the covered system;
3 and

4 “(dd) the ability of the Gov-
5 ernment to retain core logistics
6 capability identified under section
7 2464 and comply with the re-
8 quirements under section 2466.”;
9 and

10 (4) by adding at the end the following new
11 paragraphs:

12 “(2) SUBSEQUENT PHASES.—Before granting
13 approval for entry of the covered system into each
14 subsequent phase of the acquisition after the phase
15 described in section 4172(e)(7), the milestone deci-
16 sion authority shall ensure that the life cycle
17 sustainment plan described in paragraph (1) for
18 such covered system has been updated and again ap-
19 proved by all covered individuals for such covered
20 system.

21 “(3) COVERED INDIVIDUALS DEFINED.—In this
22 subsection, the term ‘covered individuals’ means—

23 “(A) a product support manager described
24 in subsection (c);

1 “(B) a program manager (as defined in
2 section 1737(a));

3 “(C) a program executive officer (as de-
4 fined in section 1737(a)); and

5 “(D) an appropriate materiel, logistics, or
6 fleet representative.”.

7 **SEC. 805. EXTENSION OF REQUIREMENT TO SUBMIT SE-**
8 **LECTED ACQUISITION REPORTS.**

9 (a) REPEAL OF TERMINATION.—Section 4351 of title
10 10, United States Code, is amended by striking subsection
11 (j).

12 (b) REPEAL OF TERMINATION OF CERTAIN ADDI-
13 TIONAL REPORTS.—Section 1051(x) of the National De-
14 fense Authorization Act for Fiscal Year 2018 is amended
15 by striking paragraph (4).

16 **SEC. 806. AMENDMENTS TO CONTRACTOR EMPLOYEE PRO-**
17 **TECTIONS FROM REPRISAL FOR DISCLOSURE**
18 **OF CERTAIN INFORMATION.**

19 (a) DEFENSE CONTRACTS.—

20 (1) ADDITION OF GRANTEEES, SUBGRANTEEES,
21 AND PERSONAL SERVICES CONTRACTORS.—Section
22 4701 of title 10, United States Code, is amended—

23 (A) in subsection (a), in paragraphs (2)(G)
24 and (3)(A), by striking “or subcontractor” and

1 inserting “, subcontractor, grantee, subgrantee,
2 or personal services contractor”;

3 (B) in subsection (a)(2), by adding at the
4 end the following new subparagraphs:

5 “(H) The Pandemic Response Account-
6 ability Committee (established under section
7 15010 of title V of division B of the CARES
8 Act (Public Law 116–136)).

9 “(I) The Integrity Committee of the Coun-
10 cil of the Inspectors General on Integrity and
11 Efficiency.”.

12 (C) in subsection (b)—

13 (i) in paragraph (1)—

14 (I) by striking “contractor con-
15 cerned” and inserting “contractor,
16 subcontractor, grantee, subgrantee, or
17 personal services contractor con-
18 cerned”;

19 (II) by inserting before the pe-
20 riod at the end of the first sentence
21 the following: “, or to the Special In-
22 spector General for Pandemic Recov-
23 ery or the Chair of the Pandemic Re-
24 sponse Accountability Committee”;

1 (III) by striking “Inspector Gen-
2 eral determines” and inserting “In-
3 spector General, Special Inspector
4 General, or Chair (as applicable) de-
5 termines”; and

6 (IV) by striking “Inspector Gen-
7 eral shall” and inserting “Inspector
8 General, Special Inspector General, or
9 Chair (as applicable) shall”;

10 (ii) in paragraph (2), by striking “In-
11 spector General” each place it appears and
12 inserting “Inspector General, Special In-
13 spector General, or Chair (as applicable)”;
14 and

15 (iii) in paragraph (3), by striking “In-
16 spector General” each place it appears and
17 inserting “Inspector General, Special In-
18 spector General, or Chair (as applicable)”;
19 (D) in subsection (c)—

20 (i) in the matter preceding subpara-
21 graph (A) of paragraph (1), by striking
22 “contractor concerned” and inserting “con-
23 tractor, subcontractor, grantee, sub-
24 grantee, or personal services contractor
25 concerned”; and

1 (ii) in paragraph (1), by inserting
2 after “Order the contractor” each place it
3 appears the following: “, subcontractor,
4 grantee, subgrantee, or personal services
5 contractor”;

6 (iii) in paragraph (2), by inserting
7 after “contractor” the following: “, subcon-
8 tractor, grantee, subgrantee, or personal
9 services contractor”;

10 (E) in subsection (d), by striking “and
11 subcontractors” and inserting “, subcontrac-
12 tors, grantees, subgrantees, and personal serv-
13 ices contractors”; and

14 (F) in subsection (e)(2)—

15 (i) in the matter preceding subpara-
16 graph (A), by striking “or grantee of” and
17 inserting “grantee, subgrantee, or personal
18 services contractor of”; and

19 (ii) in subparagraph (B), by striking
20 “or grantee” and inserting “grantee, or
21 subgrantee”.

22 (2) ADDITIONAL AMENDMENTS.—Such section
23 is further amended in subsection (c)(1) by adding at
24 the end the following new subparagraph:

1 “(D) Consider disciplinary or corrective action
2 against any Department or Administration official,
3 if appropriate.”.

4 (b) CIVILIAN AGENCY CONTRACTS.—

5 (1) IN GENERAL.—Section 4712 of title 41,
6 United States Code, is amended—

7 (A) in subsection (a)(2)(G), by striking “or
8 subgrantee” and inserting “subgrantee, or per-
9 sonal services contractor”;

10 (B) in subsection (a)(2), by adding at the
11 end the following new subparagraphs:

12 “(H) The Pandemic Response Account-
13 ability Committee (established under section
14 15010 of title V of division B of the CARES
15 Act (Public Law 116–136)).

16 “(I) The Integrity Committee of the Coun-
17 cil of the Inspectors General on Integrity and
18 Efficiency.”;

19 (C) in subsection (b)(1), by striking “or
20 subgrantee” and inserting “subgrantee, or per-
21 sonal services contractor”;

22 (D) in subsection (c)—

23 (i) in paragraph (1)—

24 (I) by striking “or subgrantee”
25 each place it appears and inserting

1 “subgrantee, or personal services con-
2 tractor”; and

3 (II) by adding at the end the fol-
4 lowing new subparagraph:

5 “(D) Consider disciplinary or corrective ac-
6 tion against any executive branch official, if ap-
7 propriate.”; and

8 (ii) in paragraph (2), by striking “or
9 subgrantee” and inserting “subgrantee, or
10 personal services contractor”;

11 (E) in subsection (d), by striking “and
12 subgrantees” and inserting “subgrantees, and
13 personal services contractors”;

14 (F) in subsection (f)(2)—

15 (i) in the matter preceding subpara-
16 graph (A), by striking “or subgrantee” and
17 inserting “subgrantee, or personal services
18 contractor”; and

19 (ii) in subparagraph (B), by striking
20 “or subgrantee” and inserting “sub-
21 grantee, or personal services contractor”;
22 and

23 (G) by amending subsection (g)(2) to read
24 as follows:

1 “(2) The term ‘Inspector General’ means any
2 Inspector General established by Federal law, includ-
3 ing—

4 “(A) an Inspector General appointed under
5 the Inspector General Act of 1978 (5 U.S.C.
6 App.);

7 “(B) the Special Inspector General for
8 Pandemic Recovery;

9 “(C) the Special Inspector General for Af-
10 ghanistan Reconstruction;

11 “(D) the Special Inspector General for the
12 Troubled Asset Relief Program; and

13 “(E) any Inspector General that receives
14 funding from, or has oversight over contracts
15 awarded for or on behalf of, the executive agen-
16 cy concerned.”.

17 (2) ADDITIONAL AMENDMENTS.—

18 (A) IN GENERAL.—Section 4705 of title
19 41, United States Code, is repealed.

20 (B) CONFORMING AMENDMENTS.—

21 (i) TITLE 38.—Subchapter II of chap-
22 ter 7 of title 38, United States Code, is
23 amended—

24 (I) in section 731(c)(4)—

1 (aa) by striking “section
2 4705(b) or”; and

3 (bb) by striking “, as the
4 case may be”; and

5 (II) in section 733(a)(5), by
6 striking “section 4705 or”.

7 (ii) TITLE 49.—Section
8 40110(d)(2)(C) of title 49, United States
9 Code, is amended by inserting “, as in ef-
10 fect immediately before the enactment of
11 the National Defense Authorization Act for
12 Fiscal Year 2022,” before “shall apply”.

13 **SEC. 807. ENHANCED DOMESTIC CONTENT REQUIREMENT**
14 **FOR MAJOR DEFENSE ACQUISITION PRO-**
15 **GRAMS.**

16 (a) ASSESSMENT REQUIRED.—

17 (1) IN GENERAL.—Not later than one year
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense shall submit to the congressional
20 defense committees a report assessing the domestic
21 source content of procurements carried out in con-
22 nection with a major defense acquisition program.

23 (2) INFORMATION REPOSITORY.—The Secretary
24 of Defense shall establish an information repository
25 for the collection and analysis of information related

1 to domestic source content for products the Sec-
2 retary deems critical, where such information can be
3 used for continuous data analysis and program man-
4 agement activities.

5 (b) ENHANCED DOMESTIC CONTENT REQUIRE-
6 MENT.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), for purposes of chapter 83 of title 41,
9 United States Code, manufactured articles, mate-
10 rials, or supplies procured in connection with a
11 major defense acquisition program are manufactured
12 substantially all from articles, materials, or supplies
13 mined, produced, or manufactured in the United
14 States if the cost of such component articles, mate-
15 rials, or supplies—

16 (A) supplied not later than the date of the
17 enactment of this Act, exceeds 60 percent of
18 cost of the manufactured articles, materials, or
19 supplies procured;

20 (B) supplied during the period beginning
21 January 1, 2024, and ending December 31,
22 2028, exceeds 65 percent of the cost of the
23 manufactured articles, materials, or supplies;
24 and

1 (C) supplied on or after January 1, 2029,
2 exceeds 75 percent of the cost of the manufac-
3 tured articles, materials, or supplies.

4 (2) EXCLUSION FOR CERTAIN MANUFACTURED
5 ARTICLES.—Paragraph (1) shall not apply to manu-
6 factured articles that consist wholly or predomi-
7 nantly of iron, steel, or a combination of iron and
8 steel.

9 (3) RULEMAKING TO CREATE A FALLBACK
10 THRESHOLD.—

11 (A) IN GENERAL.—Not later than 180
12 days after the date of the enactment of this
13 Act, the Secretary of Defense shall issue rules
14 to determine the treatment of the lowest price
15 offered for a foreign end product for which 55
16 percent or more of the component articles, ma-
17 terials, or supplies of such foreign end product
18 are manufactured substantially all from articles,
19 materials, or supplies mined, produced, or man-
20 ufactured in the United States if—

21 (i) the application paragraph (1) re-
22 sults in an unreasonable cost; or

23 (ii) no offers are submitted to supply
24 manufactured articles, materials, or sup-
25 plies manufactured substantially all from

1 articles, materials, or supplies mined, pro-
2 duced, or manufactured in the United
3 States.

4 (B) TERMINATION.—Rules issued under
5 this paragraph shall cease to have force or ef-
6 fect on January 1, 2030.

7 (4) APPLICABILITY.—The requirements of this
8 subsection—

9 (A) shall apply to contracts entered into on
10 or after the date of the enactment of this Act;
11 and

12 (B) shall not apply to a country that is a
13 member of the national technology and indus-
14 trial base (as defined by section 4801 of title
15 10, United States Code).

16 (c) MAJOR DEFENSE ACQUISITION PROGRAM DE-
17 FINED.—The term “major defense acquisition program”
18 has the meaning given in section 4201 of title 10, United
19 States Code.

20 **SEC. 808. MISSION-BASED RAPID ACQUISITION ACCOUNT.**

21 (a) ESTABLISHMENT.—There is established in the
22 Department of Defense an account to be known as the
23 “Mission-Based Rapid Acquisition Account” (in this sec-
24 tion referred to as the “Account”) to support the pilot
25 program.

1 (b) USE OF FUNDS.—The Deputy Secretary of De-
2 fense may use the funds in the Account to carry out the
3 pilot program.

4 (c) SEMIANNUAL BRIEFING.—The Deputy Secretary
5 of Defense shall include in each briefing submitted under
6 subsection (f)(1)(A) of section 871 of the National De-
7 fense Authorization Act for Fiscal Year 2022 (Public Law
8 117–81; 135 Stat. 1855; 10 U.S.C. 191 note) after the
9 date of the enactment of this Act a briefing on the use
10 of funds in the Account, including—

11 (1) how the Deputy Secretary of Defense has
12 used such funds to incent new small businesses to
13 enter transactions for prototype projects with the
14 Department;

15 (2) support the rapid transition of the solutions
16 described in subsection (c)(2)(B) of such section 871
17 to warfighters; and

18 (3) whether additional funding flexibility is
19 needed to scale technologies.

20 (d) PILOT PROGRAM DEFINED.—In this section, the
21 term “pilot program” means the pilot program established
22 under section 871 of the National Defense Authorization
23 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
24 1855; 10 U.S.C. 191 note).

1 **SEC. 809. PREFERENCE FOR OFFERORS THAT MEET CER-**
2 **TAIN REQUIREMENTS.**

3 (a) IN GENERAL.—Chapter 241 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“SEC. 3310. PREFERENCE FOR OFFERORS THAT MEET CER-**
7 **TAIN REQUIREMENTS.**

8 “(a) IN GENERAL.—In awarding contracts for the
9 procurement of goods or services, the Secretary of Defense
10 shall prioritize offerors that meet any of the following
11 qualifications:

12 “(1) The offeror has entered into an agree-
13 ment—

14 “(A) with a labor organization;

15 “(B) that provides the manner in which
16 the offeror will—

17 “(i) act with respect to lawful efforts
18 by such labor organization to organize the
19 employees of such offeror, including an
20 agreement that the offeror will not assist,
21 deter, or promote such efforts; and

22 “(ii) engage in collective bargaining
23 with such labor organization; and

24 “(C) that is effective for the duration of
25 the contract to be awarded.

1 “(2) The offeror has entered into an agreement
2 with a majority of the employees of the offeror or a
3 labor organization, effective for the duration of the
4 contract to be awarded, not to hire individuals to re-
5 place any employee of the offeror engaged in any
6 strike, picketing, or other concerted refusal to work
7 or to close a business in response to such a strike,
8 picketing, or other refusal to work.

9 “(3) The offeror has a collective bargaining
10 agreement with a labor organization or a majority of
11 the employees of the offeror.

12 “(b) PRIORITIZATION ORDER.—The Secretary of De-
13 fense shall further prioritize an offeror under subsection
14 (a) for each qualification described in such subsection that
15 such offeror meets.

16 “(c) APPLICATION.—The prioritization required
17 under this section shall—

18 “(1) be applied after any other preference or
19 priority applicable to the award of the contract;

20 “(2) be accorded weight that is not less than
21 such other preference or priority; and

22 “(3) not be construed as superseding or replac-
23 ing any such other preference or priority.

24 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed to preempt, displace, or supplant

1 any provision of the National Labor Relations Act (29
2 U.S.C. 151 et seq.).

3 “(e) EMPLOYEE; EMPLOYER; LABOR ORGANIZATION
4 DEFINED.—In this section, the terms ‘employee’, ‘em-
5 ployer’, and ‘labor organization’ have the meanings given
6 such terms in section 2 of the National Labor Relations
7 Act (29 U.S.C. 152).”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for Chapter 241 of title 10, United States Code, is amend-
10 ed by adding at the end the following new item:

“3310. Preference for offerors that meet certain requirements.”.

11 (c) APPLICABILITY.—This section and the amend-
12 ments made by this section shall apply only with respect
13 to contracts entered into on or after the date of the enact-
14 ment of this Act.

15 **Subtitle B—Amendments to Gen-**
16 **eral Contracting Authorities,**
17 **Procedures, and Limitations**

18 **SEC. 811. MEMBERSHIP OF COAST GUARD ON STRATEGIC**
19 **MATERIALS PROTECTION BOARD.**

20 Section 187(a)(2) of title 10, United States Code, is
21 amended by adding at the end the following:

22 “(F) A senior official of the Coast Guard, as
23 designated by the Secretary of the agency or depart-
24 ment in which the Coast Guard operates, only with

1 respect to matters of the Board relating to the Coast
2 Guard.”.

3 **SEC. 812 . COMPTROLLER GENERAL ASSESSMENT OF AC-**
4 **QUISITION PROGRAMS AND EFFORTS.**

5 Section 3072 of title 10, United States Code, is
6 amended—

7 (1) in the section heading, by striking “**initia-**
8 **tives**” and inserting “**efforts**”;

9 (2) in subsection (a)—

10 (A) by striking “initiatives” and inserting
11 “efforts”; and

12 (B) by striking “2023” and inserting
13 “2026”;

14 (3) in subsection (b), by striking “initiatives”
15 each place it appears and inserting “efforts”; and

16 (4) in subsection (c)—

17 (A) in the subsection heading, by striking
18 “INITIATIVES” and inserting “EFFORTS”; and

19 (B) by striking “initiatives” each place it
20 appears and inserting “efforts”.

1 **SEC. 813. SUBCONTRACTING REQUIREMENTS FOR CERTAIN**
2 **CONTRACTS AWARDED TO EDUCATIONAL IN-**
3 **STITUTIONS.**

4 (a) IN GENERAL.—Section 3204 of title 10, United
5 States Code, is amended by adding at the end the fol-
6 lowing new subsection:

7 “(h) SUBCONTRACTING REQUIREMENTS FOR CON-
8 TRACTS AWARDED TO EDUCATIONAL INSTITUTIONS.—

9 “(1) IN GENERAL.—The head of an agency
10 shall require that a contract awarded to an edu-
11 cational institution pursuant to subsection (a)(3)(B)
12 includes a requirement that the educational institu-
13 tion subcontract with one or more minority institu-
14 tions for a total amount of not less than 2 percent
15 of the amount awarded in the contract.

16 “(2) MINORITY INSTITUTION.—In this sub-
17 section, the term ‘minority institution’ means—

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

21 “(B) any other institution of higher edu-
22 cation (as that term is defined in section 101
23 of such Act (20 U.S.C. 1001)) for which not
24 less than 50 percent of the total student enroll-
25 ment consists of students from ethnic groups

1 that are underrepresented in the fields of
2 science and engineering.”.

3 (b) **EFFECTIVE DATE.**—The amendments made by
4 subsection (a) shall—

5 (1) take effect on October 1, 2026; and

6 (2) apply with respect to contracts awarded by
7 the Secretary of Defense on or after such date.

8 **SEC. 814. CLARIFICATION TO FIXED-PRICE INCENTIVE CON-**
9 **TRACT REFERENCES.**

10 (a) **AUTHORITY TO ACQUIRE INNOVATIVE COMMER-**
11 **CIAL PRODUCTS AND COMMERCIAL SERVICES USING**
12 **GENERAL SOLICITATION COMPETITIVE PROCEDURES.**—
13 Section 3458(c)(2) of title 10, United States Code, is
14 amended by striking “fixed-price incentive fee contracts”
15 and inserting “fixed-price incentive contracts”.

16 (b) **CONTRACTOR INCENTIVES TO ACHIEVE SAVINGS**
17 **AND IMPROVE MISSION PERFORMANCE.**—Section 832 of
18 the National Defense Authorization Act for Fiscal Year
19 2017 (Public Law 114–328; 10 U.S.C. 1746 note) is
20 amended by striking “fixed-price incentive fee contracts”
21 and inserting “fixed-price incentive contracts”.

1 **SEC. 815. MODIFICATION TO INDEMNIFICATION AUTHOR-**
2 **ITY FOR RESEARCH AND DEVELOPMENT**
3 **CONTRACTS.**

4 (a) IN GENERAL.—Section 3861 of title 10, United
5 States Code, is amended—

6 (1) in subsection (a), by striking “Secretary of
7 the military department concerned” and inserting
8 “Secretary of Defense”;

9 (2) in subsection (c), by striking “Secretary”
10 and all that follows through “by him,” and inserting
11 “Secretary of Defense”; and

12 (3) in subsection (d), by striking “Secretary
13 concerned” and inserting “Secretary of Defense”.

14 (b) CONFORMING AMENDMENT.—Section 1684 of the
15 National Defense Authorization Act for Fiscal Year 2022
16 (Public Law 117-81; 135 Stat. 2123) is amended by in-
17 serting “or the Secretary of Defense, as applicable,” after
18 “Secretary concerned”.

19 (c) APPLICABILITY.—This section and the amend-
20 ments made by this section shall apply to contracts en-
21 tered into on or after the date of the enactment of this
22 Act.

23 **SEC. 816. COMPETITION REQUIREMENTS FOR PURCHASES**
24 **FROM FEDERAL PRISON INDUSTRIES.**

25 (a) COMPETITION REQUIREMENTS FOR PURCHASES
26 FROM FEDERAL PRISON INDUSTRIES.—Section 3905 of

1 title 10, United States Code, is amended by striking sub-
2 sections (a) and (b) and inserting the following new sec-
3 tions:

4 “(a) MARKET RESEARCH.—Before purchasing a
5 product listed in the latest edition of the Federal Prison
6 Industries catalog published under section 4124(d) of title
7 18, the Secretary of Defense shall conduct market re-
8 search to determine whether such product—

9 “(1) is comparable to products available from
10 the private sector; and

11 “(2) best meets the needs of the Department of
12 Defense in terms of price, quality, and time of deliv-
13 ery.

14 “(b) COMPETITION REQUIREMENT.—If the Secretary
15 determines that a Federal Prison Industries product is not
16 comparable to products available from the private sector
17 and does not best meet the needs of the Department of
18 Defense in terms of price, quality, or time of delivery, the
19 Secretary shall use competitive procedures or make an in-
20 dividual purchase under a multiple award contract for the
21 procurement of the product. In conducting such a competi-
22 tion or making such a purchase, the Secretary shall con-
23 sider a timely offer from Federal Prison Industries.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall take effect on February 1, 2023.

1 **SEC. 817. CLARIFICATION OF AUTHORITY OF THE DEPART-**
2 **MENT OF DEFENSE TO CARRY OUT CERTAIN**
3 **PROTOTYPE PROJECTS.**

4 Subsection (f) of section 4022 of title 10, United
5 States Code, is amended to read as follows:

6 “(f) FOLLOW-ON PRODUCTION CONTRACTS OR
7 TRANSACTIONS.—(1) A transaction entered into under
8 this section for a prototype project shall provide for the
9 award of a follow-on production contract or transaction
10 to the participants in the transaction. A transaction in-
11 cludes all individual prototype subprojects awarded under
12 the transaction to a consortium of United States industry
13 and academic institutions.

14 “(2) A follow-on production contract or transaction
15 provided for in a transaction under paragraph (1) may
16 be awarded to the participants in the transaction without
17 the use of competitive procedures, notwithstanding the re-
18 quirements of chapter 221 of this title and even if explicit
19 notification was not listed within the request for proposal
20 for the transaction if—

21 “(A) competitive procedures were used for the
22 selection of parties for participation in the trans-
23 action; and

24 “(B) the participants in the transaction suc-
25 cessfully completed the prototype project provided
26 for in the transaction.”.

1 **SEC. 818. REQUIREMENTS FOR THE PROCUREMENT OF**
2 **CERTAIN COMPONENTS FOR CERTAIN NAVAL**
3 **VESSELS AND AUXILIARY SHIPS.**

4 (a) REQUIREMENTS FOR THE PROCUREMENT OF
5 CERTAIN COMPONENTS FOR NAVAL VESSELS.—Section
6 4864(a)(2) of title 10, United States Code, is amended
7 by adding at the end the following new subparagraph:

8 “(G) Ship shafts and propulsion system
9 components (including reduction gears and pro-
10 pellers).”.

11 (b) REQUIREMENT THAT CERTAIN AUXILIARY SHIP
12 COMPONENTS BE MANUFACTURED IN THE NATIONAL
13 TECHNOLOGY AND INDUSTRIAL BASE.—

14 (1) TECHNICAL AMENDMENT.—Section 4864 of
15 title 10, United States Code, is amended by redesign-
16 ating subsection (l) (relating to “Implementation of
17 auxiliary ship component limitation”) as subsection
18 (k).

19 (2) COMPONENTS FOR AUXILIARY SHIPS.—
20 Paragraph (3) of section 4864(a) of title 10, United
21 States Code, is amended to read as follows:

22 “(3) COMPONENTS FOR AUXILIARY SHIPS.—
23 Subject to subsection (k), the following components:

24 “(A) Large medium-speed diesel engines.

25 “(B) Propulsion system components, in-
26 cluding reduction gears and propellers.”.

1 (3) IMPLEMENTATION.—Subsection (k) of sec-
 2 tion 4864 of title 10, United States Code, as redes-
 3 ignated by paragraph (1), is amended to read as fol-
 4 lows:

5 “(k) IMPLEMENTATION OF AUXILIARY SHIP COMPO-
 6 NENT LIMITATION.—Subsection (a)(3) shall apply only
 7 with respect to contracts awarded by a Secretary of a mili-
 8 tary department for construction of a new class of auxil-
 9 iary ship after the date of the enactment of this Act using
 10 funds available for National Defense Sealift Fund pro-
 11 grams or Shipbuilding and Conversion, Navy.”.

12 **SEC. 819. MODIFICATION TO PROHIBITION ON OPERATION**
 13 **OR PROCUREMENT OF FOREIGN-MADE UN-**
 14 **MANNED AIRCRAFT SYSTEMS.**

15 Section 848 of the National Defense Authorization
 16 Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.
 17 4871 note) is amended—

18 (1) by redesignating subsections (b), (c), and
 19 (d) as subsections (c), (d), and (e), respectively;

20 (2) by inserting after subsection (a) the fol-
 21 lowing new subsection:

22 “(b) PROHIBITION ON CERTAIN CONTRACTS.—The
 23 Secretary of Defense may not—

24 “(1) procure or obtain, or extend or renew a
 25 contract to procure or obtain any equipment, sys-

1 tem, or service that uses any equipment or service
2 related to unmanned aircraft systems provided by a
3 covered unmanned aircraft system company; or

4 “(2) enter into a contract (or extend or renew
5 a contract) with an entity that uses any equipment,
6 system, or services provided by a covered unmanned
7 aircraft system company.”;

8 (3) in subsection (c) (as so redesignated), by
9 striking “the restriction under subsection (a) if the
10 operation or procurement” and inserting “any re-
11 strictions under subsections (a) or (b) if the oper-
12 ation, procurement, or obtainment”;

13 (4) in subsection (d) (as so redesignated)—

14 (A) by striking “the restriction under sub-
15 section (a)” and inserting “any restrictions
16 under subsections (a) or (b)”; and

17 (B) by striking “operation or procure-
18 ment” and inserting “operation, procurement,
19 or obtainment”; and

20 (5) in subsection (e) (as so redesignated), by in-
21 serting the following new paragraph (3):

22 “(3) COVERED UNMANNED AIRCRAFT SYSTEM
23 COMPANIES.—The term ‘covered unmanned aircraft
24 system companies’ means any of the following:

1 “(A) Da-Jiang Innovations (or any sub-
2 sidiary or affiliate of Da-Jiang Innovations).

3 “(B) Any entity that produces or provides
4 unmanned aircraft systems and is included on
5 Consolidated Screening List maintained by the
6 International Trade Administration of the De-
7 partment of Commerce.

8 “(C) Any entity that produces or provides
9 unmanned aircraft systems and—

10 “(i) is domiciled in a covered foreign
11 country; or

12 “(ii) is subject to unmitigated foreign
13 ownership, control or influence by a cov-
14 ered foreign country, as determined by the
15 Secretary of Defense unmitigated foreign
16 ownership, control or influence in accord-
17 ance with the National Industrial Security
18 Program (or any successor to such pro-
19 gram).”.

20 **SEC. 820. EXTENSION OF PILOT PROGRAM TO ACCELERATE**
21 **CONTRACTING AND PRICING PROCESSES.**

22 Section 890 of the John S. McCain National Defense
23 Authorization Act for Fiscal Year 2019 (Public Law 115–
24 232) is amended—

1 (1) in subsection (a)(2), by striking “of” before
2 “chapter 271”; and

3 (2) in subsection (c), by striking “January 2,
4 2023” and inserting “January 2, 2024”.

5 **SEC. 821. EXTENSION AND MODIFICATION OF NEVER CON-**
6 **TRACT WITH THE ENEMY.**

7 Subtitle E of title VIII of the Carl Levin and Howard
8 P. “Buck” McKeon National Defense Authorization Act
9 for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C.
10 4871 note prec.) is amended—

11 (1) in section 841—

12 (A) in subsection (i)(1)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “2016, 2017, and
15 2018” and inserting “2023, and annually
16 thereafter”; and

17 (ii) by adding at the end the following
18 new subparagraphs:

19 “(C) Specific examples where the authori-
20 ties under this section can not be used to miti-
21 gate national security threats posed by vendors
22 supporting Department operations because of
23 the restriction on using such authorities only
24 with respect to contingency operations.

1 “(D) A description of the policies ensuring
2 that oversight of the use of the authorities in
3 this section is effectively carried out by a single
4 office in the Office of the Under Secretary of
5 Defense for Acquisition and Sustainment.”; and

6 (B) in subsection (n), by striking “Decem-
7 ber 31, 2023” and inserting “December 31,
8 2025”; and

9 (2) in section 842(b)(1), by striking “2016,
10 2017, and 2018” and inserting “2023, 2024, and
11 2025”.

12 **SEC. 822. REQUIRE FULL DOMESTIC PRODUCTION OF**
13 **FLAGS OF THE UNITED STATES ACQUIRED BY**
14 **THE DEPARTMENT OF DEFENSE.**

15 (a) IN GENERAL.—Section 4862 of title 10, United
16 States Code, is amended—

17 (1) in subsection (a), by inserting “and in sub-
18 section (l)” after “subsections (c) through (h)”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(l) FLAG OF THE UNITED STATES.—Notwith-
22 standing subsection (a), funds appropriated or otherwise
23 available to the Department of Defense may not be used
24 for the procurement of a flag of the United States unless
25 such flag is manufactured—

1 “(1) in the United States; and

2 “(2) from articles, materials, and supplies
3 grown, mined, produced, or manufactured in the
4 United States.”.

5 (b) APPLICABILITY.—The amendment made by sub-
6 section (a) shall apply only with respect to contracts en-
7 tered into on or after the date of the enactment of this
8 Act.

9 **SEC. 823. GUIDELINES AND RESOURCES ON THE ACQUISI-**
10 **TION OR LICENSING OF INTELLECTUAL**
11 **PROPERTY.**

12 Section 3791 of title 10, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(c) GUIDELINES AND RESOURCES.—

16 “(1) IN GENERAL.—The Secretary of Defense,
17 acting through the Under Secretary of Defense for
18 Acquisition and Sustainment, shall develop guide-
19 lines and resources on the acquisition or licensing of
20 intellectual property, including—

21 “(A) model forms for specially negotiated
22 licenses described under section 3774(c) of this
23 title (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 persons.”.

**SEC. 824. COMPLIANCE PROCEDURES FOR INVESTIGATING
THE PROHIBITION ON CRIMINAL HISTORY IN-
QUIRIES BY FEDERAL CONTRACTORS PRIOR
TO CONDITIONAL OFFER.**

(a) DEFENSE CONTRACTS.—Section 4657 of title 10, United States Code, is amended—

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

“(b) COMPLIANCE.—

“(1) PROCEDURES FOR SUBMISSION OF COMPLAINT.—The Secretary of Defense shall establish, and make available to the public, procedures under which an applicant for a position with a Department

1 of Defense contractor may submit to the Secretary
2 a complaint, or any other information, relating to
3 compliance by the contractor with subsection
4 (a)(1)(B).

5 “(2) INVESTIGATION OF COMPLIANCE.—In ad-
6 dition to the authority to investigate compliance by
7 a contractor with subsection (a)(1)(B) pursuant to a
8 complaint submitted under paragraph (1) of this
9 subsection, the Secretary of Defense may investigate
10 compliance with subsection (a)(1)(B) in conducting
11 a compliance evaluation under section 60–1.20, 60–
12 300.60, or 60–741.60 of title 41, Code of Federal
13 Regulations (or any successor regulation).”; and

14 (2) in subsection (c)—

15 (A) in paragraph (1)—

16 (i) by inserting “, based upon the re-
17 sults of a complaint investigation or com-
18 pliance evaluation conducted by the Sec-
19 retary of Defense under section 60–1.20,
20 60–300.60, or 60–741.60 of title 41, Code
21 of Federal Regulations (or any successor
22 regulation)” after “determines”;

23 (ii) in subparagraph (C), by striking
24 “warning” and inserting “notice”; and

25 (B) in paragraph (2)—

1 (i) by inserting “, based upon the re-
2 sults of a complaint investigation or com-
3 pliance evaluation conducted by the Sec-
4 retary of Defense under section 60–1.20,
5 60–300.60, or 60–741.60 of title 41, Code
6 of Federal Regulations (or any successor
7 regulation),” after “determines”;

8 (ii) by inserting “as may be nec-
9 essary” after “Federal agencies”; and

10 (iii) by striking subparagraph (C) and
11 inserting the following:

12 “(C) taking an action to impose a sanction
13 described under section 202(7) of Executive
14 Order 11246 (related to equal employment op-
15 portunity) and section 60–1.27 of title 41, Code
16 of Federal Regulations (or any successor regu-
17 lation).”.

18 (b) CIVILIAN AGENCY CONTRACTS.—Section 4714(b)
19 of title 41, United States Code, is amended—

20 (1) by amending subsection (b) to read as fol-
21 lows:

22 “(b) COMPLIANCE.—

23 “(1) PROCEDURES FOR SUBMISSION OF COM-
24 PLAINT.—The Secretary of Labor shall establish,
25 and make available to the public, procedures under

1 which an applicant for a position with a Federal
2 contractor may submit to the Secretary a complaint,
3 or any other information, relating to compliance by
4 the contractor with subsection (a)(1)(B).

5 “(2) INVESTIGATION OF COMPLIANCE.—In ad-
6 dition to the authority to investigate compliance by
7 a contractor with subsection (a)(1)(B) pursuant to a
8 complaint submitted under paragraph (1) of this
9 subsection, the Secretary of Labor may investigate
10 compliance with subsection (a)(1)(B) in conducting
11 a compliance evaluation under section 60–1.20, 60–
12 300.60, or 60–741.60 of title 41, Code of Federal
13 Regulations (or any successor regulation).”; and

14 (2) in subsection (c)—

15 (A) in paragraph (1)—

16 (i) by striking “head of an executive
17 agency” and inserting “Secretary of
18 Labor”;

19 (ii) by inserting “, based upon the re-
20 sults of a complaint investigation or com-
21 pliance evaluation conducted by the Sec-
22 retary of Labor under section 60–1.20,
23 60–300.60, or 60–741.60 of title 41, Code
24 of Federal Regulations (or any successor
25 regulation)” after “determines”;

1 (iii) by striking “such head” and in-
2 serting “the Secretary of Labor”; and

3 (iv) in subparagraph (C), by striking
4 “warning” and inserting “notice”; and
5 (B) in paragraph (2)—

6 (i) by striking “head of an executive
7 agency” and inserting “Secretary of
8 Labor”;

9 (ii) by inserting “, based upon the re-
10 sults of a complaint investigation or com-
11 pliance evaluation conducted by the Sec-
12 retary of Labor under section 60–1.20,
13 60–300.60, or 60–741.60 of title 41, Code
14 of Federal Regulations (or any successor
15 regulation),” after “determines”;

16 (iii) by striking “such head” and in-
17 serting “the Secretary of Labor”;

18 (iv) by inserting “as may be nec-
19 essary” after “Federal agencies”; and

20 (v) by striking subparagraph (C) and
21 inserting the following:

22 “(C) taking an action to impose a sanction
23 described under section 202(7) of Executive
24 Order 11246 (related to equal employment op-
25 portunity) and section 60–1.27 of title 41, Code

1 of Federal Regulations (or any successor regu-
2 lation).”.

3 (c) EFFECTIVE DATE.—This Act, and the amend-
4 ments made by this Act, shall apply with respect to con-
5 tracts awarded on or after December 20, 2022.

6 **SEC. 825. REESTABLISHMENT OF COMMISSION ON WAR-**
7 **TIME CONTRACTING.**

8 (a) IN GENERAL.—There is hereby reestablished in
9 the legislative branch under section 841 of the National
10 Defense Authorization Act for Fiscal Year 2008 (Public
11 Law 110–181; 122 Stat. 230) the Commission on War-
12 time Contracting.

13 (b) AMENDMENT TO DUTIES.—Section 841(c)(1) of
14 the National Defense Authorization Act for Fiscal Year
15 2008 (Public Law 110–181; 122 Stat. 231) is amended
16 to read as follows:

17 “(1) GENERAL DUTIES.—The Commission shall
18 study the following matters:

19 “(A) Federal agency contracting funded by
20 overseas contingency operations funds.

21 “(B) Federal agency contracting for the
22 logistical support of coalition forces operating
23 under the authority of the 2001 or 2002 Au-
24 thorization for the Use of Military Force.

1 “(C) Federal agency contracting for the
2 performance of security functions in countries
3 where coalition forces operate under the author-
4 ity of the 2001 or 2002 Authorization for the
5 Use of Military Force.”.

6 (c) CONFORMING AMENDMENTS.—Section 841 of the
7 National Defense Authorization Act for Fiscal Year 2008
8 (Public Law 110–181; 122 Stat. 230) is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (1), by striking “the
11 Committee on Oversight and Government Re-
12 form” each place it appears and inserting “the
13 Committee on Oversight and Reform”;

14 (B) in paragraph (2), by striking “of this
15 Act” and inserting “of the date of the enact-
16 ment of the National Defense Authorization Act
17 for Fiscal Year 2023”; and

18 (C) in paragraph (4), by striking “was
19 first established” each place it appears and in-
20 serting “was reestablished by the National De-
21 fense Authorization Act for Fiscal Year 2023”;
22 and

23 (2) in subsection (d)(1), by striking “On March
24 1, 2009” and inserting “Not later than one year

1 after the date of enactment of the National Defense
2 Authorization Act for Fiscal Year 2023”.

3 **Subtitle C—Provisions Relating to**
4 **Acquisition Workforce**

5 **SEC. 831. KEY EXPERIENCES AND ENHANCED PAY AUTHOR-**
6 **ITY FOR ACQUISITION WORKFORCE EXCEL-**
7 **LENCE.**

8 (a) PARTICIPATION IN THE PUBLIC-PRIVATE TALENT
9 EXCHANGE PROGRAM.—

10 (1) IN GENERAL.—Section 1701a(b) of title 10,
11 United States Code, is amended—

12 (A) in paragraph (9)(C), by striking “and”
13 at the end;

14 (B) in paragraph (10), by striking the pe-
15 riod at the end and inserting “; and”; and

16 (C) by adding at the end the following new
17 paragraph:

18 “(11) ensure participation in the public-private
19 talent exchange program established under section
20 1599g of this title—

21 “(A) for a total of 100 members of the ac-
22 quisition workforce in fiscal year 2024;

23 “(B) for a total of 500 such members in
24 fiscal year 2025; and

1 “(C) for a total of 1,000 such members in
2 fiscal year 2026 and each fiscal year there-
3 after.”.

4 (2) TECHNICAL AMENDMENT.—Section
5 1701a(b)(2) of title 10, United States Code, is fur-
6 ther amended by striking “as defined” and all that
7 follows through “this title” and inserting “as defined
8 in section 3001 of this title”.

9 (b) ENHANCED PAY AUTHORITY FOR POSITIONS IN
10 DEPARTMENT OF DEFENSE FIELD ACTIVITIES AND DE-
11 FENSE AGENCIES.—Section 1701b(e)(2) of title 10,
12 United States Code, is amended to read as follows:

13 “(2) NUMBER OF POSITIONS.—The authority in
14 subsection (a) may not be used at any one time with
15 respect to—

16 “(A) more than five positions, in total, in
17 Department of Defense Field Activities and De-
18 fense Agencies;

19 “(B) more than five positions in the Office
20 of the Secretary of Defense; and

21 “(C) more than five positions in each mili-
22 tary department.”.

23 (c) REPORT REQUIREMENTS.—

24 (1) REPORT ON PUBLIC-PRIVATE TALENT EX-
25 CHANGES.—Section 1599g of title 10, United States

1 Code, is amended by adding at the end the following
2 new subsection:

3 “(k) REPORT.—Each member of the acquisition
4 workforce that participates in the program established
5 under this section shall, upon completion of such partici-
6 pation, submit to the President of the Defense Acquisition
7 University for inclusion in the report required under sec-
8 tion 1746a(e) a description and evaluation of such partici-
9 pation.”.

10 (2) REPORT ON ACQUISITION WORKFORCE EDU-
11 CATIONAL PARTNERSHIPS.—Section 1746a(e) of title
12 10, United States Code, is amended by striking
13 “and the congressional defense committees” and in-
14 serting “, the congressional defense committees, the
15 Committee on Oversight and Reform of the House
16 of Representatives, and the Committee on Homeland
17 Security and Government Affairs of the Senate”.

18 **SEC. 832. DEFENSE ACQUISITION UNIVERSITY REFORMS.**

19 (a) IN GENERAL.—Section 1746 of title 10, United
20 States Code, is amended—

21 (1) in subsection (b)—

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

24 “(2) The Secretary of Defense shall ensure the de-
25 fense acquisition university structure includes relevant ex-

1 pert lecturers from extramural institutions (as defined in
2 section 1746a(g) of this title), industry, or federally fund-
3 ed research and development centers to advance acquisi-
4 tion workforce competence regarding commercial business
5 interests, acquisition process-related innovations, and
6 other relevant leading practices of the private sector.”;

7 (B) by striking paragraph (3); and

8 (C) by redesignating paragraphs (4) and
9 (5) as paragraphs (3) and (4), respectively;

10 (2) in subsection (c), by striking “commercial
11 training providers” and inserting “extramural insti-
12 tutions (as defined in section 1746a(g) of this
13 title)”;

14 (3) by adding at the end the following new sub-
15 section:

16 “(e) PRESIDENT APPOINTMENT.—(1) The Under
17 Secretary of Defense for Acquisition and Sustainment
18 shall appoint the President of the Defense Acquisition
19 University.

20 “(2) When determining who to appoint under para-
21 graph (1), the Under Secretary of Defense for Acquisition
22 and Sustainment shall, in consultation with the Under
23 Secretary of Defense for Research and Engineering and
24 the service acquisition executives, consider only highly
25 qualified candidates who have—

1 “(A) demonstrated leadership abilities;

2 “(B) experience using leading practices to de-
3 velop talent in the private sector; and

4 “(C) other qualifying factors, including experi-
5 ence with and an understanding of the defense ac-
6 quisition system (as defined in section 3001 of this
7 title), an understanding of emerging technologies
8 and the defense applications of such technologies,
9 experience partnering with States, national associa-
10 tions, and academia, and experience with learning
11 technologies.

12 “(3) The term of the President of the Defense Acqui-
13 sition University shall be not more than five years. The
14 preceding sentence does not apply to the President of the
15 Defense Acquisition University serving on January 1,
16 2022.”.

17 (b) IMPLEMENTATION REPORT.—Not later than
18 March 1, 2023, the Secretary of Defense shall submit to
19 the congressional defense committees a plan to modify the
20 defense acquisition university structure to comply with
21 section 1746(b)(2) of title 10, United States Code, as
22 amended by subsection (a). Such plan shall establish a
23 date of not later than March 1, 2026, for such modifica-
24 tion to be completed.

1 **SEC. 833. MODIFICATIONS TO DEFENSE CIVILIAN TRAINING**
2 **CORPS.**

3 Section 2200g of title 10, United States Code, is
4 amended—

5 (1) by striking “For the purposes of” and all
6 that follows through “establish and maintain” and
7 inserting the following: “The Secretary of Defense,
8 acting through the Under Secretary for Defense for
9 Acquisition and Sustainment, shall establish and
10 maintain”;

11 (2) by designating the text of such section, as
12 amended by paragraph (1), as subsection (a); and

13 (3) by adding at the end the following new sub-
14 sections:

15 “(b) PURPOSE.—The purpose of the Defense Civilian
16 Training Corps is to target critical skills gaps necessary
17 to achieve the objectives of each national defense strategy
18 required by section 113(g) of this title and each national
19 security strategy required by section 108 of the National
20 Security Act of 1947 (50 U.S.C. 3043) by preparing stu-
21 dents selected for the Defense Civilian Training Corps for
22 Department of Defense careers relating to acquisition,
23 digital technologies, critical technologies, science, engi-
24 neering, finance, and other civilian occupations deter-
25 mined by the Secretary of Defense.

1 “(c) USE OF RESOURCES AND PROGRAMS.—The
2 Under Secretary of Defense for Acquisition and
3 Sustainment shall use the resources and programs of the
4 acquisition research organization within a civilian college
5 or university that is described under section 4142(a) of
6 this title (commonly referred to as the ‘Acquisition Innova-
7 tion Research Center’) to carry out the requirements of
8 this chapter.

9 “(d) CONSULTATION.—In planning and imple-
10 menting the Defense Civilian Training Corps program, the
11 Under Secretary of Defense for Acquisition and
12 Sustainment shall consult with the following:

13 “(1) The Under Secretary of Defense for Re-
14 search and Engineering, including the Director of
15 the Defense Innovation Unit and the Strategic En-
16 gagements Director of the National Security Innova-
17 tion Network.

18 “(2) The Chief Digital and Artificial Intel-
19 ligence Officer (as established by the memorandum
20 of the Deputy Secretary of Defense titled ‘Establish-
21 ment of the Chief Digital and Artificial Intelligence
22 Officer’ issued on December 8, 2021).

23 “(3) The Chief Information Officer of the De-
24 partment of Defense.

1 “(4) The Under Secretary of Defense for Per-
2 sonnel and Readiness.

3 “(5) The Secretaries of the military depart-
4 ments.

5 “(6) The Superintendents of the Service Acad-
6 emies (as defined in section 347 of this title).

7 “(7) The Commanding General, U.S. Army
8 Cadet Command.

9 “(8) The Commander, Jeanne M. Holm Center
10 for Officer Accessions and Citizen Development.

11 “(9) The Commander, Naval Service Training
12 Command.”.

13 **SEC. 834. REPEAL OF CERTAIN PROVISIONS RELATING TO**
14 **ACQUISITION WORKFORCE INCENTIVES.**

15 (a) EXCHANGE PROGRAM FOR ACQUISITION WORK-
16 FORCE EMPLOYEES.—Section 884 of the National De-
17 fense Authorization Act for Fiscal Year 2019 (Public Law
18 115–232; 132 Stat. 1915; 10 U.S.C. 1701 note) is re-
19 pealed.

20 (b) PILOT PROGRAM ON TEMPORARY EXCHANGE OF
21 FINANCIAL MANAGEMENT AND ACQUISITION PER-
22 SONNEL.—Section 1110 of the National Defense Author-
23 ization Act for Fiscal Year 2016 (10 U.S.C. 1701 note)
24 is repealed.

1 (c) FLEXIBILITY IN CONTRACTING AWARD PRO-
2 GRAM.—Section 834 of the National Defense Authoriza-
3 tion Act for Fiscal Year 2017 (Public Law 114–328; 130
4 Stat. 2285; 10 U.S.C. 1701a note) is repealed.

5 **SEC. 835. ACQUISITION WORKFORCE INCENTIVES RELAT-**
6 **ING TO TRAINING ON AND AGREEMENTS**
7 **WITH CERTAIN SOFTWARE BUSINESSES.**

8 (a) TRAINING.—

9 (1) CURRICULA.—Not later than one year after
10 the date of the enactment of this Act, the head of
11 the Acquisition Innovation Research Center shall de-
12 velop one or more curricula for members of the ac-
13 quisition workforce on financing and operations of
14 start-up businesses, with a focus on covered start-up
15 businesses.

16 (2) ELEMENTS.—Courses under curricula devel-
17 oped under paragraph (1) shall be offered with vary-
18 ing course lengths and level of study.

19 (3) INCENTIVES.—The Secretary of Defense
20 shall develop a program to offer incentives to a
21 member of the acquisition workforce that completes
22 a curriculum developed under paragraph (1).

23 (4) ADDITIONAL TRAINING MATERIALS.—In de-
24 veloping curricula required under paragraph (1), the
25 head of the Acquisition Innovation Research Center

1 shall consider and incorporate appropriate training
2 materials from curricula in business, law, or public
3 policy.

4 (b) EXCHANGES.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall establish a pilot program under which the Sec-
7 retary shall, in accordance with section 1599g of
8 title 10, United States Code, arrange for the tem-
9 porary assignment of one or more members of the
10 acquisition workforce to a covered start-up business,
11 or from a covered start-up business to an office of
12 the Department of Defense.

13 (2) PRIORITY.—The Secretary shall prioritize
14 for participation in the pilot program established
15 under this subsection members of the acquisition
16 workforce who have completed a curricula required
17 under paragraph (1).

18 (3) TERMINATION.—The Secretary may not
19 carry out the pilot program authorized by this sub-
20 section after the date that is three years after the
21 date of the enactment of this Act.

22 (c) CONFERENCES.—

23 (1) IN GENERAL.—The Secretary of Defense
24 shall organize a conference, to take place not less
25 frequently than biannually, to facilitate discussion

1 between participants listed in subsection (b) on the
2 following:

3 (A) Best practices relating to acquisition of
4 software.

5 (B) Methods of effective collaboration be-
6 tween such participants.

7 (2) PARTICIPANTS.—Participants in a con-
8 ference organized under paragraph (1) may include
9 the following:

10 (A) Members of the acquisition workforce.

11 (B) Employees of and investors in covered
12 start-up businesses.

13 (d) PILOT PROGRAM.—

14 (1) ESTABLISHMENT.—Not later than 18
15 months after the date of the enactment of this Act,
16 the Secretary of Defense shall establish a pilot pro-
17 gram to test the feasibility of unique approaches to
18 negotiating and establishing software data rights in
19 agreements for the procurement of software.

20 (2) AUTHORITY.—To the maximum extent
21 practicable, the Secretary shall—

22 (A) ensure that a member of the acquisi-
23 tion workforce who has completed a curricula
24 required under subsection (a) is able to exercise

1 authority to apply an approach described in
2 paragraph (1); and

3 (B) provide incentives to such member to
4 exercise such authority.

5 (3) ELEMENTS.—An agreement described in
6 paragraph (1) shall include the following:

7 (A) Flexible requirements relating to the
8 acquisition or licensing of intellectual property
9 based on the software to be acquired under the
10 agreement.

11 (B) An identification and definition of the
12 technical interoperability standards required for
13 such software.

14 (C) Flexible mechanisms for delivery of
15 code for such software, where each such mecha-
16 nism includes documentation of the costs and
17 benefits of such mechanism.

18 (4) PARAMETERS.—The United States shall
19 seek to avoid asserting unlimited rights or govern-
20 ment purpose rights to software acquired under an
21 agreement entered into pursuant to the pilot pro-
22 gram established under this section.

23 (5) TERMINATION.—The Secretary may not
24 carry out the pilot program authorized by this sub-

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

3 (e) DEFINITIONS.—In this section:

4 (1) The term “Acquisition Innovation Research
5 Center” means the acquisition research organization
6 within a civilian college or university that is de-
7 scribed under section 4142(a) of title 10, United
8 States Code.

9 (2) The term “acquisition workforce” has the
10 meaning given in section 101 of title 10, United
11 States Code.

12 (3) The term “covered start-up businesses”
13 means a start-up business that is a party to, or is
14 seeking to enter into, an agreement with the Depart-
15 ment of Defense, the products and services of which
16 include software as a substantial component of the
17 offer for such agreement.

18 (4) The term “start-up business” means a busi-
19 ness that is not publicly traded and that has not
20 been acquired by a prime contractor.

1 **Subtitle D—Provisions Relating to**
2 **Software and Technology**

3 **SEC. 841. PRIZES FOR ADVANCED TECHNOLOGY ACHIEVE-**
4 **MENTS.**

5 Section 4025 of title 10, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) by striking “that have” and inserting
9 “that—”

10 “(1) have”;

11 (B) by striking “Defense.” and inserting
12 “Defense; or”; and

13 (C) by adding at the end the following new
14 paragraph:

15 “(2) demonstrate management practices that
16 improve the schedule or performance, reduce the
17 costs, or otherwise support the transition of tech-
18 nology into acquisition programs or operational
19 use.”;

20 (2) in subsection (b), by striking “of research
21 results, technology developments, and prototypes”;

22 (3) in subsection (d), by striking “to acquire,
23 support, or stimulate basic, advanced and applied re-
24 search, technology development, or prototype
25 projects”;

1 (4) in subsection (f), by striking “section 2304”
2 and inserting “chapter 221”; and

3 (5) in subsection (g)(2)—

4 (A) by redesignating subparagraphs (B)
5 and (C) as subparagraphs (D) and (E), respec-
6 tively; and

7 (B) by inserting after subparagraph (A)
8 the following new subparagraphs:

9 “(B) if applicable, a summary of the man-
10 agement practice that contributed to an im-
11 provement to schedule or performance or a re-
12 duction in cost relating to the transition of
13 technology;

14 “(C) an identification of any program exec-
15 utive officer (as defined in section 1737 of this
16 title) responsible for implementation or over-
17 sight of research results, technology develop-
18 ment, prototype development, or management
19 practices (as applicable) for which an award
20 was made under this section, and a brief sum-
21 mary of lessons learned by such program execu-
22 tive officer in carrying out such implementation
23 or oversight;”.

1 **SEC. 842. CONGRESSIONAL NOTIFICATION FOR PILOT PRO-**
2 **GRAM TO ACCELERATE THE PROCUREMENT**
3 **AND FIELDING OF INNOVATIVE TECH-**
4 **NOLOGIES.**

5 Section 834 of the National Defense Authorization
6 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
7 1835; 10 U.S.C. 4061 note) is amended—

8 (1) by redesignating subsection (f) as sub-
9 section (g); and

10 (2) by inserting after subsection (e) the fol-
11 lowing new subsection:

12 “(f) CONGRESSIONAL NOTIFICATION.—The Sec-
13 retary of Defense shall notify congressional defense com-
14 mittees within 30 days after funding has been provided
15 for a proposal selected for an award under the pilot pro-
16 gram established under this section.”.

17 **SEC. 843. CURRICULA ON SOFTWARE ACQUISITIONS AND**
18 **CYBERSECURITY SOFTWARE OR HARDWARE**
19 **ACQUISITIONS FOR COVERED INDIVIDUALS.**

20 (a) CURRICULA.—The President of the Defense Ac-
21 quisition University, shall develop training curricula re-
22 lated to software acquisitions and cybersecurity software
23 or hardware acquisitions and offer such curricula to cov-
24 ered individuals to increase digital literacy related to such
25 acquisitions by developing the ability of such covered indi-
26 viduals to use technology to identify, critically evaluate,

1 and synthesize data and information related to such acqui-
2 sitions.

3 (b) ELEMENTS.—Curricula developed pursuant to
4 subsection (a) shall provide information on—

5 (1) cybersecurity, information technology sys-
6 tems, computer networks, cloud computing, artificial
7 intelligence, machine learning, distributed ledger
8 technologies, and quantum technologies;

9 (2) cybersecurity threats and capabilities;

10 (3) operational efforts of United States Cyber
11 Command to combat cyber threats;

12 (4) mission requirements and current
13 capabilities and systems of United States Cyber
14 Command;

15 (5) activities that encompass the full range of
16 threat reduction, vulnerability reduction, deterrence,
17 incident response, resiliency, and recovery policies
18 and activities, including activities relating to com-
19 puter network operations, information assurance,
20 military missions, and intelligence missions to the
21 extent such activities relate to the security and sta-
22 bility of cyberspace; and

23 (6) the industry best practices relating to soft-
24 ware acquisitions and cybersecurity software or
25 hardware acquisitions.

1 (c) PLAN.—Not later than 180 days after enactment
2 of this Act, the Secretary of Defense, in consultation with
3 the President of the Defense Acquisition University, shall
4 submit to Congress a comprehensive plan to implement
5 the curricula developed under subsection (a). Such plan
6 shall include a list of resources required for and costs asso-
7 ciated with such implementation, including—

- 8 (1) curriculum development;
- 9 (2) hiring instructors to teach the curriculum;
- 10 (3) facilities; or
- 11 (4) website development.

12 (d) IMPLEMENTATION.—Not later than one year
13 after the date on which the plan described in subsection
14 (d) is submitted to Congress, the President of the Defense
15 Acquisition University shall offer the curricula developed
16 under subsection (a) to covered individuals.

17 (e) REPORT.—Not later than one year after the date
18 on which the plan described in subsection (d) is submitted
19 to Congress, Secretary of Defense, in consultation with the
20 President of the Defense Acquisition University, shall sub-
21 mit to Congress a report assessing the costs and benefits
22 of requiring all covered individuals to complete the cur-
23 ricula developed under subsection (a).

24 (f) COVERED INDIVIDUALS DEFINED.—In this sec-
25 tion, the term “covered individuals” means—

1 (1) a contracting officer of the Department of
2 Defense with responsibilities are related to software
3 acquisitions or cybersecurity software or hardware
4 acquisitions; or

5 (2) a individual serving in a position designated
6 under section 1721(b) of title 10, United States
7 Code, who is regularly consulted for software acqui-
8 sitions or cybersecurity software or hardware acqui-
9 sitions.

10 **SEC. 844. REPORT ON COVERED SOFTWARE DEVELOP-**
11 **MENT.**

12 (a) REPORT.—Not later than one year after the date
13 of the enactment of this Act, and annually thereafter
14 through December 31, 2028, the Under Secretary of De-
15 fense for Acquisition and Sustainment, in consultation
16 with the Chief Information Officer of the Department of
17 Defense and the Chief Digital and Artificial Intelligence
18 Officer, shall submit to the congressional defense commit-
19 tees a report on the following:

20 (1) A description of covered software delivered
21 during the fiscal year preceding the date of the re-
22 port that is being developed using iterative develop-
23 ment, including a description of the capabilities de-
24 livered for operational use.

1 (2) For such covered software not developed
2 using iterative development, an explanation for not
3 using iterative development and a description of the
4 development method used.

5 (3) For each such covered software being devel-
6 oped using iterative development, the frequency with
7 which capabilities of such covered software were de-
8 livered, disaggregated as follows:

9 (A) Covered software for which capabilities
10 were delivered during period of less than three
11 months.

12 (B) Covered software for which capabilities
13 were delivered during period of more than three
14 months and less than six months.

15 (C) Covered software for which capabilities
16 were delivered during period of more than six
17 months and less than nine months.

18 (D) Covered software for which capabilities
19 were delivered during period of more than nine
20 months and less than 12 months.

21 (4) With respect to covered software described
22 in paragraph (2) for which capabilities of such cov-
23 ered software were not delivered in fewer than 12
24 months, an explanation of why such delivery was not
25 possible.

1 (b) DEFINITIONS.—In this section:

2 (1) The term “Chief Digital and Artificial Intel-
3 ligence Officer” means—

4 (A) the official designated as the Chief
5 Digital and Artificial Intelligence Officer of the
6 Department of Defense pursuant to the memo-
7 randum of the Secretary of Defense titled “Es-
8 tablishment of the Chief Digital and Artificial
9 Intelligence Officer” dated December 8, 2021;
10 or

11 (B) if there is no official designated as
12 such Officer, the official within the Office of the
13 Secretary of Defense with primary responsi-
14 bility for digital and artificial intelligence mat-
15 ters.

16 (2) The term “covered software” means soft-
17 ware that is being developed that—

18 (A) was acquired using a software acquisi-
19 tion pathway established under section 800 of
20 the National Defense Authorization Act for Fis-
21 cal Year 2020 (Public Law 116–92);

22 (B) is a covered defense business system,
23 as defined in section 2222(i) of title 10, United
24 States Code;

1 (C) is a major defense acquisition pro-
2 gram, as defined in section 4201 of such title;
3 or

4 (D) is a major system, as defined in sec-
5 tion 3041 of such title.

6 (3) The term “iterative development” has the
7 meaning given the term “agile or iterative develop-
8 ment” in section 891 of the National Defense Au-
9 thorization Act for Fiscal Year 2018 (Public Law
10 115–91; 131 Stat. 1509; 10 U.S.C. 1746 note).

11 **SEC. 845. OTHER TRANSACTION AUTHORITY CLARIFICA-**
12 **TION.**

13 Section 4022 of title 10, United States Code, is
14 amended—

15 (1) in subsection (a)(1)—

16 (A) by striking “military personnel and the
17 supporting” and inserting “personnel of the De-
18 partment of Defense or improving”; and

19 (B) by striking “or materials in use” and
20 inserting “materials, or installations in use”;
21 and

22 (2) in subsection (e), by adding at the end the
23 following new paragraph:

24 “(3) The term ‘prototype project’ means a
25 project that addresses—

1 “(A) a proof of concept, model, or process,
2 including a business process;

3 “(B) reverse engineering to address obso-
4 lescence;

5 “(C) a pilot or novel application of com-
6 mercial technologies for defense purposes;

7 “(D) agile development activity, creation,
8 design, development, or demonstration of oper-
9 ational utility; or

10 “(E) any combination of subparagraphs
11 (A) through (D).”.

12 **SEC. 846. EXISTING AGREEMENT LIMITS FOR OPERATION**
13 **WARP SPEED.**

14 (a) IN GENERAL.—Any award made to a consortium
15 under section 4022 of title 10, United States Code, by
16 the Department of Defense on or after March 1, 2020,
17 to address the COVID–19 pandemic through vaccines and
18 other therapeutic measures using funds made available
19 under a covered award shall not be counted toward any
20 limit established prior to March 1, 2020, on the total esti-
21 mated amount of all projects to be issued for a specified
22 fiscal year (except that such funds shall count toward
23 meeting any guaranteed minimum value).

1 (b) FOLLOW-ON CONTRACTS.—The Secretary of De-
 2 fense may not award a follow-on contract, agreement, or
 3 grant for any award described in subsection (a)—

4 (1) until the limit described in subsection (a)
 5 has been reached;

6 (2) until the term of the award described in
 7 subsection (a) has expired; or

8 (3) unless such follow-on contract, agreement,
 9 or grant is made accordance with the terms and con-
 10 ditions of the award described in subsection (a).

11 (c) COVERED AWARD DEFINED.—In this section, the
 12 term “covered award” means an award made in support
 13 of the efforts led by the Department of Health and
 14 Human Services and the Department of Defense, known
 15 as Operation Warp Speed, to accelerate the development,
 16 acquisition, and distribution of vaccines and other thera-
 17 pies to address the COVID–19 pandemic, and any suc-
 18 cessor efforts.

19 **Subtitle E—Industrial Base Matters**

20 **SEC. 851. RECOGNITION OF AN ASSOCIATION OF ELIGIBLE** 21 **ENTITIES THAT PROVIDE PROCUREMENT** 22 **TECHNICAL ASSISTANCE.**

23 (a) REGULATIONS.—Section 4953 of title 10, United
 24 States Code, is amended by inserting “, and shall consult
 25 with an association recognized under section 4954(f) re-

1 garding any revisions to such regulations” before the pe-
2 riod at the end.

3 (b) COOPERATIVE AGREEMENTS.—Section 4954 of
4 title 10, United States Code, is amended by adding at the
5 end the following new subsections:

6 “(f) ASSOCIATION RECOGNITION AND DUTIES.—Eli-
7 gible entities that provide procurement technical assist-
8 ance pursuant to this chapter may form an association to
9 pursue matters of common concern. If more than a major-
10 ity of such eligible entities are members of such an asso-
11 ciation, the Secretary shall—

12 “(1) recognize the existence and activities of
13 such an association; and

14 “(2) jointly develop with such association a
15 model cooperative agreement that may be used at
16 the option of the Secretary and an eligible entity.”.

17 (c) FUNDING.—Section 4955(a)(1) of title 10, United
18 States Code, is amended by striking “\$1,000,000” and in-
19 serting “\$1,500,000”.

20 (d) ADMINISTRATIVE AND OTHER LOGISTICAL
21 COSTS.—Section 4961 of title 10, United States Code, is
22 amended—

23 (1) in the matter preceding paragraph (1), by
24 striking “Director of the Defense Logistics Agency”
25 and inserting “Secretary”;

1 (2) in paragraph (1), by striking “three” and
2 inserting “four”; and

3 (3) in paragraph (2)—

4 (A) in the matter preceding subparagraph
5 (A)—

6 (i) by striking “Director” and insert-
7 ing “Secretary”; and

8 (ii) by striking “entities —” and in-
9 serting “entities—”; and

10 (B) in subparagraph (A), by inserting “,
11 including meetings of an association recognized
12 under section 4954(f),” after “meetings”.

13 **SEC. 852. UPDATE TO PLAN ON REDUCTION OF RELIANCE**
14 **ON SERVICES, SUPPLIES, OR MATERIALS**
15 **FROM COVERED COUNTRIES.**

16 Section 847 of the National Defense Authorization
17 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
18 1843; 10 U.S.C. 4811 note) is amended—

19 (1) in subsection (b), by adding at the end the
20 following: “The report shall—

21 “(1) identify the services, supplies, or materials
22 described in subsection (a) that are necessary to
23 meet critical defense requirements in the event of a
24 crisis or conflict;

1 “(2) assess the priority of such services, sup-
2 plies, and materials; and

3 “(3) provide options for reducing the reliance of
4 the United States on services, supplies, or materials
5 obtained from sources located in geographic areas
6 controlled by covered countries.”;

7 (2) by redesignating subsection (c) as sub-
8 section (e); and

9 (3) by inserting after subsection (b) the fol-
10 lowing new subsections:

11 “(c) BIENNIAL REVIEW.—

12 “(1) IN GENERAL.—Not later than two years
13 after the date on which the Secretary of Defense
14 submits the report under subsection (b), and every
15 two years thereafter, the Secretary shall review and
16 update the plan required under subsection (a) to en-
17 sure that the plan continues to accomplish the goals
18 described in such subsection.

19 “(2) REPORT.—

20 “(A) IN GENERAL.—Not later than 90
21 days after the Secretary of Defense completes a
22 review under paragraph (1), the Secretary shall
23 submit to the congressional defense committees
24 a report on such review, including—

1 “(i) a description of the steps taken to
2 implement the plan required under sub-
3 section (a);

4 “(ii) a description of, and explanation
5 for, any updates made to such plan under
6 paragraph (1); and

7 “(iii) an updated assessment of the
8 priority of the services, supplies, or mate-
9 rials described in subsection (a) that are
10 necessary to meet critical defense require-
11 ments in the event of a crisis or conflict.

12 “(B) SUNSET.—This paragraph shall ter-
13 minate on the date that is six years after the
14 date on which the Secretary submits the first
15 report required under subparagraph (A).

16 “(d) REPORT FORM.—The reports required under
17 subsection (b) and (c)(2) shall be submitted in an unclassi-
18 fied form, but may contain a classified annex.”.

19 **SEC. 853. MODIFICATION TO PROHIBITION ON CERTAIN**
20 **PROCUREMENTS FROM THE XINJIANG**
21 **UYGHUR AUTONOMOUS REGION.**

22 Section 848(a) of the National Defense Authorization
23 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.
24 4651 note prec.; 135 Stat. 1843) is amended by striking
25 “for fiscal year 2022”.

1 **SEC. 854. CODIFICATION OF THE DEPARTMENT OF DE-**
2 **FENSE MENTOR-PROTEGE PROGRAM.**

3 (a) IN GENERAL.—Section 831 of the National De-
4 fense Authorization Act for Fiscal Year 1991 (10 U.S.C.
5 4901 note prec.) is transferred to subchapter I of chapter
6 387 of title 10, United States Code, inserted after section
7 4901, and redesignated as section 4902.

8 (b) AMENDMENTS.—Section 4902 of title 10, United
9 States Code, as so transferred and redesignated, is amend-
10 ed—

11 (1) in the heading, by striking “**MENTOR-PRO-**
12 **TEGE PILOT**” and inserting “**DEPARTMENT OF**
13 **DEFENSE MENTOR-PROTEGE**”;

14 (2) in subsections (a) and (c), by striking the
15 term “pilot” each place it appears;

16 (3) in subsection (d)(1)(B)(iii)—

17 (A) in subclause (I), by striking
18 “\$100,000,000” and inserting “\$25,000,000”;
19 and

20 (B) in subclause (II), by striking “sub-
21 section (k)” and inserting “subsection (j)”;

22 (4) in subsection (e)(2), by striking “two years”
23 each place it appears and inserting “three years”;

24 (5) in subsection (f)(1)(B), by inserting “manu-
25 facturing, test and evaluation,” after “inventory con-
26 trol,”;

1 (6) in subsection (g)(3)(C), by striking “sub-
2 section (k)” and inserting “subsection (j)”;

3 (7) by striking subsection (j);

4 (8) by redesignating subsections (k) through
5 (n) as subsections (j) through (m), respectively;

6 (9) in subsection (j), as so redesignated—

7 (A) by striking the term “pilot” each place
8 it appears;

9 (B) by striking “by which mentor firms”
10 and inserting “by which the parties”; and

11 (C) by striking “The Secretary shall pub-
12 lish” and all that follows through “270 days
13 after the date of the enactment of this Act.”;

14 (10) in subsection (l), as so redesignated, by
15 striking “subsection (l)” and inserting “subsection
16 (k)”;

17 (11) by amending subsection (m), as so redesign-
18 ated, to read as follows:

19 “(m) TRANSITION REPORT.—Not later than July 1,
20 2023, the Secretary of Defense shall submit to the con-
21 gressional defense committees a report on the implementa-
22 tion of the amendments to the Mentor-Protege Program
23 made in the National Defense Authorization Act for Fiscal
24 Year 2023, including the efforts made to establish per-
25 formance goals and outcome-based metrics and an evalua-

1 tion of whether the Mentor-Protege Program is achieving
2 such performance goals and outcome-based metrics.”; and

3 (12) by inserting after subsection (m), as so re-
4 designated, the following new subsection:

5 “(n) PROTEGE TECHNICAL REIMBURSEMENT PILOT
6 PROGRAM.—

7 “(1) IN GENERAL.—Not later than July 1,
8 2023, the Director of the Office of Small Business
9 Programs of the Department of Defense shall estab-
10 lish a pilot program under which a protege firm may
11 receive up to 25 percent of the reimbursement for
12 which the mentor firm of such protege firm is eligi-
13 ble under the Mentor-Protege Program for engineer-
14 ing, software development, or manufacturing
15 customization that the protege firm must perform
16 for a technology solution of the protege firm to be
17 ready for integration with programs or systems of
18 the Department of Defense.

19 “(2) TERMINATION.—The pilot program estab-
20 lished under paragraph (1) shall terminate on the
21 date that is five years after the date on which the
22 pilot program is established.”.

23 (c) CLERICAL AMENDMENT.—The table of sections
24 for subchapter I of chapter 387 of title 10, United States

1 Code, is amended by adding at the end the following new
2 item:

“4902. Department of Defense Mentor–Protege Program.”.

3 (d) CONFORMING AMENDMENT.—

4 (1) BUY INDIAN ACT.—Section 23(a)(2) of the
5 Act of June 25, 1910 (commonly known as the
6 “Buy Indian Act”) (36 Stat. 861, 25 U.S.C.
7 47(a)(2)) is amended by striking “section 831(c) of
8 the National Defense Authorization Act for Fiscal
9 Year 1991 (10 U.S.C. 2302 note; Public Law 101–
10 510)” and inserting “section 4902(c) of title 10,
11 United States Code”.

12 (2) SMALL BUSINESS ACT.—Section 8(d)(12) of
13 the Small Business Act (15 U.S.C. 637(d)(12)) is
14 amended—

15 (A) by striking “the pilot Mentor-Protege
16 Program established pursuant to section 831 of
17 the National Defense Authorization Act for Fis-
18 cal Year 1991 (Public Law 101–510; 10 U.S.C.
19 2301 note)” and inserting “the Mentor-Protege
20 Program established under section 4902 of title
21 10, United States Code,”; and

22 (B) by striking “subsection (g)” and in-
23 serting “subsection (f)”.

24 (e) REGULATIONS.—Not later than December 31,
25 2023, the Secretary of Defense shall issue regulations for

1 carrying out section 4902 of title 10, United States Code,
2 as amended by this section.

3 (f) AGREEMENTS UNDER PILOT PROGRAM.—The
4 amendments made by this section shall not apply with re-
5 spect to any agreement entered into under the program
6 as established under section 831 of the National Defense
7 Authorization Act for Fiscal Year 1991 (Public Law 101–
8 510; 104 Stat. 1607) prior to the date of the enactment
9 of this Act.

10 **SEC. 855. MICROLOAN PROGRAM; DEFINITIONS.**

11 Paragraph (11) of section 7(m) of the Small Business
12 Act (15 U.S.C. 636(m)(11)) is amended—

13 (1) in clause (ii) of subparagraph (C), by strik-
14 ing “rural” and all that follows to the end of the
15 clause and inserting “rural;”;

16 (2) in subparagraph (D), by striking the period
17 at the end and inserting “; and”; and

18 (3) by adding at the end the following new sub-
19 paragraph:

20 “(E) the term ‘State’ means each of the
21 several States, the District of Columbia, the
22 Commonwealth of Puerto Rico, the Virgin Is-
23 lands of the United States, Guam, the Com-
24 monwealth of the Northern Mariana Islands,
25 and American Samoa.”.

1 **SEC. 856. SMALL BUSINESS INNOVATION PROGRAM EXTEN-**
2 **SION.**

3 Section 9 of the Small Business Act (15 U.S.C. 638)
4 is amended by striking “2022” each place it appears and
5 inserting “2024”.

6 **SEC. 857. PROHIBITION ON COVERED AIRPORT CONTRACTS**
7 **WITH CERTAIN ENTITIES.**

8 (a) IN GENERAL.—The Secretary of Defense may not
9 award a contract for the procurement of infrastructure or
10 equipment for a passenger boarding bridge at a covered
11 airport to a covered contractor.

12 (b) DEFINITIONS.—In this section:

13 (1) The term “covered airport” means a mili-
14 tary airport designated by the Secretary of Trans-
15 portation under section 47118(a) of title 49, United
16 States Code.

17 (2) The term “covered contractor” means a
18 contractor of the Department of Defense—

19 (A) that—

20 (i) is owned, directed, or subsidized by
21 the People’s Republic of China; and

22 (ii) has been determined by a Federal
23 court to have misappropriated intellectual
24 property or trade secrets from an entity
25 organized under the laws of the United

1 States or any jurisdiction within the
2 United States; and

3 (B) that—

4 (i) owns or controls, is owned or con-
5 trolled by, is under common ownership or
6 control with, or is a successor to an entity
7 described in subparagraph (A); or

8 (ii) has entered into an agreement,
9 partnership, or other contractual arrange-
10 ment with such an entity; or

11 (iii) has accepted funding (regardless
12 of whether such funding is in the form of
13 minority investment interest or debt) from
14 such an entity.

15 **SEC. 858. RISK MANAGEMENT FOR DEPARTMENT OF DE-**
16 **FENSE SUPPLY CHAINS.**

17 (a) RISK MANAGEMENT FOR ALL DEPARTMENT OF
18 DEFENSE SUPPLY CHAINS.—Not later than 180 days
19 after the date of the enactment of this Act, the Under
20 Secretary of Defense for Acquisition and Sustainment
21 shall—

22 (1) develop and issue implementing guidance
23 for risk management for Department of Defense
24 supply chains for materiel for the Department, in-
25 cluding pharmaceuticals;

1 (2) identify, in coordination with the Commis-
2 sioner of Food and Drugs, supply chain information
3 gaps regarding reliance on foreign suppliers of
4 drugs, including active pharmaceutical ingredients
5 and final drug products; and

6 (3) submit to Congress a report regarding—

7 (A) existing information streams, if any,
8 that may be used to assess the reliance by the
9 Department of Defense on high-risk foreign
10 suppliers of drugs;

11 (B) vulnerabilities in the drug supply
12 chains of the Department of Defense; and

13 (C) any recommendations to address—

14 (i) information gaps identified under
15 paragraph (2); and

16 (ii) any risks related to such reliance
17 on foreign suppliers.

18 (b) RISK MANAGEMENT FOR DEPARTMENT OF DE-
19 FENSE PHARMACEUTICAL SUPPLY CHAIN.—The Director
20 of the Defense Health Agency shall—

21 (1) not later than one year after the issuance
22 of the guidance required by subsection (a)(1), de-
23 velop and publish implementing guidance for risk
24 management for the Department of Defense supply
25 chain for pharmaceuticals; and

1 (2) establish a working group—

2 (A) to assess risks to the pharmaceutical
3 supply chain;

4 (B) to identify the pharmaceuticals most
5 critical to beneficiary care at military treatment
6 facilities; and

7 (C) to establish policies for allocating
8 scarce pharmaceutical resources in case of a
9 supply disruption.

10 (c) RESPONSIVENESS TESTING OF DEFENSE LOGIS-
11 TICS AGENCY PHARMACEUTICAL CONTRACTS.—The Di-
12 rector of the Defense Logistics Agency shall modify De-
13 fense Logistics Agency Instructions 5025.03 and
14 3110.01—

15 (1) to require Defense Logistics Agency Troop
16 Support to coordinate annually with customers in
17 the military departments to conduct responsiveness
18 testing of the Defense Logistics Agency's contin-
19 gency contracts for pharmaceuticals; and

20 (2) to include the results of that testing, as re-
21 ported by customers in the military departments, in
22 the annual reports of the Warstopper Program.

1 **SEC. 859. REVIEW OF ADVANCES IN DOMESTIC PRODUC-**
2 **TION OF CARBON FIBER.**

3 (a) REVIEW REQUIRED.—The Secretary of Defense
4 shall conduct a review of the Department of Defense car-
5 bon fiber requirements necessary for current and future
6 weapon system production and sustainment, including—

7 (1) an examination of the access to domestically
8 produced carbon fiber to meet the requirements of
9 the Department; and

10 (2) a review of developments in advanced car-
11 bon fiber production processes that can—

12 (A) lower embedded energy consumption
13 and improve sustainability;

14 (B) enable scalable production of carbon
15 fiber and lower production costs; and

16 (C) enhance competition and resilience in
17 the United States industrial base.

18 (b) REPORT.—Not later than June 1, 2023, the Sec-
19 retary of Defense shall provide to the congressional de-
20 fense committees a report of the findings of the review
21 described in subsection (a), including any recommenda-
22 tions the Secretary may have for ensuring the Department
23 of Defense access to sustainable, affordable, and domesti-
24 cally produced carbon fiber.

1 **SEC. 859A. EXTENSION OF TRANSFER DATE FOR THE**
2 **VERIFICATION OF SMALL BUSINESS CON-**
3 **CERNS OWNED AND CONTROLLED BY VET-**
4 **ERANS OR SERVICE-DISABLED VETERANS TO**
5 **THE SMALL BUSINESS ADMINISTRATION.**

6 Section 862(a) of the National Defense Authorization
7 Act for Fiscal Year 2021 (Public Law 116–283; 15 U.S.C.
8 657f) by striking “means” and all that follows through
9 the period at the end and inserting “means January 1,
10 2024.”.

11 **SEC. 859B. APPLICATION OF PRICE EVALUATION PREF-**
12 **ERENCE FOR QUALIFIED HUBZONE SMALL**
13 **BUSINESS CONCERNS TO CERTAIN CON-**
14 **TRACTS.**

15 (a) IN GENERAL.—Section 31(c)(3) of the Small
16 Business Act (15 U.S.C. 657a(c)(3)) is amended by add-
17 ing at the end the following new subparagraph:

18 “(E) APPLICATION TO CERTAIN CON-
19 TRACTS.—The requirements of subparagraph
20 (A) shall apply to an unrestricted order issued
21 under an unrestricted multiple award contract
22 or the unrestricted portion of a contract that is
23 partially set aside for competition restricted to
24 small business concerns.”.

25 (b) RULEMAKING.—Not later than 90 days after the
26 date of the enactment of this section, the Administrator

1 of the Small Business Administration shall revise any rule
 2 or guidance to implement the requirements of this section.

3 **SEC. 859C. CODIFICATION OF SMALL BUSINESS ADMINIS-**
 4 **TRATION SCORECARD.**

5 (a) IN GENERAL.—Section 868(b) of the National
 6 Defense Authorization Act for Fiscal Year 2016 (15
 7 U.S.C. 644 note) is transferred to section 15 of the Small
 8 Business Act (15 U.S.C. 644), inserted after subsection
 9 (x), redesignated as subsection (y), and amended—

10 (1) by striking paragraphs (1), (6), and (7);

11 (2) by redesignating paragraph (2), (3), and (4)
 12 as paragraphs (1), (2), and (3), respectively;

13 (3) by redesignating paragraph (8) as para-
 14 graph (6);

15 (4) in paragraph (1) (as so redesignated), by
 16 striking “Beginning in” and all that follows through
 17 “to evaluate” and inserting “The Administrator
 18 shall use a scorecard to annually evaluate”;

19 (5) in paragraph (2) (as so redesignated)—

20 (A) in the matter preceding subparagraph

21 (A)—

22 (i) by striking “developed under para-
 23 graph (1)”;

24 (ii) by inserting “and Government-
 25 wide” after “each Federal agency”; and

1 (B) in subparagraph (A), by striking “sec-
2 tion 15(g)(1)(B) of the Small Business Act (15
3 U.S.C. 644(g)(1)(B))” and inserting “sub-
4 section (g)(1)(B)”;

5 (6) in paragraph (3) (as so redesignated)—

6 (A) in subparagraph (A), by striking
7 “paragraph (3)(A)” and inserting “paragraph
8 (2)(A)”;

9 (B) in subparagraph (B), by striking
10 “paragraph (3)” and inserting “paragraph
11 (2)”;

12 (7) by inserting after paragraph (3) (as so re-
13 designated) the following new paragraph:

14 “(4) ADDITIONAL REQUIREMENTS FOR SCORE-
15 CARDS.—The scorecard shall include, for each Fed-
16 eral agency and Governmentwide, the following in-
17 formation with respect to prime contracts:

18 “(A) The number (expressed as a percent-
19 age) and total dollar amount of awards made to
20 small business concerns owned and controlled
21 by women through sole source contracts and
22 competitions restricted to small business con-
23 cerns owned and controlled by women under
24 section 8(m).

1 “(B) The number (expressed as a percent-
2 age) and total dollar amount of awards made to
3 small business concerns owned and controlled
4 by qualified HUBZone small business concerns
5 through sole source contracts and competitions
6 restricted to qualified HUBZone small business
7 concerns under section 31(c)(2).

8 “(C) The number (expressed as a percent-
9 age) and total dollar amount of awards made to
10 small business concerns owned and controlled
11 by service-disabled veterans through sole source
12 contracts and competitions restricted to small
13 business concerns owned and controlled by serv-
14 ice-disabled veterans under section 36.

15 “(D) The number (expressed as a percent-
16 age) and total dollar amount of awards made to
17 socially and economically disadvantaged small
18 business concerns under section 8(a) through
19 sole source contracts and competitions re-
20 stricted to socially and economically disadvan-
21 taged small business concerns, disaggregated by
22 awards made to such concerns that are owned
23 and controlled by individuals and awards made
24 to such concerns that are owned and controlled
25 by an entity.”;

1 (8) in paragraph (5), by striking “section
2 15(h)(2) of the Small Business Act (15 U.S.C.
3 644(h)(2))” and inserting “subsection (h)(2)”; and
4 (9) by amending paragraph (6) (as so redesign-
5 nated) to read as follows:

6 “(6) SCORECARD DEFINED.—In this subsection,
7 the term ‘scorecard’ means any summary using a
8 rating system to evaluate the efforts of a Federal
9 agency to meet goals established under subsection
10 (g)(1)(B) that—

11 “(A) includes the measures described in
12 paragraph (2); and

13 “(B) assigns a score to each Federal agen-
14 cy evaluated.”.

15 (b) CONFORMING AMENDMENT.—Section 15(x)(2) of
16 the Small Business Act is amended by striking “scorecard
17 described in section 868(b) of the National Defense Au-
18 thorization Act for Fiscal Year 2016 (15 U.S.C. 644
19 note)” and inserting “scorecard (as defined in subsection
20 (y))”.

21 **SEC. 859D. MODIFICATIONS TO THE NONMANUFACTURER**
22 **RULE.**

23 (a) IN GENERAL.—Section 8(a)(17) of the Small
24 Business Act (15 U.S.C. 637(a)(17)) is amended by add-
25 ing at the end the following new subparagraphs:

1 “(D) DENIALS.—Upon denial of a waiver under
2 subparagraph (B)(iv)(I), the Administrator shall
3 provide a justification of such denial, and if appro-
4 priate, make recommendations (including examples)
5 for resubmitting a request for a waiver.

6 “(E) INFORMATION REQUIRED FOR GRANTED
7 WAIVERS.—A waiver granted under subparagraph
8 (B)(iv)(I) shall include the following information:

9 “(i) The date on which the waiver termi-
10 nates.

11 “(ii) A statement specifying that the con-
12 tract to supply any product for which the waiv-
13 er was granted must be awarded prior to the
14 termination date in clause (i).

15 “(iii) The total dollar value of the products
16 that are subject to the waiver.

17 “(iv) An exclusive list of specific products
18 identified by the Administrator that are subject
19 to the waiver, regardless of the determination of
20 the contracting officer submitted under such
21 subparagraph.

22 “(v) A list of actions taken by the con-
23 tracting Federal agency for which a new such
24 determination shall be required, including—

1 “(I) modifications to the scope of the
2 contract for which the waiver was granted;
3 and

4 “(II) modifications to the contract
5 type of such contract.

6 “(F) MODIFICATIONS.—If a Federal agency
7 modifies a contract for which a waiver was granted
8 under subparagraph (B)(iv)(I) in a manner de-
9 scribed in subparagraph (E)(v), the head of such
10 Federal agency shall notify the Administrator and
11 seek a new waiver under subparagraph (B)(iv)(I).”.

12 (b) CONGRESSIONAL NOTIFICATION AND PUBLICA-
13 TION.—Not later than 15 days after the date of the enact-
14 ment of this Act, the Administrator of the Small Business
15 Administration shall publish on a website of the Adminis-
16 tration and submit to the Committee on Small Business
17 of the House of Representatives and the Committee on
18 Small Business and Entrepreneurship of the Senate any
19 program guidance or standard operating procedures of the
20 Administration relating to the process by which the Ad-
21 ministrator grants waivers under section
22 8(a)(17)(B)(iv)(I) of the Small Business Act (15 U.S.C.
23 637(a)(17)(B)(iv)(I)).

1 **SEC. 859E. STUDY ON SMALL BUSINESS ASSISTANCE TO**
2 **FOREIGN-BASED COMPANIES.**

3 (a) STUDY.—The Comptroller General of the United
4 States shall conduct a study to determine the amount of
5 small business assistance that has been received by for-
6 eign-based small business concerns during the period be-
7 ginning on March 1, 2020, and ending on the date of the
8 enactment of this Act.

9 (b) REPORT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the
12 Comptroller General shall submit to Congress a re-
13 port on the findings of the study conducted under
14 subsection (a), including the amount of small busi-
15 ness assistance that has been received by foreign-
16 based small business concerns in total and
17 disaggregated by country of origin.

18 (2) IDENTIFIABLE OR PROPRIETARY INFORMA-
19 TION.—The Comptroller General shall ensure that
20 the report submitted under paragraph (1) does not
21 include any identifiable or proprietary information of
22 any foreign-based small business concern.

23 (c) DEFINITIONS.—In this section:

24 (1) COUNTRY OF ORIGIN.—The term “country
25 of origin” means the country, other than the United
26 States—

1 (A) in which a foreign-based small business
2 concern is headquartered;

3 (B) under the laws of which an entity own-
4 ing or holding, directly or indirectly, not less
5 than 25 percent of the economic interest of a
6 foreign-based small business concern is orga-
7 nized; or

8 (C) of which a person owning or holding,
9 directly or indirectly, not less than 25 percent
10 of the economic interest of a foreign-based
11 small business concern is a citizen.

12 (2) FOREIGN-BASED SMALL BUSINESS CON-
13 CERN.—The term “foreign-based small business con-
14 cern” means a small business concern—

15 (A) that is headquartered in a country
16 other than the United States; or

17 (B) for which an entity organized under
18 the laws of a country other than the United
19 States, or a citizen of such a country, owns or
20 holds, directly or indirectly, not less than 25
21 percent of the economic interest of the small
22 business concern, including as equity shares or
23 a capital or profit interest in a limited liability
24 company or partnership.

1 (3) SMALL BUSINESS ASSISTANCE.—The term
2 “small business assistance” means any Federal
3 funds and other benefits available to small business
4 concerns under programs administered by the Small
5 Business Administration, including—

6 (A) loans, whether directly or indirectly
7 made;

8 (B) grants; and

9 (C) contracting preferences.

10 (4) SMALL BUSINESS CONCERN.—The term
11 “small business concern” has the meaning given
12 such term under section 3 of the Small Business Act
13 (15 U.S.C. 632).

14 **SEC. 859F. REPORT ON STRATEGIC AND CRITICAL MATE-**
15 **RIALS.**

16 (a) FINDINGS.—Congress finds that the annex pro-
17 vided by the Department of Defense under section 851
18 of the William M. (Mac) Thornberry National Defense Au-
19 thorization Act for Fiscal Year 2021 (Public Law 116-
20 283; 134 Stat. 3773) did not contain every element re-
21 quired under such section.

22 (b) REPORT REQUIRED.—Not later than June 1,
23 2023, the Under Secretary of Defense for Acquisition and
24 Sustainment shall submit to the Committees on Armed
25 Services of the Senate and the House of Representatives

1 a report describing strategic and critical materials require-
2 ments of the Department of Defense, including the gaps
3 and vulnerabilities in supply chains of such materials.

4 (c) ELEMENTS.—The Under Secretary of Defense for
5 Acquisition and Sustainment shall include in the report
6 required by subsection (b) the following:

7 (1) The overall annual tonnage of each strategic
8 or critical material used by the Department of De-
9 fense during the 10-year period ending on December
10 31, 2021.

11 (2) An evaluation of the benefits of a robust do-
12 mestic supply chain for strategic and critical mate-
13 rials.

14 (3) An evaluation of the effects of the use of
15 waivers by the Strategic Materials Protection Board
16 established under section 187 of title 10, United
17 States Code, on the domestic supply of strategic and
18 critical materials.

19 (4) An identification of the improvements to the
20 National Defense Stockpile that are required to fur-
21 ther ensure that the Department of Defense has ac-
22 cess to strategic and critical materials, aligning the
23 goals of the stockpile with those of the Department
24 and prioritize existing and future needs for emerging
25 technologies.

1 (5) An evaluation of the domestic processing
2 and manufacturing capacity required to supply stra-
3 tegic and critical materials to the Department of De-
4 fense, including identifying, in consultation with the
5 Director of the United States Geological Survey, do-
6 mestic locations of proven sources of such strategic
7 and critical materials with existing commercial man-
8 ufacturing capabilities.

9 (6) An identification of all minerals that are
10 strategic and critical materials, and supply chains
11 for such minerals, that originate in or pass through
12 the Russian Federation.

13 (7) An evaluation of the process required to im-
14 mediately halt the procurement of minerals de-
15 scribed in paragraph (6) or products by the Govern-
16 ment without adversely affecting national security.

17 (8) Any limits on the availability of information
18 preventing or limiting the Under Secretary from
19 fully addressing an element described in paragraphs
20 (1) through (7) in the report.

21 (9) Any legislative recommendations, statutory
22 authority, or appropriations necessary to improve
23 the ability of the Department to monitor and ad-
24 dress its strategic and critical materials require-
25 ments.

1 (d) FORM.—The report required in subsection (b)
2 shall be submitted in unclassified form but may include
3 a classified annex.

4 (e) STRATEGIC AND CRITICAL MATERIALS DE-
5 FINED.—In this section, the term “strategic and critical
6 materials” has the meaning given such term in section 12
7 of the Strategic and Critical Materials Stock Piling Act
8 (50 U.S.C. §98h–3).

9 **SEC. 859G. REPORT AND MODIFICATION TO THE NATIONAL**
10 **TECHNOLOGY AND INDUSTRIAL BASE.**

11 (a) MODIFICATION TO THE NATIONAL TECHNOLOGY
12 AND INDUSTRIAL BASE.—Section 4801(1) of title 10,
13 United States Code, is amended by inserting “New Zea-
14 land,” after “Australia,”.

15 (b) REPORT REQUIRED.—Not later than March 1,
16 2023, the Secretary of Defense (or a designee) shall brief
17 the Committees on Armed Services of the House of Rep-
18 resentatives and the Senate on integration of the national
19 technology and industrial base (as defined in section 4801
20 of title 10, United States Code). The report shall include,
21 at a minimum, the following elements:

22 (1) Progress towards implementation of the
23 plan to increase integration of the national tech-
24 nology and industrial base developed pursuant to
25 section 881(a) of the National Defense Authoriza-

tion Act for Fiscal Year 2017 (Public Law 114–328;
10 U.S.C. 2501 note).

(2) Examples of successful cross border integration under the national technology and industrial base that has enhanced national security and reduced barriers to collaboration.

(3) Recommendations for improving the integration of the national technology and industrial base.

SEC. 859H. SENSE OF CONGRESS ON MODERNIZING DEFENSE SUPPLY CHAIN MANAGEMENT.

(a) FINDINGS.—Congress finds the following:

(1) The continued modernize Department of Defense supply chain management using private sector best practices where applicable is imperative to run effective domestic and overseas operations, ensure timely maintenance, and sustain military forces.

(2) Congress supports the continued development and integration by the Secretary of Defense of advanced digital supply chain management and capabilities. These capabilities should include tools that digitize data flows in order to transition from older, inefficient manual systems, modernize warehouse operations of the Department of Defense to use digitized data management and inventory con-

1 trol, and maximize cybersecurity protection of logis-
2 tics processes.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that, to meet the unique needs of the Department
5 of Defense regarding continuity of supply chain manage-
6 ment in both garrison and deployed or austere environ-
7 ments, the Department must prioritize digital supply
8 chain management solutions that use durable devices and
9 technologies designed to operate in remote regions with
10 limited network connectivity.

11 **SEC. 859I. PROHIBITION ON THE USE OF LOGINK.**

12 (a) PROHIBITION.—

13 (1) IN GENERAL.—The Secretary of Defense,
14 each Secretary of a military department, and a de-
15 fense contractor may not use LOGINK.

16 (2) APPLICABILITY.—With respect to defense
17 contractors, the prohibition in subsection (a) shall
18 apply—

19 (A) with respect to any contract of the De-
20 partment of Defense entered into on or after
21 the date of the enactment of this section;

22 (B) with respect to the use of LOGINK in
23 the performance of such contract.

24 (b) CONTRACTING PROHIBITION.—

1 (1) IN GENERAL.—The Secretary of Defense
2 and each Secretary of a military department may
3 not enter into any contract with an entity that uses
4 LOGINK and shall prohibit the use of LOGINK in
5 any contract entered into by the Department of De-
6 fense.

7 (2) DEFENSE CONTRACTOR.—With respect to
8 any contract of the Department of Defense, a de-
9 fense contractor may not enter into a subcontract
10 with an entity that uses LOGINK.

11 (3) APPLICABILITY.—This subsection applies
12 with respect to any contract entered into on or after
13 the date of the enactment of this section.

14 (c) LOGINK DEFINED.—In this section, the term
15 “LOGINK” means the public, open, shared logistics infor-
16 mation network known as the National Public Information
17 Platform for Transportation & Logistics by the Ministry
18 of Transport of China.

19 **SEC. 859J. REPORT ON TRANSITION TO PHASE III FOR**
20 **SMALL BUSINESS INNOVATION RESEARCH**
21 **AND SMALL BUSINESS TECHNOLOGY TRANS-**
22 **FER PROGRAM AWARDS.**

23 (a) REPORT REQUIRED.—On an annual basis, each
24 Secretary of a military department (as defined in section
25 101 of title 10, United States Code) shall collect and sub-

1 mit to the President for inclusion in each budget sub-
2 mitted to Congress under section 1105 of title 31, United
3 States Code, data on the Phase I, Phase II, and Phase
4 III awards under the SBIR and STTR programs of the
5 military department of the Secretary for the immediately
6 preceding five fiscal years, including—

7 (1) the aggregate funding amount for Phase III
8 awards in relevant program offices, as selected by
9 the each Secretary of a military department;

10 (2) the change in Phase III funding during the
11 period covered by the report such selected program
12 offices;

13 (3) the number of SBIR awards made by such
14 selected program offices in under 180 days during
15 the period covered by the report; and

16 (4) where possible, an identification of specific
17 recommendations from each Secretary of a military
18 department on opportunities to identify and expand
19 best practices that demonstrate growth in Phase III
20 award funding.

21 (b) DEFINITIONS.—In this section, the terms “Phase
22 I”, “Phase II”, “Phase III”, “SBIR”, and “STTR” have
23 the meanings given those terms, respectively, in section
24 9(e) of the Small Business Act (15 U.S.C. 638(e)).

1 **SEC. 859K. EXTENSION OF PARTICIPATION IN 8(A) PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—A covered small business concern
4 may, subject to the regulations issued by the Adminis-
5 trator of the Small Business Administration under sub-
6 section (b), elect to extend the period in which such cov-
7 ered small business concern participates in the program
8 established under section 8(a) of such Act (15 U.S.C.
9 637(a)) by one year.

10 (b) EMERGENCY RULEMAKING AUTHORITY.—Not
11 later than 45 days after the date of enactment of this Act,
12 the Administrator of the Small Business Administration
13 shall issue regulations to carry out this section without
14 regard to the notice requirements under section 553(b) of
15 title 5, United States Code.

16 (c) COVERED SMALL BUSINESS CONCERN DE-
17 FINED.—

18 (1) IN GENERAL.—In this section, the term
19 “covered small business concern” means a small
20 business concern (as defined under section 3 of the
21 Small Business Act (15 U.S.C. 632)) that—

22 (A) participated in the program established
23 under section 8(a) of the Small Business Act
24 (15 U.S.C. 637(a)) at any point during the pe-
25 riod beginning on September 10, 2020, and
26 ending on the date of the enactment of this Act,

1 including a small business concern that grad-
2 uated during such period;

3 (B) was not terminated or early graduated
4 from such program during such period; and

5 (C) did not voluntarily elect to cease par-
6 ticipating in such program during such period
7 as an alternative to termination or early grad-
8 uation from such program, as determined by
9 the Administrator of the Small Business Ad-
10 ministration.

11 **SEC. 859L. ACCESS TO CONTRACT BUNDLING DATA.**

12 Section 15(p) of the Small Business Act (15 U.S.C.
13 644(p)) is amended—

14 (1) by amending paragraph (1) to read as fol-
15 lows:

16 “(1) DEFINITIONS.—In this subsection:

17 “(A) BUNDLED CONTRACT.—The term
18 ‘bundled contract’ has the meaning given such
19 term in section 3(o) of the Small Business Act
20 (15 U.S.C. 632(o)).

21 “(B) CONSOLIDATED CONTRACT.—The
22 term ‘consolidated contract’ means a contract
23 resulting from the consolidation of contracting
24 requirements (as defined in section 44(a) of the
25 Small Business Act (15 U.S.C. 657q(a))).”;

1 (2) in paragraph (4)—

2 (A) in the heading, by inserting “AND CON-
3 SOLIDATION” after “BUNDLING”;

4 (B) in subparagraph (A), by inserting
5 “and consolidation” after “contract bundling”;
6 and

7 (C) in subparagraph (B)—

8 (i) in clause (i), by inserting “or con-
9 solidated” after “of bundled”; and

10 (ii) in clause (ii)—

11 (I) in the matter preceding sub-
12 clause (I), by inserting “or consoli-
13 dated” after “previously bundled”;

14 (II) in subclause (I), by inserting
15 “or consolidated” after “were bun-
16 dled”; and

17 (III) in subclause (II)—

18 (aa) by inserting “or consoli-
19 dated” after “to each bundled”;

20 (bb) in item (aa), by insert-
21 ing “or consolidation” after “the
22 bundling”;

23 (cc) in item (bb), by insert-
24 ing “or consolidating” after “by
25 bundling”;

1 (dd) in item (cc), by insert-
2 ing “or consolidated” after “the
3 bundled”;

4 (ee) in item (dd), by insert-
5 ing “or consolidating” after “the
6 bundling”; and

7 (ff) in item (ee)—

8 (AA) by inserting “or
9 consolidating” after “the
10 bundling”; and

11 (BB) by inserting
12 “bundled or” after “as
13 prime contractors for the”;
14 and

15 (3) in paragraph (5)(B), by striking “provide,
16 upon request” and all that follows and inserting the
17 following: “provide to the Administration procure-
18 ment information referred to in this subsection for
19 the contracting agency, including the data and infor-
20 mation described in paragraph (2) and the informa-
21 tion described in paragraph (4).”.

1 **SEC. 859M. REPORT ON SMALL BUSINESS CONCERNS**
2 **OWNED AND CONTROLLED BY WOMEN.**

3 (a) IN GENERAL.—Section 8(m) of the Small Busi-
4 ness Act (15 U.S.C. 637(m)) is amended by adding at the
5 end the following new paragraph:

6 “(9) REPORT.—Not later than May 1, 2023,
7 and annually thereafter, the Administrator shall sub-
8 mit to the Committee on Small Business of the
9 House of Representatives and the Committee on
10 Small Business and Entrepreneurship of the Senate
11 a report on small business concerns owned and con-
12 trolled by women. Such report shall include, for the
13 fiscal year preceding the date of the report, the fol-
14 lowing:

15 “(A) The total number of concerns cer-
16 tified as small business concerns owned and
17 controlled by women, disaggregated by the
18 number of concerns certified by—

19 “(i) the Administrator; or

20 “(ii) a national certifying entity ap-
21 proved by the Administrator.

22 “(B) The amount of fees, if any, charged
23 by each national certifying entity for such cer-
24 tification.

25 “(C) The total dollar amount and total
26 percentage of prime contracts awarded to small

1 business concerns owned and controlled by
2 women pursuant to paragraph (2) or pursuant
3 to a waiver granted under paragraph (3).

4 “(D) The total dollar amount and total
5 percentage of prime contracts awarded to small
6 business concerns owned and controlled by
7 women pursuant to paragraphs (7) and (8).

8 “(E) With respect to a contract incorrectly
9 awarded pursuant to this subsection because it
10 was awarded based on an industry in which
11 small business concerns owned and controlled
12 by women are not underrepresented—

13 “(i) the number of such contracts;

14 “(ii) the Federal agencies that issued
15 such contracts; and

16 “(iii) any steps taken by Adminis-
17 trator to train the personnel of such Fed-
18 eral agency on the use of the authority
19 provided under this subsection.

20 “(F) With respect to an examination de-
21 scribed in paragraph (5)(B)—

22 “(i) the number of examinations due
23 because of recertification requirements and
24 the actual number of such examinations
25 conducted; and

1 “(ii) the number of examinations con-
2 ducted for any other reason.

3 “(G) The number of small business con-
4 cerns owned and controlled by women that were
5 found to be ineligible to be awarded a contract
6 under this subsection as a result of an examina-
7 tion conducted pursuant to paragraph (5)(B) or
8 failure to request an examination pursuant to
9 section 127.400 of title 13, Code of Federal
10 Regulations (or a successor rule).

11 “(H) The number of small business con-
12 cerns owned and controlled by women that were
13 decertified.

14 “(I) Any other information the Adminis-
15 trator determines necessary.”.

16 (b) TECHNICAL AMENDMENT.—Section 8(m)(2)(C)
17 of the Small Business Act is amended by striking “para-
18 graph (3)” and inserting “paragraph (4)”.

19 **SEC. 859N. NATIVE HAWAIIAN ORGANIZATIONS.**

20 (a) COMPETITIVE THRESHOLDS.—Section 8020 of
21 title VIII of division A of the Department of Defense,
22 Emergency Supplemental Appropriations to Address Hur-
23 ricanes in the Gulf of Mexico, and Pandemic Influenza
24 Act, 2006 (15 U.S.C. 637 note) is amended by striking
25 “with agencies of the Department of Defense” and insert-

1 ing “with agencies and departments of the Federal Gov-
2 ernment”.

3 (b) RULEMAKING.—Not later than 180 days after the
4 date of enactment of this Act, in order to carry out the
5 amendments made by subsection (a)—

6 (1) the Administrator of the Small Business
7 Administration, in consultation with the Adminis-
8 trator for Federal Procurement Policy, shall promul-
9 gate regulations; and

10 (2) the Federal Acquisition Regulatory Council
11 established under section 1302(a) of title 41, United
12 States Code, shall amend the Federal Acquisition
13 Regulation.

14 **Subtitle F—Other Matters**

15 **SEC. 861. TECHNICAL CORRECTION TO EFFECTIVE DATE** 16 **OF THE TRANSFER OF CERTAIN TITLE 10 AC-** 17 **QUISITION PROVISIONS.**

18 (a) IN GENERAL.—The amendments made by section
19 1701(e) and paragraphs (1) and (2) of section 802(b) of
20 the National Defense Authorization Act for Fiscal Year
21 2022 (Public Law 117–81) shall be deemed to have taken
22 effect immediately before the amendments made by section
23 1881 of the William M. (Mac) Thornberry National De-
24 fense Authorization Act for Fiscal Year 2021 (Public Law
25 116–283; 134 Stat. 4293).

1 (b) TREATMENT OF SECTION 4027 REQUIRE-
2 MENTS.—An individual or entity to which the require-
3 ments under section 4027 of title 10, United States Code,
4 were applicable during the period beginning on January
5 1, 2022, and ending on the date of the enactment of this
6 Act pursuant to subsection (a) shall be deemed to have
7 complied with such requirements during such period.

8 **SEC. 862. REGULATIONS ON USE OF FIXED-PRICE TYPE**
9 **CONTRACTS FOR MAJOR DEFENSE ACQUISI-**
10 **TION PROGRAMS.**

11 (a) MODIFICATION OF REGULATIONS.—Not later
12 than 120 days after the date of the enactment of this Act,
13 the Secretary of Defense shall revise the Department of
14 Defense Supplement to the Federal Acquisition Regula-
15 tion and any regulations issued pursuant to section 818
16 of the John Warner National Defense Authorization Act
17 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
18 2329) regarding the use of fixed-price type contracts for
19 a major defense acquisition program.

20 (b) ELEMENTS.—The revisions described in sub-
21 section (a) shall require the following:

22 (1) That the number of low-rate initial produc-
23 tion lots associated with a major defense acquisition
24 program may not be more than one if—

1 (A) the milestone decision authority au-
2 thorizes the use of a fixed-price type contract at
3 the time of a decision on Milestone B approval;
4 and

5 (B) the scope of work of the fixed-price
6 type contract includes both the development
7 and low-rate initial production of items for such
8 major defense acquisition program.

9 (2) The limitation in paragraph (1) may be
10 waived on a case-by-case basis by the applicable
11 service acquisition executive. This waiver authority
12 may not be delegated below the level of service ac-
13 quisition executive.

14 (c) DEFINITIONS.—In this section:

15 (1) The term “low-rate initial production” has
16 the meaning given under section 4231 of title 10,
17 United States Code.

18 (2) The term “milestone decision authority”
19 has the meaning given in section 4211 of title 10,
20 United States Code.

21 (3) The term “major defense acquisition pro-
22 gram” has the meaning given in section 4201 of title
23 10, United States Code.

1 (4) The term “Milestone B approval” has the
2 meaning given in section 4172(e) of title 10, United
3 States Code.

4 **SEC. 863. NOTIFICATION ON RETENTION RATE POLICY.**

5 (a) NOTICE AND WAIT.—A determination of the Sec-
6 retary of the Navy that a contract for non-nuclear surface
7 ship repair and maintenance made to a private entity re-
8 quires the Secretary of the Navy to retain more than 1
9 percent of the overall contract value may only be carried
10 out after the end of a 30-day period beginning on the date
11 on which the congressional defense committees receive the
12 notification from the Secretary of the Navy under sub-
13 section (b).

14 (b) CONTENTS.—The notification described in sub-
15 section (a) shall include the following:

16 (1) A description of the rationale for making
17 such determination.

18 (2) A description of the potential impact on the
19 defense industrial base because of such determina-
20 tion.

21 (3) A description of how the Navy plans to use,
22 to a greater extent, the flexibility on retention rates
23 pursuant to chapter 277 of title 10, United States
24 Code.

1 (c) TERMINATION.—This section and the require-
2 ments of this section shall terminate on the later of—

- 3 (1) the date on which the National Defense Au-
4 thorization Act for Fiscal Year 2024 is enacted; or
5 (2) September 30, 2023.

6 **SEC. 864. SECURITY CLEARANCE BRIDGE PILOT PROGRAM.**

7 (a) IN GENERAL.—The Secretary of Defense, in con-
8 sultation with the Director of National Intelligence, shall
9 conduct a pilot program to enable employees of innovative
10 technology companies to begin work under contracts more
11 quickly by allowing the Defense Counterintelligence and
12 Security Agency to administer the personal security clear-
13 ances of the employees of innovative technology companies
14 while the Government completes the adjudication of the
15 facility clearance application of the innovative technology
16 company.

17 (b) PERSONAL SECURITY CLEARANCE AUTHOR-
18 ITY.—

19 (1) IN GENERAL.—Under the pilot program,
20 the Defense Counterintelligence and Security Agency
21 may nominate and administer the personal security
22 clearances of the employees of an innovative tech-
23 nology company while the Government completes the
24 adjudication of the facility clearance application of
25 the innovative technology company if the innovative

1 technology company is a contractor of the Depart-
2 ment of Defense under a contract the performance
3 of which requires that the innovative technology
4 company have access to classified information.

5 (2) LIMITATION.—Under the pilot program, the
6 Defense Counterintelligence and Security Agency
7 may administer the personal security clearances of
8 employees of not more than—

9 (A) 25 innovative technology companies in
10 Fiscal Year 2023;

11 (B) 50 innovative technology companies in
12 Fiscal Year 2024;

13 (C) 75 innovative technology companies in
14 Fiscal Year 2025;

15 (D) 100 innovative technology companies
16 in Fiscal Year 2026; and

17 (E) 125 innovative technology companies
18 in Fiscal Year 2027.

19 (c) CLEARANCE TRANSFER.—

20 (1) IN GENERAL.—Not later than 30 days after
21 an innovative technology company is granted facility
22 clearance, the Defense Counterintelligence and Secu-
23 rity Agency shall transfer any personal clearances of
24 employees of the innovative technology company held
25 by the Defense Counterintelligence and Security

1 Agency under the pilot program back to the innova-
2 tive technology company.

3 (2) DENIAL OF FACILITY CLEARANCE.—Not
4 later than 10 days after an innovative technology
5 company is denied facility clearance, the Defense
6 Counterintelligence and Security Agency shall re-
7 lease any personal clearances of employees of the in-
8 novative technology company held by the Defense
9 Counterintelligence and Security Agency under the
10 pilot program.

11 (d) REPORT.—

12 (1) IN GENERAL.—Not later than one year
13 after the date of the enactment of this Act, and an-
14 nually thereafter, the Under Secretary of Defense
15 for Research and Engineering and the Under Sec-
16 retary of Defense for Intelligence and Security shall
17 jointly submit to the congressional defense commit-
18 tees, the Permanent Select Committee on Intel-
19 ligence of the House of Representatives, and the Se-
20 lect Committee on Intelligence of the Senate a re-
21 port on the progress of the pilot program.

22 (2) CONTENTS.—Each report required under
23 paragraph (1) shall include—

24 (A) an assessment of—

1 (i) the extent to which the authority
2 under the pilot program has been used;
3 and

4 (ii) the usefulness of such authority;

5 (B) the number of innovative technology
6 companies for which the Defense Counterintel-
7 ligence and Security Agency administered a
8 personal security clearance of an employee
9 under the pilot program;

10 (C) the number of programs of the Depart-
11 ment of Defense affected by the pilot program;

12 (D) an analysis of the demand for addi-
13 tional innovative technology companies to par-
14 ticipate in the pilot program, including who
15 may have been excluded from the program due
16 to the limitation in subsection (b)(2);

17 (E) the length of time required for the fa-
18 cility clearance adjudication of each innovative
19 technology company for which the Defense
20 Counterintelligence and Security Agency admin-
21 istered a personal security clearance of an em-
22 ployee under the pilot program;

23 (F) an estimate of the time saved on each
24 contract with respect to which the authority
25 under the pilot program is exercised by enabling

1 employees of innovative technology companies
2 to begin work before the Government completes
3 the adjudication of the facility clearance appli-
4 cation of the innovative technology company;

5 (G) an assessment of any foreign intel-
6 ligence threats posed by the pilot program;

7 (H) an assessment of the administrative
8 costs and benefits of the pilot program; and

9 (I) such other information that the Under
10 Secretary of Defense for Research and Engi-
11 neering and the Under Secretary of Defense for
12 Intelligence and Security jointly determine ap-
13 propriate.

14 (e) PARTICIPANT SELECTION.—The Defense Innova-
15 tion Unit shall select innovative technology companies to
16 participate in the pilot program.

17 (f) SUNSET.—The pilot program shall terminate on
18 December 31, 2028.

19 (g) DEFINITIONS.—In this section:

20 (1) FACILITY CLEARANCE.—The term “facility
21 clearance” has the meaning given the term “Facility
22 Clearance” in section 95.5 of title 10, Code of Fed-
23 eral Regulations, or any successor regulation.

1 (2) INNOVATIVE TECHNOLOGY COMPANY.—The
2 term “innovative technology company” means a
3 company that—

4 (A) provides goods or services related to—

5 (i) one or more of the fourteen critical
6 technology areas described in the memo-
7 randum by the Under Secretary of Defense
8 for Research and Engineering issued on
9 February 1, 2022, entitled “USD(R&E)
10 Technology Vision for an Era of Competi-
11 tion”; or

12 (ii) information technology, software,
13 or hardware that is unavailable from any
14 other entity that possesses a facility clear-
15 ance; and

16 (B) is selected by the Defense Innovation
17 Unit under subsection (e) to participate in the
18 pilot program.

19 (3) PERSONAL SECURITY CLEARANCE.—The
20 term “personal security clearance” means the secu-
21 rity clearance of an individual who has received ap-
22 proval from the Department of Defense to access
23 classified information.

1 (4) PILOT PROGRAM.—The term “pilot pro-
2 gram” means the pilot program established under
3 subsection (a).

4 **SEC. 865. DEPARTMENT OF DEFENSE NATIONAL IMPERA-**
5 **TIVE FOR INDUSTRIAL SKILLS PROGRAM.**

6 (a) IN GENERAL.—The Secretary of Defense, acting
7 through the Industrial Base Analysis and Sustainment
8 program of the Department of Defense, shall evaluate and
9 further develop workforce development training programs
10 as defined by the Secretary of Defense for training the
11 skilled industrial workers defined by the Secretary of De-
12 fense and needed in the defense industrial base through
13 the National Imperative for Industrial Skills Program of
14 the Department of Defense (or a successor program).

15 (b) PRIORITIES.—In carrying out the program, the
16 Secretary shall prioritize workforce development training
17 programs that—

18 (1) are innovative, lab-based, or experientially-
19 based;

20 (2) rapidly train skilled industrial workers for
21 employment with entities in the defense industrial
22 base faster than traditional classroom-based work-
23 force development training programs and at the
24 scale needed to measurably reduce, as rapidly as

1 possible, the shortages of skilled industrial workers
2 in the defense industrial base; and

3 (3) address the specific manufacturing require-
4 ments and skills that are unique to critical industrial
5 sectors of the defense industrial base as defined by
6 the Secretary of Defense, such as naval shipbuilding.

7 **SEC. 866. TEMPORARY SUSPENSION OF COVID-19 VACCINE**
8 **MANDATE FOR DEPARTMENT OF DEFENSE**
9 **CONTRACTORS.**

10 (a) INDEPENDENT REPORT.—The Comptroller Gen-
11 eral of the United States shall—

12 (1) conduct a study on the predicted effects of
13 the requirement for contractors of the Department
14 of Defense to receive a COVID-19 vaccine on the
15 performance of such a contractor on a contract; and

16 (2) submit to the congressional defense commit-
17 tees a report containing the results of such study.

18 (b) TEMPORARY SUSPENSION.—The Secretary of De-
19 fense may not implement a requirement for contractors
20 of the Department of Defense to receive a COVID-19 vac-
21 cine until such time as the Comptroller General submits
22 to the congressional defense committees the report under
23 subsection (a).

1 **SEC. 867. GAO REPORT ON DEPARTMENT OF DEFENSE CON-**
2 **TRACT FINANCING AND COMMERCIAL BEST**
3 **PRACTICES.**

4 (a) FINDINGS.—Congress finds as follows:

5 (1) In a 2019 report, the Comptroller General
6 of the United States directed the Department of De-
7 fense to ensure it conducts a comprehensive assess-
8 ment of the effect that its contract financing and
9 profit policies have on the defense industry and up-
10 date that assessment on a recurring basis.

11 (2) The Department of Defense has commis-
12 sioned an independent study to evaluate—

13 (A) free cash flow in the defense sector;

14 (B) impacts to cash flow depending on
15 contract type and financing;

16 (C) financing and its impact on small busi-
17 nesses; and

18 (D) the government accounting system re-
19 quirements for contractors.

20 (b) STUDY AND REPORT.—Not later than 6 months
21 after the date of the completion of the study described
22 in subsection (a)(2), the Comptroller General of the
23 United States shall submit to the congressional defense
24 committees a report assessing such study, including an
25 evaluation of the tools and authorities the Department of

1 Defense has available to ensure fair and reasonable pricing
2 of commercial products and services.

3 **SEC. 868. PROHIBITION ON CONTRACTING WITH EMPLOY-**
4 **ERS THAT VIOLATED THE NATIONAL LABOR**
5 **RELATIONS ACT.**

6 (a) PROHIBITION.—Except as provided in subsection
7 (b), the Secretary of Defense may not enter into a contract
8 with an employer found to have violated section 8(a) of
9 the National Labor Relations Act (29 U.S.C. 158) during
10 the three-year period preceding the proposed date of
11 award of the contract.

12 (b) EXCEPTIONS.—The Secretary of Defense may
13 enter into a contract with a employer described in sub-
14 section (a) if—

15 (1) before awarding a contract, such employer
16 has settled all violations described under subsection
17 (a) in a manner approved by the National Labor Re-
18 lations Board and the employer is in compliance
19 with the requirements of any settlement relating to
20 any such violation; or

21 (2)(A) each employee of such employer is rep-
22 resented by a labor organization for the purposes of
23 collective bargaining; and

24 (B) such labor organization certifies to the Sec-
25 retary that the employer—

1 (i) is in compliance with any relevant col-
 2 lective bargaining agreement on the date on
 3 which such contract is awarded and will con-
 4 tinue to preserve the rights, privileges, and ben-
 5 efits established under any such collective bar-
 6 gaining agreement; or

7 (ii) before, on, and after the date on which
 8 such contract is awarded, has bargained and
 9 will bargain in good faith to reach a collective
 10 bargaining agreement.

11 (c) DEFINITIONS.—In this section, the terms “em-
 12 ployer”, “employee”, and “labor organization” have the
 13 meanings given such terms, respectively, in section 2 of
 14 the National Labor Relations Act (29 U.S.C. 152).

15 (d) APPLICABILITY.—This section and the require-
 16 ments of this section shall apply to a contract entered into
 17 on or after September 30, 2023.

18 **SEC. 869. AMENDMENTS TO CONTRACTING AUTHORITY FOR**
 19 **CERTAIN SMALL BUSINESS CONCERNS.**

20 (a) SOCIALLY AND ECONOMICALLY DISADVANTAGED
 21 SMALL BUSINESS CONCERNS.—Section 8(a)(1)(D)(i)(II)
 22 of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II))
 23 is amended—

24 (1) by striking “\$7,000,000” and inserting
 25 “\$10,000,000”; and

1 (2) by striking “\$3,000,000” and inserting
2 “\$8,000,000”.

3 (b) CERTAIN SMALL BUSINESS CONCERNS OWNED
4 AND CONTROLLED BY WOMEN.—Section 8(m) of the
5 Small Business Act (15 U.S.C.637(m)) is amended—

6 (1) in paragraph (7)(B)—

7 (A) in clause (i), by striking “\$7,000,000”
8 and inserting “\$10,000,000”; and

9 (B) in clause (ii), by striking “\$4,000,000”
10 and inserting “\$8,000,000”; and

11 (2) in paragraph (8)(B)—

12 (A) in clause (i), by striking “\$7,000,000”
13 and inserting “\$10,000,000”; and

14 (B) in clause (ii), by striking “\$4,000,000”
15 and inserting “\$8,000,000”.

16 (c) QUALIFIED HUBZONE SMALL BUSINESS CON-
17 CERNES.—Section 31(c)(2)(A)(ii) of the Small Business
18 Act (15 U.S.C. 657a(c)(2)(A)(ii)) is amended—

19 (1) in subclause (I), by striking “\$7,000,000”
20 and inserting “\$10,000,000”; and

21 (2) in subclause (II), by striking “\$3,000,000”
22 and inserting “\$8,000,000”.

23 (d) SMALL BUSINESS CONCERNS OWNED AND CON-
24 TROLLED BY SERVICE-DISABLED VETERANS.—Section

1 36(c)(2) of the Small Business Act (15 U.S.C. 657f(c)(2))
 2 is amended—

3 (1) in subparagraph (A), by striking
 4 “\$7,000,000” and inserting “\$10,000,000”; and
 5 (2) in subparagraph (B), by striking
 6 “\$3,000,000” and inserting “\$8,000,000”.

7 (e) CERTAIN VETERAN-OWNED CONCERNS.—Section
 8 8127(c)(2) of title 38, United States Code, is amended
 9 by striking “\$5,000,000” and inserting “the dollar thresh-
 10 olds under section 36(c)(2) of the Small Business Act (15
 11 U.S.C. 657f(c)(2))”.

12 **SEC. 870. EQUITABLE ADJUSTMENTS TO CONSTRUCTION**
 13 **CONTRACTS.**

14 (a) IN GENERAL.—Section 15 of the Small Business
 15 Act (15 U.S.C. 644) is amended—

16 (1) by redesignating subsection (x) as sub-
 17 section (y); and

18 (2) by inserting after subsection (w) the fol-
 19 lowing new subsection:

20 “(x) INTERIM PARTIAL PAYMENTS FOR EQUITABLE
 21 ADJUSTMENTS TO CONSTRUCTION CONTRACTS.—

22 “(1) REQUEST FOR AN EQUITABLE ADJUST-
 23 MENT.—A small business concern that was awarded
 24 a construction contract by an agency may submit a
 25 request for an equitable adjustment to the con-

1 tracting officer of such agency if the contracting of-
2 ficer directs a change in the terms of the contract
3 performance without the agreement of the small
4 business concern. Such request shall—

5 “(A) be timely made pursuant to the terms
6 of the contract; and

7 “(B) specify the estimated amount re-
8 quired to cover additional costs resulting from
9 such change in the terms.

10 “(2) AMOUNT.—Upon receipt of a request for
11 equitable adjustment from a small business concern
12 under paragraph (1), the agency shall provide to
13 such concern an interim partial payment in an
14 amount equal to not less than 50 percent of the esti-
15 mated amount under paragraph (1)(B).

16 “(3) LIMITATION.—Any interim partial pay-
17 ment made under this section may not be deemed to
18 be an action to definitize the request for an equi-
19 table adjustment.

20 “(4) FLOW-DOWN OF INTERIM PARTIAL PAY-
21 MENT AMOUNTS.—A small business concern that re-
22 ceives an equitable adjustment under this subsection
23 shall pay to a first tier subcontractor of such con-
24 cern the portion of each interim partial payment re-
25 ceived that is attributable to the increased costs of

1 performance incurred by such subcontractor due to
2 the change in the terms of the contract performance
3 described in paragraph (1). A first tier subcon-
4 tractor that receives a portion of an interim partial
5 payment under this section shall pay to a subcon-
6 tractor (at any tier) the appropriate portion of such
7 payment.”.

8 (b) IMPLEMENTATION.—The Administrator of the
9 Small Business Administration shall implement the re-
10 quirements of this section not later than the earlier of the
11 following dates:

12 (1) The first day of the first full fiscal year be-
13 ginning after the date of the enactment of this Act.

14 (2) October 1, 2024.

15 **SEC. 871. MANUFACTURING OF INSULIN.**

16 (a) MANUFACTURING OF INSULIN.—For the pur-
17 poses of manufacturing insulin for use under the military
18 health system, including under the TRICARE program,
19 the Secretary of Defense may—

20 (1) select one or more Government-owned, con-
21 tractor-operated facilities to manufacture insulin;

22 (2) use existing pharmaceutical manufacturing
23 facilities of the Department of Defense to produce
24 insulin; or

1 (3) establish new pharmaceutical manufacturing
2 facilities to produce insulin.

3 (b) SALE.—Any insulin manufactured under the au-
4 thority of this section may be provided at a price not to
5 exceed the cost to manufacture and distribute the insulin.

6 **SEC. 872. NEED FOR DEVELOPMENT AND ACQUISITION OF**
7 **NATURAL RUBBER FROM DOMESTIC**
8 **HERBACIOUS PLANT SOURCES.**

9 (a) REPORT REQUIRED.—Not later than 120 days
10 after the date of enactment of this Act, the Under Sec-
11 retary of Defense for Acquisition and Sustainment, in con-
12 sultation with the Under Secretary of Defense for Re-
13 search and Engineering and the Assistant Secretary of
14 Defense for Industrial Policy, shall submit to the congres-
15 sional defense committees a plan for future investment by
16 the Department of Defense in the development, testing,
17 and evaluation of domestic natural rubber from herba-
18 ceous plants for military applications, including a timeline
19 for acquiring critical defense components and products
20 using natural rubber from domestic sources.

21 (b) CONTENTS.—The plan submitted under sub-
22 section (a) shall include the following:

23 (1) An unclassified assessment of the direct and
24 indirect influence of China on the commercial avail-
25 ability of natural rubber, including the effects on na-

1 tional security and the long-term implications for the
2 defense supply chain, specifically for military aircraft
3 and vehicle tires.

4 (2) An overview of the current investment of
5 the Department of Defense in domestic natural rub-
6 ber production and the plans of the Department for
7 scaling and expanding such production to offset one
8 percent of the annual importation of natural rubber
9 into the United States.

10 (3) A plan to provide additional funding for the
11 initiatives identified in paragraph (2) to achieve
12 fielding of products and components with natural
13 rubber from domestic sources not later than the end
14 of fiscal year 2027.

15 (4) A strategy of United States-based rubber
16 industry partners and component manufacturers for
17 collaboration, codevelopment, and joint interest.

18 (5) A detailed description of the policies, proce-
19 dures, budgets, and accelerated acquisition and con-
20 tracting mechanisms of the Department of Defense
21 for near-term insertion of domestic natural rubber
22 content to test and evaluate performance of natural
23 rubber from domestic sources for tactical aircraft
24 performance.

1 **SEC. 873. INCREASED COMPETITIVE OPPORTUNITIES AND**
2 **STRATEGY FOR CERTAIN CRITICAL TECH-**
3 **NOLOGY CONTRACTORS.**

4 (a) AUTHORITIES.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall seek to increase competitive opportunities for
7 appropriate U.S. companies to be awarded prime
8 contracts, grants, cooperative agreements, or other
9 transactions for commercial products or dual-use ca-
10 pabilities of which any component primarily relates
11 to critical technology.

12 (2) STRATEGY.—Not later than 120 days after
13 the date of the enactment of this Act, the Secretary
14 of Defense shall develop and implement a com-
15 prehensive strategy to increase competitive opportu-
16 nities available for appropriate U.S. companies and
17 protect the integrity of the defense industrial base.
18 The strategy shall include the following:

19 (A) A description of methods to enhance
20 the availability of funds authorized by sections
21 4021 and 4022 of title 10, United States Code,
22 for appropriate U.S. companies to develop end
23 items of critical technologies, to rapidly proto-
24 type such end items, to conduct continuous ex-
25 perimentation to improve such end items, and

1 to deliver capabilities to the Department of De-
2 fense.

3 (B) Processes to monitor and mitigate
4 risks to the defense industrial base.

5 (C) Processes to improve coordination by
6 the military departments and other elements of
7 the Department of Defense to carry out sub-
8 paragraphs (A) and (B).

9 (b) REPORT.—Along with the report required under
10 section 4814 of title 10, United States Code, that is due
11 after the date of the enactment of this Act, the Secretary
12 of Defense, in consultation with appropriate U.S. compa-
13 nies, shall submit a report on the implementation of the
14 strategy required in subsection (a)(2) and progress made
15 to monitor and mitigate risks to the defense industrial
16 base.

17 (c) DEFINITIONS.—In this section:

18 (1) The term “appropriate U.S. company”
19 means—

20 (A) a nontraditional defense contractor, as
21 defined in section 3014 of title 10, United
22 States Code; or

23 (B) a prime contractor that has entered
24 into a cooperative agreement with a nontradi-
25 tional defense contractor with the express intent

1 to pursue funding authorized by sections 4021
2 and 4022 of title 10, United States Code, in the
3 development, testing, or prototyping of critical
4 technologies.

5 (2) The term “commercial product” has the
6 meaning given in section 3011 of title 10, United
7 States Code.

8 (3) The term “dual-use” has the meaning given
9 in section 4801 of title 10, United States Code.

10 (4) The term “critical technology” means a
11 technology identified as critical by the Secretary of
12 Defense, which shall include—

- 13 (A) biotechnology;
- 14 (B) quantum science;
- 15 (C) advanced materials;
- 16 (D) artificial intelligence and machine
17 learning;
- 18 (E) microelectronics;
- 19 (F) space technology;
- 20 (G) advanced computing and software;
- 21 (H) hypersonics;
- 22 (I) integrated sensing and cyber;
- 23 (J) autonomous systems;
- 24 (K) unmanned systems;
- 25 (L) advanced sensing systems; and

1 (M) advanced communications systems.

2 **SEC. 874. DUTIES OF SMALL BUSINESS DEVELOPMENT CEN-**
3 **TER COUNSELORS.**

4 Section 21 of the Small Business Act (15 U.S.C. 648)
5 is amended by adding at the end the following:

6 “(o) CYBER STRATEGY TRAINING FOR SMALL BUSI-
7 NESS DEVELOPMENT CENTERS.—

8 “(1) DEFINITIONS.—In this subsection—

9 “(A) the term ‘cyber strategy’ means re-
10 sources and tactics to assist in planning for cy-
11 bersecurity and defending against cyber risks
12 and cyber attacks; and

13 “(B) the term ‘lead small business develop-
14 ment center’ means a small business develop-
15 ment center that has received a grant from the
16 Administration.

17 “(2) CERTIFICATION PROGRAM.—The Adminis-
18 trator shall establish a cyber counseling certification
19 program, or approve a similar existing program, to
20 certify the employees of lead small business develop-
21 ment centers to provide cyber planning assistance to
22 small business concerns.

23 “(3) NUMBER OF CERTIFIED EMPLOYEES.—
24 The Administrator shall ensure that the number of
25 employees of each lead small business development

1 center who are certified in providing cyber planning
2 assistance under this subsection is not fewer than
3 the lesser of—

4 “(A) 5; or

5 “(B) 10 percent of the total number of em-
6 ployees of the lead small business development
7 center.

8 “(4) CONSIDERATION OF SMALL BUSINESS DE-
9 VELOPMENT CENTER CYBER STRATEGY.—In car-
10 rying out this subsection, the Administrator, to the
11 extent practicable, shall consider any cyber strategy
12 methods included in the Small Business Develop-
13 ment Center Cyber Strategy developed under section
14 1841(a) of the National Defense Authorization Act
15 for Fiscal Year 2017 (Public Law 114–328; 130
16 Stat. 2662).

17 “(5) REIMBURSEMENT FOR CERTIFICATION.—

18 “(A) IN GENERAL.—Subject to the avail-
19 ability of appropriations and subparagraph (B),
20 the Administrator shall reimburse a lead small
21 business development center for costs relating
22 to the certification of an employee of the lead
23 small business development center under the
24 program established under paragraph (2).

1 “(B) LIMITATION.—The total amount re-
2 imbursed by the Administrator under subpara-
3 graph (A) may not exceed \$350,000 in any fis-
4 cal year.”.

5 **TITLE IX—DEPARTMENT OF DE-**
6 **FENSE ORGANIZATION AND**
7 **MANAGEMENT**

8 **Subtitle A—Office of the Secretary**
9 **of Defense and Related Matters**

10 **SEC. 901. INCREASE IN AUTHORIZED NUMBER OF ASSIST-**
11 **ANT AND DEPUTY ASSISTANT SECRETARIES**
12 **OF DEFENSE.**

13 (a) INCREASE IN AUTHORIZED NUMBER OF ASSIST-
14 ANT SECRETARIES OF DEFENSE.—

15 (1) INCREASE.—Section 138(a)(1) of title 10,
16 United States Code, is amended by striking “15”
17 and inserting “18”.

18 (2) CONFORMING AMENDMENT.—Section 5315
19 of title 5, United States Code, is amended by strik-
20 ing “(14)” after “Assistant Secretaries of Defense”
21 and inserting “(18)”.

22 (b) INCREASE IN AUTHORIZED NUMBER OF DEPUTY
23 ASSISTANT SECRETARIES OF DEFENSE.—

1 (1) INCREASE.—Section 138 of such title is
 2 amended by adding at the end the following new
 3 subsection:

4 “(e) The maximum number of Deputy Assistant Sec-
 5 retaries of Defense is 57.”.

6 (2) CONFORMING REPEAL.—Section 908 of the
 7 National Defense Authorization Act for Fiscal Year
 8 2018 (Public Law 115–91; 10 U.S.C. 138 note) is
 9 repealed.

10 **SEC. 902. RESPONSIBILITIES OF ASSISTANT SECRETARY OF**
 11 **DEFENSE FOR SPECIAL OPERATIONS AND**
 12 **LOW INTENSITY CONFLICT.**

13 Section 138(b)(2)(A) of title 10, United States Code,
 14 is amended by inserting “(including explosive ordnance
 15 disposal)” after “low intensity conflict activities”.

16 **Subtitle B—Other Department of**
 17 **Defense Organization and Man-**
 18 **agement Matters**

19 **SEC. 911. ELIGIBILITY OF CHIEF OF THE NATIONAL GUARD**
 20 **BUREAU FOR APPOINTMENT AS CHAIRMAN**
 21 **OF THE JOINT CHIEFS OF STAFF.**

22 Section 152(b)(1)(B) of title 10, United States Code,
 23 is amended by striking “the Commandant of the Marine
 24 Corps, or the Chief of Space Operations” and inserting
 25 “the Commandant of the Marine Corps, the Chief of

1 Space Operations, or the Chief of the National Guard Bu-
2 reau”.

3 **SEC. 912. CLARIFICATION OF PEACETIME FUNCTIONS OF**
4 **THE NAVY.**

5 Section 8062(a) of title 10, United States Code, is
6 amended—

7 (1) in the second sentence, by striking “pri-
8 marily” and inserting “for the peacetime promotion
9 of the national security interests and prosperity of
10 the United States and”; and

11 (2) in the third sentence, by striking “for the
12 effective prosecution of war” and inserting “for the
13 duties described in the preceding sentence”.

14 **SEC. 913. EXPLOSIVE ORDNANCE DISPOSAL DEFENSE PRO-**
15 **GRAM.**

16 Section 2284(b) of title 10, United States Code, is
17 amended—

18 (1) in paragraph (1)—

19 (A) in subparagraph (A), by striking
20 “and” after the semicolon;

21 (B) in subparagraph (B), by striking “the
22 Department of Defense” and all that follows
23 and inserting “the Program;”;

24 (C) by adding at the end the following new
25 subparagraphs:

1 “(C) direct the executive agent to des-
2 ignate a joint program executive officer for the
3 Program; and

4 “(D) assign the Director of the Defense
5 Threat Reduction Agency to manage the De-
6 fense-wide program element funding for the
7 Program.”.

8 (2) by striking paragraph (4);

9 (3) by redesignating paragraph (5) as para-
10 graph (4);

11 (4) in paragraph (4), as so redesignated, by
12 striking the period at the end and inserting a semi-
13 colon; and

14 (5) by adding at the end the following new
15 paragraphs:

16 “(5) the Secretary of the Navy shall designate
17 a Navy explosive ordnance disposal-qualified admiral
18 officer to serve as the co-chair of the Program; and

19 “(6) the Assistant Secretary of Defense for
20 Special Operations and Low Intensity Conflict shall
21 designate the Deputy Assistant Secretary of Defense
22 for Special Operations and Combating Terrorism as
23 the co-chair of the Program.”.

1 **SEC. 914. MODIFICATION OF REPORT REGARDING THE DES-**
2 **IGNATION OF THE EXPLOSIVE ORDNANCE**
3 **DISPOSAL CORPS AS A BASIC BRANCH OF**
4 **THE ARMY.**

5 Section 582(b)(2) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2018 (Public Law 115–91; 10
7 U.S.C. 3063 note) is amended—

8 (1) in subparagraph (F), by inserting “National
9 Guard Bureau,” before “Army Forces Command”;
10 and

11 (2) by adding at the end the following new sub-
12 paragraph:

13 “(H) The Secretary of the Army has des-
14 ignated an Assistant Secretary of the Army as
15 the key individual responsible for developing
16 and overseeing policy, plans, programs, and
17 budgets, and issuing guidance and providing di-
18 rection on the explosive ordnance disposal ac-
19 tivities of the Army.”.

20 **SEC. 915. CLARIFICATION OF ROLES AND RESPONSIBIL-**
21 **ITIES FOR FORCE MODERNIZATION EFFORTS**
22 **OF THE ARMY.**

23 (a) PLAN REQUIRED.—Not later than 180 days after
24 the date of the enactment of this Act, the Secretary of
25 the Army shall submit to the Committees on Armed Serv-
26 ices of the Senate and the House of Representatives a plan

1 that comprehensively defines the roles and responsibilities
2 of officials and organizations of the Army with respect to
3 the force modernization efforts of the Army.

4 (b) ELEMENTS.—The plan under subsection (a)
5 shall—

6 (1) identify the official within the Army who
7 shall have primary responsibility for the force mod-
8 ernization efforts of the Army, and specify the roles,
9 responsibilities, and authorities of that official;

10 (2) clearly define the roles, responsibilities, and
11 authorities of the Army Futures Command and the
12 Assistant Secretary of the Army for Acquisition, Lo-
13 gistics, and Technology with respect to such efforts;

14 (3) clarify the roles, responsibilities, and au-
15 thorities of officials and organizations of the Army
16 with respect to acquisition in support of such efforts;
17 and

18 (4) include such other information as the Sec-
19 retary of the Army determines appropriate.

20 (c) ROLE OF ARMY FUTURES COMMAND.—In the
21 event the Secretary of the Army does not submit the plan
22 required under subsection (a) by the expiration of the 180
23 day period specified in such subsection, then beginning at
24 the expiration of such period—

1 (1) the Commanding General of the Army Fu-
2 tures Command shall have the roles, responsibilities,
3 and authorities assigned to the Commanding Gen-
4 eral pursuant to Army Directive 2020–15 (“Achiev-
5 ing Persistent Modernization”) as in effect on No-
6 vember 16, 2020; and

7 (2) any provision of Army Directive 2022–07
8 (“Army Modernization Roles and Responsibilities”),
9 or any successor directive, that modifies or con-
10 travenes a provision of the directive specified in
11 paragraph (1) shall have no force or effect.

12 **SEC. 916. REPORT ON POTENTIAL TRANSITION OF ALL**
13 **MEMBERS OF SPACE FORCE INTO A SINGLE**
14 **COMPONENT.**

15 (a) REPORT REQUIRED.—Not later than March 1,
16 2023, the Secretary of Defense shall submit to the Com-
17 mittees on Armed Services of the Senate and the House
18 of Representatives a report on the proposal of the Air
19 Force to transition the Space Force into a single compo-
20 nent (in this section referred to as the Space Compo-
21 nent)—

22 (1) that consists of all members of the Space
23 Force, without regard to whether such a member is,
24 under laws in effect at the time of the report, in the
25 active or reserve component of the Space Force; and

1 (2) in which such members may transfer be-
2 tween duty statuses more freely than would other-
3 wise be allowed under the laws in effect at the time
4 of the report.

5 (b) ELEMENTS.—The report required under sub-
6 section (a) shall include the following:

7 (1) A plan that describes any rules, regulations,
8 policies, guidance, and statutory provisions that may
9 be implemented to govern—

10 (A) the ability of a member of the Space
11 Component to transfer between duty statuses,
12 the number of members authorized to make
13 such transfers, and the timing of such trans-
14 fers;

15 (B) the retirement of members of the
16 Space Component, including the determination
17 of a member's eligibility for retirement and the
18 calculation of the retirement benefits (including
19 benefits under laws administered by the Sec-
20 retary of Veterans Affairs) to which the mem-
21 ber would be entitled based on a career con-
22 sisting of service in duty statuses of the Space
23 Component; and

24 (C) the composition and operation of pro-
25 motion selection boards with respect to mem-

1 bers of the Space Component, including the
2 treatment of general officers by such boards.

3 (2) A comprehensive analysis of how such pro-
4 posal may affect the ability of departments and
5 agencies of the Federal Government (including de-
6 partments and agencies outside the Department of
7 Defense and the Department of Veterans Affairs) to
8 accurately calculate the pay or determine the bene-
9 fits, including health care benefits under chapter 55
10 of title 10, United States Code, to which a member
11 or former member of the Space Component is enti-
12 tled at any given time.

13 (3) Draft legislative text, prepared by the Office
14 of Legislative Counsel within the Office of the Gen-
15 eral Counsel of the Department of Defense, that
16 comprehensively sets forth all amendments and
17 modifications to Federal statutes needed to effec-
18 tively implement the proposal described in subsection
19 (a), including—

20 (A) amendments and modifications to titles
21 10, 37, and 38, United States Code;

22 (B) amendments and modifications to Fed-
23 eral statutes outside of such titles; and

24 (C) an analysis of each provision of Fed-
25 eral statutory law that refers to the duty status

1 of a member of an Armed Force, or whether
2 such member is in an active or reserve compo-
3 nent, and, for each such provision—

4 (i) a written determination indicating
5 whether such provision requires amend-
6 ment or other modification to clarify its
7 applicability to a member of the Space
8 Component; and

9 (ii) if such an amendment or modi-
10 fication is required, draft legislative text
11 for such amendment or modification.

12 **SEC. 917. SENSE OF CONGRESS ON THE ELECTRO-**
13 **MAGNETIC SPECTRUM SUPERIORITY STRAT-**
14 **EGY.**

15 It is the sense of Congress that—

16 (1) the Department of Defense released the
17 Electromagnetic Spectrum Superiority Strategy (Oc-
18 tober 2020) and an Implementation Plan for such
19 strategy (August 2021);

20 (2) the purpose of the Electromagnetic Spec-
21 trum Superiority Strategy is to align electromagnetic
22 spectrum activities across the Department of De-
23 fense to solve persistent gaps in the ability of the
24 United States to project, achieve, and sustain elec-
25 tromagnetic spectrum superiority against adversaries

1 and peer competitors, most notably Russia and Peo-
2 ple's Republic of China;

3 (3) a goal of the Electromagnetic Spectrum Su-
4 periority Strategy is to “Establish Effective EMS
5 Governance” to unify Department of Defense-wide
6 electromagnetic spectrum enterprise activities, de-
7 velop a continuous process improvement culture, and
8 promote policies that support Department of De-
9 fense electromagnetic spectrum capabilities and op-
10 erations;

11 (4) electromagnetic spectrum superiority under-
12 pins each of the four priorities of the 2022 National
13 Defense Strategy of the Department of Defense;

14 (5) the projecting, achievement, and
15 sustainment of electromagnetic spectrum superiority
16 is inherently a joint operational mission that is fun-
17 damental to the success of military missions carried
18 out by the United States and its allies across all
19 warfighting domains;

20 (6) electromagnetic spectrum operations leader-
21 ship in the Pentagon must be consolidated and un-
22 ambiguous to address persistent gaps in coordina-
23 tion of joint electronic warfare among the services
24 and fragmentation in guidance from leadership in
25 the Department of Defense; and

1 (7) the Secretary of Defense—

2 (A) should provide to Congress an unclas-
3 sified version of the Implementation Plan for
4 the Electromagnetic Spectrum Superiority
5 Strategy in all future updates to the plan; and

6 (B) as part of implementing the Electro-
7 magnetic Spectrum Superiority Strategy,
8 should—

9 (i) strengthen governance reforms to
10 ensure necessary senior operational leader-
11 ship; and

12 (ii) provide a coherent response to
13 persistent gaps in joint electromagnetic
14 spectrum operations across the areas of
15 Doctrine, Organization, Training, Materiel,
16 Leadership, Personnel, Facilities and Pol-
17 icy (DOTMLPF-P);

18 **Subtitle C—Space National Guard**

19 **SEC. 921. ESTABLISHMENT OF SPACE NATIONAL GUARD.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—There is established a Space
22 National Guard that is part of the organized militia
23 of the several States and Territories, Puerto Rico,
24 and the District of Columbia—

1 (A) in which the Space Force operates or
2 where there are significant space launch or mis-
3 sion control facilities; and

4 (B) active and inactive.

5 (2) RESERVE COMPONENT.—There is estab-
6 lished a Space National Guard of the United States
7 that is the reserve component of the United States
8 Space Force all of whose members are members of
9 the Space National Guard.

10 (b) COMPOSITION.—The Space National Guard shall
11 be composed of the Space National Guard forces of the
12 several States and Territories, Puerto Rico and the Dis-
13 trict of Columbia—

14 (1) in which the Space Force operates or where
15 there are significant space launch or mission control
16 facilities; and

17 (2) active and inactive.

18 **SEC. 922. NO EFFECT ON MILITARY INSTALLATIONS.**

19 Nothing in this subtitle, or the amendments made by
20 this subtitle, shall be construed to authorize or require the
21 relocation of any facility, infrastructure, or military instal-
22 lation of the Space National Guard or Air National Guard.

23 **SEC. 923. IMPLEMENTATION OF SPACE NATIONAL GUARD.**

24 (a) REQUIREMENT.—Except as specifically provided
25 by this subtitle, the Secretary of the Air Force and Chief

1 of the National Guard Bureau shall implement this sub-
2 title, and the amendments made by this subtitle, not later
3 than 18 months after the date of the enactment of this
4 Act.

5 (b) BRIEFINGS.—Not later than 90 days after the
6 date of the enactment of this Act, and annually for the
7 five subsequent years, the Secretary of the Air Force,
8 Chief of the Space Force and Chief of the National Guard
9 Bureau shall jointly provide to the congressional defense
10 committees a briefing on the status of the implementation
11 of the Space National Guard pursuant to this subtitle and
12 the amendments made by this subtitle. This briefing shall
13 address the current missions, operations and activities,
14 personnel requirements and status, and budget and fund-
15 ing requirements and status of the Space National Guard,
16 and such other matters with respect to the implementation
17 and operation of the Space National Guard as the Sec-
18 retary and the Chiefs jointly determine appropriate to
19 keep Congress fully and currently informed on the status
20 of the implementation of the Space National Guard.

21 **SEC. 924. CONFORMING AMENDMENTS AND CLARIFICA-**
22 **TION OF AUTHORITIES.**

23 (a) DEFINITIONS.—

24 (1) TITLE 10, UNITED STATES CODE.—Title 10,
25 United States Code, is amended—

1 (A) in section 101—

2 (i) in subsection (c)—

3 (I) by redesignating paragraphs
4 (6) and (7) as paragraphs (8) and
5 (9), respectively; and

6 (II) by inserting after paragraph
7 (5) the following new paragraphs:

8 “(6) The term ‘Space National Guard’ means
9 that part of the organized militia of the several
10 States and territories, Puerto Rico, and the District
11 Of Columbia, active and inactive, that—

12 “(A) is a space force;

13 “(B) is trained, and has its officers ap-
14 pointed under the sixteenth clause of section 8,
15 article I of the Constitution;

16 “(C) is organized, armed, and equipped
17 wholly or partly at Federal expense; and

18 “(D) is federally recognized.

19 “(7) The term ‘Space National Guard of the
20 United States’ means the reserve component of the
21 Space Force all of whose members are members of
22 the Space National Guard.”; and

23 (B) in section 10101—

1 (i) in the matter preceding paragraph
2 (1), by inserting “the following” before the
3 colon; and

4 (ii) by adding at the end the following
5 new paragraph:

6 “(8) The Space National Guard of the United
7 States.”.

8 (2) TITLE 32, UNITED STATES CODE.—Section
9 101 of title 32, United States Code is amended—

10 (A) by redesignating paragraphs (8)
11 through (19) as paragraphs (10) and (21), re-
12 spectively; and

13 (B) by inserting after paragraph (7) the
14 following new paragraphs:

15 “(8) The term ‘Space National Guard’ means
16 that part of the organized militia of the several
17 States and territories, Puerto Rico, and the District
18 Of Columbia, in which the Space Force operates, ac-
19 tive and inactive, that—

20 “(A) is a space force;

21 “(B) is trained, and has its officers ap-
22 pointed under the sixteenth clause of section 8,
23 article I of the Constitution;

24 “(C) is organized, armed, and equipped
25 wholly or partly at Federal expense; and

1 “(D) is federally recognized.

2 “(9) The term ‘Space National Guard of the
3 United States’ means the reserve component of the
4 Space Force all of whose members are members of
5 the Space National Guard.”.

6 (b) RESERVE COMPONENTS.—Chapter 1003 of title
7 10, United States Code, is amended—

8 (1) by adding at the end the following new sec-
9 tions:

10 **“§ 10115. Space National Guard of the United States:**
11 **composition**

12 “The Space National Guard of the United States is
13 the reserve component of the Space Force that consists
14 of—

15 “(1) federally recognized units and organiza-
16 tions of the Space National Guard; and

17 “(2) members of the Space National Guard who
18 are also Reserves of the Space Force.

19 **“§ 10116. Space National Guard: when a component of**
20 **the Space Force**

21 “The Space National Guard while in the service of
22 the United States is a component of the Space Force.

1 **“§ 10117. Space National Guard of the United States:**
 2 **status when not in Federal service**

3 “When not on active duty, members of the Space Na-
 4 tional Guard of the United States shall be administered,
 5 armed, equipped, and trained in their status as members
 6 of the Space National Guard.”; and

7 (2) in the table of sections at the beginning of
 8 such chapter, by adding at the end the following new
 9 items:

“10115. Space National Guard of the United States: composition.

“10116. Space National Guard: when a component of the Space Force.

“10117. Space National Guard of the United States: status when not in Federal
 service.”.

10 **TITLE X—GENERAL PROVISIONS**

11 **Subtitle A—Financial Matters**

12 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

13 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

14 (1) **AUTHORITY.**—Upon determination by the
 15 Secretary of Defense that such action is necessary in
 16 the national interest, the Secretary may transfer
 17 amounts of authorizations made available to the De-
 18 partment of Defense in this division for fiscal year
 19 2023 between any such authorizations for that fiscal
 20 year (or any subdivisions thereof). Amounts of au-
 21 thorizations so transferred shall be merged with and
 22 be available for the same purposes as the authoriza-
 23 tion to which transferred.

1 (2) LIMITATION.—Except as provided in para-
2 graph (3), the total amount of authorizations that
3 the Secretary may transfer under the authority of
4 this section may not exceed \$6,000,000,000.

5 (3) EXCEPTION FOR TRANSFERS BETWEEN
6 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
7 fer of funds between military personnel authoriza-
8 tions under title IV shall not be counted toward the
9 dollar limitation in paragraph (2).

10 (b) LIMITATIONS.—The authority provided by sub-
11 section (a) to transfer authorizations—

12 (1) may only be used to provide authority for
13 items that have a higher priority than the items
14 from which authority is transferred; and

15 (2) may not be used to provide authority for an
16 item that has been denied authorization by Con-
17 gress.

18 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
19 transfer made from one account to another under the au-
20 thority of this section shall be deemed to increase the
21 amount authorized for the account to which the amount
22 is transferred by an amount equal to the amount trans-
23 ferred.

1 (d) NOTICE TO CONGRESS.—The Secretary shall
2 promptly notify Congress of each transfer made under
3 subsection (a).

4 **SEC. 1002. DETERMINATION OF BUDGETARY EFFECTS.**

5 The budgetary effects of this Act, for the purpose of
6 complying with the Statutory Pay-As-You-Go Act of 2010,
7 shall be determined by reference to the latest statement
8 titled “Budgetary Effects of PAYGO Legislation” for this
9 Act, submitted for printing in the Congressional Record
10 by the Chairman of the House Budget Committee, pro-
11 vided that such statement has been submitted prior to the
12 vote on passage.

13 **SEC. 1003. SENSE OF CONGRESS RELATING TO ENLISTED**
14 **PERSONNEL SUBSISTENCE.**

15 It is the sense of Congress that the Secretary of De-
16 fense should establish clear and consistent definitions of
17 key terms for use in reporting budgetary and financial in-
18 formation related to enlisted personnel subsistence. This
19 information should be provided to Congress as part of the
20 Department of Defense budget justification materials re-
21 lating to military personnel.

22 **SEC. 1004. SENSE OF CONGRESS RELATING TO THE COR-**
23 **RECTIVE ACTION PLANS REVIEW PROCESS.**

24 It is the sense of Congress that the Deputy Chief Fi-
25 nancial Officer should incorporate appropriate steps to im-

1 prove its corrective action plans review process, including
 2 notices of findings and recommendations are appropriately
 3 linked to the correct corrective action plans to address
 4 such notices. The Deputy Chief Financial Officer should
 5 also update Department of Defense guidance to instruct
 6 the Department and components of the Department to
 7 document root cause analysis when needed to address defi-
 8 ciencies auditors identified. The Deputy Chief Financial
 9 Officer must provide a briefing to the relevant congres-
 10 sional committees on the efforts of the Department of De-
 11 fense to link notices of findings and recommendations with
 12 the correct corrective action plans.

13 **SEC. 1005. SENSE OF CONGRESS RELATING TO THE FRAUD**
 14 **REDUCTION TASK FORCE.**

15 It is the sense of Congress that the Deputy Chief Fi-
 16 nancial Officer should ensure that the Secretary of De-
 17 fense designates all representatives to the Fraud Reduc-
 18 tion Task Force as quickly as possible.

19 **Subtitle B—Counterdrug Activities**

20 **SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT A UNI-**
 21 **FIED COUNTERDRUG AND COUNTERTER-**
 22 **RORISM CAMPAIGN IN COLOMBIA.**

23 Section 1021 of the Ronald W. Reagan National De-
 24 fense Authorization Act for Fiscal Year 2005 (Public Law
 25 108–375; 118 Stat. 2042), as most recently amended by

1 section 1007 of the National Defense Authorization Act
 2 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
 3 1889), is further amended—

4 (1) in subsection (a)(1), by striking “2023” and
 5 inserting “2025”; and

6 (2) in subsection (c), by striking “2023” and
 7 inserting “2025”.

8 **Subtitle C—Naval Vessels and** 9 **Shipyards**

10 **SEC. 1021. NAVY CONSULTATION WITH MARINE CORPS ON** 11 **MAJOR DECISIONS DIRECTLY CONCERNING** 12 **MARINE CORPS AMPHIBIOUS FORCE STRUC-** 13 **TURE AND CAPABILITY.**

14 (a) IN GENERAL.—Section 8026 of title 10, United
 15 States Code, is amended by inserting “or amphibious force
 16 structure and capability” after “Marine Corps aviation”.

17 (b) CLERICAL AMENDMENTS.—

18 (1) SECTION HEADING.—The heading of such
 19 section is amended by inserting “**or amphibious**
 20 **force structure and capability**”.

21 (2) TABLE OF SECTIONS.—The table of sections
 22 at the beginning of chapter 803 of such title is
 23 amended by striking the item relating to section
 24 8026 and inserting the following new item:

“8026. Consultation with Commandant of the Marine Corps on major decisions
 directly concerning Marine Corps aviation or amphibious force
 structure and capability.”.

1 **SEC. 1022. NUMBER OF NAVY OPERATIONAL AMPHIBIOUS**
2 **SHIPS.**

3 Section 8062 of title 10, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(g) The naval combat forces of the Navy shall in-
7 clude not less than 31 operational amphibious ships, com-
8 prised of LSD-41 class ships, LSD-49 class ships, LPD-
9 17 class ships, LPD-17 Flight II class ships, LHD-1
10 class ships, LHA-6 Flight 0 class ships, and LHA-6
11 Flight I class ships. For purposes of this subsection, an
12 operational amphibious ship includes an amphibious ship
13 that is temporarily unavailable for worldwide deployment
14 due to routine or scheduled maintenance or repair.”.

15 **SEC. 1023. AVAILABILITY OF FUNDS FOR RETIREMENT OR**
16 **INACTIVATION OF LANDING DOCK SHIPS.**

17 None of the funds authorized to be appropriated by
18 this Act or otherwise made available for fiscal year 2023
19 for the Department of Defense may be obligated or ex-
20 pended to retire, prepare to retire, inactivate, or place in
21 storage any of the following ships:

22 (1) USS Germantown (LSD-42).

23 (2) USS Gunston Hall (LSD-44).

24 (3) USS Tortuga (LSD-46).

25 (4) USS Ashland (LSD-48).

1 **SEC. 1024. AVAILABILITY OF FUNDS FOR RETIREMENT OR**
2 **INACTIVATION OF GUIDED MISSILE CRUIS-**
3 **ERS.**

4 (a) IN GENERAL.—Subject to subsection (b), none of
5 the funds authorized to be appropriated by this Act or
6 otherwise made available for fiscal year 2023 for the De-
7 partment of Defense may be obligated or expended to re-
8 tire, prepare to retire, inactivate, or place in storage more
9 than four guided missile cruisers.

10 (b) USS VICKSBURG.—The USS Vicksburg may not
11 be retired, prepared to retire, inactivated, or placed in
12 storage pursuant to subsection (a).

13 **SEC. 1025. BUSINESS CASE ANALYSES ON DISPOSITION OF**
14 **CERTAIN GOVERNMENT-OWNED DRY-DOCKS.**

15 (a) AFDM-10.—Not later than March 1, 2023, the
16 Secretary of the Navy shall submit to the congressional
17 defense committees the results of a business case analysis
18 under which the Secretary shall present a comparison of
19 the following four options for Auxiliary Floating Dock,
20 Medium-10 in Seattle, Washington (in this section re-
21 ferred to as “AFDM-10”):

22 (1) The continued use of AFDM-10, in the
23 same location and under the same lease authorities
24 in effect on the date of the enactment of this Act.

1 (2) The relocation and use of AFDM-10 in al-
2 ternate locations under the same lease authorities in
3 effect on the date of the enactment of this Act.

4 (3) The relocation and use of AFDM-10 in al-
5 ternate locations under alternative lease authorities.

6 (4) The conveyance of AFDM-10 at a fair mar-
7 ket rate to an appropriate non-Government entity
8 with expertise in the non-nuclear ship repair indus-
9 try.

10 (b) GRAVING DOCK AT NAVAL BASE, SAN DIEGO.—
11 Not later than March 1, 2023, the Secretary of the Navy
12 shall submit to the congressional defense committees the
13 results of a business case analysis under which the Sec-
14 retary shall present a comparison of the following two op-
15 tions for the Government-owned graving dock at Naval
16 Base San Diego, California:

17 (1) The continued use of such graving dock, in
18 accordance with the utilization strategy described in
19 the May 25, 2022 report to Congress entitled “Navy
20 Dry Dock Strategy for Surface Ship Maintenance
21 and Repair”.

22 (2) The lease of such graving dock to an appro-
23 priate non-Government entity with expertise in the
24 non-nuclear ship repair industry.

1 **SEC. 1026. PROHIBITION ON USE OF FUNDS FOR RETIRE-**
2 **MENT OF LEGACY MARITIME MINE COUNTER-**
3 **MEASURES PLATFORMS.**

4 (a) PROHIBITION.—Except as provided in subsection
5 (b), the Secretary of the Navy may not obligate or expend
6 funds to discontinue or prepare to discontinue, including
7 by making a substantive reduction in training and oper-
8 ational employment, the Marine Mammal System pro-
9 gram, that has been used, or is currently being used, for—

10 (1) port security at Navy bases, known as
11 Mark-6 systems; or

12 (2) mine search capabilities, known as Mark-7
13 systems.

14 (b) WAIVER.—The Secretary of the Navy may waive
15 the prohibition under subsection (a) if the Secretary, with
16 the concurrence of the Director of Operational Test and
17 Evaluation, certifies in writing to the congressional de-
18 fense committees that the Secretary has—

19 (1) identified a replacement capability and the
20 necessary quantity of such capability to meet all
21 operational requirements currently being met by the
22 Marine Mammal System program, including a de-
23 tailed explanation of such capability and quantity;

24 (2) achieved initial operational capability of all
25 capabilities referred to in paragraph (1), including a
26 detailed explanation of such achievement; and

1 (3) deployed a sufficient quantity of capabilities
2 referred to in paragraph (1) that have achieved ini-
3 tial operational capability to continue to meet or ex-
4 ceed all operational requirements currently being
5 met by Marine Mammal System program, including
6 a detailed explanation of such deployment.

7 **SEC. 1027. DEADLINE FOR 75 PERCENT MANNING FILL FOR**
8 **SHIPS UNDERGOING NUCLEAR REFUELING**
9 **OR DEFUELING.**

10 By not later than December 31, 2023, the Secretary
11 of the Navy shall ensure that the manning fill for each
12 ship undergoing nuclear refueling or defueling, and any
13 concurrent complex overhaul, is not less than—

- 14 (1) 75 percent overall; and
15 (2) 75 percent for enlisted grades E-6 and
16 above.

17 **SEC. 1028. PROHIBITION ON DEACTIVATION OF NAVY COM-**
18 **BAT DOCUMENTATION DETACHMENT 206.**

19 None of the funds authorized to be appropriated by
20 this Act or otherwise made available for fiscal year 2023
21 for the Navy may be obligated or expended to deactivate,
22 or prepare to deactivate Navy Combat Documentation De-
23 tachment 206.

1 **SEC. 1029. WITHHOLDING OF CERTAIN INFORMATION**
2 **ABOUT SUNKEN MILITARY CRAFTS.**

3 Section 1406 of the Sunken Military Craft Act (title
4 XIV of Public Law 108–375; 10 U.S.C. 113 note) is
5 amended by adding at the end the following new sub-
6 section: (j)

7 “(j) WITHHOLDING OF CERTAIN INFORMATION.—
8 Pursuant to subparagraphs (A)(ii) and (B) of section
9 552(b)(3) of title 5 United States Code, the Secretary con-
10 cerned may withhold from public disclosure information
11 and data about the location or character of a sunken mili-
12 tary craft under the jurisdiction of the Secretary, if such
13 disclosure would increase the risk of the unauthorized dis-
14 turbance of one or more sunken military craft.”.

15 **SEC. 1030. AVAILABILITY OF FUNDS FOR RETIREMENT OR**
16 **INACTIVATION OF EXPEDITIONARY TRANS-**
17 **FER DOCK SHIPS.**

18 None of the funds authorized to be appropriated by
19 this Act or otherwise made available for fiscal year 2023
20 for the Department of Defense may be obligated or ex-
21 pended to retire, prepare to retire, inactivate, or place in
22 storage the following ships:

23 (1) ESD-1.

24 (2) ESD-2.

1 **SEC. 1031. AVAILABILITY OF FUNDS FOR RETIREMENT OR**
2 **INACTIVATION OF LITTORAL COMBAT SHIPS.**

3 None of the funds authorized to be appropriated by
4 this Act or otherwise made available for fiscal year 2023
5 for the Department of Defense may be obligated or ex-
6 pended to retire, prepare to retire, inactivate, or place in
7 storage more than four Littoral Combat Ships.

8 **SEC. 1032. BRIEFING ON FIELDING OF SPEIR ON ALL SUR-**
9 **FACE COMBATANT VESSELS.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, the Secretary of the Navy shall provide
12 to the congressional defense committees a briefing on an
13 assessment, including cost, of fielding SPEIR on all sur-
14 face combatant vessels.

15 **SEC. 1033. REPORT ON EFFECTS OF MULTIPLE AWARD**
16 **CONTRACT-MULTI ORDER CONTRACTING.**

17 (a) IN GENERAL.—Not later than October 1, 2023,
18 the Secretary of the Navy shall submit to the congres-
19 sional defense committees a comprehensive report on the
20 effects of Multiple Award Contract-multi Order con-
21 tracting (in this section referred to as “MAC-MO”) on
22 battle force ship availability and maintenance costs.

23 (b) MATTERS FOR INCLUSION.—The report required
24 by subsection (a) shall include each of the following:

25 (1) An analysis plan for the MAC-MO strategy.

1 (2) Lessons learned from the MAC-MO strategy
2 implementation.

3 (3) A description of the effects of competition
4 opportunities following the shift to MAC-MO.

5 (4) An identification of best practices from the
6 previous Multi-ship Multi-Option strategy that have
7 been identified and applied to the MAC-MO strat-
8 egy.

9 (5) An assessment of current perform-to-plan
10 metrics and how such metrics have influenced ongoing
11 contracting processes.

12 (6) An assessment of MAC-MO strategy on
13 ship maintenance availabilities.

14 (7) An assessment of ship maintenance work-
15 load predictability under the MAC-MO strategy.

16 (8) An identification of any planned changes to
17 account for schedule delays.

18 (9) An assessment of possible maintenance
19 delays due to contract award processing that cross
20 fiscal years.

21 **SEC. 1034. CONGRESSIONAL NOTIFICATION REGARDING**
22 **PENDING RETIREMENT OF NAVAL VESSELS**
23 **VIALE FOR ARTIFICIAL REEFING.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the Secretary of the Navy should explore and

1 solicit artificial reefing opportunities with appropriate en-
2 titles for any naval vessel planned for retirement before
3 initiating any plans to dispose of the vessel.

4 (b) REPORT.—Not later than 90 days before the re-
5 tirement from the Naval Vessel Register of any naval ves-
6 sel that is a viable candidate for artificial reefing, the Sec-
7 retary of the Navy shall submit to the Committees on
8 Armed Services of the Senate and House of Representa-
9 tives notice of the pending retirement of such vessel.

10 **SEC. 1034A. AWARD OF CONTRACTS FOR SHIP REPAIR**
11 **WORK TO NON-HOMEPORT SHIPYARDS TO**
12 **MEET SURGE CAPACITY.**

13 Section 8669a of title 10, United States Code, is
14 amended by adding at the end the following new sub-
15 section:

16 “(d) In order to meet surge capacity, the Secretary
17 of the Navy may solicit proposals from, and award con-
18 tracts for ship repair to, non-homeport shipyards that oth-
19 erwise meet the requirements of the Navy for ship repair
20 work.”.

1 **Subtitle D—Counterterrorism**

2 **SEC. 1035. PROHIBITION ON USE OF FUNDS FOR TRANSFER**
3 **OR RELEASE OF INDIVIDUALS DETAINED AT**
4 **UNITED STATES NAVAL STATION, GUANTA-**
5 **NAMO BAY, CUBA, TO CERTAIN COUNTRIES.**

6 No amounts authorized to be appropriated or other-
7 wise made available for the Department of Defense may
8 be used during the period beginning on the date of the
9 enactment of this Act and ending on December 31, 2023,
10 to transfer, release, or assist in the transfer or release of
11 any individual detained in the custody or under the control
12 of the Department of Defense at United States Naval Sta-
13 tion, Guantanamo Bay, Cuba, to the custody or control
14 of any country, or any entity within such country, as fol-
15 lows:

- 16 (1) Libya.
17 (2) Somalia.
18 (3) Syria.
19 (4) Yemen.
20 (5) Afghanistan.

21 **SEC. 1036. REPORT ON THREAT POSED BY DOMESTIC TER-**
22 **RORISTS.**

23 (a) **REPORT REQUIRED.**—Not later than 180 days
24 after the date of the enactment of this Act, the Secretary
25 of Defense, in consultation with the officials specified in

1 subsection (c), shall submit to the congressional defense
2 committees a report that includes an evaluation of the na-
3 ture and extent of the domestic terror threat and domestic
4 terrorist groups.

5 (b) ELEMENTS.—The report under subsection (a)
6 shall—

7 (1) describe the manner in which domestic ter-
8 ror activity is tracked and reported;

9 (2) identify all known domestic terror groups,
10 whether formal in nature or loosely affiliated
11 ideologies, including groups motivated by a belief
12 system of white supremacy such as the Proud Boys
13 and Boogaloo;

14 (3) include a breakdown of the ideology of each
15 group; and

16 (4) describe the efforts of such groups, if any,
17 to infiltrate or target domestic constitutionally pro-
18 tected activity by citizens for cooption or to carry
19 out attacks, and the number of individuals associ-
20 ated or affiliated with each group that engages in
21 such efforts.

22 (c) OFFICIALS SPECIFIED.—The officials specified in
23 this subsection are the following:

24 (1) The Director of the Federal Bureau of In-
25 vestigation

1 (2) The Under Secretary of Homeland Security
2 for Intelligence and Analysis.

3 (3) The Director of National Intelligence.

4 **SEC. 1037. CONSIDERATION OF HUMAN RIGHTS RECORDS**
5 **OF RECIPIENTS OF SUPPORT OF SPECIAL OP-**
6 **ERATIONS TO COMBAT TERRORISM.**

7 Section 127e of title 10, United States Code, is
8 amended—

9 (1) in subsection (c)(2) by adding at the end of
10 the following new subparagraph—

11 “(D) The processes through which the Sec-
12 retary, in consultation with the Secretary of
13 State, shall ensure that, prior to a decision to
14 provide any support to foreign forces, irregular
15 forces, groups, or individuals, full consideration
16 is given to any credible information available to
17 the Department of State relating to violations
18 of human rights by such entities.”.

19 (2) in subsection (d)(2)—

20 (A) in subparagraph (H), by inserting “,
21 including the promotion of good governance and
22 rule of law and the protection of civilians and
23 human rights” before the period at the end;

24 (B) in subparagraph (I)—

1 (i) by striking the period at the end
2 and inserting “or violations of the laws of
3 armed conflict, including the Geneva Con-
4 ventions of 1949, including—”; and

5 (ii) by adding at the end the following
6 new clauses:

7 “(i) vetting units receiving such sup-
8 port for violations of human rights;

9 “(ii) providing human rights training
10 to units receiving such support; and

11 “(iii) providing for the investigation of
12 allegations of gross violations of human
13 rights and termination of such support in
14 cases of credible information of such viola-
15 tions.”; and

16 (C) by adding at the end the following new
17 subparagraph:

18 “(J) A description of the human rights
19 record of the recipient, including for purposes
20 of section 362 of this title, and any relevant at-
21 tempts by such recipient to remedy such
22 record.”;

23 (3) in subsection (i)(3) by adding at the end the
24 following new subparagraph:

1 “(I) An assessment of how support pro-
2 vided under this section advances United States
3 national security priorities and aligns with
4 other United States Government efforts to ad-
5 dress underlying risk factors of terrorism and
6 violent extremism, including repression, human
7 rights abuses, and corruption.”; and

8 (4) by adding at the end the following new sub-
9 sections:

10 “(j) PROHIBITION ON USE OF FUNDS.—(1) Except
11 as provided in paragraphs (2) and (3), no funds may be
12 used to provide support to any foreign forces, irregular
13 forces, groups, or individuals if the Secretary of Defense
14 has credible information that the unit has committed a
15 gross violation of human rights.

16 “(2) The Secretary of Defense, after consultation
17 with the Secretary of State, may waive the prohibition
18 under paragraph (1) if the Secretary determines that the
19 waiver is required by extraordinary circumstances.

20 “(3) The prohibition under paragraph (1) shall not
21 apply with respect to the foreign forces, irregular forces,
22 groups, or individuals of a country if the Secretary of De-
23 fense determines that—

24 “(A) the government of such country has taken
25 all necessary corrective steps; or

1 “(B) the support is necessary to assist in dis-
2 aster relief operations or other humanitarian or na-
3 tional security emergencies.

4 “(k) SAVINGS CLAUSE.—Nothing in this section shall
5 be construed to constitute a specific statutory authoriza-
6 tion for any of the following:

7 “(1) The conduct of a covert action, as such
8 term is defined in section 503(e) of the National Se-
9 curity Act of 1947 (50 U.S.C. 3093).

10 “(2) The introduction of United States armed
11 forces, within the meaning of section 5(b) of the
12 War Powers Resolution, into hostilities or into situa-
13 tions wherein hostilities are clearly indicated by the
14 circumstances.

15 “(3) The provision of support to regular forces,
16 irregular forces, groups, or individuals for the con-
17 duct of operations that United States Special Oper-
18 ations Forces are not otherwise legally authorized to
19 conduct themselves.

20 “(4) The conduct or support of activities, di-
21 rectly or indirectly, that are inconsistent with the
22 laws of armed conflict.”.

1 **SEC. 1038. CONSIDERATION OF HUMAN RIGHTS RECORDS**
2 **OF RECIPIENTS OF SUPPORT OF SPECIAL OP-**
3 **ERATIONS FOR IRREGULAR WARFARE.**

4 Section 1202 of the National Defense Authorization
5 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
6 1639) is amended—

7 (1) in subsection (c)(2), by adding at the end
8 of the following new subparagraph:

9 “(D) The processes through which the Sec-
10 retary shall, in consultation with the Secretary
11 of State, ensure that prior to a decision to pro-
12 vide support to individual members or units of
13 foreign forces, irregular forces, or groups in a
14 foreign country full consideration is given to
15 any credible information available to the De-
16 partment of State relating to gross violations of
17 human rights by such individuals or units.”;

18 (2) in subsection (d)(2) of such section—

19 (A) by redesignating subparagraph (G) as
20 subparagraph (H); and

21 (B) by inserting after subparagraph (F)
22 the following new subparagraph (G):

23 “(G) A description of the human rights
24 record of the recipient, including for purposes
25 of section 362 of title 10, United States Code,

1 and any relevant attempts by such recipient to
2 remedy such record.”;

3 (3) in subsection (h)(3), by adding at the end
4 the following new subparagraph:

5 “(I) An assessment of how support pro-
6 vided under this section advances United States
7 national security priorities and aligns with
8 other United States Government interests in
9 countries in which activities under the authority
10 in this section are ongoing.”;

11 (4) by redesignating subsection (i) as subsection
12 (j); and

13 (5) by inserting after subsection (h) the fol-
14 lowing new subsection (i):

15 “(i) PROHIBITION ON USE OF FUNDS.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graphs (2) and (3), no funds may be used to provide
18 support to any individual member or unit of a for-
19 eign force, irregular force, or group in a foreign
20 country if the Secretary of Defense has credible in-
21 formation that such individual or unit has com-
22 mitted a gross violation of human rights.

23 “(2) WAIVER AUTHORITY.—The Secretary of
24 Defense, after consultation with the Secretary of
25 State, may waive the prohibition under paragraph

(1) if the Secretary determines that the waiver is required by extraordinary circumstances.

“(3) EXCEPTION.—The prohibition under paragraph (1) shall not apply with respect to individual members or units of such foreign forces, irregular forces, or groups if the Secretary of Defense, after consultation with the Secretary of State, determines that—

“(A) the government of such country has taken all necessary corrective steps; or

“(B) the support is necessary to assist in disaster relief operations or other humanitarian or national security emergencies.”.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. MODIFICATION OF AUTHORITY FOR HUMANITARIAN DEMINING ASSISTANCE AND STOCK-PILED CONVENTIONAL MUNITIONS ASSISTANCE.

(a) LOCATION OF ASSISTANCE.—Section 407 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph

(A)—

1 (i) by striking “carry out” and insert-
2 ing “provide”; and

3 (ii) by striking “in a country” and in-
4 serting “to a country”; and

5 (B) in subparagraph (A), by striking “in
6 which the activities are to be carried out” and
7 inserting “to which the assistance is to be pro-
8 vided”; and

9 (2) in subsection (d)—

10 (A) in paragraph (1)—

11 (i) by striking “in which” and insert-
12 ing “to which”; and

13 (ii) by striking “carried out” and in-
14 serting “provided”;

15 (B) in paragraph (2), by striking “carried
16 out in” and inserting “provided to”;

17 (C) in paragraph (3)—

18 (i) by striking “in which” and insert-
19 ing “to which”; and

20 (ii) by striking “carried out” and in-
21 serting “provided”; and

22 (D) in paragraph (4), by striking “in car-
23 rying out such assistance in each such country”
24 and inserting “in providing such assistance to
25 each such country”.

1 (b) EXPENSES.—Subsection (c) of such section 407
2 is amended—

3 (1) in paragraph (2), by adding at the end the
4 following new subparagraph:

5 “(C) Travel, transportation, and subsistence ex-
6 penses of foreign personnel to attend training pro-
7 vided by the Department of Defense under this sec-
8 tion.”; and

9 (2) in paragraph (3), by striking
10 “\$15,000,000” and inserting “\$20,000,000”.

11 (c) REPORT.—Subsection (d) of such section 407, as
12 amended by subsection (a)(2) of this section, is further
13 amended in the matter preceding paragraph (1), by strik-
14 ing “include in the annual report under section 401 of
15 this title a separate discussion of” and inserting “submit
16 to the Committee on Armed Services and the Committee
17 on Foreign Relations of the Senate and the Committee
18 on Armed Services and the Committee on Foreign Affairs
19 of the House of Representatives a report on”.

20 **SEC. 1042. SECURITY CLEARANCES FOR RECENTLY SEPA-**
21 **RATED MEMBERS OF THE ARMED FORCES**
22 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
23 **MENT OF DEFENSE.**

24 (a) IMPROVEMENTS.—

1 (1) IN GENERAL.—Except as provided in sub-
2 section (b), beginning on the date on which a cov-
3 ered individual separates from the Armed Forces or
4 the Department of Defense (as the case may be), if
5 the Secretary of Defense determines that the covered
6 individual held a security clearance immediately
7 prior to such separation and requires a security
8 clearance of an equal or lower level for employment
9 as a covered contractor, the Secretary shall—

10 (A) during the one-year period following
11 such date, treat the previously held security
12 clearance as an active security clearance for
13 purposes of such employment; and

14 (B) during the two-year period following
15 the conclusion of the period specified in sub-
16 paragraph (A), ensure that the adjudication of
17 any request submitted by the covered employee
18 for the reactivation of the previously held secu-
19 rity clearance for purposes of such employment
20 is completed by not later than 180 days after
21 the date of such submission.

22 (2) COAST GUARD.—In the case of a member of
23 the Armed Forces who is a member of the Coast
24 Guard, the Secretary of Defense shall carry out
25 paragraph (1) in consultation with the Secretary of

1 the Department in which the Coast Guard is oper-
2 ating.

3 (b) EXCEPTIONS.—

4 (1) IN GENERAL.—Subsection (a) shall not
5 apply with respect to a covered individual—

6 (A) whose previously held security clear-
7 ance is, or was as of the date of separation of
8 the covered individual, under review as a result
9 of one or more potentially disqualifying factors
10 or conditions that have not been fully inves-
11 tigated or mitigated; or

12 (B) in the case of a member of the Armed
13 Forces, who separated from the Armed Forces
14 under other than honorable conditions.

15 (2) CLARIFICATION OF REVIEW EXCEPTION.—

16 The exception specified in paragraph (1)(A) shall
17 not apply with respect to a routine periodic reinves-
18 tigation or a continuous vetting investigation in
19 which no potentially disqualifying factors or condi-
20 tions have been found.

21 (c) DEFINITIONS.—In this section:

22 (1) The term “covered contractor” means an
23 individual who is employed by an entity that carries
24 out work under a contract with the Department of
25 Defense or an element of the intelligence community.

1 (2) The term “covered individual” means a
2 former member of the Armed Forces or a former ci-
3 vilian employee of the Department of Defense.

4 (3) The term “intelligence community” has the
5 meaning given that term in section 3 of the National
6 Security Act of 1947 (50 U.S.C. 3003).

7 **SEC. 1043. SUBMISSION OF NATIONAL DEFENSE STRATEGY**
8 **IN UNCLASSIFIED FORM.**

9 Section 113(g)(1)(D) of title 10, United States Code,
10 is amended by striking “in classified form with an unclas-
11 sified summary.” and inserting “in unclassified form, but
12 may include a classified annex.”.

13 **SEC. 1044. COMMON ACCESS CARDS FOR DEPARTMENT OF**
14 **DEFENSE FACILITIES FOR CERTAIN CON-**
15 **GRESSIONAL STAFF.**

16 (a) IN GENERAL.—The Secretary of Defense shall
17 develop processes and procedures under which the Sec-
18 retary shall issue common access cards to staff of the con-
19 gressional defense committees who need such access to fa-
20 cilitate the performance of required congressional over-
21 sight activities. Such common access cards shall provide
22 such staff with access to all Department of Defense instal-
23 lations and facilities.

24 (b) IMPLEMENTATION.—The Secretary shall imple-
25 ment the processes and procedures developed under sub-

1 section (a) by not later than 180 days after the date of
2 the enactment of this Act.

3 (c) INTERIM BRIEFING.—Not later than 90 days
4 after the date of the enactment of the Act, the Secretary
5 of Defense shall provide to the congressional defense com-
6 mittees an interim briefing on the status of the processes
7 and procedures required to be developed under subsection
8 (a).

9 **SEC. 1045. INTRODUCTION OF ENTITIES IN TRANSACTIONS**
10 **CRITICAL TO NATIONAL SECURITY.**

11 (a) IN GENERAL.—The Secretary of Defense may fa-
12 cilitate the introduction of entities for the purpose of dis-
13 cussing a covered transaction that the Secretary has deter-
14 mined is in the national security interests of the United
15 States.

16 (b) COVERED TRANSACTION DEFINED.—The term
17 “covered transaction” means a transaction that the Sec-
18 retary has reason to believe would likely involve an entity
19 affiliated with a strategic competitor unless an alternative
20 transaction were to occur.

21 **SEC. 1046. REPOSITORY OF LOCAL NATIONALS WORKING**
22 **FOR OR ON BEHALF OF FEDERAL GOVERN-**
23 **MENT IN THEATER OF COMBAT OPERATIONS.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) there are well documented administrative
2 issues with current and former Special Immigrant
3 Visa programs that significantly increase the appli-
4 cation timeline and impact applicants seeking to
5 verify their eligibility for these programs;

6 (2) administrative issues such as verification of
7 employment, characterization of service, personnel
8 data, and biographical data needed for employment
9 by a local national employee but not centrally main-
10 tained should not be a barrier for an applicant who
11 has put themselves or their family at risk by pro-
12 viding faithful and valuable service in support of the
13 United States Government;

14 (3) upon studying existing databases within the
15 federal government, none meet the requirement that
16 would provide a centralized database that all federal
17 departments and agencies could utilize to ensure
18 that in the future, eligible applicants do not have ap-
19 plications delayed or denied due to missing adminis-
20 trative data;

21 (4) the creation of such a database, exercising
22 current privacy data control policies, would stream-
23 line the application process and provide independent
24 and centralized verification that an applicant is in-
25 deed eligible for the program; and

1 (5) Special Immigrant Visa programs are con-
2 sistent with our national values, and therefore, it is
3 an obligation to make sure the accurate data nec-
4 essary to verify and complete these applications ex-
5 peditiously is available when needed.

6 (b) DATABASE.—Not later than one year after the
7 date of enactment of this Act, the Secretary of Defense,
8 in coordination with the Secretary of State, shall establish
9 and maintain a database listing all foreign nationals work-
10 ing for the United States Government or any contractor
11 or subcontractor (at any tier) of the Department of De-
12 fense, the Department of State, or any other agency or
13 instrumentality of the Executive branch in a theater of
14 combat operations. This section and the requirements of
15 this section shall be carried out consistent with the Privacy
16 Act of 1974.

17 (c) REQUIREMENTS.—The database established
18 under subsection (b) shall be electronic and searchable,
19 and shall include, with respect to each foreign national so
20 listed, the following:

- 21 (1) Full name and date of birth.
- 22 (2) Contact information.
- 23 (3) Local national or State ID Number.
- 24 (4) Passport number, if applicable.
- 25 (5) Job location.

1 (6) The component of Government or con-
2 tractor contact information.

3 (7) Start and end dates, total length of service,
4 and whether the foreign national has met the length
5 of service requirement for the Special Immigrant
6 Visa program in that country, if applicable.

7 (8) A thorough description of work duties and
8 the location where duties were performed.

9 (9) Any other information the Secretary of De-
10 fense or Secretary of State deems appropriate.

11 (d) NOTIFICATION.—The Secretary of Defense, Sec-
12 retary of State, the head of any other agency or instru-
13 mentality of the Executive branch, and each contractor or
14 subcontractor (at any tier) of the Department of Defense,
15 the Department of State, or such other agency or instru-
16 mentality, shall provide to any foreign national employee
17 in the database established under subsection (b), at the
18 end of each year of employment with the Government, con-
19 tractor, or subcontractor (at any tier) (as the case may
20 be) and on the date such employment terminates, a writ-
21 ten certification regarding such employee's total length of
22 service.

1 **SEC. 1047. TRANSFERS AND PAY OF NONAPPROPRIATED**
2 **FUND EMPLOYEES.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Secretary of Defense
5 shall update policies and procedures, as needed, to expe-
6 dite the process for interservice transfers of non-
7 appropriated fund employees. The Secretary shall provide
8 an update to the appropriate committees on the comple-
9 tion of such updates.

10 (b) REPORT.—Not later than 2 years after the date
11 of enactment of this Act, the Secretary shall submit a re-
12 port to the congressional defense committees on the fol-
13 lowing:

14 (1) The impact of the change on the processing
15 time for transfers of nonappropriated fund em-
16 ployees between nonappropriated fund
17 instrumentalities in different military services.

18 (2) The impact of the changes on the proc-
19 essing time for reinstatement of nonappropriated
20 fund employees to a nonappropriated fund instru-
21 mentality in a military service that is different from
22 the military service where the individual was pre-
23 viously employed by a nonappropriated fund instru-
24 mentality.

25 (3) The impact of the changes on recruitment
26 and retention of nonappropriated fund employees in

1 general and specifically for nonappropriated fund
2 employees of military child development centers.

3 **SEC. 1048. ESTABLISHMENT OF JOINT TRAINING PIPELINE**
4 **BETWEEN UNITED STATES NAVY AND ROYAL**
5 **AUSTRALIAN NAVY.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the AUKUS partnership between Australia,
9 the United Kingdom, and the United States presents
10 a significant opportunity to enhance security co-
11 operation in the Indo-Pacific region;

12 (2) parties to the AUKUS partnership should
13 work expeditiously to implement a strategic roadmap
14 to successfully deliver capabilities outlined in the
15 agreement;

16 (3) the United States should engage with indus-
17 try partners to develop a comprehensive under-
18 standing of the requirements needed to increase ca-
19 pacity and capability;

20 (4) Australia should continue to expand its in-
21 dustrial base to support production and delivery of
22 future capabilities;

23 (5) the delivery of a nuclear-powered submarine
24 to the Government of Australia would require the
25 appropriate training and development of future com-

1 manding officers to operate such submarines for the
2 Royal Australian Navy; and

3 (6) in order to uphold the stewardship of the
4 Naval Nuclear Propulsion Program, the Secretary of
5 Defense should work to coordinate an exchange pro-
6 gram to integrate and train Australian sailors for
7 the operation and maintenance of nuclear-powered
8 submarines.

9 (b) EXCHANGE PROGRAM.—The Secretary of De-
10 fense, in consultation with the Secretary of Energy, shall
11 carry out an exchange program for Australian submarine
12 officers during 2023 and each subsequent year. Under the
13 program, each year, a minimum of two Australian sub-
14 marine officers shall be selected to participate in the pro-
15 gram. Each such participant shall—

16 (1) receive training in the Navy Nuclear Pro-
17 pulsion School;

18 (2) following such training and by not later
19 than July 1 of the year of participation, enroll in the
20 Submarine Office Basic Course; and

21 (3) following completion of such course, be as-
22 signed to duty on an operational United States sub-
23 marine at sea.

24 (c) REPORT.—Not later than 180 days after the date
25 of the enactment of this Act, the Secretary of Defense

1 shall submit to the congressional defense committees a re-
2 port on a notional exchange program for Australian sub-
3 marine officers that includes initial, follow-on, and recur-
4 ring training that could be provided to Australian sub-
5 marine officers in order prepare such officers for com-
6 mand of nuclear-powered Australian submarines.

7 **SEC. 1049. INSPECTOR GENERAL OVERSIGHT OF DEPART-**
8 **MENT OF DEFENSE ACTIVITIES IN RESPONSE**
9 **TO RUSSIA'S FURTHER INVASION OF**
10 **UKRAINE.**

11 The Inspector General of the Department of Defense
12 Inspector General shall carry out comprehensive oversight
13 and conduct reviews, audits, investigations, and inspec-
14 tions of the activities conducted by the Department of De-
15 fense in response to Russia's further invasion of Ukraine,
16 initiated on February 24, 2022, including military assist-
17 ance provided to Ukraine by the Department of Defense.

18 **SEC. 1050. CONSULTATION OF CONGRESSIONAL DEFENSE**
19 **COMMITTEES IN PREPARATION OF NATIONAL**
20 **DEFENSE STRATEGY.**

21 Section 113(g)(1) of title 10, United States Code, is
22 amended—

23 (1) by redesignating subparagraphs (D)
24 through (F) as subparagraphs (E) through (G), re-
25 spectively; and

1 (2) by inserting after subparagraph (C) the fol-
2 lowing new subparagraph (D):

3 “(D) In addressing the matters referred to in sub-
4 paragraph (B)(i) and (ii), the Secretary may seek the ad-
5 vice and views of the congressional defense committees,
6 through the Chair and Ranking Members of the congres-
7 sional defense committees. The congressional defense com-
8 mittees, through the Chair and Ranking Member of the
9 congressional defense committees, may submit their advice
10 and views to the Secretary in writing. Any such written
11 views shall be published as an annex to the national de-
12 fense strategy.”.

13 **SEC. 1051. PROHIBITION ON USE OF FUNDS FOR AERIAL**
14 **FUMIGATION IN COLOMBIA.**

15 None of the amounts authorized to be appropriated
16 by this Act or otherwise made available for the Depart-
17 ment of Defense for fiscal year 2022 may be used to di-
18 rectly conduct, support, assist, or contribute to the per-
19 formance of the aerial fumigation of crops in Colombia.

20 **SEC. 1052. ASSESSMENT OF SUICIDE RISK AT MILITARY IN-**
21 **STALLATIONS.**

22 (a) **PROCEDURE.**—The Secretary of Defense, acting
23 through the Under Secretary of Defense for Personnel and
24 Readiness and in collaboration with the Defense Suicide

1 Prevention Office. shall establish a procedure for assessing
2 suicide risk at military installations.

3 (b) REPORT.— Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall submit to the congressional defense committees a re-
6 port on the strategy and procedure for assessing suicide
7 risk at military installations.

8 **Subtitle F—Studies and Reports**

9 **SEC. 1061. BRIEFING ON GLOBAL FORCE MANAGEMENT AL-** 10 **LOCATION PLAN.**

11 Section 1074(c) of the National Defense Authoriza-
12 tion Act for Fiscal Year 2022 (Public Law 117–81) is
13 amended by adding at the end the following new para-
14 graph:

15 “(4) For each major modification to global
16 force allocation made during the preceding fiscal
17 year that deviated from the Global Force Manage-
18 ment Allocation Plan for that fiscal year—

19 “(A) an analysis of the costs of such modi-
20 fication;

21 “(B) an assessment of the risks associated
22 with such modification, including strategic
23 risks, operational risks, and risks to readiness;
24 and

1 “(C) a description of any strategic trade-
2 offs associated with such modification.”.

3 **SEC. 1062. EXTENSION AND MODIFICATION OF REPORTING**
4 **REQUIREMENT REGARDING ENHANCEMENT**
5 **OF INFORMATION SHARING AND COORDINA-**
6 **TION OF MILITARY TRAINING BETWEEN DE-**
7 **PARTMENT OF HOMELAND SECURITY AND**
8 **DEPARTMENT OF DEFENSE.**

9 Section 1014 of the National Defense Authorization
10 Act for Fiscal Year 2017 (Public Law 114–328) is amend-
11 ed—

12 (1) in subsection (d)—

13 (A) in paragraph (1)(B)(iv), by adding at
14 the end the following new subclauses:

15 “(VIII) The methodology used
16 for making cost estimates in the eval-
17 uation of a request for assistance.

18 “(IX) The extent to which the
19 fulfillment of the request for assist-
20 ance affected readiness of the Armed
21 Forces, including members of the re-
22 serve components.”; and

23 (B) in paragraph (3), by striking “Decem-
24 ber 31, 2023” and inserting “December 31,
25 2024”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(f) QUARTERLY BRIEFINGS.—Not later than 30
4 days after the last day of each fiscal quarter, the Secretary
5 of Defense shall provide to the Committees on Armed
6 Services of the Senate and House of Representatives a
7 briefing on any assistance provided by the Department of
8 Defense to the border security mission of the Department
9 of Homeland Security at the international borders of the
10 United States during the quarter covered by the briefing.
11 Each such briefing shall include each of the elements spec-
12 ified in subsection (d)(1)(B) for such quarter.”.

13 **SEC. 1063. CONTINUATION OF REQUIREMENT FOR ANNUAL**
14 **REPORT ON NATIONAL GUARD AND RESERVE**
15 **COMPONENT EQUIPMENT.**

16 (a) IN GENERAL.—Section 1080(a) of the National
17 Defense Authorization Act for Fiscal Year 2016 (Public
18 Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does
19 not apply to the report required to be submitted to Con-
20 gress under section 10541 of title 10, United States Code.

21 (b) CONFORMING REPEAL.—Section 1061(c) of the
22 National Defense Authorization Act for Fiscal Year 2017
23 (Public Law 114–328); 130 Stat. 2402; 10 U.S.C. 111
24 note) is amended by striking paragraph (62).

1 **SEC. 1064. COMBATANT COMMAND RISK ASSESSMENT FOR**
2 **AIRBORNE INTELLIGENCE, SURVEILLANCE,**
3 **AND RECONNAISSANCE.**

4 (a) IN GENERAL.—Not later than 60 days after the
5 date on which the Secretary of Defense submits to Con-
6 gress the materials in support of the budget for any fiscal
7 year, or the date on which any of the military departments
8 otherwise proposes to retire or otherwise divest any air-
9 borne intelligence, surveillance, and reconnaissance capa-
10 bilities, the Vice Chairman of the Joint Chiefs of Staff,
11 in coordination with the commanders of each of the geo-
12 graphic combatant commands, shall submit to the con-
13 gressional defense committees a report containing an as-
14 sessment of the level of operational risk to each such com-
15 mand posed by the proposed retirement or divestment with
16 respect to the capability of the command to meet near-
17 , mid-, and far-term contingency and steady-state require-
18 ments against adversaries in support of the objectives of
19 the national defense strategy under section 113(g) of title
20 10, United States Code.

21 (b) RISK ASSESSMENT.—In assessing levels of oper-
22 ational risk for the purposes of subsection (a), the Vice
23 Chairman and the commanders of the geographic combat-
24 ant commands shall use the military risk matrix of the
25 Chairman of the Joint Chiefs of Staff, as described in
26 CJCS Instruction 3401.01E, or any successor instruction.

1 (c) GEOGRAPHIC COMBATANT COMMAND.—In this
2 section, the term “geographic combatant command”
3 means any of the following:

- 4 (1) United States European Command.
- 5 (2) United States Indo-Pacific Command.
- 6 (3) United States Africa Command.
- 7 (4) United States Southern Command.
- 8 (5) United States Northern Command.
- 9 (6) United States Central Command.

10 (d) TERMINATION.—The requirement to submit a re-
11 port under this section shall terminate on the date that
12 is five years after the date of the enactment of this Act.

13 **SEC. 1065. REPORTS ON EFFECTS OF STRATEGIC COMPET-**
14 **ITOR NAVAL FACILITIES IN AFRICA.**

15 (a) INITIAL REPORT.—

16 (1) IN GENERAL.—Not later than May 15,
17 2023, the Secretary of Defense shall submit to the
18 appropriate congressional committees a report on
19 the effects on the national security of the United
20 States of current or planned covered naval facilities
21 in Africa.

22 (2) ELEMENTS.—The report required under
23 paragraph (1) shall include the following:

24 (A) An identification of—

1 (i) any location in Africa where a cov-
2 ered naval facility has been established;
3 and

4 (ii) any location in Africa where a cov-
5 ered naval facility is planned for construc-
6 tion.

7 (B) A detailed description of—

8 (i) any agreement entered into be-
9 tween China or Russia and a country or
10 government in Africa providing for or ena-
11 bling the establishment or operation of a
12 covered naval facility in Africa; and

13 (ii) any efforts by the Department of
14 Defense to change force posture, deploy-
15 ments, or other activities in Africa as a re-
16 sult of current or planned covered naval fa-
17 cilities in Africa.

18 (C) An assessment of—

19 (i) the effect that each current cov-
20 ered naval facility has had on United
21 States interests, allies, and partners in and
22 around Africa;

23 (ii) the effect that each planned cov-
24 ered naval facility is expected to have on

1 United States interests, allies, and part-
2 ners in and around Africa;

3 (iii) the policy objectives of China and
4 Russia in establishing current and future
5 covered naval facilities at the locations
6 identified under subparagraph (A); and

7 (iv) the specific military capabilities
8 supported by each current or planned cov-
9 ered naval facility.

10 (b) UPDATE TO REPORT.—

11 (1) IN GENERAL.—Not later than March 1,
12 2024, the Secretary of Defense shall submit to the
13 appropriate congressional committees a report con-
14 taining an update to the report required under sub-
15 section (a).

16 (2) ELEMENTS.—The report required under
17 paragraph (1) shall include the following:

18 (A) An identification of—

19 (i) any location in Africa where a cov-
20 ered naval facility has been established
21 since the date of the submittal of the re-
22 port under subsection (a); and

23 (ii) any location in Africa where a cov-
24 ered naval facility has been planned for
25 construction since such date.

1 (B) A detailed description of—

2 (i) any agreement entered into be-
3 tween China or Russia and country or gov-
4 ernment in Africa since such date pro-
5 viding for or enabling the establishment of
6 a covered naval facility in Africa; and

7 (ii) any efforts by the Department of
8 Defense since such date to change force
9 posture, deployments, or other activities in
10 Africa as a result of current or planned
11 covered naval facilities in Africa.

12 (C) An updated assessment of—

13 (i) the effect that each current cov-
14 ered naval facility has had on United
15 States interests, allies, and partners in and
16 around Africa since such date;

17 (ii) the effect that each planned cov-
18 ered naval facility has had on United
19 States interests, allies, and partners in and
20 around Africa since such date;

21 (iii) the policy objectives of China and
22 Russia, including new objectives and
23 changes to objectives, in establishing cur-
24 rent and future covered naval facilities at
25 the locations identified in the report re-

1 required under subsection (a) or in subpara-
2 graph (A); and

3 (iv) the specific military capabilities
4 supported by each current or planned cov-
5 ered naval facility at such locations, includ-
6 ing new capabilities and changes to capa-
7 bilities.

8 (D) A detailed description of—

9 (i) the policy of the Department of
10 Defense surrounding strategic competitor
11 efforts to establish and maintain covered
12 naval facilities in Africa; and

13 (ii) any actual or planned actions
14 taken by the Department in response to
15 such efforts and in coordination with glob-
16 al Department priorities, as identified in
17 the national defense strategy under section
18 113(g) of title 10, United States Code.

19 (c) FORM.—A report required under subsection (a)
20 or (b) shall be submitted in unclassified form without any
21 designation relating to dissemination control, but may in-
22 clude a classified annex.

23 (d) DEFINITIONS.—In this section:

1 (1) The term “Africa” means all countries in
2 the area of operations of United States Africa Com-
3 mand and Egypt.

4 (2) The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Armed Services, the
7 Committee on Foreign Affairs, and the Perma-
8 nent Select Committee on Intelligence of the
9 House of Representatives; and

10 (B) the Committee on Armed Services, the
11 Committee on Foreign Relations, and the Select
12 Committee on Intelligence of the Senate.

13 (3) The term “covered naval facility” means a
14 naval facility owned, operated, or otherwise con-
15 trolled by the People’s Republic of China or the Rus-
16 sian Federation.

17 (4) The term “naval facility” means a naval
18 base, civilian sea port with dual military uses, or
19 other facility intended for the use of warships or
20 other naval vessels for refueling, refitting, resupply,
21 force projection, or other military purposes.

1 **SEC. 1066. ANNUAL REPORTS ON SAFETY UPGRADES TO**
2 **THE HIGH MOBILITY MULTIPURPOSE**
3 **WHEELED VEHICLE FLEETS.**

4 (a) ANNUAL REPORTS.—Not later than March 1,
5 2023, and annually thereafter until the date specified in
6 subsection (c), the Secretaries of the Army, Navy, and Air
7 Force shall each submit to the Committees on Armed
8 Services of the Senate and House of Representatives a re-
9 port on the installation of safety upgrades to the high mo-
10 bility multipurpose wheeled vehicle fleets under the juris-
11 diction of the Secretary concerned, including anti-lock
12 brakes, electronic stability control, and fuel tanks.

13 (b) MATTERS FOR INCLUSION.—Each report re-
14 quired under subsection (a) shall include, for the year cov-
15 ered by the report, each of the following:

16 (1) The total number of safety upgrades nec-
17 essary for the high mobility multipurpose wheeled
18 vehicle fleets under the jurisdiction of the Secretary
19 concerned.

20 (2) The total cumulative number of such up-
21 grades completed prior to the year covered by the re-
22 port.

23 (3) A description of any such upgrades that
24 were planned for the year covered by the report.

25 (4) A description of any such upgrades that
26 were made during the year covered by the report

1 and, if the number of such upgrades was less than
2 the number of upgrades planned for such year, an
3 explanation of the variance.

4 (5) If the total number of necessary upgrades
5 has not been made, a description of the upgrades
6 planned for each year subsequent to the year cov-
7 ered by the report.

8 (c) TERMINATION.—No report shall be required
9 under this section after March 1, 2026.

10 **SEC. 1067. QUARTERLY REPORTS ON OPERATION SPARTAN**
11 **SHIELD.**

12 (a) IN GENERAL.—The Inspector General of the De-
13 partment of Defense shall submit to the congressional de-
14 fense committees, and make publicly available on an ap-
15 propriate website of the Department, quarterly reports on
16 Operation Spartan Shield in a manner consistent with sec-
17 tion 8L of the Inspector General Act of 1978 (5 U.S.C.
18 App.).

19 (b) FORM OF REPORTS.—Each report required under
20 subsection (a) shall be submitted in unclassified form, but
21 may contain a classified annex.

22 (c) DEADLINE FOR FIRST REPORT.—The Inspector
23 General shall submit the first quarterly report required
24 under subsection (a) by not later than 180 days after the
25 date of the enactment of this Act.

1 **SEC. 1068. CONGRESSIONAL NOTIFICATION OF MILITARY**
2 **INFORMATION SUPPORT OPERATIONS IN THE**
3 **INFORMATION ENVIRONMENT.**

4 (a) IN GENERAL.—Not later than 15 days before the
5 Secretary of Defense exercises the authority of the Sec-
6 retary to conduct a new military information support oper-
7 ation in the information environment, as affirmed in sec-
8 tion 1631(b) of the National Defense Authorization Act
9 for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 397
10 note), the Secretary shall provide to the appropriate con-
11 gressional committees notice in writing of the intent to
12 use such authority to conduct such operation.

13 (b) ELEMENTS.—A notification under subsection (a)
14 shall include each of the following:

15 (1) A description of the type of support to be
16 provided in the operation.

17 (2) A description of the personnel engaged in
18 supporting or facilitating the operation.

19 (3) The amount obligated under the authority
20 to provide support.

21 (4) The expected duration of the operation and
22 the desired outcome of the operation.

23 (c) ANNUAL REPORT.—Not later than 90 days after
24 the last day of any fiscal year during which the Secretary
25 conducts a military support operation in the information
26 environment, the Secretary shall submit to the appropriate

1 congressional committees a report on all such operations
2 during such fiscal year. Such report shall include each of
3 the following for each activity conducted pursuant to such
4 an operation:

5 (1) The name of the activity.

6 (2) A description of the activity.

7 (3) The combatant command responsible for
8 the activity.

9 (4) The desired outcome of the activity.

10 (5) The target audience for the activity.

11 (6) Any means of dissemination used in the
12 conduct of the activity.

13 (7) The cost of conducting the activity.

14 (8) An assessment of the effectiveness of the
15 activity.

16 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—

17 In this section, the term “appropriate congressional com-
18 mittees” means—

19 (1) the congressional defense committees;

20 (2) the Permanent Select Committee on Intel-
21 ligence and the Committee on Foreign Affairs of the
22 House of Representatives; and

23 (3) the Select Committee on Intelligence and
24 the Committee on Foreign Relations of the Senate.

1 **SEC. 1069. DEPARTMENT OF DEFENSE DELAYS IN PRO-**
2 **VIDING COMMENTS ON GOVERNMENT AC-**
3 **COUNTABILITY OFFICE REPORTS.**

4 (a) **REPORTS REQUIRED.**—Not later than 180 days
5 after the date of the enactment of this Act, and once every
6 180 days thereafter until the date that is 2 years after
7 the date of the enactment of this Act, the Comptroller
8 General of the United States shall submit to the congres-
9 sional defense committees a report on the extent to which
10 the Department of Defense provided comments and sensi-
11 tivity and security reviews (for drafts tentatively identified
12 as containing controlled unclassified information or classi-
13 fied information) in a timely manner and in accordance
14 with the protocols of the Government Accountability Office
15 during the 180-day period preceding the date of the sub-
16 mittal of the report.

17 (b) **REQUIREMENTS FOR GAO REPORT.**—Each re-
18 port under subsection (a) shall include the following infor-
19 mation for the period covered by the report:

20 (1) The number of draft Government Account-
21 ability Office reports for which the Government Ac-
22 countability Office requested comments from the De-
23 partment of Defense, including an identification of
24 the reports for which a sensitivity or security review
25 was requested (separated by reports potentially con-
26 taining only controlled unclassified information and

1 reports potentially containing classified information)
2 and the reports for which such a review was not re-
3 quested.

4 (2) The median and average number of days
5 between the date of the request for Department of
6 Defense comments and the receipt of such com-
7 ments.

8 (3) The average number of days between the
9 date of the request for a Department of Defense
10 sensitivity or security review and the receipt of the
11 results of such review.

12 (4) In the case of any such draft report for
13 which the Department of Defense failed to provide
14 such comments or review within 30 days of the re-
15 quest for such comments or review—

16 (A) the number of days between the date
17 of the request and the receipt of such comments
18 or review; and

19 (B) a unique identifier, for purposes of
20 identifying the draft report.

21 (5) In the case of any such draft report for
22 which the Government Accountability Office pro-
23 vided an extension to the Department of Defense—

1 (A) whether the Department provided the
2 comments or review within the time period of
3 the extension; and

4 (B) a unique identifier, for purposes of
5 identifying the draft report.

6 (6) Any other information the Comptroller Gen-
7 eral determines appropriate.

8 (c) DOD RESPONSES.—Not later than 30 days after
9 the Comptroller General submits a report under sub-
10 section (a), the Secretary of Defense shall submit to the
11 congressional defense committees a response to such re-
12 port that includes each of the following:

13 (1) An identification of factors that contributed
14 to any delays identified in the report with respect to
15 Department of Defense comments and sensitivity or
16 security reviews requested by the Government Ac-
17 countability Office.

18 (2) A description of any actions the Depart-
19 ment of Defense has taken or plans to take to ad-
20 dress such factors.

21 (3) A description of any improvements the De-
22 partment has made in the ability to track timeliness
23 in providing such comments and sensitivity or secu-
24 rity reviews.

1 (4) Any other information the Secretary deter-
2 mines relevant to the information contained in the
3 report submitted by the Comptroller General.

4 **SEC. 1070. REPORTS ON HOSTILITIES INVOLVING UNITED**
5 **STATES ARMED FORCES.**

6 (a) IN GENERAL.—Not later than 48 hours after any
7 incident in which the United States Armed Forces are in-
8 volved in an attack or hostilities, whether in an offensive
9 or defensive capacity, the President shall transmit to the
10 congressional defense committees, the Committee on For-
11 eign Relations of the Senate, and the Committee on For-
12 eign Affairs of the House of Representatives a report on
13 the incident, unless the President—

14 (1) otherwise reports the incident within 48
15 hours pursuant to section 4 of the War Powers Res-
16 olution (50 U.S.C. 1543); or

17 (2) has determined prior to the incident, and so
18 reported pursuant to section 1264 of the National
19 Defense Authorization Act for Fiscal Year 2018 (50
20 U.S.C. 1549), that the United States Armed Forces
21 involved in the incident would be operating under
22 specific statutory authorization within the meaning
23 of section 5(b) of the War Powers Resolution (50
24 U.S.C. 1544(b)).

1 (b) MATTERS TO BE INCLUDED.—Each report re-
2 quired by subsection (a) shall include—

3 (1) the statutory and operational authorities
4 under which the United States Armed Forces were
5 operating when the incident occurred, including any
6 relevant executive orders and an identification of the
7 operational activities authorized under any such ex-
8 ecutive orders;

9 (2) the date, location, and duration of the inci-
10 dent and the other parties involved;

11 (3) a description of the United States Armed
12 Forces involved in the incident and the mission of
13 such Armed Forces;

14 (4) the numbers of any combatant casualties
15 and civilian casualties that occurred as a result of
16 the incident; and

17 (5) any other information the President deter-
18 mines appropriate.

19 (c) FORM.—Each report required by subsection (a)
20 shall be submitted in unclassified form, but may include
21 a classified annex.

1 **SEC. 1071. ANNUAL REPORT ON CIVILIAN CASUALTIES IN**
2 **CONNECTION WITH UNITED STATES MILI-**
3 **TARY OPERATIONS.**

4 Section 1057(b) of the National Defense Authoriza-
5 tion Act for Fiscal Year 2018 (Public Law 115–91) is
6 amended—

7 (1) in paragraph (1), by striking “that were
8 confirmed, or reasonably suspected, to have resulted
9 in civilian casualties” and inserting “that resulted in
10 civilian casualties that have been confirmed or are
11 reasonably suspected to have occurred”;

12 (2) in paragraph (2)—

13 (A) in subparagraph (B), by inserting “,
14 including, to the extent practicable, geographic
15 coordinates of any strike resulting in civilian
16 casualties occurring as a result of the conduct
17 of the operation.” after “location”;

18 (B) in subparagraph (D), by inserting be-
19 fore the period the following: “, including the
20 justification for each strike conducted as part of
21 the operation”;

22 (C) in subparagraph (E), by inserting be-
23 fore the period at the end the following: “, for-
24 mulated as a range, if necessary, and including,
25 to the extent practicable, information regarding

1 the number of men, women, and children in-
2 volved”; and

3 (D) by adding at the end the following new
4 subparagraphs:

5 “(F) For each strike carried out as part of
6 the operation, an assessment of the destruction
7 of civilian property.

8 “(G) A summary of the determination of
9 each completed civilian casualty assessment or
10 investigation.

11 “(H) For each investigation into an inci-
12 dent that resulted in civilian casualties—

13 “(i) whether the Department con-
14 ducted any witness interviews or site visits
15 occurred, and if not, an explanation of why
16 not; and

17 “(ii) whether information pertaining
18 to the incident that was collected by one or
19 more non-governmental entities was con-
20 sidered, if such information exists.”; and

21 (3) by striking paragraph (4) and inserting the
22 following new paragraph (4):

23 “(4) A description of any new or updated civil-
24 ian harm policies and procedures implemented by
25 the Department of Defense.”.

1 **SEC. 1072. JUSTIFICATION FOR TRANSFER OR ELIMI-**
2 **NATION OF FLYING MISSIONS.**

3 (a) IN GENERAL.—Prior to the relocation or elimi-
4 nation of any flying mission, either with respect to an ac-
5 tive or reserve component of a covered Armed Force, the
6 Secretary of Defense shall submit to the congressional de-
7 fense committees a report describing the justification of
8 the Secretary for the decision to relocate or eliminate such
9 mission. Such report shall include each of the following:

10 (1) A description of how the decision supports
11 the national defense strategy, the national military
12 strategy, the North American Aerospace Defense
13 Command strategy, and other relevant strategies.

14 (2) A specific analysis and metrics supporting
15 such decision.

16 (3) An analysis and metrics to show that the
17 elimination or relocation of the flying mission would
18 not negatively affect the homeland defense mission.

19 (4) A plan for how the Department of Defense
20 intends to fulfill or continue the mission require-
21 ments of the eliminated or relocated flying mission.

22 (5) An assessment of the effect of the elimi-
23 nation or relocation on the national defense strategy,
24 the national military strategy, the North American
25 Aerospace Defense Command strategy, and the
26 homeland defense mission.

1 (6) An analysis and metrics to show that the
2 elimination or relocation of the flying mission and its
3 secondary and tertiary impacts would not degrade
4 capabilities and readiness of the Joint Force.

5 (7) An analysis and metrics to show that the
6 elimination or relocation of the flying mission would
7 not negatively affect the national military airspace
8 system.

9 (b) COVERED ARMED FORCE.—In this section, the
10 term “covered Armed Force” means—

11 (1) The Army.

12 (2) The Navy.

13 (3) The Air Force.

14 **SEC. 1073. EQUIPMENT OF ARMY RESERVE COMPONENTS:**

15 **ANNUAL REPORT TO CONGRESS.**

16 Section 10541(b)(10) of title 10, United States Code,
17 is amended—

18 (1) in subparagraph (E), by striking “and”;

19 (2) by redesignating subparagraph (F) as sub-
20 paragraph (G); and

21 (3) by inserting, after subparagraph (E), the
22 following new subparagraph (F):

23 “(F) MQ-1C Gray Eagle Extended Range;
24 and”.

1 **SEC. 1074. PUBLIC AVAILABILITY OF REPORTS.**

2 (a) REQUIREMENTS FOR WITHHOLDING CERTAIN
3 REPORTS.—Section 122a(b)(2)(D) of title 10, United
4 States Code, is amended—

5 (1) by striking the period at the end and insert-
6 ing “, if the Secretary—”;

7 (2) by adding at the end the following new
8 clauses:

9 “(A) gives public notice that the report will
10 be withheld pursuant to such determination;
11 and

12 “(B) submits to the congressional defense
13 committees the reason for the determination
14 that the information should not be made avail-
15 able to the public.”.

16 (b) REPORT TO CONGRESS.—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 of Defense shall submit to the congressional defense com-
19 mittees, and make publicly available on an appropriate
20 website of the Department of Defense, a report on the im-
21 plementation of section 122a of title 10, United States
22 Code, as amended by subsection (a). Such report shall ad-
23 dress—

24 (1) the procedures under which members of the
25 public may request a covered report under sub-
26 section (a)(2) of such section 122a; and

1 (2) the procedures and criteria under which the
2 Secretary determines that a report that would other-
3 wise be a covered report should not be made publicly
4 available pursuant to subsection (b)(2)(D) of such
5 section, as amended by subsection (a).

6 **SEC. 1075. QUARTERLY REPORTS ON EXPENDITURES FOR**
7 **PLANNING AND DESIGN OF INFRASTRUC-**
8 **TURE TO SUPPORT PERMANENT UNITED**
9 **STATES FORCE PRESENCE ON EUROPE'S**
10 **EASTERN FLANK.**

11 (a) IN GENERAL.—The Commander of United States
12 European Command shall submit to the congressional de-
13 fense committees quarterly reports on the use of the funds
14 described in subsection (c) until the date on which all such
15 funds are expended.

16 (b) CONTENTS.—Each report required under sub-
17 section (a) shall include an expenditure plan for the estab-
18 lishment of infrastructure to support permanent United
19 States force presence in the covered region.

20 (c) FUNDS DESCRIBED.—The funds described in this
21 subsection are the amounts authorized to be appropriated
22 or otherwise made available for fiscal year 2023 for—

23 (1) Operation and Maintenance, Air Force, for
24 Advanced Planning for Infrastructure to Support
25 Presence on NATO's Eastern Flank;

1 (2) Operation and Maintenance, Army, for Ad-
2 vanced Planning for Infrastructure to Support Pres-
3 ence on NATO’s Eastern Flank; and

4 (3) Military Construction, Defense-wide, Plan-
5 ning & Design: EUCOM–Infrastructure to Support
6 Presence on NATO’s Eastern Flank.

7 (d) COVERED REGION.—In this section, the term
8 “covered region” means Romania, Poland, Lithuania, Lat-
9 via, Estonia, Hungary, Bulgaria, and Slovakia.

10 **SEC. 1076. STUDY ON MILITARY TRAINING ROUTES AND**
11 **SPECIAL USE AIR SPACE NEAR WIND TUR-**
12 **BINES.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) renewable energy development is expanding
16 rapidly as the United States continues to invest in
17 diversifying its energy portfolio;

18 (2) this expansion has to be carefully consid-
19 ered in its potential impacts to low-level military
20 training routes and special use airspace of the De-
21 partment of Defense;

22 (3) it is imperative that the United States pre-
23 serves access to national airspace for military test
24 and training and activities to ensure military readi-
25 ness while facilitating deployment of renewable en-

1 ergy projects, such as wind turbines, that enhance
2 national and economic security in ways that are
3 compatible with military airspace needs; and

4 (4) the rapid proliferation of wind turbines
5 around the world may require the Armed Forces to
6 develop tactics, training, and procedures for oper-
7 ations in the vicinity of wind turbines in order to ex-
8 ploit potential adversaries' turbines for tactical ad-
9 vantage.

10 (b) STUDY AND REPORT.—

11 (1) IN GENERAL.—The Secretary of Defense
12 shall seek to enter into an agreement with a feder-
13 ally funded research and development center to con-
14 duct a study to identify low-level military training
15 routes and special use airspace that may be used by
16 the Department of Defense to conduct realistic
17 training over and near wind turbines.

18 (2) ELEMENTS.—As part of the study under
19 paragraph (1), the federally funded research and de-
20 velopment center that conducts the study shall—

21 (A) identify and define the requirements
22 for military airspace that may be used for the
23 training described in paragraph (1), taking into
24 consideration—

1 (i) the operational and training needs
2 of the Armed Forces; and

3 (ii) the threat environments of adver-
4 saries of the United States, including the
5 People's Republic of China;

6 (B) identify possibilities for combining live,
7 virtual, and constructive flight training near
8 wind projects, both onshore and offshore;

9 (C) describe the airspace inventory re-
10 quired for low-level training proficiency given
11 current and projected force structures;

12 (D) provide recommendations for rede-
13 signing and properly sizing special use air space
14 and military training routes to combine live and
15 synthetic training in a realistic environment;

16 (E) describe ongoing research and develop-
17 ment programs being utilized to mitigate im-
18 pacts of wind turbines on low-level training
19 routes; and

20 (F) identify current training routes im-
21 pacted by wind turbines, any previous training
22 routes that are no longer in use because of wind
23 turbines, and any training routes projected to
24 be lost due to wind turbines.

1 (3) COORDINATION.—In carrying out para-
2 graph (1), the Secretary of Defense shall coordinate
3 with—

4 (A) the Under Secretary of Defense for
5 Personnel and Readiness;

6 (B) the Department of Defense Policy
7 Board on Federal Aviation; and

8 (C) the Federal Aviation Administration.

9 (4) SUBMITTAL TO DOD.—

10 (A) IN GENERAL.—Not later than one year
11 after the date of the enactment of this Act, the
12 federally funded research and development cen-
13 ter that conducts the study under paragraph
14 (1) shall submit to the Secretary of Defense a
15 report on the results of the study.

16 (B) FORM.—The report under paragraph
17 (1) shall be submitted in unclassified form but
18 may include a classified annex.

19 (5) SUBMITTAL TO CONGRESS.—Not later than
20 60 days after the date on which the Secretary of De-
21 fense receives the report under paragraph (4), the
22 Secretary shall submit to the appropriate congres-
23 sional committees an unaltered copy of the report to-
24 gether with any comments the Secretary may have
25 with respect to the report.

1 (c) DEFINITIONS.—In this section:

2 (1) The term “appropriate congressional com-
3 mittees” means the following:

4 (A) The congressional defense committees.

5 (B) The Committee on Transportation and
6 Infrastructure of the House of Representatives.

7 (C) The Committee on Commerce, Science,
8 and Transportation of the Senate.

9 (2) The term “impacted by wind turbines”
10 means a situation in which the presence of wind tur-
11 bines in the area of a low-level military training
12 route or special use airspace—

13 (A) prompted the Department of Defense
14 to alter a testing and training mission or to re-
15 duce previously planned training activities; or

16 (B) prevented the Department from meet-
17 ing testing and training requirements.

18 **SEC. 1077. STUDY ON JOINT TASK FORCE INDO-PACIFIC.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act, the Commander of
21 United States Indo-Pacific Command shall submit to the
22 congressional defense committees a report on the results
23 of a study conducted by the Commander on the desir-
24 ability and feasibility of establishing any of the following
25 for the Indo-Pacific region:

1 (1) A Joint Task Force.

2 (2) A sub-unified command.

3 (3) Another organizational structure to assume
4 command and control responsibility for contingency
5 response in the region.

6 (b) ELEMENTS.—The study conducted under sub-
7 section (a) shall include each of the following:

8 (1) An assessment of whether an additional or-
9 ganizational structure would better facilitate the
10 planning and execution of contingency response in
11 the Indo-Pacific region.

12 (2) An assessment of existing components and
13 sub-unified commands to determine if any such com-
14 ponents or commands are best positioned to assume
15 the role of such an additional organizational struc-
16 ture.

17 (3) An assessment of the risks and benefits of
18 headquartering such an additional organizational
19 structure on Guam (or additional locations if the
20 Commander determines appropriate), including a de-
21 scription and expected cost of any required com-
22 mand and control or associated upgrades.

23 (4) An identification of any additional entities
24 that could be integrated, on a standing basis, into
25 the staff of such an additional organizational struc-

1 ture, along with associated benefits, risks, and op-
2 tions to mitigate any risks.

3 (5) An assessment of whether the best option
4 for such an additional organizational structure
5 would be a Joint Task Force, a sub-unified com-
6 mand, or another organizational structure, and what
7 the best relationship would be with respect to other
8 current or future United States commands and task
9 forces in the Indo-Pacific region.

10 (6) A description of any additional resources or
11 authorizations that would be required to establish
12 such an additional organizational structure.

13 (c) FORM OF REPORT.—The report required under
14 subsection (a) shall be submitted in unclassified form, but
15 may contain a classified annex.

16 **SEC. 1078. BIENNIAL DEPARTMENT OF DEFENSE INSPEC-**
17 **TOR GENERAL REPORTING ON RESPONSE TO**
18 **RUSSIAN AGGRESSION AND ASSISTANCE TO**
19 **UKRAINE.**

20 (a) IN GENERAL.—The Inspector General of the De-
21 partment of Defense shall provide to the appropriate con-
22 gressional committees biennial briefings on the status and
23 findings of Inspector General oversight, reviews, audits,
24 and inspections of the activities conducted by the Depart-
25 ment of Defense response to Russia's further invasion of

1 Ukraine, initiated on February 24, 2022, including mili-
2 tary assistance provided to Ukraine by the Department
3 of Defense and the programs, operations, and contracts
4 carried out with such funds, including—

5 (1) the oversight and accounting of the obliga-
6 tion and expenditure of funds used to assist Ukraine
7 and to respond to Russia’s further invasion of
8 Ukraine;

9 (2) the monitoring and review of contracts sup-
10 ported by such funds;

11 (3) the investigation of any relevant overpay-
12 ments issues and of legal compliance by Department
13 of Defense officials, contractors, and other relevant
14 entities; and

15 (4) the investigation of any end-use monitoring
16 issues associated with articles provided to Ukraine.

17 (b) TERMINATION.—No briefing shall be required
18 under subsection (a) after December 31, 2026.

19 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—
20 In this section, the term “appropriate congressional com-
21 mittees” means—

22 (1) the congressional defense committees;

23 (2) the Committee on Oversight and Reform
24 and the Committee on Foreign Affairs of the House
25 of Representatives; and

1 (3) the Committee on Homeland Security and
2 Governmental Affairs and the Committee on Foreign
3 Relations of the Senate.

4 **SEC. 1079. REVIEW OF SECURITY ASSISTANCE PROVIDED**
5 **TO ELIE WIESEL COUNTRIES.**

6 (a) REVIEW REQUIRED.—Not later than 30 days
7 after the transmission of the first report required after
8 the date of the enactment of this Act under section 5 of
9 the Elie Wiesel Genocide and Atrocities Prevention Act of
10 2018 (Public Law 115–441; 22 U.S.C. 2651 note), the
11 Secretary of Defense shall conduct a review of risks re-
12 lated to the Department of Defense provision of security
13 assistance to countries identified in the report as being
14 at high or medium risk for atrocities. Such review shall
15 include an assessment of risk associated with providing
16 weapons and other forms of security cooperation programs
17 and assistance, including special operations forces pro-
18 grams, to the governments of such countries, with respect
19 to atrocities, conflict, violence, and other forms of insta-
20 bility.

21 (b) CONGRESSIONAL NOTIFICATION OF CERTAIN
22 CHANGES.—If, as a result of the review required under
23 subsection (a), the Secretary determines that the Depart-
24 ment of Defense should stop or change the security assist-

1 ance provided to a country, the Secretary shall submit no-
2 tice of such determination to—

3 (1) the Committee on Armed Services and the
4 Committee on Foreign Affairs of the House of Rep-
5 resentatives; and

6 (2) the Committee on Armed Services and the
7 Committee on Foreign Relations of the Senate.

8 **SEC. 1079A. REPORT ON DEPARTMENT OF DEFENSE PRAC-**
9 **TICES REGARDING DISTINCTION BETWEEN**
10 **COMBATANTS AND CIVILIANS IN UNITED**
11 **STATES MILITARY OPERATIONS.**

12 (a) REPORT.—The Secretary of Defense shall seek to
13 enter into an agreement with a federally funded research
14 and development center to conduct an independent report
15 on Department of Defense practices regarding distin-
16 guishing between combatants and civilians in United
17 States military operations.

18 (b) ELEMENTS.—The report required under sub-
19 section (a) shall include the following matters:

20 (1) A description of how the Department of De-
21 fense and individual members of the Armed Forces
22 have differentiated between combatants and civilians
23 in both ground and air operations since 2001, in-
24 cluding in Afghanistan, Iraq, Syria, Somalia, Libya,
25 and Yemen, including—

1 (A) relevant policy and legal standards and
2 how these standards were implemented in prac-
3 tice;

4 (B) target engagement criteria; and

5 (C) whether military-aged males were pre-
6 sumptively targetable.

7 (2) A description of how the Department of De-
8 fense has differentiated between combatants and ci-
9 vilians when assessing allegations of civilian casual-
10 ties since 2001, including in Afghanistan, Iraq,
11 Syria, Somalia, Libya, and Yemen, including—

12 (A) relevant policy and legal standards and
13 the factual indicators these standards were ap-
14 plied to in assessing claims of civilian casual-
15 ties; and

16 (B) any other matters the Secretary of De-
17 fense determines appropriate.

18 (c) SUBMISSION OF REPORT.—Not later than one
19 year after the date of the enactment of this Act, the Sec-
20 retary of Defense shall submit to the congressional defense
21 committees a report setting forth an unaltered copy of the
22 assessment under this section, together with the views of
23 the Secretary on the assessment.

24 (d) DEFINITION OF UNITED STATES MILITARY OP-
25 ERATION.—In this section, the term “United States mili-

1 tary operations’’ includes any mission, strike, engagement,
2 raid, or incident involving United States Armed Forces.

3 **SEC. 1079B. REPORT ON DEPARTMENT OF DEFENSE RE-**
4 **CRUITMENT ADVERTISING TO RACIAL AND**
5 **ETHNIC MINORITY COMMUNITIES.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) efforts by the Armed Forces to ensure di-
9 versity among the force are commendable;

10 (2) it is cause for concern that efforts by the
11 Armed Forces to ensure that the Armed Forces of
12 the United States reflect the society of the United
13 States are being reduced by the use of advertising
14 that does not adequately target racial and ethnic mi-
15 nority communities;

16 (3) the Armed Forces face many challenges but
17 should maintain, and where possible, increase adver-
18 tising within racial and ethnic minority communities
19 to support the commitment of the Armed Forces to
20 ensuring a strong diverse force;

21 (4) to adequately reach minority communities,
22 the Armed Forces should use minority-owned media
23 outlets and advertising agencies that have dem-
24 onstrated an ability to connect with racial and ethnic
25 minority communities;

1 (5) recruitment advertising within minority
2 communities is an important avenue toward building
3 interest and understanding in serving the United
4 States in uniform; and

5 (6) the Armed Forces and the Department of
6 Defense should maintain a commitment to diversity
7 recruiting and retention.

8 (b) REPORT.—Not later than June 1, 2023, the Sec-
9 retary of Defense shall submit to the congressional defense
10 committees a report on the efforts of the Department of
11 Defense to increase marketing and advertising with minor-
12 ity-owned media outlets and advertising agencies to ade-
13 quately reach racial and ethnic minority communities.

14 **SEC. 1079C. PUBLIC AVAILABILITY OF INFORMATION**
15 **ABOUT COST OF UNITED STATES OVERSEAS**
16 **MILITARY FOOTPRINT.**

17 Section 1090 of the National Defense Authorization
18 Act for Fiscal Year 2017 (Public Law 114–328) is amend-
19 ed by adding at the end the following new subsections:

20 “(c) ADDITIONAL INFORMATION.—For fiscal year
21 2023 and each subsequent fiscal year, the Secretary of De-
22 fense, in consultation with the Commissioner of the Inter-
23 nal Revenue Service and the Director of the Bureau of
24 Economic Analysis, shall post on the public Internet
25 website of the Department of Defense the costs to each

1 United States taxpayer of the overseas military footprint
2 of the United States, including—

3 “(1) the costs of building, maintaining, staffing
4 and operating all overseas military bases and instal-
5 lations;

6 “(2) the personnel costs, including compensa-
7 tion, housing and health care, for all members of the
8 Armed Forces deployed overseas at any point
9 throughout the fiscal year;

10 “(3) the costs paid to contractors providing
11 goods and services in support of overseas military
12 bases, installations, and operations;

13 “(4) the costs of conducting all overseas mili-
14 tary operations, including operations conducted by
15 United States Armed Forces, operations conducted
16 using unmanned weapons systems, covert operations,
17 and operations undertaken by, with, and through
18 partner forces;

19 “(5) the costs of all overseas military exercises
20 involving United States Armed Forces; and

21 “(6) the costs of all military training and as-
22 sistance provided by the United States to overseas
23 partner forces.

24 “(d) DISPLAY OF INFORMATION.—The information
25 required to be posted under subsections (a) and (c) shall—

1 “(1) be posted directly on the website of the
2 Department of Defense, in an accessible and clear
3 format;

4 “(2) include corresponding documentation as
5 links or attachments; and—

6 “(3) include, for each overseas operation—

7 “(A) both the total cost to each taxpayer,
8 and the cost to each taxpayer for each fiscal
9 year, of conducting the overseas operation;

10 “(B) a list of countries where the overseas
11 operations have taken place; and

12 “(C) for each such country, both the total
13 cost to each taxpayer, and the cost to each tax-
14 payer for each fiscal year, of conducting the
15 overseas operations in that country.”.

16 **SEC. 1079D. STUDY AND REPORT ON POTENTIAL INCLU-**
17 **SION OF BLACK BOX DATA RECORDERS IN**
18 **TACTICAL VEHICLES.**

19 (a) STUDY.—The Comptroller General of the United
20 States shall conduct a study to evaluate the feasibility and
21 advisability of equipping all tactical vehicles of the Armed
22 Forces with black box data recorders.

23 (b) REPORT.—Not later than 180 days after the date
24 of the enactment of this Act, the Comptroller General shall

1 submit to the congressional defense committees a report
2 on the results of the study conducted under subsection (a).

3 **SEC. 1079E. REPORT ON THE STRATEGY AND ENGAGEMENT**
4 **EFFORTS OF THE ARMED FORCES IN HAWAII.**

5 (a) IN GENERAL.—The Commander of the United
6 States Indo-Pacific Command shall, in collaboration with
7 installation commanders and the relevant service com-
8 mands, develop and implement—

9 (1) a strategy to improve the engagement ef-
10 forts of the military with the local community in the
11 State of Hawaii; and

12 (2) enhanced coordinated community engage-
13 ment efforts (as described in section 587 of the Na-
14 tional Defense Authorization Act for Fiscal Year
15 2022 (Public Law 117–81)) in the State of Hawaii.

16 (b) REPORT REQUIRED.—Not later than one year
17 after the date of the enactment of this Act, the Com-
18 mander shall submit to the congressional defense commit-
19 tees a report that describes the results of the strategy and
20 engagement efforts implemented pursuant to subsection
21 (a).

22 **SEC. 1079F. DEPARTMENT OF DEFENSE ENGAGEMENT**
23 **WITH NATIVE HAWAIIAN ORGANIZATIONS.**

24 (a) IN GENERAL.—Not later than March 30, 2023,
25 the Assistant Secretary of Defense for Energy, Installa-

1 tions, and Environment shall submit to the Committee on
2 Armed Services of the House of Representatives a report
3 on Department of Defense plans to identify, standardize,
4 and coordinate best practices with respect to consultation
5 and engagement with the Native Hawaiian community.

6 (b) CONTENTS OF REPORT.—The report required
7 under subsection (a) shall include, at a minimum, the fol-
8 lowing:

9 (1) Plans for conducting education and training
10 programs relating to consultation and engagement
11 with the Native Hawaiian community, including—

12 (A) outreach activities for fiscal years
13 2023 and 2024; and

14 (B) the degree to which Native Hawaiian
15 community members have been involved in de-
16 velopment of curricula, tentative dates, loca-
17 tions, required attendees, and topics for the
18 education and training programs.

19 (2) A list of all Native Hawaiian community
20 groups involved or to be involved in the consultation
21 process to update Department of Defense Instruc-
22 tion 4710.03 (or any successor document).

23 (3) A description of how Department of De-
24 fense Instruction 4710.03 can be improved to reflect
25 best practices and provide continuity across the mili-

1 tary departments in practices, policies, training, and
2 personnel who conduct consultation with the Native
3 Hawaiian community.

4 (4) A timeline for issuing the next update or
5 successor document to Department of Defense In-
6 struction 4710.03.

7 (5) A description of how the Department of De-
8 fense can enhance and expand education and train-
9 ing programs relating to consultation and engage-
10 ment with the Native Hawaiian community and out-
11 reach activities for all commands and installations
12 within the State of Hawaii.

13 **SEC. 1079G. FFRDC STUDY ON SHIPYARD INFRASTRUCTURE**
14 **OPTIMIZATION PROGRAM EFFORTS TO OPTI-**
15 **MIZE, RECAPITALIZE AND RECONFIGURE FA-**
16 **CILITIES AND INDUSTRIAL PLANT EQUIP-**
17 **MENT.**

18 (a) IN GENERAL.—Not later than 30 days after the
19 date of the enactment of this Act, the Secretary of Navy
20 shall seek to enter into an agreement with an appropriate
21 federally funded research and development center for the
22 conduct of a detailed analysis of the efforts of the Ship-
23 yard Infrastructure Optimization Program to optimize, re-
24 capitalize, and reconfigure facilities and industrial plant

1 equipment at the Navy's public shipyard. Such analysis
2 shall not cover any dry dock project.

3 (b) MATTERS FOR CONSIDERATION.—An analysis
4 conducted pursuant to an agreement under subsection (a)
5 shall include a consideration of each of the following items
6 with respect to the Shipyard Infrastructure Optimization
7 Program:

8 (1) The adequacy of the cost estimate guidance
9 and methodology used by the Navy.

10 (2) The estimated long-term cost and mainte-
11 nance availability time savings offered from the spe-
12 cific, major proposed facility and equipment im-
13 provements.

14 (3) The methodology of the Navy for
15 prioritizing the proposed facility and equipment im-
16 provements beyond their expected service lives.

17 (4) A comparison of current Navy policies and
18 procedures for large facility improvements in excess
19 of \$500,000,000 to best practices used by other
20 Federal agencies and the private sector.

21 (5) Options for improving the management and
22 oversight of the program, including staffing and con-
23 tracting options for ensuring the adequate oversight
24 of contracted activities, support provided to the pub-
25 lic shipyards and local shipyard construction agents,

1 and best practices for the management of large
2 multi-contractor projects.

3 (6) Estimates for current public shipyard facil-
4 ity restoration and modernization backlogs and the
5 plans of the Secretary of the Navy to mitigate the
6 current backlog either within the Shipyard Infra-
7 structure Optimization Program or through another
8 program.

9 (7) Recommendations for improving the Ship-
10 yard Infrastructure Optimization Program based on
11 the results of the analysis.

12 (c) BRIEFING.—Not later than 60 days after the
13 completion of an analysis pursuant to an agreement under
14 subsection (a), the Secretary of Navy shall submit to the
15 congressional defense committees a report on the results
16 of the analysis.

17 (d) PUBLIC AVAILABILITY.—An agreement entered
18 into pursuant to subsection (a) shall specify that the feder-
19 ally funded research and development center shall make
20 an unclassified version of the report provided by the Sec-
21 retary publicly available on an appropriate website of the
22 center.

1 **SEC. 1079H. STUDY ON EFFORTS OF THE DEPARTMENT OF**
2 **DEFENSE TO REDUCE THE USE OF SINGLE-**
3 **USE PLASTICS.**

4 (a) STUDY REQUIRED.—

5 (1) IN GENERAL.—The Comptroller General of
6 the United States shall conduct a study on the ef-
7 forts of the Department of Defense to reduce reli-
8 ance on single-use plastics.

9 (2) ELEMENTS.—The study required under
10 paragraph (1) shall address—

11 (A) the extent to which the Department of
12 Defense—

13 (i) collects and tracks data on its use
14 of single-use plastics; and

15 (ii) has set targets for reducing the
16 use of such plastics;

17 (B) the status of the implementation of
18 Department of Defense Instruction 4715.23
19 and Executive Order 14057 as that instruction
20 and order relate to single-use plastics;

21 (C) any Department-wide or military serv-
22 ice-specific initiatives to reduce reliance on sin-
23 gle use plastics;

24 (D) any challenges that the Department
25 faces in reducing its reliance on single-use plas-

1 tics and possible mechanisms to address those
2 challenges;

3 (E) any recommendations to improve the
4 Department's efforts to reduce single-use plas-
5 tics; and

6 (F) any other matter the Comptroller Gen-
7 eral determines is significant and relevant to
8 the purposes of the study.

9 (b) INTERIM BRIEFING.—Not later than 180 days
10 after the date of the enactment of this Act, the Comp-
11 troller General shall provide to the congressional defense
12 committees a briefing on any preliminary findings of the
13 study conducted under subsection (a).

14 (c) FINAL RESULTS.—The Comptroller General shall
15 provide the final results of the study conducted under sub-
16 section (a) to the congressional defense committees at
17 such time and in such format as is mutually agreed upon
18 by the committees and the Comptroller General.

19 **SEC. 1079I. REPORT ON LITTORAL EXPLOSIVE ORDNANCE**
20 **NEUTRALIZATION PROGRAM OF RECORD.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the Commandant of
23 the Marine Corps shall submit to the congressional de-
24 fense committees a report on the Littoral Explosive Ord-

1 nance Neutralization (in this section referred to as
2 “LEON”) program of record.

3 (b) MATTERS FOR INCLUSION.—The report required
4 under subsection (a) shall include each of the following:

5 (1) A detailed plan of action and milestones for
6 the implementation plan for the LEON program of
7 record to enable such program to reach fully oper-
8 ational capable status.

9 (2) An identification of any manning, training,
10 equipping, or funding shortfalls or other barriers
11 that could prevent the LEON program of record
12 from reaching fully operational capable status.

13 (3) A review of achievable, effective, and suit-
14 able capabilities supporting technical architectures to
15 collect, store, manage, and disseminate information
16 collected by LEON sensors.

17 (c) CONSIDERATION.—In preparing the report re-
18 quired under subsection (a), the Commandant shall take
19 into consideration the necessity of the Marine Corps explo-
20 sive ordnance disposal requirements pertaining to the very
21 shallow water mine countermeasures mission.

22 **SEC. 1079J. ASSESSMENT, PLAN, AND REPORTS ON THE**
23 **AUTOMATED SURFACE OBSERVING SYSTEM.**

24 (a) JOINT ASSESSMENT AND PLAN.—

1 (1) IN GENERAL.—The Secretary of Defense, in
2 collaboration with the Administrator of the Federal
3 Aviation Administration and the Under Secretary of
4 Commerce for Oceans and Atmosphere, shall—

5 (A) conduct an assessment of resources,
6 personnel, procedures, and activities necessary
7 to maximize the functionality and utility of the
8 automated surface observing system of the
9 United States that identifies—

10 (i) key system upgrades needed to im-
11 prove observation quality and utility for
12 weather forecasting, aviation safety, and
13 other users;

14 (ii) improvements needed in observa-
15 tions within the planetary boundary layer,
16 including mixing height;

17 (iii) improvements needed in public
18 accessibility of observational data;

19 (iv) improvements needed to reduce
20 latency in reporting of observational data;

21 (v) relevant data to be collected for
22 the production of forecasts or forecast
23 guidance relating to atmospheric composi-
24 tion, including particulate and air quality
25 data, and aviation safety;

1 (vi) areas of concern regarding oper-
2 ational continuity and reliability of the sys-
3 tem, which may include needs for on-night
4 staff, particularly in remote and rural
5 areas and areas where system failure
6 would have the greatest negative impact to
7 the community;

8 (vii) stewardship, data handling, data
9 distribution, and product generation needs
10 arising from upgrading and changing the
11 automated surface observation systems;

12 (viii) possible solutions for areas of
13 concern identified under clause (vi), includ-
14 ing with respect to the potential use of
15 backup systems, power and communication
16 system reliability, staffing needs and per-
17 sonnel location, and the acquisition of crit-
18 ical component backups and proper storage
19 location to ensure rapid system repair nec-
20 essary to ensure system operational con-
21 tinuity; and

22 (ix) research, development, and transi-
23 tion to operations needed to develop ad-
24 vanced data collection, quality control, and
25 distribution so that the data are provided

1 to models, users, and decision support sys-
2 tems in a timely manner; and

3 (B) develop and implement a plan that ad-
4 dresses the findings of the assessment con-
5 ducted under subparagraph (A), including by
6 seeking and allocating resources necessary to
7 ensure that system upgrades are standardized
8 across the Department of Defense, the Federal
9 Aviation Administration, and the National Oce-
10 anic and Atmospheric Administration to the ex-
11 tent practicable.

12 (2) STANDARDIZATION.—Any system standard-
13 ization implemented under paragraph (1)(B) shall
14 not impede activities to upgrade or improve indi-
15 vidual units of the system.

16 (3) REMOTE AUTOMATIC WEATHER STATION
17 COORDINATION.—The Secretary of Defense, in col-
18 laboration with relevant Federal agencies and the
19 National Interagency Fire Center, shall assess and
20 develop cooperative agreements to improve coordina-
21 tion, interoperability standards, operations, and
22 placement of remote automatic weather stations for
23 the purpose of improving utility and coverage of re-
24 mote automatic weather stations, automated surface

1 observation systems, and other similar stations and
2 systems for weather and climate operations.

3 (b) REPORT TO CONGRESS.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of the enactment of this Act, the Secretary
6 of Defense, in collaboration with the Administrator
7 of the Federal Aviation Administration and the
8 Under Secretary of Commerce for Oceans and At-
9 mosphere, shall submit to the appropriate congres-
10 sional committees a report that—

11 (A) details the findings of the assessment
12 required by subparagraph (A) of subsection
13 (a)(1); and

14 (B) the plan required by subparagraph (B)
15 of such subsection.

16 (2) ELEMENTS.—The report required by para-
17 graph (1) shall include a detailed assessment of ap-
18 propriations required—

19 (A) to address the findings of the assess-
20 ment required by subparagraph (A) of sub-
21 section (a)(1); and

22 (B) to implement the plan required by sub-
23 paragraph (B) of such subsection.

24 (c) GOVERNMENT ACCOUNTABILITY OFFICE RE-
25 PORT.—Not later than 4 years after the date of the enact-

1 ment of this Act, the Comptroller General of the United
2 States shall submit to the appropriate congressional com-
3 mittees a report that—

4 (1) evaluates the functionality, utility, reli-
5 ability, and operational status of the automated sur-
6 face observing system across the Department of De-
7 fense, the Federal Aviation Administration, and the
8 Administration;

9 (2) evaluates the progress, performance, and
10 implementation of the plan required by subsection
11 (a)(1)(B);

12 (3) assesses the efficacy of cross-agency collabo-
13 ration and stakeholder engagement in carrying out
14 the plan and provides recommendations to improve
15 such activities;

16 (4) evaluates the operational continuity and re-
17 liability of the system, particularly in remote and
18 rural areas and areas where system failure would
19 have the greatest negative impact to the community,
20 and provides recommendations to improve such con-
21 tinuity and reliability;

22 (5) assesses Federal coordination regarding the
23 remote automatic weather station network, air re-
24 source advisors, and other Federal observing assets
25 used for weather and climate modeling and response

1 activities, and provides recommendations for im-
2 provements; and

3 (6) includes such other recommendations as the
4 Comptroller General determines are appropriate to
5 improve the system.

6 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
7 DEFINED.—In this section, the term “appropriate con-
8 gressional committees” means the following:

9 (1) The Committee on Armed Services of the
10 House of Representatives.

11 (2) The Committee on Armed Services of the
12 Senate.

13 (3) The Committee on Transportation and In-
14 frastructure of the House of Representatives.

15 (4) The Committee on Commerce, Science, and
16 Transportation of the Senate.

17 (5) The Committee on Science, Space, and
18 Technology of the House of Representatives.

19 **SEC. 1079K. ANNUAL REPORT ON USE OF SOCIAL MEDIA BY**
20 **FOREIGN TERRORIST ORGANIZATIONS.**

21 (a) ANNUAL REPORT.—The Director of National In-
22 telligence, in coordination with the Secretary of State and
23 the Secretary of Defense, shall submit to the appropriate
24 congressional committees an annual report on—

1 (1) the use of online social media platforms by
2 entities designated as foreign terrorist organizations
3 by the Department of State for recruitment, fund-
4 raising, and the dissemination of information; and

5 (2) the threat posed to the national security of
6 the United States by the online radicalization of ter-
7 rorists and violent extremists.

8 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—

9 In this section, the appropriate congressional committees
10 are—

11 (1) the Committee on Armed Services, the
12 Committee on Foreign Affairs, and the Permanent
13 Select Committee on Intelligence of the House of
14 Representatives; and

15 (2) the Committee on Armed Services, the
16 Committee on Foreign Relations, and the Select
17 Committee on Intelligence of the Senate.

18 **SEC. 1079L. REPORT ON PROTECTION OF MEMBERS OF THE**
19 **ARMED FORCES FROM RUSSIAN-SPONSORED**
20 **ARMED ATTACKS.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the Secretary of Defense shall submit
23 to Congress a report on the actions taken to protect mem-
24 bers of the Armed Forces of the United States from armed
25 attacks conducted by militants and terrorists in pursuit

1 of bounties and inducements the agencies, organizations,
2 or entities aligned with the Russian Federation.

3 **SEC. 1079M. REPORT ON DESALINIZATION TECHNOLOGY.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Secretary of the Navy shall submit
6 to the congressional defense committees a report on the
7 application of desalinization technology for defense and
8 national security purposes to provide drought relief to
9 areas affected by sharp declines in water resources.

10 **SEC. 1079N. REPORT ON DEPARTMENT OF DEFENSE MILI-**
11 **TARY CAPABILITIES IN THE CARIBBEAN.**

12 (a) IN GENERAL.—Not later than one year after the
13 date of the enactment of this Act, the Secretary of De-
14 fense, in consultation with the Secretary of State and the
15 Secretary of Homeland Security, shall submit to the Com-
16 mittees on Armed Services of the Senate and House of
17 Representatives a report on United States military capa-
18 bilities in the Caribbean basin, particularly in and around
19 Puerto Rico and the United States Virgin Islands.

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

22 (1) An assessment of the value, feasibility, and
23 cost of increasing United States military capabilities
24 in the Caribbean basin, particularly in and around

1 Puerto Rico and the United States Virgin Islands,
2 to—

3 (A) combat transnational criminal organi-
4 zations and illicit narcotics and weapons traf-
5 ficking in the Caribbean basin, particularly in
6 and around Puerto Rico and the United States
7 Virgin Islands;

8 (B) improve surveillance capabilities and
9 maximize the effectiveness of counter-traf-
10 ficking operations in the Caribbean region;

11 (C) ensure, to the greatest extent possible,
12 that United States Northern Command and
13 United States Southern Command have the
14 necessary assets to support and increase meas-
15 ures to detect, interdict, disrupt, or curtail il-
16 licit narcotics and weapons trafficking activities
17 within their respective areas of operations in
18 the Caribbean basin;

19 (D) respond to malign influences of foreign
20 governments, particularly including non-market
21 economies, in the Caribbean basin that harm
22 United States national security and regional se-
23 curity interests in the Caribbean basin and in
24 the Western Hemisphere;

1 (E) increase supply chain resiliency and
 2 near-shoring in global trade; and

3 (F) strengthen the ability of the security
 4 sector to respond to, and become more resilient
 5 in the face of, major disasters, including to en-
 6 sure critical infrastructure and ports can come
 7 back online rapidly following disasters.

8 (2) An assessment of United States military
 9 force posture in the Caribbean basin, particularly in
 10 and around Puerto Rico and the United States Vir-
 11 gin Islands, and relevant locations in the Caribbean
 12 basin.

13 (c) FORM OF REPORT.—The report required under
 14 subsection (a) shall be submitted in unclassified form
 15 without any designation relating to dissemination control,
 16 but may include a classified annex.

17 **SEC. 10790. ANNUAL REPORT ON UNFUNDED PRIORITIES**
 18 **OF DEFENSE POW/MIA ACCOUNTING AGENCY.**

19 Chapter 9 of title 10, United States Code, is amended
 20 by inserting after section 222c the following new section:

21 **“§ 222d. Unfunded priorities of Defense POW/MIA Ac-**
 22 **counting Agency: annual report**

23 **“(a) REPORTS.—(a) Reports.—Not later than 10 days**
 24 **after the date on which the budget of the President for**
 25 **a fiscal year is submitted to Congress pursuant to section**

1 1105 of title 31, the Director of the Defense POW/MIA
2 Accounting Agency shall submit to the Secretary of De-
3 fense and the Chairman of the Joint Chiefs of Staff, and
4 to the congressional defense committees, a report on the
5 unfunded priorities of the Defense POW/MIA Accounting
6 Agency.

7 “(b) ELEMENTS.—(1) Each report under subsection
8 (a) shall specify, for each unfunded priority covered by
9 such report, the following:

10 “(A) A summary description of such priority,
11 including the objectives to be achieved if such pri-
12 ority is funded (whether in whole or in part).

13 “(B) The additional amount of funds rec-
14 ommended in connection with the objectives under
15 subparagraph (A).

16 “(C) Account information with respect to such
17 priority, including the following (as applicable):

18 “(i) Line Item Number (LIN) for applica-
19 ble procurement accounts.

20 “(ii) Program Element (PE) number for
21 applicable research, development, test, and eval-
22 uation accounts.

23 “(iii) Sub-activity group (SAG) for applica-
24 ble operation and maintenance accounts.

1 “(2) Each report under subsection (a) shall present
2 the unfunded priorities covered by such report in order
3 of urgency of priority.

4 “(c) UNFUNDED PRIORITY DEFINED.— In this sec-
5 tion, the term ‘unfunded priority’, in the case of a fiscal
6 year, means a program, activity, or mission requirement
7 of the POW/MIA Accounting Agency that—

8 “(1) is not funded in the budget of the Presi-
9 dent for the fiscal year as submitted to Congress
10 pursuant to section 1105 of title 31, United States
11 Code;

12 “(2) is necessary to fulfill a requirement associ-
13 ated with an operational or contingency plan of a
14 combatant command or other validated requirement;
15 and

16 “(3) would have been recommended for funding
17 through the budget referred to in paragraph (1) by
18 the Director of the POW/MIA Accounting Agency in
19 connection with the budget if additional resources
20 had been available for the budget to fund the pro-
21 gram, activity, or mission requirement.”.

1 **SEC. 1079P. REVIEW OF NAVY STUDY ON REQUIREMENTS**
2 **FOR AND POTENTIAL BENEFITS OF REALISTI-**
3 **CALLY SIMULATING REAL WORLD AND NEAR**
4 **PEER ADVERSARY SUBMARINES.**

5 The Secretary of the Navy shall conduct a review of
6 the study conducted by the Chief of Naval Operations,
7 N94 entitled “Requirements for and Potential Benefits of
8 Realistically Simulating Real World and Near Peer Adver-
9 sary Submarines”, published November 1, 2021, to deter-
10 mine compliance with congressional intent and reconcile
11 the findings of the study with instructions provided by
12 Congress through the conference report 116-617 accom-
13 panying H.R. 6395, the William M. (Mac) Thornberry Na-
14 tional Defense Authorization Act for Fiscal Year 2021
15 (Public Law 116–283). Such review shall include an ad-
16 dendum that includes—

17 (1) views from Navy commands responsible for
18 responding to foreign threats from adversary
19 manned, diesel-powered submarines including the
20 Navy’s Fifth and Seventh Fleets, including views on
21 the ability to conduct threat assessments related to
22 submersibles operated by third world and near-peer
23 adversaries in the areas of operations of such com-
24 mands; and

25 (2) input from relevant training schools and
26 range operators associated with antisubmarine war-

1 fare regarding current training platforms intended
2 to replicate such threats and the effectiveness of
3 such training platforms.

4 **SEC. 1079Q. REPORT ON UNMANNED TRAFFIC MANAGE-**
5 **MENT SYSTEMS AT MILITARY BASES AND IN-**
6 **STALLATIONS.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of Defense
9 shall submit to the appropriate congressional committees
10 a report that includes—

11 (1) a detailed description of the threat of aerial
12 drones and unmanned aircraft to United States na-
13 tional security; and

14 (2) an assessment of the unmanned traffic
15 management systems of every military base and in-
16 stallation (within and outside the United States) to
17 determine whether the base or installation is ade-
18 quately equipped to detect, disable, and disarm hos-
19 tile or unidentified unmanned aerial systems.

20 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
21 DEFINED.—In this section, the term “appropriate con-
22 gressional committees” means the following:

23 (1) The Committee on Armed Services, the
24 Committee on Commerce, Science, and Transpor-

1 tation, and the Committee on Foreign Relations of
2 the Senate.

3 (2) The Committee on Armed Services, the
4 Committee on Foreign Affairs, and the Committee
5 on Transportation and Infrastructure of the House
6 of Representatives.

7 **SEC. 1079R. REPORT ON NON-DOMESTIC FUEL USE.**

8 Not later than 60 days after the date of the enact-
9 ment of this Act, the Secretary of Defense shall submit
10 to the congressional defense committees a report on the
11 total dollar amount the Department of Defense spent on
12 fuel from non-domestic sources during the period begin-
13 ning on January 1, 2021, and ending on the date of the
14 enactment of this Act.

15 **SEC. 1079S. REPORT ON HUMAN TRAFFICKING AS A RESULT**
16 **OF RUSSIAN INVASION OF UKRAINE.**

17 The Secretary of Defense, in consultation with the
18 Secretary of State, shall submit to the congressional de-
19 fense committees, the Committee on Foreign Affairs of the
20 House of Representatives, and the Committee on Foreign
21 Relations of the Senate a report on human trafficking as
22 a result of the Russian invasion of Ukraine.

Subtitle G—Other Matters

SEC. 1081. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of chapters at the beginning of subtitle A is amended by striking the item relating to the second chapter 19 (relating to cyber matters).

(2) Section 113 is amended—

(A) in subsection (l)(2)(F), by inserting a period after “inclusion in the armed forces”; and

(B) in subsection (m), by redesignating the section paragraph (8) as paragraph (9).

(3) The section heading for section 2691 is amended by striking “**state**” and inserting “**State**”.

(4) Section 3014 is amended by striking “section 4002(a) or 4003” and inserting “section 4021(a) or 4023”.

(5) Section 4423(e) is amended by striking “section 4003” and inserting “section 4023”.

(6) Section 4831(a) is amended by striking “section 4002” and inserting “section 4022”.

(7) Section 4833(c) is amended by striking “section 4002” and inserting “section 4022”.

1 (b) NDAA FOR FISCAL YEAR 2022.—Effective as of
2 December 27, 2021, and as if included therein as enacted,
3 the National Defense Authorization Act for Fiscal Year
4 2022 (Public Law 117–81) is amended as follows:

5 (1) Section 907(a) is amended by striking
6 “116–283” and inserting “115–232”.

7 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR
8 FISCAL YEAR 2020.—Effective as of December 27, 2021,
9 and as if included therein as enacted, the National De-
10 fense Authorization Act for Fiscal Year 2020 (Public Law
11 116–92) is amended as follows:

12 (1) Section 905 is amended—

13 (A) in subsection (a)(2), by inserting a pe-
14 riod at the end; and

15 (B) in subsection (d)(1), by striking “sub-
16 paragraph (B)” and inserting “paragraph (2)”.

17 (d) NATIONAL DEFENSE AUTHORIZATION ACT FOR
18 FISCAL YEAR 2014.—Effective as of December 27, 2021,
19 and as if included therein as enacted, the National De-
20 fense Authorization Act for Fiscal Year 2022 (Public Law
21 117–81) is amended as follows:

22 (1) Section 932(c)(2)(D) of the National De-
23 fense Authorization Act for Fiscal Year 2014 (Pub-
24 lic Law 113–66; 10 U.S.C. 2224 note) is amended

1 by striking “of subsection (c)(3)” and inserting
2 “paragraph (3)”.

3 (e) AUTOMATIC EXECUTION OF CONFORMING
4 CHANGES TO TABLES OF SECTIONS, TABLES OF CON-
5 TENTS, AND SIMILAR TABULAR ENTRIES IN DEFENSE
6 LAWS.—

7 (1) ELIMINATION OF NEED FOR SEPARATE
8 CONFORMING AMENDMENT.—Chapter 1 of title 10,
9 United States Code, is amended by adding at the
10 end the following new section:

11 **“§ 102. Effect of certain amendments on conforming**
12 **changes to tables of sections, tables of**
13 **contents, and similar tabular entries**

14 “(a) AUTOMATIC EXECUTION OF CONFORMING
15 CHANGES.—When an amendment to a covered defense law
16 adds a section or larger organizational unit to the covered
17 defense law, repeals or transfers a section or larger organi-
18 zational unit in the covered defense law, or amends the
19 designation or heading of a section or larger organiza-
20 tional unit in the covered defense law, that amendment
21 also shall have the effect of amending any table of sec-
22 tions, table of contents, or similar tabular entries in the
23 covered defense law to alter the table to conform to the
24 changes made by the amendment.

1 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
2 an amendment described in such subsection when—

3 “(1) the amendment or a clerical amendment
4 enacted at the same time expressly amends a table
5 of sections, table of contents, or similar tabular en-
6 tries in the covered defense law to alter the table to
7 conform to the changes made by the amendment; or

8 “(2) the amendment otherwise expressly ex-
9 empts itself from the operation of this section.

10 “(c) COVERED DEFENSE LAW.—In this section, the
11 term ‘covered defense law’ means—

12 “(1) this title;

13 “(2) titles 32 and 37;

14 “(3) any national defense authorization Act
15 that authorizes funds to be appropriated for a fiscal
16 year to the Department of Defense; and

17 “(4) any other law designated in the text there-
18 of as a covered defense law for purposes of applica-
19 tion of this section.”.

20 (2) CONFORMING AMENDMENT.—The heading
21 of chapter 1 of title 10, United States Code, is
22 amended to read as follows:

1 **“CHAPTER 1—DEFINITIONS, RULES OF**
2 **CONSTRUCTION, CROSS REFERENCES,**
3 **AND RELATED MATTERS”.**

4 (3) APPLICATION OF AMENDMENT.—Section
5 102 of title 10, United States Code, as added by
6 paragraph (1), shall apply to the amendments made
7 by this section and other amendments made by this
8 Act.

9 (f) COORDINATION WITH OTHER AMENDMENTS
10 MADE BY THIS ACT.—For purposes of applying amend-
11 ments made by provisions of this Act other than this sec-
12 tion, the amendments made by this section shall be treated
13 as having been enacted immediately before any such
14 amendments by other provisions of this Act.

15 **SEC. 1082. RONALD V. DELLUMS MEMORIAL FELLOWSHIP**
16 **FOR WOMEN OF COLOR IN STEAM.**

17 (a) ESTABLISHMENT.—The Secretary of Defense
18 shall establish a fellowship program, which shall be known
19 as the “Ronald V. Dellums Memorial Fellowship for
20 Women of Color in STEAM”, to provide scholarships and
21 internships for eligible students with high potential talent
22 in STEAM.

23 (b) OBJECTIVES.—In carrying out the program, the
24 Secretary shall—

1 (1) consult with institutions of higher education
2 and relevant professional associations, nonprofit or-
3 ganizations, and relevant defense industry represent-
4 atives on the design of the program; and

5 (2) design the program in a manner such that
6 the program—

7 (A) increases awareness of and interest in
8 employment in the Department of Defense
9 among underrepresented students in the
10 STEAM fields, particularly women of color,
11 who are pursuing a degree in a STEAM field;

12 (B) supports the academic careers of
13 underrepresented students, especially women of
14 color, in STEAM fields; and

15 (C) builds a pipeline of women of color
16 with exemplary academic achievements in a
17 STEAM field relevant to national security who
18 can pursue careers in national security and in
19 areas of national need.

20 (c) COMPONENTS.—The fellowship program shall
21 consist of—

22 (1) a scholarship program under subsection (d);
23 and

24 (2) an internship program under subsection (e).

25 (d) SELECTION.—

1 (1) IN GENERAL.—Each fiscal year, subject to
2 the availability of funds, the Secretary shall seek to
3 select at least 30 eligible students to participate in
4 the fellowship program under this section.

5 (2) STUDENTS FROM MINORITY-SERVING INSTI-
6 TUTIONS AND HISTORICALLY BLACK COLLEGES AND
7 UNIVERSITIES.—The Secretary may not award fewer
8 than 50 percent of the fellowships under this section
9 to eligible students who attend historically Black col-
10 leges and universities and minority-serving institu-
11 tions.

12 (3) PRIORITY.—In awarding scholarships under
13 this section, the Secretary shall give priority to stu-
14 dents who are eligible to receive Federal Pell Grants
15 under section 401 of the Higher Education Act of
16 1965 (20 U.S.C. 1070a).

17 (4) SCHOLARSHIP.—

18 (A) AWARD.—Each fellow shall receive a
19 scholarship for each academic year of the fel-
20 lowship program.

21 (B) AMOUNT.—The amounts of scholar-
22 ships awarded under this section shall not ex-
23 ceed—

24 (i) \$10,000 per student in an aca-
25 demic year; and

1 (ii) \$40,000 per student in the aggre-
2 gate.

3 (C) USE OF SCHOLARSHIP FUNDS.—A fel-
4 low who receives a scholarship may only use the
5 scholarship funds to pay for the cost of attend-
6 ance at an institution of higher education.

7 (5) CONSIDERATION OF UNDERREPRESENTED
8 STUDENTS IN STEAM FIELDS.—In awarding a fel-
9 lowship under this section, the Secretary shall con-
10 sider—

11 (A) the number and distribution of minor-
12 ity and female students nationally in science
13 and engineering majors;

14 (B) the projected need for highly trained
15 individuals in all fields of science and engineer-
16 ing;

17 (C) the present and projected need for
18 highly trained individuals in science and engi-
19 neering career fields in which minorities and
20 women are underrepresented; and

21 (D) the lack of minorities and women in
22 national security, especially in science and engi-
23 neering fields in which such individuals are tra-
24 ditionally underrepresented.

1 (6) STUDENT AGREEMENT.—As a condition of
2 the receipt of a scholarship under this section, a fel-
3 low shall agree—

4 (A) to maintain standard academic
5 progress;

6 (B) to complete an internship described in
7 subsection (e) in a manner that the Secretary
8 determines is satisfactory; and

9 (C) upon completion of the degree that the
10 student pursues while in the fellowship pro-
11 gram, to work for the Federal Government or
12 in the field of education in the area of study for
13 which the scholarship or fellowship was award-
14 ed, for a period specified by the Secretary,
15 which shall not be longer than the period for
16 which scholarship assistance was provided to
17 such student.

18 (7) ENFORCEMENT OF AGREEMENT.—The Sec-
19 retary may enforce the agreement under paragraph
20 (6) as the Secretary determines appropriate.

21 (8) DIRECT HIRE AUTHORITY.—Any appoint-
22 ment of a fellow under paragraph (6)(C) to a posi-
23 tion in the Federal Government shall be made with-
24 out regard to the provisions of section 3304 and sec-

1 tions 3309 through 3318 of title 5, United States
2 Code.

3 (e) INTERNSHIP.—

4 (1) IN GENERAL.—The Secretary shall establish
5 an internship program that provides each student
6 who is awarded a fellowship under this section with
7 an internship in a an organization or element of the
8 Department of Defense.

9 (2) REQUIREMENTS.—Each internship shall—

10 (A) to the extent practicable, last for a pe-
11 riod of at least 10 weeks;

12 (B) include a stipend for transportation
13 and living expenses incurred by the fellow dur-
14 ing the fellowship; and

15 (C) be completed during the initial 2-year
16 period of the fellowship.

17 (3) MENTORSHIP.—To the extent practicable,
18 each fellow shall be paired with a mid-level or a sen-
19 ior-level official of the relevant organization or ele-
20 ment of the Department of Defense who shall serve
21 as a mentor during the internship.

22 (f) DURATION AND EXTENSIONS.—

23 (1) DURATION.—Each fellowship awarded
24 under this section shall be for a period of two years.

1 (2) EXTENSIONS.—Subject to this paragraphs
2 (3) through (6), a fellow may apply for, and the Sec-
3 retary may grant, a 1-year extension of the fellow-
4 ship.

5 (3) NUMBER OF EXTENSIONS.—There shall be
6 no limit on the number of extensions under para-
7 graph (1) that the Secretary may grant an eligible
8 student.

9 (4) LIMITATION ON DEGREES.—A fellow may
10 use an extension of a fellowship under this section
11 for the pursuit of not more than the following num-
12 ber of graduate degrees:

13 (A) Two master's degrees, each of which
14 must be in a STEAM field.

15 (B) One doctoral degree in a STEAM
16 field.

17 (5) TREATMENT OF EXTENSIONS.—An exten-
18 sion granted under this subsection does not count
19 for the purposes of determining—

20 (A) the number of fellowships authorized
21 to be granted for a year under subsection
22 (d)(1); or

23 (B) the percentage of fellowships granted
24 to eligible students for a year, as determined
25 under subsection (d)(2).

1 (6) EXTENSION REQUIREMENTS.—A fellow may
2 receive an extension under this subsection only if—

3 (A) the fellow is in good academic standing
4 with the institution of higher education in
5 which the fellow is enrolled;

6 (B) the fellow has satisfactorily completed
7 an internship under subsection (e); and

8 (C) the fellow is currently enrolled full-
9 time at an institution of higher education and
10 pursuing, in a STEAM field—

11 (i) a bachelor's degree;

12 (ii) a master's degree; or

13 (iii) a doctoral degree.

14 (g) LIMITATION ON ADMINISTRATIVE COSTS.—For
15 each academic year, the Secretary may use not more than
16 5 percent of the funds made available to carry out this
17 section for administrative purposes, including for purposes
18 of—

19 (1) outreach to institutions of higher education
20 to encourage participation in the program; and

21 (2) promotion of the program to eligible stu-
22 dents.

23 (h) ADMINISTRATION OF PROGRAM.—The Secretary
24 may appoint a lead program officer to administer the pro-

1 gram and to market the program among students and in-
2 stitutions of higher education.

3 (i) REPORTS.—Not later than 2 years after the date
4 on which the first fellowship is awarded under this section,
5 and each academic year thereafter, the Secretary of De-
6 fense shall submit to the appropriate congressional com-
7 mittees a report containing—

8 (1) a description and analysis of the demo-
9 graphic information of students who receive fellow-
10 ships under this section, including information with
11 respect to such students regarding—

12 (A) race, in the aggregate and
13 disaggregated by the same major race groups
14 as the decennial census of the population;

15 (B) ethnicity;

16 (C) gender identity;

17 (D) eligibility to receive a Federal Pell
18 Grant under section 401 of the Higher Edu-
19 cation Act of 1965 (20 U.S.C. 1070a); and

20 (E) in the case of graduate students,
21 whether the students would be eligible to receive
22 a Federal Pell Grant under section 401 of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1070a) if they were studying at the under-
25 graduate level;

1 (2) an analysis of the effects of the program;

2 (3) a description of—

3 (A) the total number of students who ob-
4 tain a degree with fellowship funds each year;
5 and

6 (B) the type and total number of degrees
7 obtained by fellows; and

8 (4) recommendations for changes to the pro-
9 gram and to this section to ensure that women of
10 color are being effectively served by such program.

11 (j) DEFINITIONS.—In this section:

12 (1) The term “appropriate congressional com-
13 mittees” means—

14 (A) the congressional defense committees;

15 (B) the Committee on Help, Education,
16 Labor, and Pensions of the Senate; and

17 (C) the Committee on Education and
18 Labor of the House of Representatives.

19 (2) The term “cost of attendance” has the
20 meaning given that term in section 472 of the High-
21 er Education Act of 1965 (20 U.S.C. 1087II).

22 (3) The term “eligible student” means an indi-
23 vidual who—

24 (A) submits an application for a fellowship
25 under this section;

1 (B) is enrolled, or will be enrolled for the
2 first year for which the student applies for a
3 fellowship, in either the third or fourth year of
4 a four-year academic program; and

5 (C) is enrolled, or will be enrolled for the
6 first year for which the student applies for a
7 fellowship, in an institution of higher education
8 on at least a half-time basis.

9 (4) The term “fellow” means a student that
10 was selected for the fellowship program under sub-
11 section (d).

12 (5) The term “historically Black college or uni-
13 versity” has the meaning given the term “part B in-
14 stitution” in section 322 of the Higher Education
15 Act of 1965 (20 U.S.C. 1061).

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

19 (7) The term “minority-serving institution”
20 means an institution specified in section 371(a) of
21 the Higher Education Act of 1965 (20 U.S.C.
22 1067q(a)).

23 (8) The term “STEAM” means science, tech-
24 nology, engineering, arts, and mathematics.

1 (9) The term “underrepresented student in a
2 STEAM field” means a student who is a member of
3 a minority group for which the number of individ-
4 uals in such group who receive bachelor’s degrees in
5 STEAM fields per 10,000 individuals in such group
6 is substantially fewer than the number of White,
7 non-Hispanic individuals who receive bachelor’s de-
8 grees in STEAM fields per 10,000 such individuals.

9 **SEC. 1083. COMBATING MILITARY RELIANCE ON RUSSIAN**
10 **ENERGY.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that—

13 (1) reliance on Russian energy poses a critical
14 challenge for national security activities in area of
15 responsibility of the United States European Com-
16 mand; and

17 (2) in order to reduce the vulnerability of
18 United States military facilities to disruptions
19 caused by reliance on Russian energy, the Depart-
20 ment of Defense should establish and implement
21 plans to reduce reliance on Russian energy for all
22 main operating bases in area of responsibility of the
23 United States European Command.

24 (b) ELIMINATING USE OF RUSSIAN ENERGY.—It
25 shall be the goal of the Department of Defense to elimi-

1 nate the use of Russian energy on each main operating
2 base in the area of responsibility of the United States Eu-
3 ropean Command by not later than five years after the
4 date of the completion of an installation energy plan for
5 such base, as required under this section.

6 (c) INSTALLATION ENERGY PLANS FOR MAIN OPER-
7 ATING BASES.—

8 (1) IDENTIFICATION OF INSTALLATIONS.—Not
9 later than June 1, 2023, the Secretary of Defense
10 shall submit to the congressional defense committees
11 a list of main operating bases within the area of re-
12 sponsibility of the United States European Com-
13 mand ranked according to mission criticality and
14 vulnerability to energy disruption.

15 (2) SUBMITTAL OF PLANS.—Not later than 12
16 months after the date of the enactment of this Act,
17 the Secretary of Defense shall submit to the con-
18 gressional defense committees—

19 (A) an installation energy plan for each
20 main operating base on the list submitted under
21 paragraph (1); and

22 (B) an assessment of the feasibility of
23 reaching the goal for the elimination of the use
24 of Russian energy pursuant to subsection (b) on
25 that base, including—

- 1 (i) a description of the steps that
2 would be required to meet such goal; and
3 (ii) an analysis of the effects such
4 steps would have on the national security
5 of the United States.

6 (d) CONTENT OF PLANS.—Each installation energy
7 plan for a main operating base shall include each of the
8 following with respect to that base:

9 (1) An assessment of the energy resilience re-
10 quirements, resiliency gaps, and energy-related cy-
11 bersecurity requirements of the base, including with
12 respect to operational technology, control systems,
13 and facilities-related control systems.

14 (2) An identification of investments in tech-
15 nology required to improve energy resilience, reduce
16 demand, strengthen energy conservation, and sup-
17 port mission readiness.

18 (3) An identification of investments in infra-
19 structure, including microgrids, required to strength-
20 en energy resilience and mitigate risk due to grid
21 disturbance.

22 (4) Recommendations related to opportunities
23 for the use of renewable energy, clean energy, nu-
24 clear energy, and energy storage projects to reduce
25 dependence on natural gas.

1 (5) An assessment of how the requirements and
2 recommendations included pursuant to paragraphs
3 (2) through (4) interact with the energy policies of
4 the country where the base is located, both at
5 present and into the future.

6 (e) IMPLEMENTATION OF PLANS.—

7 (1) DEADLINE FOR IMPLEMENTATION.—Not
8 later than 30 days after the date on which the Sec-
9 retary submits an installation energy plan for a base
10 under subsection (c)(2), the Secretary shall—

11 (A) begin implementing the plan; and

12 (B) provide to the congressional defense
13 committees a briefing on the contents of the
14 plan and the strategy of the Secretary for im-
15 plementing the mitigation measures identified
16 in the plan.

17 (2) PRIORITIZATION OF CERTAIN PROJECTS.—

18 In implementing an installation energy plan for a
19 base under this section, the Secretary shall prioritize
20 projects requested under section 2914 of title 10,
21 United States Code, to mitigate assessed risks and
22 improve energy resilience, energy security, and en-
23 ergy conservation at the base.

24 (3) NONAPPLICATION OF CERTAIN OTHER AU-
25 THORITIES.—Subsection (d) of section 2914 of title

1 10, United States Code, shall not apply with respect
2 to any project carried out pursuant to this section
3 or pursuant to an installation energy plan for a base
4 under this section.

5 (f) POLICY FOR FUTURE BASES.—The Secretary of
6 Defense shall establish a policy to ensure that any new
7 military base in the area of responsibility of the United
8 States European Command is established in a manner
9 that proactively includes the consideration of energy secu-
10 rity, energy resilience, and mitigation of risk due to energy
11 disruption.

12 (g) ANNUAL CONGRESSIONAL BRIEFINGS.—The Sec-
13 retary of Defense shall provide to the congressional de-
14 fense committees annual briefings on the installation en-
15 ergy plans required under this section. Such briefings shall
16 include an identification of each of the following:

17 (1) The actions each main operating base is
18 taking to implement the installation energy plan for
19 that base.

20 (2) The progress that has been made toward re-
21 ducing the reliance of United States bases on Rus-
22 sian energy.

23 (3) The steps being taken and planned across
24 the future-years defense program to meet the goal of
25 eliminating reliance on Russian energy.

1 **SEC. 1084. COMMISSION ON CIVILIAN HARM.**

2 (a) ESTABLISHMENT.—There is hereby established a
3 commission, to be known as the “Commission on Civilian
4 Harm” (in this section referred to as the “Commission”).

5 (b) RESPONSIBILITIES.—

6 (1) GENERAL RESPONSIBILITIES.—The Com-
7 mission shall carry out a study of the following:

8 (A) Civilian harm resulting from, or inci-
9 dental to, the use of force by the United States
10 Armed Forces that occurred during the period
11 of inquiry.

12 (B) The policies, procedures, rules, and
13 regulations of the Department of Defense for
14 the prevention of, mitigation of, and response to
15 civilian harm that were in effect during the pe-
16 riod of inquiry.

17 (2) PARTICULAR DUTIES.—In carrying out the
18 general responsibilities of the Commission under
19 paragraph (1), the Commission shall carry out the
20 following:

21 (A) Conduct an investigation into the
22 record of the United States with respect to ci-
23 vilian harm during the period of inquiry, includ-
24 ing by investigating a representative sample of
25 incidents of civilian harm that occurred where
26 the United States used military force (including

1 incidents confirmed by media and civil society
2 organizations and dismissed by the Department
3 of Defense) by conducting hearings, witness
4 interviews, document and evidence review, and
5 site visits, when practicable.

6 (B) Identify the recurring causes of civil-
7 ian harm, as well as the factors contributing to
8 civilian harm, resulting from the use of force by
9 United States Armed Forces during the period
10 of inquiry and assess whether such causes and
11 factors could be addressed and, if so, whether
12 they were resolved.

13 (C) Assess the extent to which the United
14 States Armed Forces have implemented the rec-
15 ommendations of Congress, the Department of
16 Defense, other Government agencies, or civil so-
17 ciety organizations, or the recommendations
18 contained in studies sponsored or commissioned
19 by the United States Government, with respect
20 to the protection of civilians and efforts to min-
21 imize, investigate, and respond to civilian harm
22 resulting from, or incidental to, United States
23 military operations.

24 (D) Assess the responsiveness of the De-
25 partment of Defense to incidents of civilian

1 harm and the practices for responding to such
2 incidents, including—

- 3 (i) assessments;
- 4 (ii) investigations;
- 5 (iii) acknowledgment; and
- 6 (iv) the provision of compensation
- 7 payments, including the use of congres-
- 8 sionally authorized ex gratia payments, as-
- 9 sistance, and other responses.

10 (E) Assess the extent to which the United
11 States Armed Forces comply with the rules,
12 procedures, policies, memoranda, directives, and
13 doctrine of the Department of Defense for pre-
14 venting, mitigating, and responding to civilian
15 harm.

16 (F) Assess the extent to which the policies,
17 protocols, procedures, and practices of the De-
18 partment of Defense for preventing, mitigating,
19 and responding to civilian harm comply with
20 applicable international humanitarian law, ap-
21 plicable international human rights law, and
22 United States law, including the Uniform Code
23 of Military Justice.

1 (G) Assess incidents of civilian harm that
2 occurred, or allegedly occurred, during the pe-
3 riod of inquiry, by—

4 (i) determining whether any such inci-
5 dents were concealed, and if so by assess-
6 ing the actions taken to conceal;

7 (ii) assessing the policies and proce-
8 dures for whistle-blowers to report such in-
9 cidents;

10 (iii) determining the extent of the re-
11 sponsiveness and effectiveness of Inspector
12 General oversight, as applicable, regarding
13 reports of incidents of civilian harm; and

14 (iv) assessing the accuracy of the
15 United States Government public civilian
16 casualty estimates.

17 (H) Assess the short-, medium-, and long-
18 term consequences of incidents of civilian harm
19 that occurred during the period of inquiry on—

20 (i) the affected communities, including
21 humanitarian consequences;

22 (ii) the strategic interests of the
23 United States; and

24 (iii) the foreign policy goals and objec-
25 tives of the United States.

1 (I) Assess the extent to which the Depart-
2 ment of Defense Instruction on Responding to
3 Civilian Harm in Military Operations, as re-
4 quired by section 936 of the John S. McCain
5 National Defense Authorization Act for Fiscal
6 Year 2019 (Public Law 115–232; 10 U.S.C.
7 134 note), addresses issues identified during
8 the investigation of the Commission and what
9 further measures are needed to address issues
10 that the Commission identifies during its oper-
11 ations.

12 (J) Assess the extent to which United
13 States diplomatic goals and objectives were af-
14 fected by the incidents of civilian harm during
15 the period of inquiry.

16 (c) AUTHORITIES.—

17 (1) SECURITY CLEARANCES.—The appropriate
18 Federal departments or agencies shall cooperate
19 with the Commission in expeditiously providing to
20 the members and staff of the Commission appro-
21 priate security clearances, to the extent possible,
22 pursuant to existing procedures and requirements.
23 No person shall be provided with access to classified
24 information under this section without the appro-
25 priate security clearances.

1 (2) HEARINGS AND EVIDENCE.—The Commis-
2 sion or, on the authority of the Commission, any
3 portion thereof, may, for the purpose of carrying out
4 this section—

5 (A) hold such hearings and sit and act at
6 such times and places, take such testimony, re-
7 ceive such evidence, and administer such oaths
8 as the Commission, or such portion thereof,
9 may determine advisable; and

10 (B) provide for the attendance and testi-
11 mony of such witnesses and the production of
12 such books, records, correspondence, memo-
13 randa, papers, and documents as the Commis-
14 sion, or such portion thereof, may determine
15 advisable.

16 (3) INABILITY TO OBTAIN DOCUMENTS OR TES-
17 TIMONY.—In the event that the Commission is un-
18 able to obtain testimony or documents needed to
19 conduct its work, the Commission shall notify the
20 congressional defense committees and appropriate
21 investigative authorities.

22 (4) ACCESS TO INFORMATION.—The Commis-
23 sion may secure directly from the Department of
24 Defense any information or assistance that the Com-
25 mission considers necessary to enable the Commis-

1 sion to carry out the requirements of this section.
2 Upon receipt of a request of the Commission for in-
3 formation or assistance, the Secretary of Defense
4 shall furnish such information or assistance expedi-
5 tiously to the Commission. Whenever information or
6 assistance requested by the Commission is unreason-
7 ably refused or not provided, the Commission shall
8 report the circumstances to Congress without delay.

9 (d) COMPOSITION.—

10 (1) NUMBER AND APPOINTMENT.—The Com-
11 mission shall be composed of 12 members who are
12 civilian individuals not employed by the Federal Gov-
13 ernment.

14 (2) MEMBERSHIP.—The members shall be ap-
15 pointed as follows:

16 (A) The Majority Leader and the Minority
17 Leader of the Senate shall each appoint one
18 member.

19 (B) The Speaker of the House of Rep-
20 resentatives and the Minority Leader shall each
21 appoint one member.

22 (C) The Chair and the Ranking Member of
23 the Committee on Armed Services of the Senate
24 shall each appoint one member.

1 (D) The Chair and the Ranking Member
2 of the Committee on Armed Services of the
3 House of Representatives shall each appoint
4 one member.

5 (E) The Chair and the Ranking Member of
6 the Committee on Appropriations of the Senate
7 shall each appoint one member.

8 (F) The Chair and Ranking Member of the
9 Committee on Appropriations of the House of
10 Representatives shall each appoint one member.

11 (3) CHAIR AND VICE CHAIR.—The Commission
12 shall elect a Chair and Vice Chair from among its
13 members.

14 (4) DEADLINE FOR APPOINTMENT.—Members
15 shall be appointed to the Commission under para-
16 graph (1) not later than 90 days after the date of
17 the enactment of this Act.

18 (5) NONGOVERNMENTAL APPOINTEES.—An in-
19 dividual appointed to serve as a member of the Com-
20 mission may not be an officer or employee of the
21 Federal Government or of any State or local govern-
22 ment or a member of the United States Armed
23 Forces serving on active duty.

24 (e) MEETINGS.—

1 (1) INITIAL MEETING.—The Commission shall
2 meet and begin the operations of the Commission
3 not later than 120 days after the date of the enact-
4 ment of this Act.

5 (2) QUORUM; VACANCIES.—After its initial
6 meeting, the Commission shall meet upon the call of
7 the Chair or a majority of its members. Five mem-
8 bers of the Commission shall constitute a quorum.
9 Any vacancy in the Commission shall not affect its
10 powers, but shall be filled in the same manner in
11 which the original appointment was made.

12 (f) STAFFING.—

13 (1) APPOINTMENT AND COMPENSATION.—The
14 Chair, in accordance with rules agreed upon by the
15 Commission, may appoint and fix the compensation
16 of a staff director and such other personnel as may
17 be necessary to enable the Commission to carry out
18 its functions, without regard to the provisions of
19 title 5, United States Code, governing appointments
20 in the competitive service, and without regard to the
21 provisions of chapter 51 and subchapter III of chap-
22 ter 53 of such title relating to classification and
23 General Schedule pay rates, except that no rate of
24 pay fixed under this paragraph may exceed the
25 equivalent of that payable for a position at level V

1 of the Executive Schedule under section 5316 of title
2 5, United States Code.

3 (2) PERSONNEL.—The Commission shall have
4 the authorities provided in section 3161 of title 5,
5 United States Code, and shall be subject to the con-
6 ditions set forth in such section, except to the extent
7 that such conditions would be inconsistent with the
8 requirements of this section.

9 (3) PERSONNEL AS FEDERAL EMPLOYEES.—

10 (A) IN GENERAL.—The staff director and
11 any personnel of the Commission who are em-
12 ployees shall be employees under section 2105
13 of title 5, United States Code, for purposes of
14 chapters 63, 81, 83, 84, 85, 87, 89, and 90 of
15 that title.

16 (B) MEMBERS OF COMMISSION.—Subpara-
17 graph (A) shall not be construed to apply to
18 members of the Commission.

19 (4) QUALIFICATIONS.—Commission personnel
20 should have experience and expertise in areas includ-
21 ing—

22 (A) international humanitarian law;

23 (B) human rights law;

24 (C) investigations;

25 (D) humanitarian response;

1 (E) United States military operations;

2 (F) national security policy;

3 (G) the languages, histories, and cultures
4 of regions that have experienced civilian harm
5 during the period of inquiry; and

6 (H) other such areas the members of the
7 Commission determine necessary to carry out
8 the responsibilities of the Commission under
9 subsection (b).

10 (5) CONTRACTING.—The Commission may, to
11 such extent and in such amounts as are provided in
12 appropriation Acts, enter into contracts to enable
13 the Commission to discharge its duties under this
14 section.

15 (6) CONSULTANT SERVICES.—The Commission
16 is authorized to procure the services of experts and
17 consultants in accordance with section 3109 of title
18 5, United States Code, but at rates not to exceed the
19 daily rate paid a person occupying a position at level
20 IV of the Executive Schedule under section 5315 of
21 title 5, United States Code.

22 (g) REPORTS.—

23 (1) INTERIM REPORT.—Not later than June 1,
24 2024, the Commission shall submit to the appro-
25 priate congressional committees an interim report on

1 the study referred to in subsection (b)(1), including
2 the results and findings of such study as of that
3 date.

4 (2) OTHER REPORTS.—The Commission may,
5 from time to time, submit to the appropriate con-
6 gressional committees such other reports on such
7 study as the Commission considers appropriate.

8 (3) FINAL REPORT.—Not later than two years
9 after the date of the appointment of all of the mem-
10 bers of the Commission under subsection (d), the
11 Commission shall submit to the appropriate congres-
12 sional committees a final report on such study. The
13 report shall include—

14 (A) the findings of the Commission; and

15 (B) recommendations based on the find-
16 ings of the Commission to improve the preven-
17 tion, mitigation, assessment, and investigation
18 of incidents of civilian harm.

19 (4) PUBLIC AVAILABILITY.—The Commission
20 shall make publicly available on an appropriate
21 internet website an unclassified version of each re-
22 port submitted by the Commission under this sub-
23 section and shall ensure that such versions are mini-
24 mally redacted only for legitimately classified infor-
25 mation.

1 (h) DEFINITIONS.—In this section:

2 (1) The term “appropriate congressional com-
3 mittees” means—

4 (A) the congressional defense committees;

5 (B) the Committee on Foreign Affairs, the
6 Committee on Oversight and Reform, the Com-
7 mittee on Transportation and Infrastructure,
8 and the Permanent Select Committee on Intel-
9 ligence of the House of Representatives; and

10 (C) the Committee on Foreign Relations,
11 the Committee on Homeland Security and Gov-
12 ernmental Affairs, the Committee on Com-
13 merce, Science, and Transportation, and the
14 Select Committee on Intelligence of the Senate.

15 (2) The term “civilian harm” means—

16 (A) the death or injury of a civilian; or

17 (B) destruction of civilian property.

18 (3) The term “period of inquiry” means the pe-
19 riod beginning on the date of the enactment of the
20 Authorization for Use of Military Force (Public Law
21 107–40; 50 U.S.C. 1541 note) and ending on the
22 date of the enactment of the National Defense Au-
23 thorization Act for Fiscal Year 2023.

1 **SEC. 1085. DEPARTMENT OF DEFENSE CENTER FOR EXCEL-**
2 **LENCE IN CIVILIAN HARM MITIGATION.**

3 (a) CENTER FOR EXCELLENCE IN CIVILIAN HARM
4 MITIGATION.—

5 (1) IN GENERAL.—Chapter 7 of title 10, United
6 States Code, is amended by inserting after section
7 183a the following new section:

8 **“§ 184. Center for Excellence in Civilian Harm Mitiga-**
9 **tion**

10 “(a) ESTABLISHMENT.—The Secretary of Defense
11 shall operate a Center for Excellence in Civilian Harm
12 Mitigation. The purpose of the center shall be to institu-
13 tionalize and advance knowledge, practices, and tools for
14 preventing, mitigating, and responding to civilian harm.

15 “(b) PURPOSE.—The Center shall be used to—

16 “(1) develop more standardized civilian-harm
17 operational reporting and data management proc-
18 esses to improve data collection, sharing, and learn-
19 ing to enable the Department of Defense to better
20 learn from disparate investigations and events;

21 “(2) develop, recommend, and review guidance,
22 and the implementation of guidance, on how the De-
23 partment responds to civilian harm;

24 “(3) develop recommended guidance for ad-
25 dressing civilian harm across the full spectrum of

1 armed conflict and for use in doctrine and oper-
2 ational plans;

3 “(4) develop and recommend training and exer-
4 cises for the prevention and investigation of civilian
5 harm;

6 “(5) develop a repository of civilian casualty
7 and civilian harm information; and

8 “(6) perform such other functions as the Sec-
9 retary of Defense may specify.

10 “(c) ANNUAL REPORT.—The Secretary of Defense
11 shall submit to the congressional defense committees, and
12 make publicly available on an appropriate website of the
13 Department, an annual report on the activities of the Cen-
14 ter.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of such chapter is amended
17 by inserting after the item relating to section 183a
18 the following new item:

“184. Center for Excellence in Civilian Harm Mitigation.”.

19 (b) DEADLINE FOR ESTABLISHMENT.—The Center
20 for Excellence in Civilian Harm Mitigation, as required
21 under section 184 of title 10, United States Code, as
22 added by subsection (a), shall be established by not later
23 than 90 days after the date of the enactment of this Act.

24 (c) REPORT TO CONGRESS.—Not later than 90 days
25 after the date of the enactment of this Act, the Secretary

1 of Defense shall submit to the congressional defense com-
2 mittees a report on the establishment of such Center for
3 Excellence in Civilian Harm Mitigation.

4 **SEC. 1086. SENSE OF CONGRESS REGARDING NAMING A**
5 **WARSHIP THE USS FALLUJAH.**

6 It is the sense of Congress that the Secretary of the
7 Navy should name a warship the “USS Fallujah”.

8 **SEC. 1087. STANDARDIZATION OF SECTIONAL BARGE CON-**
9 **STRUCTION FOR DEPARTMENT OF DEFENSE**
10 **USE ON RIVERS AND INTERCOASTAL WATER-**
11 **WAYS.**

12 The Secretary of Defense shall ensure that any sec-
13 tional barge used by the Department of Defense—

14 (1) is built to a design that has been reviewed
15 and approved, to the extent possible, by the Amer-
16 ican Bureau of Shipping, for the intended barge
17 service, and using the rule set of the American Bu-
18 reau of Shipping for building and classing steel ves-
19 sels for service on rivers and intercoastal waterways;
20 and

21 (2) has a deck design that provides for a min-
22 imum concentrated load capacity of 10,000 pounds
23 per square foot.

1 **SEC. 1088. SENSE OF CONGRESS REGARDING NAMING WAR-**
2 **SHIPS AFTER DECEASED NAVY MEDAL OF**
3 **HONOR RECIPIENTS.**

4 It is the sense of Congress that the Secretary of the
5 Navy should name warships after deceased Navy recipi-
6 ents of the Medal of Honor from World War I to the
7 present, who have not had a vessel named in their honor,
8 as follows:

- 9 (1) Tedford H. Cann.
- 10 (2) Ora Graves.
- 11 (3) John MacKenzie.
- 12 (4) Patrick McGunigal.
- 13 (5) John H. Balch.
- 14 (6) Joel T. Boone.
- 15 (7) Jesse W. Covington.
- 16 (8) Edouard Izac.
- 17 (9) David E. Hayden.
- 18 (10) Alexander G. Lyle.
- 19 (11) Francis E. Ormsbee, Jr.
- 20 (12) Orlando H. Petty.
- 21 (13) Oscar Schmidt, Jr.
- 22 (14) Daniel A. J. Sullivan.
- 23 (15) Frank M. Upton.
- 24 (16) John O. Siegel.
- 25 (17) Henry Breault.
- 26 (18) Thomas J. Ryan.

- 1 (19) George R. Cholister.
- 2 (20) Thomas Eadie.
- 3 (21) William R. Huber.
- 4 (22) William Badders.
- 5 (23) James H. McDonald.
- 6 (24) John Mihalowski.
- 7 (25) Samuel G. Fuqua.
- 8 (26) William E. Hall.
- 9 (27) Herbert Schonland.
- 10 (28) Nathan G. Gordon.
- 11 (29) Arthur M. Preston.
- 12 (30) Eugene B. Fluckey.
- 13 (31) Robert Bush.
- 14 (32) Rufus G. Herring.
- 15 (33) Franklin J. Pierce.
- 16 (34) George L. Street.
- 17 (35) George E. Wahlen.
- 18 (36) William L. McGonagle.

19 **SEC. 1089. SENSE OF CONGRESS REGARDING THE SERVICE**
20 **AND CREW OF THE USS OKLAHOMA CITY.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

- 23 (1) The USS Oklahoma City is a nuclear-pow-
24 ered fast attack submarine named after Oklahoma
25 City, the capital and most populous city in Okla-

1 homa, and is the second ship in the history of the
2 Navy to bear that name.

3 (2) The motto of the USS Oklahoma City is
4 “The Sooner, The Better”, which is a testament to
5 both the spirit of the people of Oklahoma City and
6 the readiness of the 140-person crew of the USS
7 Oklahoma City.

8 (3) The USS Oklahoma City was christened
9 and launched on November 2, 1985, sponsored by
10 Linda M. Nickles, and was commissioned for service
11 on July 9, 1988, with Commander Kevin John
12 Reardon as the first commanding officer of the sub-
13 marine.

14 (4) Since the commissioning of the USS Okla-
15 homa City, the USS Oklahoma City has traveled
16 around the globe multiple times and has served in
17 the Mediterranean, the Persian Gulf, the Pacific,
18 and, most recently, Apra Harbor, Guam.

19 (5) In the aftermath of the April 19, 1995,
20 bombing of the Alfred P. Murrah Federal Building
21 in Oklahoma City, the crew of the USS Oklahoma
22 City donated blood in support of the victims of the
23 deadliest act of home- grown terrorism in the history
24 of the United States, which resulted in the deaths of
25 168 individuals.

1 (6) The USS Oklahoma City was the first Navy
2 submarine to transition from navigation using paper
3 charts to an all-electronic navigation suite.

4 (7) On Friday, May 20, 2022, the inactivation
5 ceremony for the USS Oklahoma City was held in
6 Puget Sound Naval Shipyard to honor nearly 34
7 years of service.

8 (8) Throughout the career of the USS Okla-
9 homa City, the USS Oklahoma City supported a
10 range of missions, including anti-surface warfare,
11 anti-submarine warfare, targeted strike missions,
12 and intelligence, surveillance, and reconnaissance
13 missions.

14 (b) SENSE OF CONGRESS.—Congress recognizes the
15 service of the Los Angeles-class attack submarine the USS
16 Oklahoma City and the crew of the USS Oklahoma City,
17 who served the United States with valor and bravery.

18 **SEC. 1090. TARGET DATE FOR DEPLOYMENT OF 5G WIRE-**
19 **LESS BROADBAND INFRASTRUCTURE AT ALL**
20 **MILITARY INSTALLATIONS.**

21 (a) TARGET REQUIRED.—The Secretary of Defense
22 shall—

23 (1) establish a target date by which the Sec-
24 retary plans to deploy 5G wireless broadband infra-
25 structure at all military installations; and

1 (2) establish metrics, which shall be identical
2 for each of the military departments, to measure
3 progress toward reaching the target required by
4 paragraph (1).

5 (b) ANNUAL REPORT.—The Secretary shall submit
6 to the congressional defense committees and annual report
7 that includes—

8 (1) the metrics in use pursuant to subsection
9 (a)(2); and

10 (2) the progress of the Secretary in reaching
11 the target required by subsection (a)(1).

12 (c) TERMINATION.—No report shall be required
13 under subsection (b) after the date that is five years after
14 the date of the enactment of this Act.

15 **SEC. 1091. INCLUSION OF AIR FORCE STUDENT PILOTS IN**
16 **PERSONNEL METRICS FOR ESTABLISHING**
17 **AND SUSTAINING DINING FACILITIES AT AIR**
18 **EDUCATION AND TRAINING COMMANDS.**

19 The Secretary of the Air Force shall revise the per-
20 sonnel metrics with respect to establishing and sustaining
21 dining facilities at Air Education and Training Commands
22 in the United States to include Air Force student pilots.

1 **SEC. 1092. SENSE OF CONGRESS REGARDING CONDUCT OF**
2 **INTERNATIONAL NAVAL REVIEW ON JULY 4,**
3 **2026.**

4 (a) FINDING.—Congress finds that July 4, 2026, is
5 the 250th birthday of the United States of America.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the Navy should conduct an international naval
8 review on July 4, 2026.

9 **SEC. 1093. SENSE OF CONGRESS REGARDING CRISIS AT**
10 **THE SOUTHWEST BORDER.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) Noncitizens with criminal convictions are
14 routinely encountered at ports of entry and between
15 ports of entry on the Southwest land border.

16 (2) Some of the inadmissible individuals en-
17 countered on the southwest border are known or
18 suspected terrorists.

19 (3) Transnational criminal organizations rou-
20 tinely move illicit drugs, counterfeit products, and
21 trafficked humans across the Southwest land border.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the current level of illegal crossings and
25 trafficking on the Southwest border represents a na-
26 tional security threat;

1 (2) the Department of Defense has rightly con-
2 tributed personnel to aid the efforts of the United
3 States Government to address the crisis at the
4 Southwest border;

5 (3) the National Guard and active duty mem-
6 bers of the Armed Forces are to be commended for
7 their hard work and dedication in their response to
8 the crisis at the Southwest land border; and

9 (4) border security is a matter of national secu-
10 rity and the failure to address the crisis at the
11 Southwest border introduces significant risk to the
12 people of the United States.

13 **SEC. 1094. NATIONAL COMMISSION ON THE FUTURE OF**
14 **THE NAVY.**

15 (a) NATIONAL COMMISSION ON THE FUTURE OF THE
16 NAVY.—

17 (1) ESTABLISHMENT.—There is established the
18 National Commission on the Future of the Navy (in
19 this section referred to as the “Commission”).

20 (2) MEMBERSHIP.—

21 (A) COMPOSITION.—The Commission shall
22 be composed of eight members, of whom—

23 (i) two shall be appointed by the
24 Chairman of the Committee on Armed
25 Services of the Senate, one of whom shall

1 be a Member of the Senate and one whom
2 shall not be;

3 (ii) two shall be appointed by the
4 Ranking Member of the Committee on
5 Armed Services of the Senate, one of
6 whom shall be a Member of the Senate and
7 one whom shall not be;

8 (iii) two shall be appointed by the
9 Chairman of the Committee on Armed
10 Services of the House of Representatives,
11 one of whom shall be a Member of the
12 House of Representatives and one whom
13 shall not be; and

14 (iv) two shall be appointed by the
15 Ranking Member of the Committee on
16 Armed Services of the House of Represent-
17 atives, one of whom shall be a Member of
18 the House of Representatives and one
19 whom shall not be.

20 (B) APPOINTMENT DATE.—The appoint-
21 ments of the members of the Commission shall
22 be made not later than 90 days after the date
23 of the enactment of this Act.

24 (C) EFFECT OF LACK OF APPOINTMENT
25 BY APPOINTMENT DATE.—If one or more ap-

1 pointments under subparagraph (A)(i) is not
2 made by the appointment date specified in sub-
3 paragraph (B), the authority to make such ap-
4 pointment or appointments shall expire, and the
5 number of members of the Commission shall be
6 reduced by the number equal to the number of
7 appointments so not made. If an appointment
8 under subparagraph (A)(ii), (iii), (iv), or (v) is
9 not made by the appointment date specified in
10 subparagraph (B), the authority to make an ap-
11 pointment under such subparagraph shall ex-
12 pire, and the number of members of the Com-
13 mission shall be reduced by the number equal
14 to the number otherwise appointable under such
15 subparagraph.

16 (D) EXPERTISE.—In making appointments
17 under this subsection, consideration should be
18 given to individuals with expertise in naval pol-
19 icy and strategy, naval forces capability, naval
20 nuclear weapons, Naval force structure design,
21 organization, and employment, shipbuilding,
22 and shipbuilding infrastructure.

23 (3) PERIOD OF APPOINTMENT; VACANCIES.—

24 Members shall be appointed for the life of the Com-
25 mission. Any vacancy in the Commission shall not

1 affect its powers, but shall be filled in the same
2 manner as the original appointment.

3 (4) CHAIR AND VICE CHAIR.—The Commission
4 shall select a Chair and Vice Chair from among its
5 members.

6 (5) INITIAL MEETING.—Not later than 30 days
7 after the date on which all members of the Commis-
8 sion have been appointed, the Commission shall hold
9 its initial meeting.

10 (6) MEETINGS.—The Commission shall meet at
11 the call of the Chair.

12 (7) QUORUM.—A majority of the members of
13 the Commission shall constitute a quorum, but a
14 lesser number of members may hold hearings.

15 (b) DUTIES OF THE COMMISSION.—

16 (1) STUDY ON NAVAL FORCE STRUCTURE.—

17 (A) IN GENERAL.—The Commission shall
18 undertake a comprehensive study of the struc-
19 ture of the Navy and policy assumptions related
20 to the size and force mixture of the Navy, in
21 order—

22 (i) to make recommendations on the
23 size and force mixture of ships; and

24 (ii) to make recommendations on the
25 size and force mixture of naval aviation;

1 (B) CONSIDERATIONS.—In undertaking
2 the study required by paragraph (1), the Com-
3 mission shall carry out each of the following:

4 (i) An evaluation and identification of
5 a structure for the Navy that—

6 (I) has the depth and scalability
7 to meet current and anticipated re-
8 quirements of the combatant com-
9 mands;

10 (II) assumes three different
11 funding levels of 2023 appropriated
12 plus inflation; 2023 appropriated with
13 3-5 percent real growth; and uncon-
14 strained to meet the needs for war in
15 the area of responsibility of United
16 States Indo-Pacific Command and the
17 area of responsibility of United States
18 European Command;

19 (III) ensures that the Navy has
20 the capacity needed to support cur-
21 rent and anticipated homeland defense
22 and disaster assistance missions in
23 the United States;

24 (IV) provides for sufficient num-
25 bers of members of the Navy to en-

1 sure a 115 percent manning level of
2 all deployed ships, similar to United
3 States Special Operations Command;

4 (V) recommends a peacetime ro-
5 tation force operational tempo goals;

6 (VI) recommends forward sta-
7 tioning requirements; and

8 (VII) manages strategic and
9 operational risk by making tradeoffs
10 among readiness, efficiency, effective-
11 ness, capability, and affordability.

12 (ii) An evaluation and identification of
13 combatant command demand and fleet
14 size, including recommendations to support
15 a balance of—

16 (I) readiness;

17 (II) training;

18 (III) routine ship maintenance;

19 (IV) personnel;

20 (V) forward presence; and

21 (VI) depot level ship mainte-
22 nance.

23 (iii) A detailed review of the cost of
24 the recapitalization of the Nuclear Triad in

1 the Department of Defense and its effect
2 on the Navy's budget.

3 (iv) A review of Navy personnel poli-
4 cies and training to determine changes
5 needed across all personnel activities to im-
6 prove training effectiveness and force tac-
7 tical readiness and reduce operational
8 stress.

9 (2) STUDY ON SHIPBUILDING AND INNOVA-
10 TION.—

11 (A) IN GENERAL.—The Commission shall
12 conduct a detail study on shipbuilding, ship-
13 yards, and integrating advanced information
14 technologies such as augmented reality an arti-
15 ficial intelligence on the current fleet.

16 (B) CONSIDERATIONS.—In conducting the
17 study required by subparagraph (A), the Com-
18 mission shall consider the following:

19 (i) Recommendations for specific
20 changes to the Navy's Shipyard Infrastruc-
21 ture Optimization Program, to include leg-
22 islative changes to providing a multi-year
23 appropriation; additionally provides rec-
24 ommendations for bringing into the ship-

yards innovative technology companies as part of the overall modernization effort.

(ii) Recommendations for changes to the ship design and build program, to reduce risk, reduce cost, accelerate build timelines, and takes an incremental approach to change in future ship building.

(iii) Recommendations for changes to the ship depot maintenance program in order to reduce overhaul timelines, integrate current technologies into ships, and reduces costs.

(3) REPORT.—Not later than July 1, 2024, the Commission shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report, with classified annexes if necessary, that includes the findings and conclusions of the Commission as a result of the studies required by paragraphs (1) and (2), together with its recommendations for such legislative actions as the Commission considers appropriate in light of the results of the studies.

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places,

1 take such testimony, and receive such evidence as
2 the Commission considers advisable to carry out its
3 duties under this section.

4 (2) INFORMATION FROM FEDERAL AGENCIES.—

5 The Commission may secure directly from any Fed-
6 eral department or agency such information as the
7 Commission considers necessary to carry out its du-
8 ties under this section. Upon request of the Chair of
9 the Commission, the head of such department or
10 agency shall furnish such information to the Com-
11 mission.

12 (3) POSTAL SERVICES.—The Commission may

13 use the United States mails in the same manner and
14 under the same conditions as other departments and
15 agencies of the Federal Government.

16 (d) COMMISSION PERSONNEL MATTERS.—

17 (1) COMPENSATION OF MEMBERS.—Each mem-

18 ber of the Commission who is not an officer or em-
19 ployee of the Federal Government may be com-
20 pensated at a rate not to exceed the daily equivalent
21 of the annual rate of \$155,400 for each day (includ-
22 ing travel time) during which such member is en-
23 gaged in the performance of the duties of the Com-
24 mission. All members of the Commission who are of-
25 ficers or employees of the United States or Members

1 of Congress shall serve without compensation in ad-
2 dition to that received for their services as officers
3 or employees of the United States.

4 (2) TRAVEL EXPENSES.—The members of the
5 Commission shall be allowed travel expenses, includ-
6 ing per diem in lieu of subsistence, at rates author-
7 ized for employees of agencies under subchapter I of
8 chapter 57 of title 5, United States Code, while
9 away from their homes or regular places of business
10 in the performance of services for the Commission.

11 (3) STAFF.—

12 (A) IN GENERAL.—The Chair of the Com-
13 mission may, without regard to the civil service
14 laws and regulations, appoint and terminate an
15 executive director and such other additional
16 personnel as may be necessary to enable the
17 Commission to perform its duties. The employ-
18 ment of an executive director shall be subject to
19 confirmation by the Commission.

20 (B) COMPENSATION.—The Chair of the
21 Commission may fix the compensation of the
22 executive director and other personnel without
23 regard to chapter 51 and subchapter III of
24 chapter 53 of title 5, United States Code, relat-
25 ing to classification of positions and General

1 Schedule pay rates, except that the rate of pay
2 for the executive director and other personnel
3 may not exceed the rate payable for level V of
4 the Executive Schedule under section 5316 of
5 such title.

6 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
7 Any Federal Government employee may be detailed
8 to the Commission without reimbursement, and such
9 detail shall be without interruption or loss of civil
10 service status or privilege.

11 (5) PROCUREMENT OF TEMPORARY AND INTER-
12 MITTENT SERVICES.—The Chair of the Commission
13 may procure temporary and intermittent services
14 under section 3109(b) of title 5, United States Code,
15 at rates for individuals which do not exceed the daily
16 equivalent of the annual rate of basic pay prescribed
17 for level V of the Executive Schedule under section
18 5316 of such title.

19 (e) TERMINATION OF THE COMMISSION.—

20 (1) IN GENERAL.—The Commission shall termi-
21 nate on the date that is five years after the date of
22 the enactment of this Act.

23 (2) INAPPLICABILITY OF TERMINATION RE-
24 QUIREMENT UNDER FACA.—Section 14 of the Fed-
25 eral Advisory Committee Act (5 U.S.C. App.) shall

1 not apply to the activities of the Commission under
2 this section.

3 **SEC. 1095. TRANSFER OF AIRCRAFT TO OTHER DEPART-**
4 **MENTS FOR WILDFIRE SUPPRESSION AND**
5 **OTHER PURPOSES.**

6 Section 1098(c)(1) of the National Defense Author-
7 ization Act for Fiscal Year 2014 (Public Law 113–66) is
8 amended by inserting “, search and rescue, or emergency
9 operations pertaining to wildfires” after “purposes”.

10 **SEC. 1096. NATIONAL MUSEUM OF INTELLIGENCE AND SPE-**
11 **CIAL OPERATIONS.**

12 (a) RECOGNITION.—The privately-funded museum to
13 honor the intelligence community and special operations
14 forces that is planned to be constructed in Ashburn, Vir-
15 ginia, may be recognized, upon completion, as the “Na-
16 tional Museum of Intelligence and Special Operations”.

17 (b) PURPOSES.—The purpose of recognizing the Na-
18 tional Museum of Intelligence and Special Operations
19 under subsection (a) are to—

20 (1) commemorate the members of the intel-
21 ligence community and special operations forces who
22 have been critical to securing the Nation against en-
23 emies of the United States for nearly a century;

24 (2) preserve and support the historic role that
25 the intelligence community and special operations

1 forces have played, and continue to play, both in se-
2 crecy as well as openly, to keep the United States
3 and its values and way of life secure; and

4 (3) foster a greater understanding of the intel-
5 ligence community and special operations forces to
6 ensure a common understanding, dispel myths, rec-
7 ognize those who are not otherwise able to be pub-
8 licly recognized, and increase science, technology, en-
9 gineering, and math education through museum pro-
10 grams designed to promote more interest and great-
11 er diversity in recruiting with respect to the intel-
12 ligence and special operations career field.

13 **SEC. 1097. AVAILABILITY OF INFORMATION REGARDING**
14 **PROCUREMENT OF EQUIPMENT BY STATE**
15 **AND LOCAL GOVERNMENTS THROUGH THE**
16 **DEPARTMENT OF DEFENSE.**

17 Section 281 of title 10, United States Code, is
18 amended—

19 (1) by redesignating subsection (d) as sub-
20 section (e); and

21 (2) by inserting after subsection (f) the fol-
22 lowing new subsection:

23 “(d) AVAILABILITY OF INFORMATION.—(1) The Sec-
24 retary, in coordination with the Administrator of General
25 Services, shall establish and maintain a publicly available

1 internet website that provides up-to-date and comprehen-
2 sive information, in a searchable format, on the purchase
3 of equipment under the procedures established under sub-
4 section (a) and the recipients of such equipment.

5 “(2) The information required to be made publicly
6 available under paragraph (1) includes all unclassified in-
7 formation pertaining to such purchases, including—

8 “(A) the catalog of equipment available for pur-
9 chase under subsection (c);

10 “(B) for each purchase of equipment under the
11 procedures established under subsection (a)—

12 “(i) the recipient State or unit of local gov-
13 ernment;

14 “(ii) the purpose of the purchase;

15 “(iii) the type of equipment;

16 “(iv) the cost of the equipment; and

17 “(v) the administrative costs under sub-
18 section (b); and

19 “(C) other information the Secretary deter-
20 mines is necessary.

21 “(3) The Secretary shall update the information in-
22 cluded on the internet website required under paragraph
23 (1) on a quarterly basis.”.

1 **SEC. 1098. REPORT ON PURCHASE AND USE BY DEPART-**
2 **MENT OF DEFENSE OF LOCATION DATA GEN-**
3 **ERATED BY AMERICANS' PHONES AND THEIR**
4 **INTERNET METADATA.**

5 (a) REPORT REQUIRED.—Not later than 90 days
6 after the date of the enactment of this Act, the Secretary
7 of Defense shall submit to the congressional defense com-
8 mittees and make available to the public on an internet
9 website of the Department of Defense a report that—

10 (1) identifies each covered entity that is cur-
11 rently, or during the five year period ending on the
12 date of the enactment of this Act was, without a
13 court order—

14 (A) obtaining in exchange for anything of
15 value any covered records; and

16 (B) intentionally retaining or intentionally
17 using such covered records; and

18 (2) for each covered entity identified pursuant
19 to paragraph (1), identifies—

20 (A) each category of covered record the
21 covered entity, without a court order, is obtain-
22 ing or obtained, in exchange for anything of
23 value;

24 (B) whether the covered entity inten-
25 tionally retained or is intentionally retaining

1 each category of covered records pursuant to
2 subparagraph (A);

3 (C) whether the covered entity inten-
4 tionally uses or used each category of covered
5 records identified pursuant to subparagraph
6 (A); and

7 (D) whether such obtaining, retention, and
8 use ceased before the date of the enactment of
9 this Act or is ongoing.

10 (b) FORM.—The report submitted under subsection
11 (a) shall be submitted in unclassified form.

12 (c) DETERMINATION OF PARTIES TO A COMMUNICA-
13 TION.—In determining under this section whether a party
14 to a communication is likely to be located inside or outside
15 the United States, the Secretary shall consider the Inter-
16 net Protocol (IP) address used by the party to the commu-
17 nication, but may also consider other information known
18 to the Secretary.

19 (d) DEFINITIONS.—In this section:

20 (1) The term “covered entities” means the De-
21 fense Agencies, Department of Defense activities,
22 and components of the Department that—

23 (A) are under the authority, direction, and
24 control of the Under Secretary of Defense for
25 Intelligence and Security; or

1 (B) over which the Under Secretary exer-
2 cises planning, policy, funding, or strategic
3 oversight authority.

4 (2) The term “covered records” includes the
5 following:

6 (A) Location data generated by phones
7 that are likely to be located in the United
8 States.

9 (B) Domestic phone call records.

10 (C) International phone call records.

11 (D) Domestic text message records.

12 (E) International text message records.

13 (F) Domestic netflow records.

14 (G) International netflow records.

15 (H) Domestic Domain Name System
16 records.

17 (I) International Domain Name System
18 records.

19 (J) Other types of domestic internet
20 metadata.

21 (K) Other types of international internet
22 metadata.

23 (3) The term “domestic” means a telephone or
24 an internet communication in which all parties to

1 the communication are likely to be located in the
2 United States.

3 (4)(A) The term “international” means a tele-
4 phone or an internet communication in which one or
5 more parties to the communication are likely to be
6 located in the United States and one or more parties
7 to the communication are likely to be located outside
8 the United States.

9 (B) The term “international” does not include
10 a telephone or an internet communication in which
11 all parties to the communication are likely to be lo-
12 cated outside the United States.

13 (5) The term “obtain in exchange for anything
14 of value” means to obtain by purchasing, to receive
15 in connection with services being provided for con-
16 sideration, or to otherwise obtain in exchange for
17 consideration, including an access fee, service fee,
18 maintenance fee, or licensing fee.

19 (6)(A) Except as provided in subparagraph (B),
20 the term “retain” means the storage of a covered
21 record.

22 (B) The term “retain” does not include the
23 temporary storage of a covered record that will be,
24 but has not yet been, subjected to a process in which
25 the covered record, which is part of a larger compila-

1 tion containing records that are not covered records,
2 are identified and deleted.

3 (7)(A) Except as provided in subparagraph (B),
4 the term “use”, with respect to a covered record, in-
5 cludes analyzing, processing, or sharing the covered
6 record.

7 (B) The term “use” does not include subjecting
8 the covered record to a process in which the covered
9 record, which is part of a larger compilation con-
10 taining records that are not covered records, are
11 identified and deleted.

12 **SEC. 1099. NATIONAL TABLETOP EXERCISE.**

13 (a) REQUIREMENT.—Not later than 365 days of en-
14 actment of this Act, the Secretary of Defense shall con-
15 duct a tabletop exercise designed to test the resiliency of
16 the United States across all aspects of national power in
17 the event of an invasion of a covered defense partner. The
18 Secretary may conduct subsequent similar exercises on a
19 biennial basis.

20 (b) PLANNING AND PREPARATION.—A tabletop exer-
21 cise under this section shall be prepared by Department
22 of Defense personnel.

23 (c) PRIVATE SECTOR.—In accordance with applicable
24 laws and regulations regarding the protection of national
25 security information, the Secretary may invite non-Gov-

1 ernment individuals or entities to participate in a tabletop
2 exercise under this section.

3 (d) INTERNATIONAL PARTNERS.—The Secretary may
4 invite allies and partners of the United States to partici-
5 pate in a tabletop exercise under this section.

6 (e) OBSERVERS.—The Secretary may invite rep-
7 resentatives from the executive and legislative branches of
8 the Federal Government to observe a tabletop exercise
9 under this section.

10 (f) CONSULTATION REQUIREMENT.—The Secretary
11 shall plan and execute a tabletop exercise under this sec-
12 tion in consultation with the heads of the Federal depart-
13 ments and agencies who participate in the exercise, as de-
14 termined by the Secretary.

15 (g) ELEMENTS.—A tabletop exercise under this sec-
16 tion shall be designed to evaluate the following elements:

17 (1) The Federal Government response across all
18 elements of national power to an invasion of a cov-
19 ered defense partner.

20 (2) The ability of the United States covered
21 Armed Forces, alongside allied and partner mili-
22 taries, to defeat an invasion of a covered defense
23 partner.

24 (3) The resilience of domestic critical infra-
25 structure and logistical chokepoints that may inhibit

1 the mobility of the United States covered Armed
2 Forces in responding to an invasion of a covered de-
3 fense partner.

4 (4) The ability of the United States to coordi-
5 nate an effective international public and private
6 sector response.

7 (h) BRIEFING.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date on which at tabletop exercise is con-
10 ducted under this section, the Secretary shall pro-
11 vide to the appropriate congressional committees a
12 briefing on the exercise.

13 (2) CONTENTS.—A briefing under paragraph
14 (1) shall include—

15 (A) an assessment of the decision-making,
16 capability, and response gaps observed in the
17 tabletop exercise;

18 (B) recommendations to improve the re-
19 sponse of the United States across all elements
20 of national power in the case of an invasion of
21 a covered defense partner;

22 (C) recommendations to improve the do-
23 mestic resiliency and vulnerability of critical in-
24 frastructure of the United States in the case of
25 an invasion of a covered defense partner; and

1 (D) appropriate strategies to address the
2 recommendations identified in subparagraphs
3 (B) and (C).

4 (i) DEFINITIONS.—In this section:

5 (1) The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Armed Services and
8 the Committee on Oversight and Reform of the
9 House of Representatives; and

10 (B) the Committee on Armed Services and
11 the Committee on Homeland Security and Gov-
12 ernment Affairs of the Senate.

13 (2) The term “covered Armed Force” means—

14 (A) The Army.

15 (B) The Navy.

16 (C) The Marine Corps.

17 (D) The Air Force.

18 (E) The Space Force.

19 (3) The term “covered defense partner” means
20 a country that is—

21 (A) identified as a partner in the document
22 entitled “Department of Defense Indo-Pacific
23 Strategy Report” issued on June 1, 2019; and

24 (B) located within 100 miles of the coast
25 of a strategic competitor.

1 (4) The term “tabletop exercise” means an ac-
2 tivity—

3 (A) in which key personnel assigned high-
4 level roles and responsibilities are gathered to
5 deliberate various simulated emergency or rapid
6 response situations; and

7 (B) that is designed to be used to assess
8 the adequacy of plans, policies, procedures,
9 training, resources, and relationships or agree-
10 ments that guide prevention of, response to,
11 and recovery from a defined event.

12 **SEC. 1099A. GREENHOUSE GAS MITIGATION ACTIONS AND**
13 **RESULTS DASHBOARD.**

14 The Secretary of Defense shall establish a dashboard
15 on an appropriate website of the Department of Defense
16 and make publicly available on such dashboard relevant
17 information on investments in non-GHG technologies,
18 numbers of demonstrations completed, and information on
19 links to commercialization in the civilian sector. Such
20 dashboard shall be similar to the dashboard on the De-
21 partment of Defense’s internal Advana Dashboard.

22 **SEC. 1099B. ADMINISTRATION OF RISK-BASED SURVEYS TO**
23 **CERTAIN EDUCATIONAL INSTITUTIONS.**

24 (a) DEVELOPMENT REQUIRED.—The Secretary of
25 Defense, acting through the Voluntary Education Institu-

1 tional Compliance Program of the Department of Defense,
2 shall develop a risk-based survey for oversight of covered
3 educational institutions.

4 (b) SCOPE.—

5 (1) IN GENERAL.—The scope of the risk-based
6 survey developed under subsection (a) shall be deter-
7 mined by the Secretary.

8 (2) SPECIFIC ELEMENTS.—At a minimum the
9 scope determined under paragraph (1) shall include
10 the following:

11 (A) Rapid increase or decrease in enroll-
12 ment.

13 (B) Rapid increase in tuition and fees.

14 (C) Complaints tracked and published
15 from students pursuing programs of education,
16 based on severity or volume of the complaints.

17 (D) Student completion rates.

18 (E) Indicators of financial stability.

19 (F) Review of the advertising and recruit-
20 ing practices of the educational institution, in-
21 cluding those by third-party contractors of the
22 educational institution.

23 (G) Matters for which the Federal Govern-
24 ment or a State Government brings an action
25 in a court of competent jurisdiction against an

1 educational institution, including matters in
2 cases in which the Federal Government or the
3 State comes to a settled agreement on such
4 matters outside of the court.

5 (c) ACTION OR EVENT.—

6 (1) SUSPENSION.—If, pursuant to a risk-based
7 survey under this section, the Secretary determines
8 that an educational institution has experienced an
9 action or event described in paragraph (2), the Sec-
10 retary may suspend the participation of the institu-
11 tion in Department of Defense programs for a pe-
12 riod of two-year, or such other period as the Sec-
13 retary determines appropriate.

14 (2) ACTION OR EVENT DESCRIBED.—An action
15 or event described in this paragraph is any of the
16 following:

17 (A) The receipt by an educational institu-
18 tion of payments under the heightened cash
19 monitoring level 2 payment method pursuant to
20 section 487(c)(1)(B) of the Higher Education
21 Act of 1965 (20 U.S.C. 1094).

22 (B) Punitive action taken by the Attorney
23 General, the Federal Trade Commission, or any
24 other Federal department or agency for mis-
25 conduct or misleading marketing practices that

1 would violate the standards defined by the Sec-
2 retary of Veterans Affairs.

3 (C) Punitive action taken by a State
4 against an educational institution.

5 (D) The loss, or risk of loss, by an edu-
6 cational institution of an accreditation from an
7 accrediting agency or association, including no-
8 tice of probation, suspension, an order to show
9 cause relating to the educational institution's
10 academic policies and practices or to its finan-
11 cial stability, or revocation of accreditation.

12 (E) The placement of an educational insti-
13 tution on provisional certification status by the
14 Secretary of Education.

15 (d) DATABASE.—The Secretary shall establish a
16 searchable database or use an existing system, as the Sec-
17 retary considers appropriate, to serve as a central reposi-
18 tory for information required for or collected during site
19 visits for the risk-based survey developed under subsection
20 (a), so as to improve future oversight of educational insti-
21 tutions.

22 (e) COVERED EDUCATIONAL INSTITUTION.—In this
23 section, the term “covered educational institution” means
24 an educational institution selected by the Secretary based
25 on quantitative, publicly available metrics indicating risk

1 designed to separate low-risk and high-risk institutions,
2 to focus on high-risk institutions.

3 **SEC. 1099C. BRIEFING ON GUAM AND NORTHERN MARIANA**
4 **ISLANDS MILITARY CONSTRUCTION COSTS.**

5 Not later than 180 days after the date of the enact-
6 ment of this Act, the Secretary of Defense shall provide
7 to the congressional defense committees a briefing on
8 Guam and the Northern Mariana Islands on the future
9 military construction requirements based on emerging
10 threats in the region, ongoing relocations of members of
11 the Armed Forces, and the total amount of funds obli-
12 gated or expended from amounts appropriated or other-
13 wise made available and for implementing the Record of
14 Decision for the relocation of Marine Corps. Such briefing
15 shall include—

16 (1) the projected funding for military construc-
17 tion through fiscal year 2030;

18 (2) the projected sustainment costs associated
19 with military infrastructure through fiscal year
20 2030; and

21 (3) military infrastructure requirements
22 through fiscal year 2030 exceeding the current fund-
23 ing restriction.

1 **SEC. 1099D. RESOURCES TO IMPLEMENT DEPARTMENT OF**
2 **DEFENSE POLICY ON CIVILIAN HARM IN CON-**
3 **NECTION WITH UNITED STATES MILITARY**
4 **OPERATIONS.**

5 (a) PURPOSE.—The purpose of this section is to fa-
6 cilitate fulfillment of the requirements in section 936 of
7 the John S. McCain National Defense Authorization Act
8 for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C.
9 134 note).

10 (b) PERSONNEL.—Not later than 180 days after the
11 date of the enactment of this Act, the Secretary of Defense
12 shall do the following:

13 (1) Assign within each of the United States
14 Central Command, the United States Africa Com-
15 mand, the United States Special Operations Com-
16 mand, the United States European Command, the
17 United States Southern Command, the United
18 States Indo-Pacific Command, and the United
19 States Northern Command not fewer than two per-
20 sonnel who shall have primary responsibility for the
21 following in connection with military operations un-
22 dertaken by such command:

23 (A) Providing guidance and oversight re-
24 lating to prevention of and response to harm to
25 civilians, promotion of observance of human
26 rights, and the protection of civilians and civil-

1 ian infrastructure, including ensuring imple-
2 mentation of the policy of the Department of
3 Defense on harm to civilians resulting from
4 United States military operations.

5 (B) Overseeing civilian harm prevention,
6 mitigation, and response functions on behalf of
7 the commander of such command.

8 (C) Receiving reports of harm to civilians
9 and conducting assessments and investigations
10 relating to such harm.

11 (D) Analyzing incidents and trends with
12 respect to harm to civilians, identifying lessons
13 learned, and ensuring that lessons learned are
14 incorporated into updated command guidance
15 and practices.

16 (E) Offering condolences and amends for
17 harm to civilians, including ex gratia payments.

18 (F) Ensuring the integration of activities
19 relating to civilian harm prevention, mitigation,
20 and response, the protection of civilians, and
21 promotion of observance of human rights in se-
22 curity cooperation activities.

23 (G) Working with the Center for Excel-
24 lence established under section 184 of title 10,
25 United States Code, as added by section 1085.

1 (H) Consulting with non-governmental or-
2 ganizations on civilian harm and human rights
3 matters.

4 (2) Assign within the Office of the Under Sec-
5 retary of Defense for Policy not fewer than two per-
6 sonnel who shall have primary responsibility for im-
7 plementing and overseeing implementation by the
8 components of the Department of Defense of De-
9 partment policy on harm to civilians resulting from
10 United States military operations.

11 (3) Assign within the Joint Staff not fewer
12 than two personnel who shall have primary responsi-
13 bility for the following:

14 (A) Overseeing implementation by the com-
15 ponents of the Department of Defense of De-
16 partment policy on harm to civilians resulting
17 from United States military operations.

18 (B) Developing and sharing in the imple-
19 mentation of such policy.

20 (C) Communicating operational guidance
21 on such policy.

22 (c) TRAINING, SOFTWARE, AND OTHER REQUIRE-
23 MENTS.—

24 (1) IN GENERAL.—In each of fiscal years 2023
25 through 2025, the Secretary of Defense and each

1 Secretary of a military department may obligate and
2 expend, from amounts specified in paragraph (2),
3 not more than \$5,000,000 for the following:

4 (A) Training related to civilian harm pre-
5 vention, mitigation, and response.

6 (B) Information technology equipment,
7 support and maintenance, and data storage, in
8 order to implement the policy of the Depart-
9 ment relating to harms to civilians resulting
10 from United States military operations as re-
11 quired by section 936 of the John S. McCain
12 National Defense Authorization Act for Fiscal
13 Year 2019.

14 (2) FUNDS.—The funds for a fiscal year speci-
15 fied in this subparagraph are funds as follows:

16 (A) In the case of the Secretary of De-
17 fense, amounts authorized to be appropriated
18 for such fiscal year for operation and mainte-
19 nance, Defense-wide.

20 (B) In the case of a Secretary of a military
21 department, amounts authorized to be appro-
22 priated for such fiscal year for operation and
23 maintenance for the components of the Armed
24 Forces under the jurisdiction of such Secretary.

1 **SEC. 1099E. AVAILABILITY OF MODULAR SMALL ARMS**
2 **RANGE FOR ARMY RESERVE IN PUERTO**
3 **RICO.**

4 The Secretary of Army shall ensure that a modular
5 small arms range is made available for the Army Reserve
6 in Puerto Rico.

7 **SEC. 1099F. INDEPENDENT EPIDEMIOLOGICAL ANALYSIS**
8 **OF HEALTH EFFECTS FROM EXPOSURE TO**
9 **DEPARTMENT OF DEFENSE ACTIVITIES IN**
10 **VIEQUES.**

11 (a) AGREEMENT.—

12 (1) IN GENERAL.—The Secretary of Defense
13 shall seek to enter into an agreement with the Na-
14 tional Academies of Sciences, Engineering, and Med-
15 icine for the National Academies of Sciences, Engi-
16 neering, and Medicine to perform the services cov-
17 ered by this section.

18 (2) TIMING.—The Secretary shall seek to enter
19 into the agreement described in paragraph (1) not
20 later than 60 days after the date of the enactment
21 of this Act.

22 (b) STUDIES.—

23 (1) IN GENERAL.—Under an agreement be-
24 tween the Secretary and the National Academies of
25 Sciences, Engineering, and Medicine under this sec-
26 tion, the National Academies of Sciences, Engineer-

1 ing, and Medicine shall carry out epidemiological
2 studies of the short-term, long-term, primary, and
3 secondary health effects caused or sufficiently cor-
4 related to exposure to chemicals and radioactive ma-
5 terials from activities of the Department of Defense
6 in the communities of concern, including any rec-
7 ommendations. In carrying out such studies, the Na-
8 tional Academies may incorporate the research gen-
9 erated pursuant to funding opportunity number
10 EPA-G2019-ORD-A1.

11 (2) ELEMENTS.—The epidemiological studies
12 carried out under paragraph (1) and the rec-
13 ommendations developed under such paragraph shall
14 include the following:

15 (A) A list of known contaminants and their
16 locations that have been left by the Department
17 of Defense in the communities of concern.

18 (B) For each contaminant under subpara-
19 graph (A), an epidemiological study that—

20 (i) estimates the disease burden of
21 current and past residents of Vieques,
22 Puerto Rico, from such contaminants;

23 (ii) incorporates historical estimates of
24 residents' groundwater exposure to con-
25 taminants of concern that—

1 (I) predate the completion of the
2 water-supply pipeline in 1978;

3 (II) include exposure to ground-
4 water from Atlantic Weapons Fleet
5 Weapons Training Area “Area of
6 Concern E” and any other exposures
7 that the National Academies deter-
8 mine necessary;

9 (III) consider differences between
10 the aquifers of Vieques; and

11 (IV) consider the differences be-
12 tween public and private wells, and
13 possible exposures from commercial or
14 agricultural uses; and

15 (iii) includes estimates of current resi-
16 dents’ exposure to chemicals and radiation
17 which may affect the groundwater, food,
18 air, or soil, that—

19 (I) include current residents’
20 groundwater exposure in the event of
21 the water-supply pipeline being tempo-
22 rarily lost; and

23 (II) is based on the actual prac-
24 tices of residents in Vieques during
25 times of duress, for example the use

1 of wells for fresh water following Hur-
2 ricane Maria.

3 (C) An identification of Military Munitions
4 Response Program sites that have not fully in-
5 vestigated whether contaminants identified at
6 other sites are present or the degree of con-
7 tamination present.

8 (D) The production of separate, peer-re-
9 viewed quality research into adverse health out-
10 comes, including cancer, from exposure to
11 drinking water contaminated with methyl tert-
12 butyl ether (MTBE).

13 (E) Any other factors the National Acad-
14 emies determine necessary.

15 (c) REPORT.—

16 (1) IN GENERAL.—Not later than two years
17 after the date of the execution of an agreement
18 under subsection (a), the National Academies of
19 Sciences, Engineering, and Medicine shall—

20 (A) submit to the appropriate congres-
21 sional committees a report on the findings of
22 the National Academies under subsection (b);
23 and

1 (B) make available to the public on a pub-
2 licly accessible website a version of the report
3 that is suitable for public viewing.

4 (2) FORM.—The report submitted under para-
5 graph (1)(A) shall be submitted in unclassified form.

6 (d) DEFINITIONS.—In this section:

7 (1) The term “appropriate congressional com-
8 mittees” means—

9 (A) the congressional defense committees;
10 and

11 (B) the Committee on Natural Resources
12 of the House of Representatives and the Com-
13 mittee on Energy and Natural Resources of the
14 Senate.

15 (2) The term “communities of concern” means
16 Naval Station Roosevelt Roads and the former At-
17 lantic Fleet Weapons Training Area.

18 **SEC. 1099G. PARTICIPATION IN FEDERAL TRANSPOR-**
19 **TATION INCENTIVE PROGRAM.**

20 The Secretary of Navy shall coordinate with the Sec-
21 retary of Transportation and public shipyards to increase
22 participation in the Federal Transportation Incentive Pro-
23 gram by—

24 (1) identifying current challenges in the Pro-
25 gram structure; and

1 (2) implementing modifications that would re-
2 duce impediments to use and provide incentives for
3 increased use by Federal employees.

4 **SEC. 1099H. REPORT ON INITIATIVES OF DEPARTMENT OF**
5 **DEFENSE TO SOURCE LOCALLY AND REGION-**
6 **ALLY PRODUCED FOODS FOR INSTALLA-**
7 **TIONS OF THE DEPARTMENT.**

8 (a) IN GENERAL.—Not later than one year after the
9 date of the enactment of this Act, the Comptroller General
10 of the United States shall submit to the appropriate com-
11 mittees of Congress a report detailing—

12 (1) current procurement practices of the De-
13 partment of Defense regarding food for consumption
14 or distribution on installations of the Department;

15 (2) efforts by the Department of Defense to es-
16 tablish and strengthen “farm to base” initiatives to
17 source locally and regionally produced foods, includ-
18 ing seafood, for consumption or distribution at in-
19 stallations of the Department;

20 (3) efforts by the Department to collaborate
21 with relevant Federal agencies, including the De-
22 partment of Veterans Affairs, the Department of
23 Agriculture, and the Department of Commerce, to
24 procure locally and regionally produced foods;

1 (4) opportunities where procurement of locally
2 and regionally produced foods would be beneficial to
3 members of the Armed Forces, their families, mili-
4 tary readiness by improving health outcomes, and
5 farmers near installations of the Department;

6 (5) barriers currently preventing the Depart-
7 ment from increasing procurement of locally and re-
8 gionally produced foods or preventing producers
9 from partnering with nearby installations of the De-
10 partment; and

11 (6) recommendations for how the Department
12 can improve procurement practices to increase offer-
13 ings of locally and regionally produced foods.

14 (b) APPROPRIATE COMMITTEES OF CONGRESS DE-
15 FINED.—In this section, the term “appropriate commit-
16 tees of Congress” means—

17 (1) the Committee on Armed Services, the
18 Committee on Commerce, Science, and Transpor-
19 tation, and the Committee on Agriculture, Nutrition,
20 and Forestry of the Senate; and

21 (2) the Committee on Armed Services, the
22 Committee on Natural Resources, and the Com-
23 mittee on Agriculture of the House of Representa-
24 tives.

1 **SEC. 1099I. LIMITATIONS ON SALE AND USE OF PORTABLE**
2 **HEATING DEVICES ON MILITARY INSTALLA-**
3 **TIONS.**

4 (a) PROHIBITION ON SALE OF UNSAFE PORTABLE
5 HEATING DEVICES AT COMMISSARY STORES AND MWR
6 RETAIL FACILITIES.—The Secretary of Defense shall en-
7 sure that the following types of portable heating devices
8 are not sold at a commissary store or MWR retail facility:

9 (1) Portable heating devices that do not comply
10 with applicable voluntary consumer product safety
11 standards.

12 (2) Portable heating devices that do not have
13 an automatic shutoff function.

14 (b) EDUCATION FOR FAMILIES LIVING IN MILITARY
15 HOUSING.—The commander of a military installation
16 shall ensure that members of the Armed Forces assigned
17 to that installation and living in military family housing,
18 including military family housing acquired or constructed
19 pursuant to subchapter IV of chapter 169 of title 10,
20 United States Code, are provided with the recommenda-
21 tions of the Consumer Product Safety Commission for op-
22 erating portable heating devices safely.

23 (c) DEFINITIONS.—In this section:

24 (1) The term “MWR retail facility” has the
25 meaning given that term in section 1063 of title 10,
26 United States Code.

1 (2) The term “portable heating device” means
2 an electric heater that—

3 (A) is intended to stand unsupported (free-
4 standing);

5 (B) can be moved from place to place with-
6 in conditioned areas in a structure;

7 (C) is connected to a nominal 120 VAC
8 electric supply through a cord and plug;

9 (D) transfers heat by radiation, convection,
10 or both (either natural or forced); and

11 (E) is intended for residential use.

12 **SEC. 1099J. TRAINING AND INFORMATION FOR FIRST RE-**
13 **SPONDERS REGARDING AID FOR VICTIMS OF**
14 **TRAUMA-RELATED INJURIES.**

15 The Secretary of Defense shall ensure that the De-
16 partment of Defense shares best practices with, and offers
17 training to, State and local first responders regarding how
18 to most effectively aid victims who experience trauma-re-
19 lated injuries.

20 **SEC. 1099K. PUBLIC AVAILABILITY OF COST OF CERTAIN**
21 **MILITARY OPERATIONS TO EACH UNITED**
22 **STATES TAXPAYER.**

23 Section 1090 of the National Defense Authorization
24 Act for Fiscal Year 2017 (Public Law 114–328) is amend-
25 ed—

1 (1) by inserting “(a) PUBLICATION OF INFOR-
2 MATION.—” before “The Secretary of Defense”;

3 (2) by striking “of each of the wars in Afghani-
4 stan, Iraq, and Syria.” and inserting “of any over-
5 seas contingency operation conducted by the United
6 States Armed Forces on or after September 18,
7 2001.”; and

8 (3) by adding at the end the following new sub-
9 sections:

10 “(b) DISPLAY OF INFORMATION.—The information
11 required to be posted under subsection (a) shall—

12 “(1) be posted directly on the website of the
13 Department of Defense, in an accessible and clear
14 format;

15 “(2) include corresponding documentation as
16 links or attachments; and

17 “(3) include, for each overseas contingency op-
18 eration—

19 “(A) both the total cost to each taxpayer,
20 and the cost to each taxpayer for each fiscal
21 year, of conducting the overseas contingency op-
22 eration;

23 “(B) a list of countries where the overseas
24 contingency operation has taken place.

1 “(c) UPDATES.—The Secretary shall ensure that all
2 the information required to be posted under subsection (a)
3 is updated by not later than 90 days after the last day
4 of each fiscal year.

5 “(d) CONTINGENCY OPERATION DEFINED.—In this
6 section, the term ‘contingency operation’ has the meaning
7 given such term in section 101(a)(13) of title 10, United
8 States Code.”.

9 **SEC. 1099L. REPORT ON DEPARTMENT OF DEFENSE PLAN**
10 **TO ACHIEVE STRATEGIC OVERMATCH IN THE**
11 **INFORMATION ENVIRONMENT.**

12 (a) IN GENERAL.—Not later than April 1, 2023, the
13 Secretary of Defense shall submit to the Committee on
14 Armed Services of the House of Representatives a report
15 on the following:

16 (1) A plan, developed in cooperation with rel-
17 evant Federal agencies, for the Department of De-
18 fense to achieve strategic overmatch in the informa-
19 tion environment, including—

20 (A) modifications and updates to existing
21 policy or guidance;

22 (B) a description of impacts to future
23 budget requests and funding priorities;

24 (C) updates to personnel policies to ensure
25 the recruitment, promotion, retention, and com-

1 pensation incentives for individuals with the
2 necessary skills in the information environment;
3 and

4 (D) a description of improvements to the
5 collection, prioritization, and analysis of open
6 source intelligence to better inform the under-
7 standing of competitors and adversaries to the
8 Department of Defense in the information envi-
9 ronment.

10 (2) A description of any initiatives, identified in
11 cooperation with relevant Federal agencies, that the
12 Secretary of Defense and such Federal agencies may
13 undertake to assist and incorporate allies and part-
14 ner countries of the United States into efforts to
15 achieve strategic overmatch in the information envi-
16 ronment.

17 (3) A description of other actions, including
18 funding modifications, policy changes, or congres-
19 sional action, are necessary to further enable wide-
20 spread and sustained information environment oper-
21 ations of the Department of Defense relevant Fed-
22 eral agencies.

23 (4) Any other matters the Secretary of Defense
24 determines appropriate.

1 (b) INFORMATION ENVIRONMENT DEFINED.—In this
2 section, the term “information environment” has the
3 meaning given in the publication of the Department of De-
4 fense titled “Joint Concept for Operating in the Informa-
5 tion Environment (JCOIE)” dated July 25, 2018.

6 **TITLE XI—CIVILIAN PERSONNEL**
7 **MATTERS**

8 **SEC. 1101. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
9 **ANNUAL LIMITATION ON PREMIUM PAY AND**
10 **AGGREGATE LIMITATION ON PAY FOR FED-**
11 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
12 **SEAS.**

13 Subsection (a) of section 1101 of the Duncan Hunter
14 National Defense Authorization Act for Fiscal Year 2009
15 (Public Law 110–417; 122 Stat. 4615), as most recently
16 amended by section 1112 of the National Defense Author-
17 ization Act for Fiscal Year 2022 (Public Law 117–81),
18 is further amended by striking “through 2022” and in-
19 serting “through 2023”.

20 **SEC. 1102. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
21 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
22 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
23 **FICIAL DUTY IN A COMBAT ZONE.**

24 Paragraph (2) of section 1603(a) of the Emergency
25 Supplemental Appropriations Act for Defense, the Global

1 War on Terror, and Hurricane Recovery, 2006 (Public
2 Law 109–234; 120 Stat. 443), as added by section 1102
3 of the Duncan Hunter National Defense Authorization
4 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
5 4616) and as most recently amended by section 1114 of
6 the National Defense Authorization Act for Fiscal Year
7 2022 (Public Law 117–81), is further amended by strik-
8 ing “2023” and inserting “2024”.

9 **SEC. 1103. STANDARDIZED CREDENTIALS FOR LAW EN-**
10 **FORCEMENT OFFICERS OF THE DEPART-**
11 **MENT OF DEFENSE.**

12 (a) STANDARDIZED CREDENTIALS REQUIRED.—Not
13 later than 180 days after the date of the enactment of
14 this Act, the Secretary of Defense shall—

15 (1) develop a standardized identification creden-
16 tial for Defense law enforcement officers;

17 (2) issue such credential to each such officer at
18 no cost to such officer; and

19 (3) ensure that any Department of Defense
20 common access card issued to such an officer clearly
21 identifies the officer as a Defense law enforcement
22 officer.

23 (b) DEFENSE LAW ENFORCEMENT OFFICER DE-
24 FINED.—In this section, the term “Defense law enforce-

1 ment officer” means a member of the Armed Forces or
 2 civilian employee of the Department of Defense who—

3 (1) is authorized by law to engage in or super-
 4 vise the prevention, detection, investigation, or pros-
 5 ecution of, or the incarceration of any person for,
 6 any violation of law;

7 (2) has statutory powers of arrest or apprehen-
 8 sion under section 807(b) of title 10, United States
 9 Code (article 7(b) of the Uniform Code of Military
 10 Justice); and

11 (3) is authorized by the Department to carry a
 12 firearm.

13 **SEC. 1104. TEMPORARY EXTENSION OF AUTHORITY TO**
 14 **PROVIDE SECURITY FOR FORMER DEPART-**
 15 **MENT OF DEFENSE OFFICIALS.**

16 During the period beginning on the date of enactment
 17 of this Act and ending on January 1, 2024, subsection
 18 (b) of section 714 of title 10, United States Code, shall
 19 be applied—

20 (1) in paragraph (1)(A), by substituting “a se-
 21 rious and credible threat” for “an imminent and
 22 credible threat”;

23 (2) in paragraph (2)(B), by substituting “three
 24 years” for “two years”; and

25 (3) in paragraph (6)(A), by substituting—

1 (A) “congressional leadership and the con-
2 gressional defense committees” for “the con-
3 gressional defense committees”; and

4 (B) by substituting “the justification for
5 such determination, scope of the protection, and
6 the anticipated cost and duration of such pro-
7 tection” for “the justification for such deter-
8 mination”.

9 **SEC. 1105. INCREASE IN POSITIONS ELIGIBLE FOR EN-**
10 **HANCED PAY AUTHORITY FOR CERTAIN RE-**
11 **SEARCH AND TECHNOLOGY POSITIONS IN**
12 **SCIENCE AND TECHNOLOGY REINVENTION**
13 **LABORATORIES.**

14 (a) IN GENERAL.—Section 4094(e)(2) of title 10,
15 United States Code, is amended by striking “five” and
16 inserting “ten”.

17 (b) APPLICATION.—The amendment made by sub-
18 section (a) shall take effect immediately after section
19 851(a).

20 **SEC. 1106. GAO REPORT ON FEDERAL EMPLOYEE PAID**
21 **LEAVE ACT.**

22 (a) IN GENERAL.—Not later than January 1, 2024,
23 the Comptroller General shall submit, to the Committee
24 on Armed Services and the Committee on Oversight and
25 Reform of the House of Representatives, a report on the

1 implementation of the Federal Employee Paid Leave Act
2 (subtitle A of title LXXVI of division F of Public Law
3 116–92), the Paid Parental Leave Technical Corrections
4 Act of 2020 (section 1103 of Public Law 116–283, and
5 the amendments made by such Acts.

6 (b) CONTENTS.—The report under subsection (a)
7 shall review, assess, and provide recommendations, as ap-
8 propriate, on the following:

9 (1) Any data collected or used by the Office of
10 Personnel Management on the use of paid parental
11 leave provided by such Acts and the amendments
12 made by such Acts.

13 (2) Office of Personnel Management and Fed-
14 eral agencies’ efforts to make employees aware of
15 paid parental leave under such Acts and the amend-
16 ments made by such Acts, address any obstacles to
17 the use of paid parental leave, and monitor the im-
18 pact of such Acts and the amendments made by
19 such Acts on hiring, recruitment, and retention of
20 employees.

21 **SEC. 1107. INFLATION BONUS PAY FOR CERTAIN DEPART-**
22 **MENT OF DEFENSE CIVILIAN EMPLOYEES.**

23 (a) GENERAL SCHEDULE AND OTHER EMPLOY-
24 EES.—

1 (1) BONUS.—On the first day of the first pay
2 period beginning on or after January 1, 2023, and
3 on the first day of each of the months of February
4 through December in calendar year 2023, the Sec-
5 retary of Defense shall pay a bonus to each civilian
6 employee of the Department of Defense who—

7 (A) is under the General Schedule and has
8 an annual rate of basic pay equal to \$45,000 or
9 less; or

10 (B) is within the civil service (as that term
11 is defined in section 2101 of title 5, United
12 States Code), is not under the General Schedule
13 or the Federal Wage System, and has an an-
14 nual rate of basic pay equal to \$45,000 or less.

15 (2) AMOUNT.—The monthly bonus paid under
16 paragraph (1) to an employee shall be in an amount
17 determined by the Secretary, based on prevailing
18 economic conditions that adversely affect civilian em-
19 ployees, but in no case shall be less than 2.4 percent
20 of the annual rate of basic pay in effect for such em-
21 ployee on the first day of such pay period.

22 (b) FEDERAL WAGE SYSTEM EMPLOYEES.—

23 (1) BONUS.—On the first day that the wage
24 survey adjustment for fiscal year 2023 takes effect
25 in October of that fiscal year, and on and the first

1 day of each of the months of November through
2 September of such fiscal year, the Secretary of De-
3 fense shall pay a bonus to each civilian employee of
4 the Department of Defense who—

5 (A) is a prevailing rate employee under the
6 Federal Wage System; and

7 (B) has an annual rate of basic pay equal
8 to \$45,000 or less.

9 (2) AMOUNT.—The monthly bonus paid under
10 paragraph (1) to an employee shall be in an amount
11 determined by the Secretary, based on prevailing
12 economic conditions that adversely affect civilian em-
13 ployees, but in no case shall be less than 2.4 percent
14 of the annual rate of basic pay in effect for such em-
15 ployee on the first day that such adjustment takes
16 effect.

17 (c) LIMITATIONS.—A bonus under subsection (a) or
18 (b)—

19 (1) may not be paid after December 1, 2023,
20 or September 1, 2023, respectively; and

21 (2) shall not be considered to be basic pay of
22 an employee for any purpose.

23 **SEC. 1108. FLEXIBLE WORKPLACE PROGRAMS.**

24 Not later than 60 days after the date of the enact-
25 ment of this Act, the Secretary of Defense shall ensure

1 that each Secretary of a military department modifies any
2 guidance relating to flexible workplace programs to ensure
3 that maximum practicable flexibility is allowed to permit
4 employees to perform all or a portion of the duties of such
5 employees—

6 (1) at a telecommuting center established pur-
7 suant to statute; or

8 (2) through the use of flexible workplace serv-
9 ices agreements.

10 **SEC. 1109. GAO STUDY ON FEDERAL WAGE SYSTEM PARITY**
11 **WITH LOCAL PREVAILING WAGE RATE.**

12 (a) STUDY.—The Comptroller General of the United
13 States shall review the parity between the Federal Wage
14 System and the prevailing wage rate for wage grade work-
15 ers who maintain or repair, or help support those who
16 maintain or repair U.S. Navy ships or submarines and—

17 (1) are employed at the four U.S. Navy public
18 shipyards;

19 (2) are employed at domestic U.S. naval bases
20 with facilities to maintain or repair U.S. Navy ships
21 or submarines and are in vicinity of competitive pri-
22 vate defense industry; or

23 (3) are employed at domestic U.S. naval bases
24 with facilities to maintain or repair U.S. Navy ships
25 or submarines and are located within close com-

1 muting distance from a high-income area, such that
2 wage grade jobs must compete with other means of
3 employment for workers of equivalent skillsets and
4 academic achievement.

5 (b) OTHER REQUIREMENTS.—Such study shall also
6 review—

7 (1) the Government-wide administration of the
8 Federal Wage System including the regulations, poli-
9 cies, and processes for establishing or modifying geo-
10 graphic boundaries of local wage areas;

11 (2) the process of developing and administering
12 the local wage surveys and setting wage schedules
13 for all Federal Wage System workers including those
14 discussed in subsection (a);

15 (3) the use of Federal contractors to perform
16 work skills and occupational duties comparable to
17 Federal Wage System employees at the four U.S.
18 Navy public shipyards and domestic U.S. naval
19 bases with facilities to maintain or repair U.S. Navy
20 ships or submarines;

21 (4) the legal framework of the Federal Wage
22 System and Department of Defense and Office of
23 Personnel Management policies as compared to the
24 General Schedule system, including differences in
25 the local wage areas for workers, such as occupa-

1 tional coverage, geographic coverage, pay ranges,
2 pay increase limits, and pay adjustment cycles; and
3 (5) provide recommendations to Congress, as
4 applicable, based on the findings.

5 (c) BRIEFING.—Not later than 180 days after the
6 date of enactment of this Act, the Comptroller General
7 shall provide a briefing to the Committees on Armed Serv-
8 ices of the Senate and House of Representatives on pre-
9 liminary findings of such review.

10 (d) REPORT.—The Comptroller General shall submit
11 to the committees identified in subsection (c) a report con-
12 taining the final results of such review on a date agreed
13 to at the time of the briefing.

14 **SEC. 1110. TEMPORARY AUTHORITY TO APPOINT RETIRED**
15 **MEMBERS OF THE ARMED FORCES TO MILI-**
16 **TARY HEALTH SYSTEM POSITIONS.**

17 Section 1108 of the William M. (Mac) Thornberry
18 National Defense Authorization Act for Fiscal Year 2021
19 (Public Law 116–283) is amended—

20 (1) in subsection (a), by striking “subsection
21 (b)” and inserting “subsection (b) or (c)”;

22 (2) in the heading for subsection (b), by strik-
23 ing “POSITIONS” and inserting “DEFENSE INDUS-
24 TRIAL BASE FACILITY POSITIONS”;

1 (3) by redesignating subsections (c), (d), and
2 (e) as subsections (d), (e), and (f), respectively;

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

5 “(c) **MILITARY HEALTH SYSTEM POSITIONS.**—The
6 positions in the Department described in this subsection
7 are medical or health profession positions in the civil serv-
8 ice within the military health system.”; and

9 (5) by amending subsection (f) (as redesignated
10 by paragraph (3) of this section) to read as follows:

11 “(f) **DEFINITIONS.**—In this section—

12 “(1) the term ‘civil service’ has the meaning
13 given that term in section 2101 of title 5, United
14 States Code;

15 “(2) the term ‘medical or health profession po-
16 sitions’ means any position listed under any of para-
17 graphs (1), (2), or (3) of section 7401 of title 38,
18 United States Code; and

19 “(3) the terms ‘member’ and ‘Secretary con-
20 cerned’ have the meaning given those terms in sec-
21 tion 101 of title 37, United States Code.”.

22 **SEC. 1111. PURCHASE OF RETIRED HANDGUNS BY FED-**
23 **ERAL LAW ENFORCEMENT OFFICERS.**

24 (a) **IN GENERAL.**—Not later than 1 year after the
25 date of enactment of this Act, the Administrator of Gen-

1 eral Services shall establish a program under which a Fed-
2 eral law enforcement officer may purchase a retired hand-
3 gun from the Federal agency that issued the handgun to
4 such officer.

5 (b) LIMITATIONS.—A Federal law enforcement offi-
6 cer may purchase a retired handgun under subsection (a)
7 if—

8 (1) the purchase is made during the 6-month
9 period beginning on the date the handgun was so re-
10 tired;

11 (2) with respect to such purchase, the officer
12 has passed a background check within 30 days of
13 purchase under the national instant criminal back-
14 ground check system established under the Brady
15 Handgun Violence Prevention Act; and

16 (3) with respect to such purchase, the officer is
17 in good standing with the Federal agency that em-
18 ploys such officer.

19 (c) COST.—A handgun purchased under this section
20 shall be sold at the fair market value for such handgun
21 taking into account the age and condition of the handgun.

22 (d) SENSE OF CONGRESS ON USE OF FUNDS.—It is
23 the sense of Congress that any amounts received by the
24 Government from the sale of a handgun under this section
25 should be transferred and used to fund evidence-based gun

1 violence prevention or gun safety education and training
2 programs.

3 (e) DEFINITIONS.—In this section—

4 (1) the term “Federal law enforcement officer”
5 has the meaning given that term in section
6 115(c)(1) of title 18, United States Code;

7 (2) the term “handgun” has the meaning given
8 that term in section 921(a) of title 18, United
9 States Code; and

10 (3) the term “retired handgun” means any
11 handgun that has been declared surplus by the ap-
12 plicable agency.

13 **SEC. 1112. NATIONAL DIGITAL RESERVE CORPS.**

14 (a) IN GENERAL.—Subpart I of part III of title 5,
15 United States Code, is amended by adding at the end the
16 following new chapter:

17 **“CHAPTER 104—NATIONAL DIGITAL**
18 **RESERVE CORPS**

“Sec. 10401. Definitions.

“Sec. 10402. Establishment.

“Sec. 10403. Organization.

“Sec. 10404. Assignments.

“Sec. 10405. Reservist continuing education.

“Sec. 10406. Congressional reports.

19 **“SEC. 10401. DEFINITIONS.**

20 “In this chapter:

21 “(1) ACTIVE RESERVIST.—The term ‘active re-
22 servist’ means a reservist holding a position to which

1 such reservist has been appointed under section
2 10403(c)(2).

3 “(2) ADMINISTRATOR.—The term ‘Adminis-
4 trator’ means the Administrator of the General
5 Services Administration.

6 “(3) COVERED EXECUTIVE AGENCY.—The term
7 ‘covered Executive agency’ means an Executive
8 agency as defined in section 105, except that such
9 term includes the United States Postal Service, the
10 Postal Regulatory Commission, and the Executive
11 Office of the President.

12 “(4) PROGRAM.—The term ‘Program’ means
13 the program established under section 10402(a).

14 “(5) RESERVIST.—The term ‘reservist’ means
15 an individual who is a member of the National Dig-
16 ital Reserve Corps.

17 **“SEC. 10402. ESTABLISHMENT.**

18 “(a) ESTABLISHMENT.—There is established in the
19 General Services Administration a program to establish,
20 manage, and assign a reserve of individuals with relevant
21 skills and credentials, to be know as the ‘National Digital
22 Reserve Corps’, to help address the digital and cybersecu-
23 rity needs of covered Executive agencies.

24 “(b) IMPLEMENTATION.—

1 “(1) GUIDANCE.—Not later than six months
2 after the date of the enactment of this section, the
3 Administrator shall issue guidance for the National
4 Digital Reserve Corps, which shall include proce-
5 dures for coordinating with covered Executive agen-
6 cies to—

7 “(A) identify digital and cybersecurity
8 needs which may be addressed by the National
9 Digital Reserve Corps; and

10 “(B) assign active reservists to address
11 such needs.

12 “(2) RECRUITMENT AND INITIAL ASSIGN-
13 MENTS.—Not later than one year after the date of
14 the enactment of this section, the Administrator
15 shall begin recruiting reservists and assigning active
16 reservists under the Program.

17 **“SEC. 10403. ORGANIZATION.**

18 “(a) ADMINISTRATION.—

19 “(1) IN GENERAL.—The National Digital Re-
20 serve Corps shall be administered by the Adminis-
21 trator.

22 “(2) RESPONSIBILITIES.—In carrying out the
23 Program, the Administrator shall—

1 “(A) establish standards for serving as a
2 reservist, including educational attainment, pro-
3 fessional qualifications, and background checks;

4 “(B) ensure the standards established
5 under subparagraph (A) are met;

6 “(C) recruit individuals to the National
7 Digital Reserve Corps;

8 “(D) activate and deactivate reservists as
9 necessary;

10 “(E) coordinate with covered Executive
11 agencies to—

12 “(i) determine the digital and cyberse-
13 curity needs which reservists shall be as-
14 signed to address;

15 “(ii) ensure reservists have access, re-
16 sources, and equipment required to address
17 digital and cybersecurity needs which such
18 reservists are assigned to address; and

19 “(iii) analyze potential assignments
20 for reservists to determine outcomes, de-
21 velop anticipated assignment timelines, and
22 identify covered Executive agency partners;

23 “(F) ensure reservists acquire and main-
24 tain appropriate security clearances; and

1 “(G) determine what additional resources,
2 if any, are required to successfully implement
3 the Program.

4 “(b) NATIONAL DIGITAL RESERVE CORPS PARTICI-
5 PATION.—

6 “(1) SERVICE OBLIGATION AGREEMENT.—

7 “(A) IN GENERAL.—An individual may be-
8 come a reservist only if such individual enters
9 into a written agreement with the Adminis-
10 trator to become a reservist.

11 “(B) CONTENTS.—The agreement under
12 subparagraph (A) shall—

13 “(i) require the individual seeking to
14 become a reservist to serve as a reservist
15 for a three-year period, during which such
16 individual shall serve not less than 30 days
17 per year as an active reservist; and

18 “(ii) set forth all other the rights and
19 obligations of the individual and the Gen-
20 eral Services Administration.

21 “(2) COMPENSATION.—The Administrator shall
22 determine the appropriate compensation for service
23 as a reservists, except that the annual pay for such
24 service shall not exceed \$10,000.

1 “(3) EMPLOYMENT PROTECTIONS.—The Sec-
2 retary of Labor shall prescribe such regulations as
3 necessary to ensure the reemployment, continuation
4 of benefits, and non-discrimination in reemployment
5 of active reservists, provided that such regulations
6 shall include, at a minimum, those rights and obliga-
7 tions set forth under chapter 43 of title 38.

8 “(4) PENALTIES.—

9 “(A) IN GENERAL.—A reservist that fails
10 to accept an appointment under subsection
11 (c)(2) or fails to carry out the duties assigned
12 to reservist under such an appointment shall,
13 after notice and an opportunity to be heard—

14 “(i) cease to be a reservist; and

15 “(ii) be fined an amount equal to the
16 sum of—

17 “(I) an amount equal to the
18 amounts, if any, paid under section
19 10405 with respect to such reservist,
20 and

21 “(II) the difference between the
22 amount of compensation such reserv-
23 ist would have received if the reservist
24 completed the entire term of service
25 as a reservist agreed to in the agree-

1 ment described in paragraph (1) and
2 the amount of compensation such re-
3 servist has received under such agree-
4 ment.

5 “(B) EXCEPTION.—Subparagraph (A)
6 shall not apply with respect to a failure of a re-
7 servist to accept an appointment under sub-
8 section (c)(2) or to carry out the duties as-
9 signed to the reservist under such an appoint-
10 ment if—

11 “(i) the failure was due to the death
12 or disability of such reservist; or

13 “(ii) the Administrator determines
14 that subparagraph (A) should not apply
15 with respect to the failure.

16 “(c) HIRING AUTHORITY.—

17 “(1) CORPS LEADERSHIP.—The Administrator
18 may appoint, without regard to the provisions of
19 subchapter I of chapter 33 (other than sections
20 3303 and 3328) of this title, qualified candidates to
21 positions in the competitive service in the General
22 Service Administration for which the primary duties
23 are related to the management or administration of
24 the National Digital Reserve Corps, as determined
25 by the Administrator.

1 “(2) CORPS RESERVISTS.—

2 “(A) IN GENERAL.—The Administrator
3 may appoint, without regard to the provisions
4 of subchapter I of chapter 33 (other than sec-
5 tions 3303 and 3328), qualified reservists to
6 temporary positions in the competitive service
7 for the purpose of assigning such reservists
8 under section 10404 and to otherwise carry out
9 the National Digital Reserve Corps.

10 “(B) APPOINTMENT LIMITS.—

11 “(i) IN GENERAL.—The Administrator
12 may not appoint an individual under this
13 paragraph if, during the 365-day period
14 ending on the date of such appointment,
15 such individual has been an officer or em-
16 ployee of the executive or legislative branch
17 of the United States Government, of any
18 independent agency of the United States,
19 or of the District of Columbia for not less
20 than 130 days.

21 “(ii) AUTOMATIC APPOINTMENT TER-
22 MINATION.—The appointment of an indi-
23 vidual under this paragraph shall termi-
24 nate upon such individual being employed
25 as an officer or employee of the executive

1 or legislative branch of the United States
2 Government, of any independent agency of
3 the United States, or of the District of Co-
4 lumbia for 130 days during the previous
5 365 days.

6 “(C) EMPLOYEE STATUS.—An individual
7 appointed under this paragraph shall be consid-
8 ered a special Government employee (as such
9 term is defined in section 202(a) of title 18).

10 “(D) ADDITIONAL EMPLOYEES.—Individ-
11 uals appointed under this paragraph shall be in
12 addition to any employees of the General Serv-
13 ices Administration whose duties relate to the
14 digital or cybersecurity needs of the General
15 Services Administration.

16 **“SEC. 10404. ASSIGNMENTS.**

17 “(a) IN GENERAL.—The Administrator may assign
18 active reservists to address the digital and cybersecurity
19 needs of covered Executive agencies, including cybersecu-
20 rity services, digital education and training, data triage,
21 acquisition assistance, guidance on digital projects, devel-
22 opment of technical solutions, and bridging public needs
23 and private sector capabilities.

24 “(b) ASSIGNMENT-SPECIFIC ACCESS, RESOURCES,
25 SUPPLIES, OR EQUIPMENT.—The head of a covered Exec-

1 utive agency shall, to the extent practicable, provide each
2 active reservist assigned to address a digital or cybersecu-
3 rity need of such covered Executive agency under sub-
4 section (a) with any specialized access, resources, supplies,
5 or equipment required to address such digital or cyberse-
6 curity need.

7 “(c) DURATION.—An assignment of an individual
8 under subsection (a) shall terminate on the earlier of—

9 “(1) the date determined by the Administrator;

10 “(2) the date on which the Administrator re-
11 ceives notification of the decision of the head of the
12 covered Executive agency, the digital or cybersecu-
13 rity needs of which such individual is assigned to ad-
14 dress under subsection (a), that such assignment
15 should terminate; or

16 “(3) the date on which the assigned individual
17 ceases to be an active reservist.

18 **“SEC. 10405. RESERVIST CONTINUING EDUCATION.**

19 “(a) IN GENERAL.—Subject to the availability of ap-
20 propriations, the Administrator may pay for reservists to
21 acquire training and receive continuing education, includ-
22 ing attending conferences and seminars and obtaining cer-
23 tifications, that will enable reservists to more effectively
24 meet the digital and cybersecurity needs of covered Execu-
25 tive agencies.

1 “(b) APPLICATION.—The Administrator shall estab-
2 lish a process for reservists to apply for the payment of
3 reasonable expenses related to the training or continuing
4 education described in subsection (a).

5 “(c) REPORT.—Not later than one year after the date
6 of the enactment of this section, and annually thereafter,
7 the Administrator shall submit to Congress a report on
8 the expenditures under this subsection.

9 **“SEC. 10406. CONGRESSIONAL REPORTS.**

10 “Not later than two years after the date of the enact-
11 ment of this section, and annually thereafter, the Adminis-
12 trator shall submit to Congress a report on the Program,
13 including—

14 “(1) the number of reservists;

15 “(2) a list of covered Executive agencies that
16 have submitted requests for support from the Na-
17 tional Digital Reserve Corps;

18 “(3) the nature and status of such requests;

19 and

20 “(4) with respect to each such request to which
21 active reservists have been assigned and for which
22 work by the National Digital Reserve Corps has con-
23 cluded, an evaluation of such work and the results
24 of such work by—

1 “(A) the covered Executive agency that
2 submitted the request; and

3 “(B) the reservists assigned to such re-
4 quest.”.

5 (b) CLERICAL AMENDMENT.—The table of chapters
6 for part III of title 5, United States Code, is amended
7 by inserting after the item related to chapter 103 the fol-
8 lowing new item:

“104. National Digital Reserve Corps10403”.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated \$30,000,000, to remain
11 available until fiscal year 2023, to carry out the program
12 established under section 10402(a) of title 5, United
13 States Code, as added by this section.

14 **Subtitle B—PLUM Act of 2022**

15 **SEC. 1121. SHORT TITLE.**

16 This subtitle may be cited as the “Periodically List-
17 ing Updates to Management Act of 2022” or the “PLUM
18 Act of 2022”.

19 **SEC. 1122. ESTABLISHMENT OF PUBLIC WEBSITE ON GOV- 20 ERNMENT POLICY AND SUPPORTING POSI- 21 TIONS.**

22 (a) ESTABLISHMENT.—

23 (1) IN GENERAL.—Subchapter I of chapter 33
24 of title 5, United States Code, is amended by adding
25 at the end the following:

1 **“§ 3330f. Government policy and supporting position**
2 **data**

3 “(a) DEFINITIONS.—In this section:

4 “(1) AGENCY.—The term ‘agency’ means—

5 “(A) any Executive agency, the United
6 States Postal Service, and the Postal Regu-
7 latory Commission; and

8 “(B) the Executive Office of the President
9 and any component within that Office (includ-
10 ing any successor component), including—

11 “(i) the Council of Economic Advi-
12 sors;

13 “(ii) the Council on Environmental
14 Quality;

15 “(iii) the National Security Council;

16 “(iv) the Office of the Vice President;

17 “(v) the Office of Policy Development;

18 “(vi) the Office of Administration;

19 “(vii) the Office of Management and
20 Budget;

21 “(viii) the Office of the United States
22 Trade Representative;

23 “(ix) the Office of Science and Tech-
24 nology Policy;

25 “(x) the Office of National Drug Con-
26 trol Policy; and

1 “(xi) the White House Office, includ-
2 ing the White House Office of Presidential
3 Personnel.

4 “(2) APPOINTEE.—The term ‘appointee’—

5 “(A) means an individual serving in a pol-
6 icy and supporting position; and

7 “(B) includes an individual serving in such
8 a position temporarily in an acting capacity in
9 accordance with—

10 “(i) sections 3345 through 3349d
11 (commonly referred to as the ‘Federal Va-
12 cancies Reform Act of 1998’);

13 “(ii) any other statutory provision de-
14 scribed in section 3347(a)(1); or

15 “(iii) a Presidential appointment de-
16 scribed in section 3347(a)(2).

17 “(3) COVERED WEBSITE.—The term ‘covered
18 website’ means the website established and main-
19 tained by the Director under subsection (b).

20 “(4) DIRECTOR.—The term ‘Director’ means
21 the Director of the Office of Personnel Management.

22 “(5) POLICY AND SUPPORTING POSITION.—The
23 term ‘policy and supporting position’—

24 “(A) means any position at an agency, as
25 determined by the Director, that, but for this

1 section and section 2(b)(3) of the PLUM Act of
2 2022, would be included in the publication enti-
3 tled ‘United States Government Policy and
4 Supporting Positions’ (commonly referred to as
5 the ‘Plum Book’); and

6 “(B) may include—

7 “(i) a position on any level of the Ex-
8 ecutive Schedule under subchapter II of
9 chapter 53, or another position with an
10 equivalent rate of pay;

11 “(ii) a general position (as defined in
12 section 3132(a)(9)) in the Senior Execu-
13 tive service;

14 “(iii) a position in the Senior Foreign
15 Service;

16 “(iv) a position of a confidential or
17 policy-determining character under sched-
18 ule C of subpart C of part 213 of title 5,
19 Code of Federal Regulations, or any suc-
20 cessor regulation; and

21 “(v) any other position classified at or
22 above level GS–14 of the General Schedule
23 (or equivalent) that is excepted from the
24 competitive service by law because of the

1 confidential or policy-determining nature of
2 the position duties.

3 “(b) ESTABLISHMENT OF WEBSITE.—Not later than
4 1 year after the date of enactment of the PLUM Act of
5 2022, the Director shall establish, and thereafter the Di-
6 rector shall maintain, a public website containing the fol-
7 lowing information for the President in office on the date
8 of establishment and for each subsequent President:

9 “(1) Each policy and supporting position in the
10 Federal Government, including any such position
11 that is vacant.

12 “(2) The name of each individual who—

13 “(A) is serving in a position described in
14 paragraph (1); or

15 “(B) previously served in a position de-
16 scribed in such paragraph under the applicable
17 President.

18 “(3) Information on—

19 “(A) any Government-wide or agency-wide
20 limitation on the total number of positions in
21 the Senior Executive Service under section
22 3133 or 3134 or the total number of positions
23 under schedule C of subpart C of part 213 of
24 title 5, Code of Federal Regulations; and

1 “(B) the total number of individuals occu-
2 pying such positions.

3 “(c) CONTENTS.—With respect to any policy and
4 supporting position listed on the covered website, the Di-
5 rector shall include—

6 “(1) the agency, and agency component, (in-
7 cluding the agency and bureau code used by the Of-
8 fice of Management and Budget) in which the posi-
9 tion is located;

10 “(2) the name of the position;

11 “(3) the name of the individual occupying the
12 position (if any);

13 “(4) the geographic location of the position, in-
14 cluding the city, State or province, and country;

15 “(5) the pay system under which the position is
16 paid;

17 “(6) the level, grade, or rate of pay;

18 “(7) the term or duration of the appointment
19 (if any);

20 “(8) the expiration date, in the case of a time-
21 limited appointment;

22 “(9) a unique identifier for each appointee;

23 “(10) whether the position is vacant; and

24 “(11) for any position that is vacant—

1 “(A) for a position for which appointment
2 is required to be made by the President, by and
3 with the advice and consent of the Senate, the
4 name of the acting official; and

5 “(B) for other positions, the name of the
6 official performing the duties of the vacant po-
7 sition.

8 “(d) CURRENT DATA.—For each agency, the Direc-
9 tor shall indicate in the information on the covered website
10 the date that the agency last updated the data.

11 “(e) FORMAT.—The Director shall make the data on
12 the covered website available to the public at no cost over
13 the internet in a searchable, sortable, downloadable, and
14 machine-readable format so that the data qualifies as an
15 open Government data asset, as defined in section 3502
16 of title 44.

17 “(f) AUTHORITY OF DIRECTOR.—

18 “(1) INFORMATION REQUIRED.—Each agency
19 shall provide to the Director any information that
20 the Director determines necessary to establish and
21 maintain the covered website, including the informa-
22 tion uploaded under paragraph (4).

23 “(2) REQUIREMENTS FOR AGENCIES.—Not
24 later than 1 year after the date of enactment of the
25 PLUM Act of 2022, the Director shall issue instruc-

1 tions to agencies with specific requirements for the
2 provision or uploading of information required under
3 paragraph (1), including—

4 “(A) specific data standards that an agen-
5 cy shall follow to ensure that the information is
6 complete, accurate, and reliable;

7 “(B) data quality assurance methods; and

8 “(C) the timeframe during which an agen-
9 cy shall provide or upload the information, in-
10 cluding the timeframe described under para-
11 graph (4).

12 “(3) PUBLIC ACCOUNTABILITY.—The Director
13 shall identify on the covered website any agency that
14 has failed to provide—

15 “(A) the information required by the Di-
16 rector;

17 “(B) complete, accurate, and reliable infor-
18 mation; or

19 “(C) the information during the timeframe
20 specified by the Director.

21 “(4) ANNUAL UPDATES.—

22 “(A) IN GENERAL.—Not later than 90
23 days after the date on which the covered
24 website is established, and not less than once
25 during each year thereafter, the head of each

1 agency shall upload to the covered website up-
2 dated information (if any) on—

3 “(i) the policy and supporting posi-
4 tions in the agency;

5 “(ii) the appointees occupying such
6 positions in the agency; and

7 “(iii) the former appointees who
8 served in such positions in the agency
9 under the President then in office.

10 “(B) SUPPLEMENT NOT SUPPLANT.—In-
11 formation provided under subparagraph (A)
12 shall supplement, not supplant, previously pro-
13 vided information under that subparagraph.

14 “(5) OPM HELP DESK.—The Director shall es-
15 tablish a central help desk, to be operated by not
16 more than 1 full-time employee, to assist any agency
17 with implementing this section.

18 “(6) COORDINATION.—The Director may des-
19 ignate 1 or more agencies to participate in the devel-
20 opment, establishment, operation, and support of the
21 covered website. With respect to any such designa-
22 tion, the Director may specify the scope of the re-
23 sponsibilities of the agency so designated.

24 “(7) DATA STANDARDS AND TIMING.—The Di-
25 rector shall make available on the covered website

1 information regarding data collection standards,
2 quality assurance methods, and time frames for re-
3 porting data to the Director.

4 “(8) REGULATIONS.—The Director may pre-
5 scribe regulations necessary for the administration
6 of this section.

7 “(g) RESPONSIBILITY OF AGENCIES.—

8 “(1) PROVISION OF INFORMATION.—Each agen-
9 cy shall comply with the instructions and guidance
10 issued by the Director to carry out this section, and,
11 upon request of the Director, shall provide appro-
12 priate assistance to the Director to ensure the suc-
13 cessful operation of the covered website in the man-
14 ner and within the timeframe specified by the Direc-
15 tor under subsection (f)(2).

16 “(2) ENSURING COMPLETENESS, ACCURACY,
17 AND RELIABILITY.—With respect to any submission
18 of information described in paragraph (1), the head
19 of an agency shall include—

20 “(A) an explanation of how the agency en-
21 sured the information is complete, accurate,
22 and reliable; and

23 “(B) a certification that the information is
24 complete, accurate, and reliable.

25 “(h) INFORMATION VERIFICATION.—

1 “(1) CONFIRMATION.—

2 “(A) IN GENERAL.—On the date that is 90
3 days after the date on which the covered
4 website is established, the Director, in coordina-
5 tion with the White House Office of Presi-
6 dential Personnel, shall confirm that the infor-
7 mation on the covered website is complete, ac-
8 curate, reliable, and up-to-date.

9 “(B) CERTIFICATION.—On the date on
10 which the Director makes a confirmation under
11 subparagraph (A), the Director shall publish on
12 the covered website a certification that the con-
13 firmation has been made.

14 “(2) AUTHORITY OF DIRECTOR.—In carrying
15 out paragraph (1), the Director may—

16 “(A) request additional information from
17 an agency; and

18 “(B) use any additional information pro-
19 vided to the Director or the White House Office
20 of Presidential Personnel for the purposes of
21 verification.

22 “(3) PUBLIC COMMENT.—The Director shall es-
23 tablish a process under which members of the public
24 may provide feedback regarding the accuracy of the
25 information on the covered website.

1 “(i) DATA ARCHIVING.—

2 “(1) IN GENERAL.—As soon as practicable
3 after a transitional inauguration day (as defined in
4 section 3349a), the Director, in consultation with
5 the Archivist of the United States, shall archive the
6 data that was compiled on the covered website for
7 the preceding presidential administration.

8 “(2) PUBLIC AVAILABILITY.—The Director
9 shall make the data described in paragraph (1) pub-
10 licly available over the internet—

11 “(A) on, or through a link on, the covered
12 website;

13 “(B) at no cost; and

14 “(C) in a searchable, sortable,
15 downloadable, and machine-readable format.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions for subchapter I of chapter 33 of title 5,
18 United States Code, is amended by adding at the
19 end the following:

“3330f. Government policy and supporting position data.”.

20 (b) OTHER MATTERS.—

21 (1) DEFINITIONS.—In this subsection, the
22 terms “agency”, “covered website”, “Director”, and
23 “policy and supporting position” have the meanings
24 given those terms in section 3330f of title 5, United
25 States Code, as added by subsection (a).

1 (2) GAO REVIEW AND REPORT.—Not later than
2 1 year after the date on which the Director estab-
3 lishes the covered website, the Comptroller General
4 of the United States shall conduct a review of, and
5 issue a briefing or report on, the implementation of
6 this subtitle and the amendments made by this sub-
7 title, which shall include—

8 (A) the quality of data required to be col-
9 lected and whether the data is complete, accu-
10 rate, timely, and reliable;

11 (B) any challenges experienced by agencies
12 in implementing this subtitle and the amend-
13 ments made by this subtitle; and

14 (C) any suggestions or modifications to en-
15 hance compliance with this subtitle and the
16 amendments made by this subtitle, including
17 best practices for agencies to follow.

18 (3) SUNSET OF PLUM BOOK.—Beginning on
19 January 1, 2026—

20 (A) the covered website shall serve as the
21 public directory for policy and supporting posi-
22 tions in the Government; and

23 (B) the publication entitled “United States
24 Government Policy and Supporting Positions”,

1 commonly referred to as the “Plum Book”,
2 shall no longer be issued or published.

3 (4) FUNDING.—

4 (A) IN GENERAL.—No additional amounts
5 are authorized to be appropriated to carry out
6 this subtitle or the amendments made by this
7 subtitle.

8 (B) OTHER FUNDING.—The Director shall
9 carry out this subtitle and the amendments
10 made by this subtitle using amounts otherwise
11 available to the Director.

12 **TITLE XII—MATTERS RELATING**
13 **TO FOREIGN NATIONS**
14 **Subtitle A—Assistance and**
15 **Training**

16 **SEC. 1201. MODIFICATIONS TO ANNUAL REPORTS ON SECU-**
17 **RITY COOPERATION.**

18 (a) DEFENSE INSTITUTION CAPACITY BUILDING.—
19 Section 332(b)(2) of title 10, United States Code, is
20 amended—

21 (1) by striking “quarter” each place it appears;
22 and

23 (2) by striking “Each fiscal year” and inserting
24 “Not later than February 1 of each year”.

1 (b) ANNUAL REPORT ON SECURITY COOPERATION
2 ACTIVITIES.—Section 386 of title 10, United States Code,
3 is amended to read as follows:

4 **“§ 386. Annual report**

5 “(a) ANNUAL REPORT REQUIRED.—Not later than
6 March 31 of each year, the Secretary of Defense shall sub-
7 mit to the appropriate congressional committees a report
8 that sets forth, on a country-by-country basis, an overview
9 of security cooperation activities carried out by the De-
10 partment of Defense during the fiscal year preceding the
11 fiscal year in which such report is submitted, pursuant to
12 one or more of the authorities listed in subsection (b).

13 “(b) ELEMENTS OF REPORT.—Each report required
14 under subsection (a) shall include, with respect to each
15 country and for the entirety of the period covered by such
16 report, the following:

17 “(1) A narrative summary that provides a—

18 “(A) brief overview of the primary security
19 cooperation objectives for the activities encom-
20 passed by the report;

21 “(B) a description of how such activities
22 advance the theater security cooperation strat-
23 egy of the relevant geographic combatant com-
24 mand; and

1 “(C) a description of efforts to prevent ci-
2 vilian harm and human rights violations.

3 “(2) A table that includes an aggregated
4 amount with respect to each of the following:

5 “(A) With respect to amounts made avail-
6 able for section 332(a) of this title, the Depart-
7 ment of Defense cost to provide any Depart-
8 ment personnel as advisors to a ministry of de-
9 fense.

10 “(B) With respect to amounts made avail-
11 able for section 332(b) of this title, the Depart-
12 ment of Defense incremental execution costs to
13 conduct activities under such section.

14 “(C) With respect to section 333 of this
15 title, the value of all programs for which notice
16 is required by such section.

17 “(D) With respect to amounts made avail-
18 able for section 341 of this title, the Depart-
19 ment of Defense manpower and travel costs to
20 conduct bi-lateral state partnership program en-
21 gagements with the partner country.

22 “(E) With respect to amounts made avail-
23 able for section 342 of this title, the Depart-
24 ment of Defense-funded, foreign-partner travel

1 costs to attend a regional center activity that
2 began during the period of the report.

3 “(F) With respect to amounts made avail-
4 able for section 345 of this title, the estimated
5 Department of Defense execution cost to com-
6 plete all training that began during the period
7 of the report.

8 “(G) With respect to amounts made avail-
9 able for section 2561 of this title, the planned
10 execution cost of completing humanitarian as-
11 sistance activities for the partner country that
12 were approved for the period of the report.

13 “(3) A table that includes aggregated totals for
14 each of the following:

15 “(A) Pursuant to section 311 of this title,
16 the number of personnel from a partner country
17 assigned to a Department of Defense organiza-
18 tion.

19 “(B) Pursuant to section 332(a) of this
20 title, the number of Department of Defense per-
21 sonnel assigned as advisors to a ministry of de-
22 fense.

23 “(C) Pursuant to section 332(b) of this
24 title, the number of activities conducted by the
25 Department of Defense.

1 “(D) The number of new programs carried
2 out during the period of the report that re-
3 quired notice under section 333 of this title.

4 “(E) With respect to section 341 of this
5 title, the number of Department of Defense bi-
6 lateral state partnership program engagements
7 with the partner country that began during the
8 period of the report.

9 “(F) With respect to section 342 of this
10 title, the number of partner country officials
11 who participated in regional center activity that
12 began during the period of the report.

13 “(G) Pursuant to the authorities under
14 sections 343, 345, 348, 349, 350 and 352 of
15 this title, the total number of partner country
16 personnel who began training during the period
17 of the report.

18 “(H) Pursuant to section 347 of this title,
19 the number of cadets from the partner country
20 that were enrolled in the Service Academies
21 during the period of the report.

22 “(I) Pursuant to amounts made available
23 to carry out section 2561 of this title, the num-
24 ber of new humanitarian assistance projects
25 funded through the Overseas Humanitarian

1 Disaster and Civic Aid account that were ap-
2 proved during the period of the required report.

3 “(4) A table that includes the following:

4 “(A) For each person from the partner
5 country assigned to a Department of Defense
6 organization pursuant to section 311 of this
7 title—

8 “(i) whether the person is a member
9 of the armed forces or a civilian;

10 “(ii) the rank of the person (if appli-
11 cable); and

12 “(iii) the component of the Depart-
13 ment of Defense and location to which
14 such person is assigned.

15 “(B) With respect to each civilian em-
16 ployee of the Department of Defense or member
17 of the armed forces that was assigned, pursuant
18 to section 332(a) of this title, as an advisor to
19 a ministry of defense during the period of the
20 report, a description of the object of the De-
21 partment of Defense for such support and the
22 name of the ministry or regional organization to
23 which the employee or member was assigned.

1 “(C) With respect to each activity com-
2 menced under section 332(b) of this title during
3 the period of the report—

4 “(i) the name of the supported min-
5 istry or regional organization;

6 “(ii) the component of the Depart-
7 ment of Defense that conducted the activ-
8 ity;

9 “(iii) the duration of the activity; and

10 “(iv) a description of the objective of
11 the activity.

12 “(D) For each program that required no-
13 tice to Congress under section 333 of this title
14 during the period of the report—

15 “(i) the units of the national security
16 forces of the foreign country to which as-
17 sistance was provided;

18 “(ii) the type of operational capability
19 assisted;

20 “(iii) a description of the nature of
21 the assistance being provided; and

22 “(iv) the estimated cost included in
23 the notice provided for such assistance.

1 “(E) With respect to each activity com-
2 menced under section 341 of this title during
3 the period of the report—

4 “(i) a description of the activity;

5 “(ii) the duration of the activity;

6 “(iii) the number of participating
7 members of the National Guard; and

8 “(iv) the number of participating per-
9 sonnel of the foreign country.

10 “(F) With respect to each activity of a Re-
11 gional Center for Security Studies commenced
12 under section 342 of this title during the period
13 of the report—

14 “(i) a description of the activity;

15 “(ii) the name of the Regional Center
16 that sponsored the activity;

17 “(iii) the location and duration of the
18 training; and

19 “(iv) the number of officials from the
20 foreign country who participated in the ac-
21 tivity.

22 “(G) With respect to each training event
23 that commenced under section 343, 345, 348,
24 349, 350, or 352 of this title during the period
25 of the report—

1 “(i) a description of the training;
2 “(ii) the location and duration of the
3 training; and
4 “(iii) the number of personnel of the
5 foreign country trained.

6 “(H) With respect to each new project ap-
7 proved under section 2561 of this title during
8 the period of the report and funded through the
9 Overseas Humanitarian Disaster and Civic Aid
10 account—

11 “(i) the title of the project;
12 “(ii) a description of the assistance to
13 be provided; and
14 “(iii) the anticipated cost to provide
15 such assistance.”.

16 **SEC. 1202. MODIFICATION TO AUTHORITY TO PROVIDE**
17 **SUPPORT FOR CONDUCT OF OPERATIONS.**

18 Notwithstanding subsection (g)(1) of section 331 of
19 title 10, United States Code, the aggregate value of all
20 logistic support, supplies, and services provided under
21 paragraphs (1), (4), and (5) of subsection (c) of such sec-
22 tion 331 in each of fiscal years 2023 and 2024 may not
23 exceed \$950,000,000.

1 **SEC. 1203. EXTENSION AND MODIFICATION OF AUTHORITY**
2 **FOR REIMBURSEMENT OF CERTAIN COALI-**
3 **TION NATIONS FOR SUPPORT PROVIDED TO**
4 **UNITED STATES MILITARY OPERATIONS.**

5 Section 1233 of the National Defense Authorization
6 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
7 393) is amended—

8 (1) in subsection (a), by striking “for the period
9 beginning on October 1, 2021, and ending on De-
10 cember 31, 2022” and inserting “for the period be-
11 ginning on October 1, 2022, and ending on Decem-
12 ber 31, 2023”; and

13 (2) in subsection (d)—

14 (A) by striking “during the period begin-
15 ning on October 1, 2021, and ending on De-
16 cember 31, 2022” and inserting “during the pe-
17 riod beginning on October 1, 2022, and ending
18 on December 31, 2023”; and

19 (B) by striking “\$60,000,000” and insert-
20 ing “\$30,000,000”.

21 **SEC. 1204. MODIFICATION TO AUTHORITY TO BUILD CAPAC-**
22 **ITY OF FOREIGN SECURITY FORCES.**

23 Subsection (a) of section 333 of title 10, United
24 States Code, is amended—

1 (1) in paragraph (3), by inserting “or other
2 counter-illicit trafficking operations” before the pe-
3 riod at the end; and

4 (2) by adding at the end the following new
5 paragraph:

6 “(10) Operations or activities that maintain or
7 enhance the climate resilience of military or security
8 infrastructure supporting security cooperation pro-
9 grams under this section.”.

10 **SEC. 1205. PUBLIC REPORT ON MILITARY CAPABILITIES OF**
11 **CHINA, IRAN, NORTH KOREA, AND RUSSIA.**

12 (a) PUBLIC REPORT ON MILITARY CAPABILITIES OF
13 COVERED COUNTRIES.—Chapter 23 of title 10, United
14 States Code, is amended by inserting after section 486 the
15 following new section:

16 **“§ 487. Public report on military capabilities of cov-**
17 **ered countries**

18 “(a) ANNUAL REPORT.—Not later than January 30
19 of each year through 2027, the Secretary of Defense, in
20 consultation with the Director of National Intelligence,
21 shall make publicly available on the internet website of the
22 Department of Defense a report on the military capabili-
23 ties of each covered country.

1 “(b) MATTERS INCLUDED.—Each report under sub-
2 section (a) shall include, with respect to each covered
3 country—

4 “(1) an assessment of the grand strategy, secu-
5 rity strategy, and military strategy, including the
6 goals and trends of such strategies;

7 “(2) an estimate of the funds spent annually on
8 developing conventional forces, unconventional
9 forces, and nuclear and missile forces;

10 “(3) an assessment of the size and capabilities
11 of the conventional forces;

12 “(4) an assessment of the size and capability of
13 the unconventional forces and related activities;

14 “(5) with respect to the forces described in sub-
15 section (d)(3)(B), an assessment of the types and
16 amount of support, including—

17 “(A) lethal and non-lethal supplies; and

18 “(B) training provided; and

19 “(6) an assessment of the capabilities of the nu-
20 clear and missile forces and related activities, includ-
21 ing—

22 “(A) the nuclear weapon capabilities;

23 “(B) the ballistic missile forces; and

24 “(C) the development of the nuclear and
25 missile forces since the preceding year.

1 “(c) FORM.—Each report under subsection (a) shall
2 be made available in unclassified form, consistent with the
3 protection of intelligence sources and methods.

4 “(d) NONDUPLICATION OF EFFORTS.—The Sec-
5 retary of Defense may use or add to any existing reports
6 completed by the Secretary of Defense or Director of Na-
7 tional Intelligence to respond to the reporting requirement
8 under subsection (a).

9 “(e) DEFINITIONS.—In this section:

10 “(1) The term ‘conventional forces’ means, with
11 respect to a covered country, military forces de-
12 signed to conduct operations in sea, air, space,
13 cyberspace, the electromagnetic spectrum, or land,
14 other than unconventional forces, ballistic forces,
15 and cruise missile forces.

16 “(2) The term ‘covered country’ means each of
17 the following:

18 “(A) China.

19 “(B) Iran.

20 “(C) North Korea.

21 “(D) Russia.

22 “(3) The term ‘unconventional forces’, with re-
23 spect to a covered country—

1 “(A) means forces that carry out missions
2 typically associated with special operations
3 forces; and

4 “(B) includes any organization that—

5 “(i) has been designated by the Sec-
6 retary of State as a foreign terrorist orga-
7 nization under section 219 of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1189);
9 or

10 “(ii) has been assessed by the Sec-
11 retary of Defense as being willing to act
12 under the control or at the direction of
13 such covered country.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 for chapter 23 of title 10, United States Code, is amended
16 by inserting after the item related to section 486 the fol-
17 lowing item:

 “487. Public report on military capabilities of covered countries.”.

18 **SEC. 1206. SECURITY COOPERATION PROGRAMS WITH FOR-**
19 **EIGN PARTNERS TO ADVANCE WOMEN,**
20 **PEACE, AND SECURITY.**

21 (a) IN GENERAL.—Subchapter V of chapter 16 of
22 title 10, United States Code, is amended by adding at the
23 end the following new section:

1 **“§ 353. Women, peace, and security programs**

2 “(a) IN GENERAL.—The Secretary of Defense, with
3 the concurrence of the Secretary of State, may conduct
4 or support security cooperation programs and activities in-
5 volving the national military or national-level security
6 forces of a foreign country or other covered personnel to
7 advise, train, and educate such forces or such other cov-
8 ered personnel with respect to—

9 “(1) the recruitment, employment, development,
10 retention, promotion, and meaningful participation
11 in decision making of women and underrepresented
12 groups;

13 “(2) sexual harassment, sexual assault, domes-
14 tic abuse, and other forms of sexual and gender-
15 based violence that disproportionately impact women
16 and underrepresented groups;

17 “(3) the integration of gender analysis into se-
18 curity sector policy, planning, exercises, and train-
19 ing;

20 “(4) the requirements of women and underrep-
21 resented groups, including providing appropriate
22 gender sensitive equipment and facilities;

23 “(5) the development of educational curriculum
24 on women, peace, and security within professional
25 military education programming and other security
26 forces training;

1 “(6) the establishment, training, and develop-
2 ment of gender advisory workforces within women,
3 peace, and security programs; and

4 “(7) the implementation of activities described
5 in this subsection.

6 “(b) PAYMENT OF EXPENSES FOR ADVANCEMENT OF
7 OBJECTIVES.—The Secretary of Defense may pay for the
8 travel, transportation, and subsistence expenses of na-
9 tional military and national-level security forces of a for-
10 eign country or other covered personnel that the Secretary
11 considers necessary for the advancement of the objectives
12 of this section.

13 “(c) OTHER COVERED PERSONNEL DEFINED.—In
14 this section, the term ‘other covered personnel’ means per-
15 sonnel of—

16 “(1) the ministry of defense, or a governmental
17 entity with a similar function, of a foreign country;

18 “(2) a regional organization with a security
19 mission;

20 “(3) personnel of a friendly foreign government
21 other than personnel of national security forces; or

22 “(4) personnel of a non-governmental organiza-
23 tion.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of subchapter V of chapter 16 of title

1 10, United States Code, is amended by adding at the end
2 the following new item:

“353. Women, peace, and security programs.”.

3 (c) WOMEN, PEACE, AND SECURITY CURRICULA FOR
4 PRE-COMMISSIONING EDUCATION PROGRAMS AND JOINT
5 PROFESSIONAL MILITARY EDUCATION.—

6 (1) INTEGRATION OF WOMEN, PEACE, AND SE-
7 CURITY CURRICULA.—The Secretary of Defense
8 shall develop a plan to incorporate women, peace,
9 and security studies as a component of the core cur-
10 ricula of pre-commissioning education programs and
11 joint professional military education programs to
12 further implementation of the Women, Peace, and
13 Security Act of 2017 (Public Law 115–68; 22
14 U.S.C. 2151 note), including an analysis of the re-
15 sources needed to develop a standardized women,
16 peace, and security curriculum.

17 (2) REPORT.—Not later than one year after the
18 date of the enactment of this Act, the Secretary of
19 Defense shall submit to the appropriate congres-
20 sional committees a report detailing the plan devel-
21 oped under paragraph (1).

22 (3) BRIEFING.—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary
24 of Defense shall brief the appropriate congressional

1 committees on the report under paragraph (2) de-
2 tailing the plan developed under paragraph (1).

3 (4) DEFINITIONS.—In this subsection:

4 (A) The term “appropriate congressional
5 committees” means—

6 (i) the Committee on Armed Services
7 and the Committee on Foreign Affairs of
8 the House of Representatives; and

9 (ii) the Committee on Armed Services
10 and the Committee on Foreign Relations
11 of the Senate.

12 (B) The term “joint professional military
13 education program” means a program or course
14 of instruction established pursuant to a provi-
15 sion of chapter 107 of title 10, United States
16 Code.

17 (C) The term “pre-commissioning edu-
18 cation program” means a program or course of
19 instruction established for—

20 (i) the United States Military Acad-
21 emy;

22 (ii) the United States Naval Academy;
23 or

24 (iii) the United States Air Force
25 Academy.

1 (d) PLAN FOR DEVELOPMENT AND MANAGEMENT OF
2 GENDER ADVISOR WORKFORCE.—

3 (1) PLAN REQUIRED.—The Secretary of De-
4 fense shall develop and implement a plan to stand-
5 ardize the role and duties of the gender advisor
6 workforce of the Department of Defense responsible
7 for supporting the implementation of the Women,
8 Peace, and Security Act of 2017 (Public Law 115–
9 68; 22 U.S.C. 2151 note).

10 (2) ELEMENTS.—The plan required by para-
11 graph (1) shall consist of such elements relating to
12 the development and management of the gender ad-
13 visor workforce, including an assessment of—

14 (A) the funds, resources, and authorities
15 needed to establish and develop the gender advi-
16 sor role into a full-time, billeted, and resourced
17 position across organizations within the Depart-
18 ment of Defense, including the military depart-
19 ments, Armed Forces, the combatant com-
20 mands, and defense agencies and field activities;

21 (B) the actions the Secretary will take to
22 develop and standardize position descriptions of
23 the gender advisor workforce, including gender
24 advisors and gender focal points, across organi-
25 zations within the Department;

1 (C) the Department's existing training pro-
2 grams for gender advisors and gender focal
3 points, including the creation and funding of a
4 credentialing program for gender advisors to
5 foster the development of a professionalized
6 cadre of gender advisors.

7 (D) a self-assessment of the Department's
8 progress in implementing a fully trained cadre
9 of gender advisors appropriately placed within
10 the Department and a plan to address any gaps
11 or deficiencies; and

12 (E) the actions the Secretary will carry out
13 for incorporating the total amount of expendi-
14 tures and proposed appropriations necessary to
15 support the program, projects, and activities of
16 the gender advisor workforce into future years
17 defense program submissions to Congress.

18 (3) REPORT.—Not later than one year after the
19 date of the enactment of this Act, the Secretary of
20 Defense shall submit to the appropriate congres-
21 sional committees a report detailing the Secretary's
22 progress in implementing the plan required by para-
23 graph (1).

24 (4) DEFINITIONS.—In this subsection—

1 (A) the term “appropriate congressional
2 committees” means—

3 (i) the Committee on Armed Services
4 and the Committee on Foreign Affairs of
5 the House of Representatives; and

6 (ii) the Committee on Armed Services
7 and the Committee on Foreign Relations
8 of the Senate; and

9 (B) the term “gender advisor workforce”
10 means all gender advisors and gender focal
11 points across the Department of Defense.

12 **SEC. 1207. STRATEGY FOR SECURITY COOPERATION.**

13 (a) STRATEGY REQUIRED.—Not later than 1 year
14 after the date of the enactment of this Act, the Secretary
15 of Defense, in coordination with the Secretary of State,
16 shall submit to the appropriate congressional committees
17 a strategy to improve security partner cooperation, in-
18 crease the safety of United States personnel in partner
19 countries, and increase the safety of the personnel of such
20 countries, by working to improve partner military oper-
21 ations. Such strategy shall seek to advance accurate tar-
22 geting and avoid unintentionally targeting civilians or life-
23 sustaining civilian infrastructure, which has the potential
24 to put United States and partner country personnel in life-
25 threatening danger by radicalizing local populations, and

1 shall include improvements to the ability of partner coun-
2 tries with respect to—

3 (1) intelligence collection, evaluation, and dis-
4 semination, including by improving the evaluation of
5 hostile intent and discernment between hostile intent
6 and hostile action; and

7 (2) the evaluation and accuracy of determining
8 correct targets by increasing understanding of civil-
9 ian populations, population centers, and local civilian
10 infrastructure such as water systems infrastructure,
11 food infrastructure, and education and health care
12 infrastructure.

13 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
14 DEFINED.—In this section, the term “appropriate con-
15 gressional committees” means—

16 (1) the Committee on Armed Services and the
17 Committee on Foreign Affairs of the House of Rep-
18 resentatives; and

19 (2) the Committee on Armed Services and the
20 Committee on Foreign Relations of the Senate.

21 **SEC. 1208. GENERAL THADDEUS KOSCIUSZKO EXCHANGE**
22 **PROGRAM.**

23 (a) AUTHORITY.—The Commander of United States
24 Army Special Operations Command shall seek to carry out
25 a training program pursuant to section 322 of title 10,

1 United States Code, between special operations forces
2 under the jurisdiction of the Commander and special oper-
3 ations forces of the Polish Army. Such program shall be
4 known as the “General Thaddeus Kosciuszko Memorial
5 Exchange Program for Polish-American Defense Coopera-
6 tion”.

7 (b) PURPOSES.—The purposes of the program in-
8 clude the following:

9 (1) To create an enduring training cooperation
10 program to enhance the national security and defen-
11 sive capabilities of the United States and Poland.

12 (2) To enable both countries to effectively re-
13 spond to emerging threats and future challenges in
14 Eastern Europe and around the globe.

15 (3) To increase the interoperability, combined
16 readiness, joint planning capabilities, and shared sit-
17 uational awareness between special operations forces
18 described in subsection (a).

19 (4) To provide a program for the exchange of
20 such special operations forces that will increase
21 readiness and capacity to counter adversarial oper-
22 ations, including—

23 (A) enhancing and increasing the capa-
24 bility to counter irregular and asymmetrical
25 warfare;

1 (B) enhancing and increasing the capa-
2 bility to respond to, and conduct, information
3 operations;

4 (C) enhancing and increasing the capa-
5 bility to counter land and air assaults, including
6 the capacity to conduct urban warfare; and

7 (D) any other relevant training that the
8 Secretary of Defense determines relevant, in-
9 cluding training at military training centers and
10 professional military education institutions of
11 the Department of Defense.

12 (5) To encourage the deepening and number of
13 training programs among NATO allies and partners
14 to strengthen joint resiliency, readiness, and deter-
15 rence capabilities, to facilitate peace in the trans-
16 atlantic region.

17 (c) ELIGIBILITY.—Officers and enlisted members of
18 such special operations forces may participate in the pro-
19 gram under this section.

20 (d) PROGRESS REPORT.—Not later than 120 days
21 after the date of the enactment of this Act, the Com-
22 mander shall submit to the Committees on Armed Services
23 of the Senate and House of Representatives a report re-
24 garding progress of the Commander in carrying out the
25 training program.

1 **SEC. 1209. ASSESSMENT, MONITORING, AND EVALUATION**
2 **OF PROGRAMS AND ACTIVITIES.**

3 Not later than 90 days after the date of the enact-
4 ment of this Act, the Secretary of Defense shall submit
5 to the Committee on Armed Services of the House of Rep-
6 resentatives a report on the processes that the Department
7 of Defense uses to assess, monitor, and evaluate programs
8 and activities under section 127e of title 10, United States
9 Code, and section 1202 of the National Defense Author-
10 ization Act for Fiscal Year 2018 (Public Law 115-91; 131
11 Stat. 1639). The report shall include—

12 (1) an evaluation of the efficiency and effective-
13 ness of such programs and activities in achieving de-
14 sired outcomes;

15 (2) identification of lessons learned and best
16 practices in carrying out such programs and activi-
17 ties; and

18 (3) an explanation of the extent to which such
19 lessons are used to improve future programs and ac-
20 tivities carried out under such authorities of the De-
21 partment of Defense.

22 **SEC. 1209A. REPORT ON CHIEF OF MISSION CONCURRENCE.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of the enactment of this Act, the Secretary of De-
25 fense, with the concurrence of the Secretary of State, shall
26 submit to the appropriate congressional committees a re-

1 port evaluating the processes by which chiefs of mission
2 provide concurrence to the exercise of the authority pursu-
3 ant to section 127e of title 10, United States Code, and
4 section 1202 of the National Defense Authorization Act
5 for Fiscal Year 2018.

6 (b) MATTERS TO BE INCLUDED.—The report re-
7 quired by subsection (a) shall include—

8 (1) the most significant impediments to each
9 relevant chief of mission’s ability to inform and con-
10 sult in a timely manner with relevant individuals at
11 relevant missions or bureaus of the Department of
12 State;

13 (2) the lessons learned from such consultations;

14 (3) procedures and agreements between depart-
15 ments that enable Secretary of State to take such
16 steps as may be necessary to ensure that such rel-
17 evant individuals have the security clearances nec-
18 essary and access to relevant compartmented and
19 special programs to so consult in a timely manner
20 with respect to such concurrence; and

21 (4) the lessons learned from such procedures
22 and agreements and required improvements so iden-
23 tified.

24 (c) FORM.—The report required by section (a) may
25 be provided in classified form.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means—

4 (1) the Committee on Armed Services and the
5 Committee on Foreign Affairs of the House of Rep-
6 resentatives; and

7 (2) the Committee on Armed Services and the
8 Committee on Foreign Relations of the Senate.

9 **SEC. 1209B. REPEAL OF LIMITATION ON COSTS COVERED**
10 **UNDER HUMANITARIAN DEMINING ASSIST-**
11 **ANCE.**

12 Subsection (c)(3) of section 407 of title 10, United
13 States Code, is repealed.

14 **SEC. 1209C. MODIFICATION TO FELLOWSHIP PROGRAM TO**
15 **ADD TRAINING RELATING TO URBAN WAR-**
16 **FARE.**

17 Section 345 of title 10, United States Code, is
18 amended—

19 (1) in subsection (b)(1), by adding at the end
20 the following sentence: “In addition to the areas of
21 combating terrorism and irregular warfare, the pro-
22 gram should focus training on urban warfare.”; and

23 (2) by adding at the end of subsection (d) the
24 following new paragraph:

1 “(6) A discussion of how the training from the
2 previous year incorporated lessons learned from on-
3 going conflicts.”.

4 **Subtitle B—Matters Relating to**
5 **Afghanistan and Pakistan**

6 **SEC. 1211. EXTENSION AND MODIFICATION OF THE AF-**
7 **GHAN SPECIAL IMMIGRANT VISA PROGRAM.**

8 Section 602(b)(3)(F) of the Afghan Allies Protection
9 Act of 2009 (8 U.S.C. 1101 note) is amended—

10 (1) in the heading, by striking “2022” and in-
11 serting “2023”; and

12 (2) in clause (ii), by striking “2023” and in-
13 serting “2024”.

14 **SEC. 1212. ADDITIONAL MATTERS FOR INCLUSION IN RE-**
15 **PORTS ON OVERSIGHT IN AFGHANISTAN.**

16 Section 1069(a) of the National Defense Authoriza-
17 tion Act for Fiscal Year 2022 (Public Law 117–81; 135
18 Stat. 1912) is amended—

19 (1) by redesignating paragraphs (9) through
20 (16) as paragraphs (12) through (19), respectively;

21 (2) by inserting after paragraph (8) the fol-
22 lowing new paragraphs:

23 “(9) An assessment of the status of—

24 “(A) defense intelligence assets dedicated
25 to Afghanistan; and

1 “(B) the ability of the United States to de-
2 tect emerging threats emanating from Afghani-
3 stan against the United States and former coa-
4 lition partners.

5 “(10) An assessment of local or indigenous
6 counterterrorism partners of the Department of De-
7 fense.

8 “(11) An assessment of risks to the mission
9 and risks to United States personnel involved in
10 over-the-horizon counterterrorism options.”; and

11 (3) in paragraph (16), as so redesignated, by
12 striking “Afganistan” and inserting “Afghanistan”.

13 **SEC. 1213. PROHIBITION ON TRANSPORTING CURRENCY TO**
14 **THE TALIBAN AND THE ISLAMIC EMIRATE OF**
15 **AFGHANISTAN.**

16 None of the amounts authorized to be appropriated
17 by this Act or otherwise made available to the Department
18 of Defense may be made available for the operation of any
19 aircraft of the Department of Defense to transport cur-
20 rency or other items of value to the Taliban, the Islamic
21 Emirate of Afghanistan, or any subsidiary, agent, or in-
22 strumentality of either the Taliban or the Islamic Emirate
23 of Afghanistan.

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

**SEC. 1221. EXTENSION OF AUTHORITY TO PROVIDE ASSIST-
ANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.**

(a) IN GENERAL.—Subsection (a) of section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act of Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3451) is amended by striking “December 31, 2022” and inserting “December 31, 2023”.

(b) EXTENSION OF WAIVER AUTHORITY.—Subsection (l)(3)(D) of such section is amended by striking “December 31, 2022” and inserting “December 31, 2023”.

**SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY
TO PROVIDE ASSISTANCE TO COUNTER THE
ISLAMIC STATE OF IRAQ AND SYRIA.**

(a) IN GENERAL.—Subsection (a) of section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3558) is amended by striking “December 31, 2022” and inserting “December 31, 2023”.

1 (b) FUNDING.—Subsection (g) of such section is
2 amended—

3 (1) by striking “fiscal year 2022” and inserting
4 “fiscal year 2023”; and

5 (2) by striking “\$322,500,000” and inserting
6 “\$358,015,000”.

7 (c) EXTENSION OF WAIVER AUTHORITY.—Sub-
8 section (o)(5) of such section is amended by striking “De-
9 cember 31, 2022” and inserting “December 31, 2023”.

10 (d) LIMITATION ON AVAILABILITY OF FUNDS.—Of
11 the amount of funds made available for fiscal year 2022
12 (and available for obligation as of the date of the enact-
13 ment of this Act) and fiscal year 2023 to carry out section
14 1236 of the Carl Levin and Howard P. “Buck” McKeon
15 National Defense Authorization Act for Fiscal Year 2015
16 (Public Law 113-291; 128 Stat. 3558), not more than 50
17 percent may be obligated or expended until the date on
18 which the Secretary of Defense submits to the appropriate
19 congressional committees the report required by section
20 1223(f) of the National Defense Authorization Act for
21 Fiscal Year 2022 (Public Law 117–81).

1 **SEC. 1223. EXTENSION OF AUTHORITY TO SUPPORT OPER-**
2 **ATIONS AND ACTIVITIES OF THE OFFICE OF**
3 **SECURITY COOPERATION IN IRAQ.**

4 (a) SOURCE OF FUNDS.—Subsection (d) of section
5 1215 of the National Defense Authorization Act for Fiscal
6 Year 2012 (10 U.S.C. 113 note) is amended by striking
7 “fiscal year 2022” and inserting “fiscal year 2023”.

8 (b) LIMITATION ON AVAILABILITY OF FUNDS.—Of
9 the funds authorized to be appropriated by this Act or
10 otherwise made available for fiscal year 2023 for the Of-
11 fice of the Secretary of the Army, the Office of the Sec-
12 retary of the Navy, and the Office of the Secretary of the
13 Air Force for travel expenses, not more than 65 percent
14 may be obligated or expended until the date on which a
15 staffing plan for the Office of Security Cooperation in Iraq
16 is completed.

17 **SEC. 1224. EXTENSION AND MODIFICATION OF REPORT ON**
18 **THE MILITARY CAPABILITIES OF IRAN AND**
19 **RELATED ACTIVITIES.**

20 Subsection (a) of section 1227 of the National De-
21 fense Authorization Act for Fiscal Year 2022 (Public Law
22 117–81; 135 Stat. 1972) is amended—

23 (1) in the matter preceding paragraph (1)—

24 (A) by inserting “and annually thereafter
25 for 1 year” after “enactment of this Act”; and

1 (B) by inserting “, consistent with the pro-
2 tection of intelligence sources and methods,”
3 after “Director of National Intelligence”; and
4 (2) in paragraph (1)(D), by inserting “ Hamas,
5 Palestinian Islamic Jihad, Popular Front for the
6 Liberation of Palestine,” after “Lebanese
7 Hezbollah,”.

8 **SEC. 1225. PROHIBITION ON TRANSFERS TO IRAN.**

9 None of the amounts authorized to be appropriated
10 by this Act or otherwise made available to the Department
11 of Defense may be made available to transfer or facilitate
12 a transfer of pallets of currency, currency, or other items
13 of value to the Government of Iran, any subsidiary of such
14 Government, or any agent or instrumentality of Iran.

15 **SEC. 1226. REPORT ON ASSISTING IRANIAN DISSIDENTS**
16 **AND PEOPLE ACCESS TELECOMMUNI-**
17 **CATIONS TOOLS.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the Secretary of State,
20 in coordination with the Secretary of the Treasury and
21 the heads of other relevant Federal agencies, shall submit
22 to Committee on Foreign Affairs and the Committee on
23 Financial Services of the House of Representatives and
24 the Committee on Foreign Relations and the Committee

1 on Banking of the Senate a report that includes the mat-
2 ters described in subsection (b).

3 (b) MATTERS DESCRIBED.—The matters described
4 in this subsection are the following:

5 (1) An assessment of the Iranian Government’s
6 ability to impose internet shutdowns, censor the
7 internet, and track Iranian dissidents, labor orga-
8 nizers, political activists, or human rights defenders
9 inside Iran through targeted digital surveillance or
10 other digital means.

11 (2) A list of technologies, including hardware,
12 software, and services incident to personal commu-
13 nications, including set-top boxes (STB), satellites,
14 and web developer tools, that would encourage the
15 free flow of information to better enable the Iranian
16 people to communicate with each other and the out-
17 side world.

18 (3) An assessment on whether existing United
19 States policy impedes the ability of Iranians to cir-
20 cumvent the Iranian Government’s attempt to
21 securitize access to the internet and block access to
22 the internet at times of civil unrest.

23 (4) A review of the legal exemptions that au-
24 thorize access to information technology and how
25 such exemptions or any accompanying general li-

1 censes may be altered to mitigate any hindrances
2 imposed on Iranian dissidents and activists inside
3 Iran.

4 (5) An assessment of whether further exemp-
5 tions or alterations to existing exemptions and gen-
6 eral licenses are necessary to support Iranian citi-
7 zens’ access to the internet and to assist their ef-
8 forts to circumvent internet shutdowns and targeted
9 digital surveillance from the Iranian Government.

10 (c) FORM.—The report required pursuant to sub-
11 section (a) shall be submitted in unclassified form but may
12 include a classified annex if such annex is provided sepa-
13 rately from such unclassified version.

14 (d) DEFINITION.—In this section, the term “targeted
15 digital surveillance” means the use of items or services
16 that enable an individual or entity (with or without the
17 knowing authorization of the product’s owner) to detect,
18 monitor, intercept, collect, exploit, preserve, protect, trans-
19 mit, retain, or otherwise gain access to the communica-
20 tions, sensitive or protected information, work product,
21 browsing data, research, identifying information, location
22 history, and online and offline activities of other individ-
23 uals, organizations, or entities.

1 **SEC. 1227. STATE DEPARTMENT AUTHORIZATION FOR PA-**
2 **VILION AT EXPO 2025 OSAKA.**

3 (a) IN GENERAL.—Notwithstanding section 204 of
4 the Admiral James W. Nance and Meg Donovan Foreign
5 Relations Authorization Act, Fiscal Years 2000 and 2001
6 (22 U.S.C. 2452b), there is authorized to be appropriated
7 for each of fiscal years 2023 and 2024 funds for a United
8 States pavilion at Expo 2025 Osaka, subject to sub-
9 sections (b) and (c).

10 (b) COST-SHARE REQUIREMENT.—Funds made avail-
11 able pursuant to subsection (a) to the Department of
12 State for a United States pavilion at Expo 2025 Osaka
13 shall be made available on a cost-matching basis, to the
14 maximum extent practicable, from sources other than the
15 United States Government.

16 (c) NOTIFICATION.—

17 (1) IN GENERAL.—Funds made available pur-
18 suant to subsection (a) to the Department of State
19 for a United States pavilion at Expo 2025 Osaka
20 may be obligated only after the appropriate congres-
21 sional committees are notified not less than 15 days
22 prior to such obligation.

23 (2) MATTERS TO BE INCLUDED.—Such notifi-
24 cation shall include the following:

25 (A) A description of the source of such
26 funds, including any funds reprogrammed or

1 transferred by the Department of State to be
2 made available for such pavilion.

3 (B) An estimate of the amount of invest-
4 ment such pavilion could bring to the United
5 States.

6 (C) A description of the strategy of the
7 Department to identify and obtain such match-
8 ing funds from sources other than the United
9 States Government, in accordance with sub-
10 section (b).

11 (D) A certification that each entity receiv-
12 ing amounts for a contract, grant, or other
13 agreement to construct, maintain, or otherwise
14 service such pavilion—

15 (i) is not in violation of the labor laws
16 of Japan, the Foreign Corrupt Practices
17 Act of 1977 (Public Law 95–213), and any
18 other applicable anti-corruption laws; and

19 (ii) does not employ, or otherwise uti-
20 lize, a victim of trafficking (as defined in
21 section 103 of the Trafficking Victims Pro-
22 tection Act of 2000 (22 U.S.C. 7102)).

23 (d) FINAL REPORT.—Not later than 180 days after
24 the date on which a United States pavilion at Expo 2025
25 Osaka is opened, the Secretary of State shall submit to

1 the appropriate congressional committees a report that in-
2 cludes—

3 (1) the number of United States businesses
4 that participated in such pavilion; and

5 (2) the dollar amount and source of any match-
6 ing funds obtained by the Department.

7 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
8 FINED.—In this section, the term “appropriate congres-
9 sional committees” means the following:

10 (1) The Committee on Foreign Affairs and the
11 Committee on Appropriations of the House of Rep-
12 resentatives.

13 (2) The Committee on Foreign Relations and
14 the Committee on Appropriations of the Senate.

15 (f) SUNSET.—This section ceases to be effective on
16 December 31, 2025.

17 **SEC. 1228. REPORT ON THE U.N. ARMS EMBARGO ON IRAN.**

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the Secretary of State, in consultation
20 with the Secretary of Defense, shall submit to the Com-
21 mittees on Armed Services of the House of Representa-
22 tives and the Senate, the Committee on Foreign Affairs
23 of the House of Representatives, and the Committee on
24 Foreign Relations of the Senate a report that includes a
25 detailed description of—

1 (1) an assessment of the U.N. arms embargo
2 on Iran on its effectiveness in constraining Iran's
3 ability to supply, sell, or transfer, directly or indi-
4 rectly, arms or related materiel, including spare
5 parts, when it was in place; and

6 (2) the measures that the Departments of State
7 and Defense are taking to constrain Iranian arms
8 proliferation and combat the supply, sale, or transfer
9 of weapons to or from Iran.

10 **SEC. 1229. REPORT ON ISLAMIC REVOLUTIONARY GUARD**
11 **CORPS-AFFILIATED OPERATIVES ABROAD.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Secretary of State, in consultation
14 with the Secretary of Defense, shall submit to the Com-
15 mittees on Armed Services of the House of Representa-
16 tives and the Senate, the Committee on Foreign Affairs
17 of the House of Representatives, and the Committee on
18 Foreign Relations of the Senate a report that includes a
19 detailed description of—

20 (1) all Islamic Revolutionary Guard Corps-af-
21 filiated operatives serving in diplomatic and consular
22 posts abroad; and

23 (2) the ways in which the Department of State
24 and the Department of Defense are working with
25 partner nations to inform them of the threat posed

1 by Islamic Revolutionary Guard Corps-affiliated offi-
2 cials serving in diplomatic and consular roles in
3 third party countries.

4 **SEC. 1229A. REPEAL OF AUTHORIZATION FOR USE OF MILI-**
5 **TARY FORCE AGAINST IRAQ RESOLUTION OF**
6 **2002.**

7 The Authorization for Use of Military Force Against
8 Iraq Resolution of 2002 (Public Law 107–243; 116 Stat.
9 1498; 50 U.S.C. 1541 note) is hereby repealed.

10 **SEC. 1229B. INTERAGENCY STRATEGY TO DISRUPT AND**
11 **DISMANTLE NARCOTICS PRODUCTION AND**
12 **TRAFFICKING AND AFFILIATED NETWORKS**
13 **LINKED TO THE REGIME OF BASHAR AL-**
14 **ASSAD IN SYRIA.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) the Captagon trade linked to the regime of
18 Bashar al-Assad in Syria is a transnational security
19 threat; and

20 (2) the United States should develop and imple-
21 ment an interagency strategy to deny, degrade, and
22 dismantle Assad-linked narcotics production and
23 trafficking networks.

24 (b) REPORT AND STRATEGY REQUIRED.—Not later
25 than 180 days after the date of the enactment of this Act,

1 the Secretary of Defense, the Secretary of State, the Sec-
2 retary of the Treasury, the Administrator of the Drug En-
3 forcement Administration, the Director of National Intel-
4 ligence, and the heads of other appropriate Federal agen-
5 cies shall provide to the appropriate congressional commit-
6 tees a written strategy to disrupt and dismantle narcotics
7 production and trafficking and affiliated networks linked
8 to the regime of Bashar al-Assad in Syria. Such strategy
9 shall include each of the following:

10 (1) A strategy to target, disrupt, and degrade
11 networks that directly or indirectly support the nar-
12 cotics infrastructure of the Assad regime, particu-
13 larly through diplomatic and intelligence support to
14 law enforcement investigations and to build counter-
15 narcotics capacity to partner countries through as-
16 sistance and training to law enforcement services in
17 countries, other than Syria, that are receiving or
18 transiting large quantities of Captagon.

19 (2) Information relating to the use of statutory
20 authorities, including the Caesar Syria Civilian Pro-
21 tection Act of 2019 (22 U.S.C. 8791 note), the For-
22 eign Narcotics Kingpin Designation Act (popularly
23 referred to as the “Kingpin Act”), section 489 of the
24 Foreign Assistance Act (relating to the international
25 narcotics control strategy report), and associated ac-

1 tions to target individuals and entities directly or in-
2 directly associated with the narcotics infrastructure
3 of the Assad regime.

4 (3) Information relating to the use of global
5 diplomatic engagements associated with the eco-
6 nomic pressure campaign against the Assad regime
7 to target its narcotics infrastructure.

8 (4) A strategy for leveraging multilateral insti-
9 tutions and cooperation with international partners
10 to disrupt the narcotics infrastructure of the Assad
11 regime.

12 (5) A strategy for mobilizing a public commu-
13 nications campaign to increase awareness of the ex-
14 tent of the connection of the Assad regime to illicit
15 narcotics trade.

16 (6) A description of the countries receiving or
17 transiting large shipments of Captagon, and an as-
18 sessment of the counter-narcotics capacity of such
19 countries to interdict or disrupt the smuggling of
20 Captagon, including an assessment of current
21 United States assistance and training programs to
22 build such capacity in such countries.

23 (c) FORM OF REPORT.—The report required under
24 subsection (b) shall be submitted in an unclassified form,
25 but may contain a classified annex.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—

2 In this section, the term “appropriate congressional com-
3 mittees” means—

4 (1) the Committee on Armed Services, the
5 Committee on the Judiciary, the Committee on For-
6 eign Affairs, the Committee on Financial Services,
7 the Committee on Appropriations, and the Perma-
8 nent Select Committee on Intelligence of the House
9 of Representatives; and

10 (2) the Committee on Armed Services, the
11 Committee on the Judiciary, the Committee on For-
12 eign Relations, the Committee on Banking, Housing,
13 and Urban Affairs, the Committee on Appropria-
14 tions, and the Select Committee on Intelligence of
15 the Senate.

16 **Subtitle D—Matters Relating to**
17 **Russia**

18 **SEC. 1231. EXTENSION OF LIMITATION ON MILITARY CO-**
19 **OPERATION BETWEEN THE UNITED STATES**
20 **AND RUSSIA.**

21 Section 1232(a) of the National Defense Authoriza-
22 tion Act for Fiscal Year 2017 (Public Law 114–328; 130
23 Stat. 2488), is amended by striking “2021, or 2022” and
24 inserting “2021, 2022, or 2023”.

1 **SEC. 1232. MODIFICATION AND EXTENSION OF UKRAINE SE-**
2 **CURITY ASSISTANCE INITIATIVE.**

3 (a) **AUTHORITY TO PROVIDE ASSISTANCE.**—Sub-
4 section (a) of section 1250 of the National Defense Au-
5 thorization Act for Fiscal Year 2016 (Public Law 114–
6 92; 129 Stat. 1068) is amended by inserting “salaries and
7 stipends, and sustainment” after “supplies and services,”.

8 (b) **AVAILABILITY OF FUNDS.**—Subsection (c) of
9 such section is amended—

10 (1) in paragraph (1), by striking “funds avail-
11 able for fiscal year 2022 pursuant to subsection
12 (f)(7)” and inserting “funds available for fiscal year
13 2023 pursuant to subsection (f)(8)”;

14 (2) in paragraph (3), by striking “fiscal year
15 2022” and inserting “fiscal year 2023”;

16 (3) in paragraph (5), by striking “Of the funds
17 available for fiscal year 2022 pursuant to subsection
18 (f)(7)” and inserting “Of the funds available for fis-
19 cal year 2023 pursuant to subsection (f)(8)”;

20 (4) by adding at the end the following:

21 “(6) **WAIVER OF CERTIFICATION REQUIRE-**
22 **MENT.**—The Secretary of Defense, with the concur-
23 rence of the Secretary of the State, may waive the
24 certification requirement in paragraph (2) if the
25 Secretary submits to the congressional defense com-
26 mittees, the Committee on Foreign Relations of the

1 Senate, and the Committee on Foreign Affairs of the
2 House of Representatives a written certification, not
3 later than 5 days of exercising the waiver, that doing
4 so is in the national interest of the United States
5 due to exigent circumstances caused by the Russian
6 invasion of Ukraine.”.

7 (c) UNITED STATES INVENTORY AND OTHER
8 SOURCES.—Subsection (d) of such section is amended—

9 (1) in paragraph (1), by inserting “, and to re-
10 cover or dispose of such weapons or other defense
11 articles, or to make available such weapons or arti-
12 cles to ally and partner governments to replenish
13 comparable stocks which ally or partner govern-
14 ments have provided to the Government of
15 Ukraine,” after “and defense services”; and

16 (2) by adding at the end the following:

17 “(3) CONGRESSIONAL NOTIFICATION.—Not
18 later than 10 days before providing replenishment to
19 an ally or partner government pursuant to para-
20 graph (1), the Secretary of Defense shall transmit to
21 the congressional defense committees, the Committee
22 on Foreign Relations of the Senate, and the Com-
23 mittee on Foreign Affairs of the House of Rep-
24 resentatives a notification containing the following:

1 “(A) An identification of the recipient for-
2 eign country.

3 “(B) A detailed description of the articles
4 to be provided, including the amount, dollar
5 value, origin, and capabilities associated with
6 the articles.

7 “(C) A detailed description of the articles
8 provided to Ukraine to be replenished, including
9 the amount, dollar value, origin, and capabili-
10 ties associated with the articles.

11 “(D) The impact on United States stocks
12 and readiness of transferring the articles.

13 “(E) An assessment of any security, intel-
14 lectual property, or end use monitoring issues
15 associated with transferring the articles.

16 “(F) A description, including relevant dol-
17 lar value amounts, of the articles provided to
18 Ukraine by the recipient country which are
19 being replenished.

20 “(G) A certification that the transfer of
21 the articles in the national security interest of
22 the United States, and a justification for that
23 determination.”.

24 (d) FUNDING.—Subsection (f) of such section is
25 amended by adding at the end the following:

1 “(8) For fiscal year 2023, \$1,000,000,000.”.

2 (e) TERMINATION OF AUTHORITY.—Subsection (h)
3 of such section is amended by striking “December 31,
4 2023” and inserting “December 31, 2024”.

5 (f) WAIVER OF CERTIFICATION REQUIREMENT.—
6 Such section is amended—

7 (1) by redesignating the second subsection (g)
8 as subsection (i); and

9 (2) by adding at the end the following:

10 “(j) EXPEDITED NOTIFICATION REQUIREMENT.—
11 Not later than 15 days before providing assistance or sup-
12 port under subsection (a), or as far in advance as is prac-
13 ticable if the Secretary of Defense determines, on a case-
14 by-case basis, that extraordinary circumstances exist that
15 impact the national security of the United States, the Sec-
16 retary shall transmit to the congressional defense commit-
17 tees, the Committee on Foreign Relations of the Senate,
18 and the Committee on Foreign Affairs of the House of
19 Representatives a notification containing a detailed de-
20 scription of the assistance or support to be provided, in-
21 cluding—

22 “(1) the objectives of such assistance or sup-
23 port;

24 “(2) the budget for such assistance or support;
25 and

1 “(3) the expected or estimated timeline for de-
2 livery of such assistance or support.”.

3 **SEC. 1233. PROHIBITION ON AVAILABILITY OF FUNDS RE-**
4 **LATING TO SOVEREIGNTY OF RUSSIA OVER**
5 **CRIMEA.**

6 (a) PROHIBITION.—None of the funds authorized to
7 be appropriated by this Act or otherwise made available
8 for fiscal year 2023 for the Department of Defense may
9 be obligated or expended to implement any activity that
10 recognizes the sovereignty of Russia over Crimea.

11 (b) WAIVER.—The Secretary of Defense, with the
12 concurrence of the Secretary of State, may waive the re-
13 striction on the obligation or expenditure of funds required
14 by subsection (a) if the Secretary of Defense—

15 (1) determines that to do so is in the national
16 security interest of the United States; and

17 (2) submits a notification of the waiver, at the
18 time the waiver is invoked, to the Committee on
19 Armed Services and the Committee on Foreign Af-
20 fairs of the House of Representatives and the Com-
21 mittee on Armed Services and the Committee on
22 Foreign Relations of the Senate.

1 **SEC. 1234. ASSESSMENT OF RUSSIAN STRATEGY IN**
2 **UKRAINE.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall submit to the appropriate congressional committees
6 an assessment of the strategic, operational, and organiza-
7 tional strengths and weaknesses of the Russian Federa-
8 tion’s military strategy for the invasion and occupation of
9 Ukraine, including an assessment of efforts and sources
10 of leverage that could be used to exploit the weaknesses
11 in that strategy as part of the effort to provide assistance
12 to Ukraine.

13 (b) MATTERS TO BE INCLUDED.—The assessment of
14 Russia’s military strategy required by subsection (a) shall
15 include at a minimum a description of the following:

- 16 (1) Strategic strengths and weaknesses.
17 (2) Operational strengths and weaknesses.
18 (3) Organizational and logistical strengths and
19 weaknesses.
20 (4) Strengths and weaknesses related to Rus-
21 sian employment of Russia’s Federal Security Serv-
22 ice (FSB), national guard, and reserve units.

23 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—
24 In this section, the term “appropriate congressional com-
25 mittees” means—

- 26 (1) the congressional defense committees;

1 (2) the Permanent Select Committee on Intel-
2 ligence and the Committee on Foreign Affairs of the
3 House of Representatives; and

4 (3) the Select Committee on Intelligence and
5 the Committee on Foreign Relations of the Senate.

6 (d) MODIFICATION TO ANNUAL REPORT ON MILI-
7 TARY AND SECURITY DEVELOPMENTS INVOLVING THE
8 RUSSIAN FEDERATION.—Section 1234 of the National
9 Defense Authorization Act for Fiscal Year 2021 (134
10 Stat. 3936) is amended—

11 (1) in subsection (b)—

12 (A) by redesignating paragraph (24) as
13 paragraph (26); and

14 (B) by inserting after paragraph (23) the
15 following:

16 “(24) The impacts of United States sanctions
17 on improvements to the Russian military and its
18 proxies, including an assessment of the impacts of
19 the maintenance or revocation of such sanctions.

20 “(25) A detailed description of—

21 “(A) how Russian private military compa-
22 nies are being utilized to advance the political,
23 economic, and military interests of the Russian
24 Federation;

1 “(B) the direct or indirect threats Russian
2 private military companies present to United
3 States security interests;

4 “(C) how sanctions that are currently in
5 place to impede or deter Russian private mili-
6 tary companies from continuing their malign
7 activities have impacted the Russian private
8 military companies’ behavior; and

9 “(D) all foreign persons engaged signifi-
10 cantly with Russian private military compa-
11 nies.”; and

12 (2) in subsection (e)—

13 (A) in paragraph (1), by inserting “, the
14 Permanent Select Committee on Intelligence,”
15 after “the Committee on Armed Services”; and

16 (B) in paragraph (2), by inserting “, the
17 Select Committee on Intelligence,” after “the
18 Committee on Armed Services”.

19 (e) REPORT ON LESSONS LEARNED FROM WAR.—

20 Not later than 1 year after the date of the enactment of
21 this Act, the Secretary of Defense, in coordination with
22 the Secretary of each military department, shall submit
23 to the appropriate congressional committees an assess-
24 ment of lessons learned by the respective military depart-

1 ments from the conflict following the Russian invasion of
2 Ukraine that includes the following:

3 (1) Lessons learned from intelligence-sharing
4 activities conducted between the United States,
5 NATO, the European Union, and Ukraine through-
6 out the conflict.

7 (2) Observed tactics and techniques of informa-
8 tion-related capabilities and the integration of infor-
9 mation-related capabilities in supporting Ukraine ob-
10 jectives.

11 (3) Analysis of the capabilities, tactics, and
12 techniques implemented throughout the conflict fol-
13 lowing the Russian invasion of Ukraine, from each
14 military department, with a focus on the Army,
15 Navy, and Air Force.

16 (4) Analysis of all collected information to iden-
17 tify recurring strengths and weaknesses in United
18 States and NATO tactics, training, and equipment.

19 (5) Recommendations to address any corrective
20 actions.

21 (f) FORM; PUBLICATION.—The report required by
22 subsection (e) shall be submitted in unclassified form but
23 may include a classified annex. The unclassified portion
24 of such report shall be published on a publicly accessible
25 website of the Department of Defense.

1 (g) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) the United States could greatly benefit from
4 on-the-ground combat observations of the conflict
5 following the Russian invasion of Ukraine to learn
6 lessons about modern warfare between near-peer ad-
7 versaries, and successful and unsuccessful aspects of
8 both sides' tactics, operations, and strategy;

9 (2) expert projections of how this conflict was
10 likely to unfold were inaccurate, suggesting the
11 United States has many lessons to learn from this
12 conflict;

13 (3) the Department of Defense should, when
14 feasible, organize Combat Observation Teams, who
15 should be given battlefield access as non-combatants,
16 with specialized skill sets to collect information, in-
17 cluding by conducting first-person interviews, or
18 other conflict-specific assessments and observations;

19 (4) such collection and observations should
20 occur after the conflict has largely subsided, and the
21 physical, political, and escalatory risk of sending an
22 American combat observer team is sufficiently low;

23 (5) such teams should consist of talented senior
24 officers and non-commissioned officers with appro-
25 priate experience and specialties for their task;

1 (6) Combat Observation Teams should be en-
2 couraged to interview Ukrainian military members,
3 and civilians, conduct site surveys, and work with
4 the United States embassy and other allied countries
5 as appropriate; and

6 (7) the time is ripe for an infusion of lessons
7 from Ukraine, and observations could ensure the
8 United States is prepared for the future of modern
9 warfare and conflict.

10 **SEC. 1235. REPORT ON EFFORTS BY THE RUSSIAN FEDERA-**
11 **TION TO EXPAND ITS PRESENCE AND INFLU-**
12 **ENCE IN LATIN AMERICA AND THE CARIB-**
13 **BEAN.**

14 (a) REPORT.—Not later than June 30, 2023, the
15 Secretary of State, in coordination with the Secretary of
16 Defense and the Director of National Intelligence and in
17 consultation with the heads of other appropriate Federal
18 departments and agencies, as necessary, shall submit to
19 the appropriate congressional committees a report that
20 identifies efforts by the Government of the Russian Fed-
21 eration to expand its presence and influence in Latin
22 America and the Caribbean through diplomatic, military,
23 intelligence, and other means, and describes the implica-
24 tions of such efforts on the national defense and security
25 interests of the United States.

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

3 (1) An identification of—

4 (A) the countries of Latin America and the
5 Caribbean with which the Government of the
6 Russian Federation maintains especially close
7 diplomatic, military, and intelligence relation-
8 ships;

9 (B) the number and content of strategic
10 partnership agreements or similar agreements,
11 including any non-public, secret, or informal
12 agreements, that the Government of the Rus-
13 sian Federation has established with countries
14 and regional organizations of Latin America
15 and the Caribbean;

16 (C) the countries of Latin America and the
17 Caribbean to which the Government of the Rus-
18 sian Federation provides foreign assistance or
19 disaster relief (including access to COVID–19
20 vaccines), including a description of the amount
21 and purpose of, and any conditions attached to,
22 such assistance;

23 (D) recent visits by senior officials of the
24 Government of the Russian Federation, includ-
25 ing its state-owned or state-directed enterprises,

1 to Latin America and the Caribbean, and visits
2 by senior officials from Latin America and the
3 Caribbean to the Russian Federation; and

4 (E) the existence of any defense exchanges,
5 military or police education or training, and ex-
6 ercises between any military or police organiza-
7 tion of the Government of the Russian Federa-
8 tion and military, police, or security-oriented or-
9 ganizations of countries of Latin America and
10 the Caribbean, including port visits by the Rus-
11 sian Navy.

12 (2) A detailed description of—

13 (A) the impact Russia’s war in Ukraine
14 has or may have on its diplomatic, military, and
15 intelligence activities in Latin America and the
16 Caribbean;

17 (B) the relationship between the Govern-
18 ment of the Russian Federation and the Gov-
19 ernments of Venezuela, Cuba, Nicaragua, and
20 Bolivia;

21 (C) attempts by the Government of the
22 Russian Federation to develop relations with
23 the Governments of Brazil and Argentina, two
24 countries whose leaders met with Russian

1 President Vladimir Putin in Moscow shortly be-
2 fore the invasion of Ukraine;

3 (D) military installations, assets, and ac-
4 tivities of the Government of the Russian Fed-
5 eration in Latin America and the Caribbean
6 that currently exist or are planned for the fu-
7 ture, including the size, location, and purpose of
8 any deployed Russian Federation Armed Forces
9 or security contractors associated with the Rus-
10 sian Federation;

11 (E) the purpose of and operations ema-
12 nating from the Russian Federation's oper-
13 ations center in Managua, Nicaragua;

14 (F) the Russian Federation's subversion of
15 United States sanctions on Venezuela's oil sec-
16 tor;

17 (G) the Russian Federation's involvement
18 in the border dispute between Venezuela and
19 Guyana;

20 (H) sales or transfers of defense articles
21 and services by the Russian Federation to coun-
22 tries of Latin America and the Caribbean;

23 (I) any other form of military or security
24 cooperation or assistance between the Govern-
25 ment of the Russian Federation or its associ-

1 ated paramilitary organizations, and para-
2 military organizations and countries in Latin
3 America and the Caribbean;

4 (J) the nature, extent, and purpose of the
5 Government of the Russian Federation's intel-
6 ligence activities in Latin America and the Car-
7 ibbean;

8 (K) the role of the Government of the Rus-
9 sian Federation in transnational crime in Latin
10 America and the Caribbean, including drug
11 trafficking, money laundering, and organized
12 crime;

13 (L) the methods by which the Government
14 of the Russian Federation expands its influence
15 through support to transnational criminal orga-
16 nizations in Latin America and the Caribbean;
17 and

18 (M) efforts by the Government of the Rus-
19 sian Federation to build its media presence
20 through government-directed disinformation,
21 misinformation, or information warfare cam-
22 paigns in Latin America and the Caribbean, in-
23 cluding attempts to influence electoral out-
24 comes, realize military objectives, or destabilize
25 governments.

1 (3) An assessment of—

2 (A) the specific objectives that the Govern-
3 ment of the Russian Federation seeks to
4 achieve by expanding its presence and influence
5 in Latin America and the Caribbean, including
6 any objectives articulated in official documents
7 or statements;

8 (B) the degree to which the Government of
9 the Russian Federation uses its presence and
10 influence in Latin America and the Caribbean
11 to encourage, pressure, or coerce governments
12 in the region to support its defense and na-
13 tional security goals, including policy positions
14 taken by the Government of the Russian Fed-
15 eration at international institutions;

16 (C) how the Russian Federation uses mul-
17 tilateral organizations, in particular the Com-
18 munity of Latin American and Caribbean
19 States (CELAC), a regional organization that
20 excludes the United States, to expand its pres-
21 ence and influence in Latin America and the
22 Caribbean; and

23 (D) the specific actions and activities un-
24 dertaken by the Government of the Russian
25 Federation in Latin America and the Caribbean

1 that present the greatest threats or challenges
2 to the United States’ defense and national secu-
3 rity interests in the region.

4 (4) Any other matters the Secretary of State
5 determines is appropriate.

6 (c) FORM.—The report required by subsection (a)
7 shall be submitted in unclassified form without any des-
8 ignation relating to dissemination control, but may include
9 a classified annex. The report and its classified annex shall
10 be prepared consistent with the protection of intelligence
11 sources and methods.

12 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term “appropriate con-
14 gressional committees” means—

15 (1) the congressional defense committees; and
16 (2) the Committee on Foreign Relations and
17 the Select Committee on Intelligence of the Senate
18 and the Committee on Foreign Affairs and the Per-
19 manent Select Committee on Intelligence of the
20 House of Representatives.

21 **SEC. 1236. EXPANSION OF COOPERATION AND TRAINING**
22 **WITH UKRAINE.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated \$100,000,000 to build the
25 capacity of foreign security forces pursuant to relevant au-

1 thorities under title 10, United States Code. Amounts so
2 authorized shall be made available to provide assistance
3 to Ukrainian military pilots and associated persons for the
4 following purposes:

5 (1) Training and familiarity building with
6 United States fixed-wing aircraft and other air plat-
7 forms as appropriate for air-to-air and air-to-ground
8 combat.

9 (2) Training on the use of munitions sets deter-
10 mined appropriate by the Secretary of Defense.

11 (3) Establishing a rapport between the Armed
12 Forces of the United States and the armed forces of
13 Ukraine to build partnerships for the future.

14 (4) Enhancement of capabilities for aerial com-
15 bat operations.

16 (5) Focusing on the ability of Ukraine to teach
17 current and future pilots on fixed-wing aircraft and
18 other air platforms in Ukraine and elsewhere, espe-
19 cially during the ongoing Russian invasion of
20 Ukraine.

21 (6) Fostering a better understanding of the air
22 platforms, tactics, and techniques of the United
23 States and other member countries of the North At-
24 lantic Treaty Organization.

1 (b) NOTICE TO CONGRESS.—Not later than 15 days
2 before providing assistance or support using amounts
3 made available pursuant to the authorization under sub-
4 section (a), the Secretary of Defense shall submit to the
5 Committee on Appropriations of the Senate and the Com-
6 mittee on Appropriations of the House of Representatives
7 a notification containing the following elements:

8 (1) A detailed description of the assistance or
9 support to be provided, including—

10 (A) the objectives of such assistance or
11 support.

12 (B) the budget for such assistance or sup-
13 port; and

14 (C) the expected or estimated timeline for
15 delivery of such assistance or support.

16 (2) A description of such other matters as the
17 Secretary considers appropriate.

18 (c) OFFSET.—Notwithstanding the amounts set forth
19 in the funding tables in division D, the amount authorized
20 to be appropriated in section 301 for operation and main-
21 tenance, Air Force, Flying Hour Program, Line 080, as
22 specified in the corresponding funding table in section
23 4301, is hereby reduced by \$100,000,000.

1 **SEC. 1237. STATEMENT OF POLICY.**

2 It is the policy of the United States that the NATO-
3 Russia Founding Act, signed May 27, 1997, in Paris, does
4 not constrain the deployment of United States or NATO
5 forces in any way.

6 **SEC. 1238. REPORT ON DEPARTMENT OF DEFENSE PLAN**
7 **FOR RESPONDING TO RUSSIA'S INVASION OF**
8 **UKRAINE.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, and every 6 months
11 thereafter, the Secretary of Defense, in consultation with
12 the heads of other relevant Federal agencies, shall submit
13 to the congressional defense committees a report outlining
14 in detail the Department of Defense plan for responding
15 to Russia's invasion of Ukraine, initiated on February 24,
16 2022.

17 (b) MATTERS TO BE INCLUDED.—The report re-
18 quired by subsection (a) shall include—

19 (1) military assistance provided to Ukraine by
20 the Department of Defense and the programs, oper-
21 ations, and contracts to be carried out under the
22 plan described in subsection (a); and

23 (2) both the short-term (the next 6 months)
24 and long-term (the next 12 months) strategic out-
25 look or plan with respect to such programs, oper-
26 ations, and contracts.

1 **SEC. 1239. PROHIBITION ON RUSSIAN PARTICIPATION IN**
2 **THE G7.**

3 (a) STATEMENT OF POLICY.—It is the policy of the
4 United States to exclude the Russian Federation from the
5 Group of Seven or reconstitute a Group of Eight that in-
6 cludes the Russian Federation.

7 (b) LIMITATION.—Notwithstanding any other provi-
8 sion of law, no Federal funds are authorized to be appro-
9 priated or otherwise made available to take any action to
10 support or facilitate—

11 (1) the participation of the Russian Federation
12 in a Group of Seven proceeding; or

13 (2) the reconstitution of a Group of Eight that
14 includes the Russian Federation.

15 **SEC. 1240. CONDEMNING DETENTION AND INDICTMENT OF**
16 **RUSSIAN OPPOSITION LEADER VLADIMIR**
17 **VLADIMIROVICH KARA-MURZA.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) Vladimir Vladimirovich Kara-Murza (re-
20 ferred to in this section as “Mr. Kara-Murza”) has
21 tirelessly worked for decades to advance the cause of
22 freedom, democracy, and human rights for the peo-
23 ple of the Russian Federation.

24 (2) In retaliation for his advocacy, two attempts
25 have been made on Mr. Kara-Murza’s life, as—

1 (A) on May 26, 2015, Mr. Kara-Murza fell
2 ill with symptoms indicative of poisoning and
3 was hospitalized; and

4 (B) on February 2, 2017, he fell ill with
5 similar symptoms and was placed in a medically
6 induced coma.

7 (3) Independent investigations conducted by
8 Bellingcat, the Insider, and Der Spiegel found that
9 the same unit of the Federal Security Service of the
10 Russian Federation responsible for poisoning Mr.
11 Kara-Murza was responsible for poisoning Russian
12 opposition leader Alexei Navalny and activists Timur
13 Kuashev, Ruslan Magomedragimov, and Nikita
14 Isayev.

15 (4) On February 24, 2022, Vladimir Putin
16 launched another unprovoked, unjustified, and illegal
17 invasion into Ukraine in contravention of the obliga-
18 tions freely undertaken by the Russian Federation to
19 respect the territorial integrity of Ukraine under the
20 Budapest Memorandum of 1994, the Minsk proto-
21 cols of 2014 and 2015, and international law.

22 (5) On March 5, 2022, Vladimir Putin signed
23 a law criminalizing the distribution of truthful state-
24 ments about the invasion of Ukraine by the Russian

1 Federation and mandating up to 15 years in prison
2 for such offenses.

3 (6) Since February 24, 2022, Mr. Kara-Murza
4 has used his voice and platform to join more than
5 15,000 citizens of the Russian Federation in peace-
6 fully protesting the war against Ukraine and mil-
7 lions more who silently oppose the war.

8 (7) On April 11, 2022, five police officers ar-
9 rested Mr. Kara-Murza in front of his home and de-
10 nied his right to an attorney, and the next day Mr.
11 Kara-Murza was sentenced to 15 days in prison for
12 disobeying a police order.

13 (8) On April 22, 2022, the Investigative Com-
14 mittee of the Russian Federation charged Mr. Kara-
15 Murza with violations under the law signed on
16 March 5, 2022, for his fact-based statements con-
17 demning the invasion of Ukraine by the Russian
18 Federation.

19 (9) Mr. Kara-Murza was then placed into pre-
20 trial detention and ordered to be held until at least
21 June 12, 2022.

22 (10) If convicted of those charges, Mr. Kara-
23 Murza faces detention in a penitentiary system that
24 human rights nongovernmental organizations have

1 criticized for widespread torture, ill-treatment, and
2 suspicious deaths of prisoners.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that Congress—

5 (1) condemns the unjust detention and indict-
6 ing of Russian opposition leader Vladimir
7 Vladimirovich Kara-Murza, who has courageously
8 stood up to oppression in the Russian Federation;

9 (2) expresses solidarity with Vladimir
10 Vladimirovich Kara-Murza, his family, and all indi-
11 viduals in the Russian Federation imprisoned for ex-
12 ercising their fundamental freedoms of speech, as-
13 sembly, and belief;

14 (3) urges the United States Government and
15 other allied governments to work to secure the im-
16 mediate release of Vladimir Vladimirovich Kara-
17 Murza, Alexei Navalny, and other citizens of the
18 Russian Federation imprisoned for opposing the re-
19 gime of Vladimir Putin and the war against
20 Ukraine; and

21 (4) calls on the President to increase support
22 provided by the United States Government for those
23 advocating for democracy and independent media in
24 the Russian Federation, which Vladimir
25 Vladimirovich Kara-Murza has worked to advance.

1 **SEC. 1241. TASK FORCE TO TRACK SECURITY ASSISTANCE**
2 **TO UKRAINE.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of the enactment of this Act, the President shall sub-
5 mit to the congressional defense committees a report on
6 best practices for creating a Task Force or Working
7 Group to determine how to track and monitor United
8 States defense articles and defense services made available
9 to Ukraine. Such report shall also identify gaps or needs
10 for greater research investment in developing predictive
11 modeling that can forecast the movement of weapons, to
12 be used for weapons tracking in Ukraine and in future
13 conflicts where the United States provides security assist-
14 ance.

15 (b) IMPLEMENTATION.—Not later than 180 days
16 after the date of the submission of the report required by
17 subsection (a), the best practices and recommendations
18 identified in such report shall be implemented.

19 (c) UPDATE.—The President shall provide to the con-
20 gressional defense committees quarterly updates on the
21 progress of implementation in accordance with subsection
22 (b).

23 **SEC. 1242. REPORT ON RISK OF NUCLEAR WAR IN UKRAINE.**

24 (a) IN GENERAL.—The Secretary of Defense Depart-
25 ment shall provide Congress with a risk assessment on the
26 likelihood of the use of a nuclear weapon as a result of

1 the Russian invasion of Ukraine and whether and by how
2 much this risk increases the longer that the war continues.

3 (b) FORM.—The report required by subsection (a)
4 shall be submitted in unclassified form but may include
5 a classified annex.

6 **SEC. 1243. REPORT ON DISTRIBUTION AND USE OF WEAP-**
7 **ONS IN UKRAINE.**

8 (a) IN GENERAL.—The Secretary of Defense shall
9 submit a report to Congress describing—

10 (1) the distribution and use of United States
11 weaponry provided to the Ukrainian military includ-
12 ing compliance with United States law, including
13 those prohibiting such weaponry from being provided
14 to extremist groups; and

15 (2) any efforts underway to prevent the illicit
16 distribution or use of such weapons and the effec-
17 tiveness of any such efforts.

18 (b) FORM.—The report required by subsection (a)
19 shall be submitted in unclassified form but may include
20 a classified annex.

21 **SEC. 1244. REPORT FROM COUNCIL OF THE INSPECTORS**
22 **GENERAL ON UKRAINE.**

23 Not later than September 1, 2024, the Chairperson
24 of the Council of the Inspectors General on Integrity and
25 Efficiency shall submit to the congressional defense com-

1 mittees, the Committee on Foreign Affairs of the House
2 of Representatives, and the Committee on Foreign Rela-
3 tions of the Senate a report on the oversight infrastructure
4 established with respect to United States assistance to
5 Ukraine, that also includes the following:

6 (1) the structure the Federal Government is
7 currently using or plans to adopt (including the spe-
8 cific agencies charged) to oversee the expenditure of
9 assistance to Ukraine;

10 (2) whether that oversight structure is best
11 suited to conduct such oversight;

12 (3) whether there are any gaps in oversight
13 over the expenditure of funds for assistance to
14 Ukraine;

15 (4) whether the agencies identified pursuant to
16 paragraph (1) are positioned to be able to accurately
17 oversee and track United States assistance to
18 Ukraine over the long term; and

19 (5) the lessons learned from the manner in
20 which oversight over expenditures of assistance to
21 Ukraine has been conducted.

**Subtitle E—Matters Relating to
Europe and NATO**

**SEC. 1261. SENSE OF CONGRESS ON UNITED STATES DE-
FENSE POSTURE IN EUROPE FOLLOWING
THE FURTHER INVASION OF UKRAINE.**

It is the sense of Congress as follows:

(1) The further invasion of Ukraine presents a sea change to the security environment in Europe that requires a long-term shift in the force posture of the United States and its allies, in order to ensure the maintenance of collective deterrence. As General Milley, Chairman of the Joint Chiefs, recently noted, “We are witness to the greatest threat to peace and security of Europe and perhaps the world in my 42 years of service in uniform. The Russian invasion of Ukraine is threatening to undermine not only European peace and stability but global peace and stability. * * * We are at a pivot point in the geostrategic history of Europe and perhaps the globe.”.

(2) Adjustments to force posture in Europe must be commensurate to this challenge. Alongside allied investments, it is necessary for the United States to alter its force posture to establish additional permanently stationed and continuous rota-

1 tional forces along Europe’s eastern flank. Given the
2 current conditions, it would be untenable for the
3 United States to seek to revert to United States
4 force levels and positioning present in Europe before
5 Russia’s further invasion of Ukraine, to rely solely
6 on allied forces for further force posture enhance-
7 ments, or adopt a path to transition away from in-
8 vestments in Europe through the European Deter-
9 rence Initiative (EDI), except for exceptional cases.

10 (3) As General Tod Wolters, Commander of
11 U.S. European Command, has stated, investments
12 made through EDI since 2014 have proved essential
13 to the United States ability to respond to the
14 Ukraine crisis, deploying units in 5 days that would
15 have taken as long as 21 days. General Wolters fur-
16 ther stated, “To take an Armored Brigade Combat
17 Team and launch it from the continental United
18 States, and put it on European turf, and have the
19 tanks that comprise that Brigade Combat Team to
20 shoot, move, and communicate and fire on range in
21 one week is an amazing accomplishment. And that
22 was facilitated by those Army Prepositioned Stocks
23 and it was practiced in previous exercises which are
24 part of the EDI fund. I would just say that when
25 we demonstrated to the European community, and

1 to the NATO community, and to the world how well
2 we can shoot, move, and communicate and transition
3 a large force from CONUS to Europe at that pace,
4 it's something that demonstrates the great value of
5 EDI.”.

6 (4) Past decisions made by the Department of
7 Defense and Congress about prepositioned stocks,
8 mobility, and funding for EDI led directly to this
9 ability to quickly reinforce the area of operations in
10 this crisis, and EDI investments will be crucial for
11 adaptation to the new European security environ-
12 ment. The Department of Defense should continue
13 to strongly support EDI investments with a focus on
14 adapting deterrence to the new security environment
15 and incorporating lessons learned from the conflict
16 in Ukraine, and it should not seek a path to EDI’s
17 sunset.

18 (5) The United States recognizes that strong
19 alliances and partnerships are crucial to the mainte-
20 nance of United States national and global security.
21 The NATO alliance has grown more robust and
22 more united in response to Russia’s aggression in
23 Ukraine. Members of NATO have announced sub-
24 stantial changes in their defense commitments,
25 adopting measures to meet and exceed their Wales

1 Pledge commitments to spend 2 percent of Gross
2 Domestic Product on defense and increasing com-
3 mitments to NATO battle group and air policing
4 missions, while sending vital defense assistance to
5 Ukraine. Congress commends such members of
6 NATO for their adoption and sustainment of these
7 efforts. Such commitments are vital to the long-term
8 effort required to maintain deterrence in the Euro-
9 pean theater. The United States should continue to
10 work with allies on complementary investments to
11 establish in Europe a mature, fully integrated deter-
12 rence platform capable of responding to the ex-
13 panded threat of Russian aggression and supporting
14 NATO allies' ongoing efforts to collectively resist di-
15 rect and hybrid threats to shared values, interests,
16 and ideals.

17 (6) The United States should also redouble ef-
18 forts to assist NATO allies, particularly on Europe's
19 eastern periphery, in modernizing and integrating
20 their defense capabilities taking into account lessons
21 from Russia's war in Ukraine, including efforts to
22 provide artillery, MLRS, MANPADS, air defenses,
23 and other capabilities.

24 (7) As it reinforces deterrence, the United
25 States should recognize the acute risks now facing

1 allies on Russia’s periphery and pursue national se-
2 curity investments and strategies commensurate to
3 the challenge, including additional EDI programs, in
4 the Black Sea, the Baltics, the Arctic, and Central
5 Europe, in order to maintain the credibility of the
6 “sacred obligation under Article 5 of the North At-
7 lantic Treaty to defend every inch of NATO terri-
8 tory.”.

9 (8) Likewise, the United States should keep in
10 mind the particularly significant challenges posed to
11 non-NATO European partners and seek security
12 strategies to continue cooperation and support their
13 sovereign rights, while also pursuing security policies
14 that support stability in areas of substantial malign
15 effort such as the Western Balkans.

16 (9) The United States continues to recognize
17 the importance of the long-term Baltic Security Ini-
18 tiative assistance plan that the Department of De-
19 fense is carrying out under section 333 of title 10,
20 United States Code, and the crucial role that such
21 investments play in deterring Russian aggression in
22 that region.

1 **SEC. 1262. SENSE OF CONGRESS ON NATO MEMBERSHIP**
2 **FOR FINLAND AND SWEDEN.**

3 It is the sense of Congress that the United States
4 strongly supports membership for Finland and Sweden in
5 the North Atlantic Treaty Organization (NATO).

6 **SEC. 1263. MATTERS RELATING TO CLIMATE CHANGE AT**
7 **NATO.**

8 The President shall direct the United States Perma-
9 nent Representative to the North Atlantic Treaty Organi-
10 zation (NATO) to—

11 (1) advocate for adequate resources towards un-
12 derstanding and communicating the threat posed by
13 climate change to allied civil security (specifically for
14 the climate action and resilience agendas);

15 (2) support the establishment of a NATO Cen-
16 ter of Excellence for Climate and Security;

17 (3) advocate for an in-depth critical assessment
18 of NATO's vulnerability to the impacts of climate
19 change, building upon the Secretary General's 2022
20 climate change and security impact assessment, that
21 evaluates and analyzes NATO's resilience in re-
22 sponding to the threat climate change will pose on
23 migration, food insecurity, and housing insecurity;
24 and

1 (4) communicate the core security challenge
2 posed by climate change as articulated in NATO's
3 strategic concept.

4 **SEC. 1264. BALTIC REASSURANCE ACT.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) The Russian Federation seeks to diminish
7 the North Atlantic Treaty Organization (NATO)
8 and recreate its sphere of influence in Europe using
9 coercion, intimidation, and outright aggression.

10 (2) Deterring the Russian Federation from
11 such aggression is vital for transatlantic security.

12 (3) The illegal occupation of Crimea by the
13 Russian Federation and its continued engagement of
14 destabilizing and subversive activities against inde-
15 pendent and free states is of increasing concern.

16 (4) The Russian Federation also continues to
17 disregard treaties, international laws and rights to
18 freedom of navigation, territorial integrity, and sov-
19 ereign international borders.

20 (5) The Russian Federation's continued occupa-
21 tion of Georgian and Ukrainian territories and the
22 sustained military buildup in the Russian Federa-
23 tion's Western Military District and Kaliningrad has
24 threatened continental peace and stability.

1 (6) The Baltic countries of Estonia, Latvia, and
2 Lithuania are particularly vulnerable to an increas-
3 ingly aggressive and subversive Russian Federation.

4 (7) In a declaration to celebrate 100 years of
5 independence of Estonia, Latvia, and Lithuania
6 issued on April 3, 2018, the Trump Administration
7 reaffirmed United States commitments to these Bal-
8 tic countries to “improve military readiness and ca-
9 pabilities through sustained security assistance” and
10 “explore new ideas and opportunities, including air
11 defense, bilaterally and in NATO, to enhance deter-
12 rence across the region”.

13 (8) These highly valued NATO allies of the
14 United States have repeatedly demonstrated their
15 commitment to advancing mutual interests as well
16 as those of the NATO alliance.

17 (9) The Baltic countries also continue to par-
18 ticipate in United States-led exercises to further pro-
19 mote coordination, cooperation, and interoperability
20 among allies and partner countries, and continue to
21 demonstrate their reliability and commitment to pro-
22 vide for their own defense.

23 (10) Lithuania, Latvia, and Estonia each hosts
24 a respected NATO Center of Excellence that pro-

1 vides expertise to educate and promote NATO allies
2 and partners in areas of vital interest to the alliance.

3 (11) United States support and commitment to
4 allies across Europe has been a lynchpin for peace
5 and security on the continent for over 70 years.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress as follows:

8 (1) The United States is committed to the secu-
9 rity of the Baltic countries and should strengthen
10 cooperation and support capacity-building initiatives
11 aimed at improving the defense and security of such
12 countries.

13 (2) The United States should lead a multilat-
14 eral effort to develop a strategy to deepen joint ca-
15 pabilities with Lithuania, Latvia, Estonia, NATO al-
16 lies, and other regional partners, to deter against ag-
17 gression from the Russian Federation in the Baltic
18 region, specifically in areas that would strengthen
19 interoperability, joint capabilities, and military readi-
20 ness necessary for Baltic countries to strengthen
21 their national resilience.

22 (3) The United States should explore the feasi-
23 bility of providing long range, mobile air defense sys-
24 tems in the Baltic region, including through
25 leveraging cost-sharing mechanisms and multilateral

1 deployment with NATO allies to reduce financial
2 burdens on host countries.

3 (c) DEFENSE ASSESSMENT.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of the enactment of this Act, the Secretary
6 of Defense shall, in consultation with appropriate
7 counterparts of Lithuania, Latvia, Estonia, North
8 Atlantic Treaty Organization (NATO) allies, and
9 other regional partners, conduct a comprehensive,
10 multilateral assessment of the military requirements
11 of such countries to deter and resist aggression by
12 the Russian Federation that—

13 (A) provides an assessment of past and
14 current initiatives to improve the efficiency, ef-
15 fectiveness, readiness, and interoperability of
16 Lithuania, Latvia, and Estonia's national de-
17 fense capabilities; and

18 (B) assesses the manner in which to meet
19 those objectives, including future resource re-
20 quirements and recommendations, by under-
21 taking activities in the following areas:

22 (i) Activities to increase the rotational
23 and forward presence, improve the capa-
24 bilities, and enhance the posture and re-

1 sponse readiness of the United States or
2 forces of NATO in the Baltic region.

3 (ii) Activities to improve air defense
4 systems, including modern air-surveillance
5 capabilities.

6 (iii) Activities to improve counter-un-
7 manned aerial system capabilities.

8 (iv) Activities to improve command
9 and control capabilities through increasing
10 communications, technology, and intel-
11 ligence capacity and coordination, includ-
12 ing secure and hardened communications.

13 (v) Activities to improve intelligence,
14 surveillance, and reconnaissance capabili-
15 ties.

16 (vi) Activities to enhance maritime do-
17 main awareness.

18 (vii) Activities to improve military and
19 defense infrastructure, logistics, and ac-
20 cess, particularly transport of military sup-
21 plies and equipment.

22 (viii) Investments to ammunition
23 stocks and storage.

1 (ix) Activities and training to enhance
2 cyber security and electronic warfare capa-
3 bilities.

4 (x) Bilateral and multilateral training
5 and exercises.

6 (xi) New and existing cost-sharing
7 mechanisms with United States and
8 NATO allies to reduce financial burden.

9 (2) REPORT.—Not later than 1 year after the
10 date of the enactment of this Act, the Secretary of
11 Defense shall submit to the congressional defense
12 committees a report that includes each of the fol-
13 lowing:

14 (A) A report on the findings of the assess-
15 ment conducted pursuant to subsection (a).

16 (B) A list of any recommendations result-
17 ing from such assessment.

18 (C) An assessment of the resource require-
19 ments to achieve the objectives described in
20 subsection (a)(1) with respect to the national
21 defense capability of Baltic countries, including
22 potential investments by host countries.

23 (D) A plan for the United States to use
24 appropriate security cooperation authorities or
25 other authorities to—

1 (i) facilitate relevant recommendations
2 included in the list described in paragraph
3 (2);

4 (ii) expand joint training between the
5 Armed Forces and the military of Lith-
6 uania, Latvia, or Estonia, including with
7 the participation of other NATO allies; and
8 (iii) support United States foreign
9 military sales and other equipment trans-
10 fers to Baltic countries especially for the
11 activities described in subparagraphs (A)
12 through (I) of subsection (a)(2).

13 (d) CONGRESSIONAL DEFENSE COMMITTEES DE-
14 FINED.—For purposes of this section, the term “congres-
15 sional defense committees” includes—

16 (1) the Committee on Foreign Affairs of the
17 House of Representatives; and

18 (2) the Committee on Foreign Relations of the
19 Senate.

20 **SEC. 1265. REPORT ON EFFORTS OF NATO TO COUNTER**
21 **MISINFORMATION AND DISINFORMATION.**

22 (a) IN GENERAL.—Not later than one year after the
23 date of the enactment of this Act, the Secretary of State,
24 in consultation with the Secretary of Defense, shall submit
25 to the congressional committees specified in subsection (b)

1 a report on efforts of the North Atlantic Treaty Organiza-
2 tion (NATO) and NATO member states to counter misin-
3 formation and disinformation.

4 (b) CONGRESSIONAL COMMITTEES SPECIFIED.—The
5 congressional committees specified in this subsection are
6 the Committee on Armed Services and the Committee on
7 Foreign Affairs of the House of Representatives and the
8 Committee on Armed Services and the Committee on For-
9 eign Relations of the Senate.

10 (c) ELEMENTS.—The report required by subsection
11 (a) shall—

12 (1) assess—

13 (A) vulnerabilities of NATO member states
14 and NATO to misinformation and
15 disinformation and describe efforts to counter
16 such activities;

17 (B) the capacity and efforts of NATO
18 member states and NATO to counter misin-
19 formation and disinformation, including United
20 States cooperation with other NATO members
21 states; and

22 (C) misinformation and disinformation
23 campaigns carried out by authoritarian states,
24 particularly Russia and China; and

1 (2) include recommendations to counter misin-
2 formation and disinformation.

3 **SEC. 1266. IMPROVEMENTS TO THE NATO STRATEGIC COM-**
4 **MUNICATIONS CENTER OF EXCELLENCE.**

5 (a) **PRIORITIZATION.**—The Secretary of Defense
6 shall seek to prioritize funding through NATO’s common
7 budget to—

8 (1) enhance the capability, cooperation, and in-
9 formation sharing among NATO, NATO member
10 countries, and partners, with respect to strategic
11 communications and information operations; and

12 (2) facilitate education, research and develop-
13 ment, lessons learned, and consultation in strategic
14 communications and information operations.

15 (b) **CERTIFICATION.**—Not later than 180 days after
16 the date of the enactment of this Act, the Secretary of
17 Defense shall certify to the appropriate congressional com-
18 mittees that the Secretary has assigned executive agent
19 responsibility for the Center to an appropriate organiza-
20 tion within the Department of Defense, and detail the
21 steps being under taken to strengthen the role of Center
22 in fostering strategic communications and information op-
23 erations within NATO.

24 (c) **REPORT REQUIRED.**—Not later than 1 year after
25 the date of the enactment of this Act, the Secretary of

1 Defense, in coordination with the Secretary of State, shall
2 submit to the appropriate congressional committees a re-
3 port outlining—

4 (1) the recommendations of the Secretary with
5 respect to improving strategic communications with-
6 in NATO; and

7 (2) the recommendations of the Secretary with
8 respect to strengthening the role of the Center in
9 fostering strategic communications and information
10 operations within NATO.

11 (d) BRIEFINGS REQUIRED.—The Secretary of De-
12 fense shall brief the appropriate congressional committees
13 on a biannual basis on—

14 (1) the efforts of the Department of Defense to
15 strengthen the role of the Center in fostering stra-
16 tegic communications and information operations
17 within NATO;

18 (2) how the Department of Defense is working
19 with the NATO Strategic Communications Center of
20 Excellence and the interagency to improve NATO's
21 ability to counter and mitigate disinformation, active
22 measures, propaganda, and denial and deception ac-
23 tivities of Russia and China; and

24 (3) how the Department of Defense is devel-
25 oping ways to improve strategic communications

1 within NATO, including by enhancing the capacity
2 of and coordination with the NATO Strategic Com-
3 munications Center of Excellence.

4 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
5 FINED.—In this section, the term “appropriate congres-
6 sional committees” means the following:

7 (1) The Committee on Armed Services and the
8 Committee on Foreign Affairs of the House of Rep-
9 resentatives.

10 (2) The Committee on Armed Services and the
11 Committee on Foreign Relations of the Senate.

12 **SEC. 1267. SENSE OF CONGRESS ON ENHANCING STRA-**
13 **TEGIC PARTNERSHIP, DEFENSE AND SECU-**
14 **RITY COOPERATION WITH GEORGIA.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) Georgia is a valued friend and strategic
17 partner of the United States and a NATO aspirant
18 that has consistently sought to advance shared val-
19 ues and mutual interests to include deploying along-
20 side United States forces in Iraq and Afghanistan.

21 (2) Over the past 30 years of partnership, the
22 United States has contributed to strengthening
23 Georgia’s progress on the path of European and
24 Euro-Atlantic integration.

1 (3) Security in the Black Sea region is a matter
2 of strategic importance for the United States, espe-
3 cially amid Russia’s unprovoked and unjustified war
4 on Ukraine. Enhancing Georgia’s self-defense and
5 whole-of-government resistance and resilience capac-
6 ity is critical for Euro-Atlantic security, the United
7 States’s national security objectives and strategic in-
8 terests in the Black Sea region.

9 (4) Georgia is a significant economic, energy
10 transit, and international trade hub. Georgia is an
11 integral part of the East-West corridor that is vital
12 to European energy security and diversification of
13 strategic supply-chain routes for the United States
14 and Europe.

15 (5) Continuous illegal occupation of two Geor-
16 gian regions by Russia, its accelerated attempts of
17 de-facto annexation of both regions and hybrid war-
18 fare tactics including political interference, cyber-at-
19 tacks, and disinformation and propaganda cam-
20 paigns pose immediate challenges to the national se-
21 curity of Georgia and the security of Europe.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the United States should—

24 (1) reaffirm support and take steps to enhance
25 and deepen the steadfast strategic partnership in all

1 priority areas of the 2009 United States—Georgia
2 Charter on Strategic Partnership and in line with
3 the 2016 Memorandum of Understanding on Deep-
4 ening the Defense and Security Partnership between
5 the United States and Georgia;

6 (2) continue firm support to Georgia’s sov-
7 ereignty and territorial integrity within its inter-
8 nationally recognized borders;

9 (3) intensify efforts towards de-occupation of
10 Georgia’s territories and peaceful resolution of Rus-
11 sia-Georgia conflict, including through consolidation
12 of decisive international action to ensure full and un-
13 conditional fulfilment by the Russian Federation of
14 its international obligations, inter alia implementa-
15 tion of the EU-mediated 12 August 2008 Ceasefire
16 Agreement;

17 (4) continue strong support and meaningful
18 participation in the Geneva International Discus-
19 sions for ensuring implementation of the Ceasefire
20 Agreement by the Russian Federation and achieving
21 lasting peace and security in Georgia;

22 (5) continue working to strengthen press free-
23 dom, democratic institutions, and the rule of law in
24 Georgia in order to help secure its path of Euro-At-

1 atlantic integration and aspirant NATO and EU mem-
2 bership;

3 (6) prioritize and deepen defense and security
4 cooperation with Georgia, including the full imple-
5 mentation and potential acceleration of the Georgia
6 Defense and Deterrence Enhancement Initiative, in-
7 creased military financing of Georgia's equipment
8 modernization plans to enhance Georgia's deter-
9 rence, territorial defense, whole-of-government re-
10 sistance and resilience capacity, and to foster readi-
11 ness and NATO interoperability;

12 (7) support existing and new cooperation for-
13 mats to bolster cooperation among NATO, Georgia
14 and Black Sea regional partners to enhance Black
15 Sea security especially in the changed security envi-
16 ronment including increasing the frequency, scale
17 and scope of exercises such as NATO Article 5 exer-
18 cises and assistance to Georgia's Defense Forces
19 modernization efforts;

20 (8) enhance assistance to Georgia in the cyber
21 domain through training, education, and technical
22 assistance to enable Georgia to prevent, mitigate and
23 respond to cyber threats; and

24 (9) continue support and assistance to Georgia
25 in countering Russian disinformation and propa-

1 ganda campaigns intended to undermine the sov-
2 ereignty of Georgia, credibility of its democratic in-
3 stitutions and European and Euro-Atlantic integra-
4 tion.

5 **SEC. 1268. REPORT ON IMPROVED DIPLOMATIC RELATIONS**
6 **AND DEFENSE RELATIONSHIP WITH ALBA-**
7 **NIA.**

8 (a) APPROPRIATE CONGRESSIONAL COMMITTEES.—

9 In this section, the term “appropriate congressional com-
10 mittees” means—

11 (1) the Committee on Foreign Relations and
12 the Committee on Armed Services of the Senate; and

13 (2) the Committee on Foreign Affairs and the
14 Committee on Armed Services of the House of Rep-
15 resentatives.

16 (b) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Secretary of Defense,
18 jointly with the Secretary of State, shall submit to the ap-
19 propriate congressional committees an assessment of the
20 viability of military infrastructure in Durrës, Albania, and
21 Vlorë, Albania, as locations for cooperative security activi-
22 ties, including NATO activities and exercises that advance
23 NATO and shared security objectives and enhance inter-
24 operability. The report shall also include a description
25 of—

1 (1) opportunities for the United States to sup-
2 port training for Albania’s military forces;

3 (2) the current status of such training activities
4 with Albania, including the level of progress toward
5 interoperability, absorption of assistance, ability to
6 sustain equipment provided, and other relevant fac-
7 tors that enhance Albania’s ability to contribute to
8 NATO objectives and maritime security; and

9 (3) a cost estimate for any potential U.S. in-
10 vestments and activities.

11 **SEC. 1269. RESTRICTION OF ENTITIES FROM USING FED-**
12 **ERAL FUNDS FROM ENGAGING, ENTERING**
13 **INTO, AND AWARDING PUBLIC WORKS CON-**
14 **TRACTS.**

15 (a) IN GENERAL.—Chapter 33 of title 40, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 3320. Restriction of entities from using Federal**
19 **funds to engage, enter into, and award**
20 **public works contracts**

21 “(a) IN GENERAL.—Notwithstanding any other pro-
22 vision of law, Federal funds may not be provided to any
23 covered entity for any covered public works project.

24 “(b) REQUIREMENTS.—Any entity receiving funds
25 for any covered public works project shall be free from

1 any obligations, influences, or connections to any covered
2 entity.

3 “(c) EXCEPTION.—This section shall only apply to
4 projects that are located in the United States.

5 “(d) DEFINITIONS.—In this section:

6 “(1) COVERED ENTITY.—The term ‘covered en-
7 tity’ means any entity that—

8 “(A) is headquartered in China;

9 “(B) is owned, directed, controlled, fi-
10 nanced, or influenced directly or indirectly by
11 the Government of the People’s Republic of
12 China, the CCP, or the Chinese military, in-
13 cluding any entity for which the Government of
14 the People’s Republic of China, the CCP, or the
15 Chinese military have the ability, through own-
16 ership of a majority or a dominant minority of
17 the total outstanding voting interest in an enti-
18 ty, board representation, proxy voting, a special
19 share, contractual arrangements, formal or in-
20 formal arrangements to act in concert, or other
21 means, to determine, direct, or decide for an
22 entity in an important manner; or

23 “(C) is a parent, subsidiary, or affiliate of
24 any entity described in subparagraph (B).

1 “(2) COVERED PUBLIC WORKS PROJECT.—The
 2 term ‘covered public works project’ means any
 3 project of the construction, repair, renovation, or
 4 maintenance of public buildings, structures, sewers,
 5 water works, roads, bridges, docks, underpasses and
 6 viaducts, as well as any other improvement to be
 7 constructed, repaired or renovated or maintained on
 8 public property to be paid, in whole or in part, with
 9 public funds or with financing to be retired with
 10 public funds in the form of lease payments or other-
 11 wise.”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
 13 ter 33 of title 40, United States Code, is amended by add-
 14 ing at the end the following:

“3320. Restriction of entities from using Federal funds to engage, enter into,
 and award public works contracts.”.

15 (c) NON-FEDERAL PUBLIC WORKS.—Chapter 35 of
 16 title 40, United States Code, is amended by adding at the
 17 end the following:

18 **“§ 3506. Restriction of States and local governments**
 19 **from using Federal funds to engage,**
 20 **enter into, and award public works con-**
 21 **tracts**

22 “(a) IN GENERAL.—A State or local government re-
 23 ceiving Federal funds may not provide such funds to any
 24 covered entity for any covered public works project.

1 “(b) REQUIREMENTS.—A State or local government
2 shall verify that any entity receiving funds for any covered
3 public works project is free from any obligations, influ-
4 ences, or connections to any covered entity.

5 “(c) EXCEPTION.—This section shall only apply to
6 projects that are located in a State.

7 “(d) DEFINITIONS.—In this section:

8 “(1) COVERED ENTITY.—The term ‘covered en-
9 tity’ means any entity that—

10 “(A) is headquartered in China;

11 “(B) is owned, directed, controlled, fi-
12 nanced, or influenced directly or indirectly by
13 the Government of the People’s Republic of
14 China, the CCP, or the Chinese military, in-
15 cluding any entity for which the Government of
16 the People’s Republic of China, the CCP, or the
17 Chinese military have the ability, through own-
18 ership of a majority or a dominant minority of
19 the total outstanding voting interest in an enti-
20 ty, board representation, proxy voting, a special
21 share, contractual arrangements, formal or in-
22 formal arrangements to act in concert, or other
23 means, to determine, direct, or decide for an
24 entity in an important manner; or

1 “(C) is a parent, subsidiary, or affiliate of
2 any entity described in subparagraph (B).

3 “(2) COVERED PUBLIC WORKS PROJECT.—The
4 term ‘covered public works project’ means any
5 project of the construction, repair, renovation, or
6 maintenance of public buildings, structures, sewers,
7 water works, roads, bridges, docks, underpasses and
8 viaducts, as well as any other improvement to be
9 constructed, repaired or renovated or maintained on
10 public property to be paid, in whole or in part, with
11 public funds or with financing to be retired with
12 public funds in the form of lease payments or other-
13 wise.”.

14 (d) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 35 of title 40, United States Code, is amended by add-
16 ing at the end the following:

 “3506. Restriction of States and local governments from using Federal funds
 to engage, enter into, and award public works contracts.”.

17 (e) UPDATING REGULATIONS.—The Federal Acquisi-
18 tion Regulation and the Defense Federal Acquisition Reg-
19 ulation shall be revised to implement the provisions of this
20 Act.

21 (f) RULE OF APPLICABILITY.—The amendments
22 made by this section shall take effect, and shall apply to
23 projects beginning on or after, 180 days after the date
24 of enactment of this Act.

1 **SEC. 1270. MODIFICATION TO UNITED STATES MEMBER-**
2 **SHIP IN INTERPARLIAMENTARY GROUP.**

3 Section 1316(b) of the National Defense Authoriza-
4 tion Act for Fiscal Year 2022 (Public Law 117–81; 135
5 Stat. 2001) is amended to read as follows:

6 “(b) MEMBERSHIP.—The Cyprus, Greece, Israel, and
7 the United States 3+1 Interparliamentary Group shall in-
8 clude a group, to be known as the ‘United States group’,
9 that consists of—

10 “(1) not more than 6 United States Senators,
11 who shall be appointed jointly by the majority leader
12 and the minority leader of the Senate; and

13 “(2) not more than 6 Members of the United
14 States House of Representatives, who shall be ap-
15 pointed jointly by the Speaker and minority leader
16 of the House of Representatives.”.

17 **SEC. 1271. LIMITATION ON TRANSFER OF F-16 AIRCRAFT.**

18 The President may not sell or authorize a license for
19 the export of new F–16 aircraft or F–16 upgrade tech-
20 nology or modernization kits pursuant to any authority
21 provided by the Arms Export Control Act (22 U.S.C. 2751
22 et seq.) to the Government of Turkey, or to any agency
23 or instrumentality of Turkey unless the President provides
24 to the Committee on Foreign Relations of the Senate, the
25 Committee on Foreign Affairs of the House of Representa-

1 tives, and the congressional defense committees a certifi-
 2 cation—

3 (1) that such transfer is in the national interest
 4 of the United States; and

5 (2) that includes a detailed description of con-
 6 crete steps taken to ensure that such F-16s are not
 7 used by Turkey for repeated unauthorized territorial
 8 overflights of Greece.

9 **TITLE XIII—OTHER MATTERS**
 10 **RELATING TO FOREIGN NA-**
 11 **TIONS**

12 **Subtitle A—Matters Relating to the**
 13 **Indo-Pacific Region**

14 **SEC. 1301. MODIFICATION TO ANNUAL REPORT ON MILI-**
 15 **TARY AND SECURITY DEVELOPMENTS IN-**
 16 **VOLVING THE PEOPLE’S REPUBLIC OF**
 17 **CHINA.**

18 Section 1202(b) of the National Defense Authoriza-
 19 tion Act for Fiscal Year 2000 (10 U.S.C. 113 note) is
 20 amended as follows:

21 (1) In paragraph (5)—

22 (A) in subparagraph (B)—

23 (i) by striking “A summary” and in-
 24 serting “a summary”; and

1 (ii) by striking “; and” at the end and
2 inserting a semicolon;

3 (B) in subparagraph (C), by striking the
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(D) the doctrine, capabilities, organiza-
8 tion, and operational employment of the Peo-
9 ple’s Liberation Army special operations
10 forces.”.

11 (2) In paragraph (8), by adding at the end the
12 following new subparagraph:

13 “(F) Special operations capabilities.”.

14 (3) By redesignating paragraph (14) as para-
15 graph (15).

16 (4) By inserting after paragraph (13) the fol-
17 lowing:

18 “(14) An analysis of the activities of the Peo-
19 ple’s Republic of China in the Pacific Islands re-
20 gion.”.

21 **SEC. 1302. SENSE OF CONGRESS ON SOUTH KOREA.**

22 It is the sense of Congress that—

23 (1) South Korea continues to be a critical ally
24 of the United States;

1 (2) the presence of United States Armed Forces
2 in South Korea serves as a strong deterrent against
3 North Korean military aggression and as a critical
4 support platform for national security engagements
5 in the Indo-Pacific region;

6 (3) the presence of approximately 28,500 mem-
7 bers of the United States Armed Forces deployed to
8 South Korea serves not only as a stabilizing force to
9 the Korean peninsula but also as a reassurance to
10 all our allies in the region; and

11 (4) the United States should continue to—

12 (A) maintain and strengthen its bilateral
13 relationship with South Korea and with other
14 regional allies such as Japan; and

15 (B) maintain its existing robust military
16 presence in South Korea to deter aggression
17 against the United States and its allies and
18 partners.

19 **SEC. 1303. SENSE OF CONGRESS ON TAIWAN DEFENSE RE-**
20 **LATIONS.**

21 It is the sense of Congress that—

22 (1) the Taiwan Relations Act (Public Law 96-
23 8; 22 U.S.C. et seq.) and the Six Assurances pro-
24 vided by the United States to Taiwan in July 1982

1 are the foundation for United States-Taiwan rela-
2 tions;

3 (2) as set forth in the Taiwan Relations Act,
4 the United States decision to establish diplomatic re-
5 lations with the People's Republic of China rests
6 upon the expectation that the future of Taiwan will
7 be determined by peaceful means, and that any ef-
8 fort to determine the future of Taiwan by other than
9 peaceful means, including boycotts and embargoes,
10 is of grave concern to the United States;

11 (3) the increasingly coercive and aggressive be-
12 havior of the People's Republic of China toward Tai-
13 wan is contrary to the expectation of the peaceful
14 resolution of the future of Taiwan;

15 (4) as set forth in the Taiwan Relations Act,
16 the capacity to resist any resort to force or other
17 forms of coercion that would jeopardize the security,
18 or the social or economic system, of the people on
19 Taiwan should be maintained;

20 (5) the United States should continue to sup-
21 port the development of capable, ready, and modern
22 defense forces necessary for Taiwan to maintain a
23 sufficient self-defense capability, including by—

24 (A) supporting acquisition by Taiwan of
25 defense articles and services through foreign

1 military sales, direct commercial sales, and in-
2 dustrial cooperation, with an emphasis on capa-
3 bilities that support the asymmetric defense
4 strategy of Taiwan, including anti- ship, coastal
5 defense, anti-armor, air defense, undersea war-
6 fare, advanced command, control, communica-
7 tions, computers, intelligence, surveillance, and
8 reconnaissance, and resilient command and con-
9 trol capabilities;

10 (B) ensuring timely review of and response
11 to requests of Taiwan for defense articles and
12 services;

13 (C) conducting practical training and mili-
14 tary exercises with Taiwan that enable Taiwan
15 to maintain a sufficient self- defense capability,
16 as described in the Taiwan Relations Act;

17 (D) exchanges between defense officials
18 and officers of the United States and Taiwan at
19 the strategic, policy, and functional levels, con-
20 sistent with the Taiwan Travel Act (Public Law
21 115-135; 132 Stat. 341), especially for the pur-
22 poses of—

23 (i) enhancing cooperation on defense
24 planning;

1 (ii) improving the interoperability of
2 the military forces of the United States
3 and Taiwan; and

4 (iii) improving the reserve force of
5 Taiwan;

6 (E) identifying improvements in Taiwan's
7 ability to use asymmetric military capabilities to
8 enhance its defensive capabilities, as described
9 in the Taiwan Relations Act; and

10 (F) expanding cooperation in humanitarian
11 assistance and disaster relief; and

12 (6) the United States should be committed to
13 the defense of a free and open society in the face of
14 aggressive efforts by the Government of the People's
15 Republic of China to curtail or influence the free ex-
16 ercise of rights and democratic franchise.

17 **SEC. 1304. SENSE OF CONGRESS AND REPORT ON UNITED**
18 **STATES SECURITY COOPERATION WITH**
19 **INDIA.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that the United States—

22 (1) should build upon the 2016 designation of
23 India as a Major Defense Partner of the United
24 States by seeking to improve interoperability and ac-

1 tively looking for opportunities for joint military ex-
2 ercises; and

3 (2) should strengthen security cooperation with
4 India in the Indian Ocean by—

5 (A) conducting high-end exercises and in-
6 creasing joint training exercises;

7 (B) expanding the geographic scope of
8 joint military activities between relevant United
9 States commands and the Indian military in the
10 Western Indian Ocean; and

11 (C) expanding military training programs
12 and exercises, including humanitarian assist-
13 ance and disaster relief exercises.

14 (b) REPORT REQUIRED.—Not later than March 1,
15 2023, the Under Secretary of Defense for Policy, in co-
16 ordination with the Commander of United States Indo-
17 Pacific Command and the Director of the Defense Secu-
18 rity Cooperation Agency, shall submit to the congressional
19 defense committees, the Committee on Foreign Affairs of
20 the House of Representatives, and the Committee on For-
21 eign Relations of the Senate a report regarding—

22 (1) opportunities for deeper defense cooperation
23 with India;

24 (2) the defense relationship between the Rus-
25 sian Federation and India;

1 (3) the defense relationship between the Peo-
2 ple's Republic of China and India; and

3 (4) the defense relationship between the United
4 States, Australia, Japan, and India.

5 **SEC. 1305. MODIFICATION TO REPORT ON RESOURCING**
6 **UNITED STATES DEFENSE REQUIREMENTS**
7 **FOR THE INDO-PACIFIC REGION AND REPORT**
8 **ON ENHANCING DEFENSE COOPERATION**
9 **WITH ALLIES AND PARTNERS IN THE INDO-**
10 **PACIFIC.**

11 (a) IN GENERAL.—Section 1251 of the William M.
12 (Mac) Thornberry National Defense Authorization Act for
13 Fiscal Year 2021 (Public Law 116–283) is amended in
14 subsection (d)(1)(B) by amending clause (v) to read as
15 follows:

16 “(v) An assessment of security co-
17 operation authorities, activities, or re-
18 sources required to achieve such objec-
19 tives.”.

20 (b) REPORT REQUIRED.—Not later than 180 days
21 after the date of the enactment of this Act, the Com-
22 mander of United States Indo-Pacific Command shall sub-
23 mit to the appropriate congressional committees a report
24 on the feasibility and advisability of enhancing defense co-

1 operation with allies and partners in the Indo-Pacific re-
2 gion that includes the following:

3 (1) A description of relevant cooperation be-
4 tween key allies and leading partners in the Indo-
5 Pacific region and the United States during the pre-
6 ceding calendar year, including mutual visits, exer-
7 cises, training, and equipment opportunities.

8 (2) An evaluation of the feasibility of enhancing
9 cooperation between key allies and leading partners
10 in the Indo-Pacific region on a range of activities,
11 including—

12 (A) interoperability and coordination;

13 (B) disaster and emergency response;

14 (C) enhancing maritime domain awareness
15 and maritime security;

16 (D) cyber defense and communications se-
17 curity;

18 (E) military medical cooperation;

19 (F) virtual combined exercises and training
20 activities;

21 (G) advancing programs for United States
22 military advisors to assist in training the active
23 and reserve components of key allies and lead-
24 ing partners in the Indo-Pacific region; and

1 (H) expanding the activities of the Na-
2 tional Guard in the Indo-Pacific region.

3 (3) Any other matters the Commander of
4 United States Indo-Pacific Command considers ap-
5 propriate.

6 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
7 FINED.—In this section, the term “appropriate congres-
8 sional committees” means—

9 (1) the congressional defense committees;

10 (2) the Committee on Foreign Affairs of the
11 House of Representatives; and

12 (3) the Committee on Foreign Relations of the
13 Senate.

14 **SEC. 1306. REPORT ON SUPPORT AND SUSTAINMENT FOR**
15 **CRITICAL CAPABILITIES IN THE AREA OF RE-**
16 **SPONSIBILITY OF THE UNITED STATES INDO-**
17 **PACIFIC COMMAND NECESSARY TO MEET**
18 **OPERATIONAL REQUIREMENTS IN CERTAIN**
19 **CONFLICTS WITH STRATEGIC COMPETITORS.**

20 (a) REPORT REQUIRED.—

21 (1) IN GENERAL.—Not later than one year
22 after the date of the enactment of this Act, the
23 Commander of the United States Indo-Pacific Com-
24 mand, in consultation with the Commander of the
25 United States Transportation Command, the Direc-

1 tor of the Defense Logistics Agency, and other Fed-
2 eral officials that the Commander of United States
3 Indo-Pacific Command determines to be appropriate,
4 shall submit to the appropriate congressional com-
5 mittees a report that describes the support and
6 sustainment for critical capabilities in the area of re-
7 sponsibility of the United States Indo-Pacific Com-
8 mand that are necessary to meet operational re-
9 quirements in a conflict with a strategic competitor
10 of a duration that exceeds 6 months.

11 (2) MATTERS TO BE INCLUDED.—The report
12 required by paragraph (1) shall include the fol-
13 lowing:

14 (A) An assessment of the posture and ca-
15 pabilities of the current strategic force laydown
16 of the United States Indo-Pacific Command, in-
17 cluding capabilities such as—

18 (i) command, control, communica-
19 tions, computers, cyber, intelligence, sur-
20 veillance, and reconnaissance (commonly
21 referred to as “C5ISR”) assets;

22 (ii) surface, subsurface, land, air, and
23 space disposition and capabilities;

1 (iii) strategic long-range precision
2 fires, missile defense, and anti-air capabili-
3 ties;

4 (iv) force protection of assets and crit-
5 ical infrastructure;

6 (v) logistics and sustainment capabili-
7 ties, including positioning, quantity, and
8 distribution of fuels; and

9 (vi) munitions required to meet oper-
10 ational requirements.

11 (B) A detailed assessment of any gaps in
12 the required capabilities described in subpara-
13 graph (A) relative to the requirements of the
14 United States Indo-Pacific Command in both
15 steady state and in such a conflict with a stra-
16 tegic competitor, including gaps in any capabili-
17 ties described in the report required by section
18 1251(d) of the National Defense Authorization
19 Act for Fiscal Year 2021 (Public Law 116–
20 283).

21 (C) An assessment of measures required to
22 mitigate the gaps described in subparagraph
23 (B) before December 31, 2025. The assessment
24 shall include associated costs with enhancing
25 United States, allied, and partner military pos-

1 ture, basing, and sustainment infrastructure in
2 the area of responsibility of the United States
3 Indo-Pacific Command to best meet the oper-
4 ational requirements described in subparagraph
5 (A), including in States, territories, and posses-
6 sions of the United States and regional allies
7 and partners.

8 (b) FORM.—The report required by subsection (a)
9 shall be submitted in unclassified form, but may include
10 a classified annex.

11 (c) DEFINITIONS.—In this section—

12 (1) the term “appropriate congressional com-
13 mittees” means—

14 (A) the congressional defense committees;
15 and

16 (B) the Committee on Foreign Affairs of
17 the House of Representatives and the Com-
18 mittee on Foreign Relations of the Senate; and

19 (2) the term “strategic competitor” means a
20 country labeled as a strategic competitor in the
21 “Summary of the 2018 National Defense Strategy
22 of the United States of America: Sharpening the
23 American Military’s Competitive Edge”, issued by
24 the Department of Defense pursuant to section 113
25 of title 10, United States Code.

1 **SEC. 1307. MODIFICATION TO PACIFIC DETERRENCE INI-**
2 **TIATIVE.**

3 Section 1251(d) of the William M. (Mac) Thornberry
4 National Defense Authorization Act for Fiscal Year 2021
5 (Public Law 116–283; 134 Stat. 3951) is amended—

6 (1) by redesignating paragraph (2) as para-
7 graph (3); and

8 (2) by inserting after paragraph (1) the fol-
9 lowing:

10 “(2) SUBSEQUENT REPORT.—Not later than 15
11 days after the submission of the report required by
12 paragraph (1) for fiscal year 2024, the Commander
13 of the United States Indo-Pacific Command shall
14 submit to the congressional defense committees a
15 subsequent report containing a comparison of the
16 specific cost estimates required by items (aa)
17 through (ff) of paragraph (1)(B)(vi)(II) to the fund-
18 ing provided in the budget of the President (sub-
19 mitted to Congress pursuant to section 1105 of title
20 31, United States Code) for such items for such fis-
21 cal year.”.

22 **SEC. 1308. SEIZE THE INITIATIVE.**

23 (a) IN GENERAL.—There shall be established in the
24 Department of Defense an initiative, to be known as the
25 “Seize The Initiative Fund” (referred to in this section
26 as the “Fund”), for the use of the Commander of United

1 States Indo-Pacific Command to increase the ability of
2 covered Armed Forces to respond to contingencies in the
3 Indo-Pacific.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated \$1,000,000,000 for the De-
6 partment of Defense for fiscal year 2023 for the allowable
7 uses described in subsection (c).

8 (c) ALLOWABLE USES.—The funds authorized to be
9 appropriated by this section shall be used by the Com-
10 mander of United States Indo-Pacific Command, in con-
11 sultation with the Secretary of Defense and the Secre-
12 taries of the military departments, for the following pur-
13 poses:

14 (1) Activities to increase the presence of cov-
15 ered Armed Forces west of the international dateline
16 in the United States Indo-Pacific Command area of
17 responsibility.

18 (2) Activities to improve infrastructure to en-
19 hance the responsiveness of covered Armed Forces
20 west of the international dateline in the United
21 States Indo-Pacific Command area of responsibility.

22 (3) Activities to enhance prepositioning in the
23 United States Indo-Pacific Command area of re-
24 sponsibility of equipment of covered Armed Forces.

1 (4) Activities to enhance contingency response
2 in the United States Indo-Pacific Command area of
3 responsibility.

4 (d) INITIAL PLAN REQUIRED.—The Commander of
5 United States Indo-Pacific Command shall, within 180
6 days of the enactment of this act, provide the congres-
7 sional defense committees with a plan to use funds author-
8 ized pursuant to this section. Such plan, to the extent
9 practicable, shall be consistent with other plans required
10 to be produced by the Commander of United States Indo-
11 Pacific Command, including under section 1242 of the
12 National Defense Authorization Act for Fiscal Year 2022
13 (Public Law 117–81; 135 Stat. 1978).

14 (e) COVERED ARMED FORCES.—In this section, the
15 term “covered Armed Force” means the following forces
16 of the United States:

- 17 (1) The Army.
- 18 (2) The Navy.
- 19 (3) The Marine Corps.
- 20 (4) The Air Force.
- 21 (5) The Space Force.

1 **SEC. 1309. MODIFICATION TO CHINA MILITARY POWER RE-**
2 **PORT.**

3 Section 1202(b)(7)(B) of the National Defense Au-
4 thorization Act for Fiscal Year 2000 (10 U.S.C. 113 note)
5 is amended—

6 (1) by redesignating clauses (ii) and (iii) as
7 clauses (iii) and (iv), respectively; and

8 (2) by inserting after clause (i) the following:

9 “(ii) the Middle East and North Afri-
10 ca, especially with respect to Iran and Chi-
11 na’s relationship with Iranian proxies such
12 as Hezbollah in Lebanon, the Houthis
13 (“Ansar Allah”) in Yemen, the Assad re-
14 gime in Syria, and Iranian-backed militias
15 in Iraq;”.

16 **SEC. 1310. MODIFICATIONS TO PUBLIC REPORTING OF CHI-**
17 **NESE MILITARY COMPANIES OPERATING IN**
18 **THE UNITED STATES.**

19 (a) IN GENERAL.—Section 1260H(c) of the William
20 M. (Mac) Thornberry National Defense Authorization Act
21 for Fiscal Year 2021 (10 U.S.C. 113 note) is amended
22 by adding at the end the following sentence: “The Sec-
23 retary of Defense shall also consider information related
24 to a Chinese military company operating directly or indi-
25 rectly in the United States or any of its territories and
26 possessions that is provided jointly by the chairperson and

1 ranking member of each of the congressional defense com-
2 mittees in making such determinations.”.

3 (b) DETERMINATION PROMPTED BY JOINT SUBMIS-
4 SION OF INFORMATION.—Section 1260H of the William
5 M. (Mac) Thornberry National Defense Authorization Act
6 for Fiscal Year 2021 (10 U.S.C. 113 note) is amended—

7 (1) by redesignating subsection (d) as sub-
8 section (e); and

9 (2) by inserting after subsection (c) (as amend-
10 ed) the following:

11 “(d) DETERMINATION REQUIRED.—Not later than
12 30 days after receiving information described in the sec-
13 ond sentence of subsection (c) with respect to an entity,
14 the Secretary of Defense shall—

15 “(1) determine if that entity meets the criteria
16 for inclusion on the list required under subsection
17 (b); and

18 “(2) submit an unclassified report, without any
19 designation relating to dissemination control, to the
20 chairperson and ranking member of the committee
21 that provided the information with respect to such
22 determination, including whether the Secretary in-
23 tends to list such entity publicly.”.

1 **SEC. 1311. REPORTING ON INSTITUTIONS OF HIGHER EDU-**
2 **CATION DOMICILED IN THE PEOPLE'S RE-**
3 **PUBLIC OF CHINA THAT PROVIDE SUPPORT**
4 **TO THE PEOPLE'S LIBERATION ARMY.**

5 (a) DETERMINATION.—

6 (1) IN GENERAL.—The Secretary of Defense, in
7 consultation with the Office of the Director of Na-
8 tional Intelligence, shall identify each entity that is
9 an institution of higher education domiciled in the
10 People's Republic of China that provides support to
11 the People's Liberation Army.

12 (2) FACTORS.—In making a determination
13 under paragraph (1) with respect to an entity, the
14 Secretary shall consider the following factors:

15 (A) Involvement in the implementation of
16 the military-civil fusion strategy of China.

17 (B) Participation in the defense industrial
18 base of China.

19 (C) Affiliation with the Chinese State Ad-
20 ministration for Science, Technology, and In-
21 dustry for the National Defense.

22 (D) Funding received from any organiza-
23 tion subordinate to the Central Military Com-
24 mission of the Chinese Communist Party.

1 (E) Relationship with any security, de-
2 fense, police, or within the Government of
3 China or the Chinese Communist Party.

4 (F) Any other factor the Secretary deter-
5 mines is appropriate.

6 (b) REPORT.—

7 (1) ANNUAL REPORT.—Not later than Sep-
8 tember 30, 2023, and annually thereafter for 5
9 years, the Secretary shall submit to the appropriate
10 congressional committees a list of each entity identi-
11 fied pursuant to subsection (a) in classified and un-
12 classified forms, and shall include in such submis-
13 sion, as applicable, an explanation of any entities de-
14 leted from such list with respect to a prior list.

15 (2) CONCURRENT PUBLICATION.—Concurrent
16 with the submission of each list described in para-
17 graph (1), the Secretary shall publish the unclassi-
18 fied portion of such list in the Federal Register.

19 (3) ONGOING REVISIONS.—The Secretary, in
20 consultation with the Office of the Director of Na-
21 tional Intelligence, shall make additions or deletions
22 to the most recent list submitted under paragraph
23 (1) on an ongoing basis based on the latest informa-
24 tion available.

1 (4) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES DEFINED.—In this subsection, the term “ap-
3 propriate congressional committees” means—

4 (A) the Committee on Armed Services and
5 the Select Committee on Intelligence of the
6 Senate; and

7 (B) the Committee on Armed Services and
8 the Permanent Select Committee on Intelligence
9 of the House of Representatives.

10 (c) PEOPLE’S LIBERATION ARMY DEFINED.—In this
11 section, the term “People’s Liberation Army” means the
12 land, naval, and air military services, the People’s Armed
13 Police, the Strategic Support Force, the Rocket Force,
14 and any other related security element within the Govern-
15 ment of China or the Chinese Communist Party that the
16 Secretary determines is appropriate.

17 **SEC. 1312. SENSE OF CONGRESS ON INVITING TAIWAN TO**
18 **THE RIM OF THE PACIFIC EXERCISE.**

19 It is the sense of Congress that the naval forces of
20 Taiwan should be invited to participate in the Rim of the
21 Pacific exercise conducted in 2024.

22 **SEC. 1313. JOINT EXERCISES WITH TAIWAN.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) joint military exercises with Taiwan are an
2 important component of improving military readi-
3 ness and joint operability of both countries;

4 (2) the Commander of United States Indo-Pa-
5 cific Command, and other commands in the United
6 States Indo-Pacific Command area of responsibility,
7 already possess the legal authority to carry out such
8 exercises; and

9 (3) the United States should better use existing
10 authorities to improve the readiness and joint oper-
11 ability of United States and Taiwanese forces.

12 (b) **AUTHORITY RECOGNIZED.**—The Commander of
13 United States Indo-Pacific Command is authorized to
14 carry out military exercises with Taiwan that—

15 (1) include multiple warfare domains and make
16 extensive use of military common operations network
17 used by United States, allied, and Taiwanese forces;

18 (2) to the maximum extent practical, incor-
19 porate the cooperation of 2 or more combatant and
20 subordinate unified commands; and

21 (3) present a complex military problem and in-
22 clude a force presentation of a strategic competitor.

23 **SEC. 1314. TAIWAN DEFENSE COOPERATION.**

24 (a) **STUDY.**—Not later than April 1, 2023, the Sec-
25 retary of Defense, in consultation with the Joint Chiefs

1 of Staff and the heads of such other agencies as the Sec-
2 retary determines appropriate, shall complete a study on
3 the feasibility of additional Department of Defense re-
4 sources necessary to facilitate increased military coopera-
5 tion between the United States and Taiwan.

6 (b) ELEMENTS.—The study required by subsection
7 (a) shall assess the following:

8 (1) A description of the military cooperation
9 handled by the Department of Defense between the
10 United States and Taiwan during the preceding cal-
11 endar year, including arm sales, mutual visits, exer-
12 cises, and training.

13 (2) The additional manpower required to facili-
14 tate the arms sales process to Taiwan and other
15 matters as specified in subsection (a).

16 (3) The overall cost and anticipated efficiency
17 of such additional resources.

18 (4) Such other matters as may be determined
19 relevant by the Secretary.

20 (c) BRIEFING.—Not later than April 1, 2023, the
21 Secretary shall provide to the Committees on Armed Serv-
22 ices of the House of Representatives and the Senate a
23 briefing on the findings of the study under subsection (a),
24 including with respect to each element specified in sub-
25 section (b).

1 **SEC. 1315. MODIFICATION OF PROHIBITION ON PARTICIPA-**
2 **TION OF THE PEOPLE’S REPUBLIC OF CHINA**
3 **IN RIM OF THE PACIFIC (RIMPAC) NAVAL EX-**
4 **ERCISES TO INCLUDE CESSATION OF GENO-**
5 **CIDE BY CHINA.**

6 Section 1259(a)(1) of the John S. McCain National
7 Defense Authorization Act for Fiscal Year 2019 (10
8 U.S.C. 321 note) is amended—

9 (1) in subparagraph (B), by striking “and” at
10 the end;

11 (2) in subparagraph (C), by striking the period
12 at the end and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(D) ceased committing ongoing genocide
15 in China, as determined by the Secretary of
16 State on January 19, 2021, recognized and
17 apologized for committing such genocide, and
18 engaged in a credible justice and accountability
19 process for all victims of such genocide.”.

20 **SEC. 1316. ADDITION TO NEXT ANNUAL REPORT ON MILI-**
21 **TARY AND SECURITY DEVELOPMENTS IN-**
22 **VOLVING CHINA.**

23 The Secretary of Defense shall include, in the next
24 report submitted on or before March 1, 2023, to fulfill
25 the requirements under section 1202 of the National De-
26 fense Authorization Act for Fiscal Year 2000 (10 U.S.C.

1 113 note), a robust analysis of developments in both the
2 Space Systems Department and the Network Systems De-
3 partment of the Strategic Support Force of China.

4 **SEC. 1317. SENSE OF CONGRESS ON ENHANCING NATO EF-**
5 **FORTS TO COUNTER MISINFORMATION AND**
6 **DISINFORMATION.**

7 It is the sense of Congress that the United States
8 should—

9 (1) prioritize efforts to enhance the North At-
10 lantic Treaty Organization' (NATO's) capacity to
11 counter misinformation and disinformation;

12 (2) support an increase in NATO's human, fi-
13 nancial, and technological resources and capacity
14 dedicated to understand, respond to, and fight
15 threats in the information space; and

16 (3) support building technological resilience to
17 misinformation and disinformation.

18 **SEC. 1318. SENSE OF CONGRESS RELATING TO THE NATO**
19 **PARLIAMENTARY ASSEMBLY.**

20 It is the sense of Congress that the United States
21 should—

22 (1) proactively engage with the North Atlantic
23 Treaty Organization (NATO) Parliamentary Assem-
24 bly (PA) and its member delegations;

1 (2) communicate with and educate the public
2 on the benefits and importance of NATO and NATO
3 PA; and

4 (3) support increased inter-democracy and
5 inter-parliamentary cooperation on countering misin-
6 formation and disinformation.

7 **SEC. 1319. REPORT ON INDO-PACIFIC REGION.**

8 (a) IN GENERAL.—

9 (1) IN GENERAL.—Not later than one year
10 after the date of the enactment of this Act, the As-
11 sistant Secretary of State for the Bureau of East
12 Asian and Pacific Affairs, in coordination with the
13 Assistant Secretary of State for the Bureau of South
14 and Central Asian Affairs, and Assistant Adminis-
15 trator for the Bureau for Asia of the United States
16 Agency for International Development (USAID),
17 shall submit to the congressional foreign affairs
18 committees a report that contains a 2-year strategy
19 assessing the resources and activities required to
20 achieve the policy objectives described in subsection
21 (c).

22 (2) SUBMISSION AND UPDATE.—The report and
23 strategy required by this subsection shall—

24 (A) be submitted at the same time as the
25 submission of the budget of the President (sub-

1 mitted to Congress pursuant to section 1105 of
2 title 31, United States Code) for fiscal year
3 2024; and

4 (B) be updated and submitted at the same
5 time as the submission of the budget of the
6 President (submitted to Congress pursuant to
7 section 1105 of title 31, United States Code)
8 for fiscal years 2026, 2028, and 2030.

9 (b) CRITERIA.—The report and strategy required in
10 subsection (a) shall be developed in accordance with the
11 following criteria:

12 (1) It shall reflect the objective, autonomous,
13 and independent assessment of the activities, re-
14 sources, and costs required to achieve objectives de-
15 tailed in subsection (c) by the principals, the subor-
16 dinate and parallel offices providing input into the
17 assessment.

18 (2) It shall cover a period of five fiscal years,
19 beginning with the fiscal year following the fiscal
20 year in which the report is submitted.

21 (3) It shall incorporate input from U.S. Ambas-
22 sadors in the Indo-Pacific region provided explicitly
23 for the required report.

24 (4) It may include information gathered
25 through consultation with program offices and sub-

1 ject matter experts in relevant functional bureaus, as
2 deemed necessary by the principals.

3 (5) It shall not be subject to fiscal guidance or
4 global strategic tradeoffs associated with the annual
5 President’s budget request.

6 (c) POLICY OBJECTIVES.—The report and strategy
7 required in subsection (a) shall assess the activities and
8 resources required to achieve the following policy objec-
9 tives:

10 (1) Implement the Interim National Security
11 Strategic Guidance, or the most recent National Se-
12 curity Strategy, with respect to the Indo-Pacific re-
13 gion.

14 (2) Implement the 2022 Indo-Pacific Strategy,
15 or successor documents, that set forth the U.S. Gov-
16 ernment strategy toward the Indo-Pacific region.

17 (3) Implement the State-USAID Joint Stra-
18 tegic Plan with respect to the Indo-Pacific region.

19 (4) Enhance meaningful diplomatic and eco-
20 nomic relations with allies and partners in the Indo-
21 Pacific and demonstrate an enduring U.S. commit-
22 ment to the region.

23 (5) Secure and advance U.S. national interests
24 in the Indo-Pacific, including through countering the

1 malign influence of the Government of the People's
2 Republic of China.

3 (d) MATTERS TO BE INCLUDED.—The report and
4 strategy required under subsection (a) shall include the
5 following:

6 (1) A description of the Bureaus' bilateral and
7 multilateral goals for the period covered in the re-
8 port that the principals deem necessary to accom-
9 plish the objectives outlined in subsection (c),
10 disaggregated by country and forum.

11 (2) A timeline with annual benchmarks for
12 achieving the objectives described in subsection (c).

13 (3) An assessment of the sufficiency of U.S.
14 diplomatic personnel and facilities currently available
15 in the Indo-Pacific region to achieve the objectives
16 outlined in subsection (c), through consultation with
17 U.S. embassies in the region. The assessment shall
18 include:

19 (A) A list, in priority order, of locations in
20 the Indo-Pacific region that require additional
21 diplomatic personnel or facilities.

22 (B) A description of locations where the
23 United States may be able to collocate diplo-
24 matic personnel at allied or partner embassies
25 and consulates.

1 (C) A discussion of embassies or con-
2 sulates where diplomatic staff could be reduced
3 within the Indo-Pacific region, where appro-
4 priate.

5 (D) A detailed description of the fiscal and
6 personnel resources required to fill gaps identi-
7 fied.

8 (4) A detailed plan to expand U.S. diplomatic
9 engagement and foreign assistance presence in the
10 Pacific Island nations within the next five years, in-
11 cluding a description of “quick impact” programs
12 that can be developed and implemented within the
13 first fiscal year of the period covered in the report.

14 (5) A discussion of the resources needed to en-
15 hance U.S. strategic messaging and spotlight coer-
16 cive PRC behavior.

17 (6) A detailed description of the resources and
18 policy tools needed to expand the United States abil-
19 ity to offer high-quality infrastructure projects in
20 strategically significant parts of the Indo-Pacific re-
21 gion, with a particular focus on expanding invest-
22 ments in Southeast Asia and the Pacific Islands.

23 (7) A gap assessment of security assistance by
24 country, and of the resources needed to fill those
25 gaps.

1 (8) A description of the resources and policy
2 tools needed to facilitate continued private sector in-
3 vestment in partner countries in the Indo-Pacific.

4 (9) A discussion of any additional bilateral or
5 regional assistance resources needed to achieve the
6 objectives outlined in subsection (c), as deemed nec-
7 essary by the principals.

8 (e) FORM.—The report required under subsection (a)
9 shall be submitted in an unclassified form, but may in-
10 clude a classified annex.

11 (f) AVAILABILITY.—Not later than February 1 each
12 year, the Assistant Secretary for East Asian and Pacific
13 Affairs shall make the report and strategy available to the
14 Secretary of State, the Administrator of the USAID, the
15 Deputy Secretary of State, the Deputy Secretary of State
16 for Management and Resources, the Deputy Adminis-
17 trator for Policy and Programming, the Deputy Adminis-
18 trator for Management and Resources, the Under Sec-
19 retary of State for Political Affairs, the Director of the
20 Office of Foreign Assistance at the Department of State,
21 the Director of the Bureau of Foreign Assistance at the
22 USAID, and the Director of Policy Planning.

23 (g) DEFINITIONS.—In this section:

24 (1) INDO-PACIFIC REGION.—The term “Indo-
25 Pacific region” means the countries under the juris-

1 diction of the Bureau for East Asian and Pacific Af-
2 fairs, as well as the countries of Bangladesh, Bhu-
3 tan, India, Maldives, Nepal, Pakistan, and Sri
4 Lanka.

5 (2) FOREIGN AFFAIRS COMMITTEES.—The term
6 “foreign affairs committees” means the Committee
7 on Foreign Affairs of the House of Representatives;
8 the Committee on Foreign Relations of the Senate;
9 the Subcommittee on State, Foreign Operations, Re-
10 lated Programs of the Committee on Appropriations
11 of the House of Representatives; and the Sub-
12 committee on State, Foreign Operations, and Re-
13 lated Programs of the Committee on Appropriations
14 of the Senate.

15 (3) PRINCIPALS.—The term “principals” means
16 the Assistant Secretary of State for the Bureau of
17 East Asian and Pacific Affairs, the Assistant Sec-
18 retary of State for the Bureau of South and Central
19 Asian Affairs, and the Assistant Administrator for
20 the Bureau for Asia of the United States Agency for
21 International Development.

22 **SEC. 1320. SENSE OF CONGRESS REGARDING THE STATUS**
23 **OF CHINA.**

24 It is the sense of Congress that—

1 (1) the People’s Republic of China is a fully in-
2 dustrialized nation and no longer a developing na-
3 tion; and

4 (2) any international agreement that provides
5 or accords China a favorable status or treatment as
6 a “developing nation” should be updated to reflect
7 the status of China.

8 **SEC. 1321. REPORT ON PROVIDING ACCESS TO UNCEN-**
9 **SORED MEDIA IN CHINA.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, the Secretary of State shall provide to
12 Congress a classified report on what is needed to provide
13 access to free and uncensored media in the Chinese mar-
14 ket.

15 **Subtitle B—Other Matters Relating**
16 **to Foreign Nations**

17 **SEC. 1331. SUPPORT OF SPECIAL OPERATIONS FOR IRREG-**
18 **ULAR WARFARE.**

19 (a) CODIFICATION.—

20 (1) IN GENERAL.—Chapter 3 of title 10, United
21 States Code, is amended by inserting after section
22 127c a new section 127d consisting of—

23 (A) a heading as follows:

1 **“§ 127d. Support of special operations for irregular**
 2 **warfare”; and**

3 (B) a text consisting of the text of sub-
 4 sections (a) through (i) of section 1202 of the
 5 National Defense Authorization Act for Fiscal
 6 Year 2018 (Public Law 115–91; 131 Stat.
 7 1639).

8 (2) CLERICAL AMENDMENT.—The table of sec-
 9 tions at the beginning of such chapter is amended
 10 by inserting after the item relating to section 127c
 11 the following new item:

“127d. Support of special operations for irregular warfare.”.

12 (b) MODIFICATION OF DOLLAR AMOUNT.—Section
 13 127d of title 10, United States Code, as so amended, is
 14 further amended in subsection (a) by striking
 15 “\$15,000,000” and inserting “\$25,000,000”.

16 (c) CONFORMING REPEAL.—Section 1202 of the Na-
 17 tional Defense Authorization Act for Fiscal Year 2018 is
 18 repealed.

19 **SEC. 1332. PERMANENT EXTENSION OF AUTHORITY FOR**
 20 **CERTAIN PAYMENTS TO REDRESS INJURY**
 21 **AND LOSS.**

22 Section 1213(a) of the National Defense Authoriza-
 23 tion Act for Fiscal Year 2020 (Public Law 116–92; 10
 24 U.S.C. 2731 note) is amended by striking “During” and

1 all that follows through “December 31, 2023, not” and
2 inserting “Not”.

3 **SEC. 1333. EXTENSION OF UNITED STATES-ISRAEL CO-**
4 **OPERATION TO COUNTER UNMANNED AER-**
5 **IAL SYSTEMS.**

6 Section 1278(f) of the National Defense Authoriza-
7 tion Act, 2020 (Public Law 116–92; 133 Stat. 1702; 22
8 U.S.C. 8606 note) is amended by striking “December 31,
9 2024” and inserting “December 31, 2026”.

10 **SEC. 1334. MODIFICATION AND EXTENSION OF UNITED**
11 **STATES-ISRAEL COOPERATION TO COUNTER**
12 **UNMANNED AERIAL SYSTEMS.**

13 (a) **AUTHORITY TO ESTABLISH CAPABILITIES TO**
14 **COUNTER UNMANNED AERIAL SYSTEMS.**—Subsection
15 (a)(1) of section 1278 of the National Defense Authoriza-
16 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
17 Stat. 1702; 22 U.S.C. 8606 note) is amended in the first
18 sentence by inserting after “to establish capabilities for
19 countering unmanned aerial systems” the following “, in-
20 cluding directed energy capabilities,”.

21 (b) **SUPPORT IN CONNECTION WITH THE PRO-**
22 **GRAM.**—Subsection (b) of such section is amended—

23 (1) in paragraph (3)(B), by inserting at the end
24 before the period the following: “, including directed
25 energy capabilities”; and

1 (2) in paragraph (4), by striking
2 “\$25,000,000” and inserting “\$40,000,000”.

3 (c) SUNSET.—Subsection (f) of such section is
4 amended by striking “December 31, 2024” and inserting
5 “December 31, 2026”.

6 **SEC. 1335. MODIFICATION TO INITIATIVE TO SUPPORT PRO-**
7 **TECTION OF NATIONAL SECURITY ACADEMIC**
8 **RESEARCHERS FROM UNDUE INFLUENCE**
9 **AND OTHER SECURITY THREATS.**

10 (a) IN GENERAL.—Clause (iii) of section
11 1286(c)(8)(A) of the John S. McCain National Defense
12 Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358
13 note; Public Law 115–232) is amended—

14 (1) in subclause (I), by striking “or” at the
15 end; and

16 (2) by adding at the end the following:

17 “(III) to provide documented
18 support to a defense or an intelligence
19 agency of the applicable country; or”.

20 (b) PROHIBITION ON FUNDS.—

21 (1) IN GENERAL.—None of the funds author-
22 ized to be appropriated by this Act or otherwise
23 made available for fiscal year 2023 or any subse-
24 quent fiscal year for the Department of Defense for
25 research, development, test, and evaluation may be

1 provided to an entity that maintains a contract be-
2 tween the entity and a Chinese or Russian academic
3 institution identified on the list developed under sec-
4 tion 1286(c)(8)(A) of the John S. McCain National
5 Defense Authorization Act for Fiscal Year 2019 by
6 reason of meeting the requirements of clause (ii) or
7 (iii) (as amended by subsection (a)) of such section.

8 (2) WAIVER.—The Secretary of Defense may
9 waive the prohibition on funds under this subsection
10 with respect to an entity if the Secretary determines
11 that such a waiver is appropriate.

12 **SEC. 1336. ANNUAL REPORT ON ROLE OF ANTISEMITISM**
13 **IN VIOLENT EXTREMIST MOVEMENTS.**

14 (a) IN GENERAL.—The Secretary of Defense, in co-
15 ordination with the Secretary of State and the Office of
16 the Special Envoy To Monitor and Combat Antisemitism,
17 shall submit to the appropriate congressional committees
18 an annual report on—

19 (1) the rise in global antisemitism;

20 (2) the role of antisemitism in violent extremist
21 movements;

22 (3) the threat of global antisemitism to the
23 United States Armed Forces; and

24 (4) the threat of global antisemitism to United
25 States national security and interests.

1 (b) FORM; PUBLICATION.—The report required by
 2 subsection (a) shall be submitted in unclassified form, but
 3 may contain a classified annex. The unclassified portion
 4 of such report shall be published on a publicly available
 5 website of the Department of Defense.

6 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—
 7 In this section, the term “appropriate congressional com-
 8 mittees” means—

9 (1) the Committee on Armed Services and the
 10 Committee on Foreign Affairs, of the House of Rep-
 11 resentatives; and

12 (2) the Committee on Armed Services and the
 13 Committee on Foreign Relations of the Senate.

14 **SEC. 1337. USE OF UNITED STATES-ORIGIN DEFENSE ARTI-**
 15 **CLES IN YEMEN.**

16 (a) IN GENERAL.—The Secretary of State, in con-
 17 sultation with the Secretary of Defense, shall develop spe-
 18 cific guidance for investigating any indications that United
 19 States-origin defense articles have been used in Yemen by
 20 the Saudi-led coalition in substantial violation of relevant
 21 agreements with countries participating in the coalition,
 22 including for unauthorized purposes.

23 (b) REPORT.—

24 (1) IN GENERAL.—Not later than 180 days
 25 after the date of the enactment of this Act, the Sec-

1 retary of State shall submit to the appropriate con-
2 gressional committees a report on—

3 (A) the guidance developed pursuant to
4 subsection (a); and

5 (B) all current information on each of the
6 certification elements required by section 1290
7 of the John S. McCain National Defense Au-
8 thorization Act for Fiscal Year 2019 (Public
9 Law 115–232).

10 (2) FORM.—The report required by this sub-
11 section shall be submitted in unclassified form, but
12 may include a classified annex if necessary.

13 (3) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES DEFINED.—In this subsection, the term “ap-
15 propriate congressional committees” means—

16 (A) the Committee on Foreign Affairs and
17 the Committee on Armed Services of the House
18 of Representatives; and

19 (B) the Committee on Foreign Relations
20 and the Committee on Armed Services of the
21 Senate.

22 **SEC. 1338. SENSE OF CONGRESS REGARDING ISRAEL.**

23 It is the sense of Congress that—

24 (1) since 1948, Israel has been one of the
25 strongest friends and allies of the United States;

1 (2) Israel is a stable, democratic country in a
2 region often marred by turmoil;

3 (3) it is essential to the strategic interest of the
4 United States to continue to offer security assistance
5 and related support to Israel; and

6 (4) such assistance and support is especially
7 vital as Israel confronts a number of potential chal-
8 lenges at the present time, including continuing
9 threats from Iran.

10 **SEC. 1339. SENSE OF CONGRESS AND BRIEFING ON MULTI-**
11 **NATIONAL FORCE AND OBSERVERS.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) the Multinational Force and Observers has
15 helped strengthen stability and kept the peace in
16 Sinai Peninsula; and

17 (2) the United States should continue to main-
18 tain its strong support for the Multinational Force
19 and Observers.

20 (b) BRIEFING.—Not later than 60 days before the
21 implementation of any plan to move a Multinational Force
22 and Observer site, the Secretary of Defense shall brief the
23 Committee on Armed Services and the Committee on For-
24 eign Affairs of the House of Representatives and the Com-
25 mittee on Armed Services and the Committee on Foreign

1 Relations of the Senate on the resulting impact of such
2 plan existing security arrangements between Israel and
3 Egypt.

4 **SEC. 1340. COMPREHENSIVE STRATEGY TO COUNTER GRAY**
5 **ZONE OPERATIONS AND OTHER HYBRID WAR-**
6 **FARE METHODS.**

7 (a) IN GENERAL.—The President shall develop and
8 submit to the appropriate congressional committees a
9 comprehensive strategy to counter gray zone operations
10 and other hybrid warfare methods of foreign adversaries
11 and competitors and develop pro-active efforts to put forth
12 United States interests to counter such operations and
13 methods.

14 (b) MATTERS TO BE INCLUDED.—The strategy re-
15 quired by subsection (a) shall include—

16 (1) an identification of United States interests
17 described in such subsection; and

18 (2) a description of the means to achieve such
19 interests.

20 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “appropriate congres-
22 sional committees” means—

23 (1) congressional defense committees; and

1 (2) the Committee on Foreign Affairs of the
2 House of Representatives and the Committee on
3 Foreign Relations of the Senate.

4 **SEC. 1341. STUDY ON DEPARTMENT OF DEFENSE SUPPORT**
5 **FOR STABILIZATION ACTIVITIES IN NA-**
6 **TIONAL SECURITY INTEREST OF THE UNITED**
7 **STATES.**

8 (a) IN GENERAL.—The Secretary of Defense shall
9 conduct a study on the use and implementation of the au-
10 thority of section 1210A of the National Defense Author-
11 ization Act for Fiscal Year 2020 (Public Law 116–92; 133
12 Stat. 1626), relating to Department of Defense support
13 for stabilization activities in national security interest of
14 the United States.

15 (b) MATTERS TO BE INCLUDED.—The study re-
16 quired by subsection (a) shall include the following:

17 (1) A review of the use and implementation of
18 the authority of section 1210A of the National De-
19 fense Authorization Act for Fiscal Year 2020.

20 (2) An identification of the number of requests
21 for support made by the Department of State, the
22 United States Agency for International Develop-
23 ment, and other Federal agencies pursuant to such
24 authority and number of such requests granted by
25 the Department of Defense.

1 (3) An identification of the total amount of sup-
2 port provided by the Department of Defense pursu-
3 ant to such requests so granted.

4 (c) REPORT.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall submit to the appropriate congressional com-
7 mittees a report that contains the results of the
8 study required by subsection (a).

9 (2) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES DEFINED.—In this subsection, the term “ap-
11 propriate congressional committees” means—

12 (A) congressional defense committees; and

13 (B) the Committee on Foreign Affairs of
14 the House of Representatives and the Com-
15 mittee on Foreign Relations of the Senate.

16 **SEC. 1342. REPORT ON AMERICAN INSTITUTE IN TAIWAN**
17 **EFFORTS TO COMBAT CERTAIN**
18 **DISINFORMATION AND PROPAGANDA.**

19 (a) REPORT.—Not later than 90 days after the date
20 of the enactment of this Act, the Secretary of State, in
21 consultation with the Secretary of Defense (as appro-
22 priate), shall submit a report to the appropriate Congres-
23 sional Committees—

24 (1) on the efforts of the American Institute in
25 Taiwan to combat disinformation or propaganda

1 perpetuated by the Chinese Communist Party and
2 People's Republic of China in regards to—

3 (A) United States commitment to Taiwan's
4 self-defense, pursuant to the Taiwan Relations
5 Act;

6 (B) United States Foreign Military Sales
7 to Taiwan; and

8 (C) United States economic cooperation
9 with Taiwan; and

10 (2) that contains—

11 (A) an assessment of the effectiveness of
12 the efforts of the American Institute in Taiwan
13 in combating disinformation or propaganda per-
14 petuated by the Chinese Communist Party and
15 People's Republic of China; and

16 (B) recommendations on how to better
17 combat such disinformation or propaganda.

18 (b) FORM.—The report required by subsection (a)
19 shall be submitted in unclassified form but may include
20 a classified annex.

21 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
22 FINED.—In this section the term, “appropriate Congres-
23 sional Committees” means—

24 (1) the Committee on Armed Services and the
25 Committee on Foreign Relations of the Senate; and

1 (2) the Committee on Armed Services and the
2 Committee on Foreign Affairs of the House of Rep-
3 resentatives.

4 **SEC. 1343. REPORT ON AZERBAIJAN.**

5 Not later than 180 days after the date of the enact-
6 ment of this Act, the Secretary of Defense, in consultation
7 with the Secretary of State, shall submit to Congress a
8 report on the following:

9 (1) United States parts and technology discov-
10 ered in Turkish Bayraktar unmanned aerial vehicles
11 deployed by Azerbaijan against Nagorno Karabakh
12 between September 27, 2020 and November 9,
13 2020, including an assessment of any potential viola-
14 tions of United States arms export laws, sanctions
15 policies, or other provisions of United States law re-
16 lated to the discovery of such parts and technology.

17 (2) Azerbaijan's use of white phosphorous, clus-
18 ter bombs and other prohibited munitions deployed
19 by Azerbaijan against Nagorno Karabakh between
20 September 27, 2020, and November 9, 2020, includ-
21 ing an assessment of any potential violations of
22 United States or international law related to the use
23 of these munitions.

24 (3) Turkey's and Azerbaijan's recruitment of
25 foreign terrorist fighters to participate in Azer-

1 baijan’s offensive military operations against
2 Nagorno Karabakh between September 27, 2020,
3 and November 9, 2020, including an assessment of
4 any related potential violations of United States law,
5 the International Convention against the Recruit-
6 ment, Use, Financing and Training of Mercenaries,
7 or other international or multilateral treaties.

8 **SEC. 1344. DEFENSE AND DIPLOMATIC STRATEGY FOR**
9 **LIBYA.**

10 (a) REPORT REQUIRED.—Not later than 240 days
11 after the date of the enactment of this Act and annually
12 thereafter through 2027, the Secretary of State, in con-
13 currence with the Secretary of Defense, shall submit to
14 the appropriate congressional committees a report that
15 contains a description of the United States defense and
16 diplomatic strategy for Libya.

17 (b) ELEMENTS.—The report required by subsection
18 (a) shall include the following elements:

19 (1) An explanation of the defense and diplo-
20 matic strategy for Libya, including a description of
21 the ends, ways, and means inherent to the strategy,
22 the role of the Armed Forces in supporting the
23 strategy, and its integration with the U.S. Strategy
24 to Prevent Conflict and Promote Stability.

1 (2) An explanation of how the existing authori-
2 ties and available resources of the Department of
3 Defense and the Department of State are being uti-
4 lized to support the strategy.

5 (3) A detailed description of Libyan and exter-
6 nal security actors and an assessment of how those
7 actors advance or undermine stability in Libya and
8 United States strategic interests in Libya, including
9 United States interests in a political settlement to
10 the conflict in Libya.

11 (4) A detailed description of the military activi-
12 ties of external actors in Libya, including assess-
13 ments and detailed analysis of situations in which
14 those activities—

15 (A) have undermined progress towards sta-
16 bilization of Libya, including the United Na-
17 tions-led negotiations;

18 (B) involve United States-origin equipment
19 and violate contractual conditions of acceptable
20 use of such equipment; or

21 (C) violate or seek to violate the United
22 Nations arms embargo on Libya imposed pur-
23 suant to United Nations Security Council Reso-
24 lution 1970 (2011).

1 (5) An update on assessments relating to re-
2 opening the United States Embassy in Libya, in-
3 cluding any existing or potential barriers to imple-
4 mentation, financial cost estimates, security consid-
5 erations, and possible timelines.

6 (6) An identification and assessment of the root
7 causes of migration through Libya into Europe, in-
8 cluding—

9 (A) the extent to which such migratory
10 trends correlate to increased instances of
11 human trafficking and slavery, including actors
12 attributed to such behavior;

13 (B) an analysis of Libyan Government and
14 international efforts to reduce migration and
15 prevent human trafficking, slavery, and abuse
16 of migrants' human rights in Libya; and

17 (C) United States policy options to reduce
18 flows of migrants to and through Libya and to
19 support the humane treatment of migrants and
20 their lawful departure from Libya in coopera-
21 tion with Libyan authorities, United Nations
22 entities, and partner governments.

23 (7) A plan for any potential stabilization oper-
24 ations support for Libya, as a designated priority

1 country under the Global Fragility Act of 2019 (22
2 U.S.C. 9804), including—

3 (A) A detailed description of the stability
4 and threat environment in Libya and related
5 stabilization objectives, including the desired
6 end-state for the United States.

7 (B) Any potential limitations to existing
8 resources of either Department affecting the
9 ability to support stabilization operations in
10 Libya.

11 (C) A detailed analysis of whether barriers
12 exist to the use of authorities pursuant to sec-
13 tion 1210A of the National Defense Authoriza-
14 tion Act for Fiscal Year 2020 (133 Stat. 1626)
15 to support United States stabilization efforts in
16 Libya, and any congressional or departmental
17 action that could reduce such barriers.

18 (D) An identification of interagency de-
19 ployments in Libya, including the rationale for
20 such deployments and plans for future inter-
21 agency deployments.

22 (8) Any other matters the Secretary of Defense
23 considers appropriate.

1 (c) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form, but may include
3 a classified annex.

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means—

7 (1) the Committee on Armed Services, the
8 Committee on Foreign Relations, and the Committee
9 on Appropriations of the Senate; and

10 (2) the Committee on Armed Services, the
11 Committee on Foreign Affairs, and the Committee
12 on Appropriations of the House of Representatives.

13 **SEC. 1345. REPEAL OF RESTRICTION ON FUNDING FOR THE**
14 **PREPARATORY COMMISSION FOR THE COM-**
15 **PREHENSIVE NUCLEAR-TEST-BAN TREATY**
16 **ORGANIZATION.**

17 Section 1279E of the National Defense Authorization
18 Act for Fiscal Year 2018 (22 U.S.C. 287 note) is repealed.

19 **SEC. 1346. SENSE OF CONGRESS REGARDING THE BOYCOTT**
20 **OF CERTAIN COMPANIES THAT CONTINUE TO**
21 **OPERATE IN RUSSIA AND PROVIDE FINAN-**
22 **CIAL BENEFITS TO THE PUTIN REGIME.**

23 (a) FINDINGS.—Congress finds the following:

24 (1) On February 24, 2022, the Government of
25 Russia, led by Vladimir Putin, invaded the sovereign

1 country of Ukraine under the direction of the Presi-
2 dent of the Russian Federation Vladimir Putin.

3 (2) On March 6, 2022, Secretary of State
4 Antony Blinken stated that the United States has
5 seen credible reports of Russia engaging in “delib-
6 erate attacks on civilians, which would constitute a
7 war crime”.

8 (3) On March 16, 2022, Ukrainian President
9 Zelenskyy urged “All American companies must
10 leave Russia * * * leave their market immediately,
11 because it is flooded with [Ukrainian] blood”.

12 (4) In the same speech, President Zelenskyy
13 called on Congress to lead by pressuring companies
14 “who finance the Russian military machine” and
15 conduct “business in Russia” and to “make sure
16 that the Russians do not receive a single penny that
17 they use to destroy people in Ukraine”.

18 (5) Jeffrey Sonnenfeld of the Yale School of
19 Management has compiled a list of some 1,000 com-
20 panies which have withdrawn permanently or tempo-
21 rarily from Russia.

22 (6) By refusing to reduce, cease, or withdraw
23 operations in Russia, these companies which have
24 not withdrawn permanently or temporarily from
25 Russia contribute to undermining the sanctions im-

1 posed by the United States and its allies that are in-
2 tended to deter further Russian aggression.

3 (7) A number of United States and multi-
4 national companies that do business in Russia do
5 not provide life-saving or health-related goods and
6 services to the Russian people and contribute to
7 Putin's ability to wage war in Ukraine and continue
8 to commit war crimes by providing revenue for the
9 Russian Government.

10 (b) SENSE OF CONGRESS.—Congress—

11 (1) supports and encourages Americans who
12 choose to exercise their free speech rights by boy-
13 cotting companies that do not provide life-saving or
14 health-related goods and services to the Russian peo-
15 ple yet continue to operate in Russia;

16 (2) condemns companies that continue to oper-
17 ate in Russia and provide financial benefits to the
18 Putin regime that enable his ability to continue wag-
19 ing war in Ukraine; and

20 (3) commends companies that have already sus-
21 pended operations in or withdrawn from markets in
22 Russia in response to the Putin regime's unlawful
23 invasion of Ukraine.

1 **SEC. 1347. REPORT ON ARMS TRAFFICKING IN HAITI.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of the enactment of this Act, the Secretary of State,
4 in consultation with the Secretary of Commerce and the
5 Attorney General, shall submit to the appropriate congres-
6 sional committees a report on arms trafficking in Haiti.

7 (b) MATTERS TO BE INCLUDED.—The report shall
8 include the following:

9 (1) The number and category of United States-
10 origin weapons in Haiti, including those in posses-
11 sion of the Haitian National Police or other state
12 authorities and diverted outside of their control and
13 the number of United States-origin weapons believed
14 to be illegally trafficked from the United States
15 since 1991.

16 (2) The major routes by which illegal arms are
17 trafficked into Haiti.

18 (3) The major Haitian seaports, airports, and
19 other border crossings where illegal arms are traf-
20 ficked.

21 (4) An accounting of the ways individuals evade
22 law enforcement and customs officials.

23 (5) A description of networks among Haitian
24 government officials, Haitian customs officials, and
25 gangs and others illegally involved in arms traf-
26 ficking.

1 (6) Whether any end-use agreements between
2 the United States and Haiti in the issuance of
3 United States-origin weapons have been violated.

4 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
5 FINED.—In this section, the term “appropriate congres-
6 sional committees” means—

7 (1) the Committee on Armed Services, the
8 Committee on Foreign Affairs, and the Committee
9 on the Judiciary of the House of Representatives;
10 and

11 (2) the Committee on Armed Services, the
12 Committee on Foreign Relations, and the Committee
13 on the Judiciary of the Senate.

14 **SEC. 1348. ESTABLISHMENT OF THE OFFICE OF CITY AND**
15 **STATE DIPLOMACY.**

16 Section 1 of the State Department Basic Authorities
17 Act of 1956 (22 U.S.C. 2651a) is amended—

18 (1) by redesignating the second subsection (h)
19 (relating to the Office of Sanctions Coordination) as
20 subsection (k); and

21 (2) by adding at the end the following new sub-
22 section:

23 “(1) OFFICE OF CITY AND STATE DIPLOMACY.—

24 “(1) IN GENERAL.—There shall be established
25 within the Department of State an Office of City

1 and State Diplomacy (in this subsection referred to
2 as the ‘Office’). The Department may use a similar
3 name at its discretion and upon notification to Con-
4 gress.

5 “(2) HEAD OF OFFICE.—The head of the Office
6 shall be the Ambassador-at-Large for City and State
7 Diplomacy (in this subsection referred to as the
8 ‘Ambassador’) or other appropriate senior official.
9 The head of the Office shall—

10 “(A) be appointed by the President, by and
11 with the advice and consent of the Senate; and

12 “(B) report directly to the Secretary, or
13 such other senior official as the Secretary deter-
14 mines appropriate and upon notification to
15 Congress.

16 “(3) DUTIES.—

17 “(A) PRINCIPAL DUTY.—The principal
18 duty of the head of the Office shall be the over-
19 all coordination (including policy oversight of
20 resources) of Federal support for subnational
21 engagements by State and municipal govern-
22 ments with foreign governments. The head of
23 the Office shall be the principal adviser to the
24 Secretary of State on subnational engagements
25 and the principal official on such matters within

1 the senior management of the Department of
2 State.

3 “(B) ADDITIONAL DUTIES.—The addi-
4 tional duties of the head of the Office shall in-
5 clude the following:

6 “(i) Coordinating overall United
7 States policy and programs in support of
8 subnational engagements by State and mu-
9 nicipal governments with foreign govern-
10 ments, including with respect to the fol-
11 lowing:

12 “(I) Coordinating resources
13 across the Department of State and
14 throughout the Federal Government
15 in support of such engagements.

16 “(II) Identifying policy, program,
17 and funding discrepancies among rel-
18 evant Federal agencies regarding such
19 coordination.

20 “(III) Identifying gaps in Fed-
21 eral support for such engagements
22 and developing corresponding policy
23 or programmatic changes to address
24 such gaps.

1 “(ii) Identifying areas of alignment
2 between United States foreign policy and
3 State and municipal goals.

4 “(iii) Improving communication with
5 the American public, including, potentially,
6 communication that demonstrate the
7 breadth of international engagement by
8 subnational actors and the impact of diplo-
9 macy across the United States.

10 “(iv) Providing advisory support to
11 subnational engagements, including by as-
12 sisting State and municipal governments
13 regarding—

14 “(I) developing and implementing
15 global engagement and public diplo-
16 macy strategies;

17 “(II) implementing programs to
18 cooperate with foreign governments on
19 policy priorities or managing shared
20 resources; and

21 “(III) understanding the implica-
22 tions of foreign policy developments or
23 policy changes through regular and
24 extraordinary briefings.

1 “(v) Facilitating linkages and net-
2 works among State and municipal govern-
3 ments, and between State and municipal
4 governments and their foreign counter-
5 parts, including by tracking subnational
6 engagements and leveraging State and mu-
7 nicipal expertise.

8 “(vi) Supporting the work of Depart-
9 ment of State detailees assigned to State
10 and municipal governments pursuant to
11 this subsection.

12 “(vii) Under the direction of the Sec-
13 retary, negotiating agreements and memo-
14 randa of understanding with foreign gov-
15 ernments related to subnational engage-
16 ments and priorities.

17 “(viii) Supporting United States eco-
18 nomic interests through subnational en-
19 gagements, in consultation and coordina-
20 tion with the Department of Commerce,
21 the Department of the Treasury, and the
22 Office of the United States Trade Rep-
23 resentative.

24 “(ix) Coordinating subnational en-
25 gagements with the associations of sub-

1 national elected leaders, including the
2 United States Conference of Mayors, Na-
3 tional Governors Association, National
4 League of Cities, National Association of
5 Counties, Council of State Governments,
6 National Conference of State Legislators,
7 and State International Development Or-
8 ganizations.

9 “(4) COORDINATION.—With respect to matters
10 involving trade promotion and inward investment fa-
11 cilitation, the Office shall coordinate with and sup-
12 port the International Trade Administration of the
13 Department of Commerce as the lead Federal agen-
14 cy for trade promotion and facilitation of business
15 investment in the United States.

16 “(5) DETAILEES.—

17 “(A) IN GENERAL.—The Secretary of
18 State, with respect to employees of the Depart-
19 ment of State, is authorized to detail a member
20 of the civil service or Foreign Service to State
21 and municipal governments on a reimbursable
22 or nonreimbursable basis. Such details shall be
23 for a period not to exceed two years, and shall
24 be without interruption or loss of status or
25 privilege.

1 “(B) RESPONSIBILITIES.—Detailees under
2 subparagraph (A) should carry out the fol-
3 lowing:

4 “(i) Supporting the mission and objec-
5 tives of the host subnational government
6 office.

7 “(ii) Advising State and municipal
8 government officials regarding questions of
9 global affairs, foreign policy, cooperative
10 agreements, and public diplomacy.

11 “(iii) Coordinating activities relating
12 to State and municipal government sub-
13 national engagements with the Department
14 of State, including the Office, Department
15 leadership, and regional and functional bu-
16 reaus of the Department, as appropriate.

17 “(iv) Engaging Federal agencies re-
18 garding security, public health, trade pro-
19 motion, and other programs executed at
20 the State or municipal government level.

21 “(v) Any other duties requested by
22 State and municipal governments and ap-
23 proved by the Office.

24 “(C) ADDITIONAL PERSONNEL SUPPORT
25 FOR SUBNATIONAL ENGAGEMENT.—For the

1 purposes of this subsection, the Secretary of
2 State—

3 “(i) is authorized to employ individ-
4 uals by contract;

5 “(ii) is encouraged to make use of the
6 re-hired annuitants authority under section
7 3323 of title 5, United States Code, par-
8 ticularly for annuitants who are already re-
9 siding across the United States who may
10 have the skills and experience to support
11 subnational governments; and

12 “(iii) is encouraged to make use of
13 authorities under the Intergovernmental
14 Personnel Act of 1970 (42 U.S.C. 4701 et
15 seq.) to temporarily assign State and local
16 government officials to the Department of
17 State or overseas missions to increase their
18 international experience and add their per-
19 spectives on United States priorities to the
20 Department.

21 “(6) REPORT AND BRIEFING.—

22 “(A) REPORT.—Not later than one year
23 after the date of the enactment of this sub-
24 section, the head of the Office shall submit to
25 the Committee on Foreign Affairs and the

1 Committee on Appropriations of the House of
2 Representatives and the Committee on Foreign
3 Relations and the Committee on Appropriations
4 of the Senate a report that includes information
5 relating to the following:

6 “(i) The staffing plan (including per-
7 manent and temporary staff) for the Office
8 and a justification for the location of the
9 Office within the Department of State’s or-
10 ganizational structure.

11 “(ii) The funding level provided to the
12 Office for the Office, together with a jus-
13 tification relating to such level.

14 “(iii) The rank and title granted to
15 the head of the Office, together with a jus-
16 tification relating to such decision and an
17 analysis of whether the rank and title of
18 Ambassador-at-Large is required to fulfill
19 the duties of the Office.

20 “(iv) A strategic plan for the Office,
21 including relating to—

22 “(I) leveraging subnational en-
23 gagement to improve United States
24 foreign policy effectiveness;

1 “(II) enhancing the awareness,
2 understanding, and involvement of
3 United States citizens in the foreign
4 policy process; and

5 “(III) better engaging with for-
6 eign subnational governments to
7 strengthen diplomacy.

8 “(v) Any other matters as determined
9 relevant by the head of the Office.

10 “(B) BRIEFINGS.—Not later than 30 days
11 after the submission of the report required
12 under subparagraph (A) and annually there-
13 after, the head of the Office shall brief the
14 Committee on Foreign Affairs and the Com-
15 mittee on Appropriations of the House of Rep-
16 resentatives and the Committee on Foreign Re-
17 lations and the Committee on Appropriations of
18 the Senate on the work of the Office and any
19 changes made to the organizational structure or
20 funding of the Office.

21 “(7) RULE OF CONSTRUCTION.—Nothing in
22 this subsection may be construed as precluding—

23 “(A) the Office from being elevated to a
24 bureau within the Department of State; or

1 “(B) the head of the Office from being ele-
 2 vated to an Assistant Secretary, if such an As-
 3 sistant Secretary position does not increase the
 4 number of Assistant Secretary positions at the
 5 Department above the number authorized under
 6 subsection (c)(1).

7 “(8) DEFINITIONS.—In this subsection:

8 “(A) MUNICIPAL.—The term ‘municipal’
 9 means, with respect to the government of a mu-
 10 nicipality in the United States, a municipality
 11 with a population of not fewer than 100,000
 12 people.

13 “(B) STATE.—The term ‘State’ means the
 14 50 States, the District of Columbia, and any
 15 territory or possession of the United States.

16 “(C) SUBNATIONAL ENGAGEMENT.—The
 17 term ‘subnational engagement’ means formal
 18 meetings or events between elected officials of
 19 State or municipal governments and their for-
 20 eign counterparts.”.

21 **SEC. 1349. TRANSFER OF EXCESS OLIVER HAZARD PERRY**

22 **CLASS GUIDED MISSILE FRIGATES TO EGYPT.**

23 (a) IN GENERAL.—The President is authorized to
 24 transfer to the Government of Egypt the OLIVER HAZ-
 25 ARD PERRY class guided missile frigates ex-USS CARR

1 (FFG-52) and ex-USS ELROD (FFG-55) on a grant
2 basis under section 516 of the Foreign Assistance Act of
3 1961 (22 U.S.C. 2321j) on or after the date on which
4 the President submits to the appropriate congressional
5 committees a certification described in subsection (b).

6 (b) CERTIFICATION.—The certification described in
7 this subsection is a certification of the President of the
8 following:

9 (1) The President has received reliable assur-
10 ances that the Government of Egypt and any Egyp-
11 tian state-owned enterprises—

12 (A) are not knowingly engaged in any ac-
13 tivity subject to sanctions under the Countering
14 America’s Adversaries Through Sanctions Act,
15 including an activity related to Russian Su-35
16 warplanes or other advanced military tech-
17 nologies; and

18 (B) will not knowingly engage in activity
19 subject to sanctions under the Countering
20 America’s Adversaries Through Sanctions Act
21 in the future.

22 (2) The Egyptian crews participating in train-
23 ing related to and involved in the operation of the
24 vessels transferred under this section are subject to
25 the requirements of section 620M of the Foreign As-

1 sistance Act of 1961 (22 U.S.C. 2378d), section 362
2 of title 10, United States Code, and other relevant
3 human rights vetting to ensure United States-funded
4 assistance related to the transfer of the vessels
5 under this section are not provided to Egyptian se-
6 curity forces that have committed gross violations of
7 internationally recognized human rights or other
8 documented human rights abuses.

9 (3) The Government of Egypt is no longer un-
10 lawfully or wrongfully detaining United States na-
11 tionals or lawful permanent residents, based on cri-
12 teria which may include—

13 (A) the detained individual has presented
14 credible information of factual innocence to
15 United States officials;

16 (B) information exists that the individual
17 is detained solely or substantially because he or
18 she is a citizen or national of the United States;

19 (C) information exists that the individual
20 is being detained in violation of internationally
21 protected rights and freedoms, such as freedom
22 of expression, association, assembly, and reli-
23 gion;

24 (D) the individual is being detained in vio-
25 lation of the laws of the detaining country;

1 (E) independent nongovernmental organi-
2 zations or journalists have raised legitimate
3 questions about the innocence of the detained
4 individual;

5 (F) the United States embassy in the
6 country where the individual is detained has re-
7 ceived credible reports that the detention is a
8 pretext;

9 (G) police reports show evidence of the
10 lack of a credible investigation;

11 (H) the individual is detained in a country
12 where the Department of State has determined
13 in its annual human rights reports that the ju-
14 dicial system is not independent or impartial, is
15 susceptible to corruption, or is incapable of ren-
16 dering just verdicts;

17 (I) the individual is detained in inhumane
18 conditions; and

19 (J) the international right to due process
20 of law has been sufficiently impaired so as to
21 render the detention arbitrary.

22 (c) VIOLATIONS.—The President may not transfer a
23 vessel under this section unless the Government of Egypt
24 agrees that if any of the conditions described in subsection
25 (b) are violated after the transfer of the vessel, the Gov-

1 ernment of Egypt will re-transfer the vessel to the United
2 States at the sole cost to the Government of Egypt, with-
3 out using United States funds, including United States
4 foreign military assistance funds.

5 (d) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
6 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
7 of a vessel transferred to the Government of Egypt under
8 this section shall not be counted against the aggregate
9 value of excess defense articles transferred in any fiscal
10 year under section 516 of the Foreign Assistance Act of
11 1961 (22 U.S.C. 2321j).

12 (e) COSTS OF TRANSFERS.—Any expense incurred by
13 the United States in connection with the transfer of a ves-
14 sel under this section shall be charged to the Government
15 of Egypt notwithstanding section 516(e) of the Foreign
16 Assistance Act of 1961 (22 U.S.C. 2321j(e)).

17 (f) REPAIR AND REFURBISHMENT IN UNITED
18 STATES SHIPYARDS.—To the maximum extent prac-
19 ticable, the President shall require, as a condition of the
20 transfer of a vessel under this section, that the Govern-
21 ment of Egypt have such repair or refurbishment of the
22 vessel as is needed, before the vessel joins the naval forces
23 of Egypt, performed at a shipyard located in the United
24 States, including a United States Navy shipyard.

1 (g) EXPIRATION OF AUTHORITY.—The authority to
2 transfer a vessel under this section shall expire at the end
3 of the three-year period beginning on the date of the en-
4 actment of this Act.

5 (h) REQUIRED REPORT.—

6 (1) IN GENERAL.—Not later than 60 days be-
7 fore the transfer of a vessel under this section, the
8 President shall submit to the appropriate congres-
9 sional committees a report describing the following:

10 (A) The specific operational activities and
11 objectives intended for the vessel upon receipt
12 by the Government of Egypt.

13 (B) A detailed description of how the
14 transfer of the vessel will help to alleviate
15 United States mission requirements in the Bab
16 el Mandeb and the Red Sea.

17 (C) A detailed description of how the
18 transfer of the vessel will complement Combined
19 Maritime Forces (CMF) mission goals and ac-
20 tivities, including those of Combined Task
21 Forces 150, 151, 152, and 153.

22 (D) A detailed description of incidents of
23 arbitrary detention, violence, and state-sanc-
24 tioned harassment in the past 5 years by the
25 Government of Egypt against United States

1 citizens, individuals in the United States, and
2 their family members who are not United
3 States citizens, in both Egypt and in the United
4 States, and a determination of whether such in-
5 cidents constitute a pattern of acts of intima-
6 tion or harassment.

7 (E) A description of policy efforts to en-
8 sure that United States security assistance pro-
9 grams with Egypt are formulated in a manner
10 that will “avoid identification of the United
11 States, through such programs, with govern-
12 ments which deny to their people internationally
13 recognized human rights and fundamental free-
14 doms” in accordance with section 502B of the
15 Foreign Assistance Act of 1961 (22 U.S.C.
16 2304).

17 (2) FORM.—The report required by this sub-
18 section shall be provided in unclassified form, but
19 may include a separate classified annex.

20 (i) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “appropriate congres-
22 sional committees” means—

23 (1) the Committee on Foreign Affairs and the
24 Committee on Armed Services of the House of Rep-
25 resentatives; and

1 (2) the Committee on Foreign Relations and
2 the Committee on Armed Services of the Senate.

3 **SEC. 1350. SENSE OF CONGRESS ON AZERBAIJAN'S ILLEGAL**
4 **DETENTION OF ARMENIAN PRISONERS OF**
5 **WAR.**

6 It is the sense of Congress that—

7 (1) Azerbaijan must immediately and uncondi-
8 tionally return all Armenian prisoners of war and
9 captured civilians; and

10 (2) the Biden Administration should engage at
11 all levels with Azerbaijani authorities, including
12 through the Organization for Security and Co-oper-
13 ation in Europe Minsk Group process, to make clear
14 the importance of adhering to their obligations,
15 under the November 9 statement and international
16 law, to immediately release all prisoners of war and
17 captured civilians.

18 **SEC. 1351. UNITED STATES-INDIA DEFENSE PARTNERSHIP.**

19 (a) **STRONG UNITED STATES-INDIA DEFENSE PART-**
20 **NERSHIP.**—It is the sense of Congress that—

21 (1) a strong United States-India defense part-
22 nership, rooted in shared democratic values, is crit-
23 ical in order to advance United States interests in
24 the Indo-Pacific region; and

1 (2) this partnership between the world’s oldest
2 and largest democracies is critical and must con-
3 tinue to be strengthened in response to increasing
4 threats in the Indo-Pacific regions, sending an un-
5 equivocal signal that sovereignty and international
6 law must be respected.

7 (b) UNITED STATES-INDIA INITIATIVE ON CRITICAL
8 AND EMERGING TECHNOLOGIES (ICET).—The Congress
9 finds that the United States-India Initiative on Critical
10 and Emerging Technologies (iCET) is a welcome and es-
11 sential step to developing closer partnerships between gov-
12 ernments, academia, and industry in the United States
13 and India to address the latest advances in artificial intel-
14 ligence, quantum computing, biotechnology, aerospace,
15 and semiconductor manufacturing. Such collaborations be-
16 tween engineers and computer scientists are vital to help
17 ensure that the United States and India, as well as other
18 democracies around the world, foster innovation and facili-
19 tate technological advances which continue to far outpace
20 Russian and Chinese technology.

21 (c) BORDER THREATS FROM CHINA AND RELIANCE
22 ON RUSSIAN-BUILT WEAPONS.—Congress recognizes
23 that—

24 (1) India faces immediate and serious regional
25 border threats from China, with continued military

1 aggression by the Government of China along the
2 India-China border,

3 (2) India relies on Russian-built weapons for its
4 national defense, and

5 (3) the United States should take additional
6 steps to encourage India to accelerate India's transi-
7 tion off Russian-built weapons and defense systems
8 while strongly supporting India's immediate defense
9 needs.

10 (d) WAIVER OF CAATSA SANCTIONS IN BEST IN-
11 TERESTS OF UNITED STATES AND THE UNITED STATES-
12 INDIA DEFENSE PARTNERSHIP.—While India faces im-
13 mediate needs to maintain its heavily Russian-built weap-
14 ons systems, a waiver to sanctions under the Countering
15 America's Adversaries Through Sanctions Act during this
16 transition period is in the best interests of the United
17 States and the United States-India defense partnership to
18 deter aggressors in light of Russia and China's close part-
19 nership.

20 **SEC. 1352. BRIEFING ON DEPARTMENT OF DEFENSE PRO-**
21 **GRAM TO PROTECT UNITED STATES STU-**
22 **DENTS AGAINST FOREIGN AGENTS.**

23 Not later than 240 days after the date of the enact-
24 ment of this Act, the Secretary of Defense shall provide
25 a briefing to the congressional defense committees on the

1 program described in section 1277 of the National De-
2 fense Authorization Act for Fiscal Year 2018 (Public Law
3 115–91), including an assessment on whether the program
4 is beneficial to students interning, working part time, or
5 in a program that will result in employment post-gradua-
6 tion with Department of Defense components and contrac-
7 tors.

8 **SEC. 1353. REPORT ON EFFORTS TO COMBAT BOKO HARAM**
9 **IN NIGERIA AND THE LAKE CHAD BASIN.**

10 (a) STATEMENT OF CONGRESS.—Congress—

11 (1) strongly condemns the ongoing violence and
12 the systematic gross human rights violations against
13 the people of Nigeria and the Lake Chad Basin car-
14 ried out by Boko Haram;

15 (2) expresses its support for the people of Nige-
16 ria and the Lake Chad Basin who wish to live in a
17 peaceful, economically prosperous, and democratic
18 region; and

19 (3) calls on the President to support Nigerian,
20 Lake Chad Basin, and international community ef-
21 forts to ensure accountability for crimes against hu-
22 manity committed by Boko Haram against the peo-
23 ple of Nigeria and the Lake Chad Basin, particu-
24 larly the young girls kidnapped from Chibok and

1 other internally displaced persons affected by the ac-
2 tions of Boko Haram.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, the Secretary
6 of State, in consultation with the Secretary of De-
7 fense and the Attorney General, shall submit to the
8 congressional defense committees, the Committee on
9 Foreign Affairs and the Committee on the Judiciary
10 of the House of Representatives, and the Committee
11 on Foreign Relations and the Committee on the Ju-
12 diciary of the Senate a report on efforts to combat
13 Boko Haram in Nigeria and the Lake Chad Basin.

14 (2) ELEMENTS.—The report required under
15 paragraph (1) shall include the following elements:

16 (A) A description of initiatives undertaken
17 by the Department of State and the Depart-
18 ment of Defense to assist the Government of
19 Nigeria and countries in the Lake Chad Basin
20 to combat Boko Haram.

21 (B) A description of United States activi-
22 ties to enhance the capacity of Nigeria and
23 countries in the Lake Chad Basin to investigate
24 and prosecute human rights violations per-
25 petrated against the people of Nigeria and the

1 Lake Chad Basin by Boko Haram, al-Qaeda af-
2 filiates, and other terrorist organizations, in
3 order to promote respect for rule of law in Ni-
4 geria and the Lake Chad Basin.

5 **SEC. 1354. CHIEF OF MISSION CONCURRENCE.**

6 The Secretary of Defense, in coordination with the
7 Secretary of State, shall submit to the Committees on
8 Armed Services of the House of Representatives and the
9 Senate, the Committee on Foreign Affairs of the House
10 of Representatives, and the Committee on Foreign Rela-
11 tions of the Senate a report outlining the process by which
12 chief of mission concurrence is obtained for Department
13 of Defense clandestine activities under section 127(f) of
14 title 10, United States Code.

15 **SEC. 1355. GAO STUDY ON DEPARTMENT OF DEFENSE SUP-**
16 **PORT FOR OTHER DEPARTMENTS AND AGEN-**
17 **CIES OF THE UNITED STATES GOVERNMENT**
18 **THAT ADVANCE DEPARTMENT OF DEFENSE**
19 **SECURITY COOPERATION OBJECTIVES.**

20 (a) IN GENERAL.—The Comptroller General of the
21 United States shall conduct a study on the use and imple-
22 mentation of the authority of section 385 of title 10,
23 United States Code, relating to Department of Defense
24 support for other departments and agencies of the United

1 States Government that advance Department of Defense
2 security cooperation objectives.

3 (b) MATTERS TO BE INCLUDED.—The study re-
4 quired by subsection (a) shall include the following:

5 (1) A review of the use and implementation of
6 the authority of section 385 of title 10, United
7 States Code, and congressional intent of such au-
8 thority.

9 (2) An identification of the number of times
10 such authority has been used.

11 (3) An identification of the challenges associ-
12 ated with the use of such authority.

13 (4) A description of reasons for lack of the use
14 of such authority, if any.

15 (5) An identification of potential legislative ac-
16 tions for Congress to address with respect to such
17 authority.

18 (6) An identification of potential executive ac-
19 tions for the Department of Defense to address with
20 respect to such authority.

21 (c) REPORT.—

22 (1) IN GENERAL.—The Comptroller General
23 shall submit to the appropriate congressional com-
24 mittees a report that contains the results of the
25 study required by subsection (a).

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES DEFINED.—In this subsection, the term “ap-
3 propriate congressional committees” means—

4 (A) congressional defense committees; and

5 (B) the Committee on Foreign Affairs of
6 the House of Representatives and the Com-
7 mittee on Foreign Relations of the Senate.

8 **SEC. 1356. FEASIBILITY STUDY AND REPORT RELATING TO**
9 **SOMALILAND.**

10 (a) FEASIBILITY STUDY.—The Secretary of State, in
11 consultation with the Secretary of Defense, shall conduct
12 a feasibility study that—

13 (1) includes consultation with Somaliland secu-
14 rity organs;

15 (2) determines opportunities for collaboration in
16 the pursuit of United States national security inter-
17 ests in the Horn of Africa, the Gulf of Aden, and
18 the broader Indo-Pacific region;

19 (3) identifies the practicability of improving the
20 professionalization and capacity of Somaliland secu-
21 rity sector actors; and

22 (4) identifies the most effective way to conduct
23 and carry out programs, transactions, and other re-
24 lations in the City of Hargeisa on behalf of the
25 United States Government.

1 (b) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary of State, in
3 consultation with the Secretary of Defense and the heads
4 of other relevant Federal departments and agencies, shall
5 submit a classified report to the appropriate congressional
6 committees that contains the results of the feasibility
7 study required under subsection (a), including an assess-
8 ment of the extent to which—

9 (1) opportunities exist for the United States to
10 support the training of Somaliland’s security sector
11 actors with a specific focus on counterterrorism and
12 border and maritime security;

13 (2) Somaliland’s security forces were impli-
14 cated, if any, in gross violations of human rights
15 during the 3-year period immediately preceding the
16 date of the enactment of this Act;

17 (3) the United States has provided or discussed
18 with officials of Somaliland the provision of training
19 to security forces, including—

20 (A) where such training has occurred;

21 (B) the extent to which Somaliland secu-
22 rity forces have demonstrated the ability to ab-
23 sorb previous training; and

1 (C) the ability of Somaliland security
2 forces to maintain and appropriately utilize
3 such training, as applicable;

4 (4) a United States diplomatic and security en-
5 gagement partnership with Somaliland would have a
6 strategic impact, including by protecting the United
7 States and allied maritime interests in the Bab-el-
8 Mandeb Strait and at Somaliland's Port of Berbera;

9 (5) Somaliland could—

10 (A) serve as a maritime gateway in East
11 Africa for the United States and its allies; and

12 (B) counter Iran's presence in the Gulf of
13 Aden and China's growing regional military
14 presence;

15 (6) a United States security and defense part-
16 nership could—

17 (A) bolster cooperation between Somaliland
18 and Taiwan;

19 (B) stabilize this semi-autonomous region
20 of Somalia further as a democratic counter-
21 weight to anti-democratic forces in the greater
22 Horn of Africa region; and

23 (C) impact the capacity of the United
24 States to achieve policy objectives in Somalia,
25 particularly to degrade and ultimately defeat

1 the terrorist threat posed by Al-Shabaab, the
2 Islamic State in Somalia (the Somalia-based Is-
3 lamic State affiliate), and other terrorist groups
4 operating in Somalia; and

5 (7) the extent to which an improved relation-
6 ship with Somaliland could—

7 (A) support United States policy focused
8 on the Red Sea corridor, the Indo-Pacific re-
9 gion, and the Horn of Africa;

10 (B) improve cooperation on counterter-
11 rorism and intelligence sharing;

12 (C) enable cooperation on counter-traf-
13 ficking, including the trafficking of humans,
14 wildlife, weapons, and illicit goods; and

15 (D) support trade and development, includ-
16 ing how Somaliland could benefit from Prosper
17 Africa and other regional trade initiatives.

18 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
19 FINED.—In subsection (b), the term “appropriate congres-
20 sional committees” means—

21 (1) the Committee on Foreign Affairs and the
22 Committee on Armed Services of the House of Rep-
23 resentatives; and

24 (2) the Committee on Foreign Relations and
25 the Committee on Armed Services of the Senate.

1 **SEC. 1357. REPEAL OF JOINT RESOLUTION TO PROMOTE**
2 **PEACE AND STABILITY IN THE MIDDLE EAST.**

3 Effective on the date that is 90 days after the date
4 of the enactment of this Act, the joint resolution entitled
5 “A joint resolution to promote peace and stability in the
6 Middle East” (Public Law 85–7; 22 U.S.C. 1961 et seq.)
7 is hereby repealed.

8 **SEC. 1358. SENSE OF CONGRESS REGARDING THE INCLU-**
9 **SION OF SUNSET PROVISIONS IN AUTHORIZA-**
10 **TIONS FOR USE OF MILITARY FORCE.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) Article 1, Section 8, of the Constitution pro-
14 vides Congress with the sole authority to “declare
15 war”.

16 (2) Legal experts who have served in both
17 Democratic and Republic administrations rec-
18 ommend the inclusion of a sunset clause or reau-
19 thorization requirement in authorizations for use of
20 military force to ensure that Congress fulfills its
21 constitutional duty to debate and vote on whether to
22 send United States servicemembers into war.

23 (3) Sunset provisions have been included in 29
24 percent of prior authorizations for use of military
25 force and declarations of war.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) the inclusion of a sunset provision or reau-
4 thorization requirement in authorizations for use of
5 military force is critical to ensuring Congress’s exer-
6 cise of its constitutional duty to declare war; and

7 (2) any joint resolution enacted to authorize the
8 introduction of United States forces into hostilities
9 or into situations where there is a serious risk of
10 hostilities should include a sunset provision setting
11 forth a date certain for the termination of the au-
12 thorization for the use of such forces absent the en-
13 actment of a subsequent specific statutory authoriza-
14 tion for such use of the United States forces.

15 **SEC. 1359. REPORT ON MEXICO.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the President shall sub-
18 mit to the appropriate congressional committees a report
19 that includes the following:

20 (1) A description of past and current bilateral
21 security cooperation with Mexico, including through
22 Northcom, the Department of Homeland Security,
23 and the Department of Justice (including the Drug
24 Enforcement Administration), including over the
25 preceding 10 years.

1 (2) A description of the benefits of partnerships
2 with Mexican security forces in enforcing judicial
3 process for violent crimes and cartels along the
4 southern border.

5 (3) A description of increasing cartel control
6 over Mexican territory and its impacts on national
7 security.

8 (4) A description of deteriorating role of elec-
9 toral and democratic institutions, including human
10 rights violations, and its impacts on national secu-
11 rity.

12 (b) FORM.—The report required by subsection (a)
13 shall be submitted in unclassified form, but may include
14 a classified annex. The unclassified portion of such report
15 shall be published on a publicly available website of the
16 Federal government.

17 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—
18 In this section, the term “appropriate congressional com-
19 mittees” means—

20 (1) the congressional defense committees;

21 (2) the Committee on Foreign Relations and
22 the Select Committee on Intelligence of the Senate;
23 and

1 (3) the Committee on Foreign Affairs and the
2 Permanent Select Committee on Intelligence of the
3 House of Representatives.

4 **SEC. 1360. UNPAID PERUVIAN AGRARIAN REFORM BONDS.**

5 To ensure the retirement security of over 5,000,000
6 United States pensioners across the Nation, Congress
7 urges the Secretary of State to take action concerning un-
8 paid Peruvian agrarian reform bonds by encouraging the
9 Peruvian Government to negotiate in good faith with
10 United States pension funds and bondholders regarding
11 payment of the agrarian reform bonds.

12 **SEC. 1361. REPORT ON CHINESE SUPPORT TO RUSSIA WITH**
13 **RESPECT TO ITS UNPROVOKED INVASION OF**
14 **AND FULL-SCALE WAR AGAINST UKRAINE.**

15 (a) IN GENERAL.—Not later than 30 days after the
16 date of the enactment of this Act and every 90 days there-
17 after, the Secretary of State, in consultation with the Sec-
18 retary of Commerce and the Director of National Intel-
19 ligence as appropriate, shall submit to the appropriate
20 congressional committees a report on whether and how the
21 People’s Republic of China, including the Government of
22 the People’s Republic of China, the Chinese Communist
23 Party, any Chinese state-owned enterprise, and any other
24 Chinese entity, has provided support to the Russian Fed-

1 eration with respect to its unprovoked invasion of and full-
2 scale war against Ukraine.

3 (b) MATTERS TO BE INCLUDED.—The report re-
4 quired by subsection (a) shall include a discussion of the
5 People’s Republic of China support to the Russian Federa-
6 tion with respect to—

7 (1) helping the Government of Russia or Rus-
8 sian entities evade or circumvent United States
9 sanctions or multilateral sanctions and export con-
10 trols;

11 (2) deliberately inhibiting onsite United States
12 Government export control end-use checks, including
13 interviews and investigations, in China;

14 (3) providing Russia with any technology, in-
15 cluding semiconductors classified as EAR99, that
16 supports Russian intelligence or military capabilities;

17 (4) establishing economic or financial arrange-
18 ments that will have the effect of alleviating the im-
19 pact of United States sanctions or multilateral sanc-
20 tions;

21 (5) furthering Russia’s disinformation and
22 propaganda efforts;

23 (6) coordinating to hinder the response of mul-
24 tilateral organizations, including the United Nations,
25 to provide assistance to the people or Government of

1 Ukraine, to condemn Russia's war, to hold Russia
2 accountable for the invasion and its prosecution of
3 the war, or to hold those complicit accountable; and

4 (7) providing any material, technical, or
5 logistical support, including to Russian military or
6 intelligence agencies and state-owned or state-linked
7 enterprises.

8 (c) FORM.—

9 (1) IN GENERAL.—The report required by sub-
10 section (a) shall be submitted in unclassified form
11 and published on the Department of State's publicly
12 available website.

13 (2) EXCEPTION.—If the Secretary, in consulta-
14 tion with the Director of National Intelligence, cer-
15 tifies to the appropriate congressional committees
16 that the Secretary is unable to include an element
17 required under paragraphs (1) through (7) of sub-
18 section (b) in an unclassified manner, the Secretary
19 shall provide in unclassified form an affirmative or
20 negative determination for each element required
21 under subsections (b)(1)-(7) whether the People's
22 Republic of China is supporting the Russian Federa-
23 tion in that manner and concurrently provide the
24 discussion of that element to the committees at the

1 lowest possible classification level, consistent with
2 the protection of sources and methods.

3 (d) SUNSET.—The requirement to submit the report
4 required by subsection (a) shall terminate on the earlier
5 of—

6 (1) the date on which the Secretary of State de-
7 termines the conflict in Ukraine has ended; or

8 (2) the date that is 2 years after the date of the
9 enactment of this Act.

10 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
11 FINED.—In this section, the term “appropriate congres-
12 sional committees” means—

13 (1) the congressional defense committees;

14 (2) the Committee on Foreign Affairs and the
15 Permanent Select Committee on Intelligence of the
16 House of Representatives; and

17 (3) the Committee on Foreign Relations, the
18 Committee on Banking, Housing, and Urban Af-
19 fairs, and the Select Committee on Intelligence of
20 the Senate.

1 **TITLE XIV—OTHER**
2 **AUTHORIZATIONS**
3 **Subtitle A—Military Programs**

4 **SEC. 1401. WORKING CAPITAL FUNDS.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2023 for the use of the Armed Forces and other
7 activities and agencies of the Department of Defense for
8 providing capital for working capital and revolving funds,
9 as specified in the funding table in section 4501.

10 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
11 **TION, DEFENSE.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are hereby authorized to be appropriated for the Depart-
14 ment of Defense for fiscal year 2023 for expenses, not oth-
15 erwise provided for, for Chemical Agents and Munitions
16 Destruction, Defense, as specified in the funding table in
17 section 4501.

18 (b) USE.—Amounts authorized to be appropriated
19 under subsection (a) are authorized for—

20 (1) the destruction of lethal chemical agents
21 and munitions in accordance with section 1412 of
22 the Department of Defense Authorization Act, 1986
23 (50 U.S.C. 1521); and

1 (2) the destruction of chemical warfare materiel
2 of the United States that is not covered by section
3 1412 of such Act.

4 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG AC-**
5 **TIVITIES, DEFENSE-WIDE.**

6 Funds are hereby authorized to be appropriated for
7 the Department of Defense for fiscal year 2023 for ex-
8 penses, not otherwise provided for, for Drug Interdiction
9 and Counter-Drug Activities, Defense-wide, as specified in
10 the funding table in section 4501.

11 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

12 Funds are hereby authorized to be appropriated for
13 the Department of Defense for fiscal year 2023 for ex-
14 penses, not otherwise provided for, for the Office of the
15 Inspector General of the Department of Defense, as speci-
16 fied in the funding table in section 4501.

17 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

18 Funds are hereby authorized to be appropriated for
19 fiscal year 2023 for the Defense Health Program for use
20 of the Armed Forces and other activities and agencies of
21 the Department of Defense for providing for the health
22 of eligible beneficiaries, as specified in the funding table
23 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 DEM-
ONSTRATION FUND FOR CAPTAIN JAMES A.
LOVELL HEALTH CARE CENTER, ILLINOIS.**

(a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the funds authorized to be appropriated for section 1405 and available for the Defense Health Program for operation and maintenance, \$168,000,000 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

1 Ambulatory Care Center, and supporting facilities des-
2 ignated as a combined Federal medical facility under an
3 operational agreement covered by section 706 of the Dun-
4 can Hunter National Defense Authorization Act for Fiscal
5 Year 2009 (Public Law 110–417; 122 Stat. 4500).

6 **SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR**
7 **ARMED FORCES RETIREMENT HOME.**

8 There is hereby authorized to be appropriated for fis-
9 cal year 2023 from the Armed Forces Retirement Home
10 Trust Fund the sum of \$152,360,000 of which—

11 (1) \$75,360,000 is for operation, maintenance,
12 construction and renovation; and

13 (2) \$77,000,000 is for major construction.

14 **SEC. 1413. STUDY AND PILOT PROGRAM ON SEMICONDUCTORS**
15 **AND THE NATIONAL DEFENSE STOCK-**
16 **PILE.**

17 (a) STUDY REQUIRED.—

18 (1) IN GENERAL.—Not later than one year
19 after the date of the enactment of this Act, the Sec-
20 retary of Defense shall—

21 (A) conduct a study on the strategic mate-
22 rials required by the Department of Defense to
23 execute the operational plans of the Depart-
24 ment in a conflict with a strategic competitor
25 lasting not less than six months; and

1 (B) submit to the congressional defense
2 committees a report on such study.

3 (2) ELEMENTS.—The report required under
4 paragraph (1) shall include the following:

5 (A) A description of the specific number
6 and type of semiconductors for key systems and
7 munitions, delineated by technical specifica-
8 tions, performance requirements, and end-use
9 applications, that the Department of Defense
10 requires to execute and sustain the operational
11 plans of the Department during a conflict with
12 a strategic competitor in the Indo-Pacific for
13 not less than six months.

14 (B) A description of any supply chain
15 vulnerabilities or choke points, including from
16 sole sources of supply or geographic proximity
17 to strategic competitors, involving the critical
18 minerals and strategic raw materials (including
19 chemicals) required to produce the semiconduc-
20 tors described in subparagraph (A).

21 (C) A description of any supply chain
22 vulnerabilities or choke points, including from
23 sole sources, geographic proximity to strategic
24 competitors, or legacy technology, involving the
25 manufacturing equipment required for each

1 step in the manufacturing process from the raw
2 materials described in subparagraph (B) to the
3 finished and operational semiconductor chip de-
4 scribed in subparagraph (A), and an identifica-
5 tion of potential secure sources of supply or
6 manufacturing involving the United States, al-
7 lied, or partner nations.

8 (D) An analysis of the ability of the De-
9 partment of Defense and private industry, as
10 appropriate, to procure the semiconductors de-
11 scribed in subparagraph (A) and mitigate the
12 vulnerabilities identified in subparagraphs (B)
13 and (C), during a conflict with a strategic com-
14 petitor in the Indo-Pacific lasting not less than
15 six months, along with associated recommenda-
16 tions, any additional necessary authorities to
17 carry out such recommendations, and the cost
18 of each recommendation.

19 (E) A feasibility assessment, expected cost,
20 and recommendations for acquiring strategic
21 materials for the National Defense Stockpile.

22 (F) A description of options to finance the
23 cost of the recommendations described in sub-
24 paragraph (D).

1 (G) The anticipated annual cost, through
2 fiscal year 2028, of a pilot program to acquire
3 for the National Defense Stockpile the highest
4 priority strategic materials.

5 (b) PILOT PROGRAM.—

6 (1) ESTABLISHMENT.—Upon the submission of
7 the report under subsection (a), the Secretary of De-
8 fense shall carry out a pilot program to, subject to
9 the availability of appropriations, acquire for the
10 National Defense Stockpile the highest priority stra-
11 tegic materials identified in such report.

12 (2) REPORT.—Not later than 1 year after the
13 establishment of the pilot program described in this
14 subsection, and annually thereafter until the date
15 described in paragraph (3), the Secretary of Defense
16 shall submit to the congressional defense committees
17 a report on the status and effects of the pilot pro-
18 gram.

19 (3) TERMINATION.—The pilot program estab-
20 lished under this subsection shall terminate on Sep-
21 tember 30, 2028.

22 (c) STRATEGIC MATERIALS DEFINED.—In this sec-
23 tion, the term “strategic materials” means—

24 (1) semiconductors described in subsection
25 (a)(2)(A);

- 1 (2) critical minerals and strategic raw materials
- 2 described in subsection (a)(2)(B); and
- 3 (3) manufacturing equipment described in para-
- 4 graph (2)(C).

5 **SEC. 1414. RESTORING ESSENTIAL ENERGY AND SECURITY**
6 **HOLDINGS ONSHORE FOR RARE EARTHS.**

7 (a) ACQUISITION AUTHORITY.—Of the funds author-
8 ized to be appropriated for the National Defense Stockpile
9 Transaction Fund by section 4501, the National Defense
10 Stockpile Manager may use up to \$253,500,000 for acqui-
11 sition of the following materials determined to be strategic
12 and critical materials required to meet the defense, indus-
13 trial, and essential civilian needs of the United States:

- 14 (1) Neodymium oxide, praseodymium oxide, and
- 15 neodymium iron boron (NdFeB) magnet block.
- 16 (2) Titanium.
- 17 (3) Energetic materials.
- 18 (4) Iso-molded graphite.
- 19 (5) Grain-oriented electric steel.
- 20 (6) Tire cord steel.
- 21 (7) Cadmium zinc telluride.
- 22 (8) Scandium.

23 (b) COMPLIANCE WITH STRATEGIC AND CRITICAL
24 MATERIALS STOCK PILING ACT.—Any acquisition using
25 funds appropriated pursuant to this section shall be car-

ried out in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

(c) DISCLOSURES CONCERNING RARE EARTH ELEMENTS AND COVERED CRITICAL MINERALS BY CONTRACTORS OF DEPARTMENT OF DEFENSE.—

(1) REQUIREMENT.—Beginning on the date that is 30 months after the date of the enactment of this Act, the Secretary of Defense shall require that any contractor that provides to the Department of Defense a system with a permanent magnet that contains rare earth elements or covered critical minerals to disclose in a classified form, along with delivery of the system, the provenance of the magnet.

(2) ELEMENTS.—A disclosure under paragraph (1) shall include an identification of the country or countries in which—

(A) any rare earth elements and covered critical minerals used in the magnet were mined;

(B) such elements and minerals were refined into oxides;

(C) such elements and minerals were made into metals and alloys; and

1 (D) the magnet was sintered or bonded
2 and magnetized.

3 (3) IMPLEMENTATION OF SUPPLY CHAIN
4 TRACKING SYSTEM.—If a contractor cannot make
5 the disclosure required by paragraph (1) with re-
6 spect to a system described in that paragraph, the
7 Secretary shall require the contractor to establish
8 and implement a supply chain tracking system in
9 order to make the disclosure not later than 180 days
10 after providing the system to the Department of De-
11 fense.

12 (4) WAIVERS.—

13 (A) IN GENERAL.—The Secretary may
14 waive a requirement under paragraph (1) or (3)
15 with respect to a system described in paragraph
16 (1) for a period of not more than 180 days if
17 the Secretary certifies to the appropriate con-
18 gressional committees that—

19 (i) the continued procurement of the
20 system is necessary to meet the demands
21 of a national emergency declared under
22 section 201 of the National Emergencies
23 Act (50 U.S.C. 1621); or

24 (ii) the contractor cannot currently
25 make the disclosure required by paragraph

1 (1) but is making significant efforts to
2 comply with the requirements of that para-
3 graph.

4 (B) WAIVER RENEWALS.—The Secretary—

5 (i) may renew a waiver under sub-
6 paragraph (A)(i) as many times as the
7 Secretary considers appropriate; and

8 (ii) may not renew a waiver under
9 subparagraph (A)(ii) more than twice.

10 (5) BRIEFING REQUIRED.—Not later than 30
11 days after the submission of each report required by
12 subsection (e)(3), the Secretary of Defense shall pro-
13 vide to the appropriate congressional committees a
14 briefing that includes—

15 (A) a summary of the disclosures made
16 under this subsection;

17 (B) an assessment of the extent of reliance
18 by the United States on foreign countries, and
19 especially countries that are not allies of the
20 United States, for rare earth elements and cov-
21 ered critical minerals;

22 (C) a determination with respect to which
23 systems described in paragraph (1) are of the
24 greatest concern for interruptions of supply

1 chains with respect to rare earth elements and
2 covered critical minerals; and

3 (D) any suggestions for legislation or fund-
4 ing that would mitigate security gaps in such
5 supply chains.

6 (d) EXPANSION OF RESTRICTIONS ON PROCURE-
7 MENT OF MILITARY AND DUAL-USE TECHNOLOGIES BY
8 CHINESE MILITARY COMPANIES.—Section 1211 of the
9 National Defense Authorization Act for Fiscal Year 2006
10 (10 U.S.C. 4651 note prec.) is amended—

11 (1) in the section heading, by striking “**COM-**
12 **MUNIST CHINESE MILITARY COMPANIES**” and
13 inserting “**CHINESE MILITARY COMPANIES**”;

14 (2) in subsection (a), by inserting after “mili-
15 tary company” the following: “, any Chinese military
16 company, or any Non-SDN Chinese military-indus-
17 trial complex company”;

18 (3) by amending subsection (b) to read as fol-
19 lows:

20 “(b) GOODS AND SERVICES COVERED.—

21 “(1) IN GENERAL.—For purposes of subsection
22 (a), and except as provided in paragraph (2), the
23 goods and services described in this subsection are
24 goods and services—

1 “(A) on the munitions list of the Inter-
2 national Traffic in Arms Regulations; or

3 “(B) on the Commerce Control List that—

4 “(i) are classified in the 600 series; or

5 “(ii) contain rare earth elements or
6 covered critical minerals.

7 “(2) EXCEPTIONS.—Goods and services de-
8 scribed in this subsection do not include goods or
9 services procured—

10 “(A) in connection with a visit by a vessel
11 or an aircraft of the United States Armed
12 Forces to the People’s Republic of China;

13 “(B) for testing purposes; or

14 “(C) for purposes of gathering intel-
15 ligence.”;

16 (4) in subsection (e)—

17 (A) by striking paragraph (3);

18 (B) by redesignating paragraphs (1) and
19 (2) as paragraphs (3) and (6), respectively;

20 (C) by inserting before paragraph (3), as
21 redesignated by subparagraph (B), the fol-
22 lowing:

23 “(1) The term ‘Chinese military company’ has
24 the meaning given that term by section 1260H(d)(1)
25 of the William M. (Mac) Thornberry National De-

1 fense Authorization Act for Fiscal Year 2021 (Pub-
2 lic Law 116–283; 10 U.S.C. 113 note).

3 “(2) The term ‘Commerce Control List’ means
4 the list maintained by the Bureau of Industry and
5 Security and set forth in Supplement No. 1 to part
6 774 of the Export Administration Regulations.”;
7 and

8 (D) by inserting after paragraph (3), as so
9 redesignated, the following:

10 “(4) The term ‘covered critical mineral’
11 means—

12 “(A) antimony;

13 “(B) beryllium;

14 “(C) cobalt;

15 “(D) graphite;

16 “(E) lithium;

17 “(F) manganese;

18 “(G) nickel;

19 “(H) tantalum;

20 “(I) tungsten; or

21 “(J) vanadium.

22 “(5) The term ‘Export Administration Regula-
23 tions’ has the meaning given that term in section
24 1742 of the Export Control Reform Act of 2018 (50
25 U.S.C. 4801).”; and

1 (5) by adding at the end the following:

2 “(7) The term ‘Non-SDN Chinese military-in-
3 dustrial complex company’ means any entity on the
4 Non-SDN Chinese Military-Industrial Complex Com-
5 panies List—

6 “(A) established pursuant to Executive
7 Order 13959 (50 U.S.C. 1701 note; relating to
8 addressing the threat from securities invest-
9 ments that finance Communist Chinese military
10 companies), as amended before, on, or after the
11 date of the enactment of the Restoring Essen-
12 tial Energy and Security Holdings Onshore for
13 Rare Earths Act of 2022; and

14 “(B) maintained by the Office of Foreign
15 Assets Control of the Department of the Treas-
16 ury.

17 “(8) The term ‘rare earth element’ means—

18 “(A) cerium;

19 “(B) dysprosium;

20 “(C) erbium;

21 “(D) europium;

22 “(E) gadolinium;

23 “(F) holmium;

24 “(G) lanthanum;

25 “(H) lutetium;

1 “(I) neodymium;
2 “(J) praseodymium;
3 “(K) promethium;
4 “(L) samarium;
5 “(M) scandium;
6 “(N) terbium;
7 “(O) thulium;
8 “(P) ytterbium; or
9 “(Q) yttrium.”.

10 (e) REVIEW OF COMPLIANCE WITH CONTRACTING
11 REQUIREMENTS.—

12 (1) IN GENERAL.—Not later than one year
13 after the date of the enactment of this Act, and peri-
14 odically thereafter until the termination date speci-
15 fied in paragraph (5), the Comptroller General of
16 the United States shall assess the extent of the ef-
17 forts of the Department of Defense to comply with
18 the requirements of—

19 (A) subsection (c);

20 (B) section 1211 of the National Defense
21 Authorization Act for Fiscal Year 2006, as
22 amended by subsection (d) of this section; and

23 (C) section 4872 of title 10, United States
24 Code.

1 (2) BRIEFING REQUIRED.—The Comptroller
2 General shall periodically, until the termination date
3 specified in paragraph (5), provide to the appro-
4 priate congressional committees a briefing on the re-
5 sults of the assessments conducted under paragraph
6 (1) that includes an assessment of—

7 (A) the inclusion by the Department of
8 Defense of necessary contracting clauses in rel-
9 evant contracts to meet the requirements de-
10 scribed in subparagraphs (A), (B), and (C) of
11 paragraph (1); and

12 (B) the efforts of the Department of De-
13 fense to assess the compliance of contractors
14 with such clauses.

15 (3) REPORT REQUIRED.—The Comptroller Gen-
16 eral shall, not less frequently than every 2 years
17 until the termination date specified in paragraph
18 (5), submit to the appropriate congressional commit-
19 tees a report on the results of the assessments con-
20 ducted under paragraph (1) that includes an assess-
21 ment of—

22 (A) the inclusion by the Department of
23 Defense of necessary contracting clauses in rel-
24 evant contracts to meet the requirements de-

1 scribed in subparagraphs (A), (B), and (C) of
2 paragraph (1); and

3 (B) the efforts of the Department of De-
4 fense to assess the compliance of contractors
5 with such clauses.

6 (4) REFERRAL.—If, in conducting an assess-
7 ment under paragraph (1), the Comptroller General
8 determines that a contractor has failed to comply
9 with any of the requirements described in subpara-
10 graphs (A), (B), and (C) of paragraph (1), the rel-
11 evant Inspectors General, or other enforcement
12 agencies, as appropriate, for further examination
13 and possible enforcement actions.

14 (5) TERMINATION.—The requirements of this
15 subsection shall terminate on the date that is 10
16 years after the date of the enactment of this Act.

17 (f) DEFINITIONS.—In this section, the terms “cov-
18 ered critical minerals” and “rare earth element” have the
19 meanings given to such terms in section 1211 of the Na-
20 tional Defense Authorization Act for Fiscal Year 2006 (10
21 U.S.C. 4651 note prec.).

1 **SEC. 1415. REPORT ON FEASIBILITY OF INCREASING QUAN-**
2 **TITIES OF RARE EARTH PERMANENT**
3 **MAGNETS IN NATIONAL DEFENSE STOCK-**
4 **PILE.**

5 (a) STATEMENT OF POLICY.—It is the policy of the
6 United States to build a stockpile of rare earth permanent
7 magnets to meet requirements for Department of Defense
8 programs and systems while reducing dependence on for-
9 eign countries for such magnets.

10 (b) REPORT.—Not later than 90 days after the date
11 of the enactment of this Act, the Secretary of Defense
12 shall submit to the congressional defense committees a re-
13 port on the feasibility of increasing the quantity of rare
14 earth permanent magnets in the National Defense Stock-
15 pile to support United States defense requirements.

16 (c) CONTENTS.—The report required by subsection
17 (b) shall include the following:

18 (1) An assessment of the extent to which the
19 existing National Defense Stockpile inventory would
20 guarantee supply of rare earth permanent magnets
21 to major defense acquisition programs included in
22 the future years defense program.

23 (2) A description of the assumptions underlying
24 the quantities of rare earth permanent magnet block
25 identified for potential acquisition in the most recent

1 National Defense Stockpile Annual Operations and
2 Planning Report.

3 (3) An evaluation of factors that would affect
4 shortfall estimates with respect to rare earth magnet
5 block in the National Defense Stockpile inventory.

6 (4) A description of the impact on and require-
7 ments for domestic industry stakeholders, including
8 Department of Defense contractors.

9 (5) An analysis of challenges related to the do-
10 mestic manufacturing of rare earth permanent
11 magnets.

12 (6) An assessment of the extent to which De-
13 partment of Defense programs and systems rely on
14 rare earth permanent magnets manufactured by an
15 entity under the jurisdiction of a covered strategic
16 competitor.

17 (7) Identification of additional funding, authori-
18 ties, and policies necessary to advance the policy de-
19 scribed in subsection (a).

20 (d) FORM.—The report required by subsection (b)
21 shall be submitted in unclassified form, but may include
22 a classified annex.

23 (e) DEFINITIONS.—In this section:

24 (1) The term “congressional defense commit-
25 tees” means the Committee on Armed Services of

1 the Senate and the Committee on Armed Services of
2 the House of Representatives.

3 (2) The term “covered strategic competitor”
4 means a near-peer country identified by the Sec-
5 retary of Defense and National Defense Strategy.

6 **SEC. 1416. STUDY ON STOCKPILING ENERGY STORAGE**
7 **COMPONENTS.**

8 Not later than 360 days after the date of the enact-
9 ment of this Act, the Comptroller General of the United
10 States shall submit to Congress a study on the viability
11 of establishing a stockpile of the materials required to
12 manufacture batteries, battery cells, and other energy
13 storage components to meet national security require-
14 ments in the event of a national emergency (as defined
15 in section 12 of the Strategic and Critical Materials Stock
16 Piling Act (50 U.S.C. 98h–3)).

1 **Subtitle C—Homeland Acceleration**
2 **of Recovering Deposits and Re-**
3 **newing Onshore Critical Key-**
4 **stones**

5 **SEC. 1421. AUTHORITY TO ACQUIRE MATERIALS FOR NA-**
6 **TIONAL DEFENSE STOCKPILE TO ADDRESS**
7 **SHORTFALLS.**

8 (a) MODIFICATION OF ACQUISITION AUTHORITY.—

9 Section 5 of the Strategic and Critical Materials Stock Pil-
10 ing Act (50 U.S.C. 98d) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)—

13 (i) in the first sentence, by inserting
14 “under the authority of paragraph (3) or”
15 after “Except for acquisitions made”; and

16 (ii) in the second sentence, by striking
17 “for such acquisition” and inserting “for
18 any acquisition of materials under this
19 Act”;

20 (B) in paragraph (2), by striking “any
21 such transaction” and inserting “any trans-
22 action”; and

23 (C) by adding at the end the following:

24 “(3) From amounts appropriated after the date of
25 the enactment of this paragraph, the National Defense

1 Stockpile Manager may acquire materials determined to
2 be strategic and critical under section 3(a) without regard
3 to the requirement of the first sentence of paragraph (1)
4 if the Stockpile Manager determines there is a shortfall
5 of such materials in the stockpile.”; and

6 (2) in subsection (c), by striking “to carry out
7 the purposes for which appropriated for a period of
8 two fiscal years, if so provided in appropriation
9 Acts” and inserting “until expended, unless other-
10 wise provided in appropriations Acts”.

11 (b) CLARIFICATION THAT STOCKPILE MAY NOT BE
12 USED FOR BUDGETARY PURPOSES.—Section 2(c) of the
13 Strategic and Critical Materials Stock Piling Act (50
14 U.S.C. 98a(c)) is amended by striking “is not to be used”
15 and inserting “shall not be used”.

16 (c) ANNUAL BRIEFINGS.—Section 11 of the Strategic
17 and Critical Materials Stock Piling Act (50 U.S.C. 98h–
18 2) is amended by adding at the end the following:

19 “(c)(1) Not later than 30 days after submitting a re-
20 port required by subsection (a), the National Defense
21 Stockpile Manager shall brief the committees specified in
22 paragraph (2) on the state of the stockpile and the acqui-
23 sitions intended to be made within the next fiscal year.

24 “(2) The committees specified in this paragraph
25 are—

1 “(A) the Committee on Armed Services,
2 the Committee on Foreign Relations, the Com-
3 mittee on Energy and Natural Resources, the
4 Committee on Commerce, Science, and Trans-
5 portation, and the Select Committee on Intel-
6 ligence of the Senate; and

7 “(B) the Committee on Armed Services,
8 the Committee on Foreign Affairs, the Com-
9 mittee on Natural Resources, the Committee on
10 Energy and Commerce, and the Permanent Se-
11 lect Committee on Intelligence of the House of
12 Representatives.”.

13 **SEC. 1422. REPORT ON MODIFICATIONS TO THE NATIONAL**
14 **TECHNOLOGY AND INDUSTRIAL BASE.**

15 (a) IN GENERAL.—Not later than December 1, 2023,
16 the Secretary of Defense shall submit to the congressional
17 defense committees, the Committee on Financial Services
18 of the House of Representatives, the Permanent Select
19 Committee on Intelligence of the House of Representa-
20 tives, the Select Committee on Intelligence of the Senate,
21 and the Committee on Banking, Housing, and Urban Af-
22 fairs of the Senate a report on the benefits and risks of
23 potential legislative proposals to increase the availability
24 of strategic and critical materials that are, as of the date

1 of the enactment of this Act, sourced primarily from the
2 People’s Republic of China or the Russian Federation.

3 (b) ELEMENTS.—The report required by subsection
4 (a) shall include an assessment of the following:

5 (1) The implications of modifying the term “do-
6 mestic source” for purposes of the Defense Produc-
7 tion Act of 1950 (50 U.S.C. 4501 et seq.) to “do-
8 mestic and allied source” and including in the defini-
9 tion of such term business concerns in other coun-
10 tries, including, but not limited to, Canada, the
11 United Kingdom, and Australia.

12 (2) The benefits of facilitating more effective
13 integration of the national technology and industrial
14 base with the technology and industrial bases of
15 countries that are allies or partners of the United
16 States with respect to technology transfer, socio-
17 economic procurement requirements, and export con-
18 trols.

19 (c) FORM.—The report required by subsection (a)
20 shall be in an unclassified form but may contain a classi-
21 fied annex.

22 (d) DEFINITIONS.—In this section:

23 (1) NATIONAL TECHNOLOGY AND INDUSTRIAL
24 BASE.—The term “national technology and indus-

trial base” has the meaning given that term in section 4801 of title 10, United States Code.

(2) STRATEGIC AND CRITICAL MATERIALS.—

The term “strategic and critical materials” has the meaning given that term in section 12 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–3).

TITLE XV—CYBER AND INFORMATION OPERATIONS MATTERS

Subtitle A—Cyber Matters

SEC. 1501. IMPROVEMENTS TO PRINCIPAL CYBER ADVISORS.

(a) CERTIFICATION AUTHORITY FOR CYBERSPACE OPERATIONS.—Subsection (c) of section 932 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note) is amended by adding at the end the following new paragraph:

“(4) BUDGET CERTIFICATION.—Not later than January 31 of the year preceding each fiscal year for which a budget is proposed, the Principal Cyber Advisor shall certify to the Secretary of Defense and the congressional defense committees the adequacy of the portions of that budget regarding cyberspace activities not covered by the review of the Chief In-

1 formation Officer under section 142(b)(2) of this
2 title.”.

3 (b) CODIFICATION OF PRINCIPAL CYBER ADVI-
4 SORS.—

5 (1) TITLE 10.—Chapter 19 of title 10, United
6 States Code, is amended by inserting after section
7 392 the following new section (and conforming the
8 table of sections at the beginning of such chapter ac-
9 cordingly):

10 **“§ 392a. Principal Cyber Advisors”.**

11 (2) PRINCIPAL CYBER ADVISOR TO SECRETARY
12 OF DEFENSE.—Subsection (c) of section 932 of the
13 National Defense Authorization Act for Fiscal Year
14 2014 (Public Law 113–66; 10 U.S.C. 2224 note), as
15 amended by subsection (a), is—

16 (A) transferred to section 392a of title 10,
17 United States Code, as added by paragraph (1);

18 (B) redesignated as subsection (a); and

19 (C) amended in the subsection heading by
20 inserting “TO SECRETARY OF DEFENSE” after
21 “ADVISOR”.

22 (3) DEPUTY CYBER ADVISOR.—Section 905 of
23 the National Defense Authorization Act for Fiscal
24 Year 2020 (Public Law 116–92; 10 U.S.C. 391
25 note) is—

1 (A) transferred to chapter 19 of title 10,
2 United States Code, designated as subsection
3 (b) of section 392a, as added by paragraph (1),
4 and redesignating each subordinate provision
5 and the margins thereof accordingly; and

6 (B) amended—

7 (i) by striking “this subsection” each
8 place it appears and inserting “this para-
9 graph”; and

10 (ii) by striking “subsection (a)” each
11 place it appears and inserting “paragraph
12 (1)”.

13 (4) PRINCIPAL CYBER ADVISORS TO SECRE-
14 TARIES OF MILITARY DEPARTMENTS.—Section 1657
15 of the National Defense Authorization Act for Fiscal
16 Year 2020 (Public Law 116–92; 10 U.S.C. 391
17 note) is—

18 (A) transferred to chapter 19 of title 10,
19 United States Code, designated as subsection
20 (c) of section 392a, as added by paragraph (1),
21 and redesignating each subordinate provision
22 and the margins thereof accordingly; and

23 (B) amended—

24 (i) by striking “subparagraph (B)”
25 and inserting “clause (ii)”;

1 (ii) by striking “paragraph (1)” each
2 place it appears and inserting “subpara-
3 graph (A)”;

4 (iii) by striking “paragraph (2)” each
5 place it appears and inserting “subpara-
6 graph (B)”;

7 (iv) by striking “subsection (a)(1)”
8 and inserting “paragraph (1)(A)”;

9 (v) by striking “subsection (a)” each
10 place it appears and inserting “paragraph
11 (1)”;

12 (vi) by striking “subsection (b)” each
13 place it appears and inserting “paragraph
14 (2)”;

15 (vii) by striking paragraph (6) (as re-
16 designated pursuant to subparagraph (A)).

17 (c) CONFORMING AMENDMENTS.—

18 (1) TITLE 10.—Section 167b(d)(2)(A) of title
19 10, United States Code, is amended by inserting “to
20 the Secretary of Defense under section 392a(a) of
21 this title” after “Principal Cyber Advisor”.

22 (2) FY22 NDAA.—Section 1528(e)(2) of the
23 National Defense Authorization Act for Fiscal Year
24 2022 (Public Law 117–81; 10 U.S.C. 2224 note) is
25 amended by striking “section 1657(d) of the Na-

1 tional Defense Authorization Act for Fiscal Year
2 2020 (Public Law 116–92; 10 U.S.C. 391 note)”
3 and inserting “section 392a(c)(4) of title 10, United
4 States Code”.

5 (3) FY17 NDAA.—Section 1643(b) of the Na-
6 tional Defense Authorization Act for Fiscal Year
7 2017 (Public Law 114–328; 10 U.S.C. 2224 note)
8 is amended by striking “The Principal Cyber Advi-
9 sor, acting through the cross-functional team estab-
10 lished by section 932(c)(3) of the National Defense
11 Authorization Act for Fiscal Year 2014 (Public Law
12 113-66; 10 U.S.C. 2224 note)” and inserting “The
13 Principal Cyber Advisor to the Secretary of Defense,
14 acting through the cross-functional team under sec-
15 tion 392a(a)(3) of title 10, United States Code,”.

16 **SEC. 1502. MODIFICATION OF OFFICE OF PRIMARY RE-**
17 **SPONSIBILITY FOR STRATEGIC CYBERSECU-**
18 **RITY PROGRAM.**

19 Paragraph (2) of section 1640(c) of the National De-
20 fense Authorization Act for Fiscal Year 2018 (Public Law
21 115–91; 10 U.S.C. 2224 note) is amended to read as fol-
22 lows:

23 “(2) OFFICE OF PRIMARY RESPONSIBILITY.—
24 Not later than 30 days after the date of the enact-
25 ment of the National Defense Authorization Act for

1 Fiscal Year 2023, the Secretary of Defense shall
2 designate a principal staff assistant from within the
3 Office of the Secretary of Defense whose office shall
4 serve as the office of primary responsibility for the
5 Program, providing policy, direction, and oversight
6 regarding the execution of the responsibilities of the
7 program manager described in paragraph (5).”.

8 **SEC. 1503. ESTABLISHMENT OF CYBER OPERATIONS DESIG-**
9 **NATOR AND RATING FOR THE NAVY.**

10 (a) MILITARY CAREER DESIGNATOR.—

11 (1) OFFICERS.—Not later than 180 days after
12 the date of the enactment of this Act, the Secretary
13 of the Navy, in coordination with the Chief of Naval
14 Operations, shall establish and use a cyber warfare
15 operations designator for officers and warrant offi-
16 cers, which shall be a separate designator from the
17 cryptologic warfare officer designator.

18 (2) ENLISTED.—Not later than 90 days after
19 the date of the enactment of this Act, the Secretary,
20 in coordination with the Chief, shall establish and
21 use a cyber warfare rating for enlisted personnel,
22 which shall be a separate rating from the cryptologic
23 technician enlisted rating.

24 (b) PROHIBITION.—

1 (1) IN GENERAL.—Beginning June 1, 2024, the
2 Secretary may not assign a member of the Navy to
3 a billet within the core work roles at teams or com-
4 ponents within the cyber mission force if such mem-
5 ber—

6 (A) has a designator of cryptologic war-
7 fare, intelligence, or information professional; or

8 (B) has a rating of cryptologic technician,
9 intelligence specialist, or information systems
10 technician.

11 (2) EXCEPTION.—The prohibition in paragraph
12 (1) shall not apply with respect to a member of the
13 Navy who is assigned to a billet described in such
14 paragraph under orders issued before June 1, 2024.

15 (c) REPORT.—Not later than one year after the date
16 of the enactment of this Act, the Secretary shall submit
17 to the Committees on Armed Services of the House of
18 Representatives and Senate a report certifying whether
19 the following actions have been carried out (including de-
20 tailed explanations):

21 (1) The Secretary establishing cyberspace oper-
22 ations as a military discipline that is a community
23 separate from the information warfare community.

24 (2) The Chief of Naval Operations identifying
25 who in the Office of the Chief of Naval Operations

1 will serve as the resource manager and who will be
2 responsible for staffing and training with respect to
3 the designator and rating established under sub-
4 section (a).

5 (3) The Secretary establishing a training pipe-
6 line for the designator and rating established under
7 subsection (a) that is aligned with the requirements
8 and standards established by the Commander of the
9 United States Cyber Command.

10 (4) The Secretary establishing a funding profile
11 detailing with requisite investments toward the
12 training requirements, requisite courses, and costs
13 associated with the designator and rating established
14 under subsection (a) for the period covered by the
15 most recent future-years defense program submitted
16 to Congress under section 221 of title 10, United
17 States Code.

18 (5) The Secretary establishing an inventory of
19 all flag officer positions with direct leadership or ex-
20 ecutive direction over the designator and rating es-
21 tablished under subsection (a), including with re-
22 spect to—

23 (A) the United States Cyber Command;

24 (B) the Fleet Cyber Command;

1 (C) Joint Forces Headquarters-Cyber,
2 Navy;

3 (D) 10th Fleet;

4 (E) The Deputy Chief of Naval Operations
5 for Information Warfare and the Director of
6 Naval Intelligence; and

7 (F) Naval Information Forces.

8 (6) The Secretary establishing an implementa-
9 tion plan, including timelines and procedures, for
10 filling the positions within the cyber mission force
11 for which the Secretary is responsible.

12 (7) Any anticipated changes to the end-strength
13 of the Navy by reason of establishing the designator
14 and rating under subsection (a).

15 (d) DETERMINATION BY CYBER COMMAND.—Not
16 later than 60 days after the date on which the Secretary
17 submits the report under subsection (c), the Commander
18 of United States Cyber Command shall submit to the
19 Committees on Armed Services of the House of Represent-
20 atives and Senate a determination with respect to whether
21 the matters contained in the report satisfy the require-
22 ments of the United States Cyber Command.

1 **SEC. 1504. CYBER THREAT INFORMATION COLLABORATION**
2 **ENVIRONMENT PROGRAM.**

3 (a) PROGRAM.—Not later than 120 days after the
4 date of the enactment of this Act, pursuant to the require-
5 ments established by the Cyber Threat Data Interoper-
6 ability Council under subsection (c), the Secretary of
7 Homeland Security, acting through the Director of the Cy-
8 bersecurity and Infrastructure Security Agency, in con-
9 sultation with the Director of the National Security Agen-
10 cy, shall develop an information collaboration environment
11 consisting of a digital environment containing technical
12 tools for information analytics and a portal through which
13 relevant parties may submit and automate information in-
14 puts and access the environment to enable interoperable
15 data flow that enables Federal and non-Federal entities
16 to identify, mitigate, and prevent malicious cyber activity
17 by—

18 (1) providing access to appropriate and oper-
19 ationally relevant data from unclassified and classi-
20 fied information about cybersecurity risks and cyber-
21 security threats, as well as malware forensics and
22 data from network sensor programs or network-mon-
23 itoring programs, on a platform that enables
24 querying and analysis;

25 (2) enabling cross-correlation of data on cyber-
26 security risks and cybersecurity threats at the speed

1 and scale necessary for rapid detection and identi-
2 fication;

3 (3) facilitating a comprehensive understanding
4 of cybersecurity risks and cybersecurity threats; and

5 (4) facilitating collaborative analysis between
6 the Federal Government and public and private sec-
7 tor critical infrastructure entities and information
8 sharing and analysis organizations.

9 (b) IMPLEMENTATION OF INFORMATION COLLABO-
10 RATION ENVIRONMENT.—

11 (1) EVALUATION.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Homeland Security, acting through the Di-
14 rector of the Cybersecurity and Infrastructure Secu-
15 rity Agency, in coordination with other departments
16 and agencies of the Federal Government, shall—

17 (A) identify existing Federal sources of
18 classified and unclassified information on cyber-
19 security threats;

20 (B) evaluate current programs, applica-
21 tions, or platforms intended to detect, identify,
22 analyze, and monitor cybersecurity risks and
23 cybersecurity threats;

24 (C) consult with public and private sector
25 critical infrastructure entities to identify public

1 and private critical infrastructure cyber threat
2 capabilities, needs, and gaps; and

3 (D) identify existing tools, capabilities, and
4 systems that may be adapted to achieve the
5 purposes of the information collaboration envi-
6 ronment developed pursuant to subsection (a)
7 to maximize return on investment and minimize
8 cost.

9 (2) IMPLEMENTATION.—

10 (A) IN GENERAL.—Not later than one year
11 after completing the evaluation required under
12 paragraph (1), the Secretary of Homeland Se-
13 curity, acting through the Director of the Cy-
14 bersecurity and Infrastructure Security Agency,
15 in consultation with the Director of the Na-
16 tional Security Agency, shall achieve initial op-
17 erating capability of the information collabora-
18 tion environment developed pursuant to sub-
19 section (a).

20 (B) REQUIREMENTS.—The information
21 collaboration environment and the technical
22 tools for information analytics under subsection
23 (a) shall—

24 (i) operate in a manner consistent
25 with relevant privacy, civil rights, and civil

1 liberties policies and protections, including
2 such policies and protections established
3 pursuant to section 1016 of the Intel-
4 ligence Reform and Terrorism Prevention
5 Act of 2004 (6 U.S.C. 485);

6 (ii) reflect the requirements set forth
7 by the Cyber Threat Data Interoperability
8 Council under subsection (c);

9 (iii) enable integration of current ap-
10 plications, platforms, data, and informa-
11 tion, including classified information, in a
12 manner that supports the voluntary inte-
13 gration of unclassified and classified infor-
14 mation on cybersecurity risks and cyberse-
15 curity threats;

16 (iv) incorporate tools to manage ac-
17 cess to classified and unclassified data, as
18 appropriate, for appropriate individuals
19 who have the security clearance necessary
20 to access the highest level of classified data
21 included in the environment;

22 (v) ensure accessibility by Federal en-
23 tities that the Secretary of Homeland Se-
24 curity, in consultation with the Director of
25 National Intelligence, the Attorney Gen-

1 eral, the Secretary of Defense, and the Di-
2 rector of the Office of Management and
3 Budget, determines appropriate;

4 (vi) allow for access by public and pri-
5 vate sector critical infrastructure entities
6 and other private sector partners, at the
7 discretion of the Secretary of Homeland
8 Security and after consulting the appro-
9 priate Sector Risk Management Agency;

10 (vii) deploy analytic tools across clas-
11 sification levels to leverage all relevant
12 data sets, as appropriate;

13 (viii) identify tools and analytical soft-
14 ware that can be applied and shared to
15 manipulate, transform, and display data
16 and other identified needs; and

17 (ix) anticipate the integration of new
18 technologies and data streams, including
19 data from network sensor programs or net-
20 work-monitoring programs deployed in
21 support of non-Federal entities.

22 (C) ACCESS CONTROLS.—The owner of any
23 data shared in the information collaboration en-
24 vironment shall have the authority to set and
25 maintain access controls for such data and may

1 restrict access to any particular data asset for
2 any purpose, including for the purpose of pro-
3 tecting intelligence sources and methods from
4 unauthorized disclosure in accordance with sec-
5 tion 102A(i) of the National Security Act (50
6 U.S.C. 3024(i)).

7 (3) ANNUAL REPORT REQUIREMENT ON THE
8 IMPLEMENTATION, EXECUTION, AND EFFECTIVE-
9 NESS OF THE PROGRAM.—

10 (A) REQUIREMENT.—Not later than one
11 year after the date of the enactment of this Act
12 and annually thereafter, the Secretary of
13 Homeland Security shall submit to the National
14 Cyber Director and appropriate congressional
15 committees a report that details—

16 (i) Federal Government participation
17 in the information collaboration environ-
18 ment, including the Federal entities par-
19 ticipating in the environment and the cat-
20 egories of information shared by Federal
21 entities into the environment;

22 (ii) non-Federal entities' participation
23 in the information collaboration environ-
24 ment, including the non-Federal entities
25 participating in the environment and the

1 categories of information shared by non-
2 Federal entities into the environment;

3 (iii) the impact of the information col-
4 laboration environment on positive security
5 outcomes for the Federal Government and
6 non-Federal entities;

7 (iv) barriers identified to fully real-
8 izing the benefit of the information collabo-
9 ration environment for both the Federal
10 Government and non-Federal entities;

11 (v) additional authorities or resources
12 necessary to successfully execute the infor-
13 mation collaboration environment; and

14 (vi) identified shortcomings or risks to
15 data security and privacy, and the steps
16 necessary to improve the mitigation of
17 such shortcomings or risks.

18 (B) FORM.—Each report under subpara-
19 graph (A) shall be submitted in unclassified
20 form, but may include a classified annex.

21 (4) COLLABORATION BY NSA.—Any actions
22 taken by the Director of the National Security Agen-
23 cy to assist in building or maintaining the informa-
24 tion collaboration environment developed pursuant to
25 subsection (a)—

1 (A) shall be carried out using amounts au-
2 thorized to be appropriated to the National Se-
3 curity Agency for the Information Systems Se-
4 curity program; and

5 (B) may not be carried out using amounts
6 made available under the National Intelligence
7 Program.

8 (c) CYBER THREAT DATA INTEROPERABILITY COUN-
9 CIL.—

10 (1) ESTABLISHMENT.—There is established an
11 interagency council, to be known as the “Cyber
12 Threat Data Interoperability Council” (in this sub-
13 section referred to as the “council”), chaired by the
14 National Cyber Director, to establish data interoper-
15 ability requirements for data streams to be accessed
16 in the information collaboration environment.

17 (2) ESTABLISHMENT DATE.—The council shall
18 commence the activities under this subsection by not
19 later than 120 days after the date of the enactment
20 of this Act.

21 (3) MEMBERSHIP.—

22 (A) PRINCIPAL MEMBERS.—In addition to
23 the National Cyber Director, the council shall
24 have as its principal members the Secretary of
25 Homeland Security, the Director of National

1 Intelligence, the Attorney General, the Sec-
2 retary of Defense, and the Director of the Of-
3 fice of Management and Budget.

4 (B) ADDITIONAL FEDERAL MEMBERS.—

5 Based on recommendations submitted by the
6 principal members, the National Cyber Director
7 shall identify and appoint council members
8 from Federal entities that oversee programs
9 that generate, collect, disseminate, or analyze
10 data or information related to cybersecurity
11 risks and cybersecurity threats.

12 (C) ADVISORY MEMBERS.—The National

13 Cyber Director shall identify and appoint advi-
14 sory members from non-Federal entities that
15 shall advise the council based on recommenda-
16 tions submitted by the principal members.

17 (4) DATA STREAMS.—The council shall identify,
18 designate, and periodically update programs that
19 shall participate in or be interoperable with the in-
20 formation collaboration environment, which may in-
21 clude—

22 (A) network-monitoring and intrusion de-
23 tection programs;

24 (B) cyber threat indicator sharing pro-
25 grams;

1 (C) certain network sensor programs or
2 network-monitoring programs;

3 (D) incident response and cybersecurity
4 technical assistance programs; or

5 (E) malware forensics and reverse-engi-
6 neering programs.

7 (5) DATA PRIVACY.—

8 (A) REQUIREMENT.—The council shall es-
9 tablish a committee to establish procedures and
10 data governance structures, as necessary, to
11 protect data shared in the information collabo-
12 ration environment, comply with Federal regu-
13 lations and statutes, and respect existing con-
14 sent agreements with public and private sector
15 critical infrastructure entities that apply to crit-
16 ical infrastructure information.

17 (B) MEMBERSHIP.—The committee shall
18 be comprised of—

19 (i) the senior official for privacy of the
20 Office of Management and Budget, who
21 shall serve as the chair of the committee;
22 and

23 (ii) privacy officers from the Depart-
24 ment of Homeland Security, the Depart-
25 ment of Defense, the Department of Jus-

1 tice, and the Office of the Director of Na-
2 tional Intelligence.

3 (6) RULE OF CONSTRUCTION.—Nothing in this
4 subsection may be construed as changing existing
5 ownership or protection of, or policies and processes
6 for access to, agency data.

7 (d) NATIONAL SECURITY SYSTEMS.—Nothing in this
8 section shall apply to a national security system, or to cy-
9 bersecurity threat intelligence related to such systems,
10 without the consent of the owner and operator of the sys-
11 tem.

12 (e) DEFINITIONS.—In this section:

13 (1) The term “appropriate congressional com-
14 mittees” means the following:

15 (A) The Committee on Homeland Security,
16 the Committee on the Judiciary, the Committee
17 on Armed Services, the Committee on Oversight
18 and Reform, and the Permanent Select Com-
19 mittee on Intelligence of the House of Rep-
20 resentatives.

21 (B) The Committee on Homeland Security
22 and Governmental Affairs, the Committee on
23 the Judiciary, the Committee on Armed Serv-
24 ices, and the Select Committee on Intelligence
25 of the Senate.

1 (2) The term “critical infrastructure informa-
2 tion” has the meaning given such term in section
3 2222 of the Homeland Security Act of 2002 (6
4 U.S.C. 671).

5 (3) The term “cyber threat indicator” has the
6 meaning given such term in section 102 of the Cy-
7 bersecurity Act of 2015 (6 U.S.C. 1501).

8 (4) The term “cybersecurity threat” has the
9 meaning given such term in section 102 of the Cy-
10 bersecurity Act of 2015 (6 U.S.C. 1501).

11 (5) The term “data asset” has the meaning
12 given such term in section 3502 of title 44, United
13 States Code.

14 (6) The term “environment” means the infor-
15 mation collaboration environment established under
16 subsection (a).

17 (7) The term “information sharing and analysis
18 organization” has the meaning given such term in
19 section 2222 of the Homeland Security Act of 2002
20 (6 U.S.C. 671).

21 (8) The term “intelligence community” has the
22 meaning given such term in section 3(4) of the Na-
23 tional Security Act of 1947 (50 U.S.C. 3003(4)).

1 (9) The term “national security system” has
2 the meaning given such term in section 3552 of title
3 44, United States Code.

4 (10) The term “non-Federal entity” has the
5 meaning given such term in section 102 of the Cy-
6 bersecurity Act of 2015 (6 U.S.C. 1501).

7 (11) The term “Sector Risk Management Agen-
8 cy” has the meaning given such term in section
9 2201 of the Homeland Security Act of 2002 (6
10 U.S.C. 651).

11 **SEC. 1505. DEPARTMENT OF DEFENSE ENTERPRISE-WIDE**
12 **PROCUREMENT OF CYBER DATA PRODUCTS**
13 **AND SERVICES.**

14 Section 1521 of the National Defense Authorization
15 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.
16 2224 note) is amended—

17 (1) in subsection (a)(5), by inserting “, includ-
18 ing the use of artificial intelligence-based endpoint
19 security that prevents cyber attacks and does not re-
20 quire constant internet connectivity to function,”
21 after “services”; and

22 (2) in subsection (b), by inserting “, including
23 by enhancing the security of the software supply
24 chain of the Department” after “best interests of
25 the Department”.

1 **SEC. 1506. CYBERSECURITY OF MILITARY STANDARDS FOR**
2 **DATA.**

3 (a) IN GENERAL.—No later than 270 days after en-
4 actment of this act, the principal staff assistant des-
5 ignated with primary responsibility for the Strategic Cy-
6 bersecurity Program of the Department of Defense pursu-
7 ant to paragraph (2) of section 1640(c) of the National
8 Defense Authorization Act for Fiscal Year 2018 (Public
9 Law 115–91; 10 U.S.C. 2224 note), as amended by sec-
10 tion 1502 of this Act, shall conduct a comprehensive re-
11 view of Military Standard 1553 (in this section referred
12 to as “MIL–STD–1553”). At the discretion of the Sec-
13 retary of Defense, the review required under this sub-
14 section may include reviews of additional serial data
15 standards beyond MIL–STD–1553.

16 (b) ELEMENTS.—The review required under sub-
17 section (a) shall include the following elements:

18 (1) An identification of programs and weapon
19 systems currently employing MIL–STD–1553 and
20 other serial data standards, as appropriate, across
21 the Department of Defense, the military depart-
22 ments, and components, with notations for any pro-
23 grams previously assessed by the Strategic Cyberse-
24 curity Program.

1 (2) An evaluation of, and inventory for, the
2 vulnerabilities to MIL–STD–1553 and other serial
3 data standards, as appropriate.

4 (3) An inventory of potential commercial- and
5 Government-sourced mitigations and solutions, ei-
6 ther in use or available to program offices.

7 (4) An assessment of potential changes to ad-
8 dress identified vulnerabilities to MIL–STD–1553
9 and other serial data standards, as appropriate.

10 (c) DETERMINATION.—Based on the findings of the
11 review required under subsection (a), the Secretary of De-
12 fense shall determine whether to revise or update MIL–
13 STD–1553 and other serial data standards, as appro-
14 prium.

15 (d) GUIDANCE.—Subsequent to the completion of the
16 review required under subsection (a), the head of the Stra-
17 tegic Cybersecurity Program shall issue guidance across
18 the Department for program managers involved in pro-
19 curing weapon systems that use MIL–STD–1553 and
20 other serial data standards, as appropriate. The guidance
21 shall include information related to the potential threats
22 to MIL–STD–1553, available mitigations and solutions,
23 and technical resources for program managers to use in
24 addressing issues with MIL–STD–1553 and other data se-
25 rial standards, as appropriate.

1 (e) COMPLIANCE CERTIFICATION.—Subject to the
2 findings for the review required under subsection (a), the
3 senior official identified pursuant to section 1647(j) of the
4 National Defense Authorization Act for Fiscal Year 2016
5 (Public Law 114–92) for a military department and the
6 service acquisition executive (as such term is defined in
7 section 101(10) of title 10, United States Code) shall, if
8 applicable, issue a certification that mitigations identified
9 by the Strategic Cybersecurity Program for assessed
10 weapons systems have been applied and corrected. Not
11 later than one year after the date of the enactment of this
12 Act, such senior official and the service acquisition execu-
13 tive shall submit to the congressional defense committees
14 such assessment.

15 (f) TEST AND EVALUATION.—The Director of Oper-
16 ational Test and Evaluation may include evaluations of
17 MIL–STD–1553 and other serial data standards, as ap-
18 propriate, in reports required to be provided to the con-
19 gressional defense committees pursuant to law.

20 (g) REPORT.—Not later than 45 days after comple-
21 tion of the review required under subsection (a), the head
22 of the Strategic Cybersecurity Program shall submit to the
23 congressional defense committees—

24 (1) a report on the review required under sub-
25 section (a); and

1 (2) a copy of the guidance required under sub-
2 section (d).

3 **Subtitle B—Information** 4 **Operations**

5 **SEC. 1511. MILITARY OPERATIONS IN INFORMATION ENVI-** 6 **RONMENT: AUTHORITY AND NOTIFICATIONS.**

7 (a) IN GENERAL.—Chapter 19 of title 10, United
8 States Code, is amended by inserting after section 397 the
9 following new section (and conforming the table of con-
10 tents at the beginning of such chapter accordingly):

11 **“§ 398. Military operations in information environ-** 12 **ment: authority and notification require-** 13 **ments**

14 “(d) NOTIFICATION REQUIREMENTS.—(1) The Sec-
15 retary of Defense shall promptly submit to the appropriate
16 congressional committees notice in writing of any clandes-
17 tine military operation in the information environment
18 conducted under this title no later than 48 hours following
19 such operation.

20 “(2)(A) The Secretary shall establish and submit to
21 the appropriate congressional committees procedures for
22 complying with the requirements of paragraph (1). The
23 Secretary shall promptly notify the appropriate congres-
24 sional committees in writing of any changes to such proce-

1 dures at least 14 days prior to the adoption of any such
2 changes.

3 “(B) The appropriate congressional committees shall
4 ensure that committee procedures designed to protect
5 from unauthorized disclosure classified information relat-
6 ing to national security of the United States are sufficient
7 to protect the information that is submitted to the com-
8 mittees pursuant to this section.

9 “(C) In the event of an unauthorized disclosure of
10 a clandestine military operation in the information envi-
11 ronment covered by this section, the Secretary shall en-
12 sure, to the maximum extent practicable, that the appro-
13 priate congressional committees are notified immediately
14 of the clandestine military operation in the information en-
15 vironment concerned. The notification under this para-
16 graph may be verbal or written, but in the event of a
17 verbal notification a written notification shall be provided
18 by not later than 48 hours after the provision of the verbal
19 notification.

20 “(e) PROHIBITION.—No clandestine military oper-
21 ation in the information environment may be conducted
22 which is intended to influence United States political proc-
23 esses, public opinion, policies, or media.”.

1 (b) TRANSFER.—Section 1631 of the National De-
2 fense Authorization Act for Fiscal Year 2020 (Public Law
3 116–92; 133 Stat. 1741) is amended as follows:

4 (1) Subsections (b), (c), and (d) are—

5 (A) transferred to section 398 of title 10,
6 United States Code, as added by subsection (a)
7 of this section;

8 (B) inserted before subsection (b) of such
9 section 398; and

10 (C) redesignated as subsections (a), (b),
11 and (c), respectively.

12 (2) Subsection (e) is—

13 (A) transferred to such section 398;

14 (B) inserted after subsection (e) of such
15 section; and

16 (C) redesignated as subsection (f).

17 (3) Subsection (i) is—

18 (A) transferred to such section 398;

19 (B) inserted after subsection (f) of such
20 section; and

21 (C) redesignated as subsection (g).

22 (c) QUARTERLY BRIEFINGS.—Subsection (c) of sec-
23 tion 398 of title 10, United States Code, as added by sub-
24 section (a) of this section and designated by subsection
25 (b), is amended by striking “congressional defense com-

1 mittees” and inserting “appropriate congressional com-
 2 mittees”.

3 (d) DEFINITIONS.—Subsection (g) of section 398 of
 4 title 10, United States Code, as added by subsection (a)
 5 of this section and designated by subsection (b), is amend-
 6 ed—

7 (1) in paragraph (3), by inserting “in the infor-
 8 mation environment” before “, or associated”; and

9 (2) by adding at the end the following new
 10 paragraph:

11 “(4) The term ‘appropriate congressional com-
 12 mittees’ means—

13 “(A) the congressional defense committees;

14 “(B) the Committee on Foreign Affairs
 15 and the Permanent Select Committee on Intel-
 16 ligence of the House of Representatives; and

17 “(C) the Committee on Foreign Relations
 18 and the Select Committee on Intelligence of the
 19 Senate.”.

20 **SEC. 1512. LIMITATION ON AVAILABILITY OF CERTAIN**
 21 **FUNDS UNTIL SUBMISSION OF JOINT LEXI-**
 22 **CON FOR TERMS RELATED TO INFORMATION**
 23 **OPERATIONS.**

24 Of the funds authorized to be appropriated by this
 25 Act or otherwise made available for fiscal year 2023 for

1 operation and maintenance, Defense-wide, and available
2 for the Office of the Secretary of Defense for the travel
3 of persons, not more than 75 percent may be obligated
4 or expended until the date on which the Secretary submits
5 to the Committees on Armed Services of the House of
6 Representatives and the Senate the joint lexicon for terms
7 related to information operations required by section
8 1631(g)(1)(D) of the National Defense Authorization Act
9 for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 397
10 note).

11 **SEC. 1513. JOINT INFORMATION OPERATIONS COURSE.**

12 (a) JOINT INFORMATION OPERATIONS COURSE.—

13 The Secretary of Defense shall provide to members of the
14 Army, Navy, Air Force, Marine Corps, and Space Force
15 a course to prepare the members to plan and conduct in-
16 formation operations in a joint environment pursuant to
17 title 10, United States Code. Such course shall include—

18 (1) standardized qualifications and procedures
19 to enable the joint and synchronized employment of
20 information-related capabilities in the information
21 environment;

22 (2) joint methods to implement information op-
23 erations in a battlefield environment under any
24 ground force chain of command; and

1 (3) a curriculum covering applicable assets, core
2 information operations concepts, integration of ef-
3 fects with a specific focus on information-related ef-
4 fects, operational methodology, multi-dimensional
5 targeting space, other information-related capabili-
6 ties defined by governing policy, instruction, publica-
7 tions, and doctrine, and any other topics or areas
8 determined necessary by the Secretary.

9 (b) SEMIANNUAL REPORTS.—On a semiannual basis
10 through January 1, 2028, the Secretary shall submit to
11 the congressional defense committees a report on the
12 course provided under subsection (a). Each report shall
13 include, with respect to the period covered by the report—

14 (1) the number of members described in sub-
15 section (a) who attended the course; and

16 (2) an assessment of the value of the course
17 in—

18 (A) conducting joint operations in the in-
19 formation environment; and

20 (B) the synchronized employment of infor-
21 mation-related capabilities in the information
22 environment.

1 **SEC. 1514. CONSISTENCY IN DELEGATION OF CERTAIN AU-**
2 **THORITIES RELATING TO INFORMATION OP-**
3 **ERATIONS.**

4 Except as otherwise provided specifically by law, if
5 any roles or responsibilities relating to information oper-
6 ations are assigned pursuant to a provision of law or by
7 the direction of the Secretary of Defense to the Under Sec-
8 retary of Defense for Policy, the Under Secretary shall
9 ensure that such roles or responsibilities are assigned or
10 otherwise delegated to the same position within the Office
11 of the Under Secretary of Defense of Policy.

12 **SEC. 1515. ASSESSMENT AND OPTIMIZATION OF DEPART-**
13 **MENT OF DEFENSE INFORMATION OPER-**
14 **ATIONS WITHIN THE CYBER DOMAIN.**

15 (a) **ASSESSMENT AND PLAN.**—Not later than 90 days
16 after the date of the enactment of this Act, the Principal
17 Information Operations Advisor and the Principal Cyber
18 Advisor to the Secretary of Defense, in coordination with
19 the Commander of the United States Cyber Command,
20 shall complete both an assessment and an optimization
21 plan for integrating all information and influence oper-
22 ations within cyberspace across the Department of De-
23 fense.

24 (b) **ELEMENTS.**—The assessment under subsection
25 (a) shall include the following:

1 (1) An inventory of the components of the De-
2 partment of Defense conducting information and in-
3 fluence operations within cyberspace.

4 (2) An examination of sufficiency of resources
5 allocated for information and influence operations
6 within cyberspace.

7 (3) An evaluation of the command and control,
8 oversight, and management of matters related to in-
9 formation and influence operations within cyber-
10 space across the Office of the Secretary of Defense
11 and the Joint Staff.

12 (4) Any other matters determined relevant by
13 the Principal Information Operations Advisor and
14 the Principal Cyber Advisor to the Secretary of De-
15 fense, in coordination with the Commander of the
16 United States Cyber Command.

17 (c) OPTIMIZATION PLAN.—The optimization plan
18 under subsection (a) shall include the following:

19 (1) Actions that the Department will implement
20 to integrate all Department information and influ-
21 ence operations within cyberspace in a manner that
22 ensures the proper level of visibility, unity of effort,
23 synchronization, and deconfliction.

24 (2) Coordination procedures within the Depart-
25 ment to ensure that coordination with the Com-

1 mander of the United States Cyber Command takes
2 place with regard to unity of effort, synchronization,
3 deconfliction of information and influence operations
4 within cyberspace.

5 (3) An evaluation of potential organizational
6 changes required to optimize information and influ-
7 ence operations within cyberspace.

8 (4) Any other matters determined relevant by
9 the Principal Information Operations Advisor and
10 the Principal Cyber Advisor to the Secretary of De-
11 fense, in coordination with the Commander of the
12 United States Cyber Command.

13 (d) BRIEFINGS.—Not later than 30 days after com-
14 pleting the assessment and optimization plan under sub-
15 section (a), the Principal Information Operations Advisor
16 and the Principal Cyber Advisor to the Secretary of De-
17 fense, in coordination with the Commander of the United
18 States Cyber Command, shall provide to the congressional
19 defense committees a briefing on the assessment and plan.

20 (e) IMPLEMENTATION.—Not later than 180 days
21 after the date on which the briefing is provided under sub-
22 section (d), the Secretary of Defense shall implement the
23 optimization plan under subsection (a).

1 **SEC. 1516. REQUIREMENT TO NOTIFY CHIEF OF MISSION**
2 **OF MILITARY OPERATION IN THE INFORMA-**
3 **TION ENVIRONMENT.**

4 Section 398 of title 10, United States Code, as added
5 and amended by section 1511, is further amended—

6 (1) by redesignating subsection (g) as sub-
7 section (h); and

8 (2) by inserting after subsection (f) the fol-
9 lowing new subsection (g):

10 “(g) REQUIREMENT TO NOTIFY CHIEF OF MIS-
11 SION.—The Secretary may not authorize a military oper-
12 ation in the information environment under this title in-
13 tended to cause an effect in a country unless the Secretary
14 fully informs the chief of mission for that country under
15 section 207 of the Foreign Service Act of 1980 (22 U.S.C.
16 3927) of the planned operation.”.

17 **Subtitle C—Reports and Other**
18 **Matters**

19 **SEC. 1531. ANNUAL REPORTS ON SUPPORT BY MILITARY**
20 **DEPARTMENTS FOR CYBERSPACE OPER-**
21 **ATIONS.**

22 Chapter 19 of title 10, United States Code, is amend-
23 ed by inserting after section 391 the following new section
24 (and conforming the table of sections at the beginning of
25 such chapter accordingly):

1 **“§ 391a. Annual reports on support by military de-**
2 **partments for cyberspace operations**

3 “(a) REPORTS.—Not later than 15 days after the
4 date on which the Secretary of Defense submits to Con-
5 gress the defense budget materials (as defined in section
6 239 of this title) for fiscal year 2024 and each fiscal year
7 thereafter, the Commander of the United States Cyber
8 Command shall submit to the congressional defense com-
9 mittees a report containing the following:

10 “(1) An evaluation of whether each military de-
11 partment is meeting the requirements established by
12 the Commander and validated by the Office of the
13 Secretary of Defense.

14 “(2) For each military department evaluated
15 under paragraph (1)—

16 “(A) a certification that the military de-
17 partment is meeting such requirements; or

18 “(B) a detailed explanation regarding how
19 the military department is not meeting such re-
20 quirements.

21 “(b) ELEMENTS OF EVALUATION.—Each evaluation
22 under subsection (a)(1) shall include, with respect to the
23 military department being evaluated, the following:

24 “(1) The adequacy of the policies, procedures,
25 and execution of manning, training, and equipping

1 personnel for employment within the cyber mission
2 force.

3 “(2) The adequacy of the policies and proce-
4 dures relating to the assignment and assignment
5 length of members of the Army, Navy, Air Force,
6 Marine Corps, or Space Force to the cyber mission
7 force.

8 “(3) The adequacy of the investment toward
9 cyber-peculiar science and technology advancements,
10 with an emphasis on capability development for the
11 cyber mission force.

12 “(4) The sufficiency of the policies, procedures,
13 and investments toward the military occupational
14 specialty, designator, rating, or Air Force specialty
15 code responsible for cyberspace operations.

16 “(5) In coordination with the Principal Cyber
17 Advisor to the Secretary of Defense, an evaluation
18 of the use by the military department of the shared
19 lexicon of the Department of Defense specific to
20 cyberspace activities.

21 “(6) The readiness of the members contributing
22 to the cyber mission force and the cyberspace oper-
23 ations forces.

24 “(7) Any other element determined relevant by
25 the Commander.”.

1 **SEC. 1532. INDEPENDENT REVIEW OF POSTURE AND STAFF-**
2 **ING LEVELS OF OFFICE OF THE CHIEF IN-**
3 **FORMATION OFFICER.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of Defense
6 shall seek to enter into an agreement with an appropriate
7 non-Department of Defense entity for the conduct of a
8 comprehensive review of the posture and staffing levels of
9 the Office of the Chief Information Officer, as of the date
10 of the enactment of this Act.

11 (b) MATTERS FOR CONSIDERATION.—An agreement
12 under subsection (a) shall specify that the review con-
13 ducted under the agreement shall include the evaluation
14 of each of the following:

15 (1) Any limitations or constraints of the Office
16 of the Chief Information Officer in the carrying out
17 the entirety of the responsibilities specified in section
18 142(b) of title 10, United States Code, based on the
19 staffing levels of the Office as of the date of the en-
20 actment of this Act.

21 (2) The composition of civilian, military, and
22 contractor personnel assigned to the Office of the
23 Chief Information Officer, as of such date, including
24 the occupational series and military occupational
25 specialties of such personnel, relative to the respon-
26 sibilities specified in such section.

1 (3) The organizational construct of the Office
2 of the Chief Information Officer, as of such date.

3 (c) RECOMMENDATIONS.—An agreement under sub-
4 section (a) shall specify that the review conducted under
5 the agreement shall include recommendations for the
6 Chief Information Officer and the congressional defense
7 committees, including recommendations derived from the
8 matters for consideration specified under subsection (b).

9 (d) SUBMITTAL TO CONGRESS.—Not later than 30
10 days after the date of the completion of the review re-
11 quired under subsection (a), the Secretary of Defense shall
12 submit to the congressional defense committees a copy of
13 the review.

14 **SEC. 1533. COMPREHENSIVE REVIEW OF CYBER EXCEPTED**
15 **SERVICE.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the Chief Information Offi-
18 cer of the Department of Defense, in coordination with
19 the Chief Digital and Artificial Intelligence Officer and the
20 Principal Cyber Advisor of the Department and in con-
21 sultation with the Under Secretary of Defense for Per-
22 sonnel and Readiness, shall conduct a comprehensive re-
23 view of the Cyber Excepted Service established pursuant
24 to section 1599f of title 10, United States Code.

1 (b) ELEMENTS.—The review required under sub-
2 section (a) shall include a consideration of each of the fol-
3 lowing elements:

4 (1) The potential and structural limitations of
5 the Cyber Excepted Service, including impediments
6 to mobility or advancement by civilian employees
7 currently in billets coded for Cyber Excepted Serv-
8 ice.

9 (2) Matters related to pay disparity and hin-
10 drances in compensation relative to the skill sets and
11 value of such civilian employees in the private sector.

12 (3) Criteria for eligibility of potential Depart-
13 ment of Defense components and entities for partici-
14 pation in the Cyber Excepted Service.

15 (4) The eligibility for participation in the Cyber
16 Excepted Service of civilian employees who are as-
17 signed to the Office of the Chief Digital and Artifi-
18 cial Intelligence Officer.

19 (c) RECOMMENDATIONS.—The review required under
20 subsection (a) shall include recommendations for the Sec-
21 retary of Defense and the congressional defense commit-
22 tees with respect to the improvement of the Cyber Ex-
23 cepted Service, including recommendations derived from
24 the consideration of the elements specified in subsection
25 (b).

1 (d) SUBMITTAL TO CONGRESS.—Not later than 30
2 days after the completion of the review required under
3 subsection (a), the Chief Information Officer shall submit
4 to the congressional defense committees a copy of the re-
5 view.

6 **SEC. 1534. STANDARDIZATION OF AUTHORITY TO OPERATE**
7 **APPLICATIONS IN THE DEPARTMENT OF DE-**
8 **FENSE.**

9 (a) POLICY.—

10 (1) REQUIREMENT.—Not later than 270 days
11 after the date of the enactment of this Act, the
12 Chief Information Officer of the Department of De-
13 fense shall establish a policy with criteria for the
14 reciprocity of authority to operate for software and
15 hardware between all networks of the Department of
16 Defense.

17 (2) CONTENTS.—The policy under paragraph
18 (1) shall contain the following:

19 (A) Procedures for requesting an authority
20 to operate that applies to all networks of the
21 Department.

22 (B) Guidance on when authorizing officials
23 should grant an information technology plat-
24 form that has already received an authority to
25 operate on another network of the Federal Gov-

1 ernment a reciprocal authority to operate on a
2 network of the Department of Defense.

3 (C) A standardized format for documenta-
4 tion to support the evaluation of a request for
5 an authority to operate.

6 (b) SINGLE PLATFORM.—Not later than one year
7 after the date of the enactment of this Act, the Chief In-
8 formation Officer shall implement a single software tool
9 or platform for the submission and review of requests for
10 an authority to operate applications. The tool or platform
11 shall—

12 (1) be used by all authorizing officials of the
13 Department for the receipt, review, and adjudication
14 of all such requests; and

15 (2) authorize persons who submit such requests
16 to see the progress of the request at all steps in the
17 review process.

18 (c) REPORT.—Not later than one year after the date
19 of the enactment of this Act, the Chief Information Officer
20 shall submit to the congressional defense committees a re-
21 port on the following:

22 (1) The operational status of the software tool
23 or platform implemented under subsection (b).

1 (2) A list of all networks and authorizing offi-
2 cials of the Department that are using the software
3 tool or platform.

4 (3) A list of all networks and authorizing offi-
5 cials of the Department that are not using the soft-
6 ware tool or platform.

7 (d) **AUTHORITY TO OPERATE DEFINED.**—In this sec-
8 tion, the term “authority to operate” means the official
9 management decision given by a senior organizational offi-
10 cial to authorize operation of an information system and
11 accept the risk to organizational operations.

12 **SEC. 1535. ESTABLISHMENT OF HACKING FOR NATIONAL**
13 **SECURITY AND PUBLIC SERVICE INNOVA-**
14 **TION PROGRAM.**

15 (a) **SUPPORT AUTHORIZED.**—

16 (1) **IN GENERAL.**—The Secretary of Defense
17 shall establish a Hacking for National Security and
18 Public Service Innovation Program (in this section
19 referred to as the “H4NSPSI program”) within the
20 National Security Innovation Network (in this sec-
21 tion referred to as the “NSIN”).

22 (2) **COORDINATING AUTHORITY.**—The NSIN
23 shall serve as the coordinating authority for the
24 H4NSPSI program and activities under such pro-
25 gram.

1 (3) ELEMENTS.—H4NSPSI program activities
2 shall include the following:

3 (A) Source problems at scale for the agen-
4 cies associated with the programs specified in
5 subsection (e).

6 (B) Recruit universities located in the
7 United States or in partner or allied nations to
8 work on the problems described in subpara-
9 graph (A).

10 (C) Train universities described in sub-
11 paragraph (B) on the methodology of Hacking
12 for Defense.

13 (D) Support the universities described in
14 subparagraph (B) with content, curriculum, and
15 other support to develop solutions to the prob-
16 lems described in subparagraph (A).

17 (E) Support the United States Govern-
18 ment adoption of solutions developed through
19 the programs specified in subsection (e).

20 (F) Support the development and acquisi-
21 tion of talent within the agencies associated
22 with the programs specified in subsection (e).

23 (4) OBJECTIVES.—The H4NSPSI program
24 may include the following objectives:

1 (A) Increase funding for successful innova-
2 tion efforts that bridge the gap between innova-
3 tive organizations and the United States mili-
4 tary.

5 (B) Increase funding for established driv-
6 ers of national security innovation within the
7 Department of Defense and other Federal agen-
8 cies, including the programs specified in sub-
9 section (e).

10 (C) Improve the ability of the Department
11 of Defense to maintain technological advantage
12 over competitors by leveraging private sector in-
13 novation at scale.

14 (D) Through the use of existing authori-
15 ties—

16 (i) strengthen United States national
17 security innovation efforts and activities;
18 and

19 (ii) create additional opportunities for
20 collaboration and shared experience be-
21 tween the Department of Defense, other
22 Federal agencies, the private sector, and
23 academia through the expansion of existing
24 programs, partnerships, and activities, in-
25 cluding those specified in subsection (e).

1 (E) Grow and sustain the innovation edge
2 of the United States by building and strength-
3 ening the national security innovation base
4 through collaboration between the private sec-
5 tor, academia, the Department of Defense, the
6 Armed Forces, and other Federal agencies.

7 (F) Invest in the future of national secu-
8 rity innovation by inspiring a new generation to
9 public service, supporting the diversity of the
10 United States national security innovation
11 workforce, and modernizing government deci-
12 sion-making processes.

13 (G) Expand the United States science and
14 technology workforce by investing in STEM
15 education and exposing the national security
16 workforce to cutting-edge, innovative problem
17 validation and solution development practices.

18 (H) Develop best practices for the conduct
19 of such activities and programs.

20 (I) Identify experimental learning opportu-
21 nities for activity and program participants to
22 interact with operational forces and better un-
23 derstand national security challenges.

24 (J) Participate in exchanges and partner-
25 ships with Department of Defense science and

1 technology activities, as well as the science and
2 technology activities of other Federal agencies.

3 (b) CONSULTATION.—In carrying out subsection (a),
4 the Secretary of Defense may consult with the heads of
5 such Federal agencies, universities, and public and private
6 entities engaged in the development of advanced tech-
7 nologies, as well as in the validation of problems and adop-
8 tion of solutions in response to national security chal-
9 lenges, as the Secretary of Defense determines to be ap-
10 propriate.

11 (c) AUTHORITIES.—The Secretary of Defense may
12 develop and maintain metrics to assess national security
13 and public service innovation programs and activities to
14 ensure standards for programs supported under sub-
15 section (a) are consistent and being met.

16 (d) PARTICIPATION BY FEDERAL EMPLOYEES AND
17 MEMBERS OF THE ARMED FORCES.—The Secretary of
18 Defense shall encourage Federal employees and members
19 of the Armed Forces through the service secretaries and
20 service chiefs and their counterparts in agencies associated
21 with the programs specified in subsection (e) to participate
22 in the H4NSPSI program in order to gain exposure to
23 modern innovation and entrepreneurial methodologies.

24 (e) COORDINATION.—In carrying out this section, the
25 Secretary of Defense shall consider coordinating and

1 partnering with activities and organizations involved in the
2 following:

- 3 (1) Hacking for Defense.
- 4 (2) Hacking for Homeland Security.
- 5 (3) Hacking for Diplomacy.
- 6 (4) Hacking for Space.
- 7 (5) Hacking for Manufacturing.

8 **SEC. 1536. TAILORED CYBERSPACE OPERATIONS ORGANI-**
9 **ZATIONS.**

10 Section 1723 of the William M. (Mac) Thornberry
11 National Defense Authorization Act for Fiscal Year 2021
12 (Public Law 116–283; 10 U.S.C. 394 note) is amended
13 by adding at the end the following new subsections:

14 “(e) UPDATE TO CONGRESS.—Not later than July 1,
15 2023, the secretaries of the military services and the As-
16 sistant Secretary of Defense for Special Operations and
17 Irregular Warfare shall brief the congressional defense
18 committees on activities taken during the period following
19 the date of the briefing under subsection (d), including
20 an examination of establishing Tailored Cyberspace Oper-
21 ations Organizations and utilization of the authority pro-
22 vided pursuant to subsection (c).

23 “(f) AIR FORCE ACTIONS.—Not later than July 1,
24 2023, the Secretary of the Air Force shall submit to the
25 congressional defense committees a review of the activities

1 of the Navy Cyber Warfare Development Group, including
2 with respect to the authorities of the Group. The review
3 shall include the following:

4 “(1) An assessment of whether such authorities
5 shall be conferred to the 90th Cyberspace Oper-
6 ations Squadron of the United States Air Force.

7 “(2) A consideration of whether the 90th
8 Cyberspace Operations Squadron should be des-
9 ignated a controlled tour, as defined by the Sec-
10 retary.”.

11 **SEC. 1537. CYBER OPERATIONS-PECULIAR AWARDS.**

12 Chapter 57 of title 10, United States Code, is amend-
13 ed by inserting after section 1124 the following new sec-
14 tion:

15 **“§ 1124a. Cyber operations-peculiar awards**

16 “(a) **AUTHORITY.**—The Secretary of Defense and the
17 Secretaries of the military departments may authorize the
18 payment of a cash award to, and incur necessary expense
19 for the honorary recognition of, a member of the covered
20 armed forces whose novel actions, invention, or technical
21 achievement enables or ensures operational outcomes in
22 or through cyberspace against threats to national security.

23 “(b) **ACTIONS DURING SERVICE.**—An award under
24 this section may be paid notwithstanding the member’s
25 death, separation, or retirement from the covered armed

1 forces. However, the novel action, invention, or technical
2 achievement forming the basis for the award must have
3 been made while the member was on active duty or in an
4 active reserve status and not otherwise eligible for an
5 award under chapter 45 of title 5.

6 “(c) PAYMENT.—Awards to, and expenses for the
7 honorary recognition of, members of the covered armed
8 forces under this section may be paid from—

9 “(1) the funds or appropriations available to
10 the activity primarily benefiting from the novel ac-
11 tion, invention, or technical achievement; or

12 “(2) the several funds or appropriations of the
13 various activities benefiting from the novel action,
14 invention, or technical achievement.

15 “(d) AMOUNTS.—The total amount of the award, or
16 awards, made under this section for a novel action, inven-
17 tion, or technical achievement may not exceed \$2,500, re-
18 gardless of the number of persons who may be entitled
19 to share therein.

20 “(e) REGULATIONS.—Awards under this section shall
21 be made under regulations to be prescribed by the Sec-
22 retary of Defense or by the Secretaries of the military de-
23 partments.

1 “(f) COVERED ARMED FORCES DEFINED.—In this
2 section, the term ‘covered armed forces’ means the Army,
3 Navy, Air Force, Marine Corps, and Space Force.”.

4 **SEC. 1538. MANNING REVIEW OF SPACE FORCE CYBER**
5 **SQUADRONS.**

6 (a) REQUIREMENT.—Not later than 195 days after
7 the date of the enactment of this Act, the Secretary of
8 the Air Force, in coordination with the Chief of Space Op-
9 erations, shall submit to the congressional defense com-
10 mittees a review of the manning required to fully staff the
11 current and planned cyber squadrons of the Space Force.

12 (b) MATTERS INCLUDED.—

13 (1) ELEMENTS.—The review under subsection

14 (a) shall include considerations of the following:

15 (A) The specific sourcing of existing billets
16 of the Space Force optimally postured for
17 transfer to cyber squadrons.

18 (B) The administrative processes required
19 to shift billets and existing funding to cyber
20 squadrons.

21 (C) The responsibilities and functions per-
22 formed by military personnel and civilian per-
23 sonnel.

24 (D) The cumulative benefit for the Space
25 Force of transferring billets to cyber squadrons.

1 (2) ROADMAP.—The review under subsection
2 (a) shall include a transition roadmap that outlines
3 a comprehensive transition for the transfer of billets
4 described in paragraph (1) by not later than Sep-
5 tember 30, 2024.

6 **SEC. 1539. REVIEW OF DEFINITIONS ASSOCIATED WITH**
7 **CYBERSPACE OPERATIONS FORCES.**

8 Not later than 120 days after the date of the enact-
9 ment of this Act, the Secretary of Defense, acting through
10 the Principal Cyber Advisor of the Department of Defense
11 and the Principal Cyber Advisors of the military depart-
12 ments, shall review and update the memorandum of the
13 Secretary of Defense dated December 12, 2019, con-
14 cerning the definition of the term “Department of Defense
15 Cyberspace Operations Forces (DoD COF)”. The review
16 shall include—

17 (1) a comprehensive assessment of units and
18 components of the Department of Defense con-
19 ducting defensive cyberspace operations which are
20 not currently included in such definition; and

21 (2) a revised definition for such term that in-
22 cludes such units and components within the Cyber-
23 space Operations Forces.

1 **TITLE XVI—SPACE ACTIVITIES,**
2 **STRATEGIC PROGRAMS, AND**
3 **INTELLIGENCE MATTERS**

4 **Subtitle A—Space Activities**

5 **SEC. 1601. REQUIREMENTS FOR PROTECTION OF SAT-**
6 **ELLITES.**

7 Chapter 135 of title 10, United States Code, is
8 amended by inserting after section 2275 the following new
9 section (and conforming the table of sections at the begin-
10 ning of such chapter accordingly):

11 **“§ 2275a. Requirements for protection of satellites**

12 “(a) ESTABLISHMENT OF REQUIREMENTS.—Before
13 a major satellite acquisition program achieves Milestone
14 A approval, or equivalent, the Chief of Staff of the Space
15 Force, in consultation with the Commander of the United
16 States Space Command, shall establish requirements for
17 the defense and resilience of the satellites under that pro-
18 gram against the capabilities of adversaries to target, de-
19 grade, or destroy the satellites.

20 “(b) DEFINITIONS.—In this section:

21 “(1) The term ‘major satellite acquisition pro-
22 gram’ has the meaning given that term in section
23 2275 of this title.

1 “(2) The term ‘Milestone A approval’ has the
2 meaning given that term in section 4251 of this title
3 10.”.

4 **SEC. 1602. STRATEGY ON PROTECTION OF SATELLITES.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Both Russia and China have demonstrated
7 the capability to target, degrade, and destroy sat-
8 ellites on orbit, whether through kinetic or non-
9 kinetic means.

10 (2) As recently as November 15, 2021, Russia
11 demonstrated a direct ascent antisatellite weapon.

12 (3) Also in 2021, China successfully “grappled”
13 a satellite and dragged the satellite out of its orbit
14 to another location in space, a capability that could
15 be used on any other object in space, including sat-
16 ellites of the Department of Defense.

17 (b) STRATEGY.—

18 (1) REQUIREMENT.—Not later than 90 days
19 after the date of the enactment of this Act, the Sec-
20 retary of Defense, in coordination with the Director
21 of National Intelligence, shall make publicly avail-
22 able a strategy containing the actions that will be
23 taken to defend and protect on-orbit satellites of the
24 Department of Defense and the intelligence commu-

1 nity from the capabilities of adversaries to target,
2 degrade, or destroy satellites.

3 (2) FORMS.—The Secretary shall—

4 (A) make the strategy under paragraph (1)
5 publicly available in unclassified form; and

6 (B) submit to the appropriate congres-
7 sional committees an annex, which may be sub-
8 mitted in classified form, containing supporting
9 documents to the strategy.

10 (c) DEFINITIONS.—In this section:

11 (1) The term “appropriate congressional com-
12 mittees” means—

13 (A) the congressional defense committees;

14 and

15 (B) the Permanent Select Committee on
16 Intelligence of the House of Representatives
17 and the Select Committee on Intelligence of the
18 Senate.

19 (2) The term “intelligence community” has the
20 meaning given that term in section 3(4) of the Na-
21 tional Security Act of 1947 (50 U.S.C. 3003(4)).

22 **SEC. 1603. NATIONAL SECURITY SPACE LAUNCH PROGRAM.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) the acquisition approach for phase three of
2 the National Security Space Launch program should
3 account for changes in the launch industry and
4 planned architectures of the Space Force;

5 (2) the supply of launches for phase three may
6 be impacted by increases in commercial space launch
7 demand;

8 (3) the Secretary of the Air Force should ex-
9 plore new and innovative acquisition approaches to
10 leverage launch competition within the commercial
11 market; and

12 (4) in developing the acquisition strategy for
13 phase three, the Secretary should—

14 (A) consider the scope of phase three
15 manifest requirements in comparison to the Or-
16 bital Services Program and other potential con-
17 tract vehicles for launches;

18 (B) ensure the continued assured access to
19 space;

20 (C) emphasize free, fair, and open competi-
21 tion;

22 (D) capitalize on competition across the
23 commercial launch industry;

24 (E) examine all possible options for award-
25 ing contracts for launches during the period

covered by the phase, including, block-buys, indefinite delivery, indefinite quantity, or a hybrid approach;

(F) consider tailorable mission assurance options informed by previous launch vehicle performance metrics;

(G) include options for adding launch providers, launch systems, or both, during the execution of phase three to address manifest changes beyond the planned national security space unique launches at the time of initial award;

(H) maintain understanding of the commercial launch industry and launch capacity needed to fulfill the requirements of the National Security Space Launch program; and

(I) allow for rapid development and on-orbit deployment of enabling and transformational technologies required to address emerging requirements, including with respect to—

(i) delivery of in-space transportation, logistics, and on-orbit servicing capabilities to enhance the persistence, sensitivity, and

1 resiliency of national security space mis-
2 sions in a contested space environment;

3 (ii) proliferated low-Earth orbit con-
4 stellation deployment;

5 (iii) routine access to extended orbits
6 beyond geostationary orbits, including
7 cislunar orbits;

8 (iv) payload fairings that exceed cur-
9 rent launch requirements;

10 (v) increased responsiveness for heavy
11 lift capability;

12 (vi) the ability to transfer orbits, in-
13 cluding point-to-point orbital transfers;

14 (vii) capacity and capability to execute
15 secondary deployments;

16 (viii) high-performance upper stages;

17 (ix) vertical integration; and

18 (x) other new missions that are out-
19 side the parameters of the nine design ref-
20 erence missions that exist as of the date of
21 the enactment of this Act.

22 (b) QUARTERLY BRIEFINGS.—On a quarterly basis
23 until the date on which the Secretary of the Air Force
24 awards a phase three contract, the Commander of the
25 Space Systems Command shall provide to the appropriate

1 congressional committees a briefing on the development of
2 the phase three acquisition strategy, including how the
3 matters described subsection (a) are being considered in
4 such strategy.

5 (c) NOTIFICATION OF RESULTS OF MISSION ASSIGN-
6 MENT BOARD.—Not later than 14 days after the date on
7 which a phase two mission assignment board is completed,
8 the Commander of the Space Systems Command shall no-
9 tify the appropriate congressional committees of the
10 launch assignment results of the board.

11 (d) DEFINITIONS.—In this section:

12 (1) The term “appropriate congressional com-
13 mittees” means—

14 (A) the congressional defense committees
15 with respect to all briefings provided under sub-
16 section (b) and notifications made under sub-
17 section (c); and

18 (B) in addition to the congressional de-
19 fense committees, the Permanent Select Com-
20 mittee on Intelligence of the House of Rep-
21 resentatives and the Select Committee on Intel-
22 ligence of the Senate with respect to—

23 (i) briefings required under subsection

24 (b) regarding requirements of the intel-

1 ligence community being incorporated into
2 phase three planning; and

3 (ii) notifications made under sub-
4 section (c) regarding an assignment that
5 includes capabilities being launched for the
6 intelligence community.

7 (2) The term “intelligence community” has the
8 meaning given that term in section 3(4) of the Na-
9 tional Security Act of 1947 (50 U.S.C. 3003(4)).

10 (2) The term “phase three” means, with re-
11 spect to the National Security Space Launch pro-
12 gram, launch missions ordered under the program
13 after fiscal year 2024.

14 (3) The term “phase two” means, with respect
15 to the National Security Space Launch program,
16 launch missions ordered under the program during
17 fiscal years 2020 through 2024.

18 **SEC. 1604. RESPONSIVE SPACE STRATEGY, PRINCIPLES,**
19 **MODEL ARCHITECTURE, AND IMPLEMENTA-**
20 **TION PLANS.**

21 (a) STRATEGY, PRINCIPLES, AND MODEL ARCHITEC-
22 TURE.—Not later than 270 days after the date of the en-
23 actment of this Act, the Chief of Space Operations and
24 the Commander of the United States Space Command
25 shall jointly develop a responsive space strategy, prin-

1 ciples, and a model architecture to be implemented across
2 the United States Space Command and the Combined
3 Force Space Component Command.

4 (b) ELEMENTS.—The responsive space strategy,
5 principles, and model architecture under subsection (a)
6 shall include, at a minimum, the following elements:

7 (1) Prioritized policies and procedures.

8 (2) Policies specific to launch, buses, payloads,
9 ground infrastructure, and networks.

10 (3) Specification of enterprise-wide acquisitions
11 of capabilities conducted pursuant to the policies re-
12 ferred to in paragraph (2).

13 (4) Roles, responsibilities, functions, and oper-
14 ational workflows of responsive space architecture
15 and infrastructure personnel—

16 (A) of the Army, Navy, Air Force, Marine
17 Corps, and Space Force and the combatant
18 commands; and

19 (B) the Combined Force Space Component
20 Command.

21 (c) ARCHITECTURE DEVELOPMENT AND IMPLEMEN-
22 TATION.—In developing and implementing the responsive
23 space strategy, principles, and model architecture under
24 subsection (a), the Chief of Space Operations and the

1 Commander of the United States Space Command shall
2 coordinate with—

3 (1) the Space Acquisition Council;

4 (2) the Director of the Defense Advanced Re-
5 search Projects Agency;

6 (3) the Chairman of the Joints Chiefs of Staff;

7 and

8 (4) any other component of the Department of
9 Defense, as jointly determined by the Chief of Space
10 Operations and the Commander.

11 (d) IMPLEMENTATION PLANS.—

12 (1) IN GENERAL.—The Chief of Space Oper-
13 ations and the Commander of the United State
14 Space Command shall ensure that, not later than
15 one year after the finalization of the responsive
16 space strategy, principles, and model architecture
17 under subsection (a), each Space Force delta trans-
18 mits to the Chief and the Commander a draft plan
19 to implement such responsive space strategy, prin-
20 ciples, and model architecture with respect to such
21 delta.

22 (2) ELEMENTS.—Each implementation plan
23 under paragraph (1) shall include, at a minimum,
24 the following with respect to the Space Force delta
25 covered by the plan:

1 (A) Specific acquisitions, implementations,
2 instrumentations, and operational workflows to
3 be implemented across responsive space archi-
4 tectures and infrastructures.

5 (B) A detailed schedule with target mile-
6 stones and required expenditures.

7 (C) Interim and final metrics, including a
8 phase mitigation plan.

9 (D) Identification of additional funding,
10 authorities, organizational changes and policies,
11 as may be required.

12 (E) Requested waivers, exceptions to poli-
13 cies of the Department of Defense, and ex-
14 pected delays.

15 (e) IMPLEMENTATION OVERSIGHT.—The Chief of
16 Space Operations shall—

17 (1) assess the implementation plans under sub-
18 section (d)(1) for—

19 (A) adequacy and responsiveness to the re-
20 sponsive space strategy, principles, and model
21 architecture under subsection (a); and

22 (B) appropriate use of enterprise-wide ac-
23 quisitions;

1 (2) ensure, at a high level, the interoperability
2 and compatibility of individual implementation plans
3 of the Space Force deltas;

4 (3) track the use of waivers and exceptions to
5 policy;

6 (4) develop a Responsive Space Scorecard to
7 track and drive implementation of the plans by the
8 Space Force Deltas; and

9 (5) leverage the authorities of the Commander
10 of the United States Space Command to begin im-
11 plementation of such responsive space strategy, prin-
12 ciples, and model architecture.

13 (f) INITIAL BRIEFINGS.—

14 (1) RESPONSIVE SPACE STRATEGY, PRINCIPLES,
15 AND MODEL ARCHITECTURE.—Not later than 90
16 days after finalizing the responsive space strategy,
17 principles, and model architecture under subsection
18 (a), the Chief of Space Operations and the Com-
19 mander of the United States Space Command shall
20 provide to the congressional defense committees a
21 briefing on such responsive space strategy, prin-
22 ciples, and model architecture.

23 (2) IMPLEMENTATION PLANS.—Not later than
24 90 days after the receipt by the Chief of Space Op-
25 erations of an implementation plan transmitted

1 under to subsection (d)(1), the Chief shall provide to
2 the congressional defense committees a briefing on
3 such implementation plan.

4 (g) ANNUAL BRIEFING.—During each annual brief-
5 ing provided by the Chief of Space Operations to the con-
6 gressional defense committees on the budget occurring
7 during the period beginning February 1, 2023, and ending
8 January 1, 2031, the Chief shall provide updates on the
9 implementation of the responsive space strategy, prin-
10 ciples, and architecture under subsection (a).

11 (h) NOTIFICATION REFORMS.—Section 9021(c) of
12 title 10, United States Code, is amended—

13 (1) by striking paragraph (2); and

14 (2) by striking “(1) The Council” and inserting
15 “The Council”.

16 **SEC. 1605. RESPONSIVE SPACE DEMONSTRATIONS.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that demonstrating the ability of the United States
19 to rapidly respond to adversarial threats to the space sys-
20 tems of the United States serves as a compelling strategic
21 deterrent to adversaries and informs how responsive, resil-
22 ient, and affordable space and launch capabilities can help
23 counter growing adversarial threats on an operationally
24 relevant timeline.

1 (b) ESTABLISHMENT OF PROGRAM.—Not later than
2 180 days after the date of the enactment of this Act, the
3 Secretary of Defense, in consultation with the Chief of
4 Space Operations and the Commander of the United
5 States Space Command, shall establish a program to dem-
6 onstrate responsive space capabilities through operational
7 exercises, wargames, and table-top exercises.

8 (c) INITIAL DEMONSTRATION.—

9 (1) MISSION.—In carrying out the program
10 under subsection (b), the Secretary shall conduct a
11 rapid reconstitution deterrence demonstration mis-
12 sion to—

13 (A) design, develop, and understand the
14 benefit of rapid space reconstitution and space
15 augmentation;

16 (B) simulate real-world scenarios through
17 wargames and table-top exercises, including
18 contested environment scenarios, in which
19 threats to the space capabilities of the United
20 States may be offset or mitigated by responsive
21 space capabilities;

22 (C) validate the ability to provide an end-
23 to-end responsive space mission with responsive
24 launch, satellite deployment, and data to users
25 within rapid mission call-up timelines; and

1 (D) integrate such launches with the joint
2 force under simulated contested conditions
3 through the rapid deployment of launch infra-
4 structure to existing Major Range and Test Fa-
5 cility Bases.

6 (2) REPORT.—Not later than 90 days after the
7 date of the enactment of this Act, the Secretary
8 shall submit to the congressional defense committees
9 a report on the mission under paragraph (1), includ-
10 ing—

11 (A) an assessment of the mission with re-
12 spect to the operational and strategic benefits
13 to the space-related missions of the Department
14 of Defense;

15 (B) a proposed organization and manage-
16 ment structure of the mission;

17 (C) a timeline for implementing the dem-
18 onstrations under the mission; and

19 (D) budget estimates and financial forecast
20 for the demonstrations.

21 **SEC. 1606. ALLIED RESPONSIVE SPACE CAPABILITIES.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) it is in the common interest of the United
25 States and allies and partners of the United States

1 to strive for accessibility and flexibility for delivering
2 assets into space on a responsive timeline;

3 (2) the United States should implement joint
4 United States-allied space missions that demonstrate
5 rapid, rapid launch, reconstitution and satellite aug-
6 mentation from locations in the Indo-Pacific, Euro-
7 pean, and other theaters of operations;

8 (3) the United States should leverage allied and
9 partner spaceports to diversify and disaggregate
10 launch sites across the world for a multitude of mis-
11 sions, including national security missions; and

12 (4) it is important for the United States to
13 have operational and contracting steps established
14 with allies and partners to ensure readiness and pre-
15 paredness for responding to or deterring any un-
16 known threats.

17 (b) INITIATIVES.—The Secretary of the Defense and
18 the Secretary of State shall jointly—

19 (1) ensure that responsive space capabilities of
20 the Department of Defense align with initiatives by
21 Five Eyes countries, member states of the North At-
22 lantic Treaty Organization, and other allies to pro-
23 mote a globally responsive space architecture; and

1 (2) designate a single official responsible for co-
2 ordinating responsive space activities with allied
3 partners.

4 (c) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary of Defense and
6 the Secretary of State, in coordination with the Com-
7 mander of the United States European Command, the
8 Commander of the United States Indo-Pacific Command,
9 the Commander of the United States Space Command,
10 and the Secretary of State, shall jointly submit to the con-
11 gressional defense committees, the Committee on Foreign
12 Affairs of the House of Representatives, and the Com-
13 mittee on Foreign Relations of the Senate a report assess-
14 ing current investments and partnerships by the United
15 States with allies of the United States with respect to re-
16 sponsive space efforts. The report shall include the fol-
17 lowing:

18 (1) An assessment of the benefits of leveraging
19 allied and partner spaceports for responsive launch.

20 (2) A discussion of current and future plans to
21 engage with allies and partners with respect to ac-
22 tivities ensuring rapid reconstitution or augmenta-
23 tion of the space capabilities of the United States
24 and allies.

1 (3) An assessment of the shared costs and tech-
2 nology between the United States and allies, includ-
3 ing leveraging investments from the Pacific Deter-
4 rence Initiative and the European Deterrence Initia-
5 tive.

6 (d) FIVE EYES COUNTRIES DEFINED.—In this sec-
7 tion, the term “Five Eyes countries” means the following:

8 (1) Australia.

9 (2) Canada.

10 (3) New Zealand.

11 (4) The United Kingdom.

12 (5) The United States.

13 **SEC. 1607. REPORT ON TACTICALLY RESPONSIVE SPACE**
14 **CAPABILITIES.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) the Space Safari tactically responsive
18 launch-2 mission of the Space Systems Command of
19 the Space Force successfully demonstrated the abil-
20 ity of the Space Force to rapidly integrate, launch,
21 and operate a satellite on orbit on a timeline that
22 would be needed for rapid reconstitution or to re-
23 spond to real-time hostile activities occurring in the
24 domain;

1 (2) the Space Force should continue these ef-
2 forts, and broaden the program beyond the logistics
3 of launch and operations to also focus on lifecycle
4 concepts of operation, as well as any contractual
5 mechanisms that should be required in future pro-
6 grams to take into account the need for rapid recon-
7 stitution and responsiveness;

8 (3) the Chief of Space Operations should for-
9 malize tactically responsive requirements for all
10 space capabilities carried out under title 10, United
11 States Code; and

12 (4) to take into totality the effort required for
13 tactically responsive launch, the Space Force should
14 consider adding a corresponding budget line item for
15 “Tactically Responsive Space” to fund areas beyond
16 launch that would contribute to responsive space ac-
17 tivities.

18 (b) REPORT.—Not later than 30 days after the date
19 on which the budget of the President for fiscal year 2024
20 is submitted to Congress pursuant to section 1105 of title
21 31, United States Code, the Chief of Space Operations
22 shall submit to the congressional defense committees a re-
23 port on planned tactically responsive space activities pur-
24 suant to section 1609 of the William M. (Mac) Thornberry
25 National Defense Authorization Act for Fiscal Year 2021

1 (Public Law 116–283; 10 U.S.C. 2271 note) included dur-
2 ing the period covered by the most recent future-years de-
3 fense program submitted under section 221 of title 10,
4 United States Code (as of the date of the report), includ-
5 ing a detailed budget plan for launch activities and all
6 other efforts needed to enable tactically responsive space
7 capabilities.

8 **SEC. 1608. SENSE OF CONGRESS ON RANGE OF THE FU-**
9 **TURE AND SUPPORT TO COMMERCIAL SPACE**
10 **LAUNCH ACTIVITY.**

11 It is the sense of Congress that—

12 (1) section 1610 of the National Defense Au-
13 thorization Act for Fiscal Year 2022 contained a
14 provision requiring the United States Space Force to
15 deliver a report on its Range of the Future initia-
16 tive;

17 (2) based on the details in that report, that the
18 Nation’s launch service providers, consistent with
19 decades of national policy, now lead the world in
20 space access, that United States leadership in this
21 strategic capability is critical to national security
22 and economic vitality, and that it is critical to the
23 Nation to continue encouraging and enabling United
24 States space access capabilities to flourish and ex-
25 pand;

1 (3) the rapid growth of the commercial launch
2 industry places a growing demand on Department of
3 Defense resources at Federal space launch ranges,
4 and that this demand growth will continue for the
5 foreseeable future;

6 (4) the 1960s-era infrastructure of the two De-
7 partment of Defense launch ranges primarily respon-
8 sible for meeting its assured access to space mission
9 under section 2273 of title 10, United States Code,
10 and complying with section 2276 of such title, is
11 under increasing strain, and needs to be replaced
12 with a modern, state of the art launch infrastructure
13 that encourages and enables continued growth and
14 leadership in space access;

15 (5) maintenance of common use critical infra-
16 structure like roads, culverts, bridges, deluge and
17 water treatment facilities, supply lines, and electrical
18 networks, among others, require immediate atten-
19 tion;

20 (6) investments in infrastructure have not kept
21 pace with commercial demand primarily due to exist-
22 ing authorities which limit reimbursement, flexible
23 financial investment facilities, and reinvestment of
24 revenue in spaceport sustainment, modernization,
25 and growth;

1 (7) the burgeoning commercial space industry
2 requires a more holistic, responsive process
3 leveraging public and private investment;

4 (8) the Department of Defense is constrained to
5 provide services to commercial users only when not
6 needed for public use, yet at the same time must
7 promote commercial space launch capabilities as a
8 critical enabler to national security;

9 (9) the United States Space Force has made
10 great use of existing authorities and those provided
11 by other non-Federal entities to leverage other
12 sources of commercial and State investment to keep
13 pace with demand;

14 (10) a similar State business development enti-
15 ty would be useful for supporting commercial space
16 launch capability development in California at Van-
17 denberg Space Force Base and other spaceports,
18 and Congress looks forward to assisting the Depart-
19 ment of Defense in improving its ability to plan and
20 support commercial innovation while continuing to
21 provide world class launch and test facilities; and

22 (11) the Secretary and the Department should
23 engage with all stakeholders, including NASA, other
24 relevant Federal agencies, and the associated con-
25 gressional authorizing committees of jurisdiction, in

1 any reporting, negotiation, policy, and potential leg-
2 islative proposals on this matter.

3 **SEC. 1609. REPORT ON HYPERSPECTRAL SATELLITE TECH-**
4 **NOLOGY.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Secretary of Defense shall submit to the
7 congressional defense committees a report on how
8 hyperspectral satellite technology being developed and
9 tested by domestic commercial satellite companies may be
10 incorporated in the Department of Defense’s existing and
11 future greenhouse gas reduction efforts.

12 **SEC. 1610. REPORT ON SPACE DEBRIS.**

13 (a) IN GENERAL.—Not later than 240 days after the
14 date of the enactment of this Act, the Secretary of Defense
15 shall submit to the appropriate congressional committees
16 a report on the risks posed by man-made space debris in
17 low-earth orbit, including—

18 (1) recommendations with respect to the reme-
19 diation of such risks; and

20 (2) outlines of plans to reduce the incident of
21 such space debris.

22 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
23 DEFINED.—In this section, the term “appropriate con-
24 gressional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Science, Space, and Technology of the
3 House of Representatives; and

4 (2) the Committee on Armed Services and Com-
5 mittee on Commerce, Science, and Transportation of
6 the Senate.

7 **SEC. 1611. PLAN ON PILOT PROGRAM FOR DEPLOYMENT OF**
8 **DEDICATED X-BAND SMALL SATELLITE COM-**
9 **MUNICATIONS.**

10 (a) PLANS.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of this Act, the Assist-
13 ant Secretary of Defense for Special Operations and
14 Low-Intensity Conflict and the Assistant Secretary
15 of the Air Force for Space Acquisition and Integra-
16 tion, shall jointly submit to the congressional defense
17 committees a plan for a pilot program for the de-
18 ployment of dedicated X-band small satellite commu-
19 nications technologies that may support current and
20 future requirements of special operations forces.

21 (2) PLAN ELEMENTS.—The plan submitted
22 under paragraph (1) shall include the following:

23 (A) A description of authorities that would
24 be used to execute the proposed pilot program.

1 (B) A timeline for the implementation and
2 duration of the proposed pilot program.

3 (C) An identification of the dedicated X-
4 band small satellite communication technologies
5 required to implement the proposed pilot pro-
6 gram.

7 (D) The costs, per fiscal year, for the de-
8 velopment, deployment, and operations of the
9 proposed pilot program.

10 (E) A comprehensive description and as-
11 sessment of the proposed pilot program.

12 (F) Such recommendations for legislative
13 or administrative action the Assistant Secre-
14 taries jointly determine appropriate, including
15 the feasibility of—

16 (i) extending the term of the proposed
17 pilot program; or

18 (ii) expanding the proposed pilot pro-
19 gram to other activities of the Department
20 of Defense beyond special operations
21 forces.

22 (b) SPECIAL OPERATIONS FORCES DEFINED.—The
23 term “special operations forces” means forces described
24 under section 167(j) of title 10, United States Code.

1 **SEC. 1612. REPORT ON STRATOSPHERIC BALLOONS,**
2 **AEROSTATS, OR SATELLITE TECHNOLOGY CA-**
3 **PABLE OF RAPIDLY DELIVERING WIRELESS**
4 **INTERNET.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Secretary of the Air Force and the
7 Secretary of State, in consultation with the Chief of Space
8 Operations, shall provide a report to the Senate Foreign
9 Relations Committee, House Foreign Affairs Committee,
10 Senate Armed Services Committee and House Armed
11 Services Committee that identifies opportunities to deploy
12 stratospheric balloons, aerostats, or satellite technology
13 capable of rapidly delivering wireless internet anywhere on
14 the planet from the stratosphere or higher. The report
15 shall identify commercial as well as options developed by
16 the Department of Defense. Additionally, the report shall
17 provide an assessment of the military utility of such oppor-
18 tunities.

19 **Subtitle B—Defense Intelligence**
20 **and Intelligence-Related Activities**

21 **SEC. 1621. CONGRESSIONAL OVERSIGHT OF CLANDESTINE**
22 **ACTIVITIES THAT SUPPORT OPERATIONAL**
23 **PREPARATION OF THE ENVIRONMENT.**

24 Section 127f of title 10, United States Code, is
25 amended—

1 (1) by redesignating subsections (e) and (f) as
2 subsections (f) and (g), respectively; and

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

5 “(e) QUARTERLY BRIEFING.—On a quarterly basis,
6 the Under Secretary of Defense for Intelligence and Secu-
7 rity, in coordination with the Assistant Secretary of De-
8 fense for Special Operations and Low Intensity Conflict,
9 shall provide to the congressional defense committees a
10 briefing outlining the clandestine activities carried out
11 pursuant to subsection (a) during the period covered by
12 the briefing, including—

13 “(1) an update on such activities carried out in
14 each geographic combatant command and a descrip-
15 tion of how such activities support the respective
16 theater campaign plan;

17 “(2) an overview of the authorities and legal
18 issues, including limitations, relating to such activi-
19 ties; and

20 “(3) any other matters the Under Secretary
21 considers appropriate.”.

1 **SEC. 1622. EXECUTIVE AGENT FOR EXPLOSIVE ORDNANCE**
2 **INTELLIGENCE.**

3 (a) IN GENERAL.—Subchapter I of chapter 21 of title
4 10, United States Code, is amended by adding at the end
5 the following new section:

6 **“§ 430c. Executive agent for explosive ordnance intel-**
7 **ligence**

8 “(a) DESIGNATION.—The Secretary of Defense shall
9 designate the Director of the Defense Intelligence Agency
10 as the executive agent for explosive ordnance intelligence.

11 “(b) DEFINITIONS.—In this section:

12 “(1) The term ‘explosive ordnance intelligence’
13 means technical intelligence relating to explosive
14 ordnance (as defined in section 283(d) of this title),
15 including with respect to the processing, production,
16 dissemination, integration, exploitation, evaluation,
17 feedback, and analysis of explosive ordnance using
18 the skills, techniques, principles, and knowledge of
19 explosive ordnance disposal personnel regarding
20 fuzing, firing systems, ordnance disassembly, and
21 development of render safe techniques, procedures
22 and tools, publications, and applied technologies.

23 “(2) The term ‘executive agent’ has the mean-
24 ing given the term ‘DoD Executive Agent’ in Direc-
25 tive 5101.1.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by inserting
 3 after the item relating to section 430b the following new
 4 item:

“430c. Executive agent for explosive ordnance intelligence.”.

5 (c) DATE OF DESIGNATION.—The Secretary of De-
 6 fense shall make the designation under section 430c of
 7 title 10, United States Code, as added by subsection (a),
 8 by not later than 30 days after the date of the enactment
 9 of this Act.

10 **SEC. 1623. INFORMATION ON COVER AND COVER SUPPORT**
 11 **ACTIVITIES.**

12 (a) INFORMATION.—Not less frequently than quar-
 13 terly, the Secretary of Defense shall provide to the appro-
 14 priate congressional committees information on the cover
 15 and cover support activities of the Department of Defense,
 16 including commercial activities conducted pursuant to sec-
 17 tion 431 of title 10, United States Code.

18 (b) ELEMENTS.—The Secretary shall ensure that the
 19 information provided under subsection (a) includes, with
 20 respect to the period covered by the information, the fol-
 21 lowing:

22 (1) A detailed description of each activity, oper-
 23 ation, or other initiative for which an element of the
 24 Department of Defense has provided cover or en-
 25 gaged in cover support activities, including—

1 (A) a description of the specific cover and
 2 cover support activities; and

3 (B) whether such cover and cover support
 4 activities began before or during such period.

5 (2) Any other matters the Secretary determines
 6 appropriate.

7 (c) FORM.—The information under subsection (a)
 8 may be provided in classified form.

9 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
 10 DEFINED.—In this section, the term “appropriate con-
 11 gressional committees” means—

12 (1) the congressional defense committees; and

13 (2) the Permanent Select Committee on Intel-
 14 ligence of the House of Representatives and the Se-
 15 lect Committee on Intelligence of the Senate.

16 **SEC. 1624. FUNDING FOR RESEARCH AND DEVELOPMENT**
 17 **OF ADVANCED NAVAL NUCLEAR FUEL SYS-**
 18 **TEM BASED ON LOW-ENRICHED URANIUM.**

19 (a) INCREASE.—Notwithstanding the amounts set
 20 forth in the funding tables in division D, the amount au-
 21 thorized to be appropriated by this title for the National
 22 Nuclear Security Administration, as specified in the cor-
 23 responding funding table in section 4701, for Defense Nu-
 24 clear Nonproliferation, Defense Nuclear Nonproliferation
 25 R&D is hereby increased by \$20,000,000 for the purpose

1 of LEU Research and Development for Naval Pressurized
2 Water Reactors.

3 (b) OFFSET.—Notwithstanding the amounts set forth
4 in the funding tables in division D, the amount authorized
5 to be appropriated by this title for the National Nuclear
6 Security Administration, as specified in the corresponding
7 funding table in section 4701, for Defense Nuclear Non-
8 proliferation is hereby reduced—

9 (1) by \$10,000,000 for the amount for nuclear
10 smuggling detection and deterrence; and

11 (2) by \$10,000,000 for the amount for nuclear
12 detonation detection.

13 **Subtitle C—Nuclear Forces**

14 **SEC. 1631. IMPROVEMENTS TO NUCLEAR WEAPONS COUN-** 15 **CIL.**

16 (a) MEETINGS.—Subsection (b) of section 179 of title
17 10, United States Code, is amended—

18 (1) in paragraph (1), by inserting “and (4)”
19 after “paragraph (2)”; and

20 (2) by adding at the end the following new
21 paragraph:

22 “(4) At least once annually, the Council shall
23 hold a meeting that includes the Deputy Secretary
24 of Defense, who may serve as chair for that meet-
25 ing.”.

1 (b) RESPONSIBILITIES.—Subsection (d) of such sec-
2 tion is amended—

3 (1) by redesignating paragraphs (10), (11), and
4 (12) as paragraphs (11), (12), and (13), respec-
5 tively;

6 (2) by inserting after paragraph (9) the fol-
7 lowing new paragraph (10):

8 “(10) With respect to nuclear warheads—

9 “(A) reviewing military requirements, per-
10 formance requirements, and planned delivery
11 schedules to evaluate whether such require-
12 ments and schedules create significant risks to
13 cost, schedules, or other matters regarding pro-
14 duction, surveillance, research, and other pro-
15 grams relating to nuclear weapons within the
16 National Nuclear Security Administration; and

17 “(B) if any such risk exists, proposing and
18 analyzing adjustments to such requirements
19 and schedules.”; and

20 (3) by striking paragraph (13), as so redesign-
21 nated, and inserting the following new paragraph
22 (13):

23 “(13) Coordinating risk management efforts be-
24 tween the Department of Defense and the National
25 Nuclear Security Administration relating to the nu-

1 clear weapons stockpile, the nuclear security enter-
2 prise (as defined in section 4002 of the Atomic En-
3 ergy Defense Act (50 U.S.C. 2501)), and the deliv-
4 ery platforms for nuclear weapons, including with re-
5 spect to identifying and analyzing risks and pro-
6 posing actions to mitigate risks.”.

7 (c) REPORTS RELATING TO SAFETY.—Subsection (e)
8 of such section is amended by striking “conducted by the
9 Council” and inserting “for which the Council has received
10 a briefing”.

11 (d) PLANS AND BUDGET.—Subsection (f) of such
12 section is amended to read as follows:

13 “(f) REVIEW AND ASSESSMENT OF PLANS AND
14 BUDGET TO SUPPORT NUCLEAR WEAPONS REQUIRE-
15 MENTS.—(1) The Council shall annually review the plans
16 and budget of the National Nuclear Security Administra-
17 tion and assess whether such plans and budget meet the
18 current and projected requirements relating to nuclear
19 weapons.

20 “(2) Not later than 30 days after the President sub-
21 mits to Congress the budget for a fiscal year under section
22 1105(a) of title 31, the Council shall submit to the con-
23 gressional defense committees a report containing the fol-
24 lowing:

1 “(A) The assessment conducted under para-
2 graph (1) with respect to that budget.

3 “(B) An assessment of—

4 “(i) whether the funding requested for the
5 National Nuclear Security Administration in
6 such budget—

7 “(I) enables the Administrator for
8 Nuclear Security to meet requirements re-
9 lating to nuclear weapons for such fiscal
10 year; and

11 “(II) is adequate (as determined pur-
12 suant to section 4717 of the Atomic En-
13 ergy Defense Act (50 U.S.C. 2757) to im-
14 plement the objectives of the Department
15 of Defense with respect to nuclear weapons
16 for that fiscal year; and

17 “(ii) whether the plans and budget re-
18 viewed under paragraph (1) will enable the Ad-
19 ministrator to meet the requirements to
20 produce war reserve plutonium pits under sec-
21 tion 4219(a) of such Act (50 U.S.C. 2538a(a)).

22 “(C) If the assessment under subparagraph
23 (B)(ii) determines that the plans and budget re-
24 viewed under paragraph (1) will not enable the Ad-
25 ministrator to meet the requirements to produce war

1 reserve plutonium pits under section 4219(a) of the
2 Atomic Energy Defense Act (50 U.S.C. 2538a(a))—

3 “(i) an explanation for why the plans and
4 budget will not enable the Administrator to
5 meet such requirements; and

6 “(ii) proposed alternative plans, budget, or
7 requirements by the Council to meet such re-
8 quirements.

9 “(3) If a member of the Council does not concur in
10 an assessment under paragraph (2), the report under such
11 paragraph shall include a written explanation from the
12 non-concurring member describing the reasons for the
13 member’s non-concurrence.

14 “(4) In this subsection, the term ‘budget’ has the
15 meaning given that term in section 231(f) of this title.”.

16 (e) UPDATES ON MEETINGS.—Subsection (g)(1)(A)
17 of such section is amended by inserting before the semi-
18 colon the following: “and the members who attended each
19 meeting”.

20 (f) CONFORMING AMENDMENT.—Section 4717(b)(2)
21 of the Atomic Energy Defense Act (50 U.S.C. 2757(b)(2))
22 is amended—

23 (1) in subparagraph (A), by inserting “and”
24 after the semicolon; and

1 (2) by striking subparagraphs (B) and (C) and
2 inserting the following new subparagraph (B):

3 “(B) submit to the congressional defense
4 committees the information required under sec-
5 tion 179(f)(2) of title 10, United States Code.”.

6 **SEC. 1632. PORTFOLIO MANAGEMENT FRAMEWORK FOR**
7 **NUCLEAR FORCES.**

8 (a) IN GENERAL.—Chapter 24 of title 10, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section (and conforming the table of sections
11 at the beginning of such chapter accordingly):

12 **“§ 499c. Portfolio management framework for nuclear**
13 **forces**

14 “(a) REQUIREMENT.—Not later than January 1,
15 2024, the Secretary of Defense shall—

16 “(1) implement a portfolio management frame-
17 work for nuclear forces of the United States that—

18 “(A) specifies the portfolio of nuclear
19 forces covered by the framework;

20 “(B) establishes a portfolio governance
21 structure for such forces that takes advantage
22 of, or is modeled on, an existing portfolio gov-
23 ernance structure, such as the Deputy’s Man-
24 agement Action Group described in Department
25 of Defense Directive 5105.79;

1 “(C) outlines the approach of the Sec-
2 retary for identifying and managing risk relat-
3 ing to such forces and prioritizing the efforts
4 among such forces, including how the Secretary
5 will coordinate such identification, management,
6 and prioritization with the Secretary of Energy;
7 and

8 “(D) incorporates the findings and rec-
9 ommendations identified by the Comptroller
10 General of the United States in the report titled
11 ‘Nuclear Enterprise: DOD and NNSA Could
12 Further Enhance How They Manage Risk and
13 Prioritize Efforts’ (GAO-22-104061) and
14 dated January 2022; and

15 “(2) complete a comprehensive assessment of
16 the portfolio management capabilities required to
17 identify and manage risk in the portfolio of nuclear
18 forces.

19 “(b) ANNUAL BRIEFINGS.—(1) In conjunction with
20 the submission of the budget of the President to Congress
21 pursuant to section 1105 of title 31 for fiscal year 2025
22 and each fiscal year thereafter, the Secretary shall provide
23 to the congressional defense committees a briefing on iden-
24 tifying and managing risk relating to nuclear forces and

1 prioritizing the efforts among such forces, including, with
2 respect to the period covered by the briefing—

3 “(A) the current and projected operational re-
4 quirements for nuclear forces that were used for
5 such identification, management, and prioritization;

6 “(B) key areas of risk identified; and

7 “(C) a description of the actions proposed or
8 carried out to mitigate such risk.

9 “(2) The Secretary may provide the briefings under
10 paragraph (1) in classified form.

11 “(c) NUCLEAR FORCES DEFINED.—In this section,
12 the term ‘nuclear forces’ includes, at a minimum—

13 “(1) nuclear weapons;

14 “(2) the delivery platforms and systems for nu-
15 clear weapons;

16 “(3) nuclear command, control, and commu-
17 nications systems; and

18 “(4) the supporting infrastructure for nuclear
19 weapons, the delivery platforms and systems for nu-
20 clear weapons, and nuclear command, control, and
21 communications systems, including related per-
22 sonnel, facilities, construction, operation, and main-
23 tenance.”.

24 (b) INITIAL BRIEFING.—

1 (1) REQUIREMENT.—Not later than June 1,
2 2023, the Secretary of Defense shall provide to the
3 congressional defense committees a briefing on the
4 progress of the Secretary to—

5 (A) develop the portfolio management
6 framework for nuclear forces under section
7 499c of title 10, United States Code, as added
8 by subsection (a); and

9 (B) complete the assessment described in
10 subsection (a)(2) of such section.

11 (2) FORM.—The Secretary may provide the
12 briefings under paragraph (1) in classified form.

13 **SEC. 1633. MODIFICATION OF ANNUAL ASSESSMENT OF**
14 **CYBER RESILIENCE OF NUCLEAR COMMAND**
15 **AND CONTROL SYSTEM.**

16 (a) QUARTERLY BRIEFINGS.—Subsection (d) of sec-
17 tion 499 of title 10, United States Code, is amended to
18 read as follows:

19 “(d) QUARTERLY BRIEFINGS.—(1) Not less than
20 once every quarter, the Deputy Secretary of Defense and
21 the Vice Chairman of the Joint Chiefs of Staff shall jointly
22 provide to the Committees on Armed Services of the
23 House of Representatives and the Senate—

24 “(A) a briefing on any intrusion or anomaly in
25 the nuclear command, control, and communications

1 system that was identified during the previous quar-
2 ter, including—

3 “(i) an assessment of any known, sus-
4 pected, or potential impacts of such intrusions
5 and anomalies to the mission effectiveness of
6 military capabilities as of the date of the brief-
7 ing; and

8 “(ii) with respect to cyber intrusions of
9 contractor networks known or suspected to have
10 resulted in the loss or compromise of design in-
11 formation regarding the nuclear command, con-
12 trol, and communications system; or

13 “(B) if no such intrusion or anomaly occurred
14 with respect to the quarter to be covered by that
15 briefing, a notification of such lack of intrusions and
16 anomalies.

17 “(2) In this subsection:

18 “(A) The term ‘anomaly’ means a malicious,
19 suspicious or abnormal cyber incident that poten-
20 tially threatens the national security or interests of
21 the United States, or that is likely to result in de-
22 monstrable harm to the national security of the
23 United States.

24 “(B) The term ‘intrusion’ means an unauthor-
25 ized and malicious cyber incident that compromises

1 a nuclear command, control, and communications
2 system by breaking the security of such a system or
3 causing it to enter into an insecure state.”.

4 (b) CONFORMING REPEAL.—Section 171a of title 10,
5 United States Code, is amended—

6 (1) by striking subsection (h); and

7 (2) by redesignating subsections (i) through (l)
8 as subsections (h) through (k), respectively.

9 **SEC. 1634. NUCLEAR-CAPABLE SEA-LAUNCHED CRUISE MIS-**
10 **SILE.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) Several senior military officers, including
13 the Chairman and Vice Chairman of the Joint
14 Chiefs of Staff and the Commander of United States
15 Strategic Command, have offered their support for
16 continued research and development of a nuclear-ca-
17 pable sea-launched cruise missile to strengthen nu-
18 clear deterrence.

19 (2) Deploying a nuclear-capable sea-launched
20 cruise missile on naval vessels would “not come
21 without a cost”, as was testified by Chief of Naval
22 Operations Admiral Mike Gilday. Admiral Gilday de-
23 scribed the challenges associated with training, sus-
24 tainability, reliability, and readiness that would be
25 associated with adding a nuclear mission and went

1 on to say that he was “not convinced yet that we
2 need to make a \$31,000,000,000 investment in that
3 particular system to close that particular gap”. In-
4 stead, he recommended keeping “a small amount of
5 money” for research and development of the nuclear-
6 capable sea-launched cruise missile as the Depart-
7 ment of Defense seeks to better understand the im-
8 plications of living with two nuclear-armed peer com-
9 petitors.

10 (b) REPORTS.—

11 (1) DETERRENCE.—Not later than 270 days
12 after the date of the enactment of this Act, the Sec-
13 retary of the Defense shall submit to the congres-
14 sional defense committees a report that describes the
15 approach by the Department of Defense for deter-
16 ring theater nuclear employment by Russia and
17 China, including—

18 (A) an assessment of the current and fu-
19 ture theater nuclear capabilities and doctrine of
20 Russia and China;

21 (B) an explanation of the strategy and ca-
22 pabilities of the United States for deterring the-
23 ater nuclear employment; and

24 (C) a comparative assessment of options
25 for strengthening deterrence of theater nuclear

1 employment, including pursuit of the nuclear-
2 capable sea-launched cruise missile and other
3 potential changes to the nuclear and conven-
4 tional posture and capabilities of the United
5 States.

6 (2) COST.—Not later than 270 days after the
7 date of the enactment of this Act, the Secretary of
8 the Navy shall submit to the congressional defense
9 committees a report that describes the full cost of
10 developing, producing, fielding, and maintaining nu-
11 clear-capable sea-launched cruise missiles through at
12 least 2050, including—

13 (A) the costs associated with research and
14 development and production of the missile;

15 (B) the costs associated with modifications
16 to port infrastructure;

17 (C) the costs associated with nuclear cer-
18 tification, personnel training, and operations;
19 and

20 (D) any other incremental costs compared
21 to sustaining and operating nonnuclear naval
22 vessels.

23 (3) OPERATIONAL LIMITATIONS.—Not later
24 than 270 days after the date of the enactment of
25 this Act, the Secretary of the Navy shall submit to

1 the congressional defense committees a report that
2 describes any operational limitations and trade-offs
3 that would be associated with deploying nuclear-ca-
4 pable sea-launched cruise missiles on naval vessels,
5 including—

6 (A) the effect of allocating missile or tor-
7 pedo tubes from conventional munitions to nu-
8 clear munitions;

9 (B) operational constraints and trade-offs
10 associated with reserving or limiting naval ves-
11 sels on account of nuclear mission require-
12 ments;

13 (C) trade-offs in posture and capabilities
14 that the Navy would likely face if the Navy had
15 to allocate more resources to a nuclear-capable
16 missiles; and

17 (D) any other issues identified by the Sec-
18 retary.

19 (4) DEVELOPMENT.—Not later than 270 days
20 after the date of the enactment of this Act, the Ad-
21 ministrator for Nuclear Security shall submit to the
22 congressional defense committees a report that de-
23 scribes the cost and timeline of developing and pro-
24 ducing a warhead for a nuclear-capable sea-launched
25 cruise missile, including—

1 (A) the cost of developing, producing, and
2 sustaining the warhead;

3 (B) the timeline for the design, production,
4 and fielding of the warhead; and

5 (C) an assessment of how the pursuit of
6 the warhead would affect other planned war-
7 head activities of the National Nuclear Security
8 Administration, including whether there would
9 be risk to the cost and schedule of other war-
10 head programs of the Administration if the Ad-
11 ministrator added a nuclear-capable sea-
12 launched cruise missile warhead to the portfolio
13 of such programs.

14 (5) PREFERRED COURSE OF ACTION.—To in-
15 form the reports under this subsection, not later
16 than 30 days after the date of the enactment of this
17 Act, the Secretary of Defense shall submit to the
18 congressional defense committees a report identi-
19 fying one or more preferred courses of action from
20 among the actions identified in the analysis of alter-
21 natives for a nuclear-capable sea-launched cruise
22 missile.

23 (c) LIMITATION.—

24 (1) IN GENERAL.—None of the funds author-
25 ized to be appropriated by this Act or otherwise

1 made available for fiscal year 2023 for the Depart-
2 ment of Defense or the National Nuclear Security
3 Administration may be obligated or expended for a
4 purpose specified in paragraph (2) until—

5 (A) each of the reports under subsection
6 (b), an unclassified version of the 2022 Nuclear
7 Posture Review, and a detailed, unclassified
8 summary of the analysis of alternatives regard-
9 ing the nuclear-capable sea-launched cruise mis-
10 sile, have been submitted to the congressional
11 defense committees; and

12 (B) the Secretary of Defense, in coordina-
13 tion with the Administrator for Nuclear Secu-
14 rity, certifies to the congressional defense com-
15 mittees that the development and deployment of
16 a nuclear-capable sea-launched cruise missile is
17 required to meet a valid military requirement
18 and would not create significant risk to conven-
19 tional or nuclear deterrence by constraining
20 conventional military operations or trading-off
21 with the pursuit of other conventional or nu-
22 clear military capabilities.

23 (2) FUNDS SPECIFIED.—The purposes specified
24 in this paragraph are the following:

1 (A) With respect to the Department of De-
2 fense, system development and demonstration
3 of a nuclear-capable sea-launched cruise missile.

4 (B) With respect to the National Nuclear
5 Security Administration, development engineer-
6 ing for a modified, altered, or new warhead for
7 a sea-launched cruise missile.

8 (d) DEFINITIONS.—In this section:

9 (1) The term “development engineering” means
10 activities under phase 3 of the joint nuclear weapons
11 life cycle (as defined in section 4220 of the Atomic
12 Energy Defense Act (50 U.S.C. 2538b) or phase 6.3
13 of a nuclear weapons life extension program.

14 (2) The term “system development and dem-
15 onstration” means the activities occurring in the
16 phase after a program achieves Milestone B ap-
17 proval (as defined in section 4172 of title 10, United
18 States Code).

19 **SEC. 1635. LIMITATION ON AVAILABILITY OF CERTAIN**
20 **FUNDS UNTIL SUBMISSION OF INFORMATION**
21 **RELATING TO PROPOSED BUDGET FOR NU-**
22 **CLEAR-ARMED SEA-LAUNCHED CRUISE MIS-**
23 **SILE.**

24 In addition to the limitation under section 1640 of
25 the National Defense Authorization Act for Fiscal Year

1 2022 (Public Law 117–81; 135 Stat. 2092), of the funds
2 authorized to be appropriated by this Act or otherwise
3 made available for fiscal year 2023 for the Office of the
4 Secretary of the Navy for travel by the Secretary of the
5 Navy, not more than 50 percent may be obligated or ex-
6 pended until the Secretary submits to the congressional
7 defense committees all written communications from or to
8 personnel of the Department of the Navy regarding the
9 proposed budget amount or limitation for the nuclear-
10 armed sea-launched cruise missile contained in the defense
11 budget materials (as defined by section 231(f) of title 10,
12 United States Code) relating to the Navy for fiscal year
13 2023.

14 **SEC. 1636. PROHIBITION ON REDUCTION OF THE INTER-**
15 **CONTINENTAL BALLISTIC MISSILES OF THE**
16 **UNITED STATES.**

17 (a) PROHIBITION.—Except as provided in subsection
18 (b), none of the funds authorized to be appropriated by
19 this Act or otherwise made available for fiscal year 2023
20 for the Department of Defense may be obligated or ex-
21 pended for the following, and the Department may not
22 otherwise take any action to do the following:

23 (1) Reduce, or prepare to reduce, the respon-
24 siveness or alert level of the intercontinental ballistic
25 missiles of the United States.

1 (2) Reduce, or prepare to reduce, the quantity
 2 of deployed intercontinental ballistic missiles of the
 3 United States to a number less than 400.

4 (b) EXCEPTION.—The prohibition in subsection (a)
 5 shall not apply to any of the following activities:

6 (1) The maintenance or sustainment of inter-
 7 continental ballistic missiles.

8 (2) Ensuring the safety, security, or reliability
 9 of intercontinental ballistic missiles.

10 (3) Facilitating the transition from the Minute-
 11 man III intercontinental ballistic missile to the Sen-
 12 tinel intercontinental ballistic missile (previously re-
 13 ferred to as the “ground-based strategic deterrent
 14 weapon”).

15 **Subtitle D—Missile Defense** 16 **Programs**

17 **SEC. 1641. REPEAL OF REQUIREMENT TO TRANSITION BAL-**
 18 **LISTIC MISSILE DEFENSE PROGRAMS TO THE**
 19 **MILITARY DEPARTMENTS.**

20 Section 1676 of the National Defense Authorization
 21 Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C.
 22 4205 note) is amended by striking subsection (b).

23 **SEC. 1642. FIRE CONTROL ARCHITECTURES.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
 25 gress that—

1 (1) the new missile track and warning architec-
2 ture in the budget request of the President for fiscal
3 year 2023 makes a needed and significant shift to
4 a more resilient and robust capability that will be
5 necessary to address future threats in the domain;

6 (2) the tranche 1 and 2 capabilities of the
7 Space Development Agency are critical to such new
8 architecture and should continue to be funded ap-
9 propriately to deliver missile track and warning ca-
10 pability from low-Earth orbit in the mid-2020s time-
11 frame;

12 (3) section 1645 of the William M. (Mac)
13 Thornberry National Defense Authorization Act for
14 Fiscal Year 2021 (Public Law 116–283; 134 Stat.
15 4062) directs the Director of the Missile Defense
16 Agency to develop a sensor payload to be integrated
17 into architecture of the Space Development Agency
18 or Space Force to provide fire control quality data
19 that would enable the interception of both ballistic
20 and hypersonic threats;

21 (4) as the Space Warfighting Analysis Center
22 of the Space Force reviews candidate architectures
23 for fire control quality data, the Center should take
24 into account the investment made to date and capa-
25 bility being developed by the hypersonic and ballistic

1 tracking space sensor program for integration into
2 the future architecture; and

3 (5) the Center should also consider current or
4 planned programs of the intelligence community that
5 could be integrated to increase the ability to con-
6 tribute to fire control architectures of the Depart-
7 ment of Defense.

8 (b) FIRE CONTROL QUALITY DATA REQUIRE-
9 MENT.—In carrying out the analysis of candidate fire con-
10 trol architectures, the Secretary of the Air Force shall en-
11 sure that the Director of the Space Warfighting Analysis
12 Center of the Space Force, at a minimum, maintains the
13 requirements needed for the missile defense command and
14 control, battle management, and communications system
15 to pass the needed quality data within the timelines need-
16 ed for current and planned interceptor systems to support
17 engagements of ballistic and hypersonic threats as de-
18 scribed in section 1645 of the William M. (Mac) Thorn-
19 berry National Defense Authorization Act for Fiscal Year
20 2021 (Public Law 116–283; 134 Stat. 4062).

21 (c) BRIEFING.—Not later than 14 days after the date
22 on which the Director of the Space Warfighting Analysis
23 Center concludes the analysis of candidate fire control ar-
24 chitectures, the Director shall provide to the Committees
25 on Armed Services of the House of Representatives and

1 the Senate a briefing on the results of the analysis, includ-
2 ing the findings of the Director and the architecture rec-
3 ommended by the Director for a future fire control archi-
4 tecture to support engagement of ballistic and hypersonic
5 threats.

6 **SEC. 1643. LIMITATION ON AVAILABILITY OF CERTAIN**
7 **FUNDS UNTIL REQUIRED ACQUISITION AU-**
8 **THORITY DESIGNATION RELATING TO CAPA-**
9 **BILITY TO DEFEND THE HOMELAND FROM**
10 **CRUISE MISSILES.**

11 (a) FINDING.—Congress finds that the Secretary of
12 Defense has yet to designate a military department or De-
13 fense Agency with acquisition authority with respect to the
14 capability to defend the homeland from cruise missiles in
15 accordance with section 1684(e) of the National Defense
16 Authorization Act for Fiscal Year 2017 (Public Law 114–
17 328; 10 U.S.C. 4205 note).

18 (b) LIMITATION.—Of the funds authorized to be ap-
19 propriated by this Act or otherwise made available for fis-
20 cal year 2023 for the Department of Defense for travel
21 by the Deputy Secretary of Defense, not more than 90
22 percent may be obligated or expended until the Secretary
23 of Defense designates a military department or Defense
24 Agency with acquisition authority with respect to the ca-
25 pability to defend the homeland from cruise missiles.

1 (c) DEFENSE AGENCY DEFINED.—In this section,
2 the term “Defense Agency” has the meaning given that
3 term in section 101(a)(11) of title 10, United States Code.

4 **SEC. 1644. LIMITATION ON AVAILABILITY OF FUNDS UNTIL**
5 **SUBMISSION OF REPORT ON LAYERED DE-**
6 **FENSE FOR THE HOMELAND.**

7 Of the funds authorized to be appropriated by this
8 Act or otherwise made available for fiscal year 2023 for
9 the Office of the Secretary of Defense for operating the
10 Office of Space Policy, not more than 75 percent may be
11 obligated or expended until the Secretary of Defense sub-
12 mits to the congressional defense committees the report
13 described in House Report 117–118 under the heading
14 “Layered Defense for the Homeland”.

15 **SEC. 1645. MIDDLE EAST INTEGRATED AIR AND MISSILE**
16 **DEFENSE.**

17 (a) IN GENERAL.—The Secretary of Defense, in con-
18 sultation with the Secretary of State and the Director of
19 National Intelligence, shall seek to cooperate with allies
20 and partners of the United States in the area of responsi-
21 bility of the United States Central Command to improve
22 integrated air and missile defense capability to protect the
23 people, infrastructure, and territory of such allies and
24 partners from cruise and ballistic missiles, manned and
25 unmanned aerial systems, and rocket attacks from Iran.

1 The Secretary shall seek to cooperate with countries that
2 have the ability to contribute to, adopt, and maintain an
3 integrated air and missile defense capability, and a com-
4 mitment to countering air and missile threats to bring se-
5 curity to the region.

6 (b) STRATEGY.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, con-
9 sistent with the protection of intelligence sources
10 and methods, the Secretary shall submit to the ap-
11 propriate congressional committees a strategy on in-
12 creasing cooperation with allies and partners in the
13 area of responsibility of the United States Central
14 Command to implement an integrated air and mis-
15 sile defense architecture to protect the people, infra-
16 structure, and territory of such allies and partners
17 from cruise and ballistic missiles, manned and un-
18 manned aerial systems, and rocket attacks from
19 Iran.

20 (2) CONTENTS.—The strategy submitted under
21 paragraph (1) shall include the following for coun-
22 tries the Secretary determines meets the characteris-
23 tics of subsection (a):

1 (A) An assessment of the threat of ballistic
2 and cruise missiles, manned and unnamed aer-
3 ial systems, and rocket attacks from Iran.

4 (B) A description of current efforts to co-
5 ordinate indicators and warnings from such at-
6 tacks with allies and partners in the region.

7 (C) An analysis of United States allied and
8 partner systems currently in the region to de-
9 fend against air and missile attacks.

10 (D) An explanation of how an integrated
11 regional air and missile defense architecture
12 would improve collective security in the Central
13 Command area of responsibility, similar to that
14 of the European Command.

15 (E) A description of efforts to engage spec-
16 ified foreign partners in establishing such an
17 architecture.

18 (F) An identification of any challenges in
19 establishing an integrated air and missile de-
20 fense architecture with specified foreign part-
21 ners, including assessments of the capacity of
22 specified foreign partners to—

23 (i) rapidly share and respond to intel-
24 ligence on ballistic and cruise missiles,
25 manned and unmanned aerial systems, and

1 rocket attacks from Iran, and their ability
2 to develop such capacity independent of di-
3 rect United States support and oversight;

4 (ii) independently operate key tech-
5 nical components of such an architecture,
6 including satellite sensors, ground- or sea-
7 based radars, and interceptors; and

8 (iii) operate command and control
9 centers directing the operation of such an
10 architecture.

11 (G) An assessment of the overall cost to
12 the United States for providing support for the
13 establishment and sustainment of such an ar-
14 chitecture over 5 and 10-year periods.

15 (H) A description of relevant coordination
16 with the Secretary of State and the ways in
17 which such an architecture advances United
18 States regional diplomatic goals and objectives.

19 (I) Such other matters as the Secretary
20 considers relevant.

21 (3) PROTECTION OF SENSITIVE INFORMA-
22 TION.—Any activity carried out under paragraph (1)
23 shall be conducted in a manner that appropriately
24 protects sensitive information and the national secu-
25 rity interests of the United States.

1 (4) **FORMAT.**—The strategy submitted under
2 paragraph (1) shall be submitted in unclassified
3 form, but may include a classified annex.

4 (c) **APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
5 **FINED.**—In this section, the term “appropriate congres-
6 sional committees” means the following:

7 (1) The congressional defense committees.

8 (2) The Committee on Foreign Affairs and the
9 Permanent Select Committee on Intelligence of the
10 House of Representatives.

11 (3) The Committee on Foreign Relations and
12 the Select Committee on Intelligence of the Senate.

13 **SEC. 1646. STRATEGY TO USE ASYMMETRIC CAPABILITIES**
14 **TO DEFEAT HYPERSONIC MISSILE THREATS.**

15 (a) **REQUIREMENT.**—Not later than March 1, 2023,
16 the Secretary of Defense, acting through the Director of
17 the Missile Defense Agency, shall submit to the congres-
18 sional defense committees a comprehensive layered strat-
19 egy to use asymmetric capabilities to defeat hypersonic
20 missile threats.

21 (b) **ELEMENTS.**—The strategy under subsection (a)
22 shall—

23 (1) address all asymmetric capabilities of the
24 United States, including with respect to—

1 (A) directed energy, as described in section
2 1664 of the National Defense Authorization Act
3 for Fiscal Year 2022 (Public Law 117–81; 10
4 U.S.C. 205 note) and including short-pulse
5 laser technology;

6 (B) microwave systems;

7 (C) cyber capabilities; and

8 (D) any other capabilities determined ap-
9 propriate by the Secretary and Director; and

10 (2) identify the funding required to implement
11 the strategy during the period covered by the future-
12 years defense program submitted to Congress under
13 section 221 of title 10, United States Code, in 2023.

14 **SEC. 1647. REPORT ON INTEGRATED AIR AND MISSILE DE-**
15 **FENSE SENSOR OF UNITED STATES INDO-PA-**
16 **CIFIC COMMAND.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the budget of the President for fiscal year 2023
19 submitted to Congress pursuant to section 1105 of title
20 31, United States Code—

21 (1) includes funding to develop and procure an
22 integrated air and missile defense architecture to de-
23 fend Guam that includes multiple mobile compo-
24 nents located across Guam, however, a full assess-
25 ment of the manning and infrastructure needed to

1 support those components, including items such as
2 power, water, and availability of personnel housing,
3 was not included in the overall determination of fea-
4 sibility; and

5 (2) did not include funding for the continued
6 development of the discrimination radar for home-
7 land defense planned to be located in Hawaii be-
8 cause of an ongoing reevaluation of the missile de-
9 fense posture and sensor architecture in the area of
10 responsibility of the United States Indo-Pacific Com-
11 mand.

12 (b) REPORT.—

13 (1) REQUIREMENT.—Not later than 90 days
14 after the date of the enactment of this Act, the Sec-
15 retary of Defense shall submit to the congressional
16 defense committees a report on the findings of the
17 review conducted by the Secretary of the integrated
18 air and missile defense sensor architecture of the
19 United States Indo-Pacific Command.

20 (2) INVESTMENTS.—The report under para-
21 graph (1) shall identify the investments that should
22 be made to increase the detection of non-ballistic
23 threats and improve the discrimination of ballistic
24 missile threats, particularly with regard to Hawaii.

1 (3) FORM.—The report under paragraph (1)
2 shall be submitted in unclassified form, and may in-
3 clude a classified annex.

4 (c) REVIEW OF INTEGRATED AIR AND MISSILE DE-
5 FENSE ARCHITECTURE TO DEFEND GUAM.—

6 (1) REQUIREMENT.—Not later than 60 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense shall seek to enter into a contract
9 with a federally funded research and development
10 center to conduct an independent assessment of the
11 integrated air and missile defense architecture to de-
12 fend Guam.

13 (2) ELEMENTS.—The assessment under para-
14 graph (1) shall include an analysis of each of the fol-
15 lowing:

16 (A) The proposed architecture capability to
17 address non-ballistic and ballistic missile
18 threats to Guam, including the sensor, com-
19 mand and control, and interceptor systems
20 being proposed.

21 (B) The development and integration risk
22 of the proposed architecture.

23 (C) The manning required to operate the
24 proposed architecture, including the availability

1 of housing and infrastructure on Guam to sup-
2 port the needed manning levels.

3 (3) SUBMISSION.—Not later than 180 days
4 after the date of the enactment of this Act, the Sec-
5 retary shall submit to the congressional defense com-
6 mittees the assessment under paragraph (1), without
7 change.

8 **SEC. 1648. RISK REDUCTION IN PROCUREMENT OF GUAM**
9 **MISSILE DEFENSE SYSTEM.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the defense of Guam and the Armed Forces
13 that operate there is of key strategic significance
14 and is one of the top priorities for United States
15 Indo-Pacific Command and the United States;

16 (2) the most severe adversary threat to Guam
17 consists of long-range hypersonic and cruise missiles
18 launched from a variety of air, land, and sea-based
19 platforms;

20 (3) the current plan of the Missile Defense
21 Agency using a mixed architecture which, when ap-
22 plied to the launcher systems, relies on numerous
23 road-mobile transport erector launchers for launch-
24 ing, and is an unproven and high-risk plan; and

1 (4) the existing vertical launch system, which
2 can accommodate the standard missile—3 and the
3 standard missile—6, is a more capable and tested
4 system and provides reasonable risk reduction to the
5 short-term missile defense of Guam, and in the long
6 term provides much needed capacity increase.

7 (b) **AUTHORITY FOR PROCUREMENT.**—Except as
8 provided by subsection (c), not later than December 31,
9 2023, the Secretary of Defense, acting through the Direc-
10 tor of the Missile Defense Agency, shall rapidly procure
11 and field up to three vertical launching systems that can
12 accommodate planned interceptors operated by the Navy
13 as of the date of the enactment of this Act.

14 (c) **WAIVER.**—The Secretary may waive the require-
15 ment under subsection (b) if—

16 (1) the Secretary determines that the waiver is
17 in the best interest of the national security of the
18 United States;

19 (2) the Secretary submits to the congressional
20 defense committees a notification of such waiver, in-
21 cluding a justification; and

22 (3) a period of 120 days has elapsed following
23 the date of such notification.

1 **SEC. 1649. PLAN ON DELIVERING SHARED EARLY WARNING**
2 **SYSTEM DATA TO CERTAIN ALLIES AND**
3 **PARTNERS OF THE UNITED STATES.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Shared Early Warning System cur-
6 rently provides accurate and timely ballistic missile
7 warning information generated by space-based infra-
8 red sensors to the United States and select foreign
9 countries.

10 (2) As has been demonstrated in Russia's un-
11 lawful invasion of and war in Ukraine, missile warn-
12 ing data provided to allies and partners of the
13 United States could allow for critical warning to pre-
14 vent widespread civilian casualties.

15 (3) The rapid technical fielding of Shared Early
16 Warning System capabilities should be prioritized in
17 future bilateral defense negotiations with allies and
18 partners of the United States.

19 (b) PLAN.—The Secretary of Defense, with the con-
20 currence of the Secretary of State and the Director of Na-
21 tional Intelligence, shall develop a technical fielding plan
22 to deliver information under the Shared Early Warning
23 System regarding a current or imminent missile threat to
24 allies and partners of the United States that, as of the
25 date of the plan, do not receive such information.

1 (c) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary of Defense
3 shall submit to the appropriate congressional committees
4 a report on how rapid technical fielding of the Shared
5 Early Warning System could be provided to allies and
6 partners of the United States that—

7 (1) are not member states of the North Atlantic
8 Treaty Organization; and

9 (2) are under current or imminent hostile ag-
10 gression and threat of missile attack.

11 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
12 DEFINED.—In this section, the term “appropriate con-
13 gressional committees” means the following:

14 (1) The congressional defense committees.

15 (2) The Committee on Foreign Affairs and the
16 Permanent Select Committee on Intelligence of the
17 House of Representatives.

18 (3) The Committee on Foreign Relations and
19 the Select Committee on Intelligence of the Senate.

20 **SEC. 1650. REPORTS ON GROUND-BASED INTERCEPTORS.**

21 Not later than 30 days after the date of the enact-
22 ment of this Act, and on a quarterly basis thereafter until
23 the date on which the next generation interceptor achieves
24 initial operating capability, the Director of the Missile De-
25 fense Agency, with the concurrence of the Commander of

1 the United States Northern Command, shall submit to the
2 congressional defense committees a report that includes
3 the following:

4 (1) An identification of the number of ground-
5 based interceptors operationally available to the
6 Commander.

7 (2) If such number is different from the report
8 previously submitted under this section, the reasons
9 for such difference.

10 (3) Any anticipated changes to such number
11 during the period covered by the report.

12 **SEC. 1651. REPORT ON MISSILE DEFENSE INTERCEPTOR**
13 **SITE IN CONTIGUOUS UNITED STATES.**

14 (a) REQUIREMENT.—Not later than March 31, 2023,
15 the Secretary of Defense, acting through the Director of
16 the Missile Defense Agency, shall submit to the congres-
17 sional defense committees a report containing—

18 (1) an updated assessment of the requirement
19 for a missile defense interceptor site in the contig-
20 uous United States; and

21 (2) a funding profile, by year, of the total costs
22 for the development and construction of such site,
23 considering the designation of Fort Drum, New
24 York, as the conditionally designated preferred site.

1 (b) FUNDING.—Of the funds authorized to be appro-
2 priated by this Act or otherwise made available for fiscal
3 year 2023 for the Missile Defense Agency for unspecified
4 military construction planning and design, not more than
5 \$5,000,000 may be obligated or expended for activities as-
6 sociated with a missile defense interceptor site in the con-
7 tiguous United States described in subsection (a).

8 **SEC. 1652. REPORT ON GUN LAUNCHED INTERCEPTOR**
9 **TECHNOLOGIES.**

10 Not later than March 31, 2023, the Secretary of De-
11 fense, acting through the Commanding General of the
12 Army Space and Missile Defense Command, shall submit
13 to the congressional defense committees a report con-
14 taining—

15 (1) an assessment of the need for gun launched
16 interceptor technologies; and

17 (2) a funding profile, by year, of the total cost
18 of integrating and testing such technologies that are
19 under development.

20 **SEC. 1653. REPORT ON RADIATION HARDENED, THER-**
21 **MALLY INSENSITIVE TELESCOPES FOR SM-3**
22 **INTERCEPTOR.**

23 Not later than March 31, 2023, the Secretary of De-
24 fense, acting through the Director of the Missile Defense

1 Agency, shall submit to the congressional defense commit-
2 tees a report containing—

3 (1) an assessment of the requirement to develop
4 radiation hardened, thermally insensitive sensors for
5 missile defense; and

6 (2) a funding profile, by year, of the total cost
7 of integrating and testing such sensors that are
8 under development.

9 **Subtitle E—Other Matters**

10 **SEC. 1661. COOPERATIVE THREAT REDUCTION FUNDS.**

11 (a) FUNDING ALLOCATION.—Of the \$341,598,000
12 authorized to be appropriated to the Department of De-
13 fense for fiscal year 2023 in section 301 and made avail-
14 able by the funding table in division D for the Department
15 of Defense Cooperative Threat Reduction Program estab-
16 lished under section 1321 of the Department of Defense
17 Cooperative Threat Reduction Act (50 U.S.C. 3711), the
18 following amounts may be obligated for the purposes spec-
19 ified:

20 (1) For strategic offensive arms elimination,
21 \$6,859,000.

22 (2) For chemical security and elimination,
23 \$14,998,000.

24 (3) For global nuclear security, \$18,088,000.

1 (4) For biological threat reduction,
2 \$225,000,000.

3 (5) For proliferation prevention, \$45,890,000.

4 (6) For activities designated as Other Assess-
5 ments/Administration Costs, \$30,763,000.

6 (b) SPECIFICATION OF COOPERATIVE THREAT RE-
7 DUCTION FUNDS.—Funds appropriated pursuant to the
8 authorization of appropriations in section 301 and made
9 available by the funding table in division D for the Depart-
10 ment of Defense Cooperative Threat Reduction Program
11 shall be available for obligation for fiscal years 2023,
12 2024, and 2025.

13 **SEC. 1662. STUDY OF WEAPONS PROGRAMS THAT ALLOW**
14 **THE ARMED FORCES TO ADDRESS HARD AND**
15 **DEEPLY BURIED TARGETS.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) the ability of the United States to hold at
19 risk hard and deeply buried targets now and in the
20 future is critical; and

21 (2) while the Department of Defense is under-
22 taking a study of nuclear and nonnuclear options to
23 hold at risk this growing target set, Congress is con-
24 cerned about the progress of this study.

1 (b) STUDY.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary of Defense,
3 in coordination with the Chairman of the Joint Chiefs of
4 Staff and the Commander of the United States Strategic
5 Command, and in consultation with the Administrator for
6 Nuclear Security, shall submit to the congressional de-
7 fense committees a study on options to hold at risk hard
8 and deeply buried targets.

9 (c) ELEMENTS.—The study under subsection (b)
10 shall include the following:

11 (1) An analysis of the current and emerging
12 hard and deeply buried target mission set and asso-
13 ciated military requirements, including—

14 (A) the number and locations of the tar-
15 gets; and

16 (B) the associated military requirements
17 for the United States Strategic Command, in-
18 cluding the importance of threatening the tar-
19 gets to meeting the objectives of the United
20 States.

21 (2) A study of weapons programs that allow the
22 Armed Forces to address hard and deeply buried
23 targets, including—

24 (A) any nuclear or nonnuclear weapon and
25 delivery system the Secretary determines appro-

1 priate, including the cost, timeline for fielding,
2 and likely effectiveness of any capability under
3 consideration; and

4 (B) an assessment of a service life exten-
5 sion program of the B83 nuclear gravity bomb
6 as one of the options.

7 (3) A proposed strategy for fielding capabilities
8 and making other adjustments to the strategy and
9 plans of the United States to account for the grow-
10 ing hard and deeply buried target set, including a
11 five-year funding profile for the preferred alternative
12 weapon and the secondary alternative weapon stud-
13 ied under paragraph (2).

14 (d) BRIEFING.—Upon completion of the study under
15 subsection (b), the Secretary shall provide the Committees
16 on Armed Services of the House of Representatives and
17 the Senate a briefing on the findings and recommenda-
18 tions of the study.

19 **SEC. 1663. UNIDENTIFIED AERIAL PHENOMENA REPORT-**
20 **ING PROCEDURES.**

21 (a) AUTHORIZATION FOR REPORTING.—Notwith-
22 standing the terms of any written or oral nondisclosure
23 agreement, order, or other instrumentality or means, that
24 could be interpreted as a legal constraint on reporting by
25 a witness of an unidentified aerial phenomena, reporting

1 in accordance with the system established under sub-
2 section (b) is hereby authorized and shall be deemed to
3 comply with any regulation or order issued under the au-
4 thority of Executive Order 13526 (50 U.S.C. 3161 note;
5 relating to classified national security information) or
6 chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C.
7 2271 et seq.).

8 (b) SYSTEM FOR REPORTING.—

9 (1) ESTABLISHMENT.—The head of the Office,
10 on behalf of the Secretary of Defense and the Direc-
11 tor of National Intelligence, shall establish a secure
12 system for receiving reports of—

13 (A) any event relating to unidentified aer-
14 ial phenomena; and

15 (B) any Government or Government con-
16 tractor activity or program related to unidenti-
17 fied aerial phenomena.

18 (2) PROTECTION OF SYSTEMS, PROGRAMS, AND
19 ACTIVITY.—The system established pursuant to
20 paragraph (1) shall serve as a mechanism to prevent
21 unauthorized public reporting or compromise of
22 properly classified military and intelligence systems,
23 programs, and related activity, including all cat-
24 egories and levels of special access and compart-

1 mented access programs, current, historical, and fu-
2 ture.

3 (3) ADMINISTRATION.—The system established
4 pursuant to paragraph (1) shall be administered by
5 designated and widely known, easily accessible, and
6 appropriately cleared Department of Defense and in-
7 telligence community employees or contractors as-
8 signed to the Unidentified Aerial Phenomena Task
9 Force or the Office.

10 (4) SHARING OF INFORMATION.—The system
11 established under paragraph (1) shall provide for the
12 immediate sharing with Office personnel and sup-
13 porting analysts and scientists of information pre-
14 viously prohibited from reporting under any non-
15 disclosure written or oral agreement, order, or other
16 instrumentality or means, except in cases where the
17 cleared Government personnel administering such
18 system conclude that the preponderance of informa-
19 tion available regarding the reporting indicates that
20 the observed object and associated events and activi-
21 ties likely relate to a special access program or com-
22 partmented access program that, as of the date of
23 the reporting, has been explicitly and clearly re-
24 ported to the congressional defense committees and

1 congressional intelligence committees, and is docu-
2 mented as meeting those criteria.

3 (5) INITIAL REPORT AND PUBLICATION.—Not
4 later than 180 days after the date of the enactment
5 of this Act, the head of the Office, on behalf of the
6 Secretary and the Director, shall—

7 (A) submit to the congressional intelligence
8 committees, the congressional defense commit-
9 tees, and congressional leadership a report de-
10 tailing the system established under paragraph
11 (1); and

12 (B) make available to the public on a
13 website of the Department of Defense informa-
14 tion about such system, including clear public
15 guidance for accessing and using such system
16 and providing feedback about the expected
17 timeline to process a report.

18 (6) ANNUAL REPORTS.—Section 1683 of the
19 National Defense Authorization Act for Fiscal Year
20 2022 (50 U.S.C. 3373) is amended—

21 (A) in subsection (h)—

22 (i) in paragraph (1), by inserting
23 “and congressional leadership” after “ap-
24 propriate congressional committees”; and

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

3 “(Q) A summary of the reports received
4 using the system established under title XVI of
5 the National Defense Authorization Act for Fis-
6 cal Year 2023.”; and

7 (B) in subsection (l)—

8 (i) by redesignating paragraphs (2)
9 through (5) as paragraphs (3) through (6),
10 respectively; and

11 (ii) by inserting after paragraph (1)
12 the following new paragraph (2):

13 “(2) The term ‘congressional leadership’
14 means—

15 “(A) the majority leader of the Senate;

16 “(B) the minority leader of the Senate;

17 “(C) the Speaker of the House of Rep-
18 resentatives; and

19 “(D) the minority leader of the House of
20 Representatives.”.

21 (c) RECORDS OF NONDISCLOSURE AGREEMENTS.—

22 (1) IDENTIFICATION OF NONDISCLOSURE
23 AGREEMENTS.—The Secretary of Defense, the Di-
24 rector of National Intelligence, the Secretary of
25 Homeland Security, the heads of such other depart-

1 ments and agencies of the Federal Government that
2 have supported investigations of the types of events
3 covered by subparagraph (A) of subsection (b)(1)
4 and activities and programs described subparagraph
5 (B) of such subsection, and contractors of the Fed-
6 eral Government supporting such activities and pro-
7 grams shall conduct comprehensive searches of all
8 records relating to nondisclosure orders or agree-
9 ments or other obligations relating to the types of
10 events described in subsection (a) and provide copies
11 of all relevant documents to the Office.

12 (2) SUBMITTAL TO CONGRESS.—The head of
13 the Office shall—

14 (A) make the records compiled under para-
15 graph (1) accessible to the congressional intel-
16 ligence committees, the congressional defense
17 committees, and congressional leadership; and

18 (B) not later than September 30, 2023,
19 and at least once each fiscal year thereafter
20 through fiscal year 2026, provide to such com-
21 mittees and congressional leadership briefings
22 and reports on such records.

23 (d) PROTECTION FROM LIABILITY AND PRIVATE
24 RIGHT OF ACTION.—

1 (1) PROTECTION FROM LIABILITY.—It shall not
2 be a violation of section 798 of title 18, United
3 States Code, or any other provision of law, and no
4 cause of action shall lie or be maintained in any
5 court or other tribunal against any person, for re-
6 porting any information through, and in compliance
7 with, the system established pursuant to subsection
8 (b)(1).

9 (2) PROHIBITION ON REPRISALS.—An employee
10 of a Federal agency and an employee of a contractor
11 for the Federal Government who has authority to
12 take, direct others to take, recommend, or approve
13 any personnel action, shall not, with respect to such
14 authority, take or fail to take, or threaten to take
15 or fail to take, a personnel action, including the rev-
16 ocation or suspension of security clearances, with re-
17 spect to any individual as a reprisal for any report-
18 ing as described in paragraph (1).

19 (3) PRIVATE RIGHT OF ACTION.—In a case in
20 which an employee described in paragraph (2) takes
21 a personnel action against an individual in violation
22 of such paragraph, the individual may bring a pri-
23 vate civil action for all appropriate remedies, includ-
24 ing injunctive relief and compensatory and punitive
25 damages, against the Government or other employer

1 who took the personnel action, in the United States
2 Court of Federal Claims.

3 (e) REVIEW BY INSPECTORS GENERAL.—Not later
4 than one year after the date of the enactment of this Act,
5 the Inspector General of the Department of Defense and
6 the Inspector General of the Intelligence Community shall
7 each—

8 (1) conduct an assessment of the compliance
9 with the requirements of this section and the oper-
10 ation and efficacy of the system established under
11 subsection (b); and

12 (2) submit to the congressional intelligence
13 committees, the congressional defense committees,
14 and congressional leadership a report on their re-
15 spective findings with respect to the assessments
16 they conducted under paragraph (1).

17 (f) DEFINITIONS.—In this section:

18 (1) The term “congressional intelligence com-
19 mittees” has the meaning given such term in section
20 3 of the National Security Act of 1947 (50 U.S.C.
21 3003).

22 (2) The term “congressional leadership”
23 means—

24 (A) the majority leader of the Senate;

25 (B) the minority leader of the Senate;

1 (C) the Speaker of the House of Rep-
2 resentatives; and

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

5 (3) The term “intelligence community” has the
6 meaning given such term in section 3 of the Na-
7 tional Security Act of 1947 (50 U.S.C. 3003).

8 (4) The term “Office” means the office estab-
9 lished under section 1683(a) of the National Defense
10 Authorization Act for Fiscal Year 2022 (50 U.S.C.
11 3373(a)).

12 (5) The term “personnel action” has the mean-
13 ing given such term in section 1104(a) of the Na-
14 tional Security Act of 1947 (50 U.S.C. 3234(a)).

15 (6) The term “unidentified aerial phenomena”
16 has the meaning given such term in section 1683(l)
17 of the National Defense Authorization Act for Fiscal
18 Year 2022 (50 U.S.C. 3373(l)).

1 **TITLE XVII—MUNITIONS RE-**
2 **PLENISHMENT AND FUTURE**
3 **PROCUREMENT**

4 **SEC. 1701. MODIFICATION TO SPECIAL DEFENSE ACQUI-**
5 **SITION FUND.**

6 Section 114(c)(1) of title 10, United States Code, is
7 amended by striking “\$2,500,000,000” and inserting
8 “\$3,500,000,000”.

9 **SEC. 1702. DEVELOPMENT OF TECHNOLOGIES WITH RE-**
10 **SPECT TO CRITICAL, PREFERRED, AND PRE-**
11 **CISION-GUIDED CONVENTIONAL MUNITIONS.**

12 (a) IN GENERAL.—Subject to the availability of ap-
13 propriations, the Under Secretary of Defense for Research
14 and Engineering and the Under Secretary of Defense for
15 Acquisition and Sustainment, in coordination with the
16 Secretaries of the Army, Navy, and Air Force and the
17 heads of the Defense Agencies, shall develop and invest
18 in the following with respect to critical, preferred, and pre-
19 cision-guided conventional munitions:

20 (1) Technologies to—

21 (A) reduce the costs of such munitions;

22 (B) increase the reliability and lethality of
23 such munitions; and

24 (C) simplify the manufacturing processes
25 for such munitions.

1 (2) Technologies related to the diversification of
2 the supply chains relevant to the production of such
3 munitions.

4 (3) The development of novel methods to more
5 easily and affordably manufacture such munitions,
6 including the capability of rapid production scaling
7 to meet required demand.

8 (b) TYPES OF TECHNOLOGIES.—The types of tech-
9 nologies developed under subsection (a) shall include—

10 (1) the additive manufacturing of components,
11 including energetics;

12 (2) expeditionary manufacturing;

13 (3) simplified supply chains, including, where
14 possible, the use of open source, commercial, and
15 commercial-derived technologies, including microelec-
16 tronics; and

17 (4) such other technologies as the Under Secre-
18 taries determine appropriate.

19 (c) REPORT.—Not later than 90 days after the date
20 of the enactment of this Act, the Under Secretaries shall
21 jointly submit to the congressional defense committees a
22 report on the plan to carry out this section.

1 **SEC. 1703. SENSE OF CONGRESS AND QUARTERLY BRIEF-**
2 **INGS ON REPLENISHMENT AND REVITALIZA-**
3 **TION OF STOCKS OF TACTICAL MISSILES**
4 **PROVIDED TO UKRAINE.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) the delivery of anti-tank and air defense
8 missiles and munitions to Ukraine by the United
9 States and numerous allies and partners around the
10 world has had a crucial impact on the ability of
11 Ukraine to resist Russia’s illegal invasion;

12 (2) the war in Ukraine has demonstrated the
13 utility of these weapons in contemporary military
14 conditions;

15 (3) it is vital to continue providing Ukraine
16 with such assistance, as needed, in an appropriately
17 rapid and sustained manner;

18 (4) the ability of the Department of Defense to
19 support replenishment of these stocks is a matter of
20 major importance for—

21 (A) the provision of additional support, as
22 needed, to Ukraine;

23 (B) the defense needs of the United States;
24 and

1 (C) the defense needs of allies and part-
2 ners that have provided, or are considering pro-
3 viding, their own stocks to assist Ukraine.

4 (5) in response to the March 18, 2022, letter
5 sent by the Chairman and Ranking Member of the
6 Committee on Armed Services of the House of Rep-
7 resentatives, the Department of Defense responded
8 effectively with efforts to buy down strategic risk
9 and accelerate production of air defense munitions;

10 (6) the effort to replace existing stocks while
11 prioritizing the rapid development of a low-cost, ex-
12 portable evolution of a short-range air defense sys-
13 tem should proceed as quickly and efficiently as pos-
14 sible;

15 (7) the Department of Defense should continue
16 to develop and pursue this strategy while providing
17 full transparency into its efforts to buy down stra-
18 tegic risk and engaging in substantial dialogue re-
19 garding the path forward;

20 (8) the Department of Defense should use its
21 authorities to work with allies and partners in a fo-
22 cused and sustained manner to advance the replen-
23 ishment of munitions stocks for allies and partners
24 that have provided, or are contemplating providing,
25 such equipment to Ukraine, in order to ensure they

1 are capable of meeting ongoing alliance and partner-
2 ship deterrence and security needs.

3 (b) QUARTERLY BRIEFINGS.—The Secretary of De-
4 fense shall provide to Congress quarterly briefings, in ac-
5 cordance with subsection (c), on the progress of the De-
6 partment of Defense toward replenishing and sustaining
7 the production capacity and stocks of covered systems that
8 have been delivered to Ukraine as part of the effort to—

9 (1) support Ukraine’s resistance against Rus-
10 sian aggression; and

11 (2) buy down strategic risks.

12 (c) ELEMENTS OF BRIEFINGS.—

13 (1) BRIEFINGS ON US STOCKS.—The Secretary
14 of Defense shall provide to the congressional defense
15 committees quarterly briefings that include each of
16 the following:

17 (A) A timeline and budgetary estimate for
18 developing and procuring replacement stocks of
19 covered systems for the United States.

20 (B) An analysis of the amount of funding
21 provided to defense contractors to procure re-
22 placement stocks of covered systems for the
23 United States.

24 (C) An identification of any opportunities
25 to allow vendors to compete for agreements to

1 produce next-generation short-range tactical
2 missiles, launchers, fire controls, and any other
3 supporting equipment.

4 (D) An analysis of risks within the indus-
5 trial base that provides support for covered sys-
6 tems, and detailed options to mitigate those
7 risks.

8 (E) A discussion of options to maximize
9 competition among providers of covered systems
10 and components thereof, and an identification
11 of any gaps in legal authority to pursue and
12 achieve the objectives of maximizing competi-
13 tion and replenishing and sustaining the pro-
14 duction capacity of covered systems.

15 (F) An update on the use of the authori-
16 ties of the Department of Defense to replenish
17 and sustain the production capacity and stocks
18 of covered systems referred to in subsection (b).

19 (2) BRIEFINGS ON STOCKS OF ALLIES AND
20 PARTNERS.—The Secretary of Defense shall provide
21 to the congressional defense committees, the Com-
22 mittee on Foreign Affairs of the House of Rep-
23 resentatives, and the Committee on Foreign Rela-
24 tions of the Senate quarterly briefings that include
25 each of the following:

1 (A) A timeline and budgetary estimate for
2 developing and procuring replacement stocks of
3 covered systems for allies and partners of the
4 United States.

5 (B) An update on the efforts of the De-
6 partment to work with allies and partners of
7 the United States to advance the replenishment
8 of munitions stocks for such allies and partners
9 that have provided, or are contemplating pro-
10 viding, such stocks to Ukraine.

11 (d) COVERED SYSTEM.—In this section, the term
12 “covered system” means any short-range tactical missile
13 (including any SHORAD or anti-tank missile), loitering
14 munition, drone, or ammunition.

15 (e) TERMINATION.—The requirement to provide
16 quarterly briefings under this section shall terminate on
17 December 31, 2026.

18 **SEC. 1704. ASSESSMENT OF ACQUISITION OBJECTIVES FOR**
19 **PATRIOT AIR AND MISSILE DEFENSE BATTAL-**
20 **IONS.**

21 (a) FINDINGS; SENSE OF CONGRESS.—

22 (1) FINDINGS.—Congress finds the following:

23 (A) The unlawful Russian invasion of and
24 war in Ukraine has highlighted the importance

1 of lower tier air and missile defense capabilities
2 in the European Area of Command.

3 (B) The emergency supplemental appro-
4 priations request by the President for the situa-
5 tion in Ukraine for fiscal year 2022 included
6 funding for a 16th Patriot air and missile de-
7 fense system battalion, which increases the long
8 standing inventory requirement by one bat-
9 talion.

10 (2) SENSE OF CONGRESS.—It is the sense of
11 Congress that given the evolving cruise- and bal-
12 listic-missile threat from rogue nations and near-
13 peer adversaries, particularly in regional scenarios,
14 the Secretary of the Army should reassess the cur-
15 rent battalion and interceptor acquisition objectives
16 for the Patriot air and missile defense system to de-
17 termine if 16 battalions and 3,376 Patriot advanced
18 capability-3 missile segment enhancement missiles
19 are still valid.

20 (b) ASSESSMENT.—Not later than 120 days after the
21 date of the enactment of this Act, the Secretary of the
22 Army shall assess and validate the battalion and inter-
23 ceptor acquisition objectives, as of the date of the enact-
24 ment of this Act, for the Patriot air and missile defense

1 system and Patriot advanced capability-3 missile segment
2 enhancement missiles.

3 (c) REPORT.—Not later than 30 days after the date
4 on which the Secretary completes the assessment under
5 subsection (b), the Secretary shall submit to the congres-
6 sional defense committees a report on the assessment, in-
7 cluding whether the acquisition objectives described in
8 such subsection are valid or should be modified.

9 (d) AUTHORITY.—Subject to the availability of ap-
10 propriations for such purpose, the Secretary of the Army
11 may procure up to four additional Patriot air and missile
12 defense battalions to achieve a total of up to 20 such bat-
13 talions.

14 **SEC. 1705. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
15 **MENT CENTER ANALYSIS OF DEPARTMENT**
16 **OF DEFENSE CAPABILITY AND CAPACITY TO**
17 **REPLENISH MISSILE AND MUNITION INVEN-**
18 **TORIES.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) the ongoing war in Ukraine has highlighted
22 the importance of understanding the defense indus-
23 trial base gaps and limitations of replenishing inven-
24 tories of critical, preferred, and precision-guided
25 weapon systems; and

1 (2) the ability of the Department of Defense to
2 replenish critical munitions in the event of a conflict
3 with a strategic competitor lasting not less than six
4 months is of critical importance to the national secu-
5 rity interests of the United States.

6 (b) FFRDC STUDY.—

7 (1) IN GENERAL.—Not later than 30 days after
8 the date of the enactment of this Act, the Secretary
9 of Defense shall seek to enter into an agreement
10 with an appropriate federally funded research and
11 development center for the conduct of a detailed
12 analysis of the capability of the Department of De-
13 fense replenish inventory of the weapons described in
14 paragraph (3) to address long-range strike capabili-
15 ties, including against naval surface and subsurface,
16 as well as land-based forces, air superiority, interdic-
17 tion, air and missile defense, and hard and deeply
18 buried target mission areas. Such an agreement
19 shall provide that an analysis conducted pursuant to
20 the agreement shall be completed within 180 days.

21 (2) MATTERS FOR CONSIDERATION.—An anal-
22 ysis conducted pursuant to an agreement under
23 paragraph (1) shall include a consideration of each
24 of the following with respect to the weapons de-
25 scribed in paragraph (3):

1 (A) Any gaps in current or near-term pro-
2 duction capability through 2025 or capacity due
3 to the loss, impending loss, or obsolescence of
4 manufacturers or suppliers of items, raw mate-
5 rials, or software, along with recommendations
6 to address the highest priority gaps.

7 (B) The capability to significantly increase
8 current levels of production beyond steady-state
9 demand requirements, including an assessment
10 of sub-tier supplier capacity, capability, and
11 rates of production.

12 (C) The predicted production capability
13 and capacity during the time period beginning
14 in 2025 and ending in 2035, including the ca-
15 pability and any recommendations to signifi-
16 cantly increase production during that time pe-
17 riod.

18 (D) The reliance of the United States on
19 materials and parts that are produced or
20 sourced in foreign countries, particularly in the
21 case of such reliance on a sole-source producer
22 or supplier, an identification of countries of ori-
23 gin of such materials and parts, and associated
24 recommendations to address any priority
25 vulnerabilities.

1 (E) The capacity of the organic industrial
2 base, including both Government-operated and
3 contractor-operated facilities, to support surge
4 production, and an identification of the weap-
5 ons that each such facilities is equipped, or
6 could be equipped, to produce.

7 (3) WEAPONS DESCRIBED.—The weapons de-
8 scribed in this paragraph are each of the following:

9 (A) Evolved sea sparrow missile.

10 (B) MK 48 heavyweight torpedo.

11 (C) Standard missile variants (SM-6, SM-
12 3 block IB and SM-3 block IIA).

13 (D) Patriot guided missiles.

14 (E) Terminal high altitude area defense
15 interceptors.

16 (F) Guided and ballistic missiles fired from
17 the multiple launch rocket system (MLRS) or
18 the high mobility artillery rocket system
19 (HIMARS).

20 (G) Javelin missile.

21 (H) Stinger missile.

22 (I) Air intercept missile (AIM)-9X-Side-
23 winder.

24 (J) AIM-120D - Advanced medium range
25 air-to-air missile (AMRAAM).

1 (K) Air to ground (AGM)-114 - hellfire
2 missile.

3 (L) Small diameter bomb II.

4 (M) Joint direct attack munition.

5 (N) Advanced penetrating bombs.

6 (O) Enhanced fragmentation bombs.

7 (P) Low collateral damage bombs.

8 (Q) Tomahawk land attack missile.

9 (R) Maritime strike tomahawk.

10 (S) Long range anti-ship missile.

11 (T) Naval strike missile.

12 (U) Joint air-to-surface standoff missile-
13 extended range.

14 (V) Harpoon anti-ship missile.

15 (W) Any other weapon that the Secretary
16 of Defense or the federally funded research and
17 development center determine should be in-
18 cluded in the analysis.

19 (4) REPORT.—

20 (A) IN GENERAL.—Not later than 180
21 days after entering into an agreement under
22 subsection (a), the Secretary shall submit to the
23 congressional defense committees a report con-
24 taining the unaltered results of the analysis
25 completed pursuant to the agreement.

1 (B) FORM.—The report required under
 2 subparagraph (A) shall be submitted in unclas-
 3 sified form, but may include a classified annex.

4 **SEC. 1706. OUT-YEAR UNCONSTRAINED TOTAL MUNITIONS**
 5 **REQUIREMENT, OUT-YEAR INVENTORY NUM-**
 6 **BERS, AND CRITICAL MUNITIONS RESERVE.**

7 (a) ANNUAL REPORTING REQUIREMENTS.—Section
 8 222c of title 10, United States Code, is amended—

9 (1) in subsection (a)—

10 (A) by striking “the chief of staff of each
 11 armed force (other than the Coast Guard)” and
 12 inserting “the Under Secretary of Defense for
 13 Acquisition and Sustainment”;

14 (B) by striking “such armed force” and in-
 15 serting “each armed force (other than the
 16 Coast Guard)”; and

17 (C) by inserting “for each critical muni-
 18 tions program” after “the following”;

19 (2) by striking subsection (b);

20 (3) by redesignating subsections (c) and (d) as
 21 subsections (b) and (c), respectively;

22 (4) by amending subsection (c), as so redesign-
 23 nated, to read as follows:

24 “(c) IMPLEMENTATION GUIDANCE USED.—A report
 25 required to be submitted under subsection (a) for a fiscal

1 year shall include a description and explanation of the mu-
2 nitions requirements process implementation guidance de-
3 veloped by the Under Secretary of Defense for Acquisition
4 and Sustainment and used by each armed force for the
5 munitions requirements process for such armed force for
6 that fiscal year. Such description and explanation shall in-
7 clude each of the following:

8 “(1) A list of configurations fielded as of the
9 date of the submittal of the report.

10 “(2) The percentage of the total munitions in-
11 ventory that is fielded, by configuration.

12 “(3) The average shelf life and age of the muni-
13 tions in the inventory and the percentage of the mu-
14 nitions in the inventory that will exceed shelf life
15 during the ten-year period following the date of the
16 submittal of the report.

17 “(4) The number of years required to meet the
18 out-year unconstrained total munitions requirement
19 at the rate requested for the fiscal year covered by
20 the report.

21 “(5) The average rate of procurement during
22 the three-year period preceding the date of the sub-
23 mittal of the report, and the number of years re-
24 quired to meet the out-year unconstrained total mu-
25 nitions requirement at such three-year average rate.

1 “(6) The additional amount of funding that
2 would be required, for each fiscal year, to meet the
3 out-year unconstrained total munitions requirement
4 for each munition by the end of the period covered
5 by the most recent future-years defense program
6 submitted to Congress pursuant to section 221 of
7 this title.

8 “(7) Such other information as the Under Sec-
9 retary determines is appropriate.”;

10 (5) by inserting after subsection (c) the fol-
11 lowing new subsection (d):

12 “(d) CRITICAL MUNITIONS RESERVE.—(1) For each
13 critical munitions program, the Under Secretary of De-
14 fense for Acquisition and Sustainment shall establish and
15 maintain a critical munitions reserve, through which the
16 Under Secretary shall procure longest lead sub-compo-
17 nents, concurrent with year production, to provide the ca-
18 pability to quickly access the amount of critical munitions
19 inventory required for one or more years in order to accel-
20 erate the delivery of such munitions.

21 “(2) A critical munitions reserve under paragraph (1)
22 may take the form of a rotatable pool to facilitate the timely
23 use of critical munitions material while producing suffi-
24 cient quantities of such material to maintain an ongoing
25 reserve of such material.

1 “(3) The Under Secretary of Defense for Acquisition
2 and Sustainment shall submit to the congressional defense
3 committees quarterly reports on the critical munitions re-
4 serves maintained under this paragraph, which shall in-
5 clude the recommendations of the Under Secretary with
6 respect to—

7 “(A) the management of the critical munition
8 reserves, including any recommendations for legisla-
9 tive changes; and

10 “(B) critical munitions components for inclu-
11 sion in the critical munitions reserves and funding
12 requirements for each such component.”; and

13 (6) in subsection (e), as so redesignated, by
14 striking paragraph (1) and inserting the following
15 new paragraph (1):

16 “(1) The term ‘critical munition’ means a mu-
17 nition that—

18 “(A) is considered to be among the most
19 important for executing plan objectives in one
20 or more conflict scenarios;

21 “(B) has an inventory that is insufficient
22 to meet the requirements of the national de-
23 fense strategy under section 113(g) of this title;
24 and

1 “(C) has a projected inventory that is fore-
2 casted to remain insufficient at the end of the
3 period covered by the future-years defense pro-
4 gram most recently submitted to Congress pur-
5 suant to section 221 of this title.”.

6 (b) REPORT ON CRITICAL MUNITIONS RESERVE.—
7 Not later than 90 days after the date of the enactment
8 of this Act, the Under Secretary of Defense for Acquisition
9 and Sustainment shall submit to the congressional defense
10 committees a report on the progress of the Under Sec-
11 retary in establishing the critical munitions reserves re-
12 quired by subsection (d) of section 222c of title 10, United
13 States Code, as added by subsection (a)(5).

14 **SEC. 1707. IDENTIFICATION OF SUBCONTRACTORS FOR**
15 **CRITICAL MUNITIONS CONTRACTS.**

16 (a) IDENTIFICATION OF SUBCONTRACTORS.—Not
17 later than 210 days after the date of the enactment of
18 this Act, the Under Secretary of Defense for Acquisition
19 and Sustainment shall carry out a pilot program to estab-
20 lish a process for identifying subcontractors (at any tier)
21 that, on the date on which the process described in sub-
22 section (a) is implemented—

23 (1) are performing one or more critical muni-
24 tions contracts; and

1 (2)(A) provide products to a prime contractor
2 or a higher-tier subcontractor for such prime con-
3 tractor under such a contract; or

4 (B) are responsible for the storage or handling
5 of controlled unclassified information under such a
6 contract.

7 (b) USE OF FRAMEWORK.—The Under Secretary
8 shall, to the extent practicable, use the framework devel-
9 oped under section 4819 of title 10, United States Code,
10 to carry out the pilot program established under this sec-
11 tion.

12 (c) IMPLEMENTATION PLAN.—Not later than 180
13 days after the date of the enactment of this Act, the Under
14 Secretary shall submit to the congressional defense com-
15 mittees an implementation plan for the pilot program re-
16 quired by this section. Such plan shall include the fol-
17 lowing:

18 (1) Information on the practices that will be
19 used to apply processes established under the pilot
20 program, including an identification of any practices
21 used by the Missile Defense Agency or the Strategic
22 Capabilities Office that identify subcontractors (at
23 any tier) for covered contracts.

1 (2) A list of programs of the Department of
2 Defense to which the Under Secretary will apply the
3 process established under this section.

4 (d) RECOMMENDATIONS.—Not later than 90 days
5 after the implementation of the pilot program required by
6 this section, the Under Secretary shall submit to the con-
7 gressional defense committees recommendations on the
8 feasibility of expanding, beginning on or after November
9 1, 2023, the pilot program established under this section
10 to Department of Defense program under which a DO-
11 rated order or a DX-rated order may be placed.

12 (e) DEFINITIONS.—In this section:

13 (1) The term “covered contract” means a crit-
14 ical munitions contract for which a subcontractor (at
15 any tier)—

16 (A) provides products to a prime con-
17 tractor or a higher-tier subcontractor for such
18 prime contractor; or

19 (B) is responsible for the storage or han-
20 dling of controlled unclassified information.

21 (2) The term “critical munition” has the mean-
22 ing given such term in section 1705 of this Act.

23 (3) The term “critical munitions contract”
24 means a contract between the Department of De-

1 fense and a prime contractor for the procurement of
2 critical munitions.

3 (4) The term “DO-rated order” means an order
4 with a priority rating of “critical to national de-
5 fense” in the Defense Priorities and Allocation Sys-
6 tem pursuant to part 700 of title 15, Code of Fed-
7 eral Regulations (or any successor regulation).

8 (5) The term “DX-rated order” means an order
9 with a priority rating of “highest national defense
10 urgency” in the Defense Priorities and Allocation
11 System pursuant to part 700 of title 15, Code of
12 Federal Regulations (or any successor regulation).

13 **SEC. 1708. STUDY ON STOCKPILES AND PRODUCTION OF**
14 **CRITICAL GUIDED MUNITIONS.**

15 (a) STUDY.—Not later than one year after the date
16 of the enactment of this Act, the Secretary of Defense
17 shall complete a study to determine how rapidly stockpiles
18 of the United States of critical guided munitions would
19 become depleted in the event of the involvement of the
20 United States in a large-scale conflict.

21 (b) MATTERS.—The study under subsection (a) shall
22 include, at a minimum, the following:

23 (1) Modeling of the monthly munitions expendi-
24 ture of the United States in the scenario of a large-
25 scale conflict (lasting for a period of at least 180

1 days) in Europe during fiscal year 2025, at various
2 levels of conflict intensity, including conflicts involv-
3 ing 25, 50, and 75 percent of the force structure of
4 the land, naval, and air forces of the active Armed
5 Forces.

6 (2) Modeling of the monthly munitions expendi-
7 ture of the United States in the scenario of a large-
8 scale conflict (lasting for a period of at least 180
9 days) in East Asia during fiscal year 2025, at var-
10 ious levels of conflict intensity, including conflicts in-
11 volving 25, 50, and 75 percent of the force structure
12 of the land, naval, and air forces of the active
13 Armed Forces.

14 (3) An analysis of how rapidly stockpiles of the
15 United States of critical guided munitions would be-
16 come depleted in each of the scenarios referred to in
17 paragraphs (1) and (2) for, at a minimum, the fol-
18 lowing munitions:

19 (A) Air Intercept Missile-260.

20 (B) Joint Direct Attack Munition.

21 (C) Long Range Anti-Ship Missile.

22 (D) Naval Strike Missile.

23 (E) Standard Missile-2.

24 (F) Standard Missile-6.

25 (G) Harpoon Anti-ship Missile.

1 (H) MK-48 torpedo.

2 (I) Each variant of the following:

3 (i) Air Intercept Missile-9.

4 (ii) Air Intercept Missile-120.

5 (iii) Army Tactical Missile System.

6 (iv) Guided Multiple Launch Rocket
7 System.

8 (v) Javelin.

9 (vi) Joint Air-to-Surface Standoff
10 Missile.

11 (vii) Patriot Missile.

12 (viii) Precision Strike Missile.

13 (ix) Stinger.

14 (x) Tomahawk Cruise Missile.

15 (4) An analysis of the time and resources that
16 would be necessary to restart production lines for
17 the critical guided munitions specified in paragraph
18 (3) that, as of the period during which the study is
19 conducted, are not in production by the United
20 States.

21 (5) An analysis of the time and resources that
22 would be necessary to increase the monthly produc-
23 tion of critical guided munitions to meet the expend-
24 iture rates projected pursuant to the modeling under
25 paragraphs (1) and (2).

1 (c) REPORT AND BRIEFING.—

2 (1) IN GENERAL.—Not later than 120 days
3 after the date of the completion of the study under
4 subsection (a), the Secretary of Defense shall submit
5 to the congressional defense committees a report,
6 and provide to the congressional defense committees
7 a briefing, on the study. Such report shall contain
8 the following:

9 (A) A summary of the findings of the
10 study.

11 (B) Recommendations to expedite the pro-
12 duction of the munitions specified in subsection
13 (b)(3).

14 (2) FORM.—The report under paragraph (1)
15 shall be submitted in unclassified form, but may
16 contain a classified annex.

17 (d) CRITICAL GUIDED MUNITION.—In this section,
18 the term “critical guided munition” means—

19 (1) any munition specified in subsection (b)(3);
20 and

21 (2) any other munition designated as such by
22 the Secretary of Defense.

1 **SEC. 1709. UKRAINE CRITICAL MUNITIONS ACQUISITION**
2 **FUND.**

3 (a) ESTABLISHMENT.—There shall be established in
4 the Treasury of the United States a revolving fund to be
5 known as the “Ukraine Critical Munitions Acquisition
6 Fund” (in this section referred to as the “Fund”).

7 (b) PURPOSE.—Subject to the availability of appro-
8 priations, amounts in the Fund shall be made available
9 by the Secretary of Defense—

10 (1) to ensure that adequate stocks of critical
11 munitions are available for allies and partners of the
12 United States during the war in Ukraine; and

13 (2) to finance the acquisition of critical muni-
14 tions in advance of the transfer of such munitions
15 to foreign countries during the war in Ukraine.

16 (c) ADDITIONAL AUTHORITY.—Subject to the avail-
17 ability of appropriations, the Secretary may also use
18 amounts made available to the Fund—

19 (1) to keep on continuous order munitions that
20 the Secretary deems as critical due to a reduction in
21 current stocks as a result of the drawdown of stocks
22 provided to the government of Ukraine for transfer
23 to Ukraine; or

24 (2) with the concurrence of the Secretary of
25 State, to procure munitions identified as having a
26 high use rate during the war in Ukraine.

1 (d) DEPOSITS.—

2 (1) IN GENERAL.—The Fund shall consist of
3 each of the following:

4 (A) Collections from sales made under let-
5 ters of offer (or transfers made under the For-
6 eign Assistance Act of 1961 (22 U.S.C. 2151 et
7 seq.)) of munitions acquired using amounts
8 made available from the Fund pursuant to this
9 section, representing the value of such items
10 calculated, as applicable, in accordance with—

11 (i) subparagraph (B) or (C) of section
12 21(a)(1) of the Arms Export Control Act
13 (22 U.S.C. 2761(a)(1);

14 (ii) section 22 of the Arms Export
15 Control Act (22 U.S.C. 2762); or

16 (iii) section 644(m) of the Foreign As-
17 sistance Act of 1961 (22 U.S.C. 2403).

18 (B) Such amounts as may be appropriated
19 pursuant to the authorization under this section
20 or otherwise made available for the purposes of
21 the Fund.

22 (C) Not more than \$500,000,000 may be
23 transferred to the Fund for any fiscal year, in
24 accordance with subsection (e), from amounts
25 authorized to be appropriated by this Act for

1 the Department in such amounts as the Sec-
2 retary determines necessary to carry out the
3 purposes of this section, which shall remain
4 available until expended. The transfer authority
5 provided by this paragraph is in addition to any
6 other transfer authority available to the Sec-
7 retary.

8 (2) CONTRIBUTIONS FROM FOREIGN GOVERN-
9 MENTS.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), the Secretary of Defense may accept
12 contributions of amounts to the Fund from any
13 foreign government or international organiza-
14 tion. Any amounts so accepted shall be credited
15 to the Ukraine Critical Munitions Acquisition
16 Fund and shall be available for use as author-
17 ized under subsection (b).

18 (B) LIMITATION.—The Secretary may not
19 accept a contribution under this paragraph if
20 the acceptance of the contribution would com-
21 promise, or appear to compromise, the integrity
22 of any program of the Department of Defense.

23 (C) NOTIFICATION.—If the Secretary ac-
24 cepts any contribution under this paragraph,
25 the Secretary shall notify the congressional de-

1 fense committees, the Committee on Foreign
2 Relations of the Senate, and the Committee on
3 Foreign Affairs of the House of Representa-
4 tives. Such notice shall specify the source and
5 amount of any contribution so accepted and the
6 use of any amount so accepted.

7 (e) NOTIFICATION.—

8 (1) IN GENERAL.—No amount may be trans-
9 ferred pursuant to subsection (d)(1)(C) until the
10 date that is 15 days after the date on which the Sec-
11 retary provides to the congressional defense commit-
12 tees, the Committee on Foreign Affairs of the House
13 of Representatives, and the Committee on Foreign
14 Relations of the Senate—

15 (A) notice in writing of the amount and
16 purpose of the proposed transfer; and

17 (B) a description of how the Secretary in-
18 tends to use the munitions acquired under this
19 section to meet national defense requirements
20 as specified in subsection (f)(1)(A).

21 (2) AMMUNITION PURCHASES.—No amounts in
22 the Fund may be used to purchase ammunition, as
23 authorized by this Act, until the date that is 15 days
24 after the date on which the Secretary notifies the

1 congressional defense committees in writing of the
2 amount and purpose of the proposed purchase.

3 (3) FOREIGN TRANSFERS.—No munition pur-
4 chased using amounts in the Fund may be trans-
5 ferred to a foreign country until the date that is 15
6 days after the date on which the Secretary notifies
7 the congressional defense committees in writing of
8 the proposed transfer.

9 (f) LIMITATIONS.—

10 (1) LIMITATION ON TRANSFER.—No munition
11 acquired by the Secretary of Defense using amounts
12 made available from the Fund pursuant to this sec-
13 tion may be transferred to any foreign country un-
14 less such transfer is authorized by the Arms Export
15 Control Act (22 U.S.C. 2751 et seq.), the Foreign
16 Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or
17 other applicable law, except as follows:

18 (A) The Secretary of Defense, with the
19 concurrence of the Secretary of State, may au-
20 thorize the use by the Department of Defense
21 of munitions acquired under this section prior
22 to transfer to a foreign country, if such use is
23 necessary to meet national defense require-
24 ments and the Department bear the costs of re-
25 placement and transport, maintenance, storage,

1 and other such associated costs of such muni-
2 tions.

3 (B) Except as required by subparagraph
4 (A), amounts made available to the Fund may
5 be used to pay for storage, maintenance, and
6 other costs related to the storage, preservation
7 and preparation for transfer of munitions ac-
8 quired under this section prior to their transfer,
9 and the administrative costs of the Department
10 of Defense incurred in the acquisition of such
11 items, to the extent such costs are not eligible
12 for reimbursement pursuant to section 43(b) of
13 the Arms Export Control Act (22 U.S.C.
14 2792(b)).

15 (2) CERTIFICATION REQUIREMENT.—

16 (A) IN GENERAL.—No amounts in the
17 Fund may be used pursuant to this section un-
18 less the President—

19 (i) certifies to the congressional de-
20 fense committees, the Committee on For-
21 eign Affairs of the House of Representa-
22 tives, and the Committee on Foreign Rela-
23 tions of the Senate that the Special De-
24 fense Acquisition Fund established pursu-
25 ant to chapter 5 of the Arms Export Con-

1 trol Act (22 U.S.C. 2795 et seq.) cannot
2 be used to fulfill the same functions and
3 objectives for which such amounts to be
4 made available from the Fund are to be
5 used; and

6 (ii) includes in such certification a
7 justification therefor, which may be in-
8 cluded in a classified annex, if necessary.

9 (B) NON-DELEGATION.—The President
10 may not delegate any responsibility of the
11 President under subparagraph (A).

12 (g) TERMINATION.—The authority for the Fund
13 under this section shall expire on December 31, 2024.

14 **SEC. 1710. QUARTERLY BRIEFINGS ON REPLENISHMENT**
15 **AND REVITALIZATION OF STOCKS OF DEFEN-**
16 **SIVE AND OFFENSIVE WEAPONS PROVIDED**
17 **TO UKRAINE.**

18 (a) QUARTERLY BRIEFINGS.—The Secretary of De-
19 fense shall provide to the congressional defense commit-
20 tees quarterly briefings, in accordance with subsection (b),
21 on the progress of the Department of Defense toward re-
22 plenishing and sustaining the production capacity and
23 stocks of covered weapons that have been delivered to
24 Ukraine as part of the effort to—

1 (1) support Ukraine’s resistance against Rus-
2 sian aggression; and

3 (2) buy down strategic risks.

4 (b) ELEMENTS OF BRIEFINGS.—

5 (1) BRIEFINGS ON US WEAPONS.—The Sec-
6 retary of Defense shall provide to the congressional
7 defense committees quarterly briefings that include
8 each of the following:

9 (A) A timeline and budgetary estimate for
10 developing and procuring replacement stocks of
11 covered weapons for the United States.

12 (B) An identification of any opportunities
13 to allow vendors to compete for agreements to
14 produce next-generation weapons.

15 (C) An analysis of risks within the indus-
16 trial base that provides support for covered
17 weapons, and detailed options to mitigate those
18 risks.

19 (D) A discussion of options to maximize
20 competition among providers of covered weap-
21 ons and components thereof, and an identifica-
22 tion of any gaps in legal authority to pursue
23 and achieve the objectives of maximizing com-
24 petition and replenishing and sustaining the
25 production capacity of covered weapons.

1 (E) An update on the use of the authori-
2 ties of the Department of Defense to replenish
3 and sustain the production capacity and stocks
4 of covered weapons referred to in subsection
5 (a).

6 (2) BRIEFING ON WEAPONS OF ALLIES AND
7 PARTNERS.—The Secretary of Defense shall provide
8 to the congressional defense committees, the Com-
9 mittee on Foreign Affairs of the House of Rep-
10 resentatives, and the Committee on Foreign Rela-
11 tions of the Senate a briefing on the plan to use au-
12 thorities for—

13 (A) developing and procuring replacement
14 stocks of covered weapons for allies and part-
15 ners of the United States; and

16 (B) advancing the replenishment of weap-
17 ons for such allies and partners that have pro-
18 vided, or are contemplating providing, such
19 weapons to Ukraine.

20 (c) COVERED WEAPON.—In this section, the term
21 “covered weapon” means any weapon other than a covered
22 system, as that term is defined in section 1703(d).

23 (d) TERMINATION.—The requirement to provide
24 quarterly briefings under subsection (b)(1) shall terminate
25 on December 31, 2026.

1 **DIVISION B—MILITARY CON-**
2 **STRUCTION AUTHORIZA-**
3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division and title XLVI of division D may be
6 cited as the “Military Construction Authorization Act for
7 Fiscal Year 2023”.

8 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
9 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
10 **LAW.**

11 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
12 YEARS.—Except as provided in subsection (b), all author-
13 izations contained in titles XXI through XXVII for mili-
14 tary construction projects, land acquisition, family housing
15 projects and facilities, and contributions to the North At-
16 lantic Treaty Organization Security Investment Program
17 (and authorizations of appropriations therefor) shall ex-
18 pire on the later of—

19 (1) October 1, 2025; or

20 (2) the date of the enactment of an Act author-
21 izing funds for military construction for fiscal year
22 2026.

23 (b) EXCEPTION.—Subsection (a) shall not apply to
24 authorizations for military construction projects, land ac-
25 quisition, family housing projects and facilities, and con-

1 tributions to the North Atlantic Treaty Organization Se-
2 curity Investment Program (and authorizations of appro-
3 priations therefor), for which appropriated funds have
4 been obligated before the later of—

5 (1) October 1, 2025; or

6 (2) the date of the enactment of an Act author-
7 izing funds for fiscal year 2026 for military con-
8 struction projects, land acquisition, family housing
9 projects and facilities, or contributions to the North
10 Atlantic Treaty Organization Security Investment
11 Program.

12 **SEC. 2003. EFFECTIVE DATE AND AUTOMATIC EXECUTION**
13 **OF CONFORMING CHANGES TO TABLES OF**
14 **SECTIONS, TABLES OF CONTENTS, AND SIMI-**
15 **LAR TABULAR ENTRIES.**

16 (a) EFFECTIVE DATE.—Titles XXI through XXVII
17 shall take effect on the later of—

18 (1) October 1, 2022; or

19 (2) the date of the enactment of this Act.

20 (b) ELIMINATION OF NEED FOR CERTAIN SEPARATE
21 CONFORMING AMENDMENTS.—

22 (1) AUTOMATIC EXECUTION OF CONFORMING
23 CHANGES.—When an amendment made by a provi-
24 sion of this division to a covered defense law adds
25 a section or larger organizational unit to the covered

1 defense law, repeals or transfers a section or larger
2 organizational unit in the covered defense law, or
3 amends the designation or heading of a section or
4 larger organizational unit in the covered defense law,
5 that amendment also shall have the effect of amend-
6 ing any table of sections, table of contents, or simi-
7 lar table of tabular entries in the covered defense
8 law to alter the table to conform to the changes
9 made by the amendment.

10 (2) EXCEPTIONS.—Paragraph (1) shall not
11 apply to an amendment described in such paragraph
12 when—

13 (A) the amendment, or a separate clerical
14 amendment enacted at the same time as the
15 amendment, expressly amends a table of sec-
16 tions, table of contents, or similar table of tab-
17 ular entries in the covered defense law to alter
18 the table to conform to the changes made by
19 the amendment; or

20 (B) the amendment otherwise expressly ex-
21 empts itself from the operation of this section.

22 (3) COVERED DEFENSE LAW.—In this sub-
23 section, the term “covered defense law” means—

24 (A) titles 10, 32, and 37 of the United
25 States Code;

1 (B) any national defense authorization Act
 2 or military construction authorization Act that
 3 authorizes funds to be appropriated for a fiscal
 4 year to the Department of Defense; and

5 (C) any other law designated in the text
 6 thereof as a covered defense law for purposes of
 7 application of this section.

8 **SEC. 2004. DIRECTING THE SECRETARY OF DEFENSE TO**
 9 **CONTINUE MILITARY HOUSING REFORMS.**

10 (a) IN GENERAL.—The Secretary of Defense shall
 11 consider—

12 (1) partnerships with innovative housing pro-
 13 duction companies to build cost-effective multi-fam-
 14 ily housing that is energy efficient and improve en-
 15 ergy resiliency in order to increase the supply of af-
 16 fordable housing available to active duty members of
 17 the Armed Forces; or

18 (2) purchasing multiple multi-family housing if
 19 this results in an additional lower cost.

20 (b) REPORT.—Not later than one year after the date
 21 of the enactment of this Act, the Secretary of Defense
 22 shall report to Congress on the considerations under sub-
 23 section (a).

24 (c) INNOVATIVE HOUSING PRODUCTION COMPANY
 25 DEFINED.—In this section, the term “innovative housing

1 production company” means a company that offers hous-
 2 ing in an area for which the costs per unit is lower than
 3 the cost per unit of other housing in the area that meets
 4 Federal, State, and local housing standards, based on
 5 quality, accessibility, and durability.

6 **TITLE XXI—ARMY MILITARY** 7 **CONSTRUCTION**

8 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND** 9 **ACQUISITION PROJECTS.**

10 (a) INSIDE THE UNITED STATES.—Using amounts
 11 appropriated pursuant to the authorization of appropria-
 12 tions in section 2103(a) and available for military con-
 13 struction projects inside the United States as specified in
 14 the funding table in section 4601, the Secretary of the
 15 Army may acquire real property and carry out military
 16 construction projects for the installations or locations in-
 17 side the United States, and in the amounts, set forth in
 18 the following table:

Army: Inside the United States

State	Installation or Location	Amount
Colorado	Fort Carson	\$14,200,000
Louisiana	Fort Polk	\$32,000,000
North Carolina	Fort Bragg	\$34,000,000
New Jersey	Picatinny Arsenal	\$3,654,000
Pennsylvania	Letterkenny Army Depot	\$38,000,000
Texas	Corpus Christi Army Depot	\$103,000,000
.....	Fort Bliss	\$15,000,000
Washington	Joint Base Lewis-McChord	\$49,000,000

19 (b) OUTSIDE THE UNITED STATES.—Using amounts
 20 appropriated pursuant to the authorization of appropria-

tions in section 2103(a) and available for military construction projects outside 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 outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

State	Installation	Amount
Germany	East Camp Grafenwoehr	\$168,000,000
Kwajalein	Kwajalein Atoll	\$69,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units or for the purpose, and in the amount set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	Family Housing New Construction	\$57,000,000
Italy	Vincenza	Family Housing New Construction	\$95,000,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2103(a) and available for military family housing
4 functions as specified in the funding table in section 4601,
5 the Secretary of the Army may carry out architectural and
6 engineering services and construction design activities
7 with respect to the construction or improvement of family
8 housing units in an amount not to exceed \$17,339,000.

9 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
11 are hereby authorized to be appropriated for fiscal years
12 beginning after September 30, 2022, for military con-
13 struction, land acquisition, and military family housing
14 functions of the Department of the Army as specified in
15 the funding table in section 4601.

16 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
17 PROJECTS.—Notwithstanding the cost variations author-
18 ized by section 2853 of title 10, United States Code, and
19 any other cost variation authorized by law, the total cost
20 of all projects carried out under section 2101 may not ex-
21 ceed the total amount authorized to be appropriated under
22 subsection (a), as specified in the funding table in section
23 4601.

1 **SEC. 2104. DEMOLITION OF DISTRICT OF COLUMBIA FORT**
2 **MCNAIR QUARTERS 4, 13, AND 15.**

3 Not later than one year after the date on which all
4 the individuals occupying District of Columbia Fort
5 McNair Quarters 4, 13, and 15, as of the date of the en-
6 actment of this Act, have moved out of such Quarters,
7 the Secretary of the Army shall demolish such Quarters.

8 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
9 **CERTAIN FISCAL YEAR 2019 PROJECT.**

10 In the case of the authorization contained in the table
11 in section 2101(b) of the Military Construction Authoriza-
12 tion Act for Fiscal Year 2019 (Public Law 115–232; 132
13 Stat. 2242) for Camp Tango, Korea, for construction of
14 a command and control facility at the installation, the Sec-
15 retary of the Army may increase scope for a dedicated,
16 enclosed egress pathway out of the underground facility
17 to facilitate safe escape in case of fire.

18 **SEC. 2106. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
19 **TAIN FISCAL YEAR 2018 PROJECTS.**

20 (a) EXTENSION.—(1) Notwithstanding section 2002
21 of the Military Construction Authorization Act for Fiscal
22 Year 2018 (division B of Public Law 115–91; 131 Stat.
23 1817), the authorization set forth in the table in para-
24 graph (2), as provided in section 2101(b) of that Act (131
25 Stat. 1819), shall remain in effect until October 1, 2023,
26 or the date of the enactment of an Act authorizing funds

1 for military construction for fiscal year 2024, whichever
2 is later.

3 (2) The table referred to in paragraph (1) is as fol-
4 lows:

Army: Extension of 2018 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Korea	Kunsan Air Base	Unmanned Aerial Vehicle Hangar ...	\$53,000,000

5 (b) ARMY FAMILY HOUSING.—(1) Notwithstanding
6 section 2002 of the Military Construction Authorization
7 Act for Fiscal Year 2018 (division B of Public Law 115–
8 91; 131 Stat. 1817), the authorization set forth in the
9 table in paragraph (2), as provided in section 2102 of that
10 Act (131 Stat. 1820), shall remain in effect until October
11 1, 2023, or the date of the enactment of an Act author-
12 izing funds for military construction for fiscal year 2024,
13 whichever is later.

14 (2) The table referred to in paragraph (1) is as fol-
15 lows:

Army: Extension of 2018 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Kwajalein	Kwajalein Atoll	Family Housing Replacement Construction	\$31,000,000

1 **SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2018 PROJECTS.**

3 (a) KUNSAN AIR BASE, KOREA.—In the case of the
4 authorization contained in the table in section 2101(b) of
5 the Military Construction Authorization Act for Fiscal
6 Year 2018 (division B of Public Law 115–91; 131 Stat.
7 1819) for Kunsan Air Base, Korea, for construction of
8 an Unmanned Aerial Vehicle Hangar at the installation,
9 the Secretary of the Army may—

10 (1) construct the hangar at Camp Humphries,
11 Korea; and

12 (2) remove primary scope associated with the
13 relocation of the air defense artillery battalion facili-
14 ties to include a ground based missile defense equip-
15 ment area, fighting positions, a missile resupply area
16 air defense artillery facility, a ready building and
17 command post, a battery command post area, a safe-
18 ty shelter, and a guard booth.

19 (b) KWAJALEIN ATOLL, HWAJALEIN.—Section
20 2879(a)(1)(A) of the Military Construction Authorization
21 Act for Fiscal Year 2018 (division B of Public Law 115–
22 91; 131 Stat. 1874) is amended by striking “at least 26
23 family housing units” and inserting “not more than 26
24 family housing units”.

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:

Navy: Inside the United States

State	Installation or Location	Amount
California	Marine Corps Base Ground Combat Center Twentynine Palms.	\$120,382,000
	Marine Corps Base Camp Pendleton	\$85,210,000
	Naval Air Station Lemoore	\$201,261,000
	Naval Base Point Loma	\$56,450,000
Connecticut	Naval Submarine Base New London	\$15,514,000
Florida	Naval Air Station Jacksonville	\$86,232,000
	Naval Air Station Whiting Field	\$57,789,000
Georgia	Naval Submarine Base Kings Bay	\$279,171,000
Guam	Marine Corps Base Camp Blaz	\$330,589,000
Hawaii	Marine Corps Base Kaneohe Bay	\$87,930,000
	Joint Base Pearl Harbor- Hickam	\$3,637,692,000
North Carolina	Marine Corps Air Station Cherry Point	\$38,415,000
	Marine Corps Base Camp Lejeune	\$47,475,000
Nevada	Naval Air Station Fallon	\$97,865,000
Virginia	Naval Station Norfolk	\$16,863,000
Washington	Naval Air Station Whidbey Island	\$37,461,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects outside the United States as specified

1 in the funding table in section 4601, the Secretary of the
 2 Navy may acquire real property and carry out military
 3 construction projects for the installation outside the
 4 United States, and in the amount, set forth in the fol-
 5 lowing table:

Navy: Outside the United States

Country	Installation or Location	Amount
Australia	Royal Australian Air Base Darwin	\$258,831,000
Japan	Kadena Air Base	\$195,400,000

6 **SEC. 2202. FAMILY HOUSING.**

7 (a) CONSTRUCTION AND ACQUISITION.—Using
 8 amounts appropriated pursuant to the authorization of ap-
 9 propriations in section 2203(a) and available for military
 10 family housing functions as specified in the funding table
 11 in section 4601, the Secretary of the Navy may construct
 12 or acquire family housing units (including land acquisition
 13 and supporting facilities) at the installations or locations,
 14 in the number of units or for the purposes, and in the
 15 amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Units or Pur- pose	Amount
Guam	Naval Support Activity Ander- son.	Family housing new construc- tion	\$248,634,000
	

16 (b) IMPROVEMENTS TO MILITARY FAMILY HOUSING
 17 UNITS.—Subject to section 2825 of title 10, United States
 18 Code, and using amounts appropriated pursuant to the

1 authorization of appropriations in section 2203(a) and
2 available for military family housing functions as specified
3 in the funding table in section 4601, the Secretary of the
4 Navy may improve existing military family housing units
5 in an amount not to exceed \$74,540,000.

6 (c) PLANNING AND DESIGN.—Using amounts appro-
7 priated pursuant to the authorization of appropriations in
8 section 2203(a) and available for military family housing
9 functions as specified in the funding table in section 4601,
10 the Secretary of the Navy may carry out architectural and
11 engineering services and construction design activities
12 with respect to the construction or improvement of family
13 housing units in an amount not to exceed \$24,224,000.

14 **SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
16 are hereby authorized to be appropriated for fiscal years
17 beginning after September 30, 2022, for military con-
18 struction, land acquisition, and military family housing
19 functions of the Department of the Navy, as specified in
20 the funding table in section 4601.

21 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
22 PROJECTS.—Notwithstanding the cost variations author-
23 ized by section 2853 of title 10, United States Code, and
24 any other cost variation authorized by law, the total cost
25 of all projects carried out under section 2201 of this Act

1 may not exceed the total amount authorized to be appro-
 2 priated under subsection (a), as specified in the funding
 3 table in section 4601.

4 **SEC. 2204. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 5 **TAIN FISCAL YEAR 2018 PROJECT.**

6 (a) EXTENSION.—Notwithstanding section 2002 of
 7 the Military Construction Authorization Act for Fiscal
 8 Year 2018 (division B of Public Law 115–91; 131 Stat.
 9 1817), the authorization set forth in the table in sub-
 10 section (a), as provided in section 2201(a) of that Act
 11 (131 Stat. 1822), shall remain in effect until October 1,
 12 2023, or the date of the enactment of an Act authorizing
 13 funds for military construction for fiscal year 2024, which-
 14 ever is later.

15 (b) TABLE.—The table referred to in subsection (a)
 16 is as follows:

Navy: Extension of 2018 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Guam	Joint Region Marianas	Navy-Commercial Tie-in Hardening	\$37,180,000

1 **SEC. 2205. TRANSFER OF CUSTOMERS FROM ELECTRICAL**
2 **UTILITY SYSTEM OF THE NAVY AT FORMER**
3 **NAVAL AIR STATION BARBER'S POINT, HA-**
4 **WAI, TO NEW ELECTRICAL SYSTEM IN**
5 **KALAELOA, HAWAII.**

6 (a) IN GENERAL.—Subject to the availability of ap-
7 propriations for such purpose, the Secretary of the Navy
8 shall pay the reasonable costs to transfer all customers
9 off of the electrical utility system of the Navy located at
10 former Naval Air Station Barber's Point, Hawaii, to the
11 new electrical system in Kalaeloa, Hawaii, operated by
12 Hawaii Electric.

13 (b) FACILITATION OF TRANSFER.—To facilitate the
14 transfer of customers described in subsection (a), the Sec-
15 retary of the Navy shall provide the following to the State
16 of Hawaii:

17 (1) A load analysis and design necessary to
18 complete such transfer.

19 (2) Such rights of way and easements as may
20 be necessary to support the construction of replace-
21 ment electrical infrastructure.

22 (c) DISPOSAL OF NAVY ELECTRICAL SYSTEM.—After
23 all customers have been transferred as required under sub-
24 section (a), the Secretary of the Navy may dispose of the
25 electrical system of the Navy located at former Naval Air
26 Station Barber's Point, Hawaii.

(d) AUTHORITY FOR THIRD-PARTY AGREEMENT.—

The Secretary of the Navy may enter into a cooperative agreement or other appropriate instrument with a non-Department of Defense entity under which—

(1) such entity shall agree to facilitate the transfer of customers under subsection (a); and

(2) subject to the availability of appropriations for such purpose, the Secretary of the Navy shall agree to reimburse such entity for the reasonable costs of such transfer.

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 construction 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 military 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

State	Installation or Location	Amount
Alaska	Clear Air Force Station	\$68,000,000
Alabama	Maxwell Air Force Base	\$15,000,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
California	Travis Air Force Base	\$7,500,000
	Vandenberg Air Force Base	\$89,000,000
Florida	Patrick Space Force Base	\$97,000,000
Hawaii	Kirtland Air Force Base, Maui Experimental Site	\$89,000,000
Ohio	Wright-Patterson Air Force Base	\$29,000,000
Oklahoma	Altus Air Force Base	\$4,750,000
	Tinker Air Force Base	\$43,600,000
South Carolina	Shaw Air Force Base	\$10,000,000
South Dakota	Ellsworth Air Force Base	\$328,000,000
Tennessee	Arnold Air Force Base	\$38,000,000
Texas	Joint Base San Antonio-Randolph	\$29,000,000
Utah	Hill Air Force Base	\$84,000,000
Wyoming	F.E. Warren Air Force Base	\$176,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 230__ (a) and available for military construction 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 military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Hungary	Papa Air Base	\$71,000,000
Iceland	Keflavik	\$94,000,000
Italy	Aviano Air Base	\$46,500,000
Japan	Kadena Air Base	\$307,000,000
Jordan	Azraq Air Base	\$50,000,000
Norway	Rygge	\$8,200,000
Spain	Moron Air Base	\$29,000,000

SEC. 2302. FAMILY HOUSING AND IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States

1 Code, and using amounts appropriated pursuant to the
2 authorization of appropriations in section 230__(a) and
3 available for military family housing functions as specified
4 in the funding table in section 4601, the Secretary of the
5 Air Force may improve existing military family housing
6 units in an amount not to exceed \$230,058,000.

7 (b) PLANNING AND DESIGN.—Using amounts appro-
8 priated pursuant to the authorization of appropriations in
9 section 230__(a) and available for military family housing
10 functions as specified in the funding table in section 4601,
11 the Secretary of the Air Force may carry out architectural
12 and engineering services and construction design activities
13 with respect to the construction or improvement of family
14 housing units in an amount not to exceed \$2,730,000.

15 **SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR**
16 **FORCE.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
18 are hereby authorized to be appropriated for fiscal years
19 beginning after September 30, 2022, for military con-
20 struction, land acquisition, and military family housing
21 functions of the Department of the Air Force, as specified
22 in the funding table in section 4601.

23 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
24 PROJECTS.—Notwithstanding the cost variations author-
25 ized by section 2853 of title 10, United States Code, and

1 any other cost variation authorized by law, the total cost
 2 of all projects carried out under section 2301 may not ex-
 3 ceed the total amount authorized to be appropriated under
 4 subsection (a), as specified in the funding table in section
 5 4601.

6 **SEC. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 7 **TAIN FISCAL YEAR 2018 PROJECTS.**

8 (a) EXTENSION.—

9 (1) EXTENSION.—Notwithstanding section
 10 2002 of the Military Construction Authorization Act
 11 for Fiscal Year 2018 (division B of Public Law 115–
 12 91; 131 Stat. 1817), the authorizations set forth in
 13 the table in paragraph (2), as provided in section
 14 2301(a) of that Act (131 Stat. 1825), shall remain
 15 in effect until October 1, 2023, or the date of the
 16 enactment of an Act authorizing funds for military
 17 construction for fiscal year 2024, whichever is later.

18 (2) TABLE.—The table referred to in paragraph
 19 (1) is as follows:

Air Force: Extension of 2018 Project Authorizations

State	Installation or Location	Project	Original Authorized Amount
Florida	Tyndall Air Force Base	Fire Station	\$17,000,000
Texas	Joint Base San Antonio	BMT Classrooms/ Dining	\$38,000,000
	Joint Base San Antonio	Camp Bullis Dining Facility	\$18,500,000
Wyoming	F. E. Warren Air Force Base	Consolidated Helo/ TRF Ops/AMU and Alert Fac.	\$62,000,000

(b) OVERSEAS CONTINGENCY OPERATIONS.—

(1) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorizations set forth in the table in paragraph (2), as provided in section 2903 of that Act (131 Stat. 1876), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Air Force: Extension of 2018 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Hungary	Keckemet Air Base	ERI: Airfield Upgrades	\$12,900,000
	Keckemet Air Base	ERI: Construct Parallel Taxiway	\$30,000,000
	Keckemet Air Base	ERI: Increase POL Storage Capacity	\$12,500,000
Luxembourg ...	Sanem	ERI: ECAOS Deployable Airbase System Storage	\$67,400,000
Slovakia	Malacky	ERI: Airfield Upgrades	\$4,000,000
	Malacky	ERI: Increase POL Storage Capacity	\$20,000,000
	ERI: Airfield Upgrades	Construct Combat Arms Training and Maintenance Facility	\$22,000,000

1 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2021 PROJECT.**

3 In the case of the authorization contained in the table
4 in section 2301(a) of the Military Construction Authoriza-
5 tion Act for Fiscal Year 2021 (division B of Public Law
6 116–283; 134 Stat. 4299) for Hill Air Force Base, Utah,
7 for construction of GBSD Organic Software Sustainment
8 Center, the Secretary of the Air Force may construct—

9 (1) up to 7,526 square meters of Surface Park-
10 ing Lot in lieu of constructing a 13,434 square me-
11 ters vehicle parking garage; and

12 (2) up to 402 square meters of Storage Igloo.

13 **SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT**
14 **CERTAIN MILITARY CONSTRUCTION**
15 **PROJECTS AT TYNDALL AIR FORCE BASE,**
16 **FLORIDA.**

17 In the case of the authorization contained in section
18 2912(a) of the Military Construction Authorization Act
19 for Fiscal Year 2020 (division B of Public Law 116–92;
20 133 Stat. 1913) for Tyndall Air Force Base, Florida—

21 (1) for construction of Lodging Facilities
22 Phases 1-2, as specified in such funding table and
23 modified by section 2306(a)(7) of the Military Con-
24 struction Authorization Act for Fiscal Year 2021
25 (division B of Public Law 116–283; 134 Stat.

1 4302), the Secretary of the Air Force may construct
2 two emergency backup generators;

3 (2) for construction of Dorm Complex Phases
4 1-2, as specified in such funding table and modified
5 by section 2306(a)(8) of the Military Construction
6 Authorization Act for Fiscal Year 2021 (division B
7 of Public Law 116–283; 134 Stat. 4302), the Sec-
8 retary of the Air Force may construct an emergency
9 backup generator;

10 (3) for construction of Site Development, Utili-
11 ties, and Demo Phase 2, as specified in such funding
12 table and modified by section 2306(a)(6) of the Mili-
13 tary Construction Authorization Act for Fiscal Year
14 2021 (division B of Public Law 116–283; 134 Stat.
15 4302), the Secretary of the Air Force may con-
16 struct—

17 (A) up to 6,248 lineal meters of storm
18 water utilities;

19 (B) up to 55,775 square meters of roads;

20 (C) up to 4,334 lineal meters of gas pipe-
21 line; and

22 (D) up to 28,958 linear meters of elec-
23 trical;

24 (4) for construction of Tyndall AFB Gate Com-
25 plex, as specified in such funding table and modified

1 by section 2306(a)(9) of the Military Construction
2 Authorization Act for Fiscal Year 2021 (division B
3 of Public Law 116–283; 134 Stat. 4302), the Sec-
4 retary of the Air Force may construct up to 55,694
5 square meters of roadway with serpentines; and

6 (5) for construction of Deployment Center/
7 Flight Line Dining/AAFES, as specified in such
8 funding table and modified by section 2306(a)(11)
9 of the Military Construction Authorization Act for
10 Fiscal Year 2021 (division B of Public Law 116–
11 283; 134 Stat. 4303), the Secretary of the Air Force
12 may construct up to 164 square meters of AAFES
13 (Shoppette).

14 **TITLE XXIV—DEFENSE AGEN-**
15 **CIES MILITARY CONSTRU-**
16 **CTION**

17 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
18 **TION AND LAND ACQUISITION PROJECTS.**

19 (a) INSIDE THE UNITED STATES.—Using amounts
20 appropriated pursuant to the authorization of appropria-
21 tions in section 2403(a) and available for military con-
22 struction projects inside the United States as specified in
23 the funding table in section 4601, the Secretary of De-
24 fense may acquire real property and carry out military
25 construction projects for the installations or locations in-

side the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
California	Coronado	\$75,712,000
Florida	Hurlburt Field	\$9,100,000
.....	MacDill Air Force Base	\$50,000,000
North Carolina	Fort Bragg	\$34,470,000
Texas	Joint Base San Antonio	\$58,600,000
Virginia	Dam Neck	\$26,600,000
	Pentagon	\$18,000,000

(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

Country	Installation or Location	Amount
Germany	Baumholder	\$149,023,000
Japan	Yokota Air Base	\$72,154,000

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 conserva-

tion 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:

ERCIP Projects: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$10,700,000
California	Marine Corps Mountain Warfare Training Center Bridgeport	\$25,560,000
	Naval Base Ventura County, PT Magu	\$13,360,000
Florida	Naval Air Station Jacksonville	\$2,400,000
	Patrick Space Force Base	\$18,000,000
Georgia	Fort Stewart-Hunter Army Airfield	\$25,400,000
	Naval Submarine Base Kings Bay	\$11,200,000
Guam	Naval Base Guam	\$34,360,000
Hawaii	Joint Base Pearl Harbor- Hickam	\$25,000,000
Kansas	Fort Riley	\$25,780,000
Maryland	Fort George G. Meade	\$23,310,000
Texas	Fort Hood	\$31,500,000
	U.S. Army Reserve Center, Conroe	\$9,600,000
Virginia	Naval Support Activity, Hampton Roads	\$22,400,000
	NCE Springfield, Fort Belvoir	\$1,100,000

(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:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemmonier	\$24,000,000

ERCIP Projects: Outside the United States—Continued

Country	Installation or Location	Amount
Japan	Kadena Air Base	\$780,000
Kuwait	Camp Arifjan	\$26,850,000
Norway	Rygge	\$8,200,000
Spain	Moron Air Base	\$29,000,000

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
2 **FENSE AGENCIES.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for fiscal years
5 beginning after September 30, 2022, for military con-
6 struction, land acquisition, and military family housing
7 functions of the Department of Defense (other than the
8 military departments), as specified in the funding table
9 in section 4601.

10 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
11 PROJECTS.—Notwithstanding the cost variations author-
12 ized by section 2853 of title 10, United States Code, and
13 any other cost variation authorized by law, the total cost
14 of all projects carried out under section 2401 may not ex-
15 ceed the total amount authorized to be appropriated under
16 subsection (a), as specified in the funding table in section
17 4601.

18 **SEC. 2404. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
19 **TAIN FISCAL YEAR 2018 PROJECTS.**

20 (a) EXTENSION.—Notwithstanding section 2002 of
21 the Military Construction Authorization Act for Fiscal

1 Year 2018 (division B of Public Law 115–91; 131 Stat.
 2 1817), the authorization set forth in the table in sub-
 3 section (b), as provided in section 2401(b) of that Act
 4 (131 Stat. 1829), shall remain in effect until October 1,
 5 2023, or the date of the enactment of an Act authorizing
 6 funds for military construction for fiscal year 2024, which-
 7 ever is later.

8 (b) TABLE.—The table referred to in subsection (a)
 9 is as follows:

Defense Agencies: Extension of 2017 Project Authorization

Country	Installation	Project	Original Au- thorized Amount
Japan	Iwakuni	Construct Bulk Storage Tanks PH 1	\$30,800,000
Puerto Rico	USCG Station; Punta Borinquen	Ramey Unit School Replacement	\$61,071,000

10 **TITLE XXV—INTERNATIONAL**
 11 **PROGRAMS**
 12 **Subtitle A—North Atlantic Treaty**
 13 **Organization Security Invest-**
 14 **ment Program**

15 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
 16 **ACQUISITION PROJECTS.**

17 The Secretary of Defense may make contributions for
 18 the North Atlantic Treaty Organization Security Invest-
 19 ment Program as provided in section 2806 of title 10,
 20 United States Code, in an amount not to exceed the sum

1 of the amount authorized to be appropriated for this pur-
 2 pose in section 2502 and the amount collected from the
 3 North Atlantic Treaty Organization as a result of con-
 4 struction previously financed by the United States.

5 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

6 Funds are hereby authorized to be appropriated for
 7 fiscal years beginning after September 30, 2022, for con-
 8 tributions by the Secretary of Defense under section 2806
 9 of title 10, United States Code, for the share of the United
 10 States of the cost of projects for the North Atlantic Treaty
 11 Organization Security Investment Program authorized by
 12 section 2501 as specified in the funding table in section
 13 4601.

14 **Subtitle B—Host Country In-Kind**
 15 **Contributions**

16 **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION**
 17 **PROJECTS.**

18 Pursuant to agreement with the Republic of Korea
 19 for required in-kind contributions, the Secretary of De-
 20 fense may accept military construction projects for the in-
 21 stallations or locations in the Republic of Korea, and in
 22 the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Camp Humphreys	Quartermaster Laundry/ Dry Cleaner Facility	\$24,000,000
Army	Camp Humphreys	MILVAN CONNEX Stor- age Yard	\$20,000,000

Republic of Korea Funded Construction Projects—Continued

Component	Installation or Location	Project	Amount
Navy	Camp Mujuk	Replace Ordnance Storage Magazines	\$150,000,000
Navy	Fleet Activities Chinhae	Water Treatment Plant Relocation	\$6,000,000
Air Force	Gimhae Air Base	Refueling Vehicle Shop	\$8,800,000
Air Force	Osan Air Base	Combined Air and Space Operations Intelligence Center	\$306,000,000
Air Force	Osan Air Base	Upgrade Electrical Dis- tribution West, Phase 3	\$235,000,000

1 **SEC. 2512. REPEAL OF AUTHORIZED APPROACH TO CER-**
2 **TAIN CONSTRUCTION PROJECT.**

3 Section 2511 of the Military Construction Authoriza-
4 tion Act for Fiscal Year 2022 (division B of Public Law
5 117–81; 135 Stat. 2177) is amended—

6 (1) by striking “(a) AUTHORITY TO ACCEPT
7 PROJECTS.—”; and

8 (2) by striking subsection (b).

9 **TITLE XXVI—GUARD AND**
10 **RESERVE FORCES FACILITIES**

11 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
12 **STRUCTION AND LAND ACQUISITION**
13 **PROJECTS.**

14 Using amounts appropriated pursuant to the author-
15 ization of appropriations in section 2605 and available for
16 the National Guard and Reserve as specified in the fund-
17 ing table in section 4601, the Secretary of the Army may
18 acquire real property and carry out military construction
19 projects for the Army National Guard installations or lo-

1 cations inside the United States, and in the amounts, set
 2 forth in the following table:

Army National Guard

State	Installation or Location	Amount
Delaware	New Castle	\$16,000,000
Florida	Palm Coast	\$12,000,000
	Camp Blanding	\$24,700,000
Hawaii	Kapolei	\$29,000,000
Iowa	West Des Moines	\$15,000,000
Indiana	Atlanta	\$20,000,000
Michigan	Camp Grayling	\$16,000,000
Minnesota	New Ulm	\$17,000,000
North Carolina ...	McLeansville	\$15,000,000
Nevada	Reno	\$18,000,000
New York	Troy	\$17,000,000
Vermont	Bennington	\$14,800,000
West Virginia	Buckhannon	\$14,000,000
Wyoming	Sheridan	\$14,800,000

3 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 4 **AND LAND ACQUISITION PROJECTS.**

5 Using amounts appropriated pursuant to the author-
 6 ization of appropriations in section 2606 and available for
 7 the National Guard and Reserve as specified in the fund-
 8 ing table in section 4601, the Secretary of the Army may
 9 acquire real property and carry out military construction
 10 projects for the Army Reserve installations or locations in-
 11 side the United States, and in the amounts, set forth in
 12 the following table:

Army Reserve

State	Installation or Location	Amount
Florida	Perrine	\$46,000,000
Puerto Rico	Fort Buchanan	\$24,000,000

SEC. 2603. 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 installations or locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Installation or Location	Amount
Alabama	Birmingham International Airport	\$7,500,000
Arizona	Morris Air National Guard Base	\$12,000,000
	Tucson International Airport	\$10,000,000
Florida	Jacksonville International Airport	\$22,200,000
Indiana	Fort Wayne International Airport	\$12,800,000
Tennessee	Meghee-Tyson Airport	\$23,800,000

SEC. 2604. 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 installations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Installation	Amount
California	Beale Air Force Base	\$33,000,000
Virginia	Joint Base Langley-Eustis	\$10,500,000

1 **SEC. 2605. AUTHORIZATION OF APPROPRIATIONS, NA-**
2 **TIONAL GUARD AND RESERVE.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2022, for the
5 costs of acquisition, architectural and engineering services,
6 and construction of facilities for the Guard and Reserve
7 Forces, and for contributions therefor, under chapter
8 1803 of title 10, United States Code (including the cost
9 of acquisition of land for those facilities), as specified in
10 the funding table in section 4601.

11 **SEC. 2606. CORRECTIONS TO AUTHORITY TO CARRY OUT**
12 **CERTAIN FISCAL YEAR 2022 PROJECTS.**

13 The authorization table in section 2601 of the Mili-
14 tary Construction Authorization Act for Fiscal Year 2022
15 (division B of Public Law 117–81; 135 Stat. 2178) is
16 amended—

17 (1) in the item relating to Redstone Arsenal,
18 Alabama, by striking “Redstone Arsenal” and in-
19 serting “Huntsville”;

20 (2) in the item relating to Jerome National
21 Guard Armory, Idaho, by striking “Jerome National
22 Guard Armory” and inserting “Jerome”;

23 (3) in the item relating to Nickell Memorial Ar-
24 mory Topeka, Kansas, by striking “Nickell Memorial
25 Armory Topeka” and inserting “Topeka”;

1 (4) in the item relating to Lake Charles Na-
2 tional Guard Readiness Center, Louisiana, by strik-
3 ing “Lake Charles National Guard Readiness Cen-
4 ter” and inserting “Lake Charles”;

5 (5) in the item relating to Camp Grayling,
6 Michigan, by striking “Camp Grayling” and insert-
7 ing “Grayling”;

8 (6) in the item relating to Butte Military En-
9 trance Testing Site, Montana, by striking “Butte
10 Military Entrance Testing Site” and inserting
11 “Butte”;

12 (7) in the item relating to Mead Army National
13 Guard Readiness Center, Nebraska, by striking
14 “Mead Army National Guard Readiness Center”
15 and inserting “Mead Training Site”;

16 (8) in the item relating to Dickinson National
17 Guard Armory, North Dakota, by striking “Dickin-
18 son National Guard Armory” and inserting “Dickin-
19 son”;

20 (9) in the item relating to Bennington National
21 Guard Armory, Vermont, by striking “Bennington
22 National Guard Armory” and inserting
23 “Bennington”; and

24 (10) in the item relating to Camp Ethan Allen
25 Training Site, Vermont, by striking “Camp Ethan

1 Allen Training Site” and inserting “Ethan Allen Air
2 Force Base TS”.

3 **SEC. 2607. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
4 **TAIN FISCAL YEAR 2018 PROJECTS.**

5 (a) EXTENSION.—Notwithstanding section 2002 of
6 the Military Construction Authorization Act for Fiscal
7 Year 2018 (division B of Public Law 115–91; 131 Stat.
8 1817), the authorizations set forth in the table in sub-
9 section (b), as provided in section 2604 of that Act (131
10 Stat. 1836), shall remain in effect until October 1, 2023,
11 or the date of the enactment of an Act authorizing funds
12 for military construction for fiscal year 2024, whichever
13 is later.

14 (b) TABLE.—The table referred to in subsection (a)
15 is as follows:

Air Force: Extension of 2018 Project Authorizations

State	Installation or Location	Project	Original Authorized Amount
Indiana	Hulman Regional Airport	Construct Small Arms Range	\$8,000,000
South Dakota	Joe Foss Field	Aircraft Maintenance Shops	\$12,000,000
Wisconsin	Dane County Regional/Airport Truax Field	Construct Small Arms Range	\$8,000,000

1 **TITLE XXVII—BASE REALIGN-**
2 **MENT AND CLOSURE ACTIVI-**
3 **TIES**

4 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
5 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
6 **TIES FUNDED THROUGH DEPARTMENT OF**
7 **DEFENSE BASE CLOSURE ACCOUNT.**

8 Funds are hereby authorized to be appropriated for
9 fiscal years beginning after September 30, 2022, for base
10 realignment and closure activities, including real property
11 acquisition and military construction projects, as author-
12 ized by the Defense Base Closure and Realignment Act
13 of 1990 (part A of title XXIX of Public Law 101–510;
14 10 U.S.C. 2687 note) and funded through the Department
15 of Defense Base Closure Account established by section
16 2906 of such Act (as amended by section 2711 of the Mili-
17 tary Construction Authorization Act for Fiscal Year 2013
18 (division B of Public Law 112–239; 126 Stat. 2140)), as
19 specified in the funding table in section 4601.

20 **SEC. 2702. AUTHORIZATION TO FUND CERTAIN DEMOLI-**
21 **TION AND REMOVAL ACTIVITIES THROUGH**
22 **DEPARTMENT OF DEFENSE BASE CLOSURE**
23 **ACCOUNT.**

24 (a) IN GENERAL.—Section 2906(c)(1) of the Defense
25 Base Closure and Realignment Act of 1990 (10 U.S.C.

1 2687 note) is amended by adding at the end the following
2 new subparagraph:

3 “(E) To carry out the demolition or re-
4 moval of any building or structure under the
5 control of the Secretary of the Navy that is not
6 designated as historic under a Federal, State,
7 or local law and is located on a military instal-
8 lation closed or realigned under a base closure
9 law (as such term is defined in section 101 of
10 title 10, United States Code) at which the sam-
11 pling or remediation of radiologically contami-
12 nated materials has been the subject of sub-
13 stantiated allegations of fraud, without regard
14 to—

15 “(i) whether the building or structure
16 is radiologically impacted; or

17 “(ii) whether such demolition or re-
18 moval is carried out, as part of a response
19 action or otherwise, under the Defense En-
20 vironmental Restoration Program specified
21 in subparagraph (A) or CERCLA (as such
22 term is defined in section 2700 of title 10,
23 United States Code).”.

1 (b) FUNDING.—The amendment made by this section
2 may only be carried out using funds authorized to be ap-
3 propriated in the table in section 4601.

4 **TITLE XXVIII—MILITARY CON-**
5 **STRUCTION GENERAL PROVI-**
6 **SIONS**

7 **Subtitle A—Military Construction**
8 **Program Changes**

9 **SEC. 2801. MODIFICATION OF ANNUAL LOCALITY ADJUST-**
10 **MENT OF DOLLAR THRESHOLDS APPLICABLE**
11 **TO UNSPECIFIED MINOR MILITARY CON-**
12 **STRUCTION AUTHORITIES.**

13 Section 2805(f)(2) of title 10, United States Code,
14 is amended—

15 (1) by striking “or the Commonwealth” and in-
16 serting “Wake Island, the Commonwealth”; and

17 (2) by inserting “, or a former United States
18 Trust Territory now in a Compact of Free Associa-
19 tion with the United States” after “Mariana Is-
20 lands”.

1 **SEC. 2802. MILITARY CONSTRUCTION PROJECTS FOR INNO-**
2 **VATION, RESEARCH, DEVELOPMENT, TEST,**
3 **AND EVALUATION.**

4 (a) IN GENERAL.—Subchapter I of chapter 169 of
5 title 10, United States Code, is amended by inserting after
6 section 2809 the following new section:

7 **“§ 2810. Military construction projects for innovation,**
8 **research, development, test, and evalua-**
9 **tion**

10 “(a) PROJECT AUTHORIZATION REQUIRED.—The
11 Secretary of Defense may carry out such military con-
12 struction projects for innovation, research, development,
13 test, and evaluation as are authorized by law, using funds
14 appropriated or otherwise made available for that purpose.

15 “(b) SUBMISSION OF PROJECT PROPOSALS.—As part
16 of the Department of Defense Form 1391 submitted to
17 the appropriate committees of Congress for a military con-
18 struction project covered by subsection (a), the Secretary
19 of Defense shall include the following information:

20 “(1) The project title.

21 “(2) The location of the project.

22 “(3) A brief description of the scope of work.

23 “(4) The original project cost estimate and the
24 current working cost estimate, if different.

25 “(5) Such other information as the Secretary
26 considers appropriate.

1 “(c) APPLICATION TO MILITARY CONSTRUCTION
 2 PROJECTS.—This section shall apply to military construc-
 3 tion projects covered by subsection (a) for which a Depart-
 4 ment of Defense Form 1391 is submitted to the appro-
 5 priate committees of Congress in connection with the
 6 budget of the Department of Defense for fiscal year 2023
 7 and thereafter.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 at the beginning of such subchapter is amended by insert-
 10 ing after the item relating to section 2809 the following
 11 new item:

“2810. Military construction projects for innovation, research, development, test,
 and evaluation.”.

12 **SEC. 2803. FURTHER CLARIFICATION OF REQUIREMENTS**
 13 **RELATED TO AUTHORIZED COST AND SCOPE**
 14 **OF WORK VARIATIONS.**

15 (a) CLARIFICATIONS AND TECHNICAL CORRECTIONS
 16 RELATING TO EXCEPTIONS TO COST VARIATION AND
 17 SCOPE OF WORK.—Subsection (c)(1) of section 2853 of
 18 title 10, United States Code, as amended by section 2802
 19 of the Military Construction Authorization Act for Fiscal
 20 Year 2022 (division B of Public Law 117–81), is further
 21 amended—

22 (1) by striking subparagraph (A) and inserting
 23 the following new subparagraph (A):

1 “(A) The Secretary concerned may waive the percent-
2 age or dollar cost limitation applicable to a military con-
3 struction project or a military family housing project
4 under subsection (a) and approve an increase in the cost
5 authorized for the project in excess of that limitation only
6 if—

7 “(i) the total cost of the project is less than
8 \$500,000,000;

9 “(ii) the cost increase is an amount equal to or
10 less than 50 percent of the original authorized
11 amount; and

12 “(iii) the Secretary notifies the appropriate
13 committees of Congress of such waiver and approval
14 in the manner provided in this paragraph.”; and

15 (2) by striking subparagraph (D) and redesign-
16 ating subparagraph (E) as subparagraph (D).

17 (b) TECHNICAL CORRECTION RELATED TO EXCEP-
18 TIONS TO LIMITATION ON SCOPE OF WORK INCREASES.—
19 Subsection (d)(4) of such section, as so amended, is fur-
20 ther amended by striking “and approve an increase in the
21 scope of work for the project that would increase the scope
22 of work”.

1 **SEC. 2804. USE OF OPERATION AND MAINTENANCE FUNDS**
2 **FOR CERTAIN CONSTRUCTION PROJECTS**
3 **OUTSIDE THE UNITED STATES.**

4 (a) PERMANENT AUTHORITY.—Subsection (a) of sec-
5 tion 2808 of the Military Construction Authorization Act
6 for Fiscal Year 2004 (division B of Public Law 108–136;
7 117 Stat. 1723), as amended, including most recently by
8 section 2806 of the Military Construction Authorization
9 Act for Fiscal Year 2022 (division B of Public Law 117–
10 81), is amended—

11 (1) by striking “, inside the area of responsi-
12 bility of the United States Central Command or cer-
13 tain countries in the area of responsibility of the
14 United States Africa Command,”;

15 (2) by inserting “outside the United States”
16 after “construction project”; and

17 (3) in paragraph (2), by striking “, unless the
18 military installation is located in Afghanistan, for
19 which projects using this authority may be carried
20 out at installations deemed as supporting a long-
21 term presence”.

22 (b) CONFORMING AMENDMENTS.—Such section is
23 further amended—

24 (1) in subsection (b), by striking “subsection
25 (f)” and inserting “subsection (d)”;

26 (2) by striking subsection (e);

1 (3) by redesignating subsections (f) and (g) as
2 subsections (d) and (e), respectively;

3 (4) in subsection (e), as so redesignated, by
4 striking “subsection (f)” and inserting “subsection
5 (d)”; and

6 (5) by striking subsections (h) and (i).

7 (c) CLERICAL AMENDMENTS.—Such section is fur-
8 ther amended as follows:

9 (1) The section heading for such section is
10 amended—

11 (A) by striking “TEMPORARY, LIMITED”;
12 and

13 (B) by inserting “CERTAIN” before “CON-
14 STRUCTION PROJECTS”.

15 (2) The subsection heading for subsection (a) of
16 such section is amended by striking “TEMPORARY
17 AUTHORITY” and inserting “IN GENERAL”.

18 (d) CLASSIFICATION.—The Law Revision Counsel is
19 directed to classify section 2808 of the Military Construc-
20 tion Authorization Act for Fiscal Year 2004 (division B
21 of Public Law 108–136; 117 Stat. 1723), as amended by
22 subsection (a), as a note following section 2804 of title
23 10, United States Code.

1 **SEC. 2805. INCREASE IN MAXIMUM APPROVED COST OF UN-**
2 **SPECIFIED MINOR MILITARY CONSTRUCTION**
3 **PROJECTS.**

4 Section 2805(a)(2) of title 10, United States Code,
5 is amended by striking “\$6,000,000” and inserting
6 “\$12,000,000”.

7 **SEC. 2806. INCREASE IN UNSPECIFIED MINOR MILITARY**
8 **CONSTRUCTION AUTHORITY FOR LABORA-**
9 **TORY REVITALIZATION PROJECTS.**

10 (a) LABORATORY REVITALIZATION.—Subsection (d)
11 of section 2805 of title 10, United States Code, is amend-
12 ed—

13 (1) in paragraph (1), by striking “\$6,000,000”
14 both places it appears and inserting “\$12,000,000”;

15 (2) in paragraph (2), by striking “\$6,000,000”
16 and inserting “\$12,000,000, incrementally across
17 multiple fiscal years”; and

18 (3) by striking paragraph (5).

19 (b) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LO-
20 CATION.—Subsection (f) of such section is amended—

21 (1) by striking “\$10,000,000” and inserting
22 “\$12,000,000”; and

23 (2) by striking subparagraph (3).

1 **SEC. 2807. PERMANENT APPLICATION OF DOLLAR LIMITS**
2 **FOR LOCATION AND APPLICATION TO**
3 **PROJECTS OUTSIDE THE UNITED STATES.**

4 Section 2805 of title 10, United States Code, is
5 amended by striking subsection (f) and inserting the fol-
6 lowing new subsection (f):

7 “(f) ADJUSTMENT OF DOLLAR LIMITS FOR LOCA-
8 TION.—Each fiscal year, the Secretary concerned shall ad-
9 just the dollar limitations specified in this section applica-
10 ble to an unspecified minor military construction project
11 to reflect the area construction cost index for military con-
12 struction projects published by the Department of Defense
13 during the prior fiscal year for the location of the project,
14 except that no limitation specified in this section may ex-
15 ceed \$16,000,000 as the result of any adjustment made
16 under this paragraph.”.

17 **SEC. 2808. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
18 **SPECIAL OPERATIONS FORCES MILITARY**
19 **CONSTRUCTION.**

20 (a) PROHIBITION.—None of the funds authorized to
21 be appropriated by this Act or otherwise made available
22 for fiscal year 2023 for the Department of Defense may
23 be obligated or expended for the Commander of Special
24 Operations Command for military construction in
25 Baumholder, Germany.

26 (b) WAIVER.—

1 (1) IN GENERAL.—The Secretary of Defense
2 may waive the prohibition under subsection (a) if the
3 Secretary—

4 (A) determines that such a waiver is in the
5 national security interests of the United States;
6 and

7 (B) not later than 14 days after issuing
8 the waiver, submits to the congressional defense
9 committees a detailed justification for the waiver
10 in accordance with paragraph (2).

11 (2) ELEMENTS.—A justification under paragraph (1)(B) shall include each of the following:

12 (A) The determination of the Secretary
13 that none of the following countries would provide
14 preferable host nation funding for an
15 equivalent project in such country:
16

17 (i) Romania.

18 (ii) Poland.

19 (iii) Latvia.

20 (iv) Estonia.

21 (v) Lithuania.

22 (B) The determination of the Secretary
23 that hosting such forces in Germany would provide
24 greater deterrence or greater operational

1 utility than host nation support in Romania,
2 Poland, Latvia, Estonia or Lithuania.

3 (C) An explanation for how the waiver is
4 in the national security interests of the United
5 States.

6 (D) Any other information the Secretary
7 determines appropriate.

8 **SEC. 2809. REQUIREMENTS RELATING TO CERTAIN MILI-**
9 **TARY CONSTRUCTION PROJECTS.**

10 (a) SUPERVISION OF MILITARY CONSTRUCTION
11 PROJECTS.—

12 (1) IN GENERAL.—Section 2851 of title 10,
13 United States Code, is amended—

14 (A) in subsection (c)(1), by inserting “or
15 appropriated” after “funds authorized” each
16 place such term appears;

17 (B) in subsection (c)(2)—

18 (i) in subparagraph (A), by inserting
19 “, deadline for bid submissions,” after “so-
20 licitation date”;

21 (ii) in subparagraph (B), by inserting
22 “(including the address of such recipient)”
23 after “contract recipient”; and

24 (iii) by adding at the end the fol-
25 lowing new subparagraphs:

1 “(H) Any subcontracting plan required under
2 paragraph (4) or (5) of section 8(d) of the Small
3 Business Act (15 U.S.C. 637(d)) for the project sub-
4 mitted by the contract recipient to the Secretary of
5 Defense.

6 “(I) A detailed written statement describing
7 and justifying any exception applied or waiver grant-
8 ed under—

9 “(i) chapter 83 of title 41;

10 “(ii) section 4862 of this title; or

11 “(iii) section 4863 of this title.”; and

12 (C) by adding at the end the following new
13 paragraph:

14 “(4) The information required to be published on the
15 Internet website under subsection (c) shall constitute a
16 record for the purposes of chapters 21, 29, 31, and 33
17 of title 44.”.

18 (2) FEDERAL PROCUREMENT DATA SYSTEM.—

19 The Secretary of Defense shall ensure that there is
20 a clear and unique indication of any covered contract
21 with subcontracting work of an estimated value of
22 \$250,000 or more in the Federal Procurement Data
23 System established pursuant to section 1122(a)(4)
24 of title 41, United States Code (or any successor
25 system).

1 (b) INCREASED TRANSPARENCY AND PUBLIC AVAIL-
2 ABILITY OF INFORMATION REGARDING SOLICITATION
3 AND AWARD OF SUBCONTRACTS UNDER MILITARY CON-
4 STRUCTION CONTRACTS.—

5 (1) AVAILABILITY OF CERTAIN INFORMATION
6 RELATING TO MILITARY CONSTRUCTION SUB-
7 CONTRACTS.—Section 2851 of title 10, United
8 States Code, is amended—

9 (A) by redesignating subsection (d) as sub-
10 section (g);

11 (B) by inserting after subsection (c) (as
12 amended by this section) the following new sub-
13 sections:

14 “(d) INFORMATION AND NOTICE REQUIREMENTS
15 REGARDING SOLICITATION AND AWARD OF SUB-
16 CONTRACTS.—

17 “(1) The recipient of a contract for a construc-
18 tion project described in subsection (c)(1) to be car-
19 ried out in a State shall make publicly available on
20 a website of the General Services Administration or
21 the Small Business Administration, as applicable,
22 any solicitation made by the contract recipient under
23 the contract for a subcontract with an estimated
24 value of \$250,000 or more.

25 “(2) The Secretary of Defense shall—

1 “(A) maintain on the Internet site required
2 by subsection (c)(1) information regarding the
3 solicitation date and award date (or anticipated
4 date) for each subcontract described in para-
5 graph (1); and

6 “(B) submit written notice of the award of
7 the original contract for a project described in
8 subsection (c)(1) to be carried out in a State,
9 and each subcontract described in paragraph
10 (1) under the contract, to each State agency
11 that enforces workers’ compensation or min-
12 imum wage laws in the State in which the con-
13 tract or subcontract will be carried out.

14 “(e) CONGRESSIONAL NOTIFICATION.—In the case of
15 the award of a contract for a project described in sub-
16 section (c)(1) to be carried out in a State, and any sub-
17 contract described in subsection (d)(1) under the contract,
18 where such award has an estimated value of \$2,000,000
19 or more, the Secretary of Defense shall submit written no-
20 tice of such award within 30 days after the award to each
21 Senator of the State in which the contract or subcontract
22 will be carried out and the Member of the House of Rep-
23 resentatives representing the congressional district in
24 which the contract or subcontract will be carried out.

1 “(f) EXCLUSION OF CLASSIFIED PROJECTS.—Sub-
2 sections (c), (d), and (e) do not apply to a classified con-
3 struction project otherwise described in subsection
4 (c)(1).”; and

5 (C) by adding at the end the following new
6 subsection:

7 “(h) DEFINITIONS.—In this section:

8 “(1) The term ‘Member of the House of Rep-
9 resentatives’ includes a Delegate to the House of
10 Representatives and the Resident Commissioner
11 from Puerto Rico.

12 “(2) The term ‘State’ means any of the several
13 States, the District of Columbia, the Commonwealth
14 of Puerto Rico, Guam, American Samoa, the United
15 States Virgin Islands, and the Commonwealth of the
16 Northern Mariana Islands.”.

17 (2) APPLICABILITY.—Subsections (d) and (e) of
18 section 2851 of title 10, United States Code, as
19 added by subsection (ba)(2), shall apply with respect
20 to a contract for a construction project described in
21 subsection (c)(1) of such section that—

22 (A) is entered into on or after the date of
23 the enactment of this Act; or

24 (B) was entered into before the date of the
25 enactment of this Act, if the first solicitation

1 made by the contract recipient under the con-
2 tract for a subcontract with an estimated value
3 of \$250,000 or more is made on or after the
4 date of the enactment of this Act.

5 (c) REQUIREMENTS RELATING TO THE AWARD OF
6 COVERED MILITARY CONSTRUCTION CONTRACTS.—Sub-
7 chapter III of chapter 169 of title 10, United States Code,
8 is amended by inserting after section 2851a the following
9 new section:

10 **“§ 2851b. Requirements relating to the award of cov-**
11 **ered military construction contracts**

12 “(a) PUBLICATION OF CERTAIN INFORMATION RE-
13 LATING TO COVERED MILITARY CONSTRUCTION CON-
14 TRACTS.—A contractor that has been awarded a covered
15 military construction contract shall—

16 “(1) make publicly available on a website of the
17 General Services Administration or the Small Busi-
18 ness Administration, as applicable, any solicitation
19 under that covered military construction contract for
20 a subcontract of an estimated value of \$250,000 or
21 more; and

22 “(2) submit written notification of the award of
23 the covered military construction contract, and of
24 any subcontract awarded under the covered military
25 construction contract, to the relevant agency of a

1 covered State that enforces workers' compensation
2 or minimum wage laws in such covered State.

3 “(b) NOTICE.—Upon award of a covered military
4 construction contract with an estimated value greater than
5 or equal to \$2,000,000, the Secretary concerned shall no-
6 tify any applicable Member of Congress representing the
7 covered State in which that covered military construction
8 contract is to be performed of such award in a timely man-
9 ner.”.

10 **SEC. 2809A. SUPERVISION OF LARGE MILITARY CONSTRUC-**
11 **TION PROJECTS.**

12 (a) SUPERVISION OF LARGE MILITARY CONSTRUC-
13 TION PROJECTS.—Section 2851 of title 10, United States
14 Code, is amended—

15 (1) by redesignating subsection (h) (as added
16 by section 2809 of this Act) as subsection (i);

17 (2) by redesignating subsection (g) (as des-
18 ignated by section 2809 of this Act) as subsection
19 (h);

20 (3) by inserting after subsection (f) section
21 2809 of this Act (as added by the following new sub-
22 section:

23 “(g) REPORT ON SUPERVISION OF LARGE MILITARY
24 CONSTRUCTION PROJECTS.—Before the award of a con-
25 tract of a value greater than \$500,000,000 in connection

1 with a military construction project, the individual direct-
2 ing and supervising such military construction project
3 under subsection (a) or the individual designated pursuant
4 to subsection (b) (as applicable) shall submit to the appro-
5 priate committees of Congress a report on the intended
6 supervision, inspection, and overhead plan to manage such
7 military construction project. Each report shall include the
8 following:

9 “(1) A determination of the overall funding in-
10 tended to manage the supervision, inspection, and
11 overhead of the military construction project.

12 “(2) An assessment of whether a Department
13 of Defense Field Activity that shall directly report to
14 such individual should be established.

15 “(3) A description of the quality assurance ap-
16 proach to the military construction project.

17 “(4) The independent cost estimate described in
18 section 3221(b)(6)(A) of this title.

19 “(5) The overall staffing approach to oversee
20 the military construction project for each year of the
21 contract term.”.

22 (b) COFORMING AMENDMENT TO DUTIES OF THE DI-
23 RECTOR OF COST ASSESSMENT AND PROGRAM EVALUA-
24 TION.—Section 3221(b)(6)(A) of title 10, United States
25 Code, is amended—

1 (1) in clause (iii), by striking “and” at the end;

2 (2) by adding at the end the following new
3 clause:

4 “(v) any decision to enter into a con-
5 tract in connection with a military con-
6 struction project of a value greater than
7 \$500,000,000; and”.

8 **SEC. 2809B. LOCAL HIRE REQUIREMENTS FOR MILITARY**
9 **CONSTRUCTION CONTRACTS.**

10 (a) LOCAL HIRE REQUIREMENTS.—

11 (1) IN GENERAL.—To the extent practicable, in
12 awarding a covered contract, the Secretary con-
13 cerned (as defined in section 101 of title 10, United
14 States Code) shall give a preference to a person who
15 certifies that at least 51 percent of the total number
16 of employees hired to perform the covered contract
17 (including any employees hired by a subcontractor
18 (at any tier) for such covered contract) shall reside
19 in the same State as, or within a 60-mile radius of,
20 the location of the work to be performed pursuant
21 to the covered contract.

22 (2) JUSTIFICATION REQUIRED.—The Secretary
23 concerned shall prepare a written justification, and
24 make such justification available on the Internet site
25 required under section 2851(c) of title 10, United

1 States Code, for the award of any covered contract
 2 to a person that is not described under paragraph
 3 (1).

4 (b) LICENSING.—A contractor and any subcontractors (at any tier) performing a covered contract shall be
 5 licensed to perform the work under such covered contract
 6 in the State in which the work will be performed.

8 (c) COVERED CONTRACT DEFINED.—In this section,
 9 the term “covered contract” means a contract for a mili-
 10 tary construction project, military family housing project,
 11 or other project described in section 2851(c)(1) of title 10,
 12 United States Code.

13 **Subtitle B—Continuation of** 14 **Military Housing Reforms**

15 **SEC. 2811. STANDARDIZATION OF MILITARY INSTALLATION** 16 **HOUSING REQUIREMENTS AND MARKET** 17 **ANALYSES.**

18 (a) IN GENERAL.—Subchapter II of chapter 169 of
 19 title 10, United States Code, is amended by inserting after
 20 section 2836 the following new section:

21 **“§ 2837. Housing Requirements and Market Analysis**

22 “(a) IN GENERAL.—Not less frequently than once
 23 every five years, and in accordance with the requirements
 24 of this section, the Secretary concerned shall conduct a
 25 Housing Requirements and Market Analysis (in this sec-

1 tion referred to as an ‘HRMA’) for each military installa-
2 tion under the jurisdiction of the Secretary that is located
3 in the United States.

4 “(b) PRIORITIZATION OF INSTALLATIONS.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), the Secretary concerned shall prioritize
7 the conduct of HRMAs for installations—

8 “(A) for which an HRMA has not been
9 conducted for five years or longer; or

10 “(B) in locations with housing shortages.

11 “(2) EXISTING 5-YEAR REQUIREMENT.—Para-
12 graph (1) shall not apply to a military department
13 that required an HRMA to be conducted for each in-
14 stallation not less frequently than once every five
15 years before the date of the enactment of this sec-
16 tion.

17 “(c) SUBMITTAL TO CONGRESS.—The Secretary of
18 Defense shall include with the budget for the Department
19 of Defense for fiscal year 2024 and each subsequent fiscal
20 year, as submitted to Congress pursuant to section 1105
21 of title 31, United States Code, a list of the military instal-
22 lations for which the Secretary concerned plans to conduct
23 an HRMA during such fiscal year.

24 “(d) HOUSING REQUIREMENTS AND MARKET ANAL-
25 YSIS.—The term ‘Housing Requirements and Market

1 Analysis’or ‘HRMA’ means, with respect to a military in-
2 stallation, a structured analytical process under which an
3 assessment is made of both the suitability and availability
4 of the private sector rental housing market using assumed
5 specific standards related to affordability, location, fea-
6 tures, physical condition, and the housing requirements of
7 the total military population of the installation.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by inserting
10 after the item relating to section 2836 the following new
11 item:

“2837. Housing Requirements and Market Analysis.”.

12 (c) TIME FRAME.—

13 (1) IN GENERAL.—During each of fiscal years
14 2023 through 2027, the Secretary concerned shall
15 conduct an HRMA for 20 percent of the military in-
16 stallations under the jurisdiction of the Secretary lo-
17 cated in the United States.

18 (2) SUBMITTAL OF INFORMATION TO CON-
19 GRESS.—Not later than January 15, 2023, the Sec-
20 retary concerned shall submit to the congressional
21 defense committees a list of military installations for
22 which the Secretary plans to conduct an HRMA dur-
23 ing fiscal year 2023.

24 (d) DEFINITIONS.—In this section:

1 (1) The term “HRMA” means, with respect to
2 a military installation, a structured analytical proc-
3 ess under which an assessment is made of both the
4 suitability and availability of the private sector rent-
5 al housing market using assumed specific standards
6 related to affordability, location, features, physical
7 condition, and the housing requirements of the total
8 military population of the installation.

9 (2) The term “Secretary concerned” has the
10 meaning given that term in section 101(a)(9) of title
11 10, United States Code.

12 **SEC. 2812. NOTICE REQUIREMENT FOR MHPI GROUND**
13 **LEASE EXTENSIONS.**

14 Section 2878 of title 10, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(f) NOTICE OF LEASE EXTENSIONS.—Not later
18 than 90 days before extending the term of any ground
19 lease of property or facilities under this section, the Sec-
20 retary concerned shall provide to the congressional defense
21 committees notice in writing of the extension and a brief-
22 ing. Such notice and briefing shall include each of the fol-
23 lowing:

1 “(1) A description of any material differences
2 between the extended ground lease and the original
3 ground lease, including with respect to—

4 “(A) the length of the term of the lease, as
5 extended; and

6 “(B) any new provisions that materially af-
7 fect the rights and responsibilities of the
8 ground lessor or the ground lessee under the
9 original ground lease.

10 “(2) The number of housing units or facilities
11 subject to the ground lease that, during the lease ex-
12 tension, are to be—

13 “(A) constructed;

14 “(B) demolished; or

15 “(C) renovated.

16 “(3) The source of any additional financing the
17 lessor has obtained, or intends to obtain, during the
18 term of the ground lease extension that will be used
19 for the development of the property or facilities sub-
20 ject to the ground lease.

21 “(4) The following information, displayed annu-
22 ally, for the five-year period preceding the date of
23 the notice and briefing:

1 “(A) The debt-to-net operating income
2 ratio for the property or facility subject to the
3 ground lease.

4 “(B) The occupancy rates for the housing
5 units subject to the ground lease.

6 “(C) An report on maintenance response
7 times and completion of maintenance requests
8 for the housing units subject to the ground
9 lease.

10 “(D) The occupancy rates and debt-to-net
11 operating income ratios of any other military
12 privatized housing initiative projects managed
13 by a company that controls, or that is under
14 common control with, the ground lessee enter-
15 ing into the lease extension.”.

16 **SEC. 2813. ANNUAL BRIEFINGS ON MILITARY HOUSING PRI-**
17 **VATIZATION PROJECTS.**

18 Section 2884 of title 10, United States Code, is
19 amended by adding at the end the following new sub-
20 section:

21 “(d) ANNUAL BRIEFINGS.—Not later than February
22 1 of each year, the Secretary concerned shall provide to
23 the Committees on Armed Services of the Senate and
24 House of Representatives a briefing on military housing
25 privatization projects under the jurisdiction of the Sec-

1 retary. Such briefing shall include, for the 12-month pe-
2 riod preceding the date of the briefing, each of the fol-
3 lowing:

4 “(1) The information described in paragraphs
5 (1) through (14) of subsection (c) with respect to all
6 military housing privatization projects under the ju-
7 risdiction of the Secretary.

8 “(2) A review of any such project that is ex-
9 pected to require the restructuring of a loan, includ-
10 ing any public or private loan.

11 “(3) For any such project expected to require
12 restructuring, a timeline for when such restructuring
13 is expected to occur.

14 “(4) Such other information as the Secretary
15 determines appropriate.”.

16 **SEC. 2814. PRIVATIZATION OF NAVY AND AIR FORCE TRAN-**
17 **SIENT HOUSING.**

18 (a) **PRIVATIZATION REQUIRED.**—Beginning on the
19 date that is 11 years after the date of the enactment of
20 this Act, the Secretary concerned shall begin the process
21 of privatizing all transient housing in the United States
22 under the jurisdiction of the Secretary concerned through
23 the conveyance of the transient housing to one or more
24 eligible entities. Such process shall be completed by not

1 later than the date that is 15 years after the date of the
2 enactment of this Act.

3 (b) APPLICABLE PRIVATIZATION LAWS.—The Sec-
4 retary concerned shall carry out this section using the au-
5 thority provided by section 2872 of title 10, United States
6 Code, consistent with subchapters IV and V of chapter
7 169 of such title.

8 (c) LIMITATIONS.—No Government direct loans, Gov-
9 ernment guarantees, or Government equity may be ex-
10 tended in consideration of any privatization carried out
11 pursuant to subsection (a).

12 (d) CONSULTATIONS.—In establishing a plan to carry
13 out the privatization of transient housing pursuant to sub-
14 section (a), the Secretary concerned shall—

- 15 (1) consult with the Secretary of the Army; and
16 (2) to the greatest extent possible, incorporate
17 into such plan the best practices and efficiencies of
18 the Secretary of the Army in carrying out the pri-
19 vatization of transient housing under the jurisdiction
20 of the Secretary of the Army.

21 (d) REPORT REQUIRED.—Not later than one year
22 after the date of the enactment of this Act, and annually
23 thereafter until the privatization required under sub-
24 section (a) is complete, the Secretary concerned shall sub-

1 mit to the Committees on Armed Services of the Senate
2 and House of Representatives a report that includes—

3 (1) detailed plans for the privatization of all
4 transient housing under the jurisdiction of the Sec-
5 retary; and

6 (2) timelines for conveyances and other critical
7 milestones.

8 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall be construed to affect any transient housing or
10 lodging program administered by the Coast Guard.

11 (f) DEFINITIONS.—In this section:

12 (1) The term “eligible entity” has the meaning
13 given that term in section 2871 of title 10, United
14 States Code.

15 (2) The term “transient housing” means lodg-
16 ing intended to be occupied by members of the
17 Armed Forces on temporary duty.

18 (3) The term “Secretary concerned” means—

19 (A) the Secretary of the Navy, with respect
20 to transient housing under the jurisdiction of
21 the Secretary of the Navy; and

22 (B) the Secretary of the Air Force, with
23 respect to transient housing under the jurisdic-
24 tion of the Secretary of the Air Force.

1 **SEC. 2815. MILITARY HOUSING FEEDBACK TOOL.**

2 (a) IN GENERAL.—The Secretary of Defense shall
3 provide for a feedback tool, such as a rating system or
4 similar mechanism, under which members of the Armed
5 Forces and their spouses may anonymously identify, rate,
6 and compare housing under the jurisdiction of the Depart-
7 ment of Defense (including privatized military housing).

8 (b) COMPONENTS.—The tool required under sub-
9 section (a) shall include the following components:

10 (1) The capability for users to—

11 (A) rate housing using multiple quality
12 measures, including safety, the timeliness and
13 quality of maintenance services, and the respon-
14 siveness of management;

15 (B) upload visual media, including images;

16 (C) include written comments; and

17 (D) submit an alert for potential major
18 health risks, such as the potential presence of
19 lead paint, asbestos, mold, hazardous materials
20 contaminated or unsafe drinking water, or seri-
21 ous safety issues, such as potential problems
22 with fire or carbon monoxide detection equip-
23 ment.

24 (2) A comparison feature that can be used to
25 compare ratings for different housing communities.

1 (3) Accessibility by members of the Armed
2 Forces, their family members, and members of Con-
3 gress.

4 (4) An educational feature to help users better
5 identify potential environmental and safety hazards
6 like lead paint, asbestos, mold and unsafe water, and
7 potentially non-functional fire or carbon monoxide
8 detection equipment for the purposes of protecting
9 residents and submitting alerts described in para-
10 graph (1)(D) for potential problems that may need
11 urgent professional attention.

12 (c) REPORTING REQUIREMENT.—The Secretary of
13 Defense shall submit to the appropriate congressional
14 committees, and make available to the Secretary con-
15 cerned, an annual report that includes a summary of the
16 data collected using the feedback tool required under this
17 section during the year covered by the report.

18 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
19 In this section, the term “appropriate congressional com-
20 mittees” means—

21 (1) the Committee on Armed Services and the
22 Committee on Transportation and Infrastructure of
23 the House of Representatives; and

1 (2) the Committee on Armed Services and the
2 Committee on Commerce, Science, and Transpor-
3 tation of the Senate.

4 **SEC. 2816. SCREENING AND REGISTRY OF INDIVIDUALS**
5 **WITH HEALTH CONDITIONS RESULTING**
6 **FROM UNSAFE HOUSING UNITS.**

7 (a) IN GENERAL.—Subchapter V of chapter 169 of
8 title 10, United States Code, is amended by adding at the
9 end the following new section:

10 **“§ 2895. Screening and registry of individuals with**
11 **health conditions resulting from unsafe**
12 **housing units**

13 “(a) SCREENING.—

14 “(1) IN GENERAL.—The Secretary of Defense,
15 in consultation with appropriate scientific agencies
16 as determined by the Secretary, shall ensure that all
17 military medical treatment facilities screen eligible
18 individuals for covered conditions.

19 “(2) ESTABLISHMENT OF PROCEDURES.—The
20 Secretary may establish procedures through which
21 screening under paragraph (1) may allow an eligible
22 individual to be included in the registry under sub-
23 section (b).

24 “(b) REGISTRY.—

1 “(1) IN GENERAL.—The Secretary of Defense
2 shall establish and maintain a registry of eligible in-
3 dividuals who have a covered condition.

4 “(2) INCLUSION OF INFORMATION.—The Sec-
5 retary shall include any information in the registry
6 under paragraph (1) that the Secretary determines
7 necessary to ascertain and monitor the health of eli-
8 gible individuals and the connection between the
9 health of such individuals and an unsafe housing
10 unit.

11 “(3) PUBLIC INFORMATION CAMPAIGN.—The
12 Secretary shall develop a public information cam-
13 paign to inform eligible individuals about the reg-
14 istry under paragraph (1), including how to register
15 and the benefits of registering.

16 “(c) DEFINITIONS.—In this section:

17 “(1) The term ‘covered condition’ means a med-
18 ical condition that is determined by the Secretary of
19 Defense to have resulted from residing in an unsafe
20 housing unit.

21 “(2) The term ‘eligible individual’ means a
22 member of the armed forces or a family member of
23 a member of the armed forces who has resided in an
24 unsafe housing unit.

1 “(3) The term ‘unsafe housing unit’ means a
2 dwelling unit that—

3 “(A) does not meet the housing quality
4 standards established under section 8(o)(8)(B)
5 of the United States Housing Act of 1937 (42
6 U.S.C. 1437f(o)(8)(B)); or

7 “(B) is not free from dangerous air pollu-
8 tion levels from mold.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such subchapter is amended by insert-
11 ing after the item relating to section 2894a the following
12 new item:

“2895. Screening and registry of individuals with health conditions resulting
from unsafe housing units.”.

13 **SEC. 2817. MANDATORY DISCLOSURE OF PRESENCE OF**
14 **MOLD AND HEALTH EFFECTS OF MYCO-**
15 **TOXINS BEFORE A LEASE IS SIGNED FOR**
16 **PRIVATIZED MILITARY HOUSING.**

17 (a) IN GENERAL.—Subchapter V of chapter 169 of
18 title 10, United States Code, is amended by inserting after
19 section 2890 the following new section:

20 **“§ 2890a. Disclosure of presence of mold and health**
21 **effects of mycotoxins**

22 “The Secretary of Defense shall require that each
23 landlord, before signing a lease with a prospective tenant
24 for a housing unit, disclose to such prospective tenant—

1 “(1) whether there is any mold present in the
2 housing unit at levels that could cause harmful im-
3 pacts on human health; and

4 “(2) information regarding the health effects of
5 mycotoxins.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for such subchapter is amended by inserting after the item
8 relating to section 2890 the following new item:

 “2890a. Disclosure of presence of mold and health effects of mycotoxins.”.

9 **SEC. 2818. MODIFICATION OF PROHIBITION ON OWNER-**
10 **SHIP OR TRADING OF STOCKS IN CERTAIN**
11 **COMPANIES BY CERTAIN OFFICIALS OF THE**
12 **DEPARTMENT OF DEFENSE.**

13 Section 988(a) of title 10, United States Code, is
14 amended by striking “if that company is one of the 10
15 entities awarded the most amount of contract funds by
16 the Department of Defense in a fiscal year during the five
17 preceding fiscal years” and inserting “if, during the pre-
18 ceding calendar year, the company received more than
19 \$1,000,000,000 in revenue from the Department of De-
20 fense, including through 1 or more contracts with the De-
21 partment”.

1 **Subtitle C—Real Property and**
2 **Facilities Administration**

3 **SEC. 2821. AUTHORIZED LAND AND FACILITIES TRANSFER**
4 **TO SUPPORT CONTRACTS WITH FEDERALLY**
5 **FUNDED RESEARCH AND DEVELOPMENT**
6 **CENTERS.**

7 (a) IN GENERAL.—Chapter 159 of title 10, United
8 States Code, is amended by inserting after section 2668a
9 the following new section:

10 **“§ 2669. Transfer of land and facilities to support con-**
11 **tracts with federally-funded research and**
12 **development centers**

13 “(a) LEASE OF LAND, FACILITIES, AND IMPROVE-
14 MENTS.—(1) The Secretary of a military department may
15 lease, for no consideration, land, facilities, and improve-
16 ments to a covered FFRDC if the lease is to further the
17 purposes of a contract between the Department of Defense
18 and the covered FFRDC.

19 “(2) A lease entered into under paragraph (1) shall
20 terminate on the earlier of the following dates:

21 “(A) The date that is 50 years after the date
22 on which the Secretary enters into the lease.

23 “(B) The date of the termination or non-re-
24 newal of the contract between the Department of
25 Defense and the covered FFRDC.

1 “(b) CONVEYANCE OF FACILITIES AND IMPROVE-
 2 MENTS.—(1) The Secretary of a military department may
 3 convey, for no consideration, ownership of facilities and
 4 improvements located on land leased to a covered FFRDC
 5 to further the purposes of a contract between the Depart-
 6 ment of Defense and the covered FFRDC.

7 “(2) The ownership of any facilities and improve-
 8 ments conveyed under this subsection shall revert to the
 9 United States upon the termination or non-renewal of the
 10 underlying land lease.

11 “(c) COVERED FFRDC.—In this section, the term
 12 ‘covered FFRDC’ means a federally-funded research and
 13 development center that is sponsored by, and has entered
 14 into a contract with, the Department of Defense.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
 16 at the beginning of such chapter is amended by inserting
 17 after the item relating to section 2668a the following new
 18 item:

“2669. Transfer of land and facilities to support contracts with federally-funded
 research and development centers.”.

19 **SEC. 2822. RESTORATION OR REPLACEMENT OF DAMAGED,**
 20 **DESTROYED, OR ECONOMICALLY**
 21 **UNREPAIRABLE FACILITIES.**

22 (a) INCLUSION OF APPROPRIATIONS ACCOUNT IN
 23 CONGRESSIONAL NOTIFICATION REGARDING FUNDING.—
 24 Subsection (b) of section 2854 of title 10, United States

1 Code, is amended by inserting “military construction ap-
 2 propriations account that is the” before “source of funds”.

3 (b) **ECONOMICALLY UNREPAIRABLE FACILITIES.**—

4 Subsection (c)(1) of such section is amended—

5 (1) in the matter preceding subparagraph (A),
 6 by inserting “or is economically unrepairable” after
 7 “damaged or destroyed”;

8 (2) in subparagraph (A), by inserting “, or the
 9 situation that rendered the facility economically
 10 unrepairable,” after “facility”; and

11 (3) in subparagraph (B)(iii), by striking “dam-
 12 age to a facility rather than destruction” and insert-
 13 ing “a facility that has been damaged or rendered
 14 economically unrepairable rather than destroyed”.

15 **SEC. 2823. DEFENSE ACCESS ROAD PROGRAM ENHANCE-**
 16 **MENTS TO ADDRESS TRANSPORTATION IN-**
 17 **FRASTRUCTURE IN VICINITY OF MILITARY**
 18 **INSTALLATIONS.**

19 (a) **IN GENERAL.**—Section 2816 of the National De-
 20 fense Authorization Act for Fiscal Year 2012 (Public Law
 21 112–81) is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1), by striking “this
 24 Act” and inserting “the National Defense Au-
 25 thorization Act for Fiscal Year 2023”; and

1 (B) in paragraph (2), by striking “this
2 Act” and inserting “the National Defense Au-
3 thorization Act for Fiscal Year 2023”; and

4 (2) by adding at the end the following new sub-
5 sections:

6 “(d) PETITION FOR CERTIFICATION OF ROADS AS
7 DEFENSE ACCESS ROADS.—

8 “(1) IN GENERAL.—Not later than October 1,
9 2023, the Secretary of Defense shall establish a for-
10 mal mechanism under which—

11 “(A) a State, county, or municipality may
12 petition the Secretary to certify roads as de-
13 fense access roads under section 210 of title 23,
14 United States Code; and

15 “(B) the Secretary shall respond, in writ-
16 ing, to any such petition by not later than 90
17 days after receiving the petition.

18 “(2) STATE DEFINED.—In this subsection, the
19 term ‘State’ means any of the several States, the
20 District of Columbia, American Samoa, Guam, the
21 Commonwealth of the Northern Mariana Islands,
22 the Commonwealth of Puerto Rico, and the United
23 States Virgin Islands.

24 “(e) PUBLIC AVAILABILITY OF INFORMATION.—The
25 Secretary of Defense shall maintain and update regularly

1 on an appropriate website of the Federal Government, a
2 list of all roads certified as important to the national de-
3 fense by the Secretary or by such other official as the
4 President may designate. Such website shall include, for
5 each such road, each of the following:

6 “(1) The military installation (as such term is
7 defined in section 2687(g)(1) of title 10, United
8 States Code) that is in closest proximity to the road.

9 “(2) The date on which the road was so cer-
10 tified.

11 “(3) Any fiscal year for which the President
12 transmitted to Congress under section 1105 of title
13 31, United States Code, a budget request that in-
14 cluded an amount for such road.

15 “(4) Any fiscal year for which Congress appro-
16 priated an amount for such road.

17 “(f) TREATMENT OF CLASSIFIED INFORMATION.—
18 Nothing in subsection (d) or (e) shall be construed as a
19 requirement for the Secretary of Defense to make publicly
20 available any classified information.”.

21 (b) REPORT ON DEFENSE ACCESS ROADS.—Section
22 2814(b) of the Duncan Hunter National Defense Author-
23 ization Act for Fiscal Year 2009 (Public Law 110–417)
24 is amended—

1 (1) by striking “April 1, 2009” and inserting
2 “one year after the date of the enactment of the Na-
3 tional Defense Authorization Act for Fiscal Year
4 2023”; and

5 (2) by inserting before the period at the end the
6 following: “and name any road that the commander
7 of a military installation (as such term is defined in
8 section 2687(g)(1) of title 10, United States Code)
9 or the Secretary of a military department has rec-
10 ommended that the Secretary of Defense certify as
11 a defense access road during the period beginning on
12 April 1, 2009, and ending on the date of the enact-
13 ment of the National Defense Authorization Act for
14 Fiscal Year 2023”.

15 (c) REPORT ON DESIGNATION OF CERTAIN HIGH-
16 WAYS AS DEFENSE ACCESS ROADS.—

17 (1) REPORT.—Not later than October 1, 2023,
18 the Secretary of the Air Force shall submit to the
19 Committees on Armed Services of the Senate and
20 House of Representatives a report containing the re-
21 sults of a study on the advisability of designating
22 each of the roads identified under paragraph (2) as
23 defense access roads for purposes of section 210 of
24 title 23, United States Code.

1 (2) ROADS IDENTIFIED.—The roads identified
2 under this subsection are each of the following:

3 (A) For Beale Air Force Base, California:

4 (i) Chuck Yeager Road.

5 (ii) North Beale Road.

6 (iii) Spenceville Road, also known as
7 Camp Beale Highway.

8 (iv) South Beale Road.

9 (B) For Travis Air Force Base, California:

10 (i) Air Base Parkway.

11 (ii) Canon Road.

12 (iii) Gate Road, including North Gate
13 Road.

14 (iv) Petersen Road.

15 (v) Vanden Road.

16 **SEC. 2824. PHYSICAL ENTRANCES TO CERTAIN MILITARY**
17 **INSTALLATIONS.**

18 The Secretary of Defense shall ensure that, to the
19 extent practicable—

20 (1) each military installation in the United
21 States has a designated main entrance that, at all
22 times, is manned by at least 1 member of the Armed
23 Forces or civilian employee of the Department of
24 Defense;

1 (2) the location of each such designated main
2 entrance is published on a publicly accessible Inter-
3 net website of the Department;

4 (3) if a military installation in the United
5 States has any additional entrance designated for
6 commercial deliveries to the military installation, the
7 location of such entrance (and any applicable days
8 or hours of operation for such entrance) is published
9 on the same Internet website specified in paragraph
10 (2); and

11 (4) the information published on the Internet
12 website specified in paragraph (2) is reviewed and,
13 as necessary, updated on a basis that is not less fre-
14 quent than annually.

15 **SEC. 2825. IMPROVEMENTS RELATING TO ACCESS TO MILI-**
16 **TARY INSTALLATIONS IN UNITED STATES.**

17 (a) ADDITIONAL CATEGORIES FOR EXPEDITED AC-
18 CESS.—Chapter 159 of title 10, United States Code, is
19 amended by adding at the end the following new section
20 (and conforming the table of sections at the beginning of
21 such chapter accordingly):

1 **“§ 2698. Access to military installations: standards for**
2 **entry to military installations in United**
3 **States**

4 “(a) ACCESS TO MILITARY INSTALLATIONS IN
5 UNITED STATES.—(1) The Secretary of Defense shall
6 maintain access standards applicable to all military instal-
7 lations in the United States. Such standards shall require
8 screening standards appropriate to the type of installation
9 involved, the security level of the installation, the category
10 of individuals authorized to visit the installation, and the
11 level of access to be granted, including—

12 “(A) protocols and criteria to determine the fit-
13 ness of the individual to enter an installation;

14 “(B) standards and methods for verifying the
15 identity of the individual; and

16 “(C) other factors the Secretary determines ap-
17 propriate.

18 “(2) In developing the standards under paragraph
19 (1), the Secretary shall, with respect to military installa-
20 tions in the United States—

21 “(A) include procedures for recurring
22 unescorted access to facilitate future visits to the in-
23 stallation for individuals who—

24 “(i) are non-Department of Defense per-
25 sonnel; and

1 “(ii) are determined to be eligible under
2 such standards; and

3 “(B) ensure that access for such individuals is
4 based on the use of credentials non-Department of
5 Defense personnel already posses, to the extent prac-
6 tical.

7 “(3) Upon publication in the Federal Register of final
8 regulations to carry out paragraph (1), the Secretary shall
9 publish the standards set forth therein on a publicly acces-
10 sible Internet website of the Department of Defense.

11 “(4) In carrying out this subsection, the Secretary
12 shall seek to procure and field existing identification
13 screening technology (including technology to enable the
14 Secretary to validate other Federally recognized access
15 credentials) and develop additional technology only to the
16 extent necessary to assist commanders of military installa-
17 tions in the United States in implementing the standards
18 under paragraph (1) at points of entry for such installa-
19 tions.

20 “(b) PRE-ARRIVAL REGISTRATION AND SCREENING
21 PROTOCOL FOR ACCESS TO MILITARY INSTALLATIONS IN
22 UNITED STATES.—The Secretary shall ensure that the
23 standards under subsection (a) include a specific protocol
24 for the voluntary pre-arrival registration and screening of
25 individuals anticipating a need for access to a military in-

1 stallation in the United States to establish the fitness and
2 purpose of such individual. Under such protocol—

3 “(1) such a screening shall occur not less than
4 24 hours, and not more than 14 days prior, to the
5 time of such access; and

6 “(2) if an individual is determined fit to enter
7 the installation pursuant to the pre-arrival registra-
8 tion and screening, access may only be granted upon
9 arrival at the military installation on the date of the
10 established purpose, following a verification of the
11 identity of the individual.

12 “(c) UNESCORTED ACCESS TO MILITARY INSTALLA-
13 TIONS IN UNITED STATES FOR CERTAIN INDIVIDUALS.—
14 The Secretary shall maintain guidance regarding the
15 granting of unescorted access to military installations in
16 the United States for covered individuals and ensure such
17 guidance is circulated to the commanders of each such
18 military installation. Such guidance shall—

19 “(1) identify the categories of covered individ-
20 uals that may obtain such unescorted access;

21 “(2) include a list of credentials that can be
22 used for access to an installation that are, to the ex-
23 tent practical, types of identification non-Depart-
24 ment of Defense personnel already possess.

1 “(3) be consistent across military installations
2 in the United States; and

3 “(4) be in accordance with any privileges or
4 benefits accorded under, procedures developed pur-
5 suant to, or requirements of, each covered provision
6 and subsection (a).

7 “(d) PHYSICAL ENTRANCES TO CERTAIN MILITARY
8 INSTALLATIONS.—The Secretary shall ensure that, to the
9 extent practicable—

10 “(1) each military installation in the United
11 States has a designated main entrance that, at all
12 times, is manned by at least one member of the
13 Armed Forces or civilian employee of the Depart-
14 ment;

15 “(2) the location of each such designated main
16 entrance is published on a publicly accessible Inter-
17 net website of the Department;

18 “(3) if a military installation in the United
19 States has any additional entrance designated for
20 commercial deliveries to the military installation, the
21 location of such entrance (and any applicable days
22 or hours of operation for such entrance) is published
23 on the same Internet website specified in paragraph
24 (2); and

1 “(4) the information published on the Internet
2 website specified in paragraph (2) is reviewed and,
3 as necessary, updated on a basis that is not less fre-
4 quent than annually.

5 “(e) **REVIEWS AND SUBMISSION TO CONGRESS.**—On
6 a basis that is not less frequent than once every five years,
7 the Secretary shall—

8 “(1) review the standards and guidance under
9 this section, and make such updates as may be de-
10 termined appropriate by the Secretary; and

11 “(2) submit to the Committees on Armed Serv-
12 ices of the House of Representatives and the Senate
13 the most recently reviewed and, as applicable, up-
14 dated version of such standards and guidance.

15 “(f) **DEFINITIONS.**—In this section:

16 “(1) The term ‘covered individual’ means, with
17 respect to a military installation in the United
18 States, the following:

19 “(A) A member of the armed forces or ci-
20 vilian employee of the Department of Defense,
21 or an employee or family member of such mem-
22 ber or employee, who resides, attends school, re-
23 ceives health care services, or shops at a com-
24 missary or exchange store on the installation.

1 “(B) A retired member of the armed
2 forces, including the reserve components, or a
3 family member of such retired member, who re-
4 sides, attend schools, receives health care serv-
5 ices, or shops at a commissary or exchange
6 store on the installation.

7 “(C) An individual performing work at the
8 installation under a contract or subcontract (at
9 any tier), including a military construction
10 project, military family housing project, or a
11 Facilities Sustainment, Restoration, and Mod-
12 ernization project.

13 “(D) A motor carrier or household goods
14 motor carrier providing transportation services
15 for the United States Transportation Com-
16 mand.

17 “(E) An official who is employed by an
18 agency of the State in which the installation is
19 located that enforces laws relating to workers’
20 compensation or minimum wage with respect to
21 such State and who is seeking such access per-
22 taining to a specific military construction
23 project, military family housing project, or Fa-
24 cilities Sustainment, Restoration, and Mod-
25 ernization project.

1 “(F) A representative of any labor organi-
2 zation (as defined in section 2 of the National
3 Labor Relations Act (29 U.S.C. 152)), includ-
4 ing a member of any labor management com-
5 mittee described in section 205A of the Labor
6 Management Relations Act, 1947 (29 U.S.C.
7 175a), who is—

8 “(i) seeking access to an individual
9 performing work at the installation who is
10 a member of such labor organization—

11 “(I) in connection with a specific
12 military construction project, military
13 family housing project, or Facilities
14 Sustainment, Restoration, and Mod-
15 ernization project; or

16 “(II) pursuant to a concessions
17 or service contract subject to chapter
18 67 of title 41 (known as the ‘McNa-
19 mara-O’Hara Service Contract Act of
20 1965’); or

21 “(ii) seeking access to an individual
22 performing work at the installation for the
23 purposes of soliciting such individual to
24 join such labor organization.

1 “(G) A representative of any labor organi-
2 zation (as defined in section 2 of the National
3 Labor Relations Act (29 U.S.C. 152)), includ-
4 ing a member of any labor management com-
5 mittee described in section 205A of the Labor
6 Management Relations Act, 1947 (29 U.S.C.
7 175a), or a representative of a program reg-
8 istered under the Act of August 16, 1937 (com-
9 monly known as the ‘National Apprenticeship
10 Act’; 29 U.S.C. 50 et seq.) conducting a voca-
11 tional training, job fair, or similar workforce
12 development event for members of the armed
13 forces or veterans at the installation.

14 “(2) The term ‘covered provision’ means the
15 following:

16 “(A) Chapter 54 of this title.

17 “(B) Section 202 of the REAL ID Act of
18 2005 (Public Law 109–13; 49 U.S.C. 30301
19 note).

20 “(C) Section 2812 of the National Defense
21 Authorization Act for Fiscal Year 2013 (Public
22 Law 112–239; 126 Stat. 2150; 10 U.S.C. 113
23 note).

24 “(D) Sections 346 and 1050 of the Na-
25 tional Defense Authorization Act for Fiscal

1 Year 2017 (Public Law 114–328; 10 U.S.C.
2 113 note).

3 “(E) Section 626 of the John S. McCain
4 National Defense Authorization Act for Fiscal
5 Year 2019 (Public Law 115–232; 132 Stat.
6 1802; 10 U.S.C. 113 note).

7 “(F) Section 1090 of the William M.
8 (Mac) Thornberry National Defense Authoriza-
9 tion Act for Fiscal Year 2021 (Public Law
10 116–283; 134 Stat. 3879; 10 U.S.C. 113 note).

11 “(3) The term ‘Federally recognized access cre-
12 dential’ means a credential authorized by Federal
13 law or otherwise issued by the head of a Federal de-
14 partment or agency that requires the vetting of an
15 individual for access to a facility, area, or program.

16 “(4) The term ‘military installation’ has the
17 meaning given that term in section 2801 of this
18 title.

19 “(5) The term ‘State’ means any of the several
20 States, the District of Columbia, the Commonwealth
21 of Puerto Rico, Guam, American Samoa, the Virgin
22 Islands of the United States, or the Commonwealth
23 of the Northern Mariana Islands.

24 “(6) The term ‘United States’ includes each
25 State, as such term is defined in this subsection.”.

1 (b) DEADLINE FOR FIRST REVIEW AND SUBMISSION
2 TO CONGRESS.—Not later than 180 days after the date
3 of the enactment of this Act, the Secretary of Defense
4 shall—

5 (1) conduct the first review of the standards
6 and guidance required under section 2698 of title
7 10, United States Code (as added by subsection (a));
8 and

9 (2) submit to the Committees on Armed Serv-
10 ices of the House of Representatives and the Senate
11 the reviewed and, as applicable, updated version of
12 such standards and guidance.

13 (c) MODIFICATION TO CERTAIN NOTIFICATION RE-
14 QUIREMENT.—Section 1090(b)(2)(B) of the William M.
15 (Mac) Thornberry National Defense Authorization Act for
16 Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3879;
17 10 U.S.C. 113 note) is amended by striking “is” and in-
18 serting “and, as appropriate, the Secretary of Homeland
19 Security and the Director of the Federal Bureau of Inves-
20 tigation, are”.

21 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) REPEAL OF DUPLICATE PROVISION.—Sec-
23 tion 1069 of the National Defense Authorization Act
24 for Fiscal Year 2008 (Public Law 110–181; 122
25 Stat. 326) is repealed.

1 (2) CONFORMING AMENDMENTS TO PRIOR NA-
2 TIONAL DEFENSE AUTHORIZATION ACT.—Section
3 1050 of the National Defense Authorization Act for
4 Fiscal Year 2017 (10 U.S.C. 113 note; 130 Stat.
5 2396) is amended—

6 (A) in subsection (a), by striking “Depart-
7 ment of Defense installations” and inserting
8 “military installations in the United States”;

9 (B) in subsection (b), by striking “Depart-
10 ment of Defense facilities” and inserting “mili-
11 tary installations in the United States”; and

12 (C) by adding at the end the following new
13 subsection:

14 “(c) DEFINITIONS.—In this section, the terms ‘mili-
15 tary installation’ and ‘United States’ have the meanings
16 given such terms in section 2698(e) of title 10, United
17 States Code.”.

18 **Subtitle D—Military Facilities**
19 **Master Plan Requirements**

20 **SEC. 2831. LIMITATION ON USE OF FUNDS PENDING COM-**
21 **PLETION OF MILITARY INSTALLATION RESIL-**
22 **IENCE COMPONENT OF MASTER PLANS FOR**
23 **AT-RISK MAJOR MILITARY INSTALLATIONS.**

24 Of the funds authorized to be appropriated by this
25 Act or otherwise made available for fiscal year 2023 for

1 the Office of the Secretary of Defense for administration
2 and service-wide activities, not more than 50 percent may
3 be obligated or expended until the date on which the each
4 Secretary of a military department has satisfied the re-
5 quirements of section 2833 of the National Defense Au-
6 thorization Act for Fiscal Year 2022 (Public Law 117–
7 81; 10 U.S.C. 2864 note).

8 **Subtitle E—Matters Related to Uni-**
9 **fied Facilities Criteria and Mili-**
10 **tary Construction Planning and**
11 **Design**

12 **SEC. 2841. CONSIDERATION OF INSTALLATION OF INTE-**
13 **GRATED SOLAR ROOFING TO IMPROVE EN-**
14 **ERGY RESILIENCY OF MILITARY INSTALLA-**
15 **TIONS.**

16 The Secretary of Defense shall amend the Unified
17 Facilities Criteria/DoD Building Code (UFC 1– 200–01)
18 to require that planning and design for military construc-
19 tion projects inside the United States include consider-
20 ation of the feasibility and cost-effectiveness of installing
21 integrated solar roofing as part of the project, for the pur-
22 pose of—

- 23 (1) promoting on-installation energy security
24 and energy resilience;

1 (2) providing grid support to avoid energy dis-
2 ruptions; and

3 (3) facilitating implementation and greater use
4 of the authority provided by subsection (h) of section
5 2911 of title 10, United States Code, as added and
6 amended by section 2825 of the Military Construc-
7 tion Authorization Act for Fiscal Year 2021 (divi-
8 sion B of Public Law 116–283).

9 **SEC. 2842. STUDY OF MILITARY HOUSING RESILIENCE AND**
10 **ENERGY EFFICIENCY.**

11 (a) STUDY.—The Secretary of Defense shall conduct
12 a study of military housing resilience and energy efficiency
13 to assess compliance with the Unified Facilities Criteria
14 for Housing and with the latest published editions of rel-
15 evant codes, specifications, and standards that incorporate
16 the latest hazard-resistant and energy-efficient designs
17 and establish minimum acceptable criteria for the design,
18 construction, and maintenance of residential structures.

19 (b) ELEMENTS.—The study shall include the fol-
20 lowing elements:

21 (1) An identification and assessment of defi-
22 ciencies, costs, and timelines to relocate, rehabilitate,
23 repair, or retrofit as needed all military housing, in-
24 cluding barracks, family housing, and privatized

1 family and unaccompanied housing, to ensure
2 health, safety, energy security, and resilience.

3 (2) An inventory of all housing structures that
4 are located in floodprone areas and within the
5 Wildland-Urban Interface.

6 (3) An identification and inventory of all hous-
7 ing structures that experienced loss or damage due
8 to weather or other natural hazards during the pre-
9 ceding five years.

10 (4) An identification of any needed updates to
11 the Unified Facilities Criteria to ensure such Cri-
12 teria comports with the latest published editions of
13 relevant codes, specifications, and standards that in-
14 corporate the latest hazard-resistant and energy-effi-
15 cient designs and establish minimum acceptable cri-
16 teria for the design, construction, and maintenance
17 of residential structures.

18 (c) INITIAL REPORT.—Not later than one year after
19 the date of the enactment of this Act, the Secretary shall
20 submit to the congressional defense committees a report
21 on the study required under subsection (a).

22 (d) ANNUAL REPORTS.—One year after the date of
23 the submittal of the initial report under subsection (c),
24 and annually thereafter, the Secretary shall submit to the
25 congressional defense committees a report on the progress

1 of the Department of defense in addressing deficiencies
 2 identified in the initial report, with the goal of addressing
 3 all deficiencies for all military housing within five years
 4 and to ensure that all military housing is sited, designed,
 5 and maintained to comply with the latest codes, specifica-
 6 tions, and standards for health, safety, energy security,
 7 and resilience.

8 **Subtitle F—Land Conveyances**

9 **SEC. 2851. EXTENSION OF TIME FRAME FOR LAND CONVEY-** 10 **ANCE, SHARPE ARMY DEPOT, LATHROP, CALI-** 11 **FORNIA.**

12 Section 2833(g) of the William M. (Mac) Thornberry
 13 National Defense Authorization Act for Fiscal Year 2021
 14 (Public Law 116–283) is amended by striking “one year”
 15 and inserting “three years”.

16 **SEC. 2852. AUTHORITY FOR TRANSFER OF ADMINISTRA-** 17 **TIVE JURISDICTION, CASTNER RANGE, FORT** 18 **BLISS, TEXAS.**

19 Section 2844 of the National Defense Authorization
 20 Act for Fiscal Year 2013 (Public Law 112–239) is amend-
 21 ed—

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) by redesignating the text beginning
 25 with “convey” and ending with “Franklin

1 Mountains State Park.” as subparagraph
2 (B);

3 (ii) by striking “may” and inserting
4 “may—”; and

5 (iii) by inserting after subparagraph
6 (B), as redesignated by subparagraph (A)
7 of this paragraph, the following new sub-
8 paragraph (A):

9 “(A) transfer administrative jurisdiction of
10 approximately 7,081 acres at Fort Bliss, Texas,
11 to the Secretary of the Interior (acting through
12 the Director of the Bureau of Land Manage-
13 ment) which shall be managed in accordance
14 with the Federal Land Policy and Management
15 Act of 1976 (43 U.S.C. 1701 et seq.) and any
16 other applicable laws; or”; and

17 (B) in paragraph (2)—

18 (i) by inserting “transfer of adminis-
19 trative jurisdiction or” before “convey-
20 ance”;

21 (ii) by inserting “transfer to the Sec-
22 retary of the Interior or” before “convey to
23 the Department”; and

24 (iii) by striking “Department’s”;
25 (2) in subsection (b)—

1 (A) by inserting “conveys the real property
2 under subsection (a)(1)(B) and” after “If the
3 Secretary”; and

4 (B) by striking “conveyed under subsection
5 (a)”;

6 (3) in the first subsection (c), by striking “the
7 land conveyance under this section” and inserting “a
8 land conveyance under subsection (a)(1)(B)”;

9 (4) by redesignating the second subsection (c)
10 and subsections (d) and (e) as subsections (d), (e),
11 and (f), respectively;

12 (5) in subsection (d), as so redesignated, by in-
13 serting “transferred or” before “conveyed”;

14 (6) in subsection (e), as so redesignated, by
15 striking “the conveyances under subsection (a)” and
16 inserting “a conveyance under subsection
17 (a)(1)(B)”;

18 (7) in subsection (f), as so redesignated—

19 (A) by striking “federal” each place it ap-
20 pears and inserting “Federal”;

21 (B) by striking “non-federal” each place it
22 appears and inserting “non-Federal”; and

23 (C) in paragraph (3), by inserting “trans-
24 ferred or” before “conveyed”; and

1 (8) by adding at the end the following new sub-
2 section:

3 “(g) MEMORANDUM OF UNDERSTANDING.—The Sec-
4 retary may enter into a memorandum of understanding
5 with the Secretary of the Interior (acting through the Di-
6 rector of the Bureau of Land Management) regarding any
7 transfer of administrative jurisdiction under subsection
8 (a)(1)(A).”.

9 **SEC. 2853. CONVEYANCE, JOINT BASE CHARLESTON, SOUTH**
10 **CAROLINA.**

11 (a) CONVEYANCE AUTHORIZED.—The Secretary of
12 the Air Force (in this section referred to as the “Sec-
13 retary”) may convey to the City of North Charleston,
14 South Carolina (in this section referred to as the “City”)
15 all right, title, and interest of the United States in and
16 to a parcel of real property, including any improvements
17 thereon, consisting of approximately 26 acres known as
18 the Old Navy Yard at Joint Base Charleston, South Caro-
19 lina, for the purpose of permitting the City to use the
20 property for economic development.

21 (b) CONSIDERATION.—

22 (1) IN GENERAL.—As consideration for the con-
23 veyance under subsection (a), the City shall pay to
24 the United States an amount at least equal to the
25 fair market value, as determined by the Secretary,

1 based on an appraisal of the property to be conveyed
2 under such subsection. Consideration may be cash
3 payment, in-kind consideration as described under
4 paragraph (2), or a combination thereof. The consid-
5 eration paid to the Secretary must be sufficient, as
6 determined by the Secretary, to provide replacement
7 space for, and for the relocation of, any personnel,
8 furniture, fixtures, equipment, and personal property
9 of any kind and belonging to any military depart-
10 ment, located upon the property to be conveyed
11 under subsection (a). All cash consideration must be
12 paid in full, and any in-kind consideration must be
13 complete and useable, and delivered to the satisfac-
14 tion of the Secretary at or prior to date of the con-
15 veyance under subsection (a).

16 (2) IN-KIND CONSIDERATION.—In-kind consid-
17 eration described in this paragraph may include the
18 acquisition, construction, provision, improvement,
19 maintenance, repair, or restoration (including envi-
20 ronmental restoration), or combination thereof, of
21 any facilities or infrastructure within proximity to
22 the Joint Base Charleston Weapons Station (South
23 Annex) and located on Joint Base Charleston, that
24 the Secretary considers acceptable.

1 (3) TREATMENT OF CASH CONSIDERATION RE-
2 CEIVED.—Any cash payment received by the United
3 States under paragraph (1) shall be deposited in the
4 special account in the Treasury referred to in sub-
5 paragraph (A) of paragraph (5) of subsection (b) of
6 section 572 of title 40, United States Code, and
7 shall be available in accordance with subparagraph
8 (B) of such paragraph.

9 (c) PAYMENT OF COSTS OF CONVEYANCE.—

10 (1) PAYMENT REQUIRED.—The Secretary may
11 require the City to cover all costs to be incurred by
12 the Secretary, or to reimburse the Secretary for
13 costs incurred by the Secretary, to carry out the
14 conveyance under subsection (a), including survey
15 costs, appraisal costs, costs related to environmental
16 documentation, and any other administrative costs
17 related to the conveyance. If amounts paid by the
18 City to the Secretary in advance exceed the costs ac-
19 tually incurred by the Secretary to carry out the
20 conveyance, the Secretary shall refund the excess
21 amount to the City.

22 (2) TREATMENT OF AMOUNTS RECEIVED.—
23 Amounts received under paragraph (1) as reim-
24 bursement for costs incurred by the Secretary to
25 carry out the conveyance under subsection (a) shall

1 be credited to the fund or account that was used to
2 cover the costs incurred by the Secretary in carrying
3 out the conveyance, or to an appropriate fund or ac-
4 count that is available to the Secretary for the pur-
5 poses for which the costs were paid. Amounts so
6 credited shall be merged with amounts in such fund
7 or account and shall be available for the same pur-
8 poses, and subject to the same conditions and limita-
9 tions, as amounts in such fund or account.

10 (d) DESCRIPTION OF PROPERTY.—The exact acreage
11 and legal description of the property to be conveyed under
12 subsection (a) shall be determined by a survey satisfactory
13 to the Secretary.

14 (e) CONDITION OF CONVEYANCE.—The conveyance
15 under subsection (a) shall be subject to all valid existing
16 rights and the condition that the City accept the property
17 (and any improvements thereon) in its condition at the
18 time of the conveyance (commonly known as a conveyance
19 “as is”).

20 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
21 retary may require such additional terms and conditions
22 in connection with the conveyance under subsection (a) as
23 the Secretary considers appropriate to protect the inter-
24 ests of the United States.

1 (g) OLD NAVY YARD.—In this section, the term “Old
2 Navy Yard” includes the facilities used by the Naval Infor-
3 mation Warfare Center Atlantic including, buildings 1602,
4 1603, 1639, 1648, and such other facilities, infrastruc-
5 ture, and land along or near the Cooper River waterfront
6 at Joint Base Charleston as the Secretary considers to be
7 appropriate.

8 **SEC. 2854. LAND CONVEYANCE, NAVAL AIR STATION**
9 **OCEANA, DAM NECK ANNEX, VIRGINIA**
10 **BEACH, VIRGINIA.**

11 (a) CONVEYANCE AUTHORIZED.—The Secretary of
12 the Navy may convey to the Hampton Roads Sanitation
13 District (in this section referred to as the “HRSD”) all
14 right, title, and interest of the United States in and to
15 a parcel of installation real property, including any im-
16 provements thereon, consisting of approximately 7.9 acres
17 located at Naval Air Station Oceana in Dam Neck Annex,
18 Virginia Beach, Virginia. The Secretary may void any land
19 use restrictions associated with the property to be con-
20 veyed under this subsection.

21 (b) CONSIDERATION.—

22 (1) AMOUNT AND DETERMINATION.—As consid-
23 eration for the conveyance under subsection (a), the
24 HRSD shall pay to the Secretary of the Navy an
25 amount that is not less than the fair market value

1 of the property conveyed, as determined by the Sec-
2 retary. The Secretary's determination of fair market
3 value shall be final. In lieu of all or a portion of cash
4 payment of consideration, the Secretary may accept
5 in-kind consideration.

6 (2) TREATMENT OF CASH CONSIDERATION.—

7 The Secretary of the Navy shall deposit any cash
8 payment received under paragraph (1) in the special
9 account in the Treasury established for the Sec-
10 retary of the Navy under subsection (a) of para-
11 graph (1) of subsection (e) of section 2667 of title
12 10, United States Code. The entire amount depos-
13 ited shall be available for use in accordance with
14 subparagraph (D) of such paragraph.

15 (c) PAYMENT OF COSTS OF CONVEYANCE.—

16 (1) PAYMENT REQUIRED.—The Secretary of
17 the Navy shall require the HRSD to cover costs to
18 be incurred by the Secretary, or to reimburse the
19 Secretary for costs incurred by the Secretary, to
20 carry out the conveyance under subsection (a), in-
21 cluding survey costs, costs related to environmental
22 documentation, and any other administrative costs
23 related to the conveyance. If amounts are collected
24 in advance of the Secretary incurring the actual
25 costs, and the amount collected exceeds the costs ac-

1 tually incurred by the Secretary to carry out the
2 conveyance, the Secretary shall refund the excess
3 amount to the HRSD.

4 (2) TREATMENT OF AMOUNTS RECEIVED.—
5 Amounts received as reimbursement under para-
6 graph (1) shall be credited to the fund or account
7 that was used to cover those costs incurred by the
8 Secretary in carrying out the conveyance. Amounts
9 so credited shall be merged with amounts in such
10 fund or account and shall be available for the same
11 purposes, and subject to the same conditions and
12 limitations, as amounts in such fund or account.

13 (d) DESCRIPTION OF PROPERTY.—The exact acreage
14 and legal description of the parcel of real property to be
15 conveyed under subsection (a) shall be determined by a
16 survey satisfactory to the Secretary of the Navy.

17 (e) ADDITIONAL TERMS AND CONDITIONS.—The
18 Secretary of the Navy may require such additional terms
19 and conditions in connection with the conveyance under
20 subsection (a) as the Secretary considers appropriate to
21 protect the interests of the United States.

22 **SEC. 2855. LAND EXCHANGE, MARINE RESERVE TRAINING**
23 **CENTER, OMAHA, NEBRASKA.**

24 (a) LAND EXCHANGE AUTHORIZED.—The Secretary
25 of the Navy may convey to the Metropolitan Community

1 College Area, a political subdivision of the State of Ne-
2 braska, (in this section referred to as the “College”), all
3 right, title, and interest of the United States in and to
4 a parcel of real property, including improvements thereon,
5 known as the Marine Reserve Training Center in Omaha,
6 Nebraska.

7 (b) CONSIDERATION.—As consideration for the con-
8 veyance under subsection (a), the College shall convey to
9 the Secretary of the Navy real property interests either
10 adjacent or proximate, to Offutt Air Force Base, Ne-
11 braska.

12 (c) LAND EXCHANGE AGREEMENT.—The Secretary
13 of the Navy and the College may enter into a land ex-
14 change agreement to implement this section.

15 (d) VALUATION.—The value of each property interest
16 to be exchanged by the Secretary of the Navy and the Col-
17 lege described in subsections (a) and (b) shall be deter-
18 mined—

19 (1) by an independent appraiser selected by the
20 Secretary; and

21 (2) in accordance with the Uniform Appraisal
22 Standards for Federal Land Acquisitions and the
23 Uniform Standards of Professional Appraisal Prac-
24 tice.

25 (e) CASH EQUALIZATION PAYMENTS.—

1 (1) TO THE SECRETARY.—If the value of the
2 property interests described in subsection (a) is
3 greater than the value of the property interests de-
4 scribed in subsection (b), the values shall be equal-
5 ized through either of the following or a combination
6 thereof:

7 (A) A cash equalization payment from the
8 College to the Department of the Navy.

9 (B) In-kind consideration provided by the
10 College, which may include the acquisition, con-
11 struction, provision, improvement, maintenance,
12 repair, or restoration (including environmental
13 restoration), or combination thereof, of any fa-
14 cilities or infrastructure, or delivery of services
15 relating to the needs of Marine Corps Reserve
16 Training Center Omaha.

17 (2) NO EQUALIZATION.—If the value of the
18 property interests described in subsection (b) is
19 greater than the value of the property interests de-
20 scribed in subsection (a), the Secretary may not
21 make a cash equalization payment to equalize the
22 values.

23 (f) PAYMENT OF COSTS OF CONVEYANCE.—

24 (1) PAYMENT REQUIRED.—The Secretary of
25 the Navy shall require the College to pay all costs

1 to be incurred by the Secretary to carry out the ex-
2 change of property interests under this section, in-
3 cluding such costs related to land survey, environ-
4 mental documentation, real estate due diligence such
5 as appraisals, and any other administrative costs re-
6 lated to the exchange of property interests, including
7 costs incurred preparing and executing a land ex-
8 change agreement authorized under subsection (c).
9 If amounts are collected from the College in advance
10 of the Secretary incurring the actual costs and the
11 amount collected exceeds the costs actually incurred
12 by the Secretary to carry out the exchange of prop-
13 erty interests, the Secretary shall refund the excess
14 amount to the College.

15 (2) TREATMENT OF AMOUNTS RECEIVED.—
16 Amounts received by the Secretary of the Navy
17 under paragraph (1) shall be used in accordance
18 with section 2695(c) of title 10, United States Code.

19 (g) DESCRIPTION OF PROPERTY.—The exact acreage
20 and legal description of the property interests to be ex-
21 changed under this section shall be determined by surveys
22 that are satisfactory to the Secretary of the Navy.

23 (h) CONVEYANCE AGREEMENT.—The exchange of
24 real property interests under this section shall be accom-
25 plished using an appropriate legal instrument and upon

1 terms and conditions mutually satisfactory to the Sec-
2 retary of the Navy and the College, including such addi-
3 tional terms and conditions as the Secretary considers ap-
4 propriate to protect the interests of the United States.

5 (i) EXEMPTION FROM SCREENING REQUIREMENTS
6 FOR ADDITIONAL FEDERAL USE.—The authority under
7 this section is exempt from the screening process required
8 under section 2696(b) of title 10, United States Code.

9 **Subtitle G—Miscellaneous Studies** 10 **and Reports**

11 **SEC. 2861. FFRDC STUDY ON PRACTICES WITH RESPECT TO** 12 **DEVELOPMENT OF MILITARY CONSTRUCTION** 13 **PROJECTS.**

14 (a) STUDY REQUIRED.—Not later than 90 days after
15 the date of the enactment of this Act, the Secretary of
16 Defense shall seek to enter into an agreement with a fed-
17 erally funded research and development center for the con-
18 duct of a study on the practices of the Department of De-
19 fense with respect to the development of military construc-
20 tion projects.

21 (b) ELEMENTS.—An agreement under subsection (a)
22 shall specify that the study conducted pursuant to the
23 agreement shall address each of the following:

24 (1) Practices with respect to adoption of United
25 Facilities Criteria changes and their inclusion into

1 advanced planning, DD form 1391 budget justifica-
2 tions, and planning and design.

3 (2) Practices with respect to how sustainable
4 materials, such as mass timber and low carbon con-
5 crete, are assessed and included in advanced plan-
6 ning, DD form 1391 budget justifications, and plan-
7 ning and design.

8 (3) Barriers to incorporating innovative tech-
9 niques, including 3D printed building techniques.

10 (4) Whether the Strategic Environmental Re-
11 search and Development Program or the Environ-
12 mental Security Technology Certification Program
13 could be used to validate such materials and tech-
14 niques to provide the Army Corps of Engineers and
15 the Naval Facilities Engineering Systems Command
16 with confidence in the use of such materials and
17 techniques.

18 (c) REPORT TO CONGRESS.—Not later than 60 days
19 after the completion of a study pursuant to an agreement
20 under subsection (a), the Secretary of Defense shall sub-
21 mit to the congressional defense committees a report on
22 the results of the study.

1 **SEC. 2862. FEASIBILITY STUDY FOR BLUE GRASS CHEM-**
2 **ICAL AGENT-DESTRUCTION PILOT PLANT.**

3 (a) STUDY.—The Secretary of Defense, in consulta-
4 tion with the Secretary of the Army, shall conduct a feasi-
5 bility study to assess potential missions, plants, or indus-
6 tries feasible for Army or Department of Defense needs
7 at the Blue Grass Chemical Agent-Destruction Pilot Plant
8 following the demolition and remediation of the Blue
9 Grass Chemical Agent-Destruction Pilot Plant located at
10 the Blue Grass Army Depot in Richmond, Kentucky. The
11 study shall include the following:

12 (1) Identification of any buildings and infra-
13 structure in the Blue Grass Chemical Agent-De-
14 struction Pilot Plant that could remain for future
15 Army or Department of Defense use.

16 (2) Cost savings associated with repurposing
17 existing infrastructure for Army or Department of
18 Defense purposes.

19 (3) Opportunities to fulfil requirements for de-
20 fense organic industrial base operations.

21 (4) Opportunities to fulfil requirements of
22 Army Materiel Command strategic planning, includ-
23 ing ammunition production.

24 (5) Opportunities to fulfil Army or Department
25 of Defense modernization requirements.

1 (b) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary shall submit
3 to Congress a report on the study conducted under sub-
4 section (a).

5 **SEC. 2863. COMPTROLLER GENERAL ASSESSMENT OF MILI-**
6 **TARY CONSTRUCTION, MAINTENANCE, AND**
7 **UPGRADES OF JOINT BASE INFRASTRUC-**
8 **TURE AND FACILITIES.**

9 (a) IN GENERAL.—The Comptroller General of the
10 United States shall conduct an assessment of possible in-
11 equitable prioritization of military construction, mainte-
12 nance, and upgrades of joint base infrastructure and fa-
13 cilities, with a focus on facilities as they relate to subordi-
14 nate components relative to the supporting component on
15 joint bases.

16 (b) ELEMENTS.—The assessment required by sub-
17 section (a) shall include the following elements:

18 (1) Historical analysis of investments made in
19 infrastructure used by supported components, in-
20 cluding allocation of new infrastructure spending be-
21 tween supported and supporting components.

22 (2) The policies and procedures at the depart-
23 mental and installation level designed to ensure the
24 proper sustainment, restoration, modernization, re-

1 capitalization, new construction, and demolition of
2 infrastructure used by supported components.

3 (3) Efforts to address the priorities of the sup-
4 ported components through military construction
5 and facility upgrades.

6 (4) Potential benefits of using the supported
7 components' service-specific construction agents for
8 major infrastructure investments.

9 **SEC. 2864. REPORT ON UNDERGROUND TUNNELS AND FA-**
10 **CILITIES IN HAWAII.**

11 (a) REQUIREMENTS SURVEY.—Not later than 120
12 days after the date of the enactment of this Act, the As-
13 sistant Secretary of Defense for Sustainment shall submit
14 to the congressional defense committees a report con-
15 taining the results of a survey of underground tunnels and
16 facilities on Department of Defense property located in
17 Hawaii, and such report shall include—

18 (1) a description of the location, size, and con-
19 dition of underground tunnels and facilities cur-
20 rently in use;

21 (2) a description of the location, size, and con-
22 dition of unused underground tunnels and facilities;

23 (3) a description of any current proposed future
24 uses for each of the unused underground tunnels
25 and facilities, if any;

1 (4) a summary of existing unmet requirements
2 for hardened underground facilities for each service;
3 and

4 (5) efforts to coordinate across the services the
5 assessments and potential future use of hardened
6 underground facilities.

7 (b) FORM.—The survey required under subsection (a)
8 shall be submitted in unclassified form, but shall include
9 a classified annex to include all information responsive to
10 the study directive that is classified.

11 **SEC. 2865. COMPTROLLER GENERAL REPORT ON COMMU-**
12 **NITY ENGAGEMENT ACTIVITIES AT MILITARY**
13 **INSTALLATIONS IN FOREIGN COUNTRIES.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Comptroller General of the United
16 States shall submit to the congressional defense commit-
17 tees a report containing the results of a study conducted
18 by the Comptroller General on community engagement ac-
19 tivities at military installations located in foreign coun-
20 tries. The report shall address the following:

21 (1) The programs and processes that exist at
22 military installations located in foreign countries to
23 manage relationships with the local community.

24 (2) Whether existing programs and authorities
25 are effective at fostering positive community rela-

(3) An identification of any authorities or changes to existing programs that could help the Department of Defense improve relationships with local communities at military installations located in foreign countries.

11 Not later than 180 days after the date of the enact-
12 ment of this Act, the Secretary of Defense shall submit
13 to the congressional defense committees a report con-
14 taining the following information:

(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,

1 and distinction by increasing the number of military
2 installations, infrastructure, vessels, and weapon sys-
3 tems named after deserving African American mem-
4 bers of the Armed Forces.

5 **SEC. 2867. REPORT ON CAPACITY OF DEPARTMENT OF DE-**
6 **FENSE TO PROVIDE SURVIVORS OF NATURAL**
7 **DISASTERS WITH EMERGENCY SHORT-TERM**
8 **HOUSING.**

9 Not later than 220 days after the date of the enact-
10 ment of this Act, the Secretary of Defense shall submit
11 to the congressional defense committees a report analyzing
12 the capacity of the Department of Defense to provide sur-
13 vivors of natural disasters with emergency short-term
14 housing.

15 **SEC. 2868. DIRECTING THE SECRETARY OF DEFENSE TO**
16 **DELIVER A BRIEFING ON HOUSING WITH RE-**
17 **SPECT TO JUNIOR MEMBERS OF THE ARMED**
18 **FORCES.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Secretary of Defense shall deliver
21 a briefing on the housing realities, difficulties, and needs
22 facing junior members of the Armed Forces to the Com-
23 mittee on Armed Services of the House of Representatives.
24 The briefing shall include:

1 (1) An overview of the available on-base hous-
2 ing stock, military services' and individual bases'
3 housing requirements and practices, as well as other
4 possible options for housing junior members of the
5 Armed Forces.

6 (2) An outline of Department plans for identi-
7 fying installations with a shortage of on-base or off-
8 base housing for junior enlisted members of the
9 Armed Forces and plans to address any shortages in
10 order to enable bases to house their junior members
11 of the Armed Forces more productively, cost-effec-
12 tively, and safely, with an eye to quality of life and
13 force readiness.

14 (3) Any other information the Secretary deter-
15 mines to be relevant.

16 **SEC. 2869. REPORTING ON LEAD SERVICE LINES AND LEAD**
17 **PLUMBING.**

18 (a) INITIAL REPORT.—Not later than one year after
19 the date of the enactment of this Act, the Under Secretary
20 of Defense for Acquisition and Sustainment shall submit
21 to the congressional defense committees a report that in-
22 cludes—

23 (1) a description of the state of lead service
24 lines and lead plumbing on military installations,
25 military housing, and privatized military housing;

1 (2) an evaluation of whether military installa-
 2 tions, military housing, and privatized military hous-
 3 ing are in compliance with the standards established
 4 in the Lead and Copper rule and, if not, an identi-
 5 fication of the areas of non-compliance; and

6 (3) an identification of steps and resources
 7 needed to remove remaining lead service lines and
 8 lead plumbing in military installations and housing.

9 (b) INCLUSION OF INFORMATION IN ANNUAL RE-
 10 PORT.—The Secretary shall include in the Defense Envi-
 11 ronmental Programs annual report for each year after the
 12 year in which the initial report is submitted information
 13 on the compliance of Department of Defense facilities and
 14 housing with the Lead and Copper Rule.

15 **Subtitle H—Other Matters**

16 **SEC. 2871. DEFENSE COMMUNITY INFRASTRUCTURE PRO-** 17 **GRAM.**

18 Section 2391(e)(4)(A)(i) of title 10, United States
 19 Code, is amended by inserting “or on property subject to
 20 a real estate agreement with a military installation, includ-
 21 ing a lease or easement” after “installation”.

1 **SEC. 2872. INCLUSION IN DEFENSE COMMUNITY INFRA-**
2 **STRUCTURE PILOT PROGRAM OF CERTAIN**
3 **PROJECTS FOR ROTC TRAINING.**

4 Section 2391 of title 10, United States Code, is fur-
5 ther amended—

6 (1) in subsection (d)(1)(B)—

7 (A) by redesignating clauses (ii) and (iii)
8 as clauses (iii) and (iv), respectively; and

9 (B) by inserting after clause (i) the fol-
10 lowing new clause (ii):

11 “(ii) Projects that will contribute to the train-
12 ing of cadets enrolled in an independent Reserve Of-
13 ficer Training Corps program at a covered edu-
14 cational institution.”; and

15 (2) in subsection (e), by adding at the end the
16 following new paragraph:

17 “(6) The term ‘covered educational institution’
18 means a college or university that is—

19 “(A) a part B institution, as defined in
20 section 322 of the Higher Education Act of
21 1965 (20 U.S.C. 1061);

22 “(B) an 1890 Institution, as defined in
23 section 2 of the Agricultural Research, Exten-
24 sion, and Education Reform Act of 1998 (7
25 U.S.C. 7601);

26 “(C) not affiliated with a consortium; and

1 “(D) located at least 40 miles from a
2 major military installation.”.

3 **SEC. 2873. BASING DECISION SCORECARD CONSISTENCY**
4 **AND TRANSPARENCY.**

5 Section 2883(h) of the Military Construction Author-
6 ization Act for Fiscal Year 2021 (Public Law 116–283;
7 10 U.S.C. 1781b note) is amended by adding at the end
8 the following new paragraphs:

9 “(4) COORDINATION WITH SECRETARY OF DE-
10 FENSE.—In establishing a scorecard under this sub-
11 section, the Secretary of the military department
12 concerned shall coordinate with the Secretary of De-
13 fense to ensure consistency among the military de-
14 partments.

15 “(5) PUBLICATION IN FEDERAL REGISTER.—
16 The methodology and criteria for establishing each
17 scorecard under this subsection shall be published in
18 the Federal Register for public comment.”.

19 **SEC. 2874. LEASE OR USE AGREEMENT FOR CATEGORY 3**
20 **SUBTERRANEAN TRAINING FACILITY.**

21 (a) IN GENERAL.—The Secretary of Defense shall
22 seek to enter into a lease or use agreement with a category
23 3 subterranean training facility that—

24 (1) is located in close proximity to air assault
25 and special forces units; and

1 (2) has the capacity to—

2 (A) provide brigade or large full-mission
3 profile training;

4 (B) rapidly replicate full-scale underground
5 venues;

6 (C) support helicopter landing zones; and

7 (D) support underground live fire.

8 (b) USE OF FACILITY.—A lease or use agreement en-
9 tered into pursuant to subsection (a) shall provide that
10 the category 3 subterranean training facility shall be avail-
11 able for—

12 (1) the hosting of training and testing exercises
13 for—

14 (A) for members of the Armed Forces, in-
15 cluding special operations forces;

16 (B) personnel of combat support agencies,
17 including the Defense Threat Reduction Agen-
18 cy; and

19 (C) such other personnel as the Secretary
20 of Defense determines appropriate; and

21 (2) for such other purposes as the Secretary of
22 Defense determines appropriate.

23 (c) DURATION.—The duration of any lease or use
24 agreement entered into pursuant to subsection (a) shall
25 be for a period of not less than 5 years.

1 (d) CATEGORY 3 SUBTERRANEAN TRAINING FACIL-
2 ITY DEFINED.—In this section, the term “category 3 sub-
3 terranean training facility” means an underground struc-
4 ture designed and built—

5 (1) to be unobserved and to provide maximum
6 protection; and

7 (2) to serve as a command and control, oper-
8 ations, storage, production, and protection facility.

9 **SEC. 2875. REQUIRED CONSULTATION WITH STATE AND**
10 **LOCAL ENTITIES ON ISSUES RELATED TO IN-**
11 **CREASE IN NUMBER OF MILITARY PER-**
12 **SONNEL AT MILITARY INSTALLATIONS.**

13 If any decision of the Secretary of Defense or the Sec-
14 retary of a military department would result in a signifi-
15 cant increase in the number of members of the Armed
16 Forces assigned to a military installation, the Secretary
17 of Defense or the Secretary of the military department
18 concerned, during the development of the plans to imple-
19 ment the decision with respect to that installation, shall
20 consult with appropriate State and local entities to ensure
21 that matters affecting the local community, including re-
22 quirements for transportation, utility infrastructure, hous-
23 ing, education, and family support activities, are consid-
24 ered.

1 **SEC. 2876. REQUIRED INVESTMENTS IN IMPROVING CHILD**
2 **DEVELOPMENT CENTERS.**

3 (a) INVESTMENTS IN CHILD DEVELOPMENT CEN-
4 TERS.—Of the total amount authorized to be appropriated
5 for the Department of Defense for Facilities Sustainment,
6 Restoration, and Modernization activities of a military de-
7 partment, the Secretary of that military department shall
8 reserve the following amounts of the estimated replace-
9 ment cost of the total inventory of child development cen-
10 ters under the jurisdiction of that Secretary for the pur-
11 pose of carrying out projects for the improvement of child
12 development centers:

13 (1) An amount equal to one percent of such
14 cost for fiscal year 2023.

15 (2) An amount equal to two percent of such
16 cost for fiscal year 2024.

17 (3) An amount equal to three percent of such
18 cost for fiscal year 2025.

19 (4) An amount equal to five percent or such
20 cost for fiscal year 2026.

21 (b) CHILD DEVELOPMENT CENTER DEFINED.—The
22 term “child development center” has meaning given the
23 term “military child development center” in section
24 1800(1) of title 10, United States Code.

1 **SEC. 2877. LIMITATION ON USE OF FUNDS FOR CLOSURE**
2 **OF COMBAT READINESS TRAINING CENTERS.**

3 (a) IN GENERAL.—None of the funds authorized to
4 be appropriated by this Act or otherwise made available
5 for fiscal year 2023 for the Air Force may be obligated
6 or expended to close, or prepare to close, any combat read-
7 iness training center.

8 (b) WAIVER.—The Secretary of the Air Force may
9 waive the limitation under subsection (a) with respect to
10 a combat readiness training center, if the Secretary sub-
11 mits to the congressional defense committees each of the
12 following:

13 (1) A certification that—

14 (A) the closure of the center would not be
15 in violation of section 2687 of title 10, United
16 States Code; and

17 (B) the support capabilities provided by
18 the center will not be diminished as a result of
19 the closure of the center.

20 (2) A report that includes—

21 (A) a detailed business case analysis for
22 the closure of the center; and

23 (B) an assessment of the effects the clo-
24 sure of the center would have on unit training,
25 including active duty units that may use the
26 center.

1 **SEC. 2878. PILOT PROGRAM ON USE OF MASS TIMBER IN**
2 **MILITARY CONSTRUCTION PROJECTS.**

3 (a) IN GENERAL.—The Secretary of each of the mili-
4 tary departments shall carry out a pilot program to evalu-
5 ate how the use of mass timber as the primary construc-
6 tion material in military construction projects affects the
7 environmental sustainability, infrastructure resilience,
8 cost effectiveness, and construction timeliness of such
9 projects. The Secretary of a military department may
10 carry out a military construction project under the pilot
11 program using the authorities available to the Secretary
12 of Defense under section 2914 of title 10, United States
13 Code, regarding military construction projects for energy
14 resilience, energy security, and energy conservation.

15 (b) PROJECT SELECTION AND LOCATION.—

16 (1) MINIMUM NUMBER.—Each Secretary of a
17 military department shall carry out at least one mili-
18 tary construction project under the pilot program.

19 (2) PROJECT LOCATIONS.—The pilot program
20 shall be conducted at military installations in the
21 United States—

22 (A) that are identified as vulnerable to ex-
23 treme weather events; and

24 (B) for which a military construction
25 project is authorized but a request for proposal
26 has not been released.

1 (3) MILITARY UNACCOMPANIED HOUSING.—In
2 selecting military construction projects for the pilot
3 program, the Secretaries of the military departments
4 shall coordinate to ensure that at least one of the
5 projects involves the construction of military unac-
6 panied housing.

7 (c) REPORTS.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, and
10 every 180 days thereafter until December 31, 2025,
11 the Secretaries of the military departments shall
12 jointly submit to the congressional defense commit-
13 tees a report on the progress of the pilot program.

14 (2) ELEMENTS.—Each report required under
15 paragraph (1) shall include each of the following:

16 (A) A description of the status of the mili-
17 tary construction projects selected to be con-
18 ducted under the pilot program.

19 (B) An explanation of the reasons for the
20 selection of such military construction projects.

21 (C) An analysis of the projected or actual
22 carbon footprint, including stored carbon in
23 building materials, resilience to extreme weath-
24 er events, construction timeliness, and cost ef-
25 fectiveness, of the military construction projects

1 conducted under the pilot program using mass
2 timber as compared to other materials histori-
3 cally used in military construction.

4 (D) Any updated guidance the Under Sec-
5 retary of Defense for Acquisition and
6 Sustainment has released in relation to the pro-
7 curement policy for future military construction
8 projects based on comparable benefits realized
9 from use of mass timber, including guidance on
10 prioritizing sustainable materials in establishing
11 evaluation criteria for military construction
12 project contracts when technically feasible.

13 (d) MASS TIMBER DEFINED.—In this section, the
14 term “mass timber” means any of the following:

- 15 (1) Cross-laminated timber.
- 16 (2) Nail-laminated timber.
- 17 (3) Glue-laminated timber.
- 18 (4) Laminated strand lumber.
- 19 (5) Laminated veneer lumber,

20 (e) TERMINATION.—The authority of the Secretary
21 of a military department to carry out a military construc-
22 tion project under this section shall expire on September
23 30, 2025. Any construction commenced under the pilot
24 program before such date may continue until completion.

1 **SEC. 2879. CONTRIBUTIONS FOR CLIMATE RESILIENCE FOR**
2 **NORTH ATLANTIC TREATY ORGANIZATIONS**
3 **SECURITY INVESTMENT.**

4 Section 2806(a) of title 10, United States Code, is
5 amended by striking “and construction” and inserting
6 “construction, and climate resilience”.

7 **SEC. 2880. SCREENING AND REGISTRY OF INDIVIDUALS**
8 **WITH HEALTH CONDITIONS RESULTING**
9 **FROM UNSAFE HOUSING UNITS.**

10 (a) IN GENERAL.—Subchapter V of chapter 169 of
11 title 10, United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 2895. Screening and registry of individuals with**
14 **health conditions resulting from unsafe**
15 **housing units**

16 “(a) SCREENING.—(1) The Secretary of Defense, in
17 consultation with appropriate scientific agencies as deter-
18 mined by the Secretary, may ensure that all military med-
19 ical treatment facilities screen eligible individuals for cov-
20 ered conditions and covered lead exposure.

21 “(2) The Secretary may establish procedures through
22 which screening under paragraph (1) may allow an eligible
23 individual to be included in the registry under subsection
24 (b).

1 “(b) REGISTRY.—(1) The Secretary of Defense shall
2 establish and maintain a registry of eligible individuals
3 who have a covered condition.

4 “(2) The Secretary shall include any information in
5 the registry under paragraph (1) that the Secretary deter-
6 mines necessary to ascertain and monitor the health of
7 eligible individuals and the connection between the health
8 of such individuals and an unsafe housing unit.

9 “(3) The Secretary shall develop a public information
10 campaign to inform eligible individuals about the registry
11 under paragraph (1), including how to register and the
12 benefits of registering.

13 “(c) DEFINITIONS.—In this section:

14 “(1) The term ‘covered armed force’ means the
15 following:

16 “(A) The Army.

17 “(B) The Navy.

18 “(C) The Marine Corps.

19 “(D) The Air Force.

20 “(E) The Space Force.

21 “(2) The term ‘covered condition’ means a med-
22 ical condition that is determined by the Secretary of
23 Defense to have resulted from residing in an unsafe
24 housing unit.

1 “(3) The term ‘covered lead exposure’ means
2 lead exposure that is determined by the Secretary of
3 Defense to have resulted from residing in an unsafe
4 housing unit.

5 “(4) The term ‘eligible individual’ means a
6 member of a covered armed force or a family mem-
7 ber of a member of a covered armed force who has
8 resided in an unsafe housing unit.

9 “(5) The term ‘unsafe housing unit’ means a
10 dwelling unit that—

11 “(A) does not meet the housing quality
12 standards established under section 8(o)(8)(B)
13 of the United States Housing Act of 1937 (42
14 U.S.C. 1437f(o)(8)(B)); or

15 “(B) is not free from dangerous air pollu-
16 tion levels from mold.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such subchapter is amended by insert-
19 ing after the item relating to section 2894a the following
20 new item:

 “2895. Screening and registry of individuals with health conditions resulting
 from unsafe housing units.”.

1 **SEC. 2881. RECOGNITION OF MEMORIAL, MEMORIAL GAR-**
2 **DEN, AND K9 MEMORIAL OF THE NATIONAL**
3 **NAVY UDT-SEAL MUSEUM IN FORT PIERCE,**
4 **FLORIDA, AS A NATIONAL MEMORIAL, MEMO-**
5 **RIAL GARDEN, AND K9 MEMORIAL, RESPEC-**
6 **TIVELY, OF NAVY SEALS AND THEIR PREDE-**
7 **CESSORS.**

8 The Memorial, Memorial Garden, and K9 Memorial
9 of the National Navy UDT-SEAL Museum, located at
10 3300 North Highway A1A, North Hutchinson Island, in
11 Fort Pierce, Florida, are recognized as a national memo-
12 rial, memorial garden, and K9 memorial, respectively, of
13 Navy SEALs and their predecessors.

14 **SEC. 2882. ENSURING THAT CONTRACTOR EMPLOYEES ON**
15 **ARMY CORPS PROJECTS ARE PAID PRE-**
16 **VAILING WAGES AS REQUIRED BY LAW.**

17 The Assistant Secretary of the Army for Civil Works
18 shall provide to each Army Corps district clarifying, uni-
19 form guidance with respect to prevailing wage require-
20 ments for contractors and subcontractors of the Army
21 Corps that—

22 (1) conforms with the Department of Labor’s
23 regulations, policies, and guidance with respect to
24 the proper implementation and enforcement of sub-
25 chapter IV of chapter 31 of title 40, United States
26 Code (commonly known as the “Davis-Bacon Act”)

1 and other related Acts, including the proper classi-
2 fication of all crafts by Federal construction contrac-
3 tors and subcontractors;

4 (2) directs Army Corps districts to investigate
5 worker complaints and third-party complaints within
6 30 days of the date of filing; and

7 (3) instructs Army Corps districts that certified
8 payroll reports submitted by contractors and sub-
9 contractors and the information contained therein
10 shall be publicly available and are not exempt from
11 disclosure under section 552(b) of title 5, United
12 States Code.

13 **SEC. 2883. INCLUSION OF CLIMATE RESILIENCE SERVICES**
14 **IN THE COMBATANT COMMANDER INITIA-**
15 **TIVE FUND.**

16 Section 166a(b) of title 10, United States Code, is
17 amended by adding at the end the following new para-
18 graphs:

19 “(11) Climate resilience of military installations
20 and essential civilian infrastructure.

21 “(12) Military support to civilian and military
22 authorities to combat illegal wildlife trafficking, ille-
23 gal timber trafficking, and illegal, unreported, or un-
24 regulated fishing.”.

1 **SEC. 2884. INTERAGENCY REGIONAL COORDINATOR FOR**
2 **RESILIENCE PILOT PROJECT.**

3 (a) PILOT PROJECT.—The Secretary of Defense shall
4 carry out a pilot program under which the Secretary shall
5 establish within the Department of Defense four Inter-
6 agency Regional Coordinators. Each Interagency Regional
7 Coordinator shall be responsible for improving the resil-
8 ience of a community that supports a military installation
9 and serving as a model for enhancing community resilience
10 before disaster strikes.

11 (b) SELECTION.—Each Interagency Regional Coordi-
12 nator shall support military installations and surrounding
13 communities within a geographic area, with at least one
14 such Coordinator serving each of the East, West, and Gulf
15 coasts. For purposes of the project, the Secretary shall
16 select geographic areas—

17 (1) with significant sea level rise and recurrent
18 flooding that prevents members of the Armed Forces
19 from reaching their posts or jeopardizes military
20 readiness; and

21 (2) where communities have collaborated on
22 multi-jurisdictional climate adaptation planning ef-
23 forts, including such collaboration with the Army
24 Corps of Engineers Civil Works Department and
25 through Joint Land Use Studies.

(c) COLLABORATION.—In carrying out the pilot project, the Secretary shall build on existing efforts through collaboration with State and local entities, including emergency management, transportation, planning, housing, community development, natural resource managers, and governing bodies and with the heads of appropriate Federal departments and agencies.

TITLE XXIX—SCIENCE AND TECHNOLOGY MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Army may acquire real property and carry out the military construction projects for the installations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

Country	Installation	Amount
Alabama	Redstone Arsenal	\$50,000,000
Maryland	Aberdeen	\$85,000,000
Mississippi	Vicksburg	\$20,000,000
New Jersey	Picatinny Arsenal	\$12,000,000

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECT.

The Secretary of the Navy may acquire real property and carry out the military construction project for the installation inside the United States, and in the amount, set forth in the following table:

Navy: Inside the United States

Country	Installation	Amount
California	Corona	\$15,000,000
Maryland	Carderock	\$2,073,000
	Indian Head	\$8,039,000
Virginia	Dahlgren	\$2,503,000

1 **SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND**
2 **LAND ACQUISITION PROJECTS.**

3 The Secretary of the Air Force may acquire real
4 property and carry out the military construction projects
5 for the installations inside the United States, and in the
6 amounts, set forth in the following table:

Air Force: Inside the United States

Country	Installation	Amount
Hawaii	AFRL Maui	\$89,000,000
New York	AFRL Rome	\$4,200,000

7 **SEC. 2904. AUTHORIZATION OF APPROPRIATIONS.**

8 Funds are hereby authorized to be appropriated for
9 fiscal years beginning after September 30, 2022, for the
10 military construction projects inside the United States au-
11 thorized by this title as specified in the funding table in
12 section 4601.

1 **DIVISION C—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **AUTHORIZATIONS AND**
4 **OTHER AUTHORIZATIONS**
5 **TITLE XXXI—DEPARTMENT OF**
6 **ENERGY NATIONAL SECURITY**
7 **PROGRAMS**
8 **Subtitle A—National Security**
9 **Programs and Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
11 **TION.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are hereby authorized to be appropriated to the Depart-
14 ment of Energy for fiscal year 2023 for the activities of
15 the National Nuclear Security Administration in carrying
16 out programs as specified in the funding table in section
17 4701.

18 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
19 From funds referred to in subsection (a) that are available
20 for carrying out plant projects, the Secretary of Energy
21 may carry out new plant projects for the National Nuclear
22 Security Administration as follows:

23 Project 23–D–516, Energetic Materials Charac-
24 terization Facility, Los Alamos National Laboratory,
25 Los Alamos, New Mexico, \$19,000,000.

1 Project 23–D–517, Electrical Power Capacity
2 Upgrade, Los Alamos National Laboratory, Los Ala-
3 mos, New Mexico, \$24,000,000.

4 Project 23–D–518, Plutonium Modernization
5 Operations & Waste Management Office Building,
6 Los Alamos National Laboratory, Los Alamos, New
7 Mexico, \$48,500,000.

8 Project 23–D–519, Special Materials Facility,
9 Y–12 National Security Complex, Oak Ridge, Ten-
10 nessee, \$49,500,000.

11 Project 23–D–533, Component Test Complex
12 Project, Bettis Atomic Power Laboratory, West
13 Mifflin, Pennsylvania, \$57,420,000.

14 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
16 are hereby authorized to be appropriated to the Depart-
17 ment of Energy for fiscal year 2023 for defense environ-
18 mental cleanup activities in carrying out programs as
19 specified in the funding table in section 4701.

20 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
21 From funds referred to in subsection (a) that are available
22 for carrying out plant projects, the Secretary of Energy
23 may carry out, for defense environmental cleanup activi-
24 ties, the following new plant projects:

1 Project 23–D–402, Calcine Construction, Idaho
2 National Laboratory, Idaho Falls, Idaho,
3 \$10,000,000.

4 Project 23–D–403, Hanford 200 West Area
5 Tank Farms Risk Management Project, Office of
6 River Protection, Richland, Washington,
7 \$45,000,000.

8 Project 23–D–404, 181D Export Water System
9 Reconfiguration and Upgrade, Hanford Site, Rich-
10 land, Washington, \$6,770,000.

11 Project 23–D–405, 181B Export Water System
12 Reconfiguration and Upgrade, Hanford Site, Rich-
13 land, Washington, \$480,000.

14 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

15 Funds are hereby authorized to be appropriated to
16 the Department of Energy for fiscal year 2023 for other
17 defense activities in carrying out programs as specified in
18 the funding table in section 4701.

19 **SEC. 3104. NUCLEAR ENERGY.**

20 Funds are hereby authorized to be appropriated to
21 the Department of Energy for fiscal year 2023 for nuclear
22 energy as specified in the funding table in section 4701.

1 **Subtitle B—Program Authoriza-**
2 **tions, Restrictions, Limitations,**
3 **and Other Matters**

4 **SEC. 3111. PLUTONIUM PIT PRODUCTION CAPACITY.**

5 (a) FINDING.—Congress finds that the National Nu-
6 clear Security Administration and the Nuclear Weapons
7 Council have acknowledged that producing 80 war reserve
8 plutonium pit per year by 2030 is not achievable.

9 (b) REQUIREMENT.—Subsection (a) of section 4219
10 of the Atomic Energy Defense Act (50 U.S.C. 2538a) is
11 amended to read as follows:

12 “(a) PRODUCTION.—

13 “(1) REQUIREMENT.—The Secretary of Energy
14 shall produce the annual number of war reserve plu-
15 tonium pits that the Secretary of Defense identifies
16 as a requirement of the Department of Defense.

17 “(2) CAPACITY.—In carrying out paragraph
18 (1), the Secretary of Energy shall—

19 “(A) ensure that Los Alamos National
20 Laboratory, Los Alamos, New Mexico, has the
21 ability to—

22 “(i) produce 30 war reserve plutonium
23 pits during any year that the Secretary of
24 Defense identifies such production amount

1 as a requirement of the Department of De-
2 fense; and

3 “(ii) implement surge efforts to
4 produce more than 30 war reserve pluto-
5 nium pits during any year that the Secre-
6 taries identifies such production amount as
7 a requirement of the Department of De-
8 fense;

9 “(B) ensure that the Savannah River Plu-
10 tonium Processing Facility at the Savannah
11 River Site, Aiken, South Carolina, has a sus-
12 tainable ability to—

13 “(i) produce 50 war reserve plutonium
14 pits during any year the Secretary of De-
15 fense identifies such production amount as
16 a requirement of the Department of De-
17 fense; and

18 “(ii) implement surge efforts to
19 produce more than 50 war reserve pluto-
20 nium pits during any year that the Secre-
21 taries identifies such production amount as
22 a requirement of the Department of De-
23 fense; and

24 “(C) maintain the Los Alamos National
25 Laboratory as the Plutonium Science and Pro-

1 duction Center of Excellence for the United
2 States.”.

3 (c) CERTIFICATIONS.—Such section is further
4 amended—

5 (1) by striking subsections (b) and (c);

6 (2) by redesignating subsections (d) through (f)
7 as subsections (c) through (e), respectively;

8 (3) by inserting after subsection (a) the fol-
9 lowing new subsection (b):

10 “(b) ANNUAL NOTIFICATIONS, CERTIFICATIONS, AND
11 PLANS.—

12 “(1) DEPARTMENT OF DEFENSE.—Not later
13 than March 1, 2023, and each year thereafter, the
14 Secretary of Defense shall notify the Secretary of
15 Energy and the appropriate congressional commit-
16 tees of the following:

17 “(A) The requirement of the Department
18 of Defense with respect to the total minimum
19 number of war reserve plutonium pits to be pro-
20 duced during the 10-year period following the
21 notification and a justification of the require-
22 ment.

23 “(B) The year, if any, in which not fewer
24 than 80 war reserve plutonium pits are needed

1 to be produced to meet the requirement of the
2 Department of Defense.

3 “(2) DEPARTMENT OF ENERGY.—Not later
4 than 30 days after the date on which the Secretary
5 of Energy receives a notification under paragraph
6 (1), the Secretary shall submit to the appropriate
7 congressional committees the following:

8 “(A) A certification of whether the pro-
9 grams and budget of the Secretary will enable
10 the nuclear security enterprise to meet the re-
11 quirements identified by the Secretary of De-
12 fense in the notification.

13 “(B) A plan by the Secretary of Energy to
14 meet such requirements, including an identifica-
15 tion of the number of war reserve plutonium
16 pits the Secretary will produce during each year
17 covered by the notification and a cost estimate
18 to meet such requirements.”; and

19 (4) by striking subsection (e), as so redesign-
20 nated, and inserting the following new subsection:

21 “(e) DEFINITIONS.—In this section:

22 “(1) The term ‘appropriate congressional com-
23 mittees’ means the following:

24 “(A) The congressional defense commit-
25 tees.

1 “(B) The Committee on Energy and Com-
2 merce of the House of Representatives and the
3 Committee on Energy and Natural Resources of
4 the Senate.

5 “(2) The term ‘covered project’ means—

6 “(A) the Savannah River Plutonium Proc-
7 essing Facility, Savannah River Site, Aiken,
8 South Carolina (Project 21–D–511); or

9 “(B) the Plutonium Pit Production
10 Project, Los Alamos National Laboratory, Los
11 Alamos, New Mexico (Project 21–D–512).”.

12 (d) CONFORMING REPEAL.—Section 3120 of the
13 John S. McCain National Defense Authorization Act for
14 Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2292)
15 is repealed.

16 (e) BRIEFING.—

17 (1) IN GENERAL.—Not later than 120 days
18 after the date of the enactment of this Act, the Ad-
19 ministrator for Nuclear Security shall submit to the
20 appropriate congressional committees a briefing that
21 assesses the options for partnering with covered en-
22 tities to seek cost efficiencies and mitigate supply
23 chain risks related to the production of plutonium
24 pits, including the production and integration of
25 glove boxes.

1 (2) COVERED ENTITIES DEFINED.—In this sub-
2 section, the term “covered entities” means entities
3 from private industry with expertise in advanced
4 manufacturing and production techniques related to
5 plutonium pits.

6 **SEC. 3112. NUCLEAR WARHEAD ACQUISITION PROCESS.**

7 (a) EXPANSION OF REPORTING AND CERTIFICATION
8 REQUIREMENTS.—Section 4223 of the Atomic Energy
9 Defense Act (50 U.S.C. 2538e), as amended by section
10 3114, is further amended as follows:

11 (1) By striking “the W93 nuclear weapon” each
12 place it appears and inserting “a covered nuclear
13 weapon”.

14 (2) By striking “a W93 nuclear weapon pro-
15 gram” each place it appears and inserting “a pro-
16 gram for that nuclear weapon”.

17 (3) In subsection (b)(2), by striking “for the
18 sub-surface ballistic nuclear (SSBN) force”.

19 (4) By striking subsection (d) and inserting the
20 following new subsection (d):

21 “(d) DEFINITIONS.—In this section:

22 “(1) The term ‘covered nuclear weapon’ means
23 the following:

24 “(A) The W93 nuclear weapon.

25 “(B) A modified nuclear weapon.

1 “(C) A new nuclear weapon.

2 “(2) The term ‘joint nuclear weapons life cycle’
3 has the meaning given that term in section 4220.

4 “(3) The terms ‘modified nuclear weapon’ and
5 ‘new nuclear weapon’ have the meaning given those
6 terms in section 4209.”.

7 (b) CONFORMING AMENDMENT.—Such Act is further
8 amended by striking the section heading for section 4223
9 and inserting the following (and conforming the table of
10 contents at the beginning of such Act accordingly): “**NU-**
11 **CLEAR WARHEAD ACQUISITION PROCESS**”.

12 **SEC. 3113. AUTHORIZED PERSONNEL LEVELS OF THE OF-**
13 **FICE OF THE ADMINISTRATOR.**

14 (a) MODIFICATION OF AUTHORIZED LEVELS.—Sub-
15 section (a) of section 3241A of the National Nuclear Secu-
16 rity Administration Act (50 U.S.C. 2441a) is amended to
17 read as follows:

18 “(a) FULL-TIME EQUIVALENT PERSONNEL LEV-
19 ELS.—

20 “(1) AUTHORIZED LEVEL.—For fiscal year
21 2023 and each fiscal year thereafter, the total num-
22 ber of employees of the Office of the Administrator
23 may not exceed 110 percent of the total number of
24 employees of the Office during the previous fiscal
25 year unless, during each fiscal year in which such

1 number is exceeded, the Administrator submits to
2 the congressional defense committees a report justi-
3 fying such excess.

4 “(2) NOTIFICATION OF TOTAL NUMBER.—Not
5 later than December 31, 2022, and each year there-
6 after, the Administrator shall notify the congres-
7 sional defense committees, the Committee on Energy
8 and Commerce of the House of Representatives, and
9 the Committee on Energy and Natural Resources of
10 the Senate of the total number of employees of the
11 Office of the Administrator during the previous fis-
12 cal year, broken down by the office in which the em-
13 ployees are assigned.”.

14 (b) REPORT.—Subsection (f) of such section is
15 amended to read as follows:

16 “(f) ANNUAL REPORT.—The Administrator shall in-
17 clude in the budget justification materials submitted to
18 Congress in support of the budget of the Administration
19 for each fiscal year (as submitted with the budget of the
20 President under section 1105(a) of title 31, United States
21 Code) a report containing the following information:

22 “(1) A projection of the expected number of
23 employees of the Office of the Administrator, as
24 counted under subsection (a), for the fiscal year cov-
25 ered by the budget justification materials and the

1 four subsequent fiscal years, broken down by the of-
2 fice in which the employees are projected to be as-
3 signed.

4 “(2) With respect to the most recent fiscal year
5 for which data is available—

6 “(A) the number of service support con-
7 tracts of the Administration and whether such
8 contracts are funded using program or program
9 direction funds;

10 “(B) the number of full-time equivalent
11 contractor employees working under each con-
12 tract identified under subparagraph (A);

13 “(C) the number of full-time equivalent
14 contractor employees described in subparagraph
15 (B) that have been employed under such a con-
16 tract for a period greater than two years;

17 “(D) with respect to each contract identi-
18 fied under subparagraph (A)—

19 “(i) identification of each appropria-
20 tions account that supports the contract;
21 and

22 “(ii) the amount obligated under the
23 contract during the fiscal year, listed by
24 each such account; and

1 “(E) with respect to each appropriations
2 account identified under subparagraph (D)(i),
3 the total amount obligated for contracts identi-
4 fied under subparagraph (A).”.

5 **SEC. 3114. MODIFICATION TO CERTAIN REPORTING RE-**
6 **QUIREMENTS.**

7 (a) REPORTS ON NUCLEAR WARHEAD ACQUISITION
8 PROCESS.—Section 4223 of the Atomic Energy Defense
9 Act (50 U.S.C. 2538e) is amended—

10 (1) in subsection (a)(2)(A), by striking “submit
11 to the congressional defense committees a plan” and
12 inserting “provide to the congressional defense com-
13 mittees a briefing on a plan”; and

14 (2) in subsection (b)—

15 (A) in paragraph (1), by striking “certify
16 to the congressional defense committees that”
17 and inserting “provide to the congressional de-
18 fense committees a briefing that includes cer-
19 tifications that—”; and

20 (B) in paragraph (2)—

21 (i) by inserting “, or provide to such
22 committees a briefing on,” after “a report
23 containing”; and

24 (ii) by inserting “or briefing, as the
25 case may be” after “date of the report”.

1 (b) REPORTS ON TRANSFERS OF CIVIL NUCLEAR
2 TECHNOLOGY.—Section 3136 of the National Defense
3 Authorization Act for Fiscal Year 2016 (42 U.S.C. 2077a)
4 is amended—

5 (1) by redesignating subsection (i) as subsection
6 (j); and

7 (2) by inserting after subsection (h) the fol-
8 lowing new subsection:

9 “(i) COMBINATION OF REPORTS.—The Secretary of
10 Energy may submit the annual reports required by sub-
11 sections (a), (d), and (e) as a single annual report, includ-
12 ing by providing portions of the information so required
13 as an annex to the single annual report.”.

14 (c) CONFORMING AMENDMENT.—Section 161 n. of
15 the Atomic Energy Act of 1954 (50 U.S.C. 2201(n)) is
16 amended by striking “section 3136(i) of the National De-
17 fense Authorization Act for Fiscal Year 2016 (42 U.S.C.
18 2077a(i)))” and inserting “section 3136 of the National
19 Defense Authorization Act for Fiscal Year 2016 (42
20 U.S.C. 2077a(j)))”.

1 **SEC. 3115. MODIFICATIONS TO LONG-TERM PLAN FOR**
2 **MEETING NATIONAL SECURITY REQUIRE-**
3 **MENTS FOR UNENCUMBERED URANIUM.**

4 (a) **TIMING.**—Subsection (a) of section 4221 of the
5 Atomic Energy Defense Act (50 U.S.C. 2538c) is amend-
6 ed—

7 (1) by striking “each even-numbered year
8 through 2026” and inserting “each odd-numbered
9 year through 2029”; and

10 (2) by striking “2065” and inserting “2070”.

11 (b) **PLAN REQUIREMENTS.**—Subsection (b) of such
12 section is amended—

13 (1) in paragraph (3), by inserting “through
14 2070” after “unencumbered uranium”;

15 (2) by redesignating paragraphs (4) through
16 (8) as paragraphs (5) through (9), respectively;

17 (3) by inserting after paragraph (3) the fol-
18 lowing new paragraph (4):

19 “(4) An assessment of current and projected
20 unencumbered uranium production by private indus-
21 try in the United States that could support future
22 defense requirements.”; and

23 (4) by striking paragraphs (8) and (9), as so
24 redesignated, and inserting the following new para-
25 graphs:

26 “(8) An assessment of—

1 “(A) whether, and if so when, additional
2 enrichment of uranium will be required to meet
3 national security requirements; and

4 “(B) the options the Secretary is consid-
5 ering to meet such requirements, including an
6 estimated cost and timeline for each option and
7 a description of any changes to policy or law
8 that the Secretary determines would be required
9 for each option.

10 “(9) An assessment of whether, and how, op-
11 tions to provide additional enriched uranium to meet
12 national security requirements could, as an addi-
13 tional benefit, contribute to the establishment of a
14 sustained domestic enrichment capacity and allow
15 the commercial sector of the United States to reduce
16 reliance on importing uranium from adversary coun-
17 tries.”.

18 (c) COMPTROLLER GENERAL REVIEW.—Such section
19 is further amended—

20 (1) by redesignating subsection (d) as sub-
21 section (e); and

22 (2) by inserting after subsection (c) the fol-
23 lowing new subsection:

24 “(d) COMPTROLLER GENERAL BRIEFING.—Not later
25 than 180 days after the date on which the congressional

1 defense committees receive each plan under subsection (a),
2 the Comptroller General of the United States shall provide
3 to the Committees on Armed Services of the House of
4 Representatives and the Senate a briefing that includes
5 an assessment of the plan.”.

6 **SEC. 3116. MODIFICATION OF MINOR CONSTRUCTION**
7 **THRESHOLD FOR PLANT PROJECTS.**

8 Section 4701(2) of the Atomic Energy Defense Act
9 (50 U.S.C. 2741(2)) is amended by striking
10 “\$25,000,000” and inserting “\$30,000,000”.

11 **SEC. 3117. PROHIBITION ON AVAILABILITY OF FUNDS TO**
12 **RECONVERT OR RETIRE W76-2 WARHEADS.**

13 (a) PROHIBITION.—Except as provided in subsection
14 (b), none of the funds authorized to be appropriated by
15 this Act or otherwise made available for fiscal year 2023
16 for the National Nuclear Security Administration may be
17 obligated or expended to reconvert or retire a W76-2 war-
18 head.

19 (b) WAIVER.—The Administrator for Nuclear Secu-
20 rity may waive the prohibition in subsection (a) if the Ad-
21 ministrator, in consultation with the Secretary of Defense,
22 and the Chairman of the Joint Chiefs of Staff, certifies
23 in writing to the congressional defense committees—

1 (1) that Russia and China do not possess naval
2 capabilities similar to the W76–2 warhead in the ac-
3 tive stockpiles of the respective country; and

4 (2) that the Department of Defense does not
5 have a valid military requirement for the W76–2
6 warhead.

7 **SEC. 3118. COMPTROLLER GENERAL STUDY ON NATIONAL**
8 **NUCLEAR SECURITY ADMINISTRATION MAN-**
9 **AGEMENT AND OPERATION CONTRACTING**
10 **PROCESS.**

11 (a) STUDY AND REPORT REQUIRED.—Not later than
12 180 days after the date of the enactment of this Act, the
13 Comptroller General of the United States shall—

14 (1) conduct a study to identify and assess the
15 process by which the Administrator for Nuclear Se-
16 curity awards management and operation contracts
17 for Kansas City National Security Campus, Law-
18 rence Livermore National Laboratory, Los Alamos
19 National Laboratory, Nevada National Security Site,
20 Y–12 National Security Complex, Pantex Plant,
21 Sandia National Laboratories, and Savannah River
22 Site; and

23 (2) submit to the Administrator, the Nuclear
24 Weapons Council, and the congressional defense
25 committees a report containing the findings of such

1 study and any recommendations that the Comp-
2 troller General identifies based on its analysis.

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

5 (1) An evaluation of the process by which man-
6 agement and operation contracts are awarded to
7 contractors for National Nuclear Security Adminis-
8 tration facilities.

9 (2) A detailed analysis of the impact that
10 transitioning to a new contractor has on the mission
11 and workforce of the National Nuclear Security Ad-
12 ministration, including an assessment of—

13 (A) costs incurred when a management
14 and operation contract is awarded and then
15 later canceled;

16 (B) cost estimates for the contract award
17 process; and

18 (C) any impact to the overall mission of
19 the facility.

20 (3) An identification of factors involved in the
21 awarding of the contract that could negatively affect
22 the workforce.

23 (4) A review of any recent successful protests
24 against the award of a management and operation
25 contract.

1 (5) Such other matters as may be determined
2 appropriate by the Comptroller General.

3 (c) BRIEFING.—Not later than 90 days after the date
4 on which the Administrator receives the report submitted
5 under subsection (a), the Administrator, in coordination
6 with the Nuclear Weapons Council, shall provide to the
7 congressional defense committees a briefing on any statu-
8 tory changes the Administrator determines necessary to
9 improve the management and operation contract awarding
10 process and to conduct the process in a more cost effective
11 manner.

12 **SEC. 3119. FUNDING FOR W80-4 LIFE EXTENSION PROGRAM.**

13 (a) INCREASE.—Notwithstanding the amounts set
14 forth in the funding tables in division D, the amount au-
15 thorized to be appropriated in section 3101 for the Na-
16 tional Nuclear Security Administration, as specified in the
17 corresponding funding table in section 4701, for Stockpile
18 Major Modernization, W80-4 Life Extension Program is
19 hereby increased by \$5,000,000.

20 (b) OFFSET.—Notwithstanding the amounts set forth
21 in the funding tables in division D, the amount authorized
22 to be appropriated in section 3101 for the National Nu-
23 clear Security Administration, as specified in the cor-
24 responding funding table in section 4701, for Maintenance

1 and Repair of Facilities, Deferred Maintenance is hereby
2 reduced by \$5,000,000.

3 **SEC. 3120. REQUIREMENTS FOR SPECIFIC REQUEST FOR**
4 **NEW OR MODIFIED NUCLEAR WEAPONS.**

5 (a) ACTIVITIES COVERED.—Subsection (a)(2) of sec-
6 tion 4209 of the Atomic Energy Defense Act (50 U.S.C.
7 2529) is amended by striking “research and development
8 which could lead to the production” both places it appears
9 and inserting “research and development for the produc-
10 tion”.

11 (b) MODIFICATION TO FUNDING REQUEST FOR-
12 MAT.—Subsection (b)(1) of such section is amended by
13 striking “, or any concept work prior to phase 1 or 6.1
14 (as the case may be),”.

15 (c) EXCEPTIONS.—Subsection (c) of such section is
16 amended to read as follows:

17 “(c) EXCEPTIONS.—Subsection (a) shall not apply to
18 funds for purposes of conducting, or providing for the con-
19 duct of, any of the following:

20 “(1) Research and development, or manufac-
21 turing and engineering, determined by the Secretary
22 to be necessary to address proliferation concerns.

23 “(2) Research and development for exploratory
24 concept work relating to nuclear weapons.”.

1 **SEC. 3121. EXTENSION OF DEADLINE FOR TRANSFER OF**
2 **PARCELS OF LAND IN NEW MEXICO.**

3 Section 3120 of the Ike Skelton National Defense
4 Authorization Act for Fiscal Year 2011 (42 U.S.C. 2391
5 note) is amended by striking “2022” each place that it
6 appears and inserting “2032”.

7 **SEC. 3122. DESIGNATION OF NATIONAL NUCLEAR SECU-**
8 **RITY ADMINISTRATION AS TECHNICAL NU-**
9 **CLEAR FORENSICS LEAD.**

10 (a) IN GENERAL.—Section 3211(b) of the National
11 Nuclear Security Administration Act (50 U.S.C. 2401(b))
12 is amended by adding at the end the following new para-
13 graph:

14 “(7) To lead the technical nuclear forensics ef-
15 forts of the United States.”.

16 (b) RULE OF CONSTRUCTION.—The amendment
17 made by this section may not be construed to alter the
18 functions vested in any department or agency of the Fed-
19 eral Government by statute other than the National Nu-
20 clear Security Administration pursuant to such amend-
21 ment.

1 **TITLE XXXII—DEFENSE NU-**
2 **CLEAR FACILITIES SAFETY**
3 **BOARD**

4 **SEC. 3201. AUTHORIZATION.**

5 There are authorized to be appropriated for fiscal
6 year 2023, \$41,401,000 for the operation of the Defense
7 Nuclear Facilities Safety Board under chapter 21 of the
8 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

9 **SEC. 3202. CONTINUATION OF FUNCTIONS AND POWERS**
10 **DURING LOSS OF QUORUM.**

11 Section 311(e) of the Atomic Energy Act of 1954 (42
12 U.S.C. 2286(e)) is amended—

13 (1) by striking “Three members” and inserting
14 “(1) Three members”; and

15 (2) by adding at the end the following new
16 paragraphs:

17 “(2) During a covered period, the Chairperson may
18 carry out the functions and powers of the Board under
19 sections 312 through 316, notwithstanding that a quorum
20 does not exist.

21 “(3) In carrying out the functions and powers of the
22 Board during a covered period pursuant to paragraph (2),
23 the Chairperson shall consult with any other member of
24 the Board who is serving during the covered period and
25 not incapacitated, except that the Chairperson may make

1 recommendations to the Secretary of Energy and initiate
2 investigations under section 312 only with the concurrence
3 of any such other member.

4 “(4) In this subsection, the term ‘covered period’
5 means a period beginning on the date on which a quorum
6 specified in paragraph (1) does not exist by reason of ei-
7 ther or both a vacancy in the membership of the Board
8 or the incapacity of a member of the Board and ending
9 on the earlier of—

10 “(A) the date that is one year after such begin-
11 ning date; or

12 “(B) the date on which a quorum exists.”.

13 **TITLE XXXIV—NAVAL**
14 **PETROLEUM RESERVES**

15 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) AMOUNT.—There are hereby authorized to be ap-
17 propriated to the Secretary of Energy \$13,004,000 for fis-
18 cal year 2023 for the purpose of carrying out activities
19 under chapter 869 of title 10, United States Code, relating
20 to the naval petroleum reserves.

21 (b) PERIOD OF AVAILABILITY.—Funds appropriated
22 pursuant to the authorization of appropriations in sub-
23 section (a) shall remain available until expended.

**TITLE XXXV—MARITIME
SECURITY
Subtitle A—Maritime
Administration**

**SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINIS-
TRATION.**

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2023 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, \$99,748,000, of which—

(A) \$87,848,000 shall be for Academy operations; and

(B) \$11,900,000 shall be for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$120,700,000, of which—

(A) \$2,400,000 is for the Student Incentive Program;

(B) \$6,000,000 is for direct payments;

(C) \$6,800,000 is for training ship fuel assistance;

1 (D) \$30,500,000 for school ship maintenance and repair; and

2
3 (E) \$75,000,000 for the National Security
4 Multi-Mission Vessel.

5 (3) For expenses necessary to support Maritime
6 Administration operations and programs, Headquarters Operations, \$67,433,000.

7
8 (4) For expenses necessary to dispose of vessels
9 in the National Defense Reserve Fleet, \$6,000,000.

10 (5) For expenses necessary to maintain and
11 preserve a United States flag merchant marine to
12 serve the national security needs of the United
13 States under chapter 531 of title 46, United States
14 Code, \$318,000,000.

15 (6) For expenses necessary for the loan guarantee
16 program authorized under chapter 537 of title
17 46, United States Code, \$33,000,000, of which—

18 (A) \$30,000,000 may be used for the cost
19 (as defined in section 502(5) of the Federal
20 Credit Reform Act of 1990 (2 U.S.C. 661a(5)))
21 of loan guarantees under the program; and

22 (B) \$3,000,000 may be used for administrative
23 expenses relating to loan guarantee commitments
24 under the program.

1 (7) For expenses necessary to provide for the
2 Tanker Security Fleet, as authorized under chapter
3 534 of title 46, United States Code, \$60,000,000.

4 (8) For expenses necessary to support maritime
5 environmental and technical assistance activities au-
6 thorized under section 50307 of title 46, United
7 States Code, \$15,000,000.

8 (9) For expenses necessary to support marine
9 highway program activities authorized under chapter
10 556 of such title, \$15,000,000.

11 (10) For expenses necessary to provide assist-
12 ance to small shipyards and for the maritime train-
13 ing program authorized under section 54101 of title
14 46, United States Code, \$30,000,000.

15 (11) For expenses necessary to implement the
16 port infrastructure development activities authorized
17 under subsections (a) and (b) of section 54301 of
18 title 46, United States Code, \$685,000,000.

19 (12) For expenses necessary to provide for sea-
20 lift contested environment evaluation, \$2,000,000.

21 (13) For expenses necessary to provide for Na-
22 tional Defense Reserve Fleet resiliency, \$800,000.

23 (14) For expenses necessary to provide for
24 training ship State of Michigan maritime training
25 platform requirements, \$1,200,000.

1 (b) LIMITATION.—None of the amounts authorized to
2 be appropriated for port infrastructure development activi-
3 ties under subsection (a)(11) may be used to provide a
4 grant to purchase fully automated cargo handling equip-
5 ment that is remotely operated or remotely monitored,
6 with or without the exercise of human intervention or con-
7 trol, if the Secretary of Transportation determines such
8 equipment would result in a net loss of jobs within a port
9 or port terminal.

10 **SEC. 3502. SECRETARY OF TRANSPORTATION RESPONSIB-**
11 **ILITY WITH RESPECT TO CARGOES PRO-**
12 **CURED, FURNISHED, OR FINANCED BY**
13 **OTHER FEDERAL DEPARTMENTS AND AGEN-**
14 **CIES.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of the enactment of this Act, the Administrator of
17 the Maritime Administration shall issue a final rule to im-
18 plement and enforce section 55305(d) of title 46, United
19 States Code.

20 (b) PROGRAMS OF OTHER AGENCIES.—Section
21 55305(d)(2)(A) of title 46, United States Code, is amend-
22 ed by inserting after “section” the following: “and annu-
23 ally submit to the Committee on Transportation and In-
24 frastructure of the House of Representatives and the Com-

1 mittee on Commerce, Science, and Transportation of the
2 Senate a report on the administration of such programs”.

3 **SEC. 3503. UNITED STATES MARINE HIGHWAY PROGRAM.**

4 (a) UNITED STATES MARINE HIGHWAY PROGRAM.—
5 Section 55601 of title 46, United States Code, is amended
6 to read as follows:

7 **“§ 55601. United States marine highway program**

8 “(a) ESTABLISHMENT.—There is in the Department
9 of Transportation a program, to be known as the ‘United
10 States marine highway program’.

11 “(b) CRITERIA.—In order to be designated as a ma-
12 rine highway transportation route under subsection (c) or
13 as a marine highway transportation project under sub-
14 section (d), a route or project shall—

15 “(1) provide a coordinated and capable alter-
16 native to landside transportation;

17 “(2) mitigate or relieve landside congestion; or

18 “(3) promote marine highway transportation.

19 “(c) MARINE HIGHWAY TRANSPORTATION
20 ROUTES.—The Secretary may—

21 “(1) designate a route that meets the criteria
22 under subsection (b) as a marine highway transpor-
23 tation route; and

24 “(2) collect and disseminate data related to
25 such designation.

1 “(d) PROJECT DESIGNATION.—The Secretary may—

2 “(1) designate a project that meets the criteria
3 under subsection (b) as a marine highway transpor-
4 tation project if the Secretary determines that such
5 project uses vessels documented under chapter 121
6 and—

7 “(A) develops, expands, or promotes—

8 “(i) marine highway transportation
9 services;

10 “(ii) shipper utilization of marine
11 highway transportation; or

12 “(iii) port and landside infrastructure
13 for which assistance is not available under
14 section 54301; or

15 “(B) implements strategies developed
16 under section 5560; and

17 “(2) conduct research on solutions to impedi-
18 ments to such projects.

19 “(e) ASSISTANCE.—

20 “(1) IN GENERAL.—The Secretary may make
21 grants, or enter into contracts or cooperative agree-
22 ments, to implement a marine highway transpor-
23 tation project designated under subsection (e) or a
24 component of such a project.

1 “(2) APPLICATION.—To be eligible to receive a
2 grant or to enter into a contract or cooperative
3 agreement under this subsection, an applicant
4 shall—

5 “(A) submit to the Secretary an applica-
6 tion in such form and manner, at such time,
7 and containing such information as the Sec-
8 retary may require; and

9 “(B) demonstrate to the satisfaction of the
10 Secretary that—

11 “(i) the proposed project is financially
12 viable;

13 “(ii) the funds received under the
14 grant, contract, or cooperative agreement
15 will be spent or used efficiently and effec-
16 tively; and

17 “(iii) a market exists for the services
18 of the proposed project, as evidenced by
19 contracts or written statements of intent
20 from potential customers.

21 “(3) NON-FEDERAL SHARE.—Not more than 80
22 percent of the funding for any project for which
23 funding is provided under this subsection may come
24 from Federal sources.

1 “(4) PREFERENCE FOR FINANCIALLY VIABLE
 2 PROJECTS.— In awarding grants or entering in con-
 3 tracts or cooperative agreements under this sub-
 4 section, the Secretary shall give a preference to
 5 those projects or components that present the most
 6 financially viable transportation services and require
 7 the lowest percentage Federal share of the costs.

8 “(f) ADDITIONAL PROGRAM ACTIVITIES.—In car-
 9 rying out the program established under subsection (a),
 10 the Secretary of Transportation may—

11 “(1) coordinate with ports, State departments
 12 of transportation, localities, other public agencies,
 13 and appropriate private sector entities on the devel-
 14 opment of landside facilities and infrastructure to
 15 support marine highway transportation; and

16 “(2) develop performance measures for the pro-
 17 gram.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
 19 ter 556 of title 46, United States Code, is amended by
 20 striking the item relating to section 55601 and inserting
 21 the following:

“55601. United States marine highway program.”.

22 **SEC. 3504. MULTISTATE, STATE, AND REGIONAL TRANSPOR-**
 23 **TATION PLANNING.**

24 (a) MULTISTATE, STATE, AND REGIONAL TRANSPOR-
 25 TATION PLANNING.—Chapter 556 of title 46, United

1 States Code, is amended by inserting after section 55602
2 the following:

3 **“§ 55603. Multistate, State, and regional transpor-**
4 **tation planning**

5 “(a) IN GENERAL.—The Secretary, in consultation
6 with Federal entities, State and local governments, and
7 appropriate private sector entities, may develop strategies
8 to encourage the use of marine highway transportation for
9 transportation of passengers and cargo.

10 “(b) STRATEGIES.—If the Secretary develops strate-
11 gies under subsection (a), the Secretary may—

12 “(1) assess the extent to which States and local
13 governments include marine highway transportation
14 and other marine transportation solutions in trans-
15 portation planning;

16 “(2) encourage State departments of transpor-
17 tation to develop strategies, where appropriate, to
18 incorporate marine highway transportation, ferries,
19 and other marine transportation solutions for re-
20 gional and interstate transport of freight and pas-
21 sengers in transportation planning; and

22 “(3) encourage groups of States and multistate
23 transportation entities to determine how marine
24 highways can address congestion, bottlenecks, and
25 other interstate transportation challenges.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
 2 ter 556 of title 46, United States Code, is amended by
 3 striking the item relating to section 55603 and inserting
 4 the following:

“55603. Multistate, State, and regional transportation planning.”.

5 **Subtitle B—Merchant Marine**
 6 **Academy**

7 **SEC. 3511. APPOINTMENT OF SUPERINTENDENT OF UNITED**
 8 **STATES MERCHANT MARINE ACADEMY.**

9 Subsection (c) of section 51301 of title 46, United
 10 States Code, is amended to read as follows:

11 “(c) SUPERINTENDENT.—The immediate command
 12 of the United States Merchant Marine Academy shall be
 13 in the Superintendent of the Academy, who shall be ap-
 14 pointed by the Secretary of Transportation and subject to
 15 the direction of the Maritime Administrator under the
 16 general supervision of the Secretary of Transportation.”.

17 **SEC. 3512. EXEMPTION OF CERTAIN STUDENTS FROM RE-**
 18 **QUIREMENT TO OBTAIN MERCHANT MAR-**
 19 **INER LICENSE.**

20 Section 51309 of title 46, United States Code, is
 21 amended by adding at the end the following:

22 “(d) EXEMPTION FROM REQUIREMENT TO OBTAIN
 23 LICENSE.—The Secretary may modify or waive the re-
 24 quirements of section 51306(a)(2) for students who pro-
 25 vide reasonable concerns with obtaining a merchant mar-

1 iner license, including fear for safety while at sea after
2 instances of trauma, medical condition, or inability to ob-
3 tain required sea time or endorsement so long as such in-
4 ability is not due to a lack of proficiency or violation of
5 Academy policy. The issuance of a modification or waiver
6 under this subsection shall not delay or impede graduation
7 from the Academy.”.

8 **SEC. 3513. PROTECTION OF CADETS FROM SEXUAL AS-**
9 **SAULT ONBOARD VESSELS.**

10 (a) IN GENERAL.—Section 51322 of title 46, United
11 States Code, is amended—

12 (1) by striking subsection (a) and inserting the
13 following:

14 “(a) SAFETY CRITERIA.—The Maritime Adminis-
15 trator, after consulting with the Secretary of the depart-
16 ment in which the Coast Guard is operating, shall estab-
17 lish—

18 “(1) criteria, to which an owner or operator of
19 a vessel engaged in commercial service shall adhere
20 prior to carrying a cadet performing their Sea Year
21 service from the United States Merchant Marine
22 Academy, that addresses prevention of, and response
23 to, sexual harassment, dating violence, domestic vio-
24 lence, sexual assault, and stalking; and

1 “(2) a process for collecting pertinent informa-
2 tion from such owners or operators and verifying
3 their compliance with the criteria.

4 “(b) MINIMUM STANDARDS.—At a minimum, the cri-
5 teria established under subsection (a) shall require the
6 vessel owners or operators to have policies that address—

7 “(1) communication between a cadet and an in-
8 dividual ashore who is trained in responding to inci-
9 dents of sexual harassment, dating violence, domes-
10 tic violence, sexual assault, and stalking;

11 “(2) the safety and security of cadet staterooms
12 while a cadet is onboard the vessel;

13 “(3) requirements for crew to report complaints
14 or incidents of sexual assault, sexual harassment,
15 dating violence, domestic violence, and stalking con-
16 sistent with the requirements in section 10104;

17 “(4) the maintenance of records of reports of
18 sexual harassment, dating violence, domestic vio-
19 lence, sexual assault, and stalking onboard a vessel
20 carrying a cadet;

21 “(5) the maintenance of records of sexual har-
22 assment, dating violence, domestic violence, sexual
23 assault, and stalking training as required under sub-
24 section (f);

1 “(6) a requirement for the owner or operator
2 provide each cadet a copy of the policies and proce-
3 dures related to sexual harassment, dating violence,
4 domestic violence, sexual assault, and stalking poli-
5 cies that pertain to the vessel on which they will be
6 employed; and

7 “(7) any other issues the Maritime Adminis-
8 trator determines necessary to ensure the safety of
9 cadets during Sea Year training.

10 “(c) SELF-CERTIFICATION BY OWNERS OR OPERA-
11 TORS.—The Maritime Administrator shall require the
12 owner or operator of any commercial vessel that is car-
13 rying a cadet from the United States Merchant Marine
14 Academy to annually certify that—

15 “(1) the vessel owner or operator is in compli-
16 ance with the criteria established under subsection
17 (a); and

18 “(2) the vessel is in compliance with the Inter-
19 national Convention of Safety of Life at Sea, 1974
20 (32 UST 47) and sections 8106 and 70103(c).

21 “(d) INFORMATION, TRAINING, AND RESOURCES.—
22 The Maritime Administrator shall ensure that a cadet par-
23 ticipating in Sea Year—

24 “(1) receives training specific to vessel safety,
25 including sexual harassment, dating violence, domes-

1 tic violence, sexual assault, and stalking prevention
2 and response training, prior to the cadet boarding a
3 vessel for Sea Year training;

4 “(2) is equipped with an appropriate means of
5 communication and has been trained on its use;

6 “(3) has access to a helpline to report incidents
7 of sexual harassment, dating violence, domestic vio-
8 lence, sexual assault, or stalking that is monitored
9 by trained personnel; and

10 “(4) is informed of the legal requirements for
11 vessel owners and operators to provide for the secu-
12 rity of individuals onboard, including requirements
13 under section 70103(c) and chapter 81.”;

14 (2) by redesignating subsections (b) through (d)
15 as subsections (e) through (g), respectively;

16 (3) in subsection (e), as so redesignated, by
17 striking paragraph (2) and inserting the following
18 new paragraphs:

19 “(2) ACCESS TO INFORMATION.—The vessel op-
20 erator shall make available to staff conducting a ves-
21 sel check such information as the Maritime Adminis-
22 trator determines is necessary to determine whether
23 the vessel is being operated in compliance with the
24 criteria established under subsection (a).

1 “(3) REMOVAL OF STUDENTS.—If staff of the
2 Academy or staff of the Maritime Administration de-
3 termine that a commercial vessel is not in compli-
4 ance with the criteria established under subsection
5 (a), the staff—

6 “(A) may remove a cadet of the Academy
7 from the vessel; and

8 “(B) shall report such determination of
9 non-compliance to the owner or operator of the
10 vessel.”;

11 (4) in subsection (f), as so redesignated, by
12 striking “or the seafarer union” and inserting “and
13 the seafarer union”; and

14 (5) by adding at the end the following:

15 “(h) NONCOMMERCIAL VESSELS.—

16 “(1) IN GENERAL.—A public vessel (as defined
17 in section 2101) shall not be subject to the require-
18 ments of this section.

19 “(2) REQUIREMENTS FOR PARTICIPATION.—
20 The Maritime Administrator may establish criteria
21 and requirements that the operators of public vessels
22 shall meet to participate in the Sea Year program of
23 the United States Merchant Marine Academy that
24 addresses prevention of, and response to, sexual har-

1 assessment, dating violence, domestic violence, sexual
2 assault, and stalking.”.

3 (b) REGULATIONS.—

4 (1) IN GENERAL.—The Maritime Administrator
5 may prescribe rules necessary to carry out the
6 amendments made by this section.

7 (2) INTERIM RULES.—The Maritime Adminis-
8 trator may prescribe interim rules necessary to carry
9 out the amendments made by this section. For this
10 purpose, the Maritime Administrator in prescribing
11 rules under paragraph (1) is excepted from compli-
12 ance with the notice and comment requirements of
13 section 553 of title 5, United States Code. All rules
14 prescribed under the authority of the amendments
15 made by this section shall remain in effect until su-
16 perseded by a final rule.

17 (c) CONFORMING AMENDMENTS.—

18 (1) SEA YEAR COMPLIANCE.—Section 3514 of
19 the National Defense Authorization Act for Fiscal
20 Year 2017 (46 U.S.C. 51318 note) is repealed.

21 (2) ACCESS OF ACADEMY CADETS TO DOD SAFE
22 OR EQUIVALENT HELPLINE.—Section 3515 of the
23 National Defense Authorization Act for Fiscal Year
24 2018 (46 U.S.C. 51518 note) is amended by striking

1 subsection (b) and redesignating subsection (c) as
2 subsection (b).

3 **SEC. 3514. REQUIREMENTS RELATING TO TRAINING OF**
4 **MERCHANT MARINE ACADEMY CADETS ON**
5 **CERTAIN VESSELS.**

6 (a) REQUIREMENTS RELATING TO PROTECTION OF
7 CADETS FROM SEXUAL ASSAULT ONBOARD VESSELS.—

8 (1) IN GENERAL.—Subsection (b) of section
9 51307 of title 46, United States Code, is amended
10 to read as follows:

11 “(b) SEA YEAR CADETS ON CERTAIN VESSELS.—

12 “(1) REQUIREMENTS.—The Secretary shall re-
13 quire an operator of a vessel participating in the
14 Maritime Security Program under chapter 531 of
15 this title, the Cable Security Fleet under chapter
16 532 of this title, or the Tanker Security Fleet under
17 chapter 534 of this title to—

18 “(A) carry on each Maritime Security Pro-
19 gram vessel, Cable Security Fleet vessel, or
20 Tanker Security Fleet vessel 2 United States
21 Merchant Marine Academy cadets, if available,
22 on each voyage; and

23 “(B) implement and adhere to policies,
24 programs, criteria, and requirements estab-
25 lished pursuant to section 51322 of this title.

1 “(2) FAILURE TO IMPLEMENT OR ADHERE TO
2 REQUIREMENTS.—Failure to implement or adhere to
3 the policies, programs, criteria, and requirements re-
4 ferred to in paragraph (1)(B) may, as determined by
5 the Maritime Administrator, constitute a violation of
6 an operating agreement entered into under chapter
7 531, 532, or 533 of this title and the Maritime Ad-
8 ministrators may—

9 “(A) require the operator to take corrective
10 actions; or

11 “(B) withhold payment due to the operator
12 until the violation, as determined by the Mari-
13 time Administrator, has been remedied.

14 “(3) WITHHELD PAYMENTS.—Any payment
15 withheld pursuant to paragraph (2)(B) may be paid,
16 upon a determination by the Maritime Administrator
17 that the operator is in compliance with the policies,
18 programs, criteria, and requirements referred to in
19 paragraph (1)(B).”.

20 (2) APPLICABILITY.—Paragraph (2) of sub-
21 section (b) of section 51307, as amended by para-
22 graph (1), shall apply with respect to any failure to
23 implement or adhere to the policies, programs, cri-
24 teria, and requirements referred to in paragraph
25 (1)(B) of such subsection that occurs on or after the

1 date that is one year after the date of the enactment
2 of this Act.

3 (b) REQUIREMENTS FOR GOVERNMENT-OWNED VES-
4 SELS.—Subsection (c) of such section is amended—

5 (1) in the subsection heading by striking “MILI-
6 TARY SEALIFT COMMAND VESSELS” and inserting
7 “GOVERNMENT-OWNED VESSELS”;

8 (2) in paragraph (1), by redesignating subpara-
9 graphs (A) and (B) as clauses (i) and (ii), respec-
10 tively, and adjusting the margins accordingly;

11 (3) by redesignating paragraphs (1) and (2) as
12 subparagraphs (A) and (B), respectively, and adjust-
13 ing the margins accordingly;

14 (4) by inserting before subparagraph (A), as so
15 redesignated, the following:

16 “(1) IN GENERAL.—Consistent with the pur-
17 pose of the United States Merchant Marine Acad-
18 emy, as described in section 51301(b) of this chap-
19 ter, vessels owned or chartered by the United States
20 Government, including vessels of the United States
21 Coast Guard, United States Navy, Military Sealift
22 Command, are proper vessels for training cadets.

23 “(2) MILITARY SEALIFT COMMAND VESSELS.—
24 ”;

1 (5) in subparagraph (A), as so redesignated, by
 2 striking “paragraph (2)” and inserting “subpara-
 3 graph (B)”; and

4 (6) in subparagraph (B), as so redesignated, by
 5 striking “paragraph (1)” and inserting “subpara-
 6 graph (A)”.

7 (c) CONFORMING AMENDMENTS.—Title 46, United
 8 States Code, is further amended—

9 (1) in section 53106(a)(2), by inserting “or sec-
 10 tion 51307(b)” after “this section”;

11 (2) in section 53206(a)(2), by inserting “or sec-
 12 tion 51307(b)” after “this section”; and

13 (3) in section 53406(a), by inserting “or section
 14 51307(b)” after “this section”.

15 **SEC. 3515. REPORTS ON MATTERS RELATING TO THE**
 16 **UNITED STATES MERCHANT MARINE ACAD-**
 17 **EMY.**

18 (a) REPORT ON IMPLEMENTATION OF NAPA REC-
 19 OMMENDATIONS.—

20 (1) IN GENERAL.—In accordance with para-
 21 graph (3), the Secretary of Transportation shall sub-
 22 mit to the appropriate congressional committees re-
 23 ports on the status of the implementation of the rec-
 24 ommendations specified in paragraph (4).

1 (2) ELEMENTS.—Each report under paragraph
2 (1) shall include the following:

3 (A) A description of the status of the im-
4 plementation of each recommendation specified
5 in paragraph (4), including whether the Sec-
6 retary—

7 (i) concurs with the recommendation;

8 (ii) partially concurs with the rec-
9 ommendation; or

10 (iii) does not concur with the rec-
11 ommendation.

12 (B) An explanation of—

13 (i) with respect to a recommendation
14 with which the Secretary concurs, the ac-
15 tions the Secretary intends to take to im-
16 plement such recommendation, including—

17 (I) any rules, regulations, poli-
18 cies, or other guidance that have been
19 issued, revised, changed, or cancelled
20 as a result of the implementation of
21 the recommendation; and

22 (II) any impediments to the im-
23 plementation of the recommendation;

24 (ii) with respect to a recommendation
25 with which the Secretary partially concurs,

1 the actions the Secretary intends to take to
2 implement the portion of such rec-
3 ommendation with which the Secretary
4 concurs, including—

5 (I) intermediate actions, mile-
6 stone dates, and the expected comple-
7 tion date for the implementation of
8 the portion of the recommendation;
9 and

10 (II) any rules, regulations, poli-
11 cies, or other guidance that are ex-
12 pected to be issued, revised, changed,
13 or cancelled as a result of the imple-
14 mentation of the portion of the rec-
15 ommendation;

16 (iii) with respect to a recommendation
17 with which the Secretary does not concur,
18 an explanation of why the Secretary does
19 not concur with such recommendation; and

20 (iv) any statutory changes that may
21 be necessary—

22 (I) to fully implement the rec-
23 ommendations specified in paragraph
24 (4) with which the Secretary concurs;
25 or

1 (II) to partially implement the
2 recommendations specified in such
3 paragraph with which the Secretary
4 partially concurs.

5 (C) A visual depiction of the status of the
6 completion of the recommendations specified in
7 paragraph (4).

8 (3) TIMING OF REPORTS.—The Secretary of
9 Transportation shall submit an initial report under
10 paragraph (1) not later than 90 days after the date
11 of the enactment of this Act. Following the sub-
12 mittal of the initial report, the Secretary shall sub-
13 mit updated versions of the report not less fre-
14 quently than once every 180 days until the date on
15 which the Secretary submits to the appropriate con-
16 gressional committees a certification that each rec-
17 ommendation specified in paragraph (4)—

18 (A) with which the Secretary concurs—

19 (i) has been fully implemented; or

20 (ii) cannot be fully implemented, in-
21 cluding an explanation of why; and

22 (B) with which the Secretary partially con-
23 curs—

24 (i) has been partially implemented; or

1 (ii) cannot be partially implemented,
2 including an explanation of why.

3 (4) RECOMMENDATIONS SPECIFIED.—The rec-
4 ommendations specified in this paragraph are the
5 recommendations set forth in the report prepared by
6 a panel of the National Academy of Public Adminis-
7 tration pursuant to section 3513 of the National De-
8 fense Authorization Act for Fiscal Year 2020 (Pub-
9 lic Law 116–92; 133 Stat. 1979) titled “Organiza-
10 tional Assessment of the U.S. Merchant Marine
11 Academy: A Path Forward”, dated November 2021.

12 (b) REPORT ON IMPLEMENTATION OF POLICY RE-
13 LATING TO SEXUAL HARASSMENT AND OTHER MAT-
14 TERS.—Not later than one year after the date of the en-
15 actment of this Act, the Secretary of Transportation shall
16 submit to the appropriate congressional committees a re-
17 port on the status of the implementation the policy on sex-
18 ual harassment, dating violence, domestic violence, sexual
19 assault, and stalking at the United States Merchant Ma-
20 rine Academy as required under section 51318 of title 46,
21 United States Code.

22 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
23 FINED.—In this section, the term “appropriate congres-
24 sional committees” means—

(1) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

Subtitle C—Vessels

SEC. 3521. WAIVER OF NAVIGATION AND VESSEL-INSPECTION LAWS.

Section 501 of title 46, United States Code, is amended—

(1) in subsection (b)(1) by inserting “on a vessel specific basis” after “those laws”; and

(2) in subsection (c)(1)—

(A) by inserting “and the individual requesting such waiver (if not the owner or operator of the vessel)” before “shall submit”;

(B) in subparagraph (C) by striking “and”;

(C) by redesignating subparagraphs (B), (C), and (D), as subparagraphs (C), (D), and (G), respectively;

(D) by inserting after subparagraph (A) the following:

1 “(B) the name of the owner and operator
2 of the vessel;”; and

3 (E) by inserting after subparagraph (D),
4 as so redesignated, the following:

5 “(E) a description of the cargo carried;

6 “(F) an explanation as to why the waiver
7 is necessary in the interest of national defense;
8 and”.

9 **SEC. 3522. CERTIFICATES OF NUMBERS FOR UNDOCU-**
10 **MENTED VESSELS.**

11 Section 12304(a) of title 46, United States Code, is
12 amended—

13 (1) by striking “shall be pocketsized,”; and

14 (2) by inserting “in hard copy or digital form.

15 Any certificate issued in hard copy under this sec-
16 tion shall be pocketsized. The certificate shall be”
17 after “and may be”.

18 **SEC. 3523. RECAPITALIZATION OF NATIONAL DEFENSE RE-**
19 **SERVE FLEET.**

20 (a) IN GENERAL.—The Secretary of Transportation,
21 in consultation with the Chief of Naval Operations and
22 the Commandant of the Coast Guard, shall direct the Mar-
23 itime Administrator to carry out a program under which
24 the Administrator—

1 (1) shall complete the design of a roll-on, roll-
2 off cargo vessel for the National Defense Reserve
3 Fleet to allow for the construction of such vessel to
4 begin in fiscal year 2024; and

5 (2) subject to the availability of appropriations,
6 shall have an entity enter into a contract for the
7 construction of not more than ten such vessels in ac-
8 cordance with this section.

9 (b) CONSTRUCTION AND DOCUMENTATION REQUIRE-
10 MENTS.—A vessel constructed pursuant to this section
11 shall meet the requirements for and be issued a certificate
12 of documentation and a coastwise endorsement under
13 chapter 121 of title 46, United States Code.

14 (c) DESIGN STANDARDS AND CONSTRUCTION PRAC-
15 TICES.—Subject to subsection (b), a vessel constructed
16 pursuant to this section shall be constructed using com-
17 mercial design standards and commercial construction
18 practices that are consistent with the best interests of the
19 Federal Government.

20 (d) CONSULTATION WITH OTHER FEDERAL ENTI-
21 TIES.—The Maritime Administrator may consult and co-
22 ordinate with the Secretary of the Navy regarding the ves-
23 sel described in subsection (a) and activities associated
24 with such vessel.

1 (e) CONTRACTING.—The Maritime Administrator
2 shall provide for an entity other than the Maritime Admin-
3 istration to contract for the construction of the vessel de-
4 scribed in subsection (a).

5 (f) LIMITATION ON USE OF FUNDS FOR USED VES-
6 SELS.—Amounts authorized to be appropriated by this or
7 any other Act for use by the Maritime Administration to
8 carry out this section may not be used for the procurement
9 of any used vessel.

10 (g) BUY AMERICA REQUIREMENT.—Section 4864 of
11 title 10, United States Code, shall apply to all components
12 of a vessel constructed under this section.

13 **SEC. 3524. CARGOES PROCURED, FURNISHED, OR FI-**
14 **NANCED BY THE UNITED STATES GOVERN-**
15 **MENT.**

16 (a) IN GENERAL.—Section 55305 of title 46, United
17 States Code, is amended—

18 (1) by striking subsection (a);

19 (2) by redesignating subsection (b) as sub-
20 section (a);

21 (3) in subsection (c)—

22 (A) by striking “The President” and in-
23 sserting the following:

24 “(1) IN GENERAL.—The President”; and

25 (B) by adding at the end the following:

1 “(2) SUBMISSION TO CONGRESS.—At least once
2 each fiscal year, the President or the Secretary of
3 Defense, as applicable, shall submit to the appro-
4 priate congressional committees, in writing, a notice
5 of any waiver granted under this subsection and the
6 reasons for granting such waiver.”;

7 (4) by redesignating subsections (c) through (e)
8 as subsections (d) through (f), respectively;

9 (5) by inserting after subsection (a) the fol-
10 lowing:

11 “(b) ELIGIBLE VESSELS.—To be eligible to carry
12 cargo under this section, a privately-owned commercial
13 vessel—

14 “(1) shall be documented under the laws of the
15 United States for at least 3 years; or

16 “(2) may be documented under the laws of the
17 United States for less than 3 years if the vessel
18 owner signs an agreement with the Secretary pro-
19 viding that—

20 “(A) the vessel shall remain documented
21 under the laws of the United States for at least
22 3 years; and

23 “(B) the vessel owner shall, upon request
24 of the Secretary, agree to enroll the vessel in an
25 Emergency Preparedness Program under chap-

1 ter 531 or voluntary agreement authorized
2 under section 708 of the Defense Production
3 Act of 1950 (50 U.S.C. 4558) and shall remain
4 so enrolled until the vessel ceases to be docu-
5 mented under the laws of the United States.

6 “(c) VIOLATION OF AGREEMENT.—

7 “(1) IN GENERAL.—A vessel under an agree-
8 ment described in subsection (b)(2) may be seized by
9 and forfeited to the United States if, in violation of
10 such agreement—

11 “(A) the vessel owner places the vessel
12 under foreign registry; or

13 “(B) a person operates the vessel under
14 the authority of a foreign country.

15 “(2) INAPPLICABILITY OF OTHER LAW.—Sec-
16 tion 12112 of title 46, United States Code, shall not
17 apply to the seizure and forfeiture of a vessel pursu-
18 ant to paragraph (1).”; and

19 (6) by adding at the end the following:

20 “(g) AUDIT AND REPORT.—In carrying out this sec-
21 tion, the Secretary shall annually—

22 “(1) audit the list of vessels that are operating
23 under an agreement described in subsection (b)(2);
24 and

25 “(2) submit to Congress a report describing—

1 “(A) each of the vessels operating under
2 paragraph (2) of section 55305(b) and each
3 agreement signed by the Secretary pursuant to
4 such paragraph;

5 “(B) the results of any audit described in
6 paragraph (1); and

7 “(C) any other pertinent information that
8 the Secretary determines to be of interest to
9 Congress.”.

10 (b) TECHNICAL AMENDMENT.—

11 (1) CHAPTER ANALYSIS.—The analysis for
12 chapter 553 of title 46, United States Code, is
13 amended by striking the item relating to subchapter
14 I and inserting the following:

 “SUBCHAPTER I—GOVERNMENT IMPELLED TRANSPORTATION”.

15 (2) CARGOES PROCURED, FURNISHED, OR FI-
16 NANCED BY THE UNITED STATES GOVERNMENT.—
17 Section 55305(d)(2)(D) of title 46, United States
18 Code, is amended by striking “section 25(c)(1) of
19 the Office of Federal Procurement Policy Act (41
20 U.S.C. 1303(a)(1))” and inserting “section
21 1303(a)(1) of title 41, United States Code,”.

1 **Subtitle D—Reports and Other**
2 **Matters**

3 **SEC. 3532. NATIONAL MARITIME TRANSPORTATION RE-**
4 **PORT AND STRATEGY.**

5 (a) NATIONAL MARITIME TRANSPORTATION RE-
6 PORT.—Not later than October 31, 2023, the Secretary
7 of Defense shall submit to the appropriate congressional
8 committees a national maritime transportation report.
9 Such report shall include each of the following:

10 (1) An analysis of the causes for the decline in
11 the number of vessels documented under chapter
12 121 of title 46, United States Code and operating in
13 the international trade.

14 (2) An examination of the national security and
15 economic requirements for the United States mer-
16 chant marine during peacetime and during surge
17 and sustained national defense sealift that address-
18 es—

19 (A) whether existing United States-flag
20 shipping, maritime labor, and shipbuilding and
21 repair capacity is sufficient to fulfill such sealift
22 requirements; and

23 (B) if such capacity is not sufficient, the
24 capacity, including naval auxiliary ships, that
25 would be needed during a major conflict by—

- 1 (i) the military for strategic sealift;
2 and
3 (ii) the private sector to sustain the
4 economy.

5 (3) An evaluation of the contracting procedures
6 for United States Government cargo transport and
7 a determination of whether such policies ensure suf-
8 ficient access to vessels documented under chapter
9 121 of title 46, United States Code.

10 (4) A review of the objectives under section
11 50101(a) of title 46, United States Code, and a de-
12 termination of the extent to which legislation, pro-
13 grams, policies, and regulations adopted since the
14 adoption of such objectives in the Merchant Marine
15 Act, 1936 have aligned with such objectives.

16 (5) A comparison between the subsidy programs
17 of other beneficial flag programs and the existing
18 support programs in the United States.

19 (b) NATIONAL MARITIME TRANSPORTATION STRAT-
20 EGY.—Not later than October 31, 2024, the Secretary of
21 Defense shall submit to the appropriate congressional
22 committees a national maritime transportation strategy.
23 Such strategy shall include each of the following:

- 24 (1) Recommendations to encourage the growth
25 of shipping by United States-flag and United States-

1 owned vessels and the growth of the United States
2 shipbuilding industrial base that are—

3 (A) sufficient for national and economic se-
4 curity;

5 (B) consistent with the objectives and pol-
6 icy under section 50101 of title 46, United
7 States Code;

8 (C) compatible with international treaties
9 and agreements governing maritime safety, se-
10 curity, and environmental protection; and

11 (D) compatible with rapidly evolving mari-
12 time transportation technology.

13 (2) Recommendations to increase the size of the
14 United States-flagged fleet and increase the pool of
15 United States mariners through—

16 (A) bolstering existing funding sources;

17 (B) new funding; or

18 (C) new programs.

19 (c) INDEPENDENT ENTITY PREPARATION.—The Sec-
20 retary of Defense shall seek to enter into an agreement
21 with an appropriate non-Department of Defense entity
22 that specializes in maritime research under which such en-
23 tity shall prepare the report and strategy required under
24 this section.

1 (d) CONSULTATION REQUIREMENT.—In carrying out
2 this section, the Secretary of Defense shall consult with—

3 (1) the Secretary of Transportation, acting
4 through the Maritime Administrator; and

5 (2) the Secretary of the Department in which
6 the Coast Guard operating, acting through the Com-
7 mandant of the Coast Guard.

8 (e) APPROPRIATE CONGRESSIONAL COMMITTEES.—

9 In this section, the term “appropriate congressional com-
10 mittees” means—

11 (1) the Committee on Armed Services and the
12 Committee on Transportation and Infrastructure of
13 the House of the Representatives; and

14 (2) the Committee on Armed Services and the
15 Committee on Commerce, Science and Transpor-
16 tation of the Senate.

17 **DIVISION D—FUNDING TABLES**

18 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-** 19 **BLES.**

20 (a) IN GENERAL.—Whenever a funding table in this
21 division specifies a dollar amount authorized for a project,
22 program, or activity, the obligation and expenditure of the
23 specified dollar amount for the project, program, or activ-
24 ity is hereby authorized, subject to the availability of ap-
25 propriations.

1 (b) MERIT-BASED DECISIONS.—

2 (1) IN GENERAL.—A decision to commit, obli-
3 gate, or expend funds with or to a specific entity on
4 the basis of a dollar amount authorized pursuant to
5 subsection (a) shall—

6 (A) except as provided in paragraph (2),
7 be based on merit-based selection procedures in
8 accordance with the requirements of sections
9 2304(k) and 2374 of title 10, United States
10 Code, or on competitive procedures; and

11 (B) comply with other applicable provisions
12 of law.

13 (2) EXCEPTION.—Paragraph (1)(A) does not
14 apply to a decision to commit, obligate, or expend
15 funds on the basis of a dollar amount authorized
16 pursuant to subsection (a) if the project, program,
17 or activity involved—

18 (A) is listed in section 4201; and

19 (B) is identified as Community Project
20 Funding through the inclusion of the abbrevia-
21 tion “CPF” immediately before the name of the
22 project, program, or activity.

23 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-
24 MING AUTHORITY.—An amount specified in the funding
25 tables in this division may be transferred or repro-

grammed 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 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.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
002	MQ-1 UAV		350,000
	Program increase—MQ-1 for Army National Guard		[350,000]
005	SMALL UNMANNED AIRCRAFT SYSTEMS	10,598	20,598
	Short Range Reconnaissance acceleration		[10,000]
ROTARY			
007	AH-64 APACHE BLOCK IIIA REMAN	524,661	524,661
008	AH-64 APACHE BLOCK IIIA REMAN AP	169,218	169,218
010	UH-60 BLACKHAWK M MODEL (MYP)	650,406	706,806
	Add 2 aircraft—combat loss replacement		[57,400]
	Unjustified growth- program management administration		[−1,000]
011	UH-60 BLACKHAWK M MODEL (MYP) AP	68,147	68,147
012	UH-60 BLACK HAWK L AND V MODELS	178,658	178,658
013	CH-47 HELICOPTER	169,149	366,849
	Three additional aircraft		[197,700]
014	CH-47 HELICOPTER AP	18,749	18,749
MODIFICATION OF AIRCRAFT			
016	MQ-1 PAYLOAD	57,700	177,700
	Program increase—recapitalize 12 MQ-1 aircraft		[120,000]
018	GRAY EAGLE MODS2	13,038	13,038
019	MULTI SENSOR ABN RECON	21,380	21,380
020	AH-64 MODS	85,840	122,849
	AH-64 Link 16 modifications		[22,009]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	Manned-unmanned teaming		[15,000]
021	CH-47 CARGO HELICOPTER MODS (MYP)	11,215	36,215
	Degraded visual environment system		[25,000]
024	EMARSS SEMA MODS	1,591	1,591
026	UTILITY HELICOPTER MODS	21,346	33,346
	Load stabilization systems		[12,000]
027	NETWORK AND MISSION PLAN	44,526	44,026
	Unjustified growth—program management administration		[–500]
028	COMMS, NAV SURVEILLANCE	72,387	72,387
030	AVIATION ASSURED PNT	71,130	71,130
031	GATM ROLLUP	14,683	14,683
	GROUND SUPPORT AVIONICS		
034	AIRCRAFT SURVIVABILITY EQUIPMENT	167,927	167,927
035	SURVIVABILITY CM	6,622	6,622
036	CMWS	107,112	107,112
037	COMMON INFRARED COUNTERMEASURES (CIRCM)	288,209	288,209
	OTHER SUPPORT		
039	COMMON GROUND EQUIPMENT	20,823	20,823
040	AIRCREW INTEGRATED SYSTEMS	25,773	25,773
041	AIR TRAFFIC CONTROL	27,492	27,492
042	LAUNCHER, 2.75 ROCKET	1,275	1,275
	TOTAL AIRCRAFT PROCUREMENT, ARMY	2,849,655	3,657,264
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SEN	4,260	4,260
002	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SEN AP	9,200	9,200
003	M-SHORAD—PROCUREMENT	135,747	410,809
	Additional units—Army UPL		[111,100]
	Hellfire pod replacement—Army UPL		[55,740]
	Production line—Army UPL		[108,222]
004	MSE MISSILE	1,037,093	1,037,093
005	PRECISION STRIKE MISSILE (PRSM)	213,172	213,172
006	INDIRECT FIRE PROTECTION CAPABILITY INC 2-I	18,924	20,174
	Force Protection Systems—Indirect Fire Protection Capability		[1,250]
	AIR-TO-SURFACE MISSILE SYSTEM		
007	HELLFIRE SYS SUMMARY	111,294	111,294
008	JOINT AIR-TO-GROUND MSLS (JAGM)	216,030	216,030
010	LONG-RANGE HYPERSONIC WEAPON	249,285	249,285
	ANTI-TANK/ASSAULT MISSILE SYS		
011	JAVELIN (AAWS-M) SYSTEM SUMMARY	162,968	258,868
	Program increase—CLU		[95,900]
012	TOW 2 SYSTEM SUMMARY	105,423	105,423
013	GUIDED MLRS ROCKET (GMLRS)	785,028	750,028
	Prior Year carryover		[–35,000]
014	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	4,354	4,354
015	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	155,705	155,705
016	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS)	37,937	112,937
	Procurement of Switchblade 600 variant		[75,000]
	MODIFICATIONS		
017	PATRIOT MODS	253,689	1,253,689
	4 Additional Fire Units to Equip 16th Patriot Battalion		[1,000,000]
020	ITAS/TOW MODS	5,154	5,154
021	MLRS MODS	218,359	208,359
	Program decrease		[–10,000]
022	HIMARS MODIFICATIONS	20,468	20,468
	SPARES AND REPAIR PARTS		
023	SPARES AND REPAIR PARTS	6,508	6,508
	SUPPORT EQUIPMENT & FACILITIES		
024	AIR DEFENSE TARGETS	11,317	11,317
	TOTAL MISSILE PROCUREMENT, ARMY	3,761,915	5,164,127
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	ARMORED MULTI PURPOSE VEHICLE (AMPV)	380,677	780,677
	Program increase		[400,000]
002	ASSAULT BREACHER VEHICLE (ABV)	3,852	3,852
003	MOBILE PROTECTED FIREPOWER	356,708	356,708
	MODIFICATION OF TRACKED COMBAT VEHICLES		
004	STRYKER UPGRADE	671,271	891,171
	Program increase modifications—Army UPL		[219,900]
005	BRADLEY PROGRAM (MOD)	279,531	335,631
	Improved Bradley Acquisition Subsystem upgrade—Army UPL		[56,100]
006	M109 FOV MODIFICATIONS	3,028	3,028
007	PALADIN INTEGRATED MANAGEMENT (PIM)	493,003	653,003
	Procure 40 additional sets		[160,000]
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	138,759	138,759
012	JOINT ASSAULT BRIDGE	36,990	36,990

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
014	ABRAMS UPGRADE PROGRAM	656,340	1,289,934
	Program increase modifications—Army UPL		[108,994]
	Program increase upgrades—Army UPL		[524,600]
	WEAPONS & OTHER COMBAT VEHICLES		
017	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	26,627	26,627
018	MORTAR SYSTEMS	8,516	8,516
019	LOCATION & AZIMUTH DETERMINATION SYSTEM (LADS)	48,301	48,301
020	XM320 GRENADE LAUNCHER MODULE (GLM)	11,703	11,703
021	PRECISION SNIPER RIFLE	6,436	6,436
024	NEXT GENERATION SQUAD WEAPON	221,293	221,293
	MOD OF WEAPONS AND OTHER COMBAT VEH		
028	M777 MODS	3,374	3,374
029	M4 CARBINE MODS		8,000
	M4 Carbine Upper Receivers		[8,000]
033	M119 MODIFICATIONS	2,263	2,263
	SUPPORT EQUIPMENT & FACILITIES		
036	ITEMS LESS THAN \$5.0M (WOCV-WTCV)	2,138	2,138
037	PRODUCTION BASE SUPPORT (WOCV-WTCV)	225,220	225,220
	TOTAL PROCUREMENT OF W&TCV, ARMY	3,576,030	5,053,624
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	59,447	71,067
	Program increase		[11,620]
002	CTG, 7.62MM, ALL TYPES	90,019	110,589
	Program increase		[20,570]
003	NEXT GENERATION SQUAD WEAPON AMMUNITION	128,662	128,662
004	CTG, HANDGUN, ALL TYPES	317	317
005	CTG, .50 CAL, ALL TYPES	35,849	65,355
	Program increase		[29,506]
006	CTG, 20MM, ALL TYPES	11,761	21,761
	CRAM Program increase		[10,000]
007	CTG, 25MM, ALL TYPES	10,270	10,270
008	CTG, 30MM, ALL TYPES	143,045	163,045
	Program increase—M-SHORAD ground vehicle programs		[20,000]
009	CTG, 40MM, ALL TYPES	85,213	85,213
	MORTAR AMMUNITION		
010	60MM MORTAR, ALL TYPES	33,338	33,338
011	81MM MORTAR, ALL TYPES	56,577	56,577
012	120MM MORTAR, ALL TYPES	127,168	127,168
	TANK AMMUNITION		
013	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	296,943	293,443
	120mm MPT—Unit cost growth		[–3,500]
	ARTILLERY AMMUNITION		
014	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	7,647	5,647
	Artillery Cartridge unit cost growth		[–2,000]
015	ARTILLERY PROJECTILE, 155MM, ALL TYPES	182,455	172,455
	Proj Arty 155mm HE RAP M1210—Early to need		[–10,000]
017	PRECISION ARTILLERY MUNITIONS	166,334	166,334
018	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	143,763	143,763
	MINES		
019	MINES & CLEARING CHARGES, ALL TYPES	80,920	65,920
	M58A4 Linear Demolition Charge—Program Reduction		[–10,000]
	MK22 rocket—Program Reduction		[–5,000]
020	CLOSE TERRAIN SHAPING OBSTACLE	53,579	53,579
	ROCKETS		
021	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	18,159	18,159
022	ROCKET, HYDRA 70, ALL TYPES	171,697	171,697
	OTHER AMMUNITION		
023	CAD/PAD, ALL TYPES	7,643	7,643
024	DEMOLITION MUNITIONS, ALL TYPES	29,796	29,796
025	GRENADES, ALL TYPES	36,251	36,251
026	SIGNALS, ALL TYPES	13,852	13,852
027	SIMULATORS, ALL TYPES	9,350	9,350
028	REACTIVE ARMOR TILES		6,025
	Additional Bradley tiles—Army UPL		[6,025]
	MISCELLANEOUS		
029	AMMO COMPONENTS, ALL TYPES	3,823	3,823
030	ITEMS LESS THAN \$5 MILLION (AMMO)	19,921	19,921
031	AMMUNITION PECULIAR EQUIPMENT	13,001	13,001
032	FIRST DESTINATION TRANSPORTATION (AMMO)	17,528	17,528
033	CLOSEOUT LIABILITIES	101	101
	PRODUCTION BASE SUPPORT		
034	INDUSTRIAL FACILITIES	499,613	678,063
	Construction of Automated Contaminated Waste Plant, Lake City AAP		[10,000]
	Construction of Electrical System Upgrade Phase I, Scranton AAP		[3,000]
	Construction of Erie 1—Unload Manipulator, Scranton AAP		[700]
	Construction of Forge Shop – Process Smog Removal System, Scranton AAP		[500]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	Construction of Forge Shop—Replace Pipes (Subway Area), Scranton AAP		[1,250]
	Construction of Industrial Sewer Modernization, Iowa AAP		[1,600]
	Construction of Infrastructure Repairs Phase I, Scranton AAP		[4,300]
	Construction of Infrastructure Repairs Phase II, Scranton AAP		[3,030]
	Construction of Medium Cal X-Ray Equipment & Infrastructure, Iowa AAP ...		[2,400]
	Construction of Replace Internal Water/Condensate Lines, Bldgs 1, 2, & 3, Lake City AAP.		[8,530]
	Construction of Small Caliber Automated Primer Design, Lake City AAP		[8,000]
	Construction of Storage Yard K Mod & Automation, Iowa AAP		[3,300]
	Construction of Ultra Violet Fire Detection System, Iowa AAP		[3,740]
	Construction of Upgrade Laundry Facility, Holston AAP		[5,600]
	Construction of Water Distribution System, Radford AAP		[25,000]
	Construction of Water In-take Pumps (B. 407), Radford AAP		[2,500]
	Urgent Safety Upgrades to LCAAP		[95,000]
035	CONVENTIONAL MUNITIONS DEMILITARIZATION	80,970	80,970
036	ARMS INITIATIVE	4,039	4,039
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	2,639,051	2,884,722
OTHER PROCUREMENT, ARMY			
TACTICAL VEHICLES			
002	SEMITRAILERS, FLATBED:	23,021	23,021
003	SEMITRAILERS, TANKERS	21,869	21,869
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	6,121	6,121
005	GROUND MOBILITY VEHICLES (GMV)	34,316	47,116
	Program increase		[12,800]
007	JOINT LIGHT TACTICAL VEHICLE FAMILY OF VEHICLE	703,110	703,110
008	TRUCK, DUMP, 20T (CCE)		30,000
	Program increase		[30,000]
009	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	74,086	157,746
	Program increase		[83,660]
010	FAMILY OF COLD WEATHER ALL-TERRAIN VEHICLE (C	23,772	23,772
011	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	39,950	39,950
012	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	96,112	239,612
	Program increase		[143,500]
013	PLS ESP	54,674	54,674
016	MODIFICATION OF IN SVC EQUIP	31,819	214,819
	HMMWV safety upgrades		[183,000]
NON-TACTICAL VEHICLES			
017	PASSENGER CARRYING VEHICLES	1,286	1,286
018	NONTACTICAL VEHICLES, OTHER	15,059	15,059
COMM—JOINT COMMUNICATIONS			
019	SIGNAL MODERNIZATION PROGRAM	179,853	169,853
	Equipment Cost Growth		[–5,000]
	Software Cost Growth		[–5,000]
020	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	382,007	417,007
	Program acceleration (mobile networking for three maneuver battalions)		[35,000]
022	DISASTER INCIDENT RESPONSE COMMS TERMINAL (DI	4,066	4,066
023	JCSE EQUIPMENT (USRDECOM)	5,505	5,505
COMM—SATELLITE COMMUNICATIONS			
026	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	107,228	107,228
027	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	119,259	119,259
028	SHF TERM	23,173	23,173
029	ASSURED POSITIONING, NAVIGATION AND TIMING	184,911	204,911
	MAPS—Army UPL		[20,000]
030	EHF SATELLITE COMMUNICATION	5,853	5,853
031	SMART-T (SPACE)	4,916	4,916
032	GLOBAL BRDCST SVC—GBS	3,179	3,179
COMM—C3 SYSTEM			
034	COE TACTICAL SERVER INFRASTRUCTURE (TSI)	94,287	87,287
	Unjustified cost growth		[–7,000]
COMM—COMBAT COMMUNICATIONS			
035	HANDHELD MANPACK SMALL FORM FIT (HMS)	728,366	728,366
037	ARMY LINK 16 SYSTEMS	47,581	47,581
039	UNIFIED COMMAND SUITE	20,178	20,178
040	COTS COMMUNICATIONS EQUIPMENT	320,595	320,595
041	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	7,621	7,621
042	ARMY COMMUNICATIONS & ELECTRONICS	59,705	59,705
COMM—INTELLIGENCE COMM			
043	CI AUTOMATION ARCHITECTURE-INTEL	13,891	13,891
045	MULTI-DOMAIN INTELLIGENCE	20,637	20,637
INFORMATION SECURITY			
046	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	1,019	1,019
047	COMMUNICATIONS SECURITY (COMSEC)	125,692	125,692
049	INSIDER THREAT PROGRAM—UNIT ACTIVITY MONITO	1,796	1,796
051	BIOMETRIC ENABLING CAPABILITY (BEC)	816	816
052	ARCYBER DEFENSIVE CYBER OPERATIONS	18,239	18,239
COMM—LONG HAUL COMMUNICATIONS			
054	BASE SUPPORT COMMUNICATIONS	10,262	25,262

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	CONUS land mobile radio		[15,000]
	COMM—BASE COMMUNICATIONS		
055	INFORMATION SYSTEMS	116,522	140,522
	IT Network Refresh		[24,000]
056	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	5,036	5,036
059	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	214,806	214,806
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
062	TITAN	84,821	0
	Army requested realignment to OPA line 66		[–19,680]
	Army Requested Realignment to RDTE		[–50,900]
	Funding ahead of need		[–14,241]
063	JTT/CIBS-M	2,352	2,352
064	TERRESTRIAL LAYER SYSTEMS (TLS)	88,915	88,915
066	DCGS-A-INTEL	76,771	116,451
	Additional systems—Army UPL		[20,000]
	Army requested realignment from OPA line 62		[19,680]
067	JOINT TACTICAL GROUND STATION (JTGS)-INTEL	349	349
068	TROJAN	20,562	69,282
	Add 15—Army UPL		[48,720]
069	MOD OF IN-SVC EQUIP (INTEL SPT)	30,424	59,724
	Prophet Enhanced ESP Kits		[20,000]
	Service Tactical SIGINT upgrades—INDOPACOM UPL		[9,300]
070	BIOMETRIC TACTICAL COLLECTION DEVICES	2,269	2,269
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
073	AIR VIGILANCE (AV)	5,688	5,688
074	MULTI-FUNCTION ELECTRONIC WARFARE (MFEW) SYST	3,060	3,060
076	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	19,519	19,519
077	CI MODERNIZATION	437	437
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
078	SENTINEL MODS	166,736	166,736
079	NIGHT VISION DEVICES	424,253	619,953
	ENVGB program extension		[100,000]
	IVAS—Army UPL		[95,700]
080	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	11,357	11,357
082	FAMILY OF WEAPON SIGHTS (FWS)	202,258	194,258
	Program decrease		[–8,000]
083	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE	5,116	5,116
084	FORWARD LOOKING INFRARED (IFLIR)	37,914	37,914
085	COUNTER SMALL UNMANNED AERIAL SYSTEM (C-SUAS)	326,364	448,364
	Coyote BLK2+ interceptors—Army UPL		[122,000]
086	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	186,515	176,515
	Program growth		[–10,000]
087	JOINT EFFECTS TARGETING SYSTEM (JETS)	10,304	10,304
088	COMPUTER BALLISTICS: LHMCB XM32	3,038	3,038
089	MORTAR FIRE CONTROL SYSTEM	4,879	4,879
090	MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS	4,370	4,370
091	COUNTERFIRE RADARS	162,208	162,208
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
092	ARMY COMMAND POST INTEGRATED INFRASTRUCTURE (.....	60,455	60,455
093	FIRE SUPPORT C2 FAMILY	9,676	9,676
094	AIR & MSL DEFENSE PLANNING & CONTROL SYS	72,619	72,619
095	LAMD BATTLE COMMAND SYSTEM	438,967	438,967
096	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,586	4,586
097	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	37,199	37,199
098	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	4,102	4,102
099	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP)	6,926	6,926
101	MOD OF IN-SVC EQUIPMENT (ENFIRE)	4,076	15,076
	GPS laser leveling system		[11,000]
	ELECT EQUIP—AUTOMATION		
102	ARMY TRAINING MODERNIZATION	8,033	8,033
103	AUTOMATED DATA PROCESSING EQUIP	96,554	106,554
	AFRICOM Enterprise C2 Network Resiliency		[10,000]
104	ACCESSIONS INFORMATION ENVIRONMENT (AIE)	43,767	33,767
	Insufficient justification		[–10,000]
105	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	97	97
106	HIGH PERF COMPUTING MOD PGM (HPCMP)	73,655	73,655
107	CONTRACT WRITING SYSTEM	17,701	17,701
108	CSS COMMUNICATIONS	88,141	88,141
	ELECT EQUIP—SUPPORT		
111	BCT EMERGING TECHNOLOGIES	12,853	12,853
	CLASSIFIED PROGRAMS		
111A	CLASSIFIED PROGRAMS	1,596	1,596
	CHEMICAL DEFENSIVE EQUIPMENT		
113	BASE DEFENSE SYSTEMS (BDS)	47,960	47,960
114	CBRN DEFENSE	56,129	56,129
	BRIDGING EQUIPMENT		
116	TACTICAL BRIDGING	13,785	13,785
118	BRIDGE SUPPLEMENTAL SET	6,774	6,774

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
119	COMMON BRIDGE TRANSPORTER (CBT) RECAP	10,379	10,379
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
124	ROBOTICS AND APPLIQUE SYSTEMS	52,340	37,340
	SMETS program delay		[-15,000]
	COMBAT SERVICE SUPPORT EQUIPMENT		
127	HEATERS AND ECUS	7,672	7,672
129	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	4,691	4,691
130	GROUND SOLDIER SYSTEM	124,953	124,953
131	MOBILE SOLDIER POWER	15,933	15,933
132	FORCE PROVIDER		58,000
	Program increase		[58,000]
134	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	42,444	42,444
136	ITEMS LESS THAN \$5M (ENG SPT)	4,155	4,155
	PETROLEUM EQUIPMENT		
137	QUALITY SURVEILLANCE EQUIPMENT	2,845	2,845
138	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	26,433	45,733
	Modular Fuel System—Tank Rack Module - Army UPL		[19,300]
	MEDICAL EQUIPMENT		
139	COMBAT SUPPORT MEDICAL	75,606	75,606
	MAINTENANCE EQUIPMENT		
140	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	3,936	3,936
	CONSTRUCTION EQUIPMENT		
147	ALL TERRAIN CRANES	31,341	31,341
148	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)		18,300
	Program increase		[18,300]
149	FAMILY OF DIVER SUPPORT EQUIPMENT	3,256	3,256
150	CONST EQUIP ESP	9,104	9,104
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
151	ARMY WATERCRAFT ESP	47,889	47,889
152	MANEUVER SUPPORT VESSEL (MSV)	104,676	104,676
153	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)	10,131	10,131
	GENERATORS		
154	GENERATORS AND ASSOCIATED EQUIP	54,400	54,400
155	TACTICAL ELECTRIC POWER RECAPITALIZATION	8,293	8,293
	MATERIAL HANDLING EQUIPMENT		
156	FAMILY OF FORKLIFTS	8,819	8,819
	TRAINING EQUIPMENT		
157	COMBAT TRAINING CENTERS SUPPORT	48,046	48,046
158	TRAINING DEVICES, NONSYSTEM	201,966	194,966
	Program decrease		[-7,000]
159	SYNTHETIC TRAINING ENVIRONMENT (STE)	255,670	295,670
	One World Terrain (STE-OWT)—Army UPL		[40,000]
160	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	9,546	9,546
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
162	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	36,514	36,514
164	TEST EQUIPMENT MODERNIZATION (TEMOD)	32,734	32,734
	OTHER SUPPORT EQUIPMENT		
166	PHYSICAL SECURITY SYSTEMS (OPA3)	102,556	110,706
	Force Protection Systems—Physical Security Systems		[14,150]
	Program decrease		[-6,000]
167	BASE LEVEL COMMON EQUIPMENT	31,417	31,417
168	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	24,047	24,047
169	BUILDING, PRE-FAB, RELOCATABLE	32,151	32,151
170	SPECIAL EQUIPMENT FOR TEST AND EVALUATION	84,779	80,779
	Program decrease		[-4,000]
	OPA2		
172	INITIAL SPARES—C&E	10,463	10,463
	TOTAL OTHER PROCUREMENT, ARMY	8,457,509	9,448,798
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	F/A-18E/F (FIGHTER) HORNET	90,865	737,065
	8 aircraft—USNR		[666,000]
	Program decrease		[-19,800]
002	JOINT STRIKE FIGHTER CV	1,663,515	1,704,115
	TR-3 Organic Depot Standup		[40,600]
003	JOINT STRIKE FIGHTER CV AP	387,596	387,596
004	JSF STOVL	1,909,635	1,950,235
	TR-3 Organic Depot Standup		[40,600]
005	JSF STOVL AP	200,118	200,118
006	CH-53K (HEAVY LIFT)	1,669,986	1,913,986
	Add 2 aircraft		[250,000]
	Unjustified cost growth—Other ILS		[-2,000]
	Unjustified cost growth—Pubs/ Tech data		[-4,000]
007	CH-53K (HEAVY LIFT) AP	357,824	357,824
008	V-22 (MEDIUM LIFT)	31,795	243,795
	Unit quantity increase—2 aircraft		[212,000]
011	P-8A POSEIDON	41,521	31,521

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	Program decrease		[-10,000]
012	E-2D ADV HAWKEYE	842,401	1,242,301
	2 additional E-2D aircraft—Navy UPL		[399,900]
	TRAINER AIRCRAFT		
014	MULTI-ENGINE TRAINING SYSTEM (METS)	123,217	123,217
015	ADVANCED HELICOPTER TRAINING SYSTEM	119,816	119,816
	OTHER AIRCRAFT		
016	KC-130J	439,501	1,138,601
	2 additional USMC C-130 aircraft—USMC UPL		[252,900]
	3 additional Navy C-130 aircraft—Navy UPL		[446,200]
017	KC-130J AP	29,122	44,522
	Advanced Procurement for USMC aircraft—USMC UPL		[15,400]
019	MQ-4 TRITON	587,820	567,820
	Program decrease		[-20,000]
020	MQ-4 TRITON AP	75,235	75,235
021	MQ-8 UAV		21,000
	Costs associated with restoring 5 LCS		[21,000]
022	STUASLO UAV	2,703	2,703
023	MQ-25	696,713	696,713
024	MQ-25 AP	51,463	51,463
025	MARINE GROUP 5 UAS	103,882	93,882
	Program decrease		[-10,000]
	MODIFICATION OF AIRCRAFT		
027	F-18 A-D UNIQUE	141,514	141,514
028	F-18E/F AND EA-18G MODERNIZATION AND SUSTAINM	572,681	572,681
029	MARINE GROUP 5 UAS SERIES	86,116	86,116
030	AEA SYSTEMS	25,058	25,058
031	AV-8 SERIES	26,657	26,657
032	INFRARED SEARCH AND TRACK (IRST)	144,699	144,699
033	ADVERSARY	105,188	105,188
034	F-18 SERIES	480,663	480,663
035	H-53 SERIES	40,151	40,151
036	MH-60 SERIES	126,238	126,238
037	H-1 SERIES	122,498	135,798
	H-1 Digital Interoperability (DI) Link-16		[13,300]
038	EP-3 SERIES	8,492	8,492
039	E-2 SERIES	188,897	188,897
040	TRAINER A/C SERIES	9,568	9,568
042	C-130 SERIES	132,170	132,170
043	FEWSG	695	695
044	CARGO/TRANSPORT A/C SERIES	10,902	10,902
045	E-6 SERIES	129,049	129,049
046	EXECUTIVE HELICOPTERS SERIES	55,265	55,265
047	T-45 SERIES	201,670	201,670
048	POWER PLANT CHANGES	24,685	24,685
049	JPATS SERIES	19,780	19,780
050	AVIATION LIFE SUPPORT MODS	1,143	1,143
051	COMMON ECM EQUIPMENT	129,722	129,722
052	COMMON AVIONICS CHANGES	136,883	136,883
053	COMMON DEFENSIVE WEAPON SYSTEM	6,373	6,373
054	ID SYSTEMS	3,828	3,828
055	P-8 SERIES	249,342	310,042
	2 additional kits for P-8 increment 3—Navy UPL		[60,700]
056	MAGTF EW FOR AVIATION	24,684	24,684
057	MQ-8 SERIES	9,846	17,146
	Costs associated with restoring 5 LCS		[7,300]
058	V-22 (TIL/TROTOR ACFT) OSPREY	207,621	290,121
	V-22 Nacelle Improvement		[82,500]
059	NEXT GENERATION JAMMER (NGJ)	401,563	468,563
	Program increase—2 shipsets - Navy UPL		[67,000]
060	F-35 STOVL SERIES	216,356	216,356
061	F-35 CV SERIES	208,336	208,336
062	QRC	47,864	47,864
063	MQ-4 SERIES	94,738	94,738
064	RQ-21 SERIES	6,576	6,576
	AIRCRAFT SPARES AND REPAIR PARTS		
068	SPARES AND REPAIR PARTS	1,872,417	2,071,365
	Costs associated with restoring 5 LCS		[1,200]
	F-35B Engine/Lift System—USMC UPL		[117,000]
	MH-60R spares		[23,143]
	MH-60S spares		[7,605]
	Various systems—Navy UPL		[50,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
069	COMMON GROUND EQUIPMENT	542,214	542,214
070	AIRCRAFT INDUSTRIAL FACILITIES	101,559	101,559
071	WAR CONSUMABLES	40,316	40,316
072	OTHER PRODUCTION CHARGES	46,403	46,403
073	SPECIAL SUPPORT EQUIPMENT	423,280	423,280

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	TOTAL AIRCRAFT PROCUREMENT, NAVY	16,848,428	19,556,976
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,125,164	1,125,164
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	7,767	7,767
	STRATEGIC MISSILES		
003	TOMAHAWK	160,190	403,790
	Expeditionary VLS Reload System—Navy UPL		[1,600]
	Unit quantity increase		[242,000]
	TACTICAL MISSILES		
004	AMRAAM	335,900	335,900
005	SIDEWINDER	63,288	89,188
	Additional missiles—Navy UPL		[25,900]
006	STANDARD MISSILE	489,123	489,123
008	JAASSM	58,481	58,481
009	SMALL DIAMETER BOMB II	108,317	108,317
010	RAM	92,131	92,131
011	JOINT AIR GROUND MISSILE (JAGM)	78,395	78,395
012	HELLFIRE	6,603	6,603
013	AERIAL TARGETS	183,222	183,222
014	DRONES AND DECOYS	62,930	62,930
015	OTHER MISSILE SUPPORT	3,524	3,524
016	LRASM	226,022	259,122
	Additional missiles—Navy UPL		[33,100]
017	NAVAL STRIKE MISSILE (NSM)	59,034	59,034
	MODIFICATION OF MISSILES		
018	TOMAHAWK MODS	435,308	435,308
019	ESSM	282,035	282,035
020	AARGM	131,275	131,275
021	STANDARD MISSILES MODS	71,198	71,198
	SUPPORT EQUIPMENT & FACILITIES		
022	WEAPONS INDUSTRIAL FACILITIES	1,976	1,976
	ORDNANCE SUPPORT EQUIPMENT		
025	ORDNANCE SUPPORT EQUIPMENT	40,793	40,793
	TORPEDOES AND RELATED EQUIP		
026	SSTD	3,789	3,789
027	MK-48 TORPEDO	151,128	200,128
	MK 48 Heavyweight Torpedo Procurement—Navy UPL		[49,000]
028	ASW TARGETS	14,403	14,403
	MOD OF TORPEDOES AND RELATED EQUIP		
029	MK-54 TORPEDO MODS	106,772	126,772
	Program increase		[20,000]
030	MK-48 TORPEDO ADCAP MODS	18,502	18,502
031	MARITIME MINES	9,282	9,282
	SUPPORT EQUIPMENT		
032	TORPEDO SUPPORT EQUIPMENT	87,044	87,044
033	ASW RANGE SUPPORT	3,965	3,965
	DESTINATION TRANSPORTATION		
034	FIRST DESTINATION TRANSPORTATION	5,315	5,315
	GUNS AND GUN MOUNTS		
035	SMALL ARMS AND WEAPONS	13,859	13,859
	MODIFICATION OF GUNS AND GUN MOUNTS		
036	CIWS MODS	2,655	2,655
037	COAST GUARD WEAPONS	34,259	34,259
038	GUN MOUNT MODS	81,725	81,725
039	LCS MODULE WEAPONS	4,580	4,580
040	AIRBORNE MINE NEUTRALIZATION SYSTEMS	8,710	8,710
	SPARES AND REPAIR PARTS		
042	SPARES AND REPAIR PARTS	170,041	170,041
	TOTAL WEAPONS PROCUREMENT, NAVY	4,738,705	5,110,305
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	47,198	47,198
002	JDAM	76,688	76,688
003	AIRBORNE ROCKETS, ALL TYPES	70,005	70,005
004	MACHINE GUN AMMUNITION	20,586	20,586
005	PRACTICE BOMBS	51,109	51,109
006	CARTRIDGES & CART ACTUATED DEVICES	72,534	72,534
007	AIR EXPENDABLE COUNTERMEASURES	114,475	114,475
008	JATOS	7,096	7,096
009	5 INCH/54 GUN AMMUNITION	30,018	30,018
010	INTERMEDIATE CALIBER GUN AMMUNITION	40,089	40,089
011	OTHER SHIP GUN AMMUNITION	42,707	42,707
012	SMALL ARMS & LANDING PARTY AMMO	49,023	49,023
013	PYROTECHNIC AND DEMOLITION	9,480	9,480

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
014	AMMUNITION LESS THAN \$5 MILLION	1,622	1,622
	MARINE CORPS AMMUNITION		
015	MORTARS	71,214	71,214
016	DIRECT SUPPORT MUNITIONS	65,169	65,169
017	INFANTRY WEAPONS AMMUNITION	225,271	225,271
018	COMBAT SUPPORT MUNITIONS	19,691	19,691
019	AMMO MODERNIZATION	17,327	17,327
020	ARTILLERY MUNITIONS	15,514	15,514
021	ITEMS LESS THAN \$5 MILLION	5,476	5,476
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	1,052,292	1,052,292
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
001	OHIO REPLACEMENT SUBMARINE	3,079,223	3,079,223
002	OHIO REPLACEMENT SUBMARINE AP	2,778,553	2,778,553
	OTHER WARSHIPS		
003	CARRIER REPLACEMENT PROGRAM	1,481,530	1,466,530
	Program decrease		[−15,000]
004	CVN-81	1,052,024	1,037,024
	Program decrease		[−15,000]
005	VIRGINIA CLASS SUBMARINE	4,534,184	4,534,184
006	VIRGINIA CLASS SUBMARINE AP	2,025,651	2,025,651
008	CVN REFUELING OVERHAULS AP	618,295	618,295
009	DDG 1000	72,976	72,976
010	DDG-51	4,376,537	5,814,806
	Large Surface Combatant Shipyard Infrastructure		[250,000]
	One additional ship		[1,188,269]
011	DDG-51 AP	618,352	748,352
	Third DDG in FY 2024		[130,000]
013	FFG-FRIGATE	1,085,224	2,082,473
	One additional ship		[923,849]
	Wholeness for FFG-62 Procurement—Navy UPL		[73,400]
014	FFG-FRIGATE AP	74,949	74,949
	AMPHIBIOUS SHIPS		
015	LPD FLIGHT II	1,673,000	1,673,000
016	LPD FLIGHT II AP		250,000
	LPD-33 Advanced Procurement		[250,000]
020	LHA REPLACEMENT	1,085,470	1,374,470
	LHA 10 advance procurement		[289,000]
021	EXPEDITIONARY FAST TRANSPORT (EPF)		695,000
	EMS		[695,000]
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
022	TAO FLEET OILER	794,719	1,540,719
	One additional ship		[746,000]
024	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	95,915	95,915
027	OUTFITTING	707,412	707,412
028	SHIP TO SHORE CONNECTOR	190,433	391,838
	Unit quantity increase		[201,405]
029	SERVICE CRAFT	68,274	68,274
030	LCAC SLEP	36,301	36,301
031	AUXILIARY VESSELS (USED SEALIFT)	140,686	140,686
032	COMPLETION OF PY SHIPBUILDING PROGRAMS	1,328,146	1,373,146
	CVN 73 RCOH Cost-to-Complete—Navy UPL		[45,000]
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	27,917,854	32,679,777
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	SURFACE POWER EQUIPMENT	46,478	46,478
	GENERATORS		
002	SURFACE COMBATANT HM&E	84,615	84,615
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT	98,079	78,079
	Program decrease		[−20,000]
	OTHER SHIPBOARD EQUIPMENT		
004	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	266,300	226,300
	Unjustified growth		[−40,000]
005	DDG MOD	770,341	770,341
006	FIREFIGHTING EQUIPMENT	19,687	19,687
007	COMMAND AND CONTROL SWITCHBOARD	2,406	2,406
008	LHA/LHD MIDLIFE	38,200	53,700
	LHD and LHA Class Electric Plant Wholeness—Navy UPL		[15,500]
009	LCC 19/20 EXTENDED SERVICE LIFE PROGRAM	20,028	15,028
	Program decrease		[−5,000]
010	POLLUTION CONTROL EQUIPMENT	17,682	17,682
011	SUBMARINE SUPPORT EQUIPMENT	117,799	117,799
012	VIRGINIA CLASS SUPPORT EQUIPMENT	32,300	32,300
013	LCS CLASS SUPPORT EQUIPMENT	15,238	10,238
	Unjustified growth		[−5,000]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
014	SUBMARINE BATTERIES	24,137	24,137
015	LPD CLASS SUPPORT EQUIPMENT	54,496	54,496
016	DDG 1000 CLASS SUPPORT EQUIPMENT	314,333	284,333
	Program decrease		[-30,000]
017	STRATEGIC PLATFORM SUPPORT EQUIP	13,504	13,504
018	DSSP EQUIPMENT	3,660	3,660
019	CG MODERNIZATION	59,054	59,054
020	LCAC	17,452	17,452
021	UNDERWATER EOD EQUIPMENT	35,417	35,417
022	ITEMS LESS THAN \$5 MILLION	60,812	60,812
023	CHEMICAL WARFARE DETECTORS	3,202	3,202
	REACTOR PLANT EQUIPMENT		
025	SHIP MAINTENANCE, REPAIR AND MODERNIZATION	1,242,532	1,242,532
026	REACTOR POWER UNITS	4,690	4,690
027	REACTOR COMPONENTS	408,989	408,989
	OCEAN ENGINEERING		
028	DIVING AND SALVAGE EQUIPMENT	11,773	11,773
	SMALL BOATS		
029	STANDARD BOATS	57,262	78,730
	Six additional 40-foot Patrol Boats		[21,468]
	PRODUCTION FACILITIES EQUIPMENT		
030	OPERATING FORCES IPE	174,743	174,743
	OTHER SHIP SUPPORT		
031	LCS COMMON MISSION MODULES EQUIPMENT	57,313	57,313
032	LCS MCM MISSION MODULES	94,987	97,187
	Mine Countermeasures Mission Package Capacity and Wholeness—Navy UPL		[2,200]
033	LCS ASW MISSION MODULES	3,594	0
	Program decrease		[-3,594]
034	LCS SUW MISSION MODULES	5,100	5,100
035	LCS IN-SERVICE MODERNIZATION	76,526	111,526
	Costs associated with restoring 5 LCS		[65,000]
	Program decrease		[-30,000]
036	SMALL & MEDIUM UUV	49,763	44,763
	Unjustified growth		[-5,000]
	SHIP SONARS		
037	SPQ-9B RADAR	12,063	12,063
038	AN/SQQ-89 SURF ASW COMBAT SYSTEM	141,591	141,591
039	SSN ACOUSTIC EQUIPMENT	446,653	446,653
040	UNDERSEA WARFARE SUPPORT EQUIPMENT	17,424	17,424
	ASW ELECTRONIC EQUIPMENT		
041	SUBMARINE ACOUSTIC WARFARE SYSTEM	31,708	31,708
042	SSTD	14,325	14,325
043	FIXED SURVEILLANCE SYSTEM	266,228	266,228
044	SURTASS	25,030	46,130
	Navy UPL		[21,100]
	ELECTRONIC WARFARE EQUIPMENT		
045	AN/SLQ-32	292,417	292,417
	RECONNAISSANCE EQUIPMENT		
046	SHIPBOARD IW EXPLOIT	311,210	316,910
	Counter-Command, Control, Communications, Computers and Combat Systems Intelligence, Surveillance and Reconnaissance and Targeting (C-C5ISR&T)—Navy UPL		[5,700]
047	AUTOMATED IDENTIFICATION SYSTEM (AIS)	2,487	2,487
	OTHER SHIP ELECTRONIC EQUIPMENT		
048	COOPERATIVE ENGAGEMENT CAPABILITY	34,500	34,500
049	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	19,038	19,038
050	ATDLS	73,675	73,675
051	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,435	3,435
052	MINESWEEPING SYSTEM REPLACEMENT	16,336	16,336
054	NAVSTAR GPS RECEIVERS (SPACE)	30,439	30,439
055	AMERICAN FORCES RADIO AND TV SERVICE	2,724	2,724
056	STRATEGIC PLATFORM SUPPORT EQUIP	6,266	6,266
	AVIATION ELECTRONIC EQUIPMENT		
057	ASHORE ATC EQUIPMENT	89,396	89,396
058	AFLOAT ATC EQUIPMENT	86,732	86,732
059	ID SYSTEMS	59,226	59,226
060	JOINT PRECISION APPROACH AND LANDING SYSTEM (.....	8,186	8,186
061	NAVAL MISSION PLANNING SYSTEMS	26,778	26,778
	OTHER SHORE ELECTRONIC EQUIPMENT		
062	MARITIME INTEGRATED BROADCAST SYSTEM	3,520	3,520
063	TACTICAL/MOBILE C4I SYSTEMS	31,840	31,840
064	DCGS-N	15,606	15,606
065	CANES	402,550	382,550
	Insufficient justification		[-40,000]
	Intel secure data links		[20,000]
066	RADIAC	9,062	9,062
067	CANES-INTELL	48,665	48,665
068	GPETE	23,479	23,479

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
069	MASF	11,792	11,792
070	INTEG COMBAT SYSTEM TEST FACILITY	6,053	6,053
071	EMI CONTROL INSTRUMENTATION	4,219	4,219
072	ITEMS LESS THAN \$5 MILLION	102,846	102,846
	SHIPBOARD COMMUNICATIONS		
073	SHIPBOARD TACTICAL COMMUNICATIONS	36,941	36,941
074	SHIP COMMUNICATIONS AUTOMATION	101,691	101,691
075	COMMUNICATIONS ITEMS UNDER \$5M	55,290	55,290
	SUBMARINE COMMUNICATIONS		
076	SUBMARINE BROADCAST SUPPORT	91,150	91,150
077	SUBMARINE COMMUNICATION EQUIPMENT	74,569	74,569
	SATELLITE COMMUNICATIONS		
078	SATELLITE COMMUNICATIONS SYSTEMS	39,827	39,827
079	NAVY MULTIBAND TERMINAL (NMT)	24,586	24,586
	SHORE COMMUNICATIONS		
080	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,699	4,699
	CRYPTOGRAPHIC EQUIPMENT		
081	INFO SYSTEMS SECURITY PROGRAM (ISSP)	156,034	156,034
082	MIO INTEL EXPLOITATION TEAM	1,055	1,055
	CRYPTOLOGIC EQUIPMENT		
083	CRYPTOLOGIC COMMUNICATIONS EQUIP	18,832	20,332
	Service Tactical SIGINT Upgrades—INDOPACOM UPL		[1,500]
	OTHER ELECTRONIC SUPPORT		
092	COAST GUARD EQUIPMENT	68,556	68,556
	SONOBUOYS		
094	SONOBUOYS—ALL TYPES	291,670	303,521
	Program increase		[11,851]
	AIRCRAFT SUPPORT EQUIPMENT		
095	MINOTAUR	5,247	5,247
096	WEAPONS RANGE SUPPORT EQUIPMENT	106,209	106,209
097	AIRCRAFT SUPPORT EQUIPMENT	275,461	275,461
098	ADVANCED ARRESTING GEAR (AAG)	22,717	22,717
099	ELECTROMAGNETIC AIRCRAFT LAUNCH SYSTEM (EMALS)	18,594	18,594
100	METEOROLOGICAL EQUIPMENT	15,175	15,175
101	LEGACY AIRBORNE MCM	4,689	4,689
102	LAMPS EQUIPMENT	1,610	1,610
103	AVIATION SUPPORT EQUIPMENT	86,409	86,409
104	UMCS-UNMAN CARRIER AVIATION(UCA)MISSION CNTRL	136,647	136,647
	SHIP GUN SYSTEM EQUIPMENT		
105	SHIP GUN SYSTEMS EQUIPMENT	5,902	5,902
	SHIP MISSILE SYSTEMS EQUIPMENT		
106	HARPOON SUPPORT EQUIPMENT	217	217
107	SHIP MISSILE SUPPORT EQUIPMENT	286,788	292,788
	SPY-1 Low Noise Amplyfier		[6,000]
108	TOMAHAWK SUPPORT EQUIPMENT	95,856	95,856
	FBM SUPPORT EQUIPMENT		
109	STRATEGIC MISSILE SYSTEMS EQUIP	279,430	279,430
	ASW SUPPORT EQUIPMENT		
110	SSN COMBAT CONTROL SYSTEMS	128,874	128,874
111	ASW SUPPORT EQUIPMENT	26,920	35,720
	Secure Autonomous Data Link for USW Portable Ranges		[8,800]
	OTHER ORDNANCE SUPPORT EQUIPMENT		
112	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	17,048	20,548
	Dismounted Reconnaissance—Sets, Kits and Outfits (DR-SKO)		[3,500]
113	ITEMS LESS THAN \$5 MILLION	5,938	5,938
	OTHER EXPENDABLE ORDNANCE		
114	ANTI-SHIP MISSILE DECOY SYSTEM	86,264	86,264
115	SUBMARINE TRAINING DEVICE MODS	80,591	80,591
116	SURFACE TRAINING EQUIPMENT	198,695	198,695
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
117	PASSENGER CARRYING VEHICLES	4,799	4,799
118	GENERAL PURPOSE TRUCKS	2,542	2,542
119	CONSTRUCTION & MAINTENANCE EQUIP	50,619	61,019
	GPS laser leveling system		[9,200]
	VLS training equipment—Navy UPL		[1,200]
120	FIRE FIGHTING EQUIPMENT	16,305	16,305
121	TACTICAL VEHICLES	28,586	33,386
	Program increase—Navy UPL		[4,800]
122	POLLUTION CONTROL EQUIPMENT	2,840	2,840
123	ITEMS LESS THAN \$5 MILLION	64,311	64,311
124	PHYSICAL SECURITY VEHICLES	1,263	1,263
	SUPPLY SUPPORT EQUIPMENT		
125	SUPPLY EQUIPMENT	32,338	32,338
126	FIRST DESTINATION TRANSPORTATION	6,255	6,255
127	SPECIAL PURPOSE SUPPLY SYSTEMS	613,039	613,039
	TRAINING DEVICES		
128	TRAINING SUPPORT EQUIPMENT	1,285	1,285
129	TRAINING AND EDUCATION EQUIPMENT	44,618	44,618

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	COMMAND SUPPORT EQUIPMENT		
130	COMMAND SUPPORT EQUIPMENT	55,728	55,728
131	MEDICAL SUPPORT EQUIPMENT	5,325	5,325
133	NAVAL MIP SUPPORT EQUIPMENT	6,077	6,077
134	OPERATING FORCES SUPPORT EQUIPMENT	16,252	16,252
135	C4ISR EQUIPMENT	6,497	6,497
136	ENVIRONMENTAL SUPPORT EQUIPMENT	36,592	36,592
137	PHYSICAL SECURITY EQUIPMENT	118,598	114,598
	Program decrease		[-4,000]
138	ENTERPRISE INFORMATION TECHNOLOGY	29,407	29,407
	OTHER		
142	NEXT GENERATION ENTERPRISE SERVICE	201,314	201,314
143	CYBERSPACE ACTIVITIES	5,018	5,018
144	CYBER MISSION FORCES	17,115	17,115
	CLASSIFIED PROGRAMS		
144A	CLASSIFIED PROGRAMS	17,295	17,295
	SPARES AND REPAIR PARTS		
145	SPARES AND REPAIR PARTS	532,313	532,313
	TOTAL OTHER PROCUREMENT, NAVY	11,746,503	11,761,728
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	5,653	5,653
002	AMPHIBIOUS COMBAT VEHICLE FAMILY OF VEHICLES	536,678	536,678
003	LAV PIP	57,099	57,099
	ARTILLERY AND OTHER WEAPONS		
004	155MM LIGHTWEIGHT TOWED HOWITZER	1,782	1,782
005	ARTILLERY WEAPONS SYSTEM	143,808	143,808
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	11,118	11,118
	GUIDED MISSILES		
007	TOMAHAWK	42,958	42,958
008	NAVAL STRIKE MISSILE (NSM)	174,369	174,369
009	GROUND BASED AIR DEFENSE	173,801	230,601
	MADIS Inc 1 fielding—USMC UPL		[56,800]
010	ANTI-ARMOR MISSILE-JAVELIN	18,495	18,495
011	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)	21,419	21,419
012	ANTI-ARMOR MISSILE-TOW	663	663
013	GUIDED MLRS ROCKET (GMLRS)	7,605	7,605
	COMMAND AND CONTROL SYSTEMS		
014	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	30,292	30,292
	REPAIR AND TEST EQUIPMENT		
015	REPAIR AND TEST EQUIPMENT	58,024	58,024
	OTHER SUPPORT (TEL)		
016	MODIFICATION KITS	293	293
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
017	ITEMS UNDER \$5 MILLION (COMM & ELEC)	83,345	83,345
018	AIR OPERATIONS C2 SYSTEMS	11,048	11,048
	RADAR + EQUIPMENT (NON-TEL)		
019	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	61,943	441,943
	Additional G/ATOR radars—USMC UPL		[380,000]
	INTELL/COMM EQUIPMENT (NON-TEL)		
020	GCSS-MC	1,663	1,663
021	FIRE SUPPORT SYSTEM	48,322	48,322
022	INTELLIGENCE SUPPORT EQUIPMENT	182,894	177,894
	Program decrease		[-5,000]
024	UNMANNED AIR SYSTEMS (INTEL)	47,595	47,595
025	DCGS-MC	47,998	47,998
026	UAS PAYLOADS	8,619	8,619
	OTHER SUPPORT (NON-TEL)		
029	MARINE CORPS ENTERPRISE NETWORK (MCEN)	276,763	276,763
030	COMMON COMPUTER RESOURCES	40,096	40,096
031	COMMAND POST SYSTEMS	58,314	58,314
032	RADIO SYSTEMS	612,450	600,450
	Program decrease		[-12,000]
033	COMM SWITCHING & CONTROL SYSTEMS	51,976	51,976
034	COMM & ELEC INFRASTRUCTURE SUPPORT	26,029	26,029
035	CYBERSPACE ACTIVITIES	17,759	17,759
036	CYBER MISSION FORCES	4,036	4,036
	CLASSIFIED PROGRAMS		
038A	CLASSIFIED PROGRAMS	3,884	3,884
	ADMINISTRATIVE VEHICLES		
039	COMMERCIAL CARGO VEHICLES	35,179	35,179
	TACTICAL VEHICLES		
040	MOTOR TRANSPORT MODIFICATIONS	17,807	17,807
041	JOINT LIGHT TACTICAL VEHICLE	222,257	339,657
	Accelerate HMMWV replacement—USMC UPL		[117,400]
043	TRAILERS	2,721	2,721
	ENGINEER AND OTHER EQUIPMENT		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
045	TACTICAL FUEL SYSTEMS	7,854	7,854
046	POWER EQUIPMENT ASSORTED	5,841	5,841
047	AMPHIBIOUS SUPPORT EQUIPMENT	38,120	38,120
048	EOD SYSTEMS	201,047	191,047
	Unjustified growth—MEGFoS		[−10,000]
	MATERIALS HANDLING EQUIPMENT		
049	PHYSICAL SECURITY EQUIPMENT	69,967	69,967
	GENERAL PROPERTY		
050	FIELD MEDICAL EQUIPMENT	21,780	21,780
051	TRAINING DEVICES	86,272	111,272
	Program increase (Force on Force Training System)		[25,000]
052	FAMILY OF CONSTRUCTION EQUIPMENT	27,605	27,605
053	ULTRA-LIGHT TACTICAL VEHICLE (ULTV)	15,033	15,033
	OTHER SUPPORT		
054	ITEMS LESS THAN \$5 MILLION	26,433	26,433
	SPARES AND REPAIR PARTS		
055	SPARES AND REPAIR PARTS	34,799	34,799
	TOTAL PROCUREMENT, MARINE CORPS	3,681,506	4,233,706
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC OFFENSIVE		
001	B-21 RAIDER	1,498,431	1,498,431
002	B-21 RAIDER AP	288,165	288,165
	TACTICAL FORCES		
003	F-35	3,320,757	3,516,957
	Technical realignment		[115,000]
	TR-3 Organic Depot Standup		[81,200]
004	F-35 AP	594,886	479,886
	Technical realignment		[−115,000]
005	F-15EX	2,422,348	2,422,348
006	F-15EX AP	264,000	264,000
	TACTICAL AIRLIFT		
007	KC-46A MDAP	2,684,503	2,684,503
	OTHER AIRLIFT		
008	C-130J	75,293	75,293
009	MC-130J	40,351	40,351
	UPT TRAINERS		
011	ADVANCED TRAINER REPLACEMENT T-X	10,507	10,507
	HELICOPTERS		
012	MH-139A	156,192	152,492
	Unjustified growth—government costs		[−3,700]
013	COMBAT RESCUE HELICOPTER	707,018	707,018
	MISSION SUPPORT AIRCRAFT		
015	CIVIL AIR PATROL A/C	2,952	11,600
	Program increase		[8,648]
	OTHER AIRCRAFT		
016	TARGET DRONES	128,906	128,906
017	COMPASS CALL		553,700
	Add 4 EC-37B aircraft		[553,700]
018	E-11 BACN/HAG	67,260	66,847
	Technical realignment		[−413]
019	MQ-9	17,039	7,012
	Early to need—production shutdown		[−10,027]
021	AGILITY PRIME PROCUREMENT	3,612	3,612
	STRATEGIC AIRCRAFT		
022	B-2A	106,752	106,752
023	B-1B	36,313	38,813
	Additional Pylon Purchases		[5,000]
	Program decrease		[−2,500]
024	B-52	127,854	120,908
	Technical realignment		[−6,946]
025	LARGE AIRCRAFT INFRARED COUNTERMEASURES	25,286	25,286
	TACTICAL AIRCRAFT		
026	A-10	83,972	83,972
027	E-11 BACN/HAG	10,309	10,309
028	F-15	194,379	194,379
029	F-16	700,455	700,455
030	F-22A	764,222	764,222
031	F-35 MODIFICATIONS	414,382	414,382
032	F-15 EPAW	259,837	259,837
034	KC-46A MDAP	467	467
	AIRLIFT AIRCRAFT		
035	C-5	46,027	5,673
	Program decrease		[−10,000]
	Technical realignment		[−30,354]
036	C-17A	152,009	157,509
	Technical realignment		[5,500]
037	C-32A	4,068	4,068

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
038	C-37A	6,062	6,062
	TRAINER AIRCRAFT		
039	GLIDER MODS	149	149
040	T-6	6,215	6,215
041	T-1	6,262	6,262
042	T-38	111,668	161,168
	Ejection Seat Upgrade		[49,500]
	OTHER AIRCRAFT		
044	U-2 MODS	81,650	81,650
045	KC-10A (ATCA)	3,443	3,443
046	C-21	2,024	2,024
047	VC-25A MOD	2,146	2,146
048	C-40	2,197	2,197
049	C-130	114,268	131,768
	Technical realignment		[17,500]
050	C-130J MODS	112,299	112,299
051	C-135	149,023	163,523
	Program decrease		[-5,000]
	Technical realignment		[19,500]
052	COMPASS CALL	16,630	346,630
	Add 4 EC-37B A & B kits, spares, and installation		[330,000]
053	RC-135	212,828	252,828
	M-code compliance		[39,400]
	Service Tactical SIGINT Upgrades—INDOPACOM UPL		[600]
054	E-3	54,247	54,247
055	E-4	5,973	5,973
056	E-8	16,610	0
	Program decrease		[-16,610]
059	H-1	1,757	1,757
060	H-60	10,820	10,820
061	COMBAT RESCUE HELICOPTER MODIFICATION	3,083	3,083
062	RQ-4 MODS	1,286	1,286
063	HC/MC-130 MODIFICATIONS	138,956	118,956
	Technical realignment		[-20,000]
064	OTHER AIRCRAFT	29,029	70,296
	Maritime Patrol Aircraft		[28,500]
	Technical realignment		[12,767]
065	MQ-9 MODS	64,370	215,095
	Multi-Domain Operations modernization		[156,725]
	Unjustified cost—MQ-9 Upgrade		[-6,000]
066	MQ-9 UAS PAYLOADS		40,000
	Program increase—electronic support measure payload		[40,000]
067	SENIOR LEADER C3, SYSTEM—AIRCRAFT	24,784	24,784
068	CV-22 MODS	153,026	168,826
	CV-22 Reliability Acceleration		[15,800]
	AIRCRAFT SPARES AND REPAIR PARTS		
069	INITIAL SPARES/REPAIR PARTS	623,661	725,407
	Program increase—Compass Call spare engines (4) - USAF UPL		[94,800]
	Technical realignment		[6,946]
	COMMON SUPPORT EQUIPMENT		
070	AIRCRAFT REPLACEMENT SUPPORT EQUIP	138,935	138,935
	OTHER AIRCRAFT		
	POST PRODUCTION SUPPORT		
063A	HC/MC-130 POST PRODUCTION SUPPORT		20,000
	Technical realignment		[20,000]
071	B-2A	1,802	1,802
072	B-2B	36,325	36,325
073	B-52	5,883	5,883
074	F-15	2,764	2,764
075	F-16	5,102	5,102
077	MQ9 POST PROD	7,069	7,069
078	RQ-4 POST PRODUCTION CHARGES	40,845	40,845
	AIRLIFT AIRCRAFT		
	INDUSTRIAL PREPAREDNESS		
035A	C-5 POST PRODUCTION SUPPORT		18,000
	Technical realignment		[18,000]
079	INDUSTRIAL RESPONSIVENESS	19,128	19,128
	WAR CONSUMABLES		
080	WAR CONSUMABLES	31,165	31,165
	OTHER PRODUCTION CHARGES		
081	OTHER PRODUCTION CHARGES	1,047,300	1,440,300
	Program decrease—early to need		[-75,000]
	Program increase		[468,000]
	CLASSIFIED PROGRAMS		
083A	CLASSIFIED PROGRAMS	18,092	18,092
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	18,517,428	20,302,964
	MISSILE PROCUREMENT, AIR FORCE		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	57,476	57,476
	STRATEGIC		
004	LONG RANGE STAND-OFF WEAPON	31,454	31,454
	TACTICAL		
005	REPLAC EQUIP & WAR CONSUMABLES	30,510	30,510
006	AGM-183A AIR-LAUNCHED RAPID RESPONSE WEAPON	46,566	0
	Technical realignment		[-46,566]
007	JOINT AIR-SURFACE STANDOFF MISSILE	784,971	784,971
008	LRASM0	114,025	114,025
009	SIDEWINDER (AIM-9X)	111,855	111,855
010	AMRAAM	320,056	320,056
011	PREDATOR HELLFIRE MISSILE	1,040	1,040
012	SMALL DIAMETER BOMB	46,475	46,475
013	SMALL DIAMETER BOMB II	279,006	379,006
	Program increase—Air Force UPL		[100,000]
014	STAND-IN ATTACK WEAPON (SLAW)	77,975	77,975
	INDUSTRIAL FACILITIES		
015	INDUSTRIAL PREPAREDNESS/POL PREVENTION	868	868
	CLASS IV		
018	ICBM FUZE MOD	99,691	99,691
019	ICBM FUZE MOD AP	37,673	37,673
020	MM III MODIFICATIONS	68,193	68,193
022	AIR LAUNCH CRUISE MISSILE (ALCM)	33,778	33,778
	MISSILE SPARES AND REPAIR PARTS		
023	MSL SPRS/REPAIR PARTS (INITIAL)	15,354	15,354
024	MSL SPRS/REPAIR PARTS (REPLEN)	62,978	62,978
	SPECIAL PROGRAMS		
028	SPECIAL UPDATE PROGRAMS	36,933	36,933
	CLASSIFIED PROGRAMS		
028A	CLASSIFIED PROGRAMS	705,540	705,540
	TOTAL MISSILE PROCUREMENT, AIR FORCE	2,962,417	3,015,851
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	22,190	22,190
	CARTRIDGES		
002	CARTRIDGES	124,164	124,164
	BOMBS		
004	GENERAL PURPOSE BOMBS	162,800	162,800
005	MASSIVE ORDNANCE PENETRATOR (MOP)	19,743	19,743
006	JOINT DIRECT ATTACK MUNITION	251,956	251,956
	OTHER ITEMS		
008	CAD/PAD	50,473	50,473
009	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	6,343	9,843
	Dismounted Reconnaissance—Sets, Kits and Outfits (DR-SKO)		[3,500]
010	SPARES AND REPAIR PARTS	573	573
012	FIRST DESTINATION TRANSPORTATION	1,903	1,903
013	ITEMS LESS THAN \$5,000,000	5,014	1,014
	Program decrease—Flares		[-4,000]
	FLARES		
014	EXPENDABLE COUNTERMEASURES	120,548	105,548
	Program decrease		[-15,000]
	FUZES		
015	FUZES	121,528	121,528
	SMALL ARMS		
016	SMALL ARMS	16,395	16,395
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	903,630	888,130
	PROCUREMENT, SPACE FORCE		
	SPACE PROCUREMENT, SF		
002	AF SATELLITE COMM SYSTEM	51,414	51,414
003	COUNTERSPACE SYSTEMS	62,691	62,691
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	26,394	26,394
005	WIDEBAND GAFILLER SATELLITES (SPACE)	21,982	21,982
006	GENERAL INFORMATION TECH—SPACE	5,424	5,424
007	GPSIII FOLLOW ON	657,562	657,562
008	GPS III SPACE SEGMENT	103,340	103,340
009	GLOBAL POSITIONING (SPACE)	950	950
010	HERITAGE TRANSITION	21,896	21,896
011	SPACEBORNE EQUIP (COMSEC)	29,587	29,587
012	MILSATCOM	29,333	29,333
013	SBIR HIGH (SPACE)	148,666	148,666
014	SPECIAL SPACE ACTIVITIES	817,484	805,484
	Underexecution		[-12,000]
015	MOBILE USER OBJECTIVE SYSTEM	46,833	46,833
016	NATIONAL SECURITY SPACE LAUNCH	1,056,133	1,056,133
017	NUDET DETECTION SYSTEM	7,062	7,062

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
018	PTES HUB	42,464	42,464
019	ROCKET SYSTEMS LAUNCH PROGRAM	39,145	39,145
020	SPACE DEVELOPMENT AGENCY LAUNCH	314,288	514,288
	Technical realignment		[200,000]
022	SPACE MODS	73,957	73,957
023	SPACELIFT RANGE SYSTEM SPACE	71,712	71,712
	SPARES		
024	SPARES AND REPAIR PARTS	1,352	1,352
	TOTAL PROCUREMENT, SPACE FORCE	3,629,669	3,817,669
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	2,446	2,446
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	1,125	1,125
003	CAP VEHICLES	999	1,900
	Program increase		[901]
004	CARGO AND UTILITY VEHICLES	35,220	35,220
	SPECIAL PURPOSE VEHICLES		
005	JOINT LIGHT TACTICAL VEHICLE	60,461	60,461
006	SECURITY AND TACTICAL VEHICLES	382	382
007	SPECIAL PURPOSE VEHICLES	49,623	49,623
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	11,231	11,231
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	12,559	12,559
	BASE MAINTENANCE SUPPORT		
010	RUNWAY SNOW REMOV AND CLEANING EQU	6,409	6,409
011	BASE MAINTENANCE SUPPORT VEHICLES	72,012	72,012
	COMM SECURITY EQUIPMENT(COMSEC)		
013	COMSEC EQUIPMENT	96,851	96,851
014	STRATEGIC MICROELECTRONIC SUPPLY SYSTEM	467,901	467,901
	INTELLIGENCE PROGRAMS		
015	INTERNATIONAL INTEL TECH & ARCHITECTURES	7,043	7,043
016	INTELLIGENCE TRAINING EQUIPMENT	2,424	2,424
017	INTELLIGENCE COMM EQUIPMENT	25,308	25,308
	ELECTRONICS PROGRAMS		
018	AIR TRAFFIC CONTROL & LANDING SYS	65,531	65,531
019	BATTLE CONTROL SYSTEM—FIXED	1,597	1,597
020	THEATER AIR CONTROL SYS IMPROVEMEN	9,611	9,611
021	3D EXPEDITIONARY LONG-RANGE RADAR	174,640	167,140
	Program decrease		[–7,500]
022	WEATHER OBSERVATION FORECAST	20,658	20,658
023	STRATEGIC COMMAND AND CONTROL	93,351	86,220
	Technical realignment		[–7,131]
024	CHEYENNE MOUNTAIN COMPLEX	6,118	55,418
	Complex Infrastructure Refurbishments		[49,300]
025	MISSION PLANNING SYSTEMS	13,947	13,947
	SPCL COMM-ELECTRONICS PROJECTS		
028	GENERAL INFORMATION TECHNOLOGY	101,517	131,517
	NORTHCOM UPL—AI/ML Enhancements		[30,000]
029	AF GLOBAL COMMAND & CONTROL SYS	2,487	2,487
030	BATTLEFIELD AIRBORNE CONTROL NODE (BACN)	32,807	32,807
031	MOBILITY COMMAND AND CONTROL	10,210	10,210
035	COMBAT TRAINING RANGES	134,213	134,213
036	MINIMUM ESSENTIAL EMERGENCY COMM N	66,294	66,294
037	WIDE AREA SURVEILLANCE (WAS)	29,518	29,518
038	C3 COUNTERMEASURES	55,324	55,324
040	GCSS-AF FOS	786	786
042	MAINTENANCE REPAIR & OVERHAUL INITIATIVE	248	248
043	THEATER BATTLE MGT C2 SYSTEM	275	275
044	AIR & SPACE OPERATIONS CENTER (AOC)	2,611	2,611
	AIR FORCE COMMUNICATIONS		
046	BASE INFORMATION TRANSPT INFRAST (BITI) WIRED	29,791	29,791
047	AFNET	83,320	83,320
048	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	5,199	5,199
049	USCENTCOM	11,896	11,896
050	USSTRATCOM	4,619	4,619
	ORGANIZATION AND BASE		
051	TACTICAL C-E EQUIPMENT	120,050	110,050
	Program decrease		[–10,000]
052	RADIO EQUIPMENT	14,053	14,053
054	BASE COMM INFRASTRUCTURE	91,313	96,413
	Alaskan Long-Range Radars—Sites Digitalization		[5,100]
	MODIFICATIONS		
055	COMM ELECT MODS	167,419	167,419
	CLASSIFIED PROGRAMS		
055A	CLASSIFIED PROGRAMS	89,484	89,484

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	PERSONAL SAFETY & RESCUE EQUIP		
056	PERSONAL SAFETY AND RESCUE EQUIPMENT	92,995	101,895
	Rapid Response Shelters		[8,900]
	DEPOT PLANT+MTRLS HANDLING EQ		
057	POWER CONDITIONING EQUIPMENT	12,199	12,199
058	MECHANIZED MATERIAL HANDLING EQUIP	9,326	9,326
	BASE SUPPORT EQUIPMENT		
059	BASE PROCURED EQUIPMENT	52,890	52,890
060	ENGINEERING AND EOD EQUIPMENT	231,552	231,552
061	MOBILITY EQUIPMENT	28,758	28,758
062	FUELS SUPPORT EQUIPMENT (FSE)	21,740	21,740
	SPECIAL SUPPORT PROJECTS		
065	DARP RC135	28,153	28,153
066	DCGS-AF	217,713	217,713
070	SPECIAL UPDATE PROGRAM	978,499	978,499
	CLASSIFIED PROGRAMS		
070A	CLASSIFIED PROGRAMS	21,702,225	21,452,225
	Excess carryover		[-250,000]
	SPARES AND REPAIR PARTS		
071	SPARES AND REPAIR PARTS (CYBER)	1,007	1,007
072	SPARES AND REPAIR PARTS	23,175	23,175
	TOTAL OTHER PROCUREMENT, AIR FORCE	25,691,113	25,510,683
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, SDA		
025	MAJOR EQUIPMENT, DPAA	513	513
050	MAJOR EQUIPMENT, OSD	64,291	64,291
	MAJOR EQUIPMENT, NSA		
047	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	6,738	6,738
	MAJOR EQUIPMENT, WHS		
054	MAJOR EQUIPMENT, WHS	310	310
	MAJOR EQUIPMENT, DISA		
011	INFORMATION SYSTEMS SECURITY	24,044	24,044
012	TELEPORT PROGRAM	50,475	50,475
013	JOINT FORCES HEADQUARTERS—DODIN	674	674
014	ITEMS LESS THAN \$5 MILLION	46,614	46,614
015	DEFENSE INFORMATION SYSTEM NETWORK	87,345	87,345
016	WHITE HOUSE COMMUNICATION AGENCY	130,145	130,145
017	SENIOR LEADERSHIP ENTERPRISE	47,864	47,864
018	JOINT REGIONAL SECURITY STACKS (JRSS)	17,135	10,135
	Program decrease		[-7,000]
019	JOINT SERVICE PROVIDER	86,183	86,183
020	FOURTH ESTATE NETWORK OPTIMIZATION (4ENO)	42,756	42,756
	MAJOR EQUIPMENT, DLA		
022	MAJOR EQUIPMENT	24,501	24,501
	MAJOR EQUIPMENT, DCSA		
001	MAJOR EQUIPMENT	2,346	2,346
	MAJOR EQUIPMENT, TJS		
052	MAJOR EQUIPMENT, TJS	3,900	3,900
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
030	THAAD	74,994	347,894
	25 additional THAAD interceptors		[272,900]
031	GROUND BASED MIDCOURSE	11,300	11,300
032	AEGIS BMD	402,235	425,735
	Procure Replacement IMU		[23,500]
034	BMDS AN/TPY-2 RADARS	4,606	59,606
	AN/TPY-2 TRIMM Refresh		[30,000]
	BMDS Sensors		[10,000]
	HEMP Hardening		[15,000]
035	SM-3 ILAS	337,975	337,975
036	ARROW 3 UPPER TIER SYSTEMS	80,000	80,000
037	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	40,000	40,000
038	DEFENSE OF GUAM PROCUREMENT	26,514	26,514
039	AEGIS ASHORE PHASE III	30,056	30,056
040	IRON DOME	80,000	80,000
041	AEGIS BMD HARDWARE AND SOFTWARE	78,181	100,181
	SPY-1 Low Noise Amplifier		[22,000]
	MAJOR EQUIPMENT, DHRA		
003	PERSONNEL ADMINISTRATION	4,522	4,522
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
027	VEHICLES	139	139
028	OTHER MAJOR EQUIPMENT	14,296	14,296
	MAJOR EQUIPMENT, DODEA		
024	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	2,048	2,048
	MAJOR EQUIPMENT, DMACT		
023	MAJOR EQUIPMENT	11,117	11,117
	CLASSIFIED PROGRAMS		
054A	CLASSIFIED PROGRAMS	681,894	692,394

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	JWICS modernization		[10,500]
	AVIATION PROGRAMS		
055	ARMED OVERWATCH/TARGETING	246,000	246,000
056	MANNED ISR	5,000	5,000
057	MC-12	3,344	3,344
059	ROTARY WING UPGRADES AND SUSTAINMENT	214,575	214,575
060	UNMANNED ISR	41,749	41,749
061	NON-STANDARD AVIATION	7,156	7,156
062	U-28	4,589	4,589
063	MH-47 CHINOOK	133,144	133,144
064	CV-22 MODIFICATION	75,629	83,215
	CV-22 & MC-130J Link-16 TacNet Tactical Receiver		[7,586]
065	MQ-9 UNMANNED AERIAL VEHICLE	9,000	9,000
066	PRECISION STRIKE PACKAGE	57,450	57,450
067	AC/MC-130J	225,569	225,569
068	C-130 MODIFICATIONS	11,945	16,893
	CV-22 & MC-130J Link-16 TacNet Tactical Receiver		[4,948]
	SHIPBUILDING		
069	UNDERWATER SYSTEMS	45,631	45,631
	AMMUNITION PROGRAMS		
070	ORDNANCE ITEMS <\$5M	151,233	159,889
	M3E1 Multi Purpose Anti Armor Anti Personnel Weapon System (MAWWS) Family of Munitions.		[4,951]
	Maritime Scalable Effects (MSE) Electronic Warfare System Acceleration		[3,705]
	OTHER PROCUREMENT PROGRAMS		
071	INTELLIGENCE SYSTEMS	175,616	219,094
	SOCOM Enclosed Spaces Reconnaissance Collection Suite (ESRCS)		[15,000]
	Stalker VXE Block 30 Vertical Takeoff & Landing (VTOL) Acceleration		[28,478]
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,214	2,214
073	OTHER ITEMS <\$5M	98,096	98,096
074	COMBATANT CRAFT SYSTEMS	85,566	85,566
075	SPECIAL PROGRAMS	20,042	249,042
	Medium Fixed Wing Recapitalization		[229,000]
076	TACTICAL VEHICLES	51,605	59,605
	PB-NSCV		[8,000]
077	WARRIOR SYSTEMS <\$5M	306,846	359,129
	AFSOC Force Generation (AFSOFORGEN) Tactical Communications (TACCOM).		[18,730]
	Counter Unmanned Systems (CUXS) Procurement Acceleration		[33,553]
078	COMBAT MISSION REQUIREMENTS	4,991	4,991
080	OPERATIONAL ENHANCEMENTS INTELLIGENCE	18,723	24,137
	Low Visibility Vanishing Technology (LVVT)		[5,414]
081	OPERATIONAL ENHANCEMENTS	347,473	374,227
	Ground Vehicle Forward Looking Infrared (FLIR)		[11,000]
	High Speed Assault Craft (HSAC) Roof Application Kit (RAK) Acceleration ..		[5,000]
	Intelligence, Surveillance, and Reconnaissance (ISR) Transceivers Acceleration		[10,754]
	CBDP		
082	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	199,439	199,439
083	CB PROTECTION & HAZARD MITIGATION	187,164	192,164
	Waterless & Sprayable Solutions for Decontamination of Chemical and Biologi- cal Warfare Agents.		[5,000]
	TOTAL PROCUREMENT, DEFENSE-WIDE	5,245,500	6,013,519
	NATIONAL GUARD AND RESERVE EQUIPMENT		
	UNDISTRIBUTED		
007	UNDISTRIBUTED		50,000
	Program increase		[50,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT		50,000
	TOTAL PROCUREMENT	144,219,205	160,202,135

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2023 Request	House Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
001	0601102A	DEFENSE RESEARCH SCIENCES	279,328	340,194
		Counter-UAS Technology Research		[5,000]
		Program increase		[55,866]
002	0601103A	UNIVERSITY RESEARCH INITIATIVES	70,775	90,775
		Defense University Research Instrumentation Program		[20,000]
003	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	100,909	109,909
		Automotive Research Center		[5,000]
		Biotechnology		[4,000]
004	0601121A	CYBER COLLABORATIVE RESEARCH ALLIANCE	5,355	5,355
005	0601601A	ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING BASIC RESEARCH.	10,456	15,456
		Program increase		[5,000]
		SUBTOTAL BASIC RESEARCH	466,823	561,689
APPLIED RESEARCH				
006	0602002A	ARMY AGILE INNOVATION AND DEVELOPMENT-APPLIED RESEARCH.	9,534	9,534
008	0602134A	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	6,192	6,192
009	0602141A	LETHALITY TECHNOLOGY	87,717	182,717
		Armament digital and mission engineering		[35,000]
		Collaborative networked armament lethality and fire control		[25,000]
		Investigate novel armament systems and technologies		[5,000]
		Modular open systems architecture		[5,000]
		Solid-state additive manufacturing research		[20,000]
		Turret gunner survivability and simulation		[5,000]
010	0602142A	ARMY APPLIED RESEARCH	27,833	57,533
		Digital night vision technology		[9,700]
		Warfighter Weapon Systems Digital Integration		[20,000]
011	0602143A	SOLDIER LETHALITY TECHNOLOGY	103,839	123,839
		Advanced textiles and shelters		[6,000]
		Footwear research		[4,000]
		Pathfinder		[10,000]
		Program decrease		[-5,000]
		Program increase		[5,000]
012	0602144A	GROUND TECHNOLOGY	52,848	96,048
		Advanced Gunner Restraint System		[2,200]
		Aerospace Manufacturing Center Pilot Program		[12,000]
		Cold and complex environments sensing research		[9,000]
		High performance polymer composites and coatings		[10,000]
		Polar proving ground and training program		[5,000]
		Unmanned mobility		[5,000]
013	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	174,090	184,890
		Compact hyperspectral imager development		[4,800]
		Structural thermoplastics		[6,000]
014	0602146A	NETWORK C3I TECHNOLOGY	64,115	136,115
		AI for position, navigation, and timing		[6,000]
		Alternative position, navigation, and timing		[20,000]
		Portable Doppler radar		[7,500]
		Rapid design and fabrication of high enthalpy alloys for long range precision fires missiles.		[3,500]
		Secure anti-tamper		[15,000]
		Weapons system security		[20,000]
015	0602147A	LONG RANGE PRECISION FIRES TECHNOLOGY	43,029	99,779
		Carbon-carbon high-temperature composites		[15,000]
		Low cost missile technology development		[7,000]
		Low cost missile technology development+J23		[3,000]
		Novel printed armament components		[10,000]
		Precision long range integrated strike missile		[6,750]
		Program increase		[15,000]
016	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY	69,348	84,348

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
017	0602150A	High density eVTOL power source		[15,000]
		AIR AND MISSILE DEFENSE TECHNOLOGY	27,016	72,016
		CEMA missile defender		[20,000]
		Counter-UAS Center of Excellence		[10,000]
		High energy laser engagement technologies		[15,000]
018	0602180A	ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING TECHNOLOGIES.	16,454	21,454
		Program increase		[5,000]
019	0602181A	ALL DOMAIN CONVERGENCE APPLIED RESEARCH	27,399	27,399
020	0602182A	C3I APPLIED RESEARCH	27,892	27,892
021	0602183A	AIR PLATFORM APPLIED RESEARCH	41,588	56,588
		Aerospace Propulsion and Power Technology		[10,000]
		Hybrid solar photovoltaic-thermoelectric panel		[5,000]
022	0602184A	SOLDIER APPLIED RESEARCH	15,716	15,716
023	0602213A	C3I APPLIED CYBER	13,605	13,605
024	0602386A	BIOTECHNOLOGY FOR MATERIALS—APPLIED RESEARCH ...	21,919	171,919
		Tri-Service Biotechnology for a Resilient Supply Chain / Biotechnology for Materials.		[150,000]
025	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	19,649	19,649
026	0602787A	MEDICAL TECHNOLOGY	33,976	33,976
		SUBTOTAL APPLIED RESEARCH	883,759	1,441,209
		ADVANCED TECHNOLOGY DEVELOPMENT		
027	0603002A	MEDICAL ADVANCED TECHNOLOGY	5,207	11,907
		CPF—U.S. Army Battlefield Exercise and Combat Related Traumatic Brain and Spinal Injury Research.		[1,700]
		Hearing protection for communications		[5,000]
028	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	15,598	15,598
029	0603025A	ARMY AGILE INNOVATION AND DEMONSTRATION	20,900	20,900
030	0603040A	ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING ADVANCED TECHNOLOGIES.	6,395	11,395
		Program increase		[5,000]
031	0603041A	ALL DOMAIN CONVERGENCE ADVANCED TECHNOLOGY	45,463	45,463
032	0603042A	C3I ADVANCED TECHNOLOGY	12,716	12,716
033	0603043A	AIR PLATFORM ADVANCED TECHNOLOGY	17,946	27,946
		Integrated Floor System Upgrades for H-60 Variants		[10,000]
034	0603044A	SOLDIER ADVANCED TECHNOLOGY	479	10,499
		CPF—Advancing Military Exoskeleton Technology State-of-The-Art Project.		[2,890]
		CPF—Building 2, Doriot Climatic Chambers, Exterior Repair		[3,630]
		CPF—Small Unit Digital Twin for Robotic and Sensor Systems Integration.		[3,500]
036	0603116A	LETHALITY ADVANCED TECHNOLOGY	9,796	9,796
037	0603117A	ARMY ADVANCED TECHNOLOGY DEVELOPMENT	134,874	134,874
038	0603118A	SOLDIER LETHALITY ADVANCED TECHNOLOGY	100,935	120,935
		FRAG-CT		[4,000]
		Sensored head-borne suspension systems		[8,000]
		Soldier Integration Experimentation/Airborne Rally Point		[8,000]
039	0603119A	GROUND ADVANCED TECHNOLOGY	32,546	106,846
		Additive manufacturing with indigenous materials		[15,000]
		Cold Regions Research and Engineering Laboratory		[10,000]
		Concrete properties prediction		[1,800]
		Platform agnostic remote armament systems		[40,000]
		Printed infrastructure and cold weather construction capabilities ..		[7,500]
040	0603134A	COUNTER IMPROVISED-THREAT SIMULATION	21,486	21,486
041	0603386A	BIOTECHNOLOGY FOR MATERIALS—ADVANCED RESEARCH	56,853	56,853
042	0603457A	C3I CYBER ADVANCED DEVELOPMENT	41,354	41,354
043	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	251,964	301,964
		Program increase		[50,000]
044	0603462A	NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY.	193,242	261,242
		Digital enterprise technology		[15,000]
		Electrified vehicle infrared signature management		[9,000]
		HTPEM APU		[10,000]
		Lithium 6T battery development		[8,000]
		Soldier-ground vehicle interface design		[6,000]
		Synthetic graphite research		[20,000]
045	0603463A	NETWORK C3I ADVANCED TECHNOLOGY	125,565	135,565
		PNT technologies in degraded environments		[10,000]
046	0603464A	LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY	100,830	202,740
		Autoloader development		[21,400]
		Hypersonic and strategic materials and structures		[20,000]
		Maneuvering submunitions		[18,000]
		Missile Multi Agent eXtensible Engagement Services (MAXES) ...		[15,000]
		PrSM Inc 4—Army UPL		[27,510]
047	0603465A	FUTURE VERTICAL LIFT ADVANCED TECHNOLOGY	177,836	187,836

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
		Program increase—Additive manufacturing		[10,000]
048	0603466A	AIR AND MISSILE DEFENSE ADVANCED TECHNOLOGY	11,147	81,147
		Integration of distributed gain HEL laser weapon system		[35,000]
		Program increase		[35,000]
049	0603920A	HUMANITARIAN DEMINING	8,933	8,933
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	1,392,065	1,827,995
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
050	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	12,001	46,001
		Mobile Solid State High Power Microwave		[12,000]
		Position, Navigation, and Timing (PNT) Resiliency		[8,000]
		Sensing, Modeling, Analysis, Requirements, and Testing		[14,000]
051	0603308A	ARMY SPACE SYSTEMS INTEGRATION	17,945	21,445
		Mission Essential Weather Small Satellites		[3,500]
053	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	64,001	64,001
054	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	64,669	64,669
055	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV	49,944	87,444
		AMPV—Hybrid electric vehicle		[37,500]
056	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	4,060	4,060
057	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	72,314	72,314
058	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	18,048	168,048
		IVAS—Army UPL		[150,000]
059	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	31,249	38,749
		Underwater Demilitarization of Munitions		[7,500]
060	0603790A	NATO RESEARCH AND DEVELOPMENT	3,805	3,805
061	0603801A	AVIATION—ADV DEV	1,162,344	1,180,484
		Program increase—Future Vertical Lift		[23,000]
		Unjustified growth—FLRAA MTA program management		[−4,860]
062	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	9,638	9,638
063	0603807A	MEDICAL SYSTEMS—ADV DEV	598	598
064	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	25,971	25,971
065	0604017A	ROBOTICS DEVELOPMENT	26,594	26,594
066	0604019A	EXPANDED MISSION AREA MISSILE (EMAM)	220,820	220,820
067	0604020A	CROSS FUNCTIONAL TEAM (CFT) ADVANCED DEVELOPMENT & PROTOTYPING.	106,000	111,000
		Program increase		[5,000]
069	0604035A	LOW EARTH ORBIT (LEO) SATELLITE CAPABILITY	35,509	35,509
070	0604036A	MULTI-DOMAIN SENSING SYSTEM (MDSS) ADV DEV	49,932	49,932
071	0604037A	TACTICAL INTEL TARGETING ACCESS NODE (TITAN) ADV DEV.	863	863
072	0604100A	ANALYSIS OF ALTERNATIVES	10,659	10,659
073	0604101A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.4)	1,425	21,425
		Program Protection		[20,000]
074	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS).	95,719	100,719
		Identification Friend or Foe (IFF) modernization		[5,000]
075	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	382,147	422,147
		Program protection		[40,000]
076	0604115A	TECHNOLOGY MATURATION INITIATIVES	269,756	339,756
		Strategic long range cannon		[70,000]
077	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD)	225,147	225,147
078	0604119A	ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING.	198,111	198,111
079	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)	43,797	57,797
		ALTNV—Army UPL		[14,000]
080	0604121A	SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING.	166,452	215,852
		AI prototype—Army UPL		[13,500]
		Call for Fire Trainer—Army UPL		[10,000]
		Program increase (STE live training systems)		[17,000]
		Program increase TSS/TMT and SVT—Army UPL		[8,900]
081	0604134A	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	15,840	15,840
082	0604135A	STRATEGIC MID-RANGE FIRES	404,291	404,291
083	0604182A	HYPERSONICS	173,168	223,168
		National Hypersonic Initiative—Develop Leap-Ahead Concepts and Capabilities.		[50,000]
084	0604403A	FUTURE INTERCEPTOR	8,179	8,179
085	0604531A	COUNTER—SMALL UNMANNED AIRCRAFT SYSTEMS ADVANCED DEVELOPMENT.	35,110	35,110
086	0604541A	UNIFIED NETWORK TRANSPORT	36,966	76,966
		Common mounted form factor—Army UPL		[40,000]
089	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT ..	55,677	55,677
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	4,098,749	4,642,789

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
SYSTEM DEVELOPMENT & DEMONSTRATION				
090	0604201A	AIRCRAFT AVIONICS	3,335	3,335
091	0604270A	ELECTRONIC WARFARE DEVELOPMENT	4,243	4,243
092	0604601A	INFANTRY SUPPORT WEAPONS	66,529	76,529
		Commercial magazine reliability testing		[5,000]
		Program increase		[5,000]
093	0604604A	MEDIUM TACTICAL VEHICLES	22,163	22,163
094	0604611A	JAVELIN	7,870	7,870
095	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	50,924	50,924
096	0604633A	AIR TRAFFIC CONTROL	2,623	2,623
097	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	115,986	115,986
098	0604642A	LIGHT TACTICAL WHEELED VEHICLES		10,049
		Electric light recon vehicle—Army UPL		[10,049]
099	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	71,287	71,287
100	0604710A	NIGHT VISION SYSTEMS—ENG DEV	62,679	84,179
		IVAS—Army UPL		[16,500]
		Third Generation Forward Looking Infrared (3GFLIR) FAL-CONS.		[5,000]
101	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	1,566	1,566
102	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	18,600	18,600
103	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	39,541	35,541
		Program decrease		[–4,000]
104	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	29,570	29,570
105	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	5,178	5,178
106	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	8,189	8,189
109	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	21,228	21,228
110	0604802A	WEAPONS AND MUNITIONS—ENG DEV	263,778	259,178
		Program decrease		[–4,600]
111	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	41,669	65,369
		Chassis upgrade for ABV/JAB—Army UPL		[23,700]
112	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	40,038	40,038
113	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	5,513	5,513
114	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	12,150	12,150
115	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	111,690	111,690
116	0604820A	RADAR DEVELOPMENT	71,259	71,259
117	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBs)	10,402	10,402
119	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	11,425	11,425
120	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD	109,702	146,802
		Active protection system testing		[16,000]
		Army Aviation & Missile Center Digital Engineering Software pilot program.		[9,400]
		Autonomous Vehicle Test Bed		[11,700]
121	0604854A	ARTILLERY SYSTEMS—EMD	23,106	23,106
122	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	124,475	124,475
123	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	67,564	47,564
		Unjustified growth		[–20,000]
125	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	17,950	17,950
126	0605031A	JOINT TACTICAL NETWORK (JTN)	30,169	30,169
128	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	11,523	11,523
130	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	33,029	33,029
131	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	4,497	4,497
132	0605047A	CONTRACT WRITING SYSTEM	23,487	13,487
		Unjustified growth		[–10,000]
133	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	19,123	19,123
134	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	131,093	131,093
135	0605053A	GROUND ROBOTICS	26,809	26,809
136	0605054A	EMERGING TECHNOLOGY INITIATIVES	185,311	259,311
		Program increase (10kw–50kw DE-MSHORAD) and C-UAS P-HEL.		[70,000]
		Threat Simulation Modeling (HNE-TSM)		[4,000]
137	0605143A	BIOMETRICS ENABLING CAPABILITY (BEC)	11,091	11,091
138	0605144A	NEXT GENERATION LOAD DEVICE—MEDIUM	22,439	22,439
140	0605148A	TACTICAL INTEL TARGETING ACCESS NODE (TITAN) EMD	58,087	108,987
		Army Requested Realignment from Procurement		[50,900]
141	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION	119,516	143,616
		CYBERCOM UPL—JCWA integration		[24,100]
142	0605205A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.5)	6,530	6,530
143	0605224A	MULTI-DOMAIN INTELLIGENCE	19,911	19,911
145	0605231A	PRECISION STRIKE MISSILE (PRSM)	259,506	259,506
146	0605232A	HYPERSONICS EMD	633,499	633,499
147	0605233A	ACCESSIONS INFORMATION ENVIRONMENT (AIE)	13,647	13,647
148	0605235A	STRATEGIC MID-RANGE CAPABILITY	5,016	5,016
149	0605236A	INTEGRATED TACTICAL COMMUNICATIONS	12,447	12,447

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
150	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	2,366	2,366
151	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	265,288	257,288
		Program decrease		[-8,000]
152	0605531A	COUNTER—SMALL UNMANNED AIRCRAFT SYSTEMS SYS DEV & DEMONSTRATION.	14,892	14,892
153	0605625A	MANNED GROUND VEHICLE	589,762	589,762
154	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	17,030	17,030
155	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	9,376	9,376
156	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	2,959	2,959
157	0303032A	TROJAN—RH12	3,761	3,761
160	0304270A	ELECTRONIC WARFARE DEVELOPMENT	56,938	97,774
		Service Tactical SIGINT Upgrades—INDOPACOM UPL		[4,900]
		Terrestrial Layer System EAB—Army UPL		[35,936]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	4,031,334	4,276,919
		MANAGEMENT SUPPORT		
161	0604256A	THREAT SIMULATOR DEVELOPMENT	18,437	18,437
162	0604258A	TARGET SYSTEMS DEVELOPMENT	19,132	39,132
		Small UAS engine development		[20,000]
163	0604759A	MAJOR T&E INVESTMENT	107,706	107,706
164	0605103A	RAND ARROYO CENTER	35,542	35,542
165	0605301A	ARMY KWAJALEIN ATOLL	309,005	309,005
166	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	87,122	87,122
168	0605601A	ARMY TEST RANGES AND FACILITIES	401,643	401,643
169	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS Rapid Assurance Modernization Program—Test (RAMP-T)	37,962	72,962
				[35,000]
170	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	36,500	36,500
171	0605606A	AIRCRAFT CERTIFICATION	2,777	2,777
172	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,958	6,958
173	0605706A	MATERIEL SYSTEMS ANALYSIS	22,037	22,037
174	0605709A	EXPLOITATION OF FOREIGN ITEMS	6,186	6,186
175	0605712A	SUPPORT OF OPERATIONAL TESTING	70,718	70,718
176	0605716A	ARMY EVALUATION CENTER	67,058	67,058
177	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG ...	6,097	6,097
178	0605801A	PROGRAMWIDE ACTIVITIES	89,793	89,793
179	0605803A	TECHNICAL INFORMATION ACTIVITIES	28,752	28,752
180	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	48,316	53,316
		Agile Manufacturing for Advanced Armament Systems		[5,000]
181	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	1,912	1,912
182	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA	53,271	53,271
183	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE Technology Refresh for Reagan Test Site (RTS) Mission Control Centers.	90,088	98,088
				[8,000]
184	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	1,424	1,424
186	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	5,816	5,816
		SUBTOTAL MANAGEMENT SUPPORT	1,554,252	1,622,252
		OPERATIONAL SYSTEMS DEVELOPMENT		
188	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	18,463	18,463
189	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	9,284	21,284
		Program increase		[12,000]
190	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PRO- GRAMS.	11,674	16,674
		Materials improvements		[5,000]
193	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	52,513	72,513
		Chinook 714C engine upgrade		[20,000]
194	0607139A	IMPROVED TURBINE ENGINE PROGRAM	228,036	228,036
195	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT.	11,312	11,312
196	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS	512	512
197	0607145A	APACHE FUTURE DEVELOPMENT	10,074	35,074
		Program increase		[25,000]
198	0607148A	AN/TPQ-53 COUNTERFIRE TARGET ACQUISITION RADAR SYSTEM.	62,559	62,559
199	0607150A	INTEL CYBER DEVELOPMENT	13,343	13,343
200	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT	26,131	26,131
201	0607313A	ELECTRONIC WARFARE DEVELOPMENT	6,432	6,432
202	0607665A	FAMILY OF BIOMETRICS	1,114	1,114
203	0607865A	PATRIOT PRODUCT IMPROVEMENT	152,312	162,312
		Patriot Obsolescence and Program Protection		[10,000]
204	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYS- TEM (JADOCs).	19,329	19,329
205	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	192,310	294,510
		Abrams modernization		[97,200]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
		Auxiliary power unit development		[5,000]
206	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS	136,680	136,680
207	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.		14,400
		Gray Eagle—M-code		[14,400]
208	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	148	148
209	0203758A	DIGITIZATION	2,100	2,100
210	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	3,109	53,109
		Stinger missile—Army UPL		[50,000]
211	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	9,027	9,027
212	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV.	793	793
213	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	20,180	20,180
214	0208053A	JOINT TACTICAL GROUND SYSTEM	8,813	8,813
217	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	17,209	17,209
218	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	27,100	27,100
219	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,321	18,321
222	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	9,926	9,926
223	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	4,500	4,500
224	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	17,165	17,165
227	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	91,270	91,270
227A	9999999999	CLASSIFIED PROGRAMS	6,664	6,664
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	1,188,403	1,427,003
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
228	0608041A	DEFENSIVE CYBER—SOFTWARE PROTOTYPE DEVELOPMENT.	94,888	94,888
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	94,888	94,888
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	13,710,273	15,894,744
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	90,076	209,700
		Advanced autonomous robotics		[10,000]
		Program increase		[109,624]
003	0601153N	DEFENSE RESEARCH SCIENCES	499,116	499,116
		SUBTOTAL BASIC RESEARCH	589,192	708,816
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	22,953	38,953
		Next Generation Information Operations		[16,000]
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	133,426	194,926
		Additive Manufacturing of Unmanned Maritime Systems		[10,000]
		CPF—Resilient Autonomous Systems Research and Workforce Diversity.		[4,000]
		CPF—Talent and Technology for Navy Power and Energy Systems.		[3,000]
		Direct air capture and carbon removal technology program		[10,000]
		Intelligent Data Management for Distributed Naval Platforms		[10,500]
		Next Generation Integrated Power and Energy Systems		[10,500]
		Relative Positioning of Autonomous Platforms		[5,000]
		Resilient Autonomous Systems Research & Workforce Diversity		[8,500]
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	53,467	73,967
		Advanced lithium-ion batteries		[5,000]
		CPF—Unmanned Logistics Solutions for the U.S. Marine Corps		[3,000]
		Cyber, AI & LVC Tech Scouting & Workforce Development		[2,500]
		Unmanned logistics solutions		[10,000]
007	0602235N	COMMON PICTURE APPLIED RESEARCH	51,911	56,911
		Program increase		[5,000]
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	70,957	85,957
		Anti-corrosion coatings		[10,000]
		High mobility ground robots		[5,000]
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	92,444	112,444
		Chip Scale Open Architecture		[20,000]
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	74,622	84,622
		Undersea distributed sensing systems		[10,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,700	6,700
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	58,111	87,111
		CPF—Persistent Maritime Surveillance		[4,000]
		Undersea vehicle technology partnerships		[20,000]
		UUV Research		[5,000]
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	173,641	205,641
		Program increase		[32,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2023 Request	House Authorized
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	31,649	31,649
015	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH.	120,637	146,237
		Advanced Concept of Operations—Navy UPL		[25,600]
016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACITIVITIES.	81,296	81,296
		SUBTOTAL APPLIED RESEARCH	971,814	1,206,414
		ADVANCED TECHNOLOGY DEVELOPMENT		
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	16,933	16,933
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	8,253	8,253
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	280,285	284,885
		Program increase		[4,600]
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	14,048	14,048
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	251,267	251,267
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	60,704	60,704
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,999	19,999
		Multi-Medicine Manufacturing Platform		[15,000]
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	83,137	84,287
		Naval virtual innovation		[1,150]
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	2,007	2,007
026	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVELOPMENT.	144,122	230,422
		Advanced Concept of Operations—Navy UPL		[61,300]
		Scalable laser weapon system		[25,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	865,755	972,805
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
027	0603128N	UNMANNED AERIAL SYSTEM	96,883	96,883
028	0603178N	LARGE UNMANNED SURFACE VEHICLES (LUSV)	146,840	146,840
029	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	39,737	39,737
030	0603216N	AVIATION SURVIVABILITY	17,434	17,434
031	0603239N	NAVAL CONSTRUCTION FORCES	1,706	1,706
033	0603254N	ASW SYSTEMS DEVELOPMENT	15,986	15,986
034	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,562	3,562
035	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	18,628	66,828
		Advanced Concept of Operations—Navy UPL		[40,700]
		Data dissemination and interoperability		[7,500]
036	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	87,825	87,825
037	0603506N	SURFACE SHIP TORPEDO DEFENSE	473	6,623
		Nixie development		[6,150]
038	0603512N	CARRIER SYSTEMS DEVELOPMENT	11,567	11,567
039	0603525N	PILOT FISH	672,461	672,461
040	0603527N	RETRACT LARCH	7,483	7,483
041	0603536N	RETRACT JUNIPER	239,336	239,336
042	0603542N	RADIOLOGICAL CONTROL	772	772
043	0603553N	SURFACE ASW	1,180	1,180
044	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	105,703	110,703
		Program increase		[5,000]
045	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,917	10,917
046	0603563N	SHIP CONCEPT ADVANCED DESIGN	82,205	101,205
		Additive Manufacturing in Ship Advanced Concept Design		[5,000]
		Advance LAW development		[4,000]
		Polymorphic Build Farms		[10,000]
047	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	75,327	75,327
048	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	227,400	227,400
049	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	176,600	185,600
		Lithium Iron Phosphate Batteries Integration		[9,000]
050	0603576N	CHALK EAGLE	91,584	91,584
051	0603581N	LITTORAL COMBAT SHIP (LCS)	96,444	106,344
		LCS Fire Control RADAR Demonstration		[9,900]
052	0603582N	COMBAT SYSTEM INTEGRATION	18,236	18,236
053	0603595N	OHIO REPLACEMENT	335,981	360,981
		Composites for Wet Submarine Application		[15,000]
		Program increase		[10,000]
054	0603596N	LCS MISSION MODULES	41,533	50,533
		Mine Countermeasures Mission Package Capacity and Wholeness—Navy UPL		[9,000]
055	0603597N	AUTOMATED TEST AND RE-TEST (ATRT)	9,773	9,773
056	0603599N	FRIGATE DEVELOPMENT	118,626	118,626
057	0603609N	CONVENTIONAL MUNITIONS	9,286	9,286

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
058	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	111,431	111,431
059	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	36,496	36,496
060	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	6,193	6,193
061	0603721N	ENVIRONMENTAL PROTECTION	21,647	21,647
062	0603724N	NAVY ENERGY PROGRAM	60,320	70,320
		Marine energy systems		[10,000]
063	0603725N	FACILITIES IMPROVEMENT	5,664	5,664
064	0603734N	CHALK CORAL	833,634	833,634
065	0603739N	NAVY LOGISTIC PRODUCTIVITY	899	899
066	0603746N	RETRACT MAPLE	363,973	363,973
067	0603748N	LINK PLUMERIA	1,038,661	1,038,661
068	0603751N	RETRACT ELM	83,445	83,445
069	0603764M	LINK EVERGREEN	313,761	313,761
070	0603790N	NATO RESEARCH AND DEVELOPMENT	8,041	8,041
071	0603795N	LAND ATTACK TECHNOLOGY	358	358
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING	30,533	30,533
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS— DEM/VAL	18,628	18,628
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	65,080	65,080
075	0604014N	F/A —18 INFRARED SEARCH AND TRACK (IRST)	40,069	40,069
076	0604027N	DIGITAL WARFARE OFFICE	165,753	165,753
077	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES	106,347	106,347
078	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECHNOLOGIES	60,697	60,697
079	0604030N	RAPID PROTOTYPING, EXPERIMENTATION AND DEM- ONSTRATION..	57,000	57,000
081	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80).	116,498	116,498
082	0604126N	LITTORAL AIRBORNE MCM	47,389	47,389
083	0604127N	SURFACE MINE COUNTERMEASURES	12,959	12,959
084	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTER- MEASURES (TADIRCM). Program increase—distributed aperture infrared countermeasure system.	15,028	[30,000]
085	0604289M	NEXT GENERATION LOGISTICS	2,342	10,742
		Digital manufacturing data vault		[8,400]
086	0604292N	FUTURE VERTICAL LIFT (MARITIME STRIKE)	5,103	5,103
087	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	62,927	62,927
088	0604454N	LX (R)	26,630	26,630
089	0604536N	ADVANCED UNDERSEA PROTOTYPING	116,880	116,880
090	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C-UAS)	7,438	7,438
091	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM Research and development for a nuclear-capable sea-launched cruise missile.	84,734	[25,000]
092	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ ENGINEERING SUPPORT.	10,229	10,229
093	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOP- MENT. Hypersonic Offensive Anti-Surface Warfare Increment 2 (OASuW Inc 2)—Navy UPL. Long Range Anti-Ship Missile (LRASM) AGM—158C—3 range im- provement (Navy JASSM)—Navy UPL. Long Range Anti-Ship Missile (LRSAM)	124,204	261,304
				[34,100]
				[53,000]
				[50,000]
094	0605512N	MEDIUM UNMANNED SURFACE VEHICLES (MUSVS))	104,000	104,000
095	0605513N	UNMANNED SURFACE VEHICLE ENABLING CAPABILITIES .. Program decrease	181,620	166,620
				[—15,000]
096	0605514M	GROUND BASED ANTI-SHIP MISSILE	43,090	43,090
097	0605516M	LONG RANGE FIRES	36,693	36,693
098	0605518N	CONVENTIONAL PROMPT STRIKE (CPS)	1,205,041	1,225,041
		Full-Scale Rapid CPS Flight Tests		[20,000]
099	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,856	9,856
100	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM	1,735	23,535
		KARGO		[6,800]
		Transition of the Autonomous Maritime Patrol Aircraft (AMPA) JCTD to Naval Aviation System Command (NAVAIR).		[15,000]
101	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	796	796
		SUBTOTAL ADVANCED COMPONENT DEVELOP- MENT & PROTOTYPES.	8,405,310	8,773,860
SYSTEM DEVELOPMENT & DEMONSTRATION				
102	0603208N	TRAINING SYSTEM AIRCRAFT	15,128	15,128
103	0604038N	MARITIME TARGETING CELL	39,600	39,600
104	0604212N	OTHER HELO DEVELOPMENT	66,010	66,010
105	0604214M	AV—8B AIRCRAFT—ENG DEV	9,205	9,205
106	0604215N	STANDARDS DEVELOPMENT	3,766	3,766
107	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	44,684	44,684
108	0604221N	P—3 MODERNIZATION PROGRAM	343	343
109	0604230N	WARFARE SUPPORT SYSTEM	12,337	12,337
110	0604231N	COMMAND AND CONTROL SYSTEMS	143,575	143,575

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
111	0604234N	ADVANCED HAWKEYE	502,956	482,956
		Program decrease		[-20,000]
112	0604245M	H-1 UPGRADES	43,759	58,559
		H-1 Digital Interoperability (DI) Mobile User Objective System (MUOS)		[14,800]
113	0604261N	ACOUSTIC SEARCH SENSORS	50,231	50,231
114	0604262N	V-22A	125,233	125,233
115	0604264N	AIR CREW SYSTEMS DEVELOPMENT	43,282	43,282
116	0604269N	EA-18	116,589	116,589
117	0604270N	ELECTRONIC WARFARE DEVELOPMENT	141,138	141,138
118	0604273M	EXECUTIVE HELO DEVELOPMENT	45,645	45,645
119	0604274N	NEXT GENERATION JAMMER (NGJ)	54,679	84,679
		Program Increase—MidBand Capability		[30,000]
120	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	329,787	314,787
		Program decrease		[-15,000]
121	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	301,737	151,737
		Program delay		[-150,000]
122	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	347,233	347,233
124	0604329N	SMALL DIAMETER BOMB (SDB)	42,881	42,881
125	0604366N	STANDARD MISSILE IMPROVEMENTS	319,943	342,943
		SM-6 Rocket Motor Industrial Base Expansion		[23,000]
126	0604373N	AIRBORNE MCM	10,882	10,882
127	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	45,892	45,892
129	0604501N	ADVANCED ABOVE WATER SENSORS	81,254	81,254
130	0604503N	SSN-688 AND TRIDENT MODERNIZATION	93,501	103,001
		Submarine Electronic Warfare Capability Improvements		[9,500]
131	0604504N	AIR CONTROL	39,138	39,138
132	0604512N	SHIPBOARD AVIATION SYSTEMS	11,759	11,759
133	0604518N	COMBAT INFORMATION CENTER CONVERSION	11,160	11,160
134	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	87,459	87,459
135	0604530N	ADVANCED ARRESTING GEAR (AAG)	151	151
136	0604558N	NEW DESIGN SSN	307,585	504,985
		Accelerated design		[188,900]
		Advanced Submarine Control		[8,500]
137	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	58,741	58,741
138	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	60,791	60,791
139	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,177	4,177
140	0604601N	MINE DEVELOPMENT	60,793	105,793
		INDOPACOM UPL—Anti-Surface Warfare (ASuW) Hammerhead Mine		[25,000]
		Quickstrike Powered Mines		[20,000]
141	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	142,000	142,000
142	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	8,618	8,618
143	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS—ENG DEV.	45,025	45,025
144	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	7,454	7,454
145	0604727N	JOINT STANDOFF WEAPON SYSTEMS	758	758
146	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	159,426	159,426
147	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	71,818	71,818
148	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	92,687	127,087
		Counter-Command, Control, Communications, Computers and Combat Systems Intelligence, Surveillance and Reconnaissance and Targeting (C-C5ISR&T)—Navy UPL		[29,400]
		Small Ship EW Self Protection Demonstration		[5,000]
149	0604761N	INTELLIGENCE ENGINEERING	23,742	23,742
150	0604771N	MEDICAL DEVELOPMENT	3,178	3,178
151	0604777N	NAVIGATION/ID SYSTEM	53,209	53,209
152	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	611	611
153	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	234	234
154	0604850N	SSN(X)	143,949	143,949
155	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	11,361	11,361
156	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	290,353	295,353
		High performance data analytics		[10,000]
		Navy ePS—early to need		[-5,000]
157	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	7,271	7,271
158	0605180N	TACAMO MODERNIZATION	554,193	554,193
159	0605212M	CH-53K RDTE	220,240	224,240
		CPF—High-Energy Density and High-Power Density Li-Ion Battery Magazines (HEBM) in Defense Applications		[4,000]
160	0605215N	MISSION PLANNING	71,107	71,107
161	0605217N	COMMON AVIONICS	77,960	77,960
162	0605220N	SHIP TO SHORE CONNECTOR (SSC)	2,886	10,106
		Program increase		[7,220]
163	0605327N	T-AO 205 CLASS	220	220
164	0605414N	UNMANNED CARRIER AVIATION (UCA)	265,646	265,646
165	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	371	371

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
166	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	37,939	37,939
167	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	161,697	161,697
168	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION.	94,569	94,569
169	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION.	2,856	2,856
170	0204202N	DDG-1000	197,436	197,436
171	0301377N	COUNTERING ADVANCED CONVENTIONAL WEAPONS (CACW).	12,341	22,341
		Threat Mosaic Warfare		[10,000]
175	0304785N	ISR & INFO OPERATIONS	135,366	135,366
176	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	37,038	37,038
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	6,606,583	6,801,903
		MANAGEMENT SUPPORT		
177	0604256N	THREAT SIMULATOR DEVELOPMENT	29,430	29,430
178	0604258N	TARGET SYSTEMS DEVELOPMENT	13,708	13,708
179	0604759N	MAJOR T&E INVESTMENT	95,316	97,316
		AUTEC data fusion capabilities		[2,000]
180	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,286	3,286
181	0605154N	CENTER FOR NAVAL ANALYSES	40,624	40,624
183	0605804N	TECHNICAL INFORMATION SERVICES	987	987
184	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	105,152	165,152
		NRE project backlog reduction		[60,000]
185	0605856N	STRATEGIC TECHNICAL SUPPORT	3,787	3,787
186	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	173,352	173,352
187	0605864N	TEST AND EVALUATION SUPPORT	468,281	468,281
188	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	27,808	27,808
189	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	27,175	27,175
190	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	7,186	7,186
191	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	39,744	39,744
192	0605898N	MANAGEMENT HQ—R&D	40,648	40,648
193	0606355N	WARFARE INNOVATION MANAGEMENT	52,060	52,060
194	0305327N	INSIDER THREAT	2,315	2,315
195	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUPPORT ACTIVITIES).	1,811	1,811
		SUBTOTAL MANAGEMENT SUPPORT	1,132,670	1,194,670
		OPERATIONAL SYSTEMS DEVELOPMENT		
198	0603273N	SCIENCE & TECHNOLOGY FOR NUCLEAR RE-ENTRY SYSTEMS.	65,735	65,735
201	0604840M	F-35 C2D2	525,338	525,338
202	0604840N	F-35 C2D2	491,513	491,513
203	0605520M	MARINE CORPS AIR DEFENSE WEAPONS SYSTEMS	48,663	48,663
204	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	156,121	156,121
205	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	284,502	304,502
		D5LE2 Risk Reduction		[20,000]
206	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	50,939	50,939
207	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	81,237	88,237
		Program increase		[7,000]
208	0101402N	NAVY STRATEGIC COMMUNICATIONS	49,424	49,424
209	0204136N	F/A-18 SQUADRONS	238,974	242,974
		Jet Noise Reduction		[4,000]
210	0204228N	SURFACE SUPPORT	12,197	12,197
211	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	132,719	132,719
212	0204311N	INTEGRATED SURVEILLANCE SYSTEM	68,417	82,917
		Deployable Surveillance System, Deep Water Active		[14,500]
213	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	1,188	1,188
214	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	1,789	1,789
215	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	61,422	85,422
		G/ATOR air traffic control development—USMC UPL		[24,000]
216	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	70,339	70,339
217	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	47,436	47,436
218	0205601N	ANTI-RADIATION MISSILE IMPROVEMENT	90,779	90,779
219	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	28,999	28,999
220	0205632N	MK-48 ADCAP	155,868	155,868
221	0205633N	AVIATION IMPROVEMENTS	130,450	130,450
222	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	121,439	121,439
223	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	114,305	114,305
		Classified—USMC UPL		[5,000]
		Program decrease		[–5,000]
224	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	14,865	14,865
225	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	100,536	113,736

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
		Program Increase—USMC UPL		[6,600]
		Tactical Warfare Simulation improvements—USMC UPL		[6,600]
226	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	26,522	26,522
227	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	51,976	51,976
228	0206629M	AMPHIBIOUS ASSAULT VEHICLE	8,246	8,246
229	0207161N	TACTICAL AIM MISSILES	29,236	29,236
230	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	30,898	30,898
231	0208043N	PLANNING AND DECISION AID SYSTEM (PDAS)	3,609	3,609
236	0303138N	AFLOAT NETWORKS	45,693	45,693
237	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	33,752	33,752
238	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	8,415	8,415
239	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	10,576	10,576
240	0305205N	UAS INTEGRATION AND INTEROPERABILITY	18,373	18,373
241	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	45,705	41,705
		Program decrease		[-4,000]
242	0305220N	MQ-4C TRITON	13,893	-1,107
		Program decrease		[-15,000]
243	0305231N	MQ-8 UAV		13,100
		Costs associated with restoring 5 LCS		[13,100]
244	0305232M	RQ-11 UAV	1,234	1,234
245	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	3,761	3,761
247	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	56,261	56,261
248	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	9,780	9,780
249	0305251N	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT ..	36,505	36,505
250	0305421N	RQ-4 MODERNIZATION	163,277	163,277
251	0307577N	INTELLIGENCE MISSION DATA (IMD)	851	851
252	0308601N	MODELING AND SIMULATION SUPPORT	9,437	24,437
		Multi-physics simulation		[15,000]
253	0702207N	DEPOT MAINTENANCE (NON-IF)	26,248	26,248
254	0708730N	MARITIME TECHNOLOGY (MARITECH)	2,133	2,133
255A	9999999999	CLASSIFIED PROGRAMS	1,701,811	1,714,591
		Program increase		[12,780]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	5,483,386	5,587,966
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
256	0608013N	RISK MANAGEMENT INFORMATION—SOFTWARE PILOT PROGRAM.	12,810	12,810
257	0608231N	MARITIME TACTICAL COMMAND AND CONTROL (MTC2)—SOFTWARE PILOT PROGRAM.	11,198	11,198
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	24,008	24,008
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	24,078,718	25,270,442
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	375,325	455,397
		Drone medic platform		[5,000]
		Program increase		[75,072]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	171,192	177,542
		CPF—Aeromedical Research Center		[2,350]
		CPF—GHz-THz Antenna Systems for Massive Data Transmissions in Real-Time.		[4,000]
		SUBTOTAL BASIC RESEARCH	546,517	632,939
		APPLIED RESEARCH		
004	0602020F	FUTURE AF CAPABILITIES APPLIED RESEARCH	88,672	88,672
005	0602102F	MATERIALS	134,795	144,795
		Thermal protection for hypersonic vehicles		[10,000]
006	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	159,453	175,953
		Aeromechanics and integration		[10,000]
		Rapid aerospace fabrication technology		[6,500]
007	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	135,771	160,842
		Digital engineering and prototype capability		[20,071]
		Program increase		[5,000]
008	0602203F	AEROSPACE PROPULSION	172,861	172,861
009	0602204F	AEROSPACE SENSORS	192,733	197,733
		Program increase		[5,000]
011	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT— MAJOR HEADQUARTERS ACTIVITIES.	8,856	8,856
012	0602602F	CONVENTIONAL MUNITIONS	137,303	147,303
		Advanced hypersonic propulsion		[10,000]
013	0602605F	DIRECTED ENERGY TECHNOLOGY	109,302	104,947
		AI-enabled decisionmaking		[4,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
014	0602788F	Technical realignment		[-8,355]
		DOMINANT INFORMATION SCIENCES AND METHODS	166,041	260,041
		AI for networks		[10,000]
		Internet of Things Laboratory		[7,000]
		Multi-Edge Computing Command and Control		[12,000]
		Program increase		[10,000]
		Quantum testbed		[10,000]
		Trapped ion quantum computer		[30,000]
		Trusted computing base for mission flight computer		[5,000]
		UAS traffic management		[10,000]
		SUBTOTAL APPLIED RESEARCH	1,305,787	1,462,003
		ADVANCED TECHNOLOGY DEVELOPMENT		
016	0603032F	FUTURE AF INTEGRATED TECHNOLOGY DEMOS	152,559	146,559
		Automated geospatial intelligence detection algorithm		[9,000]
		Insufficient justification		[-15,000]
017	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	29,116	53,116
		FSS & UWB radome production		[9,000]
		Metals Affordability Initiative		[15,000]
018	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	10,695	10,695
019	0603203F	ADVANCED AEROSPACE SENSORS	36,997	36,997
020	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	54,727	86,820
		Airborne Missile Defense Beam Director Development and Flight Environmental Qualification		[10,000]
		Modular Open Autonomous Software Testing		[5,600]
		Program increase		[25,000]
		Technical realignment		[-8,507]
021	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	64,254	96,511
		Attributable combat UAV propulsion		[13,750]
		Program increase		[10,000]
		Technical realignment		[8,507]
022	0603270F	ELECTRONIC COMBAT TECHNOLOGY	33,380	48,380
		High speed expendable turboranjets		[5,000]
		Program increase		[10,000]
023	0603273F	SCIENCE & TECHNOLOGY FOR NUCLEAR RE-ENTRY SYSTEMS	39,431	39,431
026	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	20,652	20,652
027	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	187,374	187,374
028	0603605F	ADVANCED WEAPONS TECHNOLOGY	98,503	98,503
029	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	47,759	69,759
		Agile Factory Floor for Depot Sustainment		[8,000]
		Carbon/carbon for hypersonics		[10,000]
		CPF—Additive Manufacturing and Ultra-High Performance Concrete		[4,000]
030	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	51,824	51,824
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	827,271	946,621
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
031	0603036F	MODULAR ADVANCED MISSILE	125,688	125,688
032	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	6,101	6,101
033	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	17,318	17,318
034	0603790F	NATO RESEARCH AND DEVELOPMENT	4,295	4,295
035	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	46,432	46,432
036	0604001F	NC3 ADVANCED CONCEPTS	5,098	5,098
038	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS)	231,408	200,408
		Program decrease		[-31,000]
039	0604004F	ADVANCED ENGINE DEVELOPMENT	353,658	503,658
		AETP		[150,000]
040	0604006F	DEPT OF THE AIR FORCE TECH ARCHITECTURE	66,615	66,615
041	0604015F	LONG RANGE STRIKE—BOMBER	3,253,584	3,253,584
042	0604032F	DIRECTED ENERGY PROTOTYPING	4,269	4,269
043	0604033F	HYPERSONICS PROTOTYPING	431,868	172,547
		Flight in Relevant Environments (FIRE) increase		[11,000]
		Technical realignment		[-270,321]
044	0604183F	HYPERSONICS PROTOTYPING—HYPERSONIC ATTACK CRUISE MISSILE (HACM)	144,891	461,778
		Technical realignment		[316,887]
045	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	12,010	12,010
046	0604257F	ADVANCED TECHNOLOGY AND SENSORS	13,311	13,311
047	0604288F	SURVIVABLE AIRBORNE OPERATIONS CENTER	203,213	203,213
048	0604317F	TECHNOLOGY TRANSFER	16,759	16,759
049	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	106,826	141,826
		Program Increase—Replace Expended Inventory		[35,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
050	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	44,526	44,526
051	0604668F	JOINT TRANSPORTATION MANAGEMENT SYSTEM (JTMS)	51,758	51,758
052	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	27,586	27,586
053	0604858F	TECH TRANSITION PROGRAM	649,545	600,795
		Program increase		[9,250]
		Technical realignment		[-58,000]
054	0604860F	OPERATIONAL ENERGY AND INSTALLATION RESILIENCE ...		15,500
		Technical realignment		[15,500]
055	0605230F	GROUND BASED STRATEGIC DETERRENT		3,000
		ICBM transition readiness modeling and simulation		[3,000]
056	0207110F	NEXT GENERATION AIR DOMINANCE	1,657,733	1,608,233
		Program decrease		[-49,500]
057	0207179F	AUTONOMOUS COLLABORATIVE PLATFORMS	51,747	51,747
058	0207420F	COMBAT IDENTIFICATION	1,866	1,866
059	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	14,490	14,490
060	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	52,498	48,498
		Program decrease		[-4,000]
061	0208030F	WAR RESERVE MATERIEL—AMMUNITION	10,288	10,288
064	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	37,460	37,460
065	0305601F	MISSION PARTNER ENVIRONMENTS	17,378	17,378
066	0306250F	CYBER OPERATIONS TECHNOLOGY SUPPORT	234,576	286,476
		Joint Cyber Warfighting Architecture—CYBERCOM UPL		[51,900]
067	0306415F	ENABLED CYBER ACTIVITIES	16,728	16,728
070	0808737F	CVV INTEGRATED PREVENTION	9,315	9,315
071	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	14,050	14,050
072	1206415F	U.S. SPACE COMMAND RESEARCH AND DEVELOPMENT SUPPORT.	10,350	10,350
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	7,945,238	8,124,954
		SYSTEM DEVELOPMENT & DEMONSTRATION		
073	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS	9,879	9,879
074	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	176,824	176,824
075	0604222F	NUCLEAR WEAPONS SUPPORT	64,425	64,425
076	0604270F	ELECTRONIC WARFARE DEVELOPMENT	2,222	2,222
077	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	133,117	133,117
078	0604287F	PHYSICAL SECURITY EQUIPMENT	8,493	8,493
079	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	5,279	5,279
080	0604604F	SUBMUNITIONS	3,273	3,273
081	0604617F	AGILE COMBAT SUPPORT	14,252	14,252
083	0604706F	LIFE SUPPORT SYSTEMS	47,442	47,442
084	0604735F	COMBAT TRAINING RANGES	91,284	91,284
086	0604932F	LONG RANGE STANDOFF WEAPON	928,850	928,850
087	0604933F	ICBM FUZE MODERNIZATION	98,376	98,376
088	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC)	2,222	2,222
089	0605056F	OPEN ARCHITECTURE MANAGEMENT	38,222	38,222
090	0605223F	ADVANCED PILOT TRAINING	37,121	37,121
091	0605229F	IHL-60W	58,974	58,974
092	0605238F	GROUND BASED STRATEGIC DETERRENT EMD	3,614,290	3,614,290
094	0207171F	F-15 EPAWSS	67,956	67,956
095	0207279F	ISOLATED PERSONNEL SURVIVABILITY AND RECOVERY	27,881	27,881
096	0207328F	STAND IN ATTACK WEAPON	283,152	283,152
097	0207701F	FULL COMBAT MISSION TRAINING	3,028	12,528
		Airborne Augmented Reality		[9,500]
102	0401221F	KC-46A TANKER SQUADRONS	197,510	197,510
103	0401319F	VC-25B	492,932	392,932
		Program decrease		[-100,000]
104	0701212F	AUTOMATED TEST SYSTEMS	16,664	16,664
105	0804772F	TRAINING DEVELOPMENTS	15,138	15,138
107	1206442F	NEXT GENERATION OPIR	148	148
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	6,438,954	6,348,454
		MANAGEMENT SUPPORT		
108	0604256F	THREAT SIMULATOR DEVELOPMENT	21,067	56,067
		Program increase		[35,000]
109	0604759F	MAJOR T&E INVESTMENT	44,714	74,714
		Program increase		[30,000]
110	0605101F	RAND PROJECT AIR FORCE	37,921	37,921
111	0605502F	SMALL BUSINESS INNOVATION RESEARCH	86	86
112	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	13,926	13,926
113	0605807F	TEST AND EVALUATION SUPPORT	826,854	826,854
115	0605827F	ACQ WORKFORCE- GLOBAL VIG & COMBAT SYS	255,995	283,995
		Technical realignment		[28,000]
116	0605828F	ACQ WORKFORCE- GLOBAL REACH	457,589	457,589
117	0605829F	ACQ WORKFORCE- CYBER, NETWORK, & BUS SYS	459,223	473,423
		Technical realignment		[14,200]
118	0605830F	ACQ WORKFORCE- GLOBAL BATTLE MGMT	3,696	3,696

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
119	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	229,610	253,610
		Technical realignment		[24,000]
120	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY	92,648	67,361
		Technical realignment		[-25,287]
121	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	241,226	236,382
		Technical realignment		[-4,844]
122	0605898F	MANAGEMENT HQ—R&D	4,347	5,624
		Technical realignment		[1,277]
123	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	77,820	77,820
124	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	31,561	31,561
125	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	101,844	101,844
126	0606398F	MANAGEMENT HQ—T&E	6,285	6,285
127	0303166F	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	556	556
128	0303255F	COMMAND, CONTROL, COMMUNICATION, AND COMPUTERS (C4)—STRATCOM.	15,559	35,559
		Establishment and initial operations of the NC3 Rapid Engineering Architecture Collaboration Hub (REACH).		[20,000]
129	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	83,231	83,231
130	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	24,306	24,306
131	0804731F	GENERAL SKILL TRAINING	871	871
134	1001004F	INTERNATIONAL ACTIVITIES	2,593	2,593
		SUBTOTAL MANAGEMENT SUPPORT	3,033,528	3,155,874
		OPERATIONAL SYSTEMS DEVELOPMENT		
136	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	18,037	18,037
138	0604617F	AGILE COMBAT SUPPORT	8,199	8,199
139	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	156	156
140	0604840F	F-35 C2D2	1,014,708	1,014,708
141	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) ..	37,901	32,901
		Insufficient justification		[-5,000]
142	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	50,066	50,066
143	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	80,338	80,338
144	0605278F	HC/MC-130 RECAP RDT&E	47,994	17,994
		Program decrease		[-30,000]
145	0606018F	NC3 INTEGRATION	23,559	23,559
147	0101113F	B-52 SQUADRONS	770,313	689,313
		Program decrease		[-81,000]
148	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	571	571
149	0101126F	B-1B SQUADRONS	13,144	30,144
		Hypersonic Integration Validation Testing		[17,000]
150	0101127F	B-2 SQUADRONS	111,990	111,990
151	0101213F	MINUTEMAN SQUADRONS	69,650	69,650
152	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	22,725	22,725
153	0101324F	INTEGRATED STRATEGIC PLANNING & ANALYSIS NETWORK.	3,180	3,180
154	0101328F	ICBM REENTRY VEHICLES	118,616	118,616
156	0102110F	UH-1N REPLACEMENT PROGRAM	17,922	17,922
157	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	451	31,951
		Multi-Domain Operations modernization development		[31,500]
158	0102412F	NORTH WARNING SYSTEM (NWS)	76,910	76,910
159	0102417F	OVER-THE-HORIZON BACKSCATTER RADAR	12,210	17,210
		Ultra-wide band receiver		[5,000]
160	0202834F	VEHICLES AND SUPPORT EQUIPMENT—GENERAL	14,483	14,483
161	0205219F	MQ-9 UAV	98,499	98,499
162	0205671F	JOINT COUNTER RCIED ELECTRONIC WARFARE	1,747	1,747
163	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	23,195	30,195
		AI for EW		[7,000]
164	0207131F	A-10 SQUADRONS	72,393	72,393
165	0207133F	F-16 SQUADRONS	244,696	244,696
166	0207134F	F-15E SQUADRONS	213,272	213,272
167	0207136F	MANNED DESTRUCTIVE SUPPRESSION	16,695	16,695
168	0207138F	F-22A SQUADRONS	559,709	559,709
169	0207142F	F-35 SQUADRONS	70,730	70,730
170	0207146F	F-15EX	83,830	83,830
171	0207161F	TACTICAL AIM MISSILES	34,536	34,536
172	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	52,704	52,704
173	0207227F	COMBAT RESCUE—PARARESCUE	863	863
174	0207247F	AF TENCAP	23,309	23,309
175	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	12,722	12,722
176	0207253F	COMPASS CALL	49,054	49,054
177	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	116,087	116,087
178	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	117,198	129,198
		Software Update		[12,000]
179	0207327F	SMALL DIAMETER BOMB (SDB)	27,713	77,713

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
		Technology refresh & improvement—Air Force UPL		[50,000]
181	0207412F	CONTROL AND REPORTING CENTER (CRC)	6,615	12,815
		Combat Air Intelligence Systems		[6,200]
182	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	239,658	237,658
		Early to need—communication network upgrade		[-2,000]
183	0207418F	AFSPECWAR—TACP	5,982	5,982
185	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	23,504	23,504
186	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	5,851	5,851
187	0207439F	ELECTRONIC WARFARE INTEGRATED REPROGRAMMING (EWIR)	15,990	15,990
188	0207444F	TACTICAL AIR CONTROL PARTY-MOD	10,315	10,315
189	0207452F	DCAPES	8,049	8,049
190	0207521F	AIR FORCE CALIBRATION PROGRAMS	2,123	2,123
192	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	2,039	2,039
193	0207590F	SEEK EAGLE	32,853	32,853
194	0207601F	USAF MODELING AND SIMULATION	19,341	19,341
195	0207605F	WARGAMING AND SIMULATION CENTERS	7,004	7,004
197	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,628	4,628
198	0208006F	MISSION PLANNING SYSTEMS	99,214	99,214
199	0208007F	TACTICAL DECEPTION	17,074	17,074
200	0208064F	OPERATIONAL HQ—CYBER	2,347	2,347
201	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	76,592	113,892
		Joint Cyber Warfighting Architecture—CYBERCOM UPL		[37,300]
202	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	8,367	8,367
203	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	80,740	80,740
204	0208099F	UNIFIED PLATFORM (UP)	107,548	107,548
208	0208288F	INTEL DATA APPLICATIONS	1,065	1,065
209	0301025F	GEOBASE	2,928	2,928
211	0301113F	CYBER SECURITY INTELLIGENCE SUPPORT	8,972	8,972
218	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS	3,069	3,069
219	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) ...	25,701	25,701
220	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	41,171	41,171
221	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	70,582	70,582
224	0303260F	JOINT MILITARY DECEPTION INITIATIVE	2,588	2,588
226	0304260F	AIRBORNE SIGINT ENTERPRISE	108,528	115,528
		Special Mission Airborne SIGINT Enterprise Technology		[7,000]
227	0304310F	COMMERCIAL ECONOMIC ANALYSIS	4,542	4,542
230	0305015F	C2 AIR OPERATIONS SUITE—C2 INFO SERVICES	8,097	8,097
231	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY	1,751	1,751
232	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD)	13,138	33,138
		All-domain multi-sensor and multi-intelligence data fusion		[10,000]
		Operationalize foreign language exploitation capabilities		[10,000]
233	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,895	4,895
234	0305103F	CYBER SECURITY INITIATIVE	91	91
235	0305111F	WEATHER SERVICE	11,716	21,716
		Commercial weather data pilot		[10,000]
236	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	8,511	8,511
237	0305116F	AERIAL TARGETS	1,365	1,365
240	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	223	223
241	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	8,328	8,328
243	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	22,123	22,123
244	0305202F	DRAGON U-2	20,170	20,170
245	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	55,048	80,048
		Sensor Open Systems Architecture		[20,000]
		Wide Area Motion Imagery		[5,000]
246	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,590	14,590
247	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	26,901	26,901
248	0305220F	RQ-4 UAV	68,801	68,801
249	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	17,564	17,564
250	0305238F	NATO AGS	826	826
251	0305240F	SUPPORT TO DCGS ENTERPRISE	28,774	28,774
252	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	15,036	15,036
253	0305881F	RAPID CYBER ACQUISITION	3,739	3,739
254	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2)	2,702	2,702
255	0307577F	INTELLIGENCE MISSION DATA (IMD)	6,332	6,332
256	0401115F	C-130 AIRLIFT SQUADRON	407	407
257	0401119F	C-5 AIRLIFT SQUADRONS (IF)	6,100	6,100
258	0401130F	C-17 AIRCRAFT (IF)	25,387	31,887
		IR Suppression		[6,500]
259	0401132F	C-130J PROGRAM	11,060	21,060
		Winglets		[10,000]
260	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	2,909	2,909
261	0401218F	KC-135S	12,955	12,955
262	0401318F	CV-22	10,121	10,121

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
263	0408011F	SPECIAL TACTICS / COMBAT CONTROL	6,297	6,297
264	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	19,892	23,892
		CPF—Aviation Training Academy of the Future		[4,000]
265	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	5,271	5,271
267	0804743F	OTHER FLIGHT TRAINING	2,214	2,214
269	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,164	2,164
270	0901218F	CIVILIAN COMPENSATION PROGRAM	4,098	4,098
271	0901220F	PERSONNEL ADMINISTRATION	3,191	3,191
272	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	899	899
273	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	5,421	5,421
276	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES	13,766	13,766
276A	9999999999	CLASSIFIED PROGRAMS	17,240,641	17,271,641
		Program increase		[31,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	23,090,569	23,252,069
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
278	0608158F	STRATEGIC MISSION PLANNING AND EXECUTION SYSTEM—SOFTWARE PILOT PROGRAM.	100,167	100,167
279	0608410F	AIR & SPACE OPERATIONS CENTER (AOC)—SOFTWARE PILOT PROGRAM.	177,827	177,827
280	0608920F	DEFENSE ENTERPRISE ACCOUNTING AND MANAGEMENT SYSTEM (DEAMS)—SOFTWARE PILOT PRO.	136,202	136,202
281	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	37,346	0
		Technical realignment		[−37,346]
282	0308605F	AIR FORCE DEFENSIVE CYBER SYSTEMS (AFDCS)—SOFTWARE PILOT PROGRAM.	240,926	240,926
283	0308606F	ALL DOMAIN COMMON PLATFORM (ADCP)—SOFTWARE PILOT PROGRAM.	190,112	190,112
284	0308607F	AIR FORCE WEATHER PROGRAMS—SOFTWARE PILOT PROGRAM.	58,063	58,063
285	0308608F	ELECTRONIC WARFARE INTEGRATED REPROGRAMMING (EWIR)—SOFTWARE PILOT PROGRAM.	5,794	5,794
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	946,437	909,091
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	44,134,301	44,832,005
		RDTE, SPACE FORCE APPLIED RESEARCH		
002	1206601SF	SPACE TECHNOLOGY	243,737	278,892
		Advanced Analog Microelectronics		[6,800]
		AI for space technology		[5,000]
		Technical realignment		[8,355]
		University Consortia for Space Technology		[15,000]
		SUBTOTAL APPLIED RESEARCH	243,737	278,892
		ADVANCED TECHNOLOGY DEVELOPMENT		
003	1206310SF	SPACE SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT.	460,820	526,820
		Defense in depth as mission assurance for spacecraft		[20,000]
		Multilevel, Secure, Autonomous Mission Operations at AFRL		[20,000]
		Program increase		[26,000]
004	1206616SF	SPACE ADVANCED TECHNOLOGY DEVELOPMENT/DEMO	103,395	80,168
		Reduce follow-on tranches		[−26,000]
		Technical realignment		[2,773]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	564,215	606,988
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
005	0604002SF	SPACE FORCE WEATHER SERVICES RESEARCH	816	816
006	1203164SF	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	382,594	382,594
007	1203622SF	SPACE WARFIGHTING ANALYSIS	44,791	44,791
008	1203710SF	EO/IR WEATHER SYSTEMS	96,519	96,519
010	1206410SF	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING ...	986,822	990,822
		C2BMC integration		[4,000]
012	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	230,621	230,621
013	1206427SF	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	106,252	106,252
014	1206438SF	SPACE CONTROL TECHNOLOGY	57,953	69,953
		Program increase		[12,000]
016	1206730SF	SPACE SECURITY AND DEFENSE PROGRAM	59,169	59,169
017	1206760SF	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES)	121,069	121,069
018	1206761SF	PROTECTED TACTICAL SERVICE (PTS)	294,828	294,828

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
019	1206855SF	EVOLVED STRATEGIC SATCOM (ESS)	565,597	565,597
020	1206857SF	SPACE RAPID CAPABILITIES OFFICE	45,427	45,427
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	2,992,458	3,008,458
		SYSTEM DEVELOPMENT & DEMONSTRATION		
021	1203269SF	GPS III FOLLOW-ON (GPS IIIF)	325,927	325,927
022	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	49,628	49,628
023	1206421SF	COUNTERSPACE SYSTEMS	21,848	21,848
024	1206422SF	WEATHER SYSTEM FOLLOW-ON	48,870	48,870
025	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	105,140	105,140
026	1206431SF	ADVANCED EHF MILSATCOM (SPACE)	11,701	11,701
027	1206432SF	POLAR MILSATCOM (SPACE)	67,465	67,465
028	1206433SF	WIDEBAND GLOBAL SATCOM (SPACE)	48,438	48,438
029	1206440SF	NEXT-GEN OPIR—GROUND		612,529
		Technical realignment		[612,529]
030	1206442SF	NEXT GENERATION OPIR	3,479,459	253,801
		Technical realignment		[-3,225,658]
031	1206443SF	NEXT-GEN OPIR—GEO		1,713,933
		Technical realignment		[1,713,933]
032	1206444SF	NEXT-GEN OPIR—POLAR		899,196
		Technical realignment		[899,196]
033	1206445SF	COMMERCIAL SATCOM (COMSATCOM) INTEGRATION	23,513	23,513
034	1206446SF	RESILIENT MISSILE WARNING MISSILE TRACKING—LOW EARTH ORBIT (LEO).	499,840	525,637
		Technical realignment		[25,797]
035	1206447SF	RESILIENT MISSILE WARNING MISSILE TRACKING—MEDIUM EARTH ORBIT (MEO).	139,131	303,930
		Technical realignment		[164,799]
036	1206448SF	RESILIENT MISSILE WARNING MISSILE TRACKING—INTEGRATED GROUND SEGMENT.	390,596	0
		Technical realignment		[-390,596]
037	1206853SF	NATIONAL SECURITY SPACE LAUNCH PROGRAM (SPACE)—EMD.	124,103	154,103
		Increase EMD for NSSL Phase 3 and beyond activities		[30,000]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	5,335,659	5,165,659
		MANAGEMENT SUPPORT		
039	1206116SF	SPACE TEST AND TRAINING RANGE DEVELOPMENT	21,453	21,453
040	1206392SF	ACQ WORKFORCE—SPACE & MISSILE SYSTEMS	253,716	253,716
041	1206398SF	SPACE & MISSILE SYSTEMS CENTER—MHA	13,962	20,962
		Spacelift Range System improvements		[7,000]
042	1206616SF	SPACE ADVANCED TECHNOLOGY DEVELOPMENT/DEMO	2,773	0
		Technical realignment		[-2,773]
043	1206759SF	MAJOR T&E INVESTMENT—SPACE	89,751	89,751
044	1206860SF	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	17,922	17,922
045	1206862SF	TACTICALLY RESPONSIVE LAUNCH		100,000
		Continue Tactically Responsive Space		[75,000]
		Program increase		[25,000]
046	1206864SF	SPACE TEST PROGRAM (STP)	25,366	25,366
		SUBTOTAL MANAGEMENT SUPPORT	424,943	529,170
		OPERATIONAL SYSTEM DEVELOPMENT		
048	1201017SF	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	5,321	5,321
049	1203001SF	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	128,243	128,243
050	1203040SF	DCO-SPACE	28,162	28,162
051	1203109SF	NARROWBAND SATELLITE COMMUNICATIONS	165,892	165,892
052	1203110SF	SATELLITE CONTROL NETWORK (SPACE)	42,199	42,199
053	1203165SF	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	2,062	2,062
054	1203173SF	SPACE AND MISSILE TEST AND EVALUATION CENTER	4,157	4,157
055	1203174SF	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	38,103	38,103
056	1203182SF	SPACELIFT RANGE SYSTEM (SPACE)	11,658	11,658
057	1203265SF	GPS III SPACE SEGMENT	1,626	1,626
058	1203330SF	SPACE SUPERIORITY ISR	29,128	29,128
059	1203620SF	NATIONAL SPACE DEFENSE CENTER	2,856	2,856
060	1203873SF	BALLISTIC MISSILE DEFENSE RADARS	18,615	18,615
061	1203906SF	NCMC—TWAA SYSTEM	7,274	7,274
062	1203913SF	NUDET DETECTION SYSTEM (SPACE)	80,429	80,429
063	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	80,903	85,903
		Program increase		[5,000]
064	1206423SF	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	359,720	359,720
068	1206770SF	ENTERPRISE GROUND SERVICES	123,601	123,601
068A	9999999999	CLASSIFIED PROGRAMS	4,973,358	4,927,058
		Funding early to need		[-379,300]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2023 Request	House Authorized
		INDOPACOM Space Control		[308,000]
		Program adjustment		[25,000]
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	6,103,307	6,062,007
		SOFTWARE & DIGITAL TECHNOLOGY PILOT PRO- GRAMS		
070	1208248SF	SPACE COMMAND & CONTROL—SOFTWARE PILOT PRO- GRAM.	155,053	155,053
		SUBTOTAL SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS.	155,053	155,053
		TOTAL RDTE, SPACE FORCE	15,819,372	15,806,227
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH	11,584	11,584
002	0601101E	DEFENSE RESEARCH SCIENCES	401,870	495,444
		AI for supply chain		[4,100]
		Math and Computer Science		[5,000]
		Program increase		[84,474]
003	0601108D8Z	HIGH ENERGY LASER RESEARCH INITIATIVES	16,257	16,257
004	0601110D8Z	BASIC RESEARCH INITIATIVES	62,386	184,686
		CPF—FIU/SOUTHCOM Security Research Hub / Enhanced Do- main Awareness (EDA) Initiative.		[1,300]
		CPF—HBCU Training for the Future of Aerospace		[1,000]
		Future G		[100,000]
		MINERVA		[20,000]
005	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	80,874	80,874
006	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	132,347	168,347
		Community colleges		[5,000]
		CPF—Florida Memorial Avionics Smart Scholars		[1,000]
		SMART		[30,000]
007	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MI- NORITY INSTITUTIONS.	33,288	111,711
		CPF—Augmenting Quantum Sensing Research, Education and Training in DoD CoE at DSU.		[1,111]
		CPF—Florida Memorial University Department of Natural Sciences STEM Equipment.		[600]
		Program increase		[76,712]
008	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	34,734	34,734
		SUBTOTAL BASIC RESEARCH	773,340	1,103,637
		APPLIED RESEARCH		
010	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	18,961	18,961
011	0602115E	BIOMEDICAL TECHNOLOGY	106,958	114,658
		Next-Generation Combat Casualty Care		[7,700]
012	0602128D8Z	PROMOTION AND PROTECTION STRATEGIES	3,275	3,275
014	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	20,634	20,634
015	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	46,159	46,159
016	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRI- ORITIES.	67,666	67,666
017	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	388,270	418,270
		Artificial Intelligence and Human-Machine Symbiosis		[5,000]
		Cyber security		[5,000]
		Underexplored Systems for Utility-Scale Quantum Computing		[20,000]
018	0602383E	BIOLOGICAL WARFARE DEFENSE	23,059	23,059
019	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	256,197	334,697
		Program increase		[78,500]
020	0602668D8Z	CYBER SECURITY RESEARCH	17,264	17,264
021	0602675D8Z	SOCIAL SCIENCES FOR ENVIRONMENTAL SECURITY	4,000	4,000
022	0602702E	TACTICAL TECHNOLOGY	221,883	261,883
		Information Analytics Technology		[5,000]
		MAD-FIRES		[35,000]
023	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	352,976	355,276
		Expanding Human Resiliency		[2,300]
024	0602716E	ELECTRONICS TECHNOLOGY	557,745	557,745
025	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RE- SEARCH.	192,162	192,162
026	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RE- SEARCH.	11,030	11,030
027	0602890D8Z	HIGH ENERGY LASER RESEARCH	48,587	68,587
		Program increase		[20,000]
028	1160401BB	SOF TECHNOLOGY DEVELOPMENT	49,174	49,174
		SUBTOTAL APPLIED RESEARCH	2,386,000	2,564,500
		ADVANCED TECHNOLOGY DEVELOPMENT		
029	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	34,065	84,065
		Munitions technology development		[50,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
030	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	4,919	4,919
031	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	72,614	92,614
		United States-Israel Cooperation to Counter Unmanned Aerial Systems.		[15,000]
		VTOL Loitering Munition (ROC-X)		[5,000]
032	0603133D8Z	FOREIGN COMPARATIVE TESTING	26,802	26,802
034	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT.	395,721	395,721
035	0603176BR	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT ...	6,505	6,505
036	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT ...	16,737	31,737
		LAMD/OSG AIS F-35 Event Preparation		[10,000]
		Kill Chain Performance Assessment Capability		[5,000]
037	0603180C	ADVANCED RESEARCH	22,023	50,023
		Benzoxazine High-Mach System Thermal Protection		[4,000]
		High Temperature Nickel Based Alloy research		[4,000]
		Sounding Rocket Testbed Technology Maturation Tests		[20,000]
038	0603183D8Z	JOINT HYPERSONIC TECHNOLOGY DEVELOPMENT &TRANSITION.	52,156	72,156
		Accelerate co-development of key partner programs		[20,000]
039	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	18,898	18,898
040	0603286E	ADVANCED AEROSPACE SYSTEMS	253,135	410,435
		GlideBreaker		[20,000]
		MoHAWC		[60,000]
		OpFires		[42,300]
		Tactical Boost Glide (TBG)		[35,000]
041	0603287E	SPACE PROGRAMS AND TECHNOLOGY	81,888	81,888
042	0603288D8Z	ANALYTIC ASSESSMENTS	24,052	24,052
043	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	53,890	68,890
		Emerging opportunities		[15,000]
046	0603338D8Z	DEFENSE MODERNIZATION AND PROTOTYPING	141,561	176,561
		Program increase		[35,000]
047	0603342D8Z	DEFENSE INNOVATION UNIT (DIU)	42,925	106,002
		AI for small unit maneuver		[2,500]
		Hybrid space architecture		[5,577]
		Joint programs		[10,000]
		National Security Innovation Capital		[15,000]
		Program increase		[25,000]
		Small craft electric propulsion		[5,000]
048	0603375D8Z	TECHNOLOGY INNOVATION	109,535	469,535
		Accelerating quantum applications		[200,000]
		AHI		[30,000]
		Domestic Supply Chain for Microelectronics Critical Element Production.		[100,000]
		Future G Open Edge Computing Challenge		[30,000]
049	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	238,407	253,407
		Biological Defense Vaccines and Advanced Therapeutics		[15,000]
050	0603527D8Z	RETRACT LARCH	79,493	79,493
051	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	19,218	19,218
052	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	114,100	114,100
053	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	3,168	3,168
054	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	256,142	1,268,142
		Advanced textiles		[10,000]
		Biotechnology Manufacturing Institutes		[500,000]
		CPF—Future Nano and Micro-Fabrication - Advanced Materials Engineering Research Institute.		[4,000]
		CPF—Manufacturing of Advanced Composites for Hypersonics – Aided by Digital Engineering.		[4,000]
		CPF—Scalable comprehensive workforce readiness initiatives in bioindustrial manufacturing that lead to regional bioeconomic transformation and growth.		[4,000]
		HPC-enabled advanced manufacturing		[30,000]
		Increase Production Capacity for Hypersonics		[25,000]
		Munitions technology development		[50,000]
		Munitions technology development (Acquisition & Sustainment) ...		[200,000]
		Munitions technology development (Research & Engineering)		[100,000]
		New bioproducts		[10,000]
		Silicon carbide matrix materials for hypersonics		[50,000]
		Silicon-based lasers		[10,000]
		Tools and methods to improve biomanufacturing		[15,000]
055	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	46,166	51,166
		AI-based market research		[5,000]
056	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	13,663	13,663
057	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	58,411	63,411
		SERDP- PFAS remediation technologies		[5,000]
058	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	139,833	139,833

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
059	0603727D8Z	JOINT WARFIGHTING PROGRAM	2,411	2,411
060	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	250,917	260,917
		Low SWAP INU development		[10,000]
061	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	305,050	315,050
		Composable Logistics and Information Omniscience		[10,000]
062	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	678,562	758,562
		ABII		[50,000]
		Classified Program		[15,000]
		Ocean of Things Phase 3		[15,000]
063	0603767E	SENSOR TECHNOLOGY	314,502	314,502
064	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	201	201
065	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	13,417	13,417
066	0603924D8Z	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	111,149	166,149
		Program increase		[30,000]
		Short pulse laser research		[25,000]
067	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	315,090	350,090
		Program increase		[35,000]
068	0603950D8Z	NATIONAL SECURITY INNOVATION NETWORK	22,028	74,028
		High energy laser power beaming		[7,000]
		Mission acceleration centers		[20,000]
		Program increase		[15,000]
		TRISO advanced nuclear fuel		[10,000]
069	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	180,170	195,170
		Operational Energy Capability Improvement		[15,000]
072	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	118,877	125,877
		Next Generation ISR SOF Enhancement/ Technical Support Systems.		[7,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	4,638,401	6,702,778
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
074	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	41,507	41,507
075	0603600D8Z	WALKOFF	133,795	133,795
076	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	84,638	95,638
		ESTCP—3D printed infrastructure		[5,000]
		ESTCP—PFAS Disposal		[5,000]
		ESTCP—PFAS free fire fighting turnout gear		[1,000]
077	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	190,216	190,216
078	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	667,524	667,524
079	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL.	291,364	291,364
080	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	231,134	242,334
		BMDs Radars Modeling and Simulation		[4,200]
		HEMP Hardening		[7,000]
081	0603890C	BMD ENABLING PROGRAMS	591,847	717,847
		Digital Engineering to Support NGI Transition		[17,000]
		Elevated Fire control Sensor		[27,000]
		Kill Chain Demonstration		[51,000]
		NGI Modeling and Threat Scenarios		[21,000]
		Support Equipment for FTX-26 and NGI Testing		[10,000]
082	0603891C	SPECIAL PROGRAMS—MDA	316,977	387,977
		Classified program increase—UPL		[71,000]
083	0603892C	AEGIS BMD	600,072	600,072
084	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATIONS.	589,374	648,624
		Classified program increase—UPL		[50,000]
		Network Refresh		[6,500]
		SATCOM Link Security—PAAWNS TRANSEC Module		[2,750]
085	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	50,269	50,269
086	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	49,367	49,367
087	0603906C	REGARDING TRENCH	12,146	12,146
088	0603907C	SEA BASED X-BAND RADAR (SBX)	164,668	164,668
089	0603913C	ISRAELI COOPERATIVE PROGRAMS	300,000	300,000
090	0603914C	BALLISTIC MISSILE DEFENSE TEST	367,824	367,824
091	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	559,513	729,513
		Advanced Reactive Target Simulation Development		[20,000]
		Hypersonic Maneuvering Extended Range (HMER) Target System.		[150,000]
092	0603923D8Z	COALITION WARFARE	11,154	11,154
093	0604011D8Z	NEXT GENERATION INFORMATION COMMUNICATIONS TECHNOLOGY (5G).	249,591	284,591

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
		Next Generation Information (5G)		[35,000]
094	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,166	3,166
095	0604102C	GUAM DEFENSE DEVELOPMENT	397,936	397,936
096	0604115C	TECHNOLOGY MATURATION INITIATIVES		35,000
		Continue Diode Pumped Alkali Laser Development		[25,000]
		Program increase		[10,000]
097	0604124D8Z	CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER (CDAO)—MIP.	33,950	33,950
099	0604181C	HYPERSONIC DEFENSE	225,477	542,977
		Accelerate Glide Phase Interceptor program		[292,500]
		Disruptive Technologies		[25,000]
100	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	1,145,358	1,274,858
		Powered Quickstrike Mines (Sea Urchin)		[30,000]
		Program increase		[80,000]
		Service Tactical SIGINT Upgrades—INDOPACOM UPL		[9,500]
		Short Pulse Laser Directed Energy Demonstration		[10,000]
101	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	647,226	652,226
		Trusted & Assured Microelectronics		[5,000]
102	0604331D8Z	RAPID PROTOTYPING PROGRAM	179,189	204,189
		Energetics		[5,000]
		Program increase		[20,000]
103	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTOTYPING	24,402	37,402
		AI/ML-enabled OSINT for information effects		[4,000]
		Assured Defense Avionics		[5,000]
		Information environment		[4,000]
104	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	2,691	2,691
105	0604551BR	CATAPULT	7,130	27,130
		Radiation-Hardened Fully-Depleted Silicon-on-Insulator Microelectronics.		[20,000]
106	0604555D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT—NON S&T.	45,779	50,779
		Operational Energy Capability Improvement- Prototyping		[5,000]
108	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	3,229	3,229
109	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	40,699	40,699
110	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	75,120	75,120
111	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	1,833,357	1,833,357
112	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST.	69,762	69,762
113	0604878C	AEGIS BMD TEST	182,776	192,776
		Continued participation in ASD-23		[10,000]
114	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	88,326	88,326
115	0604880C	LAND-BASED SM-3 (LBSM3)	27,678	27,678
116	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST	84,075	84,075
117	0202057C	SAFETY PROGRAM MANAGEMENT	2,417	2,417
118	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS	2,664	2,664
120	0305103C	CYBER SECURITY INITIATIVE	1,165	33,165
		Mobile nuclear microreactors		[12,000]
		Program increase		[20,000]
123	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS ..	129,957	305,957
		HBTSS Payload Continued Development beyond Phase IIb		[166,000]
		MDSEA DEVSECOPS		[10,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	10,756,509	12,007,959
		SYSTEM DEVELOPMENT & DEMONSTRATION		
124	0604123D8Z	CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER (CDAO)—DEM/VAL ACTIVITIES.	273,340	368,340
		CDAO		[50,000]
		Software integration		[45,000]
125	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	6,482	6,482
127	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	312,148	312,148
128	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	9,120	9,120
129	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT.	14,403	14,403
130	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	1,244	1,244
131	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	6,191	6,191
132	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	10,145	10,145
133	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	5,938	5,938
136	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM	23,171	23,171
137	0605141BR	MISSION ASSURANCE RISK MANAGEMENT SYSTEM (MARMS).	14,093	14,093
138	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	6,949	6,949

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2023 Request	House Authorized
139	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	302,963	302,963
140	0605772D8Z	NUCLEAR COMMAND, CONTROL, & COMMUNICATIONS	3,758	3,758
141	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (E2IM).	8,121	8,121
142	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION.	16,048	16,048
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	1,014,114	1,109,114
		MANAGEMENT SUPPORT		
143	0603829J	JOINT CAPABILITY EXPERIMENTATION	12,452	12,452
144	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	8,902	8,902
145	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	6,610	6,610
146	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	819,358	1,094,358
		Program increase		[275,000]
147	0604942D8Z	ASSESSMENTS AND EVALUATIONS	4,607	4,607
148	0605001E	MISSION SUPPORT	86,869	86,869
149	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) Joint Mission Environment	126,079	151,079 [25,000]
150	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	53,278	53,278
152	0605142D8Z	SYSTEMS ENGINEERING	39,009	39,009
153	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	5,716	5,716
154	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	15,379	15,379
155	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	9,449	9,449
156	0605200D8Z	GENERAL SUPPORT TO OUSD(INTELLIGENCE AND SECURITY).	6,112	6,112
157	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	124,475	124,475
158	0605502BP	SMALL BUSINESS INNOVATIVE RESEARCH—CHEMICAL BIOLOGICAL DEF.		5,100
		Operational Rapid Multi-Pathogen Diagnostic Tool		[5,100]
165	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	3,820	6,820
		Small Business Tech Transfer		[3,000]
166	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE	35,414	35,414
167	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	56,114	56,114
168	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	63,184	63,184
169	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	23,757	23,757
170	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	26,652	26,652
171	0605898E	MANAGEMENT HQ—R&D	14,636	14,636
172	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	3,518	3,518
173	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	15,244	15,244
174	0606114D8Z	ANALYSIS WORKING GROUP (AWG) SUPPORT	4,700	4,700
175	0606135D8Z	CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER (CDAO) ACTIVITIES.	13,132	13,132
176	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS	3,323	3,323
177	0606300D8Z	DEFENSE SCIENCE BOARD	2,532	2,532
179	0606771D8Z	CYBER RESILIENCY AND CYBERSECURITY POLICY	32,306	32,306
180	0606853BR	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	12,354	22,354
		Joint Programs		[10,000]
181	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	3,034	3,034
182	0204571J	JOINT STAFF ANALYTICAL SUPPORT	4,332	4,332
183	0208045K	C4I INTEROPERABILITY	69,698	69,698
189	0305172K	COMBINED ADVANCED APPLICATIONS	16,171	16,171
191	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,072	3,072
192	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA.	37,852	37,852
193	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI).	716	716
194	0901598C	MANAGEMENT HQ—MDA	25,259	25,259
195	0903235K	JOINT SERVICE PROVIDER (JSP)	3,141	3,141
195A	9999999999	CLASSIFIED PROGRAMS	37,841	37,841
		SUBTOTAL MANAGEMENT SUPPORT	1,830,097	2,148,197
		OPERATIONAL SYSTEMS DEVELOPMENT		
200	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT	588,094	649,903
		Advanced machining		[20,000]
		Carbon/carbon industrial base enhancement		[10,000]
		CPF—Critical Non-Destructive Inspection and Training for Key U.S. National Defense Interests through College of the Canyons Advanced Technology Center.		[2,000]
		CPF—Partnerships for Manufacturing Training Innovation		[4,000]
		Integrated circuit substrates		[3,000]
		Precision optics manufacturing		[14,809]
		RF microelectronics supply chain		[8,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
201	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT ..	15,427	15,427
202	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	8,317	8,317
203	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	68,030	68,030
204	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS) 2.5/3D heterogeneous		16,600 [16,600]
209	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	19,145	19,145
210	0303126K	LONG-HAUL COMMUNICATIONS—DCS	13,195	13,195
211	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	5,746	5,746
212	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	92,018	92,018
213	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	43,135	47,135
		ISSP, NWC and NPS		[4,000]
214	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	593,831	593,831
215	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	7,005	7,005
216	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	10,020	10,020
217	0303153K	DEFENSE SPECTRUM ORGANIZATION	19,708	19,708
221	0303430V	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY.	5,197	5,197
226	0305104D8Z	DEFENSE INDUSTRIAL BASE (DIB) CYBER SECURITY INITIATIVE.	10,000	10,000
229	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES	450	450
230	0305133V	INDUSTRIAL SECURITY ACTIVITIES	1,800	1,800
233	0305146V	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	4,622	4,622
234	0305172D8Z	COMBINED ADVANCED APPLICATIONS	49,380	49,380
237	0305186D8Z	POLICY R&D PROGRAMS	6,214	6,214
238	0305199D8Z	NET CENTRICITY	17,917	17,917
240	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	6,095	6,095
246	0305245D8Z	INTELLIGENCE CAPABILITIES AND INNOVATION INVESTMENTS.	4,575	4,575
247	0305251K	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT ..	2,497	2,497
248	0305327V	INSIDER THREAT	9,403	9,403
249	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	1,864	1,864
257	0708012K	LOGISTICS SUPPORT ACTIVITIES	1,620	1,620
258	0708012S	PACIFIC DISASTER CENTERS	1,875	1,875
259	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	3,264	3,264
261	1105219BB	MQ-9 UAV	14,000	29,870
		MQ-9 Mallett reprogramming		[5,870]
		Speed Loader Agile POD		[10,000]
263	1160403BB	AVIATION SYSTEMS	179,499	179,499
264	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	75,136	85,136
		Intelligence Systems Development		[10,000]
265	1160408BB	OPERATIONAL ENHANCEMENTS	142,900	168,810
		Artificial intelligence for Small Unit Maneuver (AISUM)		[15,000]
		CPF—Intercept, Collect, Analyze, and Disrupt (ICAD) Application.		[2,300]
		Precision Strike Munition Shipboard Safety & Certification Testing.		[8,610]
266	1160431BB	WARRIOR SYSTEMS	129,133	155,860
		Counter Unmanned Systems (CUxS) Procurement Acceleration		[5,400]
		Ground Organic Precision Strike Systems (GOPSS) Loitering Munitions.		[9,930]
		Identity and Signature Management Modernization		[9,000]
		Maritime Scalable Effects (MSE) Electronic Warfare System Acceleration.		[2,397]
267	1160432BB	SPECIAL PROGRAMS	518	518
268	1160434BB	UNMANNED ISR	3,354	3,354
269	1160480BB	SOF TACTICAL VEHICLES	13,594	13,594
270	1160483BB	MARITIME SYSTEMS	82,645	112,645
		Dry Combat Submersible (DCS) Next Acceleration		[30,000]
272	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	7,583	8,528
		Low Visibility Vanishing Technology (LAVT)		[945]
273	1203610K	TELEPORT PROGRAM	1,270	1,270
273A	9999999999	CLASSIFIED PROGRAMS	7,854,604	7,878,304
		JWICS modernization		[1,500]
		MARS Advanced Capabilities		[22,200]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	10,114,680	10,330,241
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
274	0608197V	NATIONAL BACKGROUND INVESTIGATION SERVICES—SOFTWARE PILOT PROGRAM.	132,524	132,524
275	0608648D8Z	ACQUISITION VISIBILITY—SOFTWARE PILOT PROGRAM	17,123	17,123
276	0608775D8Z	ACCELERATE THE PROCUREMENT AND FIELDING OF INNOVATIVE TECHNOLOGIES (APFIT).	100,000	0

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	House Authorized
		OSD requested transfer to new PE		[-100,000]
276A	0604795DSZ	ACCELERATE THE PROCUREMENT AND FIELDING OF INNOVATIVE TECHNOLOGIES (APFIT).		100,000
		OSD requested transfer from erroneous PE		[100,000]
277	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	34,987	34,987
282	0308609V	NATIONAL INDUSTRIAL SECURITY SYSTEMS (NISS)—SOFTWARE PILOT PROGRAM.	14,749	14,749
282A	9999999999	CLASSIFIED PROGRAMS	265,028	265,028
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	564,411	564,411
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	32,077,552	36,530,837
		MISSION-BASED RAPID ACQUISITION ACCOUNT		
001	9999999999	MISSION-BASED RAPID ACQUISITION		30,000
		Mission-Based Rapid Acquisition		[30,000]
		SUBTOTAL MISSION-BASED RAPID ACQUISITION		30,000
		TOTAL MISSION-BASED RAPID ACQUISITION ACCOUNT.		30,000
		OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	119,529	119,529
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	99,947	99,947
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	57,718	57,718
		SUBTOTAL MANAGEMENT SUPPORT	277,194	277,194
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	277,194	277,194
		TOTAL RDT&E	130,097,410	138,641,449

1 **TITLE XLIII—OPERATION AND**
2 **MAINTENANCE**
3 **SEC. 4301. OPERATION AND MAINTENANCE.**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2023 Request	House Authorized
	OPERATION & MAINTENANCE, ARMY OPERATING FORCES		
010	MANEUVER UNITS	4,506,811	4,356,811
	Program decrease		[-150,000]
020	MODULAR SUPPORT BRIGADES	177,136	177,136
030	ECHELONS ABOVE BRIGADE	894,629	894,629
040	THEATER LEVEL ASSETS	2,570,949	2,450,949
	Program decrease		[-120,000]
050	LAND FORCES OPERATIONS SUPPORT	1,184,230	1,144,230
	Program decrease		[-40,000]
060	AVIATION ASSETS	2,220,817	2,220,817
070	FORCE READINESS OPERATIONS SUPPORT	7,366,299	7,616,738
	Advanced Bomb Suit II		[12,940]
	Aretic OCIE for Alaska bases, Fort Drum and Fort Carson		[65,050]
	Extended Cold Weather Clothing System (ECWCS) Layer 1 & 2 for Initial Entry Training Soldiers.		[8,999]
	Female/Small Stature Body Armor		[66,750]
	Operation Pathways (OP)		[100,000]
	Program decrease		[-60,000]
	Service Tactical SIGINT Upgrades—INDOPACOM UPL ..		[3,400]
	Theater Intelligence (ISR-PED)		[53,300]
080	LAND FORCES SYSTEMS READINESS	483,683	483,683
090	LAND FORCES DEPOT MAINTENANCE	1,399,173	1,399,173
100	MEDICAL READINESS	897,522	897,522
110	BASE OPERATIONS SUPPORT	9,330,325	9,276,325
	Base Operating Support for AFFF Replacement, mobile assets and Disposal		[6,000]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	Program decrease		[−60,000]
120	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	4,666,658	5,192,598
	FSRM—AFFF Replacement Facilities		[65,000]
	OIB Projects		[100,000]
	Program increase		[360,940]
130	MANAGEMENT AND OPERATIONAL HEADQUARTERS ...	284,483	254,483
	Program decrease		[−30,000]
140	ADDITIONAL ACTIVITIES	450,348	420,348
	Program decrease		[−30,000]
160	RESET	383,360	383,360
170	US AFRICA COMMAND	385,685	543,835
	Commercial Satellite Communications (COMSATCOM)		[16,750]
	Counter UAS—AFRICOM HQ		[8,100]
	Counter Unmanned Aircraft Systems—AFRICOM UPL		[8,500]
	Force Protection Systems—AFRICOM HQ		[8,100]
	High Risk ISR—Processing, Exploitation and Dissemina- tion (PED)		[4,600]
	High Risk ISR—Security Programs - Aircraft Contract		[110,000]
	High Risk ISR—Security Programs - SATCOM Support		[2,100]
180	US EUROPEAN COMMAND	359,602	359,602
190	US SOUTHERN COMMAND	204,336	204,336
200	US FORCES KOREA	67,756	67,756
210	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	495,066	495,066
220	CYBERSPACE ACTIVITIES—CYBERSECURITY	673,701	683,701
	Certified remote access to enterprise applications		[10,000]
230	JOINT CYBER MISSION FORCES	178,033	178,033
	SUBTOTAL OPERATING FORCES	39,180,602	39,701,131
MOBILIZATION			
240	STRATEGIC MOBILITY	434,423	498,423
	INDOPACOM Theater Campaigning		[104,000]
	Program decrease		[−40,000]
250	ARMY PREPOSITIONED STOCKS	378,494	392,638
	APS 3/4		[14,144]
260	INDUSTRIAL PREPAREDNESS	4,001	4,001
	SUBTOTAL MOBILIZATION	816,918	895,062
TRAINING AND RECRUITING			
270	OFFICER ACQUISITION	173,439	173,439
280	RECRUIT TRAINING	78,826	78,826
290	ONE STATION UNIT TRAINING	128,117	128,117
300	SENIOR RESERVE OFFICERS TRAINING CORPS	554,992	554,992
310	SPECIALIZED SKILL TRAINING	1,115,045	1,115,045
320	FLIGHT TRAINING	1,396,392	1,396,392
330	PROFESSIONAL DEVELOPMENT EDUCATION	221,960	221,960
340	TRAINING SUPPORT	717,318	717,318
350	RECRUITING AND ADVERTISING	691,053	691,053
360	EXAMINING	192,832	192,832
370	OFF-DUTY AND VOLUNTARY EDUCATION	235,340	235,340
380	CIVILIAN EDUCATION AND TRAINING	251,378	251,378
390	JUNIOR RESERVE OFFICER TRAINING CORPS	196,088	196,088
	SUBTOTAL TRAINING AND RECRUITING	5,952,780	5,952,780
ADMINISTRATION AND SERVICE-WIDE ACTIVI- TIES			
410	SERVICEWIDE TRANSPORTATION	662,083	622,083
	Program decrease		[−40,000]
420	CENTRAL SUPPLY ACTIVITIES	822,018	812,018
	Program decrease		[−10,000]
430	LOGISTIC SUPPORT ACTIVITIES	806,861	776,861
	Program decrease		[−30,000]
440	AMMUNITION MANAGEMENT	483,187	483,187
450	ADMINISTRATION	486,154	436,154
	Program decrease		[−50,000]
460	SERVICEWIDE COMMUNICATIONS	1,871,173	1,831,173
	Army Enterprise Service Management Program		[20,000]
	Program decrease		[−60,000]
470	MANPOWER MANAGEMENT	344,668	344,668
480	OTHER PERSONNEL SUPPORT	811,999	791,999

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	Program decrease		[-20,000]
490	OTHER SERVICE SUPPORT	2,267,280	2,272,280
	Advanced planning for infrastructure to support presence on NATO's Eastern Flank		[35,000]
	Program decrease		[-30,000]
500	ARMY CLAIMS ACTIVITIES	191,912	191,912
510	REAL ESTATE MANAGEMENT	288,942	288,942
520	FINANCIAL MANAGEMENT AND AUDIT READINESS	410,983	410,983
530	DEF ACQUISITION WORKFORCE DEVELOPMENT AC- COUNT	38,714	38,714
540	INTERNATIONAL MILITARY HEADQUARTERS	532,377	532,377
550	MISC. SUPPORT OF OTHER NATIONS	35,709	35,709
590A	CLASSIFIED PROGRAMS	2,113,196	2,138,296
	High Altitude Balloon		[10,200]
	Hyperspectral Imagery (HSI) Sensor		[14,900]
	Program decrease		[-32,000]
	Program increase		[32,000]
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	12,167,256	12,007,356
	TOTAL OPERATION & MAINTENANCE, ARMY	58,117,556	58,556,329
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	14,404	14,404
020	ECHELONS ABOVE BRIGADE	662,104	662,104
030	THEATER LEVEL ASSETS	133,599	133,599
040	LAND FORCES OPERATIONS SUPPORT	646,693	646,693
050	AVIATION ASSETS	128,883	128,883
060	FORCE READINESS OPERATIONS SUPPORT	409,994	409,994
070	LAND FORCES SYSTEMS READINESS	90,595	90,595
080	LAND FORCES DEPOT MAINTENANCE	44,453	44,453
090	BASE OPERATIONS SUPPORT	567,170	567,170
100	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	358,772	390,192
	Program increase		[31,420]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS ...	22,112	22,112
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	2,929	2,929
130	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,382	7,382
	SUBTOTAL OPERATING FORCES	3,089,090	3,120,510
	ADMINISTRATION AND SERVICE-WIDE ACTIVI- TIES		
140	SERVICEWIDE TRANSPORTATION	18,994	18,994
150	ADMINISTRATION	20,670	20,670
160	SERVICEWIDE COMMUNICATIONS	31,652	31,652
170	MANPOWER MANAGEMENT	6,852	6,852
180	RECRUITING AND ADVERTISING	61,246	61,246
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	139,414	139,414
	TOTAL OPERATION & MAINTENANCE, ARMY RES	3,228,504	3,259,924
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES		
010	MANEUVER UNITS	964,237	987,237
	Northern Strike		[23,000]
020	MODULAR SUPPORT BRIGADES	214,191	214,191
030	ECHELONS ABOVE BRIGADE	820,752	820,752
040	THEATER LEVEL ASSETS	97,184	97,184
050	LAND FORCES OPERATIONS SUPPORT	54,595	54,595
060	AVIATION ASSETS	1,169,826	1,169,826
070	FORCE READINESS OPERATIONS SUPPORT	722,788	722,788
080	LAND FORCES SYSTEMS READINESS	46,580	46,580
090	LAND FORCES DEPOT MAINTENANCE	259,765	259,765
100	BASE OPERATIONS SUPPORT	1,151,215	1,151,215
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	1,053,996	1,141,385

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	Program increase		[87,389]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS ...	1,148,286	1,148,286
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	8,715	8,715
140	CYBERSPACE ACTIVITIES—CYBERSECURITY	8,307	8,307
	SUBTOTAL OPERATING FORCES	7,720,437	7,830,826
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES			
150	SERVICEWIDE TRANSPORTATION	6,961	6,961
160	ADMINISTRATION	73,641	79,441
	State Partnership Program		[5,800]
170	SERVICEWIDE COMMUNICATIONS	100,389	100,389
180	MANPOWER MANAGEMENT	9,231	9,231
190	OTHER PERSONNEL SUPPORT	243,491	243,491
200	REAL ESTATE MANAGEMENT	3,087	3,087
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	436,800	442,600
	TOTAL OPERATION & MAINTENANCE, ARNG	8,157,237	8,273,426
COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)			
COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)			
010	IRAQ	358,015	358,015
020	SYRIA	183,677	183,677
	SUBTOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	541,692	541,692
	TOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	541,692	541,692
OPERATION & MAINTENANCE, NAVY OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	7,334,452	7,393,452
	Costs associated with restoring 5 LCS		[6,000]
	PDI training requirements		[57,000]
	Program decrease		[−4,000]
020	FLEET AIR TRAINING	2,793,739	2,793,739
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	65,248	65,248
040	AIR OPERATIONS AND SAFETY SUPPORT	214,767	214,767
050	AIR SYSTEMS SUPPORT	1,075,365	1,075,365
060	AIRCRAFT DEPOT MAINTENANCE	1,751,737	1,859,137
	Aircraft Depot Maintenance Events (Multiple Type/Model/ Series)		[107,100]
	Costs associated with restoring 5 LCS		[300]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	70,319	70,319
080	AVIATION LOGISTICS	1,679,193	1,604,193
	Historical underexecution		[−75,000]
090	MISSION AND OTHER SHIP OPERATIONS	6,454,952	6,524,952
	Costs associated with restoring 5 LCS		[10,400]
	Restore USS Ashland		[14,400]
	Restore USS Germantown		[14,400]
	Restore USS Gunston Hall		[15,400]
	Restore USS Tortuga		[15,400]
100	SHIP OPERATIONS SUPPORT & TRAINING	1,183,237	1,183,237
110	SHIP DEPOT MAINTENANCE	10,038,261	10,321,061
	Costs associated with restoring 5 LCS		[90,000]
	Public Shipyard Tools, Test Equipment, and Machinery		[127,000]
	Restore USS Ashland		[12,500]
	Restore USS Germantown		[21,400]
	Restore USS Gunston Hall		[12,700]
	Restore USS Tortuga		[12,600]
	Restore USS Vicksburg		[6,600]
120	SHIP DEPOT OPERATIONS SUPPORT	2,422,095	2,841,595
	Restore USS Ashland		[100,000]
	Restore USS Germantown		[100,000]
	Restore USS Gunston Hall		[100,000]
	Restore USS Tortuga		[67,500]
	Restore USS Vicksburg		[28,900]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	Ship Support—USFFC/CPF Berthing & Messing Shortfall		[23,100]
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	1,632,824	1,568,324
	Historical underexecution		[–65,000]
	Service Tactical SIGINT Upgrades—INDOPACOM UPL ..		[500]
140	SPACE SYSTEMS AND SURVEILLANCE	339,103	339,103
150	WARFARE TACTICS	881,999	881,999
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	444,150	444,150
170	COMBAT SUPPORT FORCES	2,274,710	2,302,810
	Expeditionary VLS Reload System—Navy UPL		[100]
	Historical underexecution		[–65,000]
	INDOPACOM Theater Campaigning		[100,000]
	Program decrease		[–7,000]
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	194,346	194,346
190	CYBER MISSION FORCES	101,049	101,049
200	COMBATANT COMMANDERS CORE OPERATIONS	65,893	76,193
	Asia Pacific Regional Initiative		[10,300]
210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	282,742	417,342
	Fusion Center		[3,300]
	INDOPACOM Critical Manpower Positions		[2,700]
	INDOPACOM Theater Campaigning		[50,000]
	Joint Electro-Magnetic Spectrum Office (JEMSO)		[5,400]
	Mission Partner Environment (MPE) Battlefield Information Collection & Exploitation System-Extended (BICES-X)		[5,300]
	MSV—Carolyn Chouest		[12,500]
	Pacific Movement Coordination Center (PMCC)		[2,400]
	Pacific Multi-Domain Training and Experimentation Capability (PMTEC)		[19,000]
	Program increase		[12,000]
	STORMBREAKER		[22,000]
230	CYBERSPACE ACTIVITIES	477,540	477,540
240	FLEET BALLISTIC MISSILE	1,664,076	1,724,076
	Historical underexecution		[–15,000]
	MQ-9B COCO		[75,000]
250	WEAPONS MAINTENANCE	1,495,783	1,505,983
	Costs associated with restoring 5 LCS		[7,200]
	Historical underexecution		[–20,000]
	SM-6 Expansion of Combat Usable Asset Inventory—Navy UPL		[23,000]
260	OTHER WEAPON SYSTEMS SUPPORT	649,371	634,371
	Historical underexecution		[–15,000]
270	ENTERPRISE INFORMATION	1,647,834	1,647,834
280	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,549,311	3,974,311
	FSRM—AFFF Replacement Facilities		[34,000]
	FSRM—Red Hill		[100,000]
	Program increase		[291,000]
290	BASE OPERATING SUPPORT	5,503,088	5,501,088
	Base Operating Support for AFFF Replacement, mobile assets and Disposal		[18,000]
	Historical underexecution		[–20,000]
	SUBTOTAL OPERATING FORCES	56,287,184	57,737,584
	MOBILIZATION		
300	SHIP PREPOSITIONING AND SURGE	467,648	526,248
	ESD—restore 2 ships		[58,600]
310	READY RESERVE FORCE	683,932	683,932
320	SHIP ACTIVATIONS/INACTIVATIONS	364,096	356,596
	Costs associated with restoring 5 LCS		[7,500]
	Historical underexecution		[–15,000]
330	EXPEDITIONARY HEALTH SERVICES SYSTEMS	133,780	133,780
340	COAST GUARD SUPPORT	21,196	21,196
	SUBTOTAL MOBILIZATION	1,670,652	1,721,752
	TRAINING AND RECRUITING		
350	OFFICER ACQUISITION	190,578	190,578
360	RECRUIT TRAINING	14,679	14,679
370	RESERVE OFFICERS TRAINING CORPS	170,845	170,845

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
380	SPECIALIZED SKILL TRAINING	1,133,889	1,118,889
	Historical underexecution		[-15,000]
390	PROFESSIONAL DEVELOPMENT EDUCATION	334,844	339,144
	Navy O&M Training and Recruiting (Sea Cadets)		[4,300]
400	TRAINING SUPPORT	356,670	356,670
410	RECRUITING AND ADVERTISING	204,498	204,498
420	OFF-DUTY AND VOLUNTARY EDUCATION	89,971	89,971
430	CIVILIAN EDUCATION AND TRAINING	69,798	69,798
440	JUNIOR ROTC	55,194	55,194
	SUBTOTAL TRAINING AND RECRUITING	2,620,966	2,610,266
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
450	ADMINISTRATION	1,349,966	1,279,966
	Historical underexecution		[-60,000]
	Program decrease		[-10,000]
460	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	227,772	227,772
470	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	667,627	667,627
480	MEDICAL ACTIVITIES	284,962	284,962
490	DEF ACQUISITION WORKFORCE DEVELOPMENT ACCOUNT	62,824	62,824
500	SERVICEWIDE TRANSPORTATION	207,501	207,501
520	PLANNING, ENGINEERING, AND PROGRAM SUPPORT ..	554,265	639,265
	Historical underexecution		[-15,000]
	Red Hill Fuel Distribution Advanced Planning, Engineering, Program Support		[100,000]
530	ACQUISITION, LOGISTICS, AND OVERSIGHT	798,473	783,473
	Historical underexecution		[-15,000]
540	INVESTIGATIVE AND SECURITY SERVICES	791,059	791,059
720A	CLASSIFIED PROGRAMS	628,700	629,900
	Navy SCI Communications Modernization (Maritime Surveillance Project)		[1,200]
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	5,573,149	5,574,349
	TOTAL OPERATION & MAINTENANCE, NAVY	66,151,951	67,643,951
	OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES		
010	OPERATIONAL FORCES	1,740,491	1,818,491
	INDOPACOM Theater Campaigning		[78,000]
020	FIELD LOGISTICS	1,699,425	1,699,425
030	DEPOT MAINTENANCE	221,886	221,886
040	MARITIME PREPOSITIONING	139,518	139,518
050	CYBER MISSION FORCES	94,199	94,199
060	CYBERSPACE ACTIVITIES	194,904	194,904
070	SUSTAINMENT, RESTORATION & MODERNIZATION	1,292,219	1,667,219
	Program increase		[375,000]
080	BASE OPERATING SUPPORT	2,699,487	2,680,487
	Historical underexecution		[-15,000]
	Program decrease		[-4,000]
	SUBTOTAL OPERATING FORCES	8,082,129	8,516,129
	TRAINING AND RECRUITING		
090	RECRUIT TRAINING	23,217	23,217
100	OFFICER ACQUISITION	1,268	1,268
110	SPECIALIZED SKILL TRAINING	118,638	118,638
120	PROFESSIONAL DEVELOPMENT EDUCATION	64,626	64,626
130	TRAINING SUPPORT	523,603	523,603
140	RECRUITING AND ADVERTISING	225,759	225,759
150	OFF-DUTY AND VOLUNTARY EDUCATION	51,882	51,882
160	JUNIOR ROTC	27,660	27,660
	SUBTOTAL TRAINING AND RECRUITING	1,036,653	1,036,653
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
170	SERVICEWIDE TRANSPORTATION	78,542	78,542

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
180	ADMINISTRATION	401,030	401,030
220A	CLASSIFIED PROGRAMS	62,590	62,590
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	542,162	542,162
	TOTAL OPERATION & MAINTENANCE, MA- RINE CORPS	9,660,944	10,094,944
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	669,533	671,993
	Costs associated with restoring HSC-85 aircraft squadron		[2,460]
020	INTERMEDIATE MAINTENANCE	11,134	11,134
030	AIRCRAFT DEPOT MAINTENANCE	164,892	164,892
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	494	494
050	AVIATION LOGISTICS	25,843	25,843
060	COMBAT COMMUNICATIONS	20,135	20,135
070	COMBAT SUPPORT FORCES	131,104	131,104
080	CYBERSPACE ACTIVITIES	289	289
090	ENTERPRISE INFORMATION	27,189	27,189
100	SUSTAINMENT, RESTORATION AND MODERNIZATION	44,784	73,784
	Program increase		[29,000]
110	BASE OPERATING SUPPORT	116,374	116,374
	SUBTOTAL OPERATING FORCES	1,211,771	1,243,231
	ADMINISTRATION AND SERVICE-WIDE ACTIVI- TIES		
120	ADMINISTRATION	1,986	1,986
130	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	12,550	12,550
140	ACQUISITION AND PROGRAM MANAGEMENT	1,993	1,993
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	16,529	16,529
	TOTAL OPERATION & MAINTENANCE, NAVY RES	1,228,300	1,259,760
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
010	OPERATING FORCES	109,045	109,045
020	DEPOT MAINTENANCE	19,361	19,361
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	45,430	48,811
	Program increase		[3,381]
040	BASE OPERATING SUPPORT	118,364	118,364
	SUBTOTAL OPERATING FORCES	292,200	295,581
	ADMINISTRATION AND SERVICE-WIDE ACTIVI- TIES		
050	ADMINISTRATION	12,033	12,033
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	12,033	12,033
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	304,233	307,614
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	936,731	846,731
	Historical underexecution		[-150,000]
	Technical realignment		[60,000]
020	COMBAT ENHANCEMENT FORCES	2,657,865	2,587,865
	Program decrease		[-10,000]
	Technical realignment		[-60,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,467,518	1,477,518
	Contract Adversary Air		[10,000]
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	4,341,794	4,700,594
	Historical underexecution		[-20,000]
	Increase for Weapon System Sustainment		[378,800]
050	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	4,091,088	4,479,488

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	FSRM—AFFF Replacement Facilities/ assets		[75,000]
	Historical underexecution		[–55,000]
	Program increase		[368,400]
060	CYBERSPACE SUSTAINMENT	130,754	140,754
	PACAF cyber operations for base resilient architecture		[10,000]
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUP- PORT	8,782,940	8,712,940
	Historical underexecution		[–70,000]
080	FLYING HOUR PROGRAM	5,871,718	5,882,618
	Blk 20 F–22		[10,900]
090	BASE SUPPORT	10,638,741	10,648,741
	Base Operating Support for AFFF Replacement, mobile as- sets, and Disposal		[10,000]
100	GLOBAL C3I AND EARLY WARNING	1,035,043	1,042,174
	Technical realignment		[7,131]
110	OTHER COMBAT OPS SPT PROGRAMS	1,436,329	1,350,129
	Engaging on Western Hemisphere Challenges and Inter- operability with Partner Nations		[3,800]
	Historical underexecution		[–90,000]
120	CYBERSPACE ACTIVITIES	716,931	736,931
	Command and control of the information environment		[20,000]
140	LAUNCH FACILITIES	690	690
160	US NORTHCOM/NORAD	197,210	197,210
170	US STRATCOM	503,419	503,419
180	US CYBERCOM	436,807	580,107
	CMF Operational Support—CYBERCOM UPL		[148,300]
	Technical realignment		[–5,000]
190	US CENTCOM	331,162	331,162
200	US SOCOM	27,318	27,318
220	CENTCOM CYBERSPACE SUSTAINMENT	1,367	1,367
230	USSPACECOM	329,543	338,043
	National Space Defense Center Interim Facility		[8,500]
240	JOINT CYBER MISSION FORCE PROGRAMS	186,759	191,759
	Technical realignment		[5,000]
240A	CLASSIFIED PROGRAMS	1,705,801	1,705,801
	SUBTOTAL OPERATING FORCES	45,827,528	46,483,359
MOBILIZATION			
250	AIRLIFT OPERATIONS	2,780,616	2,885,316
	INDOPACOM Theater Campaigning		[104,700]
260	MOBILIZATION PREPAREDNESS	721,172	671,172
	Historical underexecution		[–50,000]
	SUBTOTAL MOBILIZATION	3,501,788	3,556,488
TRAINING AND RECRUITING			
270	OFFICER ACQUISITION	189,721	189,721
280	RECRUIT TRAINING	26,684	26,684
290	RESERVE OFFICERS TRAINING CORPS (ROTC)	135,515	135,515
300	SPECIALIZED SKILL TRAINING	541,511	541,511
310	FLIGHT TRAINING	779,625	866,777
	Airborne Warning and Control System (AWACS) training ..		[87,152]
320	PROFESSIONAL DEVELOPMENT EDUCATION	313,556	313,556
330	TRAINING SUPPORT	171,087	171,087
340	RECRUITING AND ADVERTISING	197,956	197,956
350	EXAMINING	8,282	8,282
360	OFF-DUTY AND VOLUNTARY EDUCATION	254,907	254,907
370	CIVILIAN EDUCATION AND TRAINING	355,375	355,375
380	JUNIOR ROTC	69,964	69,964
	SUBTOTAL TRAINING AND RECRUITING	3,044,183	3,131,335
ADMINISTRATION AND SERVICE-WIDE ACTIVI- TIES			
390	LOGISTICS OPERATIONS	1,058,129	1,058,129
400	TECHNICAL SUPPORT ACTIVITIES	139,428	139,428
410	ADMINISTRATION	1,283,066	1,195,915
	Program decrease		[–87,152]
420	SERVICEWIDE COMMUNICATIONS	33,222	33,222
430	OTHER SERVICEWIDE ACTIVITIES	1,790,985	1,810,985
	Advanced planning for infrastructure to support presence on NATO's Eastern Flank		[20,000]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
440	CIVIL AIR PATROL	30,526	30,526
460	DEF ACQUISITION WORKFORCE DEVELOPMENT AC- COUNT	42,558	42,558
480	INTERNATIONAL SUPPORT	102,065	102,065
480A	CLASSIFIED PROGRAMS	1,427,764	1,427,764
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	5,907,743	5,840,592
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	58,281,242	59,011,773
	OPERATION & MAINTENANCE, SPACE FORCE OPERATING FORCES		
010	GLOBAL C3I & EARLY WARNING	472,484	472,484
020	SPACE LAUNCH OPERATIONS	187,832	187,832
030	SPACE OPERATIONS	695,228	702,228
	Digital Mission Operations Platform for the Space Force		[7,000]
040	EDUCATION & TRAINING	153,135	153,135
060	DEPOT MAINTENANCE	285,863	285,863
070	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	235,253	260,653
	Program increase		[25,400]
080	CONTRACTOR LOGISTICS AND SYSTEM SUPPORT	1,358,565	1,328,565
	Program decrease		[-30,000]
090	SPACE OPERATIONS -BOS	144,937	144,937
090A	CLASSIFIED PROGRAMS	272,941	272,941
	SUBTOTAL OPERATING FORCES	3,806,238	3,808,638
	ADMINISTRATION AND SERVICE-WIDE ACTIVI- TIES		
100	ADMINISTRATION	228,420	194,687
	Technical realignment		[-33,733]
110	LOGISTICS OPERATIONS		33,733
	Technical realignment		[33,733]
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	228,420	228,420
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	4,034,658	4,037,058
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,743,908	1,743,908
020	MISSION SUPPORT OPERATIONS	193,568	193,568
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	493,664	493,664
040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	133,782	145,282
	Program increase		[11,500]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUP- PORT	341,724	341,724
060	BASE SUPPORT	522,195	522,195
070	CYBERSPACE ACTIVITIES	1,706	1,706
	SUBTOTAL OPERATING FORCES	3,430,547	3,442,047
	ADMINISTRATION AND SERVICE-WIDE ACTIVI- TIES		
080	ADMINISTRATION	102,038	102,038
090	RECRUITING AND ADVERTISING	9,057	9,057
100	MILITARY MANPOWER AND PERS MGMT (ARPC)	14,896	14,896
110	OTHER PERS SUPPORT (DISABILITY COMP)	7,544	7,544
120	AUDIOVISUAL	462	462
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	133,997	133,997
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	3,564,544	3,576,044
	OPERATION & MAINTENANCE, ANG OPERATING FORCES		
010	AIRCRAFT OPERATIONS	2,301,784	2,301,784

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
020	MISSION SUPPORT OPERATIONS	587,793	587,793
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	1,193,699	1,193,699
040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	437,042	474,142
	Program increase		[37,100]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUP- PORT	1,284,264	1,284,264
060	BASE SUPPORT	967,169	967,169
070	CYBERSPACE SUSTAINMENT	12,661	80,161
	Information Technology and JWICS capacity		[67,500]
080	CYBERSPACE ACTIVITIES	15,886	15,886
	SUBTOTAL OPERATING FORCES	6,800,298	6,904,898
ADMINISTRATION AND SERVICE-WIDE ACTIVI- TIES			
090	ADMINISTRATION	52,075	54,375
	State Partnership Program		[2,300]
100	RECRUITING AND ADVERTISING	48,306	48,306
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	100,381	102,681
	TOTAL OPERATION & MAINTENANCE, ANG	6,900,679	7,007,579
OPERATION AND MAINTENANCE, DEFENSE- WIDE OPERATING FORCES			
010	JOINT CHIEFS OF STAFF	445,366	325,366
	Program decrease		[-120,000]
020	JOINT CHIEFS OF STAFF—CYBER	9,887	9,887
030	JOINT CHIEFS OF STAFF—JTEEP	679,336	479,336
	Program decrease		[-200,000]
040	OFFICE OF THE SECRETARY OF DEFENSE—MISO	246,259	273,759
	United States Indo-Pacific Command-MISO		[27,500]
050	SPECIAL OPERATIONS COMMAND COMBAT DEVELOP- MENT ACTIVITIES	2,056,291	2,056,606
	Low Visibility Vanishing Technology (LVVT)		[315]
060	SPECIAL OPERATIONS COMMAND CYBERSPACE AC- TIVITIES	39,178	39,178
070	SPECIAL OPERATIONS COMMAND INTELLIGENCE	1,513,025	1,534,325
	Counter Unmanned Systems (CUxS) Procurement Acceler- ation		[10,400]
	Identity and Signature Management Modernization		[10,900]
	Restore PB (U-28)		[3,000]
	U-28A		[-3,000]
080	SPECIAL OPERATIONS COMMAND MAINTENANCE	1,207,842	1,236,195
	Advanced Engine Performance and Restoration Program (Nucleated Foam)		[3,000]
	C-130J Power by the Hour (PBTH) CLS		[21,620]
	Combatant Craft Medium (CCM) Loss Refurbishment		[4,250]
	Counter Unmanned Systems (CUxS) Procurement Acceler- ation		[5,353]
	Maintenance		[-5,000]
	MQ-9 Mallett reprogramming		[-5,870]
	Program increase		[5,000]
090	SPECIAL OPERATIONS COMMAND MANAGEMENT/ OPERATIONAL HEADQUARTERS	196,271	196,271
100	SPECIAL OPERATIONS COMMAND OPERATIONAL SUP- PORT	1,299,309	1,340,409
	Advana Authoritative Data Management and Analytics		[8,000]
	ARSOF Information Advantage Acceleration		[11,500]
	Enterprise Data Stewardship Program		[18,000]
	Identity and Signature Management Modernization		[3,600]
	Operational Support		[-7,000]
	Program increase		[7,000]
110	SPECIAL OPERATIONS COMMAND THEATER FORCES ..	3,314,770	3,348,481
	Combat Aviation Advisor mission support		[18,000]
	Non-Traditional ISR		[10,000]
	Tactical Mission Network Digital Force Protection		[5,711]
	SUBTOTAL OPERATING FORCES	11,007,534	10,839,813

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
TRAINING AND RECRUITING			
120	DEFENSE ACQUISITION UNIVERSITY	176,454	176,454
130	JOINT CHIEFS OF STAFF	101,492	101,492
140	SPECIAL OPERATIONS COMMAND/PROFESSIONAL DE- VELOPMENT EDUCATION	35,279	35,279
	SUBTOTAL TRAINING AND RECRUITING	313,225	313,225
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES			
150	CIVIL MILITARY PROGRAMS	139,656	273,156
	National Guard Youth Challenge		[83,500]
	STARBASE		[50,000]
170	DEFENSE CONTRACT AUDIT AGENCY	646,072	636,072
	Program decrease		[-10,000]
180	DEFENSE CONTRACT AUDIT AGENCY—CYBER	4,107	4,107
190	DEFENSE CONTRACT MANAGEMENT AGENCY	1,506,300	1,474,300
	Program decrease		[-32,000]
200	DEFENSE CONTRACT MANAGEMENT AGENCY—CYBER Early to need	29,127	24,127
			[-5,000]
210	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY	983,133	983,133
230	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY—CYBER	10,245	10,245
240	DEFENSE HUMAN RESOURCES ACTIVITY	935,241	791,241
	National Language Fellowship Add		[6,000]
	Program decrease		[-150,000]
250	DEFENSE HUMAN RESOURCES ACTIVITY—CYBER	26,113	26,113
260	DEFENSE INFORMATION SYSTEMS AGENCY	2,266,729	2,266,729
270	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER ..	643,643	663,643
	Internet Operations Management		[20,000]
300	DEFENSE LEGAL SERVICES AGENCY	233,687	223,687
	Program decrease		[-10,000]
310	DEFENSE LOGISTICS AGENCY	429,060	429,060
320	DEFENSE MEDIA ACTIVITY	243,631	198,631
	Program decrease		[-50,000]
	Web Enterprise Business		[5,000]
330	DEFENSE POW/MIA OFFICE	150,021	150,021
340	DEFENSE SECURITY COOPERATION AGENCY	2,445,669	2,282,669
	Baltic Security Initiative		[225,000]
	International Security Cooperation Programs		[100,000]
	Offset for Baltic Security Initiative		[-225,000]
	Program increase		[37,000]
	Transfer to Ukraine Security Assistance Initiative		[-300,000]
350	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	40,063	40,063
360	DEFENSE THREAT REDUCTION AGENCY	941,763	741,763
	Program decrease		[-200,000]
380	DEFENSE THREAT REDUCTION AGENCY—CYBER	56,052	56,052
390	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	3,276,276	3,351,276
	Department of Defense Education Activity (Impact Aid Students with Disabilities)		[22,000]
	Department of Defense Education Activity (Impact Aid)		[53,000]
400	MISSILE DEFENSE AGENCY	541,787	541,787
430	OFFICE OF THE LOCAL DEFENSE COMMUNITY CO- OPERATION	108,697	128,697
	Defense Community Infrastructure Program		[20,000]
440	OFFICE OF THE SECRETARY OF DEFENSE	2,239,072	1,328,008
	Afghanistan War Commission		[2,500]
	AHI cross-functional team		[10,000]
	Center for Excellence in Civilian Harm Mitigation		[5,000]
	Commission on Civilian Harm		[4,000]
	Commission on Professional Military Education		[5,000]
	Commission on the National Defense Strategy		[2,900]
	Congressional Commission on the Strategic Posture of the United States		[2,800]
	Dellums Scholarship program		[5,000]
	Executive Education on Emerging Technologies for Civilian and Military Leaders		[3,500]
	Information Assurance Scholarship Program		[25,000]
	National Commission on the Future of the Navy		[4,000]
	National Security Commission on Emerging Biotechnology		[5,600]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	Office of the Secretary of Defense- ASD EI+E Personnel ..		[1,000]
	Pilot Program on Financial Assistance for Victims of Do- mestic Violence		[5,000]
	PPBE Commission		[3,800]
	Program decrease		[-774,675]
	Readiness Environmental Protection Integration Program ..		[6,000]
	Red teams		[1,000]
	Unjustified growth		[-228,489]
450	OFFICE OF THE SECRETARY OF DEFENSE—CYBER	55,255	55,255
500	WASHINGTON HEADQUARTERS SERVICES	369,943	347,943
	Program decrease		[-22,000]
500A	CLASSIFIED PROGRAMS	18,764,415	18,814,215
	Classified adjustment		[12,100]
	Defense Cover Program		[10,000]
	ICASS humint mission support		[9,000]
	Joint Worldwide Intelligence Communications System (JWICS) Modernization		[12,000]
	MARS Advanced Capabilities		[1,300]
	TORCH—Enterprise IT		[5,400]
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	37,085,757	35,841,993
	UNDISTRIBUTED		
510	UNDISTRIBUTED		-760,000
	Civilian Personnel inflation pay		[60,000]
	Foreign currency fluctuations		[-450,000]
	Historical unobligated balances		[-370,000]
	SUBTOTAL UNDISTRIBUTED		-760,000
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	48,406,516	46,235,031
	UKRAINE SECURITY ASSISTANCE		
010	UKRAINE SECURITY ASSISTANCE INITIATIVE		1,000,000
	Program increase		[700,000]
	Transfer from Defense Security Cooperation Agency		[300,000]
	SUBTOTAL UKRAINE SECURITY ASSIST- ANCE		1,000,000
	TOTAL UKRAINE SECURITY ASSISTANCE ...		1,000,000
	SEIZE THE INITIATIVE FUND		
010	SEIZE THE INITIATIVE FUND		1,000,000
	Program increase		[1,000,000]
	SUBTOTAL SEIZE THE INITIATIVE FUND		1,000,000
	TOTAL SEIZE THE INITIATIVE FUND		1,000,000
	US COURT OF APPEALS FOR ARMED FORCES, DEF ADMINISTRATION AND ASSOCIATED ACTIVI- TIES		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	16,003	16,003
	SUBTOTAL ADMINISTRATION AND ASSOCI- ATED ACTIVITIES	16,003	16,003
	TOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF	16,003	16,003
	DOD ACQUISITION WORKFORCE DEVELOP- MENT FUND		
	ACQUISITION WORKFORCE DEVELOPMENT		
010	ACQ WORKFORCE DEV FD	53,791	53,791
	SUBTOTAL ACQUISITION WORKFORCE DE- VELOPMENT	53,791	53,791
	TOTAL DOD ACQUISITION WORKFORCE DEVELOPMENT FUND	53,791	53,791

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
	HUMANITARIAN ASSISTANCE		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	112,800	152,800
	Program increase		[40,000]
	SUBTOTAL HUMANITARIAN ASSISTANCE	112,800	152,800
	TOTAL OVERSEAS HUMANITARIAN, DIS- ASTER, AND CIVIC AID	112,800	152,800
	COOPERATIVE THREAT REDUCTION ACCOUNT		
010	COOPERATIVE THREAT REDUCTION	341,598	341,598
	SUBTOTAL COOPERATIVE THREAT REDUC- TION	341,598	341,598
	TOTAL COOPERATIVE THREAT REDUC- TION ACCOUNT	341,598	341,598
	ENVIRONMENTAL RESTORATION, ARMY DEPARTMENT OF THE ARMY		
050	ENVIRONMENTAL RESTORATION, ARMY	196,244	196,244
	SUBTOTAL DEPARTMENT OF THE ARMY	196,244	196,244
	TOTAL ENVIRONMENTAL RESTORATION, ARMY	196,244	196,244
	ENVIRONMENTAL RESTORATION, NAVY DEPARTMENT OF THE NAVY		
060	ENVIRONMENTAL RESTORATION, NAVY	359,348	1,089,348
	Program increase		[30,000]
	Red Hill		[700,000]
	SUBTOTAL DEPARTMENT OF THE NAVY	359,348	1,089,348
	TOTAL ENVIRONMENTAL RESTORATION, NAVY	359,348	1,089,348
	ENVIRONMENTAL RESTORATION, AIR FORCE DEPARTMENT OF THE AIR FORCE		
070	ENVIRONMENTAL RESTORATION, AIR FORCE	314,474	344,474
	Program increase		[30,000]
	SUBTOTAL DEPARTMENT OF THE AIR FORCE	314,474	344,474
	TOTAL ENVIRONMENTAL RESTORATION, AIR FORCE	314,474	344,474
	ENVIRONMENTAL RESTORATION, DEFENSE DEFENSE-WIDE		
080	ENVIRONMENTAL RESTORATION, DEFENSE	8,924	33,924
	FUDS—Military Munitions Response Program		[25,000]
	SUBTOTAL DEFENSE-WIDE	8,924	33,924
	TOTAL ENVIRONMENTAL RESTORATION, DEFENSE	8,924	33,924
	ENVIRONMENTAL RESTORATION FORMERLY USED SITES DEFENSE-WIDE		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	227,262	227,262
	SUBTOTAL DEFENSE-WIDE	227,262	227,262
	TOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES	227,262	227,262
	SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS , DEFENSE OPERATIONS SUPPORT		
100	SUPPORT OF INTERNATIONAL SPORTING COMPETI- TIONS, DEFENSE	10,377	10,377

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	House Authorized
	SUBTOTAL OPERATIONS SUPPORT	10,377	10,377
	TOTAL SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS , DEFENSE	10,377	10,377
	RED HILL RECOVERY FUND		
010	RED HILL RECOVERY FUND	1,000,000	0
	Realignment to execution accounts		[-1,000,000]
	SUBTOTAL RED HILL RECOVERY FUND	1,000,000	0
	TOTAL RED HILL RECOVERY FUND	1,000,000	0
	TOTAL OPERATION & MAINTENANCE	271,218,877	274,270,946

1 TITLE XLIV—MILITARY 2 PERSONNEL

3 SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)			
	Item	FY 2023 Request	House Authorized
	Military Personnel	164,139,628	164,792,801
	Inflation bonus pay		[800,000]
	BAH Absorption Restoration (1%)		[244,000]
	Additional BAH Absorption Restoration (2%)		[250,000]
	Military Personnel, Navy—Restore Navy Force Structure Cuts (Manpower)		[190,000]
	Military Personnel, Navy—Restore Personnel for HSC-85 Aircraft (Manpower)		[19,173]
	Military personnel historical underexecution		[-700,000]
	Foreign currency fluctuations		[-150,000]
	MERHCF	9,743,704	9,743,704

4 TITLE XLV—OTHER 5 AUTHORIZATIONS

6 SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)			
	Item	FY 2023 Request	House Authorized
	NATIONAL DEFENSE STOCKPILE TRANSACTION FUND		
	DEFENSE STOCKPILE	253,500	253,500
	TOTAL NATIONAL DEFENSE STOCKPILE TRANSACTION FUND	253,500	253,500
	WORKING CAPITAL FUND, ARMY		
	ARMY ARSENALS INITIATIVE	28,448	28,448
	ARMY SUPPLY MANAGEMENT	1,489	1,489
	TOTAL WORKING CAPITAL FUND, ARMY	29,937	29,937

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Item	FY 2023 Request	House Authorized
WORKING CAPITAL FUND, AIR FORCE		
TRANSPORTATION		
SUPPLIES AND MATERIALS	80,448	80,448
TOTAL WORKING CAPITAL FUND, AIR FORCE	80,448	80,448
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE AUTOMATION & PRODUCTION SERVICES	2	2
WORKING CAPITAL FUND SUPPORT	8,300	2,508,300
Fuel inflation		[2,500,000]
TOTAL WORKING CAPITAL FUND, DEFENSE- WIDE	8,302	2,508,302
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND SUPPORT	1,211,208	1,961,208
Program increase		[750,000]
TOTAL WORKING CAPITAL FUND, DECA	1,211,208	1,961,208
CHEM AGENTS & MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	84,612	84,612
CHEM DEMILITARIZATION—RDT&E	975,206	975,206
TOTAL CHEM AGENTS & MUNITIONS DE- STRUCTION	1,059,818	1,059,818
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
COUNTER-NARCOTICS SUPPORT	619,474	627,716
JIATF-W		[8,242]
DRUG DEMAND REDUCTION PROGRAM	130,060	134,060
Young Marines Program		[4,000]
NATIONAL GUARD COUNTER-DRUG PROGRAM	100,316	100,316
NATIONAL GUARD COUNTER-DRUG SCHOOLS	5,878	5,878
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	855,728	867,970
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL—O&M	474,650	474,650
OFFICE OF THE INSPECTOR GENERAL—CYBER	1,321	1,321
OFFICE OF THE INSPECTOR GENERAL—RDT&E	1,864	1,864
OFFICE OF THE INSPECTOR GENERAL—PROCURE- MENT	1,524	1,524
TOTAL OFFICE OF THE INSPECTOR GEN- ERAL	479,359	479,359
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	9,906,943	10,006,943
TRICARE Dental for Selected Reserve		[100,000]
PRIVATE SECTOR CARE	18,455,209	18,455,209
CONSOLIDATED HEALTH SUPPORT	1,916,366	1,916,366
INFORMATION MANAGEMENT	2,251,151	2,251,151
MANAGEMENT ACTIVITIES	338,678	338,678
EDUCATION AND TRAINING	334,845	341,845
TriService Nursing Research Program		[7,000]
BASE OPERATIONS/COMMUNICATIONS	2,111,558	2,111,558
R&D RESEARCH	39,568	39,568
R&D EXPLORATORY DEVELOPMENT	175,477	175,477
R&D ADVANCED DEVELOPMENT	320,862	320,862
R&D DEMONSTRATION/VALIDATION	166,960	166,960
R&D ENGINEERING DEVELOPMENT	103,970	103,970
R&D MANAGEMENT AND SUPPORT	85,186	85,186
R&D CAPABILITIES ENHANCEMENT	17,971	47,971

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Item	FY 2023 Request	House Authorized
National Disaster Medical Surge Pilot and Implementation		[20,000]
Warfighting Brain Initiative		[10,000]
PROC INITIAL OUTFITTING	21,625	21,625
PROC REPLACEMENT & MODERNIZATION	234,157	234,157
PROC JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM	1,467	1,467
PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER	72,601	72,601
PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	240,224	240,224
SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS	137,356	137,356
TOTAL DEFENSE HEALTH PROGRAM	36,932,174	37,069,174
TOTAL OTHER AUTHORIZATIONS	40,910,474	44,309,716

1 **TITLE XLVI—MILITARY**
2 **CONSTRUCTION**
3 **SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Request	House Agreement
	Alabama			
Army	Anniston Army Depot	General Purpose Warehouse	0	2,400
Army	Redstone Arsenal	Physics Lab	0	44,000
	California			
Army	Air Force Training Center Edwards	Planning and Design Munitions Igloo—East	0	650
	Colorado			
Army	Fort Carson	Fire Station Support Building	14,200	14,200
	Germany			
Army	East Camp Grafenwoehr	EDI: Battalion Trng Cplx1 (Brks/Veh Maint)	104,000	104,000
Army	East Camp Grafenwoehr	EDI: Battalion Trng Cplx2 (OPS/Veh Maint)	64,000	64,000
	Hawaii			
Army	Tripler Army Medical Center	Water System Upgrades	0	2,000
Army	Fort Shafter	Water System Upgrades	0	2,000
	Kwajalein			
Army	Kwajalein Atoll	Medical Clinic	69,000	69,000
	Louisiana			
Army	Fort Polk, Louisiana	Child Development Center	32,000	32,000
Army	Fort Polk, Louisiana	Joint Operations Center	0	61,000
	Maryland			
Army	Aberdeen Proving Ground	Test Maintenance Fabrication Facility	0	85,000
Army	Aberdeen Proving Ground	Test Maintenance Fabrication Facility Cost to Complete.	0	7,600
	Mississippi			
Army	Vicksburg	General Purpose Lab and Test Building	0	20,000
	New Jersey			
Army	Picatinny Arsenal	Igloo Storage Installation	0	12,000
Army	Picatinny Arsenal	Precision Munitions Test Tower	0	3,654
	New York			
Army	U.S. Military Academy	Engineering Center	39,800	39,800
Army	Fort Drum	Automated Record Fire Plus Range	0	2,400
	North Carolina			
Army	Fort Bragg	Multipurpose Training Range	34,000	34,000
	Pennsylvania			
Army	Letterkenny Army Depot	Shipping and Receiving Building	38,000	38,000
	Texas			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	House Agreement
Army	Fort Hood	Barracks	0	19,000
Army	Fort Hood	Automated Infantry Platoon Battle Course	0	1,220
Army	Fort Hood	Automated Machine Gun Range	0	1,240
Army	Fort Hood	Infantry Squad Battle Course	0	600
Army	Corpus Christi Army Depot	Powertrain Facility (Engine Assembly)	103,000	83,000
Army	Fort Bliss Washington	Fire Station	15,000	15,000
Army	Joint Base Lewis-McChord	Barracks	49,000	49,000
Army	Worldwide Unspecified Locations	Host Nation Support	26,000	26,000
Army	Unspecified Worldwide Locations	Planning and Design	167,151	167,151
Army	Unspecified Worldwide Locations	Unspecified Minor Construction	90,414	90,414
Army	Various Worldwide Locations	Cost to Complete- Inflation Adjustment	0	502,900
Military Construction, Army Total			845,565	1,593,229
Navy	Alabama Redstone Arsenal	Building 6231	0	6,000
Navy	Australia Royal Australian Air Force Base Darwin	PDI: Aircraft Parking Apron (Inc)	72,446	72,446
Navy	California Corona	Performance Assessment Communications Laboratory.	0	15,000
Navy	California Corona	Planning and Design Data Science Analytics and Innovation.	0	2,845
Navy	Marine Corps Base Camp Pendleton	Basilone Road Realignment	85,210	85,210
Navy	Naval Air Station Lemoore	F-35C Aircraft Maintenance Hangar & Airfield Pave.	201,261	43,261
Navy	Naval Base Point Loma Annex	Child Development Center	56,450	56,450
Navy	Naval Base San Diego	Pier 6 Replacement (Inc)	15,565	15,565
Navy	Marine Corps Air Ground Combat Center Twentynine Palms	Range Simulation Training & Operations Fac.	120,382	11,382
Navy	Connecticut Naval Submarine Base New London	Relocate Underwater Electromagnetic Measure.	15,514	15,514
Navy	Florida Naval Air Station Jacksonville	Engine Test Cells Modifications	86,232	86,232
Navy	Marine Corps Support Facility Blount Island	Communications Infrastructure Modernization Design.	0	5,291
Navy	Naval Air Station Whiting Field	AHTS Aircraft Flight Simulator Facility	57,789	57,789
Navy	Georgia Naval Submarine Base Kings Bay	Nuclear Regional Maintenance Facility	213,796	213,796
Navy	Naval Submarine Base Kings Bay	Trident Training Fac. Columbia Trainer Expan. ...	63,375	63,375
Navy	Guam Marine Corps Base Camp Blaz	PDI: 9th Eng Supp Battalion Equip & Main Fac ..	131,590	48,590
Navy	Marine Corps Base Camp Blaz	PDI: 9th Engineer Support Battalion Ops. Fac.	35,188	35,188
Navy	Marine Corps Base Camp Blaz	PDI: Brown Tree Snake Exclusion Barrier South	14,497	14,497
Navy	Marine Corps Base Camp Blaz	PDI: Ground Combat Element Infantry Battalion 1 & 2 Facility.	149,314	79,314
Navy	Hawaii Marine Corps Base Kaneohe Bay	Bachelor Enlisted Quarters (P-973)	0	87,930
Navy	Joint Base Pearl Harbor-Hickam	Dry Dock 3 Replacement (Inc)	621,185	621,185
Navy	Idaho Carderock	Planning and Design ARD Range Craft Berthing Facility.	0	706
Navy	Japan Kadena Air Base	PDI: Marine Corps Bachelor Enlisted Quarters	94,100	34,100

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	House Agreement
Navy	Kadena Air Base	PDI: Marine Corps Barracks Complex, Kadena	101,300	101,300
	Maine			
Navy	Kittery	Multi-Mission Drydock #1 Extension (Inc)	503,282	503,282
	Maryland			
Navy	Carderock	SFOMF Storage Laboratory	0	2,073
Navy	Carderock	Planning and Design Ship Systems Integration and Design Facility.	0	2,650
Navy	Indian Head	EOD Explosive Testing Range 2 Expansion at SN, Building 2107.	0	2,039
Navy	Indian Head	New Combustion Laboratory	0	6,000
Navy	Indian Head	Planning and Design Contained Burn Facility	0	5,650
Navy	Naval Surface Warfare Center Indian Head	Contained Burn Facility	0	4,750
	Nevada			
Navy	Naval Air Station Fallon	F-35C Aircraft Maintenance Hangar	97,865	37,865
	North Carolina			
Navy	Marine Corps Base Camp Lejeune	Regional Communications Station, Hadnot Point ..	47,475	47,475
Navy	Marine Corps Air Station Cherry Point	Aircraft Maintenance Hangar (Inc)	106,000	91,000
Navy	Marine Corps Air Station Cherry Point	CH-53K Gearbox Repair and Test Facility	38,415	38,415
Navy	Marine Corps Air Station Cherry Point	F-35 Flightline Util. Modern. Ph 2 (Inc)	58,000	58,000
	Pennsylvania			
Navy	Philadelphia	Machinery Control Developmental Center	0	86,610
	Virginia			
Navy	Dahlgren	Upgrade Electrical Substation 1	0	2,503
Navy	Dahlgren	Planning and Design Weapons Integration and Test Campus.	0	1,237
Navy	Naval Station Norfolk	Submarine Logistics Support Facilities	16,863	16,863
Navy	Naval Station Norfolk	Submarine Pier 3 (Inc)	155,000	155,000
Navy	Portsmouth Naval Shipyard	Dry Dock Saltwater System for CVN-78 (Inc)	47,718	47,718
	Washington			
Navy	Naval Air Station Whidbey Island	E/A-18G Aircraft Flt. Read. Squad. Train. Fac	37,461	37,461
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	MCON Planning and Funds	397,124	397,124
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	109,994	109,994
Navy	Unspecified Worldwide Locations	Red Hill	0	23,184
Navy	Various Worldwide Locations	Cost to Complete- Inflation Adjustment	0	1,198,000
Military Construction, Navy Total			3,752,391	4,649,859
	Alabama			
AF	Maxwell Air Force Base	Commercial Vehicle Inspection Gate	0	15,000
	Alaska			
AF	Clear Air Force Station	LRDR Dormitory	68,000	68,000
AF	Joint Base Elmendorf-Richardson	Extend Runway 16/34, Inc	100,000	100,000
	California			
AF	Vandenberg Air Force Base	GBSD Consolidated Maintenance Facility	89,000	89,000
AF	Travis Air Force Base	KC-46 ADAL Simulator Facility, B179	0	7,500
	Florida			
AF	Patrick Space Force Base	Consolidated Communications Facility	0	75,680
AF	Air Force Research Lab—Eglin Air Force Base	Planning and Design Shock and Applied Impact Laboratory (SAIL).	0	530
AF	Eglin Air Force Base	F-35A ADAL Development Test	0	2,500
AF	Eglin Air Force Base	F-35A Developmental Test 2-Bay MXS Hangar ..	0	4,100
AF	Eglin Air Force Base	F-35A Developmental Test 2-Bay Test Hangar ...	0	3,700
	Hawaii			
AF	Kirtland Air Force Base, Maui Experimental Site #1	Secure Integration Support Lab With Land Acquisition.	0	89,000
	Hungary			
AF	Papa Air Base	EDI: DABS-FEV Storage	71,000	71,000
	Iceland			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	House Agreement
AF	Keflavik	EDI: DABS-FEV Storage	94,000	94,000
	Italy			
AF	Aviano Air Base	Combat Rescue Helicopter Simulator Facility	15,500	15,500
AF	Aviano Air Base	EDI: RADR Storage Facility	31,000	31,000
	Japan			
AF	Kadena Air Base	Helicopter Rescue OPS Maintenance Hangar, Inc	71,000	71,000
AF	Kadena Air Base	PDI: Theater A/C Corrosion Control Ctr, Inc	77,000	77,000
	Jordan			
AF	Azraq Air Base	Bulk Petroleum/Oil/Lubricants Storage	32,000	32,000
AF	Azraq Air Base	Fuel Cell and Phase Maintenance Hangars	18,000	18,000
	Louisiana			
AF	Barksdale Air Force Base	Weapons Generation Facility, Inc	125,000	125,000
	Mariana Islands			
AF	Tinian	PDI: Airfield Development Phase 1, Inc	58,000	58,000
AF	Tinian	PDI: Fuel Tanks W/Pipeln & Hydrant Sys, Inc	92,000	92,000
AF	Tinian	PDI: Parking Apron, Inc	41,000	41,000
	Massachusetts			
AF	Hanscom Air Force Base	MIT-Lincoln Lab (West Lab CSL/MIF), Inc	30,200	30,200
	New Mexico			
AF	Kirtland Air Force Base	JNWC Headquarters	0	4,700
	Base			
AF	Kirtland Air Force Base	Space Rapid Capabilities Office (SPRCO) Headquarters Facility	0	4,400
	Base			
	New York			
AF	Air Force Research Lab Rome	Construct HF Antennas, Newport and Stockbridge Annexes	0	4,200
	Norway			
AF	Rygge	EDI: Base Perimeter Security Fence	8,200	8,200
	Ohio			
AF	Wright-Patterson Air Force Base	Child Development Center/School Age Center	0	29,000
	Oklahoma			
AF	Tinker Air Force Base	Facility and Land Acquisition (MROTC)	30,000	30,000
AF	Tinker Air Force Base	KC-46A 3-Bay Depot Maintenance Hangar, Inc	49,000	49,000
AF	Tinker Air Force Base	KC-46A Fuel POL Infrastructure	13,600	13,600
AF	Altus Air Force Base	South Gate	0	4,750
	South Carolina			
AF	Shaw Air Force Base	RAPCON Facility	10,000	10,000
	South Dakota			
AF	Ellsworth Air Force Base	B-21 2-Bay LO Restoration Facility, Inc	91,000	76,000
	Base			
AF	Ellsworth Air Force Base	B-21 Radio Frequency Facility	77,000	77,000
	Base			
AF	Ellsworth Air Force Base	B-21 Weapons Generation Facility, Inc	50,000	50,000
	Base			
	Spain			
AF	Moron Air Base	EDI: RADR Storage Facility	29,000	29,000
	Tennessee			
AF	Arnold Air Force Base	Are Heater Test Facility Dragon Fire	38,000	38,000
	Texas			
AF	Joint Base San Antonio	BMT Recruit Dormitory 8, Inc 3 CTC	0	5,400
AF	Joint Base San Antonio	BMT Recruit Dormitory 7, Inc	90,000	45,000
AF	Joint Base San Antonio	Randolph AFB Child Development Center	0	29,000
	Utah			
AF	Hill Air Force Base	GBSD Organic Software Sustain Ctr, Inc	95,000	95,000
AF	Hill Air Force Base	GBSD Technology and Collaboration Center	84,000	84,000
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	Planning & Design	11,722	11,722
AF	Unspecified Worldwide Locations	Planning & Design	12,424	12,424
AF	Unspecified Worldwide Locations	Planning & Design	111,648	111,648
AF	Unspecified Worldwide Locations	Varloes Cost to Complete	0	89,000
AF	Various Worldwide Locations	Unspecified Minor Military Construction	66,162	66,162
AF	Various Worldwide Locations	Natural Disaster Response- Cost to Complete	0	360,000
AF	Various Worldwide Locations	Cost to Complete- Inflation Adjustment	0	746,000
	Wyoming			
AF	F.E. Warren Air Force Base	GBSD Integrated Command Center Wing a	95,000	95,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	House Agreement
AF	F.E. Warren Air Force Base	GBSD Land Acquisition	34,000	34,000
AF	F.E. Warren Air Force Base	GBSD Missile Handling Complex Wing a	47,000	47,000
Military Construction, Air Force Total			2,055,456	3,469,916
Alabama				
Def-Wide	Missile and Space Intelligence Center, Redstone Arsenal	Backup Power Generation	0	10,700
California				
Def-Wide	Naval Base Ventura County, Point Mugu	Ground Mounted Solar Photovoltaic System	0	13,360
Def-Wide	Marine Corps Mountain Warfare Training Center Bridgeport	Microgrid and Backup Power	0	25,560
Def-Wide	Coronado	SOF Operations Support Facility	75,712	75,712
Djibouti				
Def-Wide	Camp Lemonnier	Enhanced Energy Security and Control Systems ..	0	24,000
Florida				
Def-Wide	Naval Air Station Jacksonville	Facility Energy Operations Center Renovation	0	2,400
Def-Wide	Patrick Space Force Base	Underground Electric Distribution System	0	8,400
Def-Wide	Patrick Space Force Base	Water Distribution Loop	0	7,300
Def-Wide	Hurlburt Field	SOF Human Performance Training Center	9,100	9,100
Def-Wide	MacDill Air Force Base	SOF Operations Integration Facility	0	50,000
Def-Wide	MacDill Air Force Base	SOF Joint MISO Web-Operations Facility	0	8,730
Georgia				
Def-Wide	Fort Stewart-Hunter Army Airfield	Power Generation and Microgrid	0	25,400
Def-Wide	Naval Submarine Base Kings Bay	SCADA Modernization	0	11,200
Germany				
Def-Wide	Baumholder	Baumholder Elementary School	71,000	71,000
Def-Wide	Baumholder	SOF Battalion Annex	22,468	22,468
Def-Wide	Baumholder	SOF Communications Annex	9,885	9,885
Def-Wide	Baumholder	SOF Operations Annex	23,768	23,768
Def-Wide	Baumholder	SOF Support Annex	21,902	21,902
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Inc 10	299,790	99,790
Def-Wide	Weisbaden	Clay Kaserne Elementary School	60,000	60,000
Guam				
Def-Wide	Naval Base Guam	Electrical Distribution System	0	34,360
Hawaii				
Def-Wide	Joint Base Pearl Harbor-Hickham	Primary Electrical Distribution	0	25,000
Japan				
Def-Wide	Kadena	Lighting Upgrades	0	780
Def-Wide	Iwakuni	PDI: Bulk Storage Tanks Ph 1	85,000	85,000
Def-Wide	Yokosuka	Kinnick High School Inc	20,000	20,000
Def-Wide	Yokota Air Base	PDI: Bulk Storage Tanks Ph I (Inc)	44,000	44,000
Def-Wide	Yokota Air Base	PDI: Operations and Warehouse Facilities	72,154	72,154
Kansas				
Def-Wide	Fort Riley	Power Generation and Microgrid	0	25,780
Kuwait				
Def-Wide	Camp Arifjan	Power Generation and Microgrid	0	26,850
Maryland				
Def-Wide	Fort Meade	Reclaimed Water Infrastructure Expansion	0	23,310
Def-Wide	Bethesda Naval Hospital	MEDCEN Addition / Alteration Inc 6	75,500	75,500
Def-Wide	Fort Meade	NSAW Mission OPS and Records Center (Inc)	140,000	140,000
Def-Wide	Fort Meade	NSAW Recap Building 4 (Inc)	378,000	378,000
North Carolina				
Def-Wide	Fort Bragg	SOF Operations Building	18,870	18,870
Def-Wide	Fort Bragg	SOF Supply Support Activity	15,600	15,600
Texas				
Def-Wide	Fort Hood	Power Generation and Microgrid	0	31,500
Def-Wide	U.S. Army Reserve Center, Conroe	Power Generation and Microgrid	0	9,600
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Replacement (Dental)	58,600	58,600
Virginia				

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	House Agreement
Def-Wide	Naval Support Activity Hampton Roads	Backup Power Generation	0	3,400
Def-Wide	NCE Springfield, Fort Belvoir	Chilled Water Redundancy	0	1,100
Def-Wide	Naval Support Activity Hampton Roads	Primary Distribution Substation	0	19,000
Def-Wide	Dam Neck	SOF Operations Building Addition	26,600	26,600
Def-Wide	Pentagon	Commercial Vehicle Inspection Facility	18,000	18,000
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Energy Resilience and Conserv. Invest. Prog.	329,000	0
Def-Wide	Unspecified Worldwide Locations	ERCIP Design	224,250	224,250
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	18,644	18,644
Def-Wide	Unspecified Worldwide Locations	INDOPACOM	0	47,600
Def-Wide	Unspecified Worldwide Locations	INDOPACOM—Red Hill Fuel Distribution	0	75,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design—Defw	26,689	26,689
Def-Wide	Unspecified Worldwide Locations	Planning and Design—DHA	33,227	33,227
Def-Wide	Unspecified Worldwide Locations	Planning and Design—DLA	30,000	30,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design—DODEA	20,086	20,086
Def-Wide	Unspecified Worldwide Locations	Planning and Design—MDA	47,063	47,063
Def-Wide	Unspecified Worldwide Locations	Planning and Design—NSA	9,618	9,618
Def-Wide	Unspecified Worldwide Locations	Planning and Design—SOCOM	26,978	26,978
Def-Wide	Unspecified Worldwide Locations	Planning and Design—TJS	2,360	2,360
Def-Wide	Unspecified Worldwide Locations	Planning and Design—WHS	2,106	2,106
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction—Defw	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction—DHA	15,000	15,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction—DODEA	8,000	8,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction—NSA	6,000	6,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction—SOCOM	36,726	36,726
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction—DLA	31,702	31,702
Def-Wide	Various Worldwide Locations	Cost to Complete- Inflation Adjustment	0	688,000
Def-Wide	Various Worldwide Locations	EUCOM—Infrastructure to Support Presence on Nato's Eastern Flank (Planning and Design).	0	50,000
	INDOPACOM			
Def-Wide	INDOPACOM	Exercise Related Minor Construction	0	16,130
Military Construction, Defense-Wide Total			2,416,398	3,151,858
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	210,139	210,139
NATO Security Investment Program Total			210,139	210,139
	Delaware			
Army NG	New Castle	National Guard Readiness Center	16,000	16,000
	Florida			
Army NG	Palm Coast	National Guard Vehicle Maintenance Shop	12,000	12,000
Army NG	Camp Blanding	Automated Multipurpose Machine Gun (MPMG) Range.	0	8,500
Army NG	Camp Blanding	Scout Reece Gunnery Complex	0	16,200
	Hawaii			
Army NG	Kapolei	National Guard Readiness Center Addition	29,000	29,000
	Indiana			
Army NG	Atlanta	National Guard Readiness Center	20,000	20,000
	Iowa			
Army NG	West Des Moines	National Guard Readiness Center	15,000	15,000
	Louisiana			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)					
Account	State/Country and Installation	Project Title	FY 2023 Request	House Agreement	
Army NG	Camp Beauregard	Energy Resilience Conservation Investment Program Project.	0	765	
Army NG	Louisiana National Guard New Orleans	Munitions Administrative Facility	0	1,650	
Army NG	Abbeville	National Guard Readiness Center Planning and Design.	0	1,650	
Army NG	Michigan				
Army NG	Camo Grayling	National Guard Readiness Center	16,000	16,000	
Army NG	Minnesota				
Army NG	New Ulm	National Guard Readiness Center	17,000	17,000	
Army NG	Nevada				
Army NG	Reno	National Guard Readiness Center Add/Alt	18,000	18,000	
Army NG	New York				
Army NG	Troy	National Guard Vehicle Maintenance Shop	17,000	17,000	
Army NG	North Carolina				
Army NG	Meleansville	National Guard Vehicle Maintenance Shop	15,000	15,000	
Army NG	Puerto Rico				
Army NG	Camp Santiago	Engineering/Housing Maintenance Shops (DPW) ..	14,500	14,500	
Army NG	Vermont				
Army NG	Bennington	National Guard Readiness Center	14,800	14,800	
Army NG	West Virginia				
Army NG	Buckhannon	National Guard Readiness Center Add/Alt	14,000	14,000	
Army NG	Worldwide Unspecified				
Army NG	Unspecified Worldwide Locations	Planning and Design	28,245	28,245	
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	35,933	35,933	
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	0	4,346	
Army NG	Various Worldwide Locations	Cost to Complete- Inflation Adjustment	0	138,600	
Army NG	Wyoming				
Army NG	Sheridan	National Guard Vehicle Maintenance Shop	14,800	14,800	
Military Construction, Army National Guard Total			297,278	468,989	
Army Res	Florida				
Army Res	Perrine	Army Reserve Center/AMSA	46,000	46,000	
Army Res	Puerto Rico				
Army Res	Fort Buchanan	Army Reserve Center	24,000	24,000	
Army Res	Worldwide Unspecified				
Army Res	Unspecified Worldwide Locations	Planning and Design	9,829	9,829	
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	20,049	20,049	
Army Res	Various Worldwide Locations	Cost to Complete- Inflation Adjustment	0	37,300	
Military Construction, Army Reserve Total			99,878	137,178	
N/MC Res	Worldwide Unspecified				
N/MC Res	Unspecified Worldwide Locations	MCNR Unspecified Minor Construction	27,747	18,747	
N/MC Res	Unspecified Worldwide Locations	USMCR Planning and Design	2,590	2,590	
N/MC Res	Various Worldwide Locations	Cost to Complete- Inflation Adjustment	0	19,500	
Military Construction, Naval Reserve Total			30,337	40,837	
Air NG	Alabama				
Air NG	Birmingham International Airport	Security and Services Training Facility	7,500	7,500	
Air NG	Montgomery	F-35 Weapons Load Crew Training Facility	0	6,800	
Air NG	Arizona				
Air NG	Morris Air National Guard Base	Base Entry Complex		12,000	
Air NG	Tucson International Airport	Land Acquisition	10,000	10,000	
Air NG	Florida				
Air NG	Jacksonville Air National Guard Base	F-35 Construct Munitions Storage Area Administration Jacksonville IAP Design.	0	730	
Air NG	Jacksonville Air National Guard Base	F-35 Munitions Maintenance and Inspection Facility Design.	0	530	
Air NG	Jacksonville International Airport	F-35 Construct Flight Simulator Facility	22,200	22,200	
Air NG	Indiana				
Air NG	Fort Wayne International Airport	Munitions Maintenance & Storage Complex	12,800	12,800	

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	House Agreement
Air NG	Tennessee McGhee-Tyson Airport	KC-135 Maintenance Shops	23,800	23,800
Air NG	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	28,412	28,412
Air NG	Unspecified Worldwide Locations	Unspecified Minor Construction	44,171	44,171
Air NG	Various Worldwide Locations	Cost to Complete- Inflation Adjustment	0	122,900
Military Construction, Air National Guard Total			148,883	291,843
AF Res	California Beale Air Force Base	940 ARW Squad OPS/AMU	33,000	33,000
AF Res	Virginia Joint Base Langley-Eustis	Reserve Intelligence Group Facility	0	10,500
AF Res	Worldwide Unspecified Unspecified Worldwide Locations	Planning & Design	11,773	11,773
AF Res	Unspecified Worldwide Locations	Unspecified Minor Military Construction	11,850	11,850
AF Res	Various Worldwide Locations	Cost to Complete- Inflation Adjustment	0	46,600
Military Construction, Air Force Reserve Total			56,623	113,723
FH Con Army	Germany Baumholder	Family Housing Replacement Construction	57,000	57,000
FH Con Army	Italy Vicenza	Family Housing New Construction	95,000	95,000
FH Con Army	Worldwide Unspecified Unspecified Worldwide Locations	Family Housing P & D	17,339	17,339
Family Housing Construction, Army Total			169,339	169,339
FH Ops Army	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings	22,911	22,911
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	65,740	65,740
FH Ops Army	Unspecified Worldwide Locations	Leasing	127,499	127,499
FH Ops Army	Unspecified Worldwide Locations	Maintenance	117,555	117,555
FH Ops Army	Unspecified Worldwide Locations	Management	45,718	45,718
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	559	559
FH Ops Army	Unspecified Worldwide Locations	Services	9,580	9,580
FH Ops Army	Unspecified Worldwide Locations	Utilities	46,849	46,849
Family Housing Operation And Maintenance, Army Total			436,411	436,411
FH Con Navy	Guam Joint Region Marianas	Replace Andersen Housing Ph VI	68,985	68,985
FH Con Navy	Mariana Islands Guam	Replace Andersen Housing Ph IV	86,390	86,390
FH Con Navy	Guam	Replace Andersen Housing Ph V	93,259	93,259
FH Con Navy	Worldwide Unspecified Unspecified Worldwide Locations	Design, Washington DC	7,043	7,043
FH Con Navy	Unspecified Worldwide Locations	Improvements, USMC HQ Washington DC	74,540	74,540
FH Con Navy	Unspecified Worldwide Locations	USMC DPRJ/Guam Planning and Design	7,080	7,080
Family Housing Construction, Navy And Marine Corps Total			337,297	337,297
FH Ops Navy	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings	16,182	16,182
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	61,605	61,605
FH Ops Navy	Unspecified Worldwide Locations	Leasing	66,333	66,333

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	House Agreement
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	105,470	105,470
FH Ops Navy	Unspecified Worldwide Locations	Management	59,312	59,312
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	411	411
FH Ops Navy	Unspecified Worldwide Locations	Services	16,494	16,494
FH Ops Navy	Unspecified Worldwide Locations	Utilities	42,417	42,417
Family Housing Operation And Maintenance, Navy And Marine Corps Total			368,224	368,224
FH Con AF	Delaware Dover AFB	Dover MHPI Restructure	25,492	25,492
FH Con AF	Florida Tyndall AFB	AETC Restructuring	150,685	150,685
FH Con AF	Illinois Scott AFB	Scott MHPI Restructure	52,003	52,003
FH Con AF	Maryland Andrews AFB	MHPI Equity Contribution CMSSF House	1,878	1,878
FH Con AF	Worldwide Unspecified Locations	Planning & Design	2,730	2,730
Family Housing Construction, Air Force Total			232,788	232,788
FH Ops AF	Worldwide Unspecified Locations	Furnishings	27,379	27,379
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	33,517	33,517
FH Ops AF	Unspecified Worldwide Locations	Leasing	7,882	7,882
FH Ops AF	Unspecified Worldwide Locations	Maintenance	150,375	150,375
FH Ops AF	Unspecified Worldwide Locations	Management	77,042	77,042
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	2,240	2,240
FH Ops AF	Unspecified Worldwide Locations	Services	10,570	10,570
FH Ops AF	Unspecified Worldwide Locations	Utilities	46,217	46,217
Family Housing Operation And Maintenance, Air Force Total			355,222	355,222
FH Ops DW	Worldwide Unspecified Locations	Furnishings—DIA	656	656
FH Ops DW	Unspecified Worldwide Locations	Furnishings—NSA	87	87
FH Ops DW	Unspecified Worldwide Locations	Leasing—DIA	31,849	31,849
FH Ops DW	Unspecified Worldwide Locations	Leasing—NSA	13,306	13,306
FH Ops DW	Unspecified Worldwide Locations	Maintenance—NSA	34	34
FH Ops DW	Unspecified Worldwide Locations	Utilities—DIA	4,166	4,166
FH Ops DW	Unspecified Worldwide Locations	Utilities—NSA	15	15
Family Housing Operation And Maintenance, Defense-Wide Total			50,113	50,113
FHIF	Worldwide Unspecified Locations	Administrative Expenses—FHIF	6,442	6,442
DOD Family Housing Improvement Fund Total			6,442	6,442
UHIF	Worldwide Unspecified Locations	Administrative Expenses—UHIF	494	494
Unaccompanied Housing Improvement Fund Total			494	494

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	House Agreement
BRAC	Worldwide Unspecified Base Realignment & Closure, Army	Base Realignment and Closure	67,706	117,706
	Base Realignment and Closure—Army Total		67,706	117,706
BRAC	Worldwide Unspecified Unspecified Worldwide Locations	Base Realignment & Closure	106,664	156,664
	Base Realignment and Closure—Navy Total		106,664	156,664
BRAC	Worldwide Unspecified Unspecified Worldwide Locations	DOD BRAC Activities—Air Force	107,311	107,311
	Base Realignment and Closure—Air Force Total		107,311	107,311
BRAC	Worldwide Unspecified Unspecified Worldwide Locations	Int—4: DLA Activities	3,006	3,006
	Base Realignment and Closure—Defense-wide Total		3,006	3,006
	Total, Military Construction		12,153,965	16,468,588

1 **TITLE XLVII—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **PROGRAMS**
4 **SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY**
5 **PROGRAMS.**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)			
Program	FY 2023 Request	House Authorized	
Discretionary Summary By Appropriation			
Energy And Water Development, And Related Agencies			
Appropriation Summary:			
Energy Programs			
Nuclear Energy	156,600	156,600	
Atomic Energy Defense Activities			
National nuclear security administration:			
Weapons activities	16,486,298	17,210,798	
Defense nuclear nonproliferation	2,346,257	2,348,257	
Naval reactors	2,081,445	2,081,445	
Federal salaries and expenses	496,400	496,400	
Total, National Nuclear Security Administration	21,410,400	22,136,900	
Environmental and other defense activities:			
Defense environmental cleanup	6,914,532	7,229,203	
Other defense activities	978,351	978,351	
Total, Environmental & other defense activities	7,892,883	8,207,554	
Total, Atomic Energy Defense Activities	29,303,283	30,344,454	
Total, Discretionary Funding	29,459,883	30,501,054	
Nuclear Energy			
Idaho site-wide safeguards and security	156,600	156,600	
Total, Nuclear Energy	156,600	156,600	
Stockpile Management			
Stockpile Major Modernization			

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2023 Request	House Authorized
B61-12 Life Extension Program	672,019	672,019
W88 Alteration Program	162,057	162,057
W80-4 Life Extension Program	1,122,451	1,117,451
W80-4 ALT SLCM	0	20,000
Research and development for a nuclear warhead for a nuclear- capable sea-launched cruise missile		[20,000]
W87-1 Modification Program	680,127	680,127
W93 Program	240,509	240,509
Total, Stockpile Major Modernization	2,877,163	2,892,163
Stockpile services		
Stockpile Sustainment	1,321,139	1,321,139
Weapons Dismantlement and Disposition	50,966	50,966
Production Operations	630,894	630,894
Nuclear Enterprise Assurance	48,911	48,911
Subtotal, Stockpile Services	2,051,910	2,051,910
Total, Stockpile Management	4,929,073	4,944,073
Weapons Activities		
Production Modernization		
Primary Capability Modernization		
Plutonium Modernization		
Los Alamos Plutonium Modernization		
Los Alamos Plutonium Operations	767,412	767,412
21-D-512 Plutonium Pit Production Project, LANL	588,234	588,234
15-D-302 TA-55 Reinvestments Project, Phase 3, LANL	30,002	30,002
07-D-220-04 Transuranic Liquid Waste Facility, LANL	24,759	24,759
04-D-125 Chemistry and Metallurgy Research Replace- ment Project, LANL	162,012	162,012
Subtotal, Los Alamos Plutonium Modernization	1,572,419	1,572,419
Savannah River Plutonium Modernization		
Savannah River Plutonium Operations	58,300	58,300
21-D-511 Savannah River Plutonium Processing Facility, SRS	700,000	1,075,000
NNSA unfunded priority		[375,000]
Subtotal, Savannah River Plutonium Modernization	758,300	1,133,300
Enterprise Plutonium Support	88,993	88,993
Total, Plutonium Modernization	2,419,712	2,794,712
High Explosives and Energetics		
High Explosives & Energetics	101,380	101,380
HESE OPCs	0	0
23-D-516 Energetic Materials Characterization Facility, LANL	19,000	19,000
21-D-510 HE Synthesis, Formulation, and Production, PX	108,000	133,000
Project risk reduction		[25,000]
15-D-301 HE Science & Engineering Facility, PX	20,000	30,000
Project risk reduction		[10,000]
Total, High Explosives and Energetics	248,380	283,380
Total, Primary Capability Modernization	2,668,092	3,078,092
Secondary Capability Modernization		
Uranium Modernization	297,531	297,531
Depleted Uranium Modernization	170,171	170,171
Lithium Modernization	68,661	68,661
18-D-690 Lithium Processing Facility, Y-12	216,886	216,886
06-D-141 Uranium Processing Facility, Y-12	362,000	362,000
Total, Secondary Capability Modernization	1,115,249	1,115,249
Tritium and Domestic Uranium Enrichment		
Tritium Sustainment and Modernization	361,797	361,797
Domestic Uranium Enrichment	144,852	144,852
18-D-650 Tritium Finishing Facility, SRS	73,300	73,300
Total, Tritium and Domestic Uranium Enrichment	579,949	579,949
Non-Nuclear Capability Modernization	123,084	123,084
Capability Based Investments	154,220	154,220
Total, Production Modernization	4,640,594	5,050,594

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2023 Request	House Authorized
Stockpile Research, Technology, and Engineering		
Assessment Science	854,798	914,798
Enhanced Capability for Subcritical Experiments (ECSE) and Hydrodynamic and Subcritical Experiment Execution Support.		[70,000]
Program decrease		[-10,000]
Engineering and Integrated Assessments	366,455	366,455
Inertial Confinement Fusion	544,095	624,095
Advanced Simulation and Computing	742,646	842,146
Weapon Technology and Manufacturing Maturation	286,165	296,165
Academic Programs	100,499	100,499
Total, Stockpile Research, Technology, and Engineering	2,894,658	3,144,158
Infrastructure and Operations		
Operations of facilities	1,038,000	1,038,000
Safety and environmental operations	162,000	162,000
Maintenance and repair of facilities	680,000	730,000
Deferred maintenance		[50,000]
Recapitalization:		
Infrastructure and safety	561,663	561,663
Total, Recapitalization	561,663	561,663
Construction:		
23-D-519 Special Materials Facility, Y-12	49,500	49,500
23-D-518 Plutonium Modernization Operations & Waste Management Office Building, LANL	48,500	48,500
23-D-517 Electrical Power Capacity Upgrade, LANL	24,000	24,000
22-D-514 Digital Infrastructure Capability Expansion, LLNL	67,300	67,300
Total, Construction	189,300	189,300
Total, Infrastructure and operations	2,630,963	2,680,963
Secure transportation asset		
Operations and equipment	214,367	214,367
Program direction	130,070	130,070
Total, Secure transportation asset	344,437	344,437
Defense Nuclear Security		
Operations and Maintenance	878,363	878,363
Construction:		0
17-D-710 West end protected area reduction project, Y-12	3,928	3,928
Total, Defense nuclear security	882,291	882,291
Information technology and cybersecurity	445,654	445,654
Legacy contractor pensions	114,632	114,632
Use of Prior Year Balances	-396,004	-396,004
Total, Weapons Activities	16,486,298	17,210,798
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Global material security		
International nuclear security	81,155	83,155
NA-82 Counterproliferation classified program increase		[2,000]
Radiological security	244,827	244,827
Nuclear smuggling detection and deterrence	178,095	188,095
Total, Global material security	504,077	516,077
Material management and minimization		
Conversion	153,260	153,260
Nuclear material removal	41,600	41,600
Material disposition	256,025	256,025
Total, Material management & minimization	450,885	450,885
Nonproliferation and arms control	207,656	207,656
Defense nuclear nonproliferation R&D		
Proliferation Detection	287,283	287,283
Nuclear Detonation Detection	279,205	289,205
Forensics R&D	44,414	44,414
Nonproliferation Stewardship Program	109,343	109,343
Total, Defense nuclear nonproliferation R&D	720,245	730,245

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2023 Request	House Authorized
NNSA Bioassurance Program	20,000	0
Nonproliferation Construction:		
18-D-150 Surplus Plutonium Disposition Project, SRS	71,764	71,764
Total, Nonproliferation construction	71,764	71,764
Total, Defense Nuclear Nonproliferation Programs	1,974,627	1,976,627
Legacy contractor pensions	55,708	55,708
Nuclear counterterrorism and incident response program	438,970	438,970
Use of prior-year balances	-123,048	-123,048
Total, Defense Nuclear Nonproliferation	2,346,257	2,348,257
Naval Reactors		
Naval reactors development	798,590	798,590
Columbia-Class reactor systems development	53,900	53,900
S8G Prototype refueling	20,000	20,000
Naval reactors operations and infrastructure	695,165	695,165
Construction:		
23-D-533 BL Component Test Complex	57,420	57,420
14-D-901 Spent Fuel Handling Recapitalization Project, NRF	397,845	397,845
Total, Construction	455,265	455,265
Program direction	58,525	58,525
Total, Naval Reactors	2,081,445	2,081,445
Federal Salaries And Expenses		
Program direction	513,200	513,200
Use of Prior Year Balances	-16,800	-16,800
Total, Office Of The Administrator	496,400	496,400
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	4,067	4,067
Richland:		
River corridor and other cleanup operations	135,000	221,000
Central plateau remediation	650,240	672,240
Richland community and regulatory support	10,013	10,013
Construction:		
18-D-404 Modification of Waste Encapsulation and Storage Facility	3,100	3,100
22-D-401 L-888, 400 Area Fire Station	3,100	3,100
22-D-402 L-897, 200 Area Water Treatment Facility	8,900	8,900
23-D-404 181D Export Water System Reconfiguration and Upgrade	6,770	6,770
23-D-405 181B Export Water System Reconfiguration and Upgrade	480	480
Total, Construction	22,350	22,350
Total, Hanford site	817,603	925,603
Office of River Protection:		
Waste Treatment Immobilization Plant Commissioning	462,700	462,700
Rad liquid tank waste stabilization and disposition	801,100	801,100
Construction:		
23-D-403, Hanford 200 West Area Tank Farms Risk Management Project	4,408	45,000
01-D-16D High-Level Waste Facility	316,200	358,939
01-D-16E Pretreatment Facility	20,000	20,000
Total, Construction	340,608	423,939
Total, Office of River Protection	1,604,408	1,687,739
Idaho National Laboratory:		
Idaho cleanup and waste disposition	350,658	350,658
Idaho community and regulatory support	2,705	2,705
Construction:		
22-D-403 Idaho Spent Nuclear Fuel Staging Facility	8,000	8,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2023 Request	House Authorized
22-D-404 Additional ICDF Landfill Disposal Cell and Evapo- ration Ponds Project	8,000	8,000
23-D-402—Calcline Construction	10,000	10,000
Total, Construction	26,000	26,000
Total, Idaho National Laboratory	379,363	379,363
NNSA sites and Nevada off-sites		
Lawrence Livermore National Laboratory	1,842	1,842
LLNL Excess Facilities D&D	12,004	12,004
Nuclear facility D & D		
Separations Process Research Unit	15,300	15,300
Nevada Site	62,652	62,652
Sandia National Laboratories	4,003	4,003
Los Alamos National Laboratory	286,316	286,316
Los Alamos Excess Facilities D&D	40,519	40,519
Total, NNSA sites and Nevada off-sites	422,636	422,636
Oak Ridge Reservation:		
OR Nuclear facility D & D	334,221	334,221
Total, OR Nuclear facility D & D	334,221	334,221
U233 Disposition Program	47,628	47,628
OR cleanup and disposition	62,000	62,000
Construction:		
17-D-401 On-site waste disposal facility	35,000	35,000
Total, Construction	35,000	35,000
Total, OR cleanup and waste disposition	144,628	144,628
OR community & regulatory support	5,300	5,300
OR technology development and deployment	3,000	3,000
Total, Oak Ridge Reservation	487,149	487,149
Savannah River Sites:		
Savannah River risk management operations	416,317	460,317
Construction:		
18-D-402 Emergency Operations Center Replacement, SR	25,568	25,568
19-D-701 SR Security Systems Replacement	5,000	5,000
Total, risk management operations	30,568	30,568
Savannah River Legacy Pensions	132,294	132,294
Savannah River National Laboratory O&M	41,000	41,000
SR community and regulatory support	12,137	12,137
Radioactive liquid tank waste stabilization and disposition	851,660	931,000
Construction:		
20-D-401 Saltstone Disposal Unit #10, 11, 12	37,668	37,668
18-D-402 Saltstone disposal unit #8/9	49,832	49,832
Total, Construction	87,500	87,500
Total, Savannah River site	1,571,476	1,694,816
Waste Isolation Pilot Plant		
Waste Isolation Pilot Plant	371,943	371,943
Construction:		
15-D-411 Safety significant confinement ventilation system, WIPP	59,073	59,073
15-D-412 Exhaust Shaft, WIPP	25,000	25,000
Total, Construction	84,073	84,073
Total, Waste Isolation Pilot Plant	456,016	456,016
Program Direction	317,002	317,002
Program Support	103,239	103,239
Safeguards and Security	309,573	309,573
Technology Development and Deployment	25,000	25,000
Federal Contribution to the Uranium Enrichment D&D Fund	417,000	417,000
Total, Defense Environmental Cleanup	6,914,532	7,229,203
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	138,854	138,854
Program direction	76,685	76,685
Total, Environment, Health, safety and security	215,539	215,539

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2023 Request	House Authorized
Independent enterprise assessments		
Independent enterprise assessments	27,486	27,486
Program direction	57,941	57,941
Total, Independent enterprise assessments	85,427	85,427
Specialized security activities	306,067	306,067
Office of Legacy Management		
Legacy management	174,163	174,163
Program direction	21,983	21,983
Total, Office of Legacy Management	196,146	196,146
Defense related administrative support	170,695	170,695
Office of hearings and appeals	4,477	4,477
Subtotal, Other defense activities	978,351	978,351
Total, Other Defense Activities	978,351	978,351

1 **DIVISION E—NON-DEPARTMENT**
2 **OF DEFENSE MATTERS**
3 **TITLE LI—VETERANS AFFAIRS**
4 **MATTERS**

5 **SEC. 5101. MAXIMUM RATE OF INTEREST ON DEBTS IN-**
6 **CURRED BEFORE MILITARY SERVICE APPLI-**
7 **CABLE TO MILITARY DEPENDENTS.**

8 Section 207 of the Servicemembers Civil Relief Act
9 (50 U.S.C. 3937) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by striking “or the
12 servicemember and the servicemember’s spouse
13 jointly” and inserting “a dependent of the serv-
14 icemember, or such a dependent and the serv-
15 icemember jointly”; and

(B) in paragraph (3), by inserting “or a dependent of the servicemember” after “due from a servicemember”; and
(2) in subsection (b)(1)—

(A) in the paragraph heading, by inserting “AND DEPENDENCY” after “MILITARY SERVICE”;

(B) in subparagraph (A)—

(i) by striking “of the servicemember”;

(ii) by striking clause (i) and inserting the following:

“(i) military orders indicating the current, future, or past military duty status of the servicemember; or”; and

(iii) in clause (ii), by inserting “or a certificate from the Defense Manpower Data Center” before the period at the end;

(C) by redesignating subparagraph (B) as subparagraph (C); and

(D) by inserting the following after subparagraph (A):

“(B) DEPENDENTS.—In addition to providing proof of military service under subparagraph (A), dependents of servicemembers shall

1 provide documentation that indicates the de-
2 pendency status of the dependent at the time
3 the debt or obligation was incurred and con-
4 tinuing until the servicemember entered mili-
5 tary service. Such documentation may include a
6 marriage certificate, birth certificate, or any
7 other appropriate indicator of dependency sta-
8 tus.”; and

9 (3) in subsection (c), by inserting “, dependent,
10 or both, as the case may be,” after “ability of the
11 servicemember”.

12 **SEC. 5102. REPORT ON HANDLING OF CERTAIN RECORDS**
13 **OF THE DEPARTMENT OF VETERANS AF-**
14 **FAIRS.**

15 (a) REPORT.—Not later than one year after the date
16 of the enactment of this Act, the Inspector General of the
17 Department of Veterans Affairs, in coordination with the
18 Secretary of Defense, shall submit to Congress a report
19 on how the procedures outlined in M21-1 III.ii.2.F.1. of
20 the Adjudication Procedures Manual of the Department
21 of Veterans Affairs are followed in assisting veterans ob-
22 tain or reconstruct service records and medical informa-
23 tion damaged or destroyed in the July 1973 fire at the
24 National Processing Records Center.

1 (b) ELEMENTS.—The report under subsection (a)
2 shall include the following elements:

3 (1) The determination of the Inspector General
4 whether employees of the Department of Veterans
5 Affairs receive sufficient training on such proce-
6 dures.

7 (2) The determination of the Inspector General
8 whether veterans are informed of actions necessary
9 to adhere to such procedures.

10 (3) The percentage of cases regarding such
11 service records and medical information in which
12 employees of the Department of Veterans Affairs
13 follow such procedures.

14 (4) The average time it takes to resolve an
15 issue using such procedures.

16 (5) Recommendations to improve the implemen-
17 tation of such procedures.

18 **SEC. 5103. SENSE OF CONGRESS REGARDING WOMEN WHO**
19 **SERVED AS CADET NURSES DURING WORLD**
20 **WAR II.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) In June of 1943, Congress enacted the
24 Bolton Act, establishing the United States Cadet
25 Nurse Corps as a uniformed service of the Public

1 Health Administration. Through the Corps, women
2 received free, expedited nursing education in ex-
3 change for “service in essential nursing for the dura-
4 tion of the war”.

5 (2) During World War II, the Nation faced a
6 severe shortage of qualified nurses, threatening the
7 ability of the United States to meet domestic and
8 military medical needs.

9 (3) In total, 124,065 women graduated from
10 training under the Cadet Nurse program, going on
11 to serve in military hospitals, Veterans Administra-
12 tion hospitals, Marine hospitals, private hospitals,
13 public health agencies, and public hospitals until the
14 program ended in 1948.

15 (4) In 1944, the Federal Security Agency iden-
16 tified “national recognition for rendering a vital war
17 service” as a privilege of service in the Corps.

18 (5) By 1945, Cadet Nurses accounted for 80
19 percent of the domestic nursing workforce.

20 (6) The Cadet Nurse Corps has been credited
21 with preventing the collapse of the domestic nursing
22 workforce.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that women who served in the Cadet Nurse Corps
25 honorably stepped up for their country during its time of

1 need in World War II, significantly contributing to the
2 war effort and the safety and security of the Nation.

3 (c) **EXPRESSION OF GRATITUDE.**—Congress hereby
4 expresses deep gratitude for the women who answered the
5 call to duty and served in the Cadet Nurse Corps.

6 **SEC. 5104. SENSE OF CONGRESS REGARDING KOREAN AND**
7 **KOREAN-AMERICAN VIETNAM WAR VET-**
8 **ERANS.**

9 (a) **FINDINGS.**—Congress finds the following:

10 (1) Korean and Korean-American Vietnam War
11 veterans served honorably throughout the conflict,
12 fighting valiantly both in and alongside the United
13 States Armed Forces, often making the ultimate
14 sacrifice, with many later becoming United States
15 citizens.

16 (2) Military cooperation in the Vietnam War is
17 one of several examples that demonstrate the robust
18 alliance of the United States and Republic of Korea,
19 under shared commitment to democratic principles.

20 (3) During the Vietnam conflict, more than
21 3,000,000 members of the United States Armed
22 Forces fought bravely to preserve and defend these
23 ideals, among them many Korean Americans who
24 earned citations for their heroism and honorable
25 service.

1 (4) The Republic of Korea joined the Vietnam
2 conflict to support the United States Armed Forces
3 and the cause of freedom at the request of the
4 United States.

5 (5) From 1964 until the last soldier left Saigon
6 on March 23, 1973, 325,517 members of the Repub-
7 lic of Korea's Armed Forces served in Vietnam, the
8 largest contribution of troops sent by an ally of the
9 United States.

10 (6) Republic of Korea forces fought bravely
11 throughout the theater and were known for their
12 dedication, tenacity, and effectiveness on the battle-
13 field.

14 (7) More than 17,000 Korean soldiers were in-
15 jured, and over 4,400 Korean soldiers made the ulti-
16 mate sacrifice in defense of United States friends
17 and allies.

18 (8) There are approximately 3,000 naturalized
19 Korean Americans who served in the Vietnam War
20 currently living in the United States, many of whom
21 suffer from significant injuries due to their service
22 in Vietnam, including post-traumatic stress disorder,
23 total disability, and the effects of the toxic defoliant
24 Agent Orange.

1 (9) Korean-American veterans of the Vietnam
2 conflict upheld the highest ideals of the United
3 States through their dedicated service and consider-
4 able sacrifices, with many continuing to carry the
5 visible and invisible wounds of war to this day.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that Korean and Korean-American Vietnam War
8 veterans who served alongside the United States Armed
9 Forces in the Vietnam conflict fought with honor and
10 valor.

11 **SEC. 5105. USE OF VETERANS WITH MEDICAL OCCUPA-**
12 **TIONS IN RESPONSE TO NATIONAL EMER-**
13 **GENCIES.**

14 (a) UPDATE OF WEB PORTAL TO IDENTIFY VET-
15 ERANS WHO HAD MEDICAL OCCUPATIONS AS MEMBERS
16 OF THE ARMED FORCES.—

17 (1) IN GENERAL.—The Secretary shall update
18 existing web portals of the Department to allow the
19 identification of veterans who had a medical occupa-
20 tion as a member of the Armed Forces.

21 (2) INFORMATION IN PORTAL.—

22 (A) IN GENERAL.—An update to a portal
23 under paragraph (1) shall allow a veteran to
24 elect to provide the following information:

1 (i) Contact information for the vet-
2 eran.

3 (ii) A history of the medical experi-
4 ence and trained competencies of the vet-
5 eran.

6 (B) INCLUSIONS IN HISTORY.—To the ex-
7 tent practicable, histories provided under sub-
8 paragraph (A)(ii) shall include individual crit-
9 ical task lists specific to military occupational
10 specialties that align with existing standard oc-
11 cupational codes maintained by the Bureau of
12 Labor Statistics.

13 (b) PROGRAM ON PROVISION TO STATES OF INFOR-
14 MATION ON VETERANS WITH MEDICAL SKILLS OBTAINED
15 DURING SERVICE IN THE ARMED FORCES.—For purposes
16 of facilitating civilian medical credentialing and hiring op-
17 portunities for veterans seeking to respond to a national
18 emergency, including a public health emergency declared
19 by the Secretary of Health and Human Services under
20 section 319 of the Public Health Service Act (42 U.S.C.
21 247d), the Secretary, in coordination with the Secretary
22 of Defense and the Secretary of Labor, shall establish a
23 program to share information specified in section 3(b)
24 with the following:

25 (1) State departments of veterans affairs.

1 (2) Veterans service organizations.

2 (3) State credentialing bodies.

3 (4) State homes.

4 (5) Other stakeholders involved in State-level
5 credentialing, as determined appropriate by the Sec-
6 retary.

7 (c) PROGRAM ON TRAINING OF INTERMEDIATE CARE
8 TECHNICIANS OF DEPARTMENT OF VETERANS AF-
9 FAIRS.—

10 (1) ESTABLISHMENT.—The Secretary shall im-
11 plement a program to train covered veterans to work
12 as intermediate care technicians of the Department.

13 (2) LOCATIONS.—The Secretary may place an
14 intermediate care technician trained under the pro-
15 gram under paragraph (1) at any medical center of
16 the Department, giving priority to a location with a
17 significant staffing shortage.

18 (3) INCLUSION OF INFORMATION IN TRANSI-
19 TION ASSISTANCE PROGRAM.—As part of the Transi-
20 tion Assistance Program under sections 1142 and
21 1144 of title 10, United States Code, the Secretary
22 shall prepare a communications campaign to convey
23 opportunities for training, certification, and employ-
24 ment under the program under paragraph (1) to ap-

1 appropriate members of the Armed Forces separating
2 from active duty.

3 (4) REPORT ON EXPANSION OF PROGRAM.—Not
4 later than 180 days after the date of the enactment
5 of this Act, the Secretary shall submit to Congress
6 a report on whether the program under this section
7 could be replicated for other medical positions within
8 the Department.

9 (5) COVERED VETERAN DEFINED.—In this sub-
10 section, the term “covered veteran” means a veteran
11 whom the Secretary determines served as a basic
12 health care technician while serving in the Armed
13 Forces.

14 (d) NOTIFICATION OF OPPORTUNITIES FOR VET-
15 ERANS.—The Secretary shall notify veterans service orga-
16 nizations and, in coordination with the Secretary of De-
17 fense, members of the reserve components of the Armed
18 Forces of opportunities for veterans under this section.

19 (e) DEFINITIONS.—In this section:

20 (1) DEPARTMENT; SECRETARY; VETERAN.—The
21 terms “Department”, “Secretary”, “State home”,
22 and “veteran” have the meanings given those terms
23 in section 101 of title 38, United States Code.

24 (2) VETERANS SERVICE ORGANIZATION.—The
25 term “veterans service organization” means an orga-

1 nization that provides services to veterans, including
2 organizations recognized by the Secretary of Vet-
3 erans Affairs under section 5902 of title 38, United
4 States Code.

5 **SEC. 5106. PILOT PROGRAM TO EMPLOY VETERANS IN PO-**
6 **SITIONS RELATING TO CONSERVATION AND**
7 **RESOURCE MANAGEMENT ACTIVITIES.**

8 (a) ESTABLISHMENT.—The Secretary of Veterans
9 Affairs and the Secretaries concerned shall jointly estab-
10 lish a pilot program under which veterans are employed
11 by the Federal Government in positions that relate to the
12 conservation and resource management activities of the
13 Department of the Interior and the Department of Agri-
14 culture.

15 (b) ADMINISTRATION.—The Secretary of Veterans
16 Affairs shall administer the pilot program under sub-
17 section (a).

18 (c) POSITIONS.—The Secretaries concerned shall—
19 (1) identify vacant positions in the respective
20 Departments of the Secretaries that are appropriate
21 to fill using the pilot program under subsection (a);
22 and
23 (2) to the extent practicable, fill such positions
24 using the pilot program.

1 (d) APPLICATION OF CIVIL SERVICE LAWS.—A vet-
2 eran employed under the pilot program under subsection
3 (a) shall be treated as an employee as defined in section
4 2105 of title 5, United States Code.

5 (e) BEST PRACTICES FOR OTHER DEPARTMENTS.—
6 The Secretary of Veterans Affairs shall establish guide-
7 lines containing best practices for departments and agen-
8 cies of the Federal Government that carry out programs
9 to employ veterans who are transitioning from service in
10 the Armed Forces. Such guidelines shall include—

11 (1) lessons learned under the Warrior Training
12 Advancement Course of the Department of Veterans
13 Affairs; and

14 (2) methods to realize cost savings based on
15 such lessons learned.

16 (f) PARTNERSHIP.—The Secretary of Veterans Af-
17 fairs, the Secretaries concerned, and the Secretary of De-
18 fense may enter into a partnership to include the pilot pro-
19 gram under subsection (a) as part of the Skillbridge pro-
20 gram under section 1143 of title 10, United States Code.

21 (g) REPORTS.—

22 (1) INITIAL REPORT.—Not later than 60 days
23 after the date of the enactment of this Act, the Sec-
24 retary of Veterans Affairs and the Secretaries con-
25 cerned shall jointly submit to the appropriate con-

1 gressional committees a report on the pilot program
2 under subsection (a), including a description of how
3 the pilot program will be carried out in a manner to
4 reduce the unemployment of veterans.

5 (2) IMPLEMENTATION.—Not later than one
6 year after the date on which the pilot program under
7 subsection (a) commences, the Secretary of Veterans
8 Affairs and the Secretaries concerned shall jointly
9 submit to the appropriate congressional committees
10 a report on the implementation of the pilot program.

11 (3) FINAL REPORT.—Not later than one year
12 after the date on which the pilot program under sub-
13 section (a) is completed, the Secretary of Veterans
14 Affairs and the Secretaries concerned shall jointly
15 submit to the appropriate congressional committees
16 a report on the pilot program that includes the fol-
17 lowing:

18 (A) The number of veterans who applied to
19 participate in the pilot program.

20 (B) The number of such veterans employed
21 under the pilot program.

22 (C) The number of veterans identified in
23 subparagraph (B) who transitioned to full-time
24 positions with the Federal Government after
25 participating in the pilot program.

1 (D) Any other information the Secretaries
2 determine appropriate with respect to meas-
3 uring the effectiveness of the pilot program.

4 (h) DURATION.—The authority to carry out the pilot
5 program under subsection (a) shall terminate on the date
6 that is two years after the date on which the pilot program
7 commences.

8 (i) DEFINITIONS.—In this section:

9 (1) The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Veterans’ Affairs,
12 the Committee on Agriculture, and the Com-
13 mittee on Natural Resources of the House of
14 Representatives; and

15 (B) the Committee on Veterans’ Affairs,
16 the Committee on Agriculture, Nutrition, and
17 Forestry, and the Committee on Energy and
18 Natural Resources of the Senate.

19 (2) The term “resource management” means
20 approved conservation practices which, when prop-
21 erly planned and applied, work in tandem to provide
22 environmental conservation and protection for soil,
23 water, air, plant, and animal resources.

24 (3) The term “Secretary concerned” means—

1 (A) the Secretary of Agriculture with re-
2 spect to matters regarding the National Forest
3 System and the Department of Agriculture; and

4 (B) the Secretary of the Interior with re-
5 spect to matters regarding the National Park
6 System and the Department of the Interior.

7 **SEC. 5107. ELIMINATION OF ASSET AND INFRASTRUCTURE**
8 **REVIEW COMMISSION OF DEPARTMENT OF**
9 **VETERANS AFFAIRS.**

10 The VA Asset and Infrastructure Review Act of 2018
11 (subtitle A of title II of Public Law 115–182; 38 U.S.C.
12 8122 note) is amended by striking each section other than
13 sections 204(b) and 207.

14 **SEC. 5108. ELIGIBILITY REQUIREMENTS FOR REIMBURSE-**
15 **MENT FOR EMERGENCY TREATMENT FUR-**
16 **NISHED TO VETERANS.**

17 (a) ELIGIBILITY REQUIREMENTS.—Section
18 1725(b)(2)(B) of title 38, United States Code, is amended
19 by inserting “, unless such emergency treatment was fur-
20 nished during the 60-day period following the date on
21 which the veteran enrolled in the health care system speci-
22 fied in subparagraph (A), in which case no requirement
23 for prior receipt of care shall apply” before the period.

24 (b) APPLICABILITY.—The amendment made by sub-
25 section (a) shall apply with respect to emergency treat-

1 ment furnished on or after the date that is one year after
2 the date of the enactment of this Act.

3 **SEC. 5109. IMPROVING PROCESSING BY THE DEPARTMENT**
4 **OF VETERANS AFFAIRS OF DISABILITY**
5 **CLAIMS FOR POST-TRAUMATIC STRESS DIS-**
6 **ORDER.**

7 (a) TRAINING FOR CLAIMS PROCESSORS WHO HAN-
8 DLE CLAIMS RELATING TO POST-TRAUMATIC STRESS
9 DISORDER.—

10 (1) UPDATE TRAINING PROGRAMS.—Not later
11 than 180 days after the date of the enactment of
12 this Act, the Secretary of Veterans Affairs (in this
13 section referred to as the “Secretary”) shall, acting
14 through the Under Secretary for Benefits (in this
15 section referred to as the “Under Secretary”), up-
16 date an ongoing, national training program for
17 claims processors who review claims for compensa-
18 tion for service-connected post-traumatic stress dis-
19 order.

20 (2) PARTICIPATION REQUIRED.—Beginning on
21 the date that is 180 days after the date of the enact-
22 ment of this Act, the Secretary shall require that
23 each claims processor described in paragraph (1)
24 participates in the training established under para-
25 graph (1) at least once each year beginning in the

1 second year in which the claims processor carries out
2 the duties of the claims processor for the Depart-
3 ment.

4 (3) REQUIRED ELEMENTS.—The training estab-
5 lished under paragraph (1) shall include instruction
6 on stressor development and verification.

7 (b) STANDARDIZATION OF TRAINING AT REGIONAL
8 OFFICES.—Not later than 180 days after the date of the
9 enactment of this Act, the Secretary, acting through the
10 Under Secretary, shall standardize the training provided
11 at regional offices of the Veterans Benefits Administration
12 to the employees of such regional offices.

13 (c) FORMAL PROCESS FOR CONDUCT OF ANNUAL
14 ANALYSIS OF TRENDS.—Not later than 180 days after the
15 date of the enactment of this Act, the Secretary, acting
16 through the Under Secretary, shall establish a formal
17 process to analyze, on an annual basis, training needs
18 based on identified processing error trends.

19 (d) FORMAL PROCESS FOR CONDUCT OF ANNUAL
20 STUDIES.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary, acting through the Under Secretary, shall es-
24 tablish a formal process to conduct, on an annual

1 basis, studies to help guide the national training
2 program established under subsection (a)(1).

3 (2) ELEMENTS.—Each study conducted under
4 paragraph (1) shall cover the following:

5 (A) Military post-traumatic stress disorder
6 stressors.

7 (B) Decision-making claims for claims
8 processors.

9 (e) ANNUAL UPDATES TO POST-TRAUMATIC STRESS
10 DISORDER PROCEDURAL GUIDANCE.—Not later than 180
11 days after the date of the enactment of this Act and not
12 less frequently than once each year thereafter, the Sec-
13 retary, acting through the Under Secretary, shall evaluate
14 the guidance relating to post-traumatic stress disorder to
15 determine if updates are warranted to provide claims proc-
16 essors of the Department with better resources regarding
17 best practices for claims processing, including specific
18 guidance regarding development of claims involving com-
19 pensation for service-connected post-traumatic stress dis-
20 order.

21 **SEC. 5110. REGISTRY OF INDIVIDUALS EXPOSED TO PER-**
22 **AND POLYFLUOROALKYL SUBSTANCES ON**
23 **MILITARY INSTALLATIONS.**

24 (a) ESTABLISHMENT OF REGISTRY.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the Sec-
3 retary of Veterans Affairs shall—

4 (A) establish and maintain a registry for
5 eligible individuals who may have been exposed
6 to per- and polyfluoroalkyl substances (in this
7 section referred to as “PFAS”) due to the envi-
8 ronmental release of aqueous film-forming foam
9 (in this section referred to as “AFFF”) on mili-
10 tary installations to meet the requirements of
11 military specification MIL-F-24385F;

12 (B) include any information in such reg-
13 istry that the Secretary of Veterans Affairs de-
14 termines necessary to ascertain and monitor the
15 health effects of the exposure of members of the
16 Armed Forces to PFAS associated with AFFF;

17 (C) develop a public information campaign
18 to inform eligible individuals about the registry,
19 including how to register and the benefits of
20 registering; and

21 (D) periodically notify eligible individuals
22 of significant developments in the study and
23 treatment of conditions associated with expo-
24 sure to PFAS.

1 (2) COORDINATION.—The Secretary of Vet-
2 erans Affairs shall coordinate with the Secretary of
3 Defense in carrying out paragraph (1).

4 (b) REPORTS.—

5 (1) INITIAL REPORT.—Not later than two years
6 after the date on which the registry under subsection
7 (a) is established, the Secretary of Veterans Affairs
8 shall submit to Congress an initial report containing
9 the following:

10 (A) An assessment of the effectiveness of
11 actions taken by the Secretary of Veterans Af-
12 fairs and the Secretary of Defense to collect
13 and maintain information on the health effects
14 of exposure to PFAS.

15 (B) Recommendations to improve the col-
16 lection and maintenance of such information.

17 (C) Using established and previously pub-
18 lished epidemiological studies, recommendations
19 regarding the most effective and prudent means
20 of addressing the medical needs of eligible indi-
21 viduals with respect to exposure to PFAS.

22 (2) FOLLOW-UP REPORT.—Not later than five
23 years after submitting the initial report under para-
24 graph (1), the Secretary of Veterans Affairs shall

1 submit to Congress a follow-up report containing the
2 following:

3 (A) An update to the initial report sub-
4 mitted under paragraph (1).

5 (B) An assessment of whether and to what
6 degree the content of the registry established
7 under subsection (a) is current and scientif-
8 ically up-to-date.

9 (3) INDEPENDENT SCIENTIFIC ORGANIZA-
10 TION.—The Secretary of Veterans Affairs shall enter
11 into an agreement with an independent scientific or-
12 ganization to prepare the reports under paragraphs
13 (1) and (2).

14 (c) RECOMMENDATIONS FOR ADDITIONAL EXPO-
15 SURES TO BE INCLUDED.—Not later than five years after
16 the date of the enactment of this Act, and every five years
17 thereafter, the Secretary of Veterans Affairs, in consulta-
18 tion with the Secretary of Defense and the Administrator
19 of the Environmental Protection Agency, shall submit to
20 Congress recommendations for additional chemicals with
21 respect to which individuals exposed to such chemicals
22 should be included in the registry established under sub-
23 section (a).

24 (d) ELIGIBLE INDIVIDUAL DEFINED.—In this sec-
25 tion, the term “eligible individual” means any individual

1 who, on or after a date specified by the Secretary of Vet-
 2 erans Affairs through regulations, served or is serving in
 3 the Armed Forces at a military installation where AFFF
 4 was used or at another location of the Department of De-
 5 fense where AFFF was used.

6 **SEC. 5111. DEPARTMENT OF VETERANS AFFAIRS ADVISORY**
 7 **COMMITTEE ON UNITED STATES OUTLYING**
 8 **AREAS AND FREELY ASSOCIATED STATES.**

9 (a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

10 (1) IN GENERAL.—Subchapter III of chapter 5
 11 of title 38, United States Code, is amended by add-
 12 ing at the end the following new section:

13 **“§ 548. Advisory Committee on United States Out-**
 14 **lying Areas and Freely Associated States**

15 “(a) ESTABLISHMENT.—The Secretary shall estab-
 16 lish an advisory committee, to be known as the ‘Advisory
 17 Committee on United States Outlying Areas and Freely
 18 Associated States’, to provide advice and guidance to the
 19 Secretary on matters relating to covered veterans.

20 “(b) DUTIES.—The duties of the Committee shall be
 21 the following:

22 “(1) To advise the Secretary on matters relat-
 23 ing to covered veterans, including how the Secretary
 24 can improve the programs and services of the De-
 25 partment to better serve such veterans.

1 “(2) To identify for the Secretary evolving
2 issues of relevance to covered veterans.

3 “(3) To propose clarifications, recommenda-
4 tions, and solutions to address issues raised by cov-
5 ered veterans.

6 “(4) To provide a forum for covered veterans,
7 veterans service organizations serving covered vet-
8 erans, and the Department to discuss issues and
9 proposals for changes to regulations, policies, and
10 procedures of the Department.

11 “(5) To identify priorities for and provide ad-
12 vice to the Secretary on appropriate strategies for
13 consultation with veterans service organizations serv-
14 ing covered veterans.

15 “(6) To encourage the Secretary to work with
16 other departments and agencies of the Federal Gov-
17 ernment and Congress to ensure covered veterans
18 are provided the full benefits of their status as cov-
19 ered veterans.

20 “(7) To highlight contributions of covered vet-
21 erans in the Armed Forces.

22 “(8) To conduct other duties as determined ap-
23 propriate by the Secretary.

1 “(c) MEMBERSHIP.—(1) The Committee shall be
2 comprised of 15 voting members appointed by the Sec-
3 retary.

4 “(2) In appointing members pursuant to paragraph
5 (1), the Secretary shall ensure the following:

6 “(A) At least one member is appointed to rep-
7 resent covered veterans in each of the following
8 areas:

9 “(i) American Samoa.

10 “(ii) Guam.

11 “(iii) Puerto Rico.

12 “(iv) The Commonwealth of the Northern
13 Mariana Islands.

14 “(v) The Virgin Islands of the United
15 States.

16 “(vi) The Federated States of Micronesia.

17 “(vii) The Republic of the Marshall Is-
18 lands.

19 “(viii) The Republic of Palau.

20 “(B) Not fewer than half of the members ap-
21 pointed are covered veterans, unless the Secretary
22 determines that an insufficient number of qualified
23 covered veterans are available.

24 “(C) Each member appointed resides in an area
25 specified in subparagraph (A).

1 “(3) In appointing members pursuant to paragraph
2 (1), the Secretary may consult with any Member of Con-
3 gress who represents an area specified in paragraph
4 (2)(A).

5 “(d) TERMS; VACANCIES.—(1) A member of the
6 Committee—

7 “(A) shall be appointed for a term of two years;
8 and

9 “(B) may be reappointed to serve an additional
10 2-year term.

11 “(2) Not later than 180 days after receiving notice
12 of a vacancy in the Committee, the Secretary shall fill the
13 vacancy in the same manner as the original appointment.

14 “(e) MEETING FORMAT AND FREQUENCY.—(1) Ex-
15 cept as provided in paragraph (2), the Committee shall
16 meet in-person with the Secretary not less frequently than
17 once each year and hold monthly conference calls as nec-
18 essary.

19 “(2) Meetings held under paragraph (1) may be con-
20 ducted virtually if determined necessary based on—

21 “(A) Department protocols; and

22 “(B) timing and budget considerations.

23 “(f) ADDITIONAL REPRESENTATION.—(1) Rep-
24 resentatives of relevant departments and agencies of the

1 Federal Government may attend meetings of the Com-
2 mittee and provide information to the Committee.

3 “(2) One representative of the Department shall at-
4 tend each meeting of the Committee.

5 “(3) Representatives attending meetings under this
6 subsection—

7 “(A) shall not be considered voting members of
8 the Committee; and

9 “(B) may not receive additional compensation
10 for services performed with respect to the Com-
11 mittee.

12 “(g) SUBCOMMITTEES.—(1) The Committee may es-
13 tablish subcommittees.

14 “(2) The Secretary may, in consultation with the
15 Committee, appoint a member to a subcommittee estab-
16 lished under paragraph (1) who is not a member of the
17 Committee.

18 “(3) A subcommittee established under paragraph (1)
19 may enhance the function of the Committee, but may not
20 supersede the authority of the Committee or provide direct
21 advice or work products to the Secretary.

22 “(h) REPORTS.—(1) Not less frequently than once
23 every 2 years, the Committee shall submit to the Secretary
24 and the appropriate committees of Congress a report—

1 “(A) containing such recommendations as the
2 Committee may have for legislative or administrative
3 action; and

4 “(B) describing the activities of the Committee
5 during the previous two years.

6 “(2) Not later than 120 days after the date on which
7 the Secretary receives a report under paragraph (1), the
8 Secretary shall submit to the appropriate committees of
9 Congress a written response to the report after—

10 “(A) giving the Committee an opportunity to
11 review such written response; and

12 “(B) including in such written response any
13 comments the Committee considers appropriate.

14 “(3) The Secretary shall make publicly available on
15 an internet website of the Department—

16 “(A) each report the Secretary receives under
17 paragraph (1);

18 “(B) each written response the Secretary sub-
19 mits under paragraph (2); and

20 “(C) each report the Secretary receives under
21 paragraph (3).

22 “(i) COMMITTEE PERSONNEL MATTERS.—A member
23 of the Committee shall be allowed travel expenses, includ-
24 ing per diem in lieu of subsistence, at rates authorized
25 for an employee of an agency under subchapter I of chap-

1 ter 57 of title 5 while away from the home or regular place
2 of business of the member in the performance of the duties
3 of the Committee.

4 “(j) CONSULTATION.—In carrying out this section,
5 the Secretary shall consult with veterans service organiza-
6 tions serving covered veterans.

7 “(k) TERMINATION.—The Committee shall terminate
8 on the date that is 10 years after the date of the enact-
9 ment of this section.

10 “(l) DEFINITIONS.—In this section:

11 “(1) The term ‘appropriate committees of Con-
12 gress’ means—

13 “(A) the Committee on Veterans’ Affairs
14 of the House of Representatives; and

15 “(B) the Committee on Veterans’ Affairs
16 of the Senate.

17 “(2) The term ‘Committee’ means the Advisory
18 Committee on United States Outlying Areas and
19 Freely Associated States established under sub-
20 section (a).

21 “(3) The term ‘covered veteran’ means a vet-
22 eran residing in an area specified in subsection
23 (c)(2)(A).

1 “(4) The term ‘veterans service organization
2 serving covered veterans’ means any organization
3 that—

4 “(A) serves the interests of covered vet-
5 erans;

6 “(B) has covered veterans in substantive
7 and policymaking positions within the organiza-
8 tion; and

9 “(C) has demonstrated experience working
10 with covered veterans.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 5 of such title is
13 amended by inserting after the item relating to sec-
14 tion 547 the following new item:

“548. Advisory Committee on United States Outlying Areas and Freely Associ-
ated States.”.

15 (b) DEADLINE FOR ESTABLISHMENT.—Not later
16 than 180 days after the date of the enactment of this Act,
17 the Secretary of Veterans Affairs shall establish the advi-
18 sory committee required by section 548 of title 38, United
19 States Code, as added by subsection (a)(1) of this section.

20 (c) DEADLINE FOR INITIAL APPOINTMENTS.—Not
21 later than 90 days after the date on which the Secretary
22 establishes the advisory committee required by such sec-
23 tion 548, the Secretary shall appoint the members of such
24 advisory committee.

1 (d) INITIAL MEETING.—Not later than 180 days
2 after the date on which the Secretary establishes the advi-
3 sory committee required by such section 548, such advi-
4 sory committee shall hold its first meeting.

5 **SEC. 5112. REPORT ON BARRIERS TO VETERAN PARTICIPA-**
6 **TION IN FEDERAL HOUSING PROGRAMS.**

7 Not later than one year after the date of the enact-
8 ment of this Act, the Secretary of Veterans Affairs, in co-
9 ordination with the Secretary of Housing and Urban De-
10 velopment, shall submit to Congress a report on the bar-
11 riers veterans experience related to receiving benefits
12 under Federal housing programs, including barriers faced
13 by veterans based on their membership in one or more
14 protected classes under the Fair Housing Act (42 U.S.C.
15 3601 et seq.), being part of a multi-generational house-
16 hold, and any other barriers as determined appropriate by
17 the Secretary.

18 **SEC. 5113. DEPARTMENT OF VETERANS AFFAIRS REPORT**
19 **ON SUPPORTIVE SERVICES AND HOUSING IN-**
20 **SECURITY.**

21 Not later than one year after the date of the enact-
22 ment of this Act, the Secretary of Veterans Affairs, in co-
23 ordination with the Secretary of Housing and Urban De-
24 velopment and the Secretary of Labor, shall submit to
25 Congress a report on how often and what type of sup-

1 portive services (including career transition and mental
2 health services and services for elderly veterans) are being
3 offered to and used by veterans, and any correlation be-
4 tween a lack of supportive services programs and the like-
5 lihood of veterans falling back into housing insecurity. The
6 Secretary of Veterans Affairs shall ensure that any med-
7 ical information included in the report is de-identified.

8 **SEC. 5114. INCLUSION ON THE VIETNAM VETERANS MEMO-**
9 **RIAL WALL OF THE NAMES OF THE LOST**
10 **CREW MEMBERS OF THE U.S.S. FRANK E.**
11 **EVANS KILLED ON JUNE 3, 1969.**

12 (a) IN GENERAL.—Not later than 18 months after
13 the date of enactment of this Act, the Secretary of Defense
14 shall authorize the inclusion on the Vietnam Veterans Me-
15 morial Wall in the District of Columbia of the names of
16 the 74 crew members of the U.S.S. Frank E. Evans in
17 service who were killed on June 3, 1969.

18 (b) REQUIRED CONSULTATION.—The Secretary of
19 Defense shall consult with the Secretary of the Interior,
20 the American Battlefield Monuments Commission, and
21 other applicable authorities with respect to any adjust-
22 ments to the nomenclature and placement of names pursu-
23 ant to subsection (a) to address any space limitations on
24 the placement of additional names on the Vietnam Vet-
25 erans Memorial Wall.

1 (c) NONAPPLICABILITY OF COMMEMORATIVE WORKS
2 ACT.—Chapter 89 of title 40, United States Code (com-
3 monly known as the “Commemorative Works Act”), shall
4 not apply to any activities carried out under subsection
5 (a) or (b).

6 **SEC. 5115. PROVISION OF HEALTH CARE BENEFITS FOR**
7 **CERTAIN INDIVIDUALS WHO SERVED IN THE**
8 **ARMED FORCES OF THE REPUBLIC OF**
9 **KOREA.**

10 Section 109 of title 38, United States Code, is
11 amended by adding at the end the following new sub-
12 section:

13 “(d)(1) Any person described in paragraph (2) shall
14 be entitled to hospital and domiciliary care and medical
15 services within the United States under chapter 17 of this
16 title to the same extent as if the service described in such
17 paragraph had been performed in the Armed Forces of
18 the United States.

19 “(2) A person described in this paragraph is a person
20 whom the Secretary determines meets the following cri-
21 teria:

22 “(A) The person served in Vietnam as a mem-
23 ber of the armed forces of the Republic of Korea at
24 any time during the period beginning on January 9,
25 1962, and ending on May 7, 1975, or such other pe-

1 riod as determined appropriate by the Secretary for
2 purposes of this subsection.

3 “(B) The person became a citizen of the United
4 States on or after the date on which such service in
5 the armed forces of the Republic of Korea ended.”.

6 **SEC. 5116. GRANTS FOR PROVISION OF TRANSITION AS-**
7 **SISTANCE TO MEMBERS AND FORMER MEM-**
8 **BERS OF THE ARMED FORCES AFTER SEPA-**
9 **RATION, RETIREMENT, OR DISCHARGE.**

10 (a) IN GENERAL.—Commencing not later than 180
11 days after the date of the enactment of this Act, the Sec-
12 retary of Labor shall, in coordination with the Secretary
13 of Veterans Affairs, carry out a program to award grants
14 to eligible organizations for the provision of assistance to
15 covered individuals on the transition of a member or
16 former member of the Armed Forces from service in the
17 Armed Forces to civilian life.

18 (b) COVERED INDIVIDUALS.—For purposes of this
19 section, a covered individual is—

20 (1) a member of the Armed Forces who is eligi-
21 ble for preseparation counseling under sections 1142
22 and 1144 of title 10, United States Code;

23 (2) a former member of the Armed Forces who
24 is transitioning from service in the Armed Forces to
25 civilian life; or

1 (3) a spouse of a member described in para-
2 graph (1) or a former member described in para-
3 graph (2).

4 (c) DURATION OF PROGRAM.—The Secretary of
5 Labor shall carry out the program during the 5-year pe-
6 riod beginning on the date of the commencement of the
7 program.

8 (d) GRANTS.—

9 (1) IN GENERAL.—The Secretary of Labor shall
10 carry out the program through the award of grants
11 to eligible organizations for the provision of assist-
12 ance described in subsection (a).

13 (2) MATCHING FUNDS REQUIRED.—A grant
14 under this section shall be in an amount that does
15 not exceed 50 percent of the amount required by the
16 organization to provide the services described in sub-
17 section (g).

18 (e) ELIGIBLE ORGANIZATIONS.—For purposes of this
19 section, an eligible organization is any nonprofit organiza-
20 tion, including workforce boards or Veterans Service Orga-
21 nizations, that the Secretary of Labor determines, in con-
22 sultation with the Secretary of Veterans Affairs, is suit-
23 able for receipt of a grant under the program pursuant
24 to receipt by the Secretary of Labor of an application sub-
25 mitted under subsection (f)(1).

1 (f) SELECTION OF GRANT RECIPIENTS.—

2 (1) APPLICATIONS.—An organization seeking a
3 grant under the program shall submit to the Sec-
4 retary of Labor an application therefor at such time,
5 in such manner, and containing such information
6 and assurances as the Secretary, in consultation
7 with the Secretary of Veterans Affairs, may require.

8 (2) PRIORITY FOR HUBS OF SERVICES.—In
9 awarding grants under the program, the Secretary
10 of Labor shall give priority to an organization that
11 provides multiple forms of services described in sub-
12 section (g).

13 (g) USE OF FUNDS.—The recipient of a grant under
14 the program shall use the grant to coordinate for covered
15 individuals the following:

16 (1) Career and training services, including the
17 provision of such services available through the
18 workforce development system.

19 (2) Mental health services.

20 (3) Legal assistance.

21 (4) Supportive services.

22 (5) Assistance with accessing benefits provided
23 under laws administered by the Secretary of Vet-
24 erans Affairs.

25 (6) Non-clinical case management.

1 (7) Entrepreneurship training.

2 (8) Such other services that may be related to
3 the assistance and services set forth in this sub-
4 section as the Secretary of Labor determines may
5 lead directly to successful transition to civilian life.

6 (h) INCLUSION IN TRANSITION ASSISTANCE PRO-
7 GRAM COUNSELING.—The Secretary concerned shall in-
8 clude in the information provided to a member of the
9 Armed Forces during the Transition Assistance Program
10 information regarding any recipient of a grant under this
11 section that is located in the community in which that
12 member will reside after separation, retirement, or dis-
13 charge from the Armed Forces.

14 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated \$10,000,000 to carry out
16 this section.

17 (j) DEFINITIONS.—In this section:

18 (1) Except as otherwise provided, any term
19 used in this Act that is defined in section 3 of the
20 Workforce Innovation and Opportunity Act (29
21 U.S.C. 3102) shall have the meaning given to such
22 term in such section.

23 (2) The term “nonprofit organization” is an or-
24 ganization that is described in section 501(c)(3) of

1 the Internal Revenue Code of 1986 and is exempt
2 from taxation under section 501(a) of such Code.

3 (3) The term “Secretary concerned” has the
4 meaning given such term in section 101 of title 10,
5 United States Code.

6 (4) The term “Transition Assistance Program”
7 means the Transition Assistance Program under sec-
8 tions 1142 and 1144 of title 10, United States Code.

9 **SEC. 5117. STUDY ON INCIDENCE AND MORTALITY OF CAN-**
10 **CER AMONG FORMER AIRCREW OF THE**
11 **NAVY, AIR FORCE, AND MARINE CORPS.**

12 (a) STUDY.—Not later than 60 days after the date
13 of the enactment of this Act, the Secretary of Veterans
14 Affairs shall seek to enter into an agreement with the Na-
15 tional Academies of Sciences, Engineering, and Medicine
16 under which the National Academies shall conduct a study
17 of the incidence and mortality of cancers among covered
18 individuals.

19 (b) MATTERS INCLUDED.—The study under sub-
20 section (a) shall include the following:

21 (1) Identification of chemicals, compounds,
22 agents, and other phenomena that cause elevated
23 cancer incidence and mortality risks among covered
24 individuals, including a nexus study design to deter-
25 mine whether there is a scientifically established

1 causal link between such a chemical, compound,
2 agent, or other phenomena and such cancer inci-
3 dence or mortality risk.

4 (2) An assessment of not fewer than 10 types
5 of cancer that are of the greatest concern with re-
6 spect to exposure by covered individuals to the
7 chemicals, compounds, agents, and other phenomena
8 identified under paragraph (1), which may include
9 colon and rectum cancers, pancreatic cancer, mela-
10 noma skin cancer, prostate cancer, testis cancer, uri-
11 nary bladder cancer, kidney cancer, brain cancer,
12 thyroid cancer, lung cancer, and non-Hodgkin
13 lymphoma.

14 (3) A review of all available sources of relevant
15 data, including health care databases of the Depart-
16 ment of Veterans Affairs and the Department of De-
17 fense and the national death index, and the study
18 conducted under section 750 of the William M.
19 (Mac) Thornberry National Defense Authorization
20 Act for Fiscal Year 2021 (Public Law 116–283; 134
21 Stat. 3716).

22 (c) SUBMISSION.—

23 (1) STUDY.—Upon completion of the study
24 under subsection (a), the National Academies shall
25 submit to the Secretary of Veterans Affairs, the Sec-

1 retary of Defense, the Secretary of the Navy, the
2 Secretary of the Air Force, and the Committees on
3 Veterans' Affairs of the House of Representatives
4 and the Senate the study.

5 (2) REPORT.—Not later than December 31,
6 2025, the Secretary of Veterans Affairs shall submit
7 to the Committees on Veterans' Affairs of the House
8 of Representatives and the Senate a report on the
9 study under subsection (a), including—

10 (A) the specific actions the Secretary is
11 taking to ensure that the study informs the
12 evaluation of disability claims made to the Sec-
13 retary, including with respect to providing guid-
14 ance to claims examiners and revising the
15 schedule of ratings for disabilities under chap-
16 ter 11 of title 38, United States Code; and

17 (B) any recommendations of the Secretary.

18 (3) FORM.—The report under paragraph (2)
19 shall be submitted in unclassified form.

20 (d) COVERED INDIVIDUAL DEFINED.—In this sec-
21 tion, the term “covered individual” means an individual
22 who served in the regular or reserve components of the
23 Navy, Air Force, or Marine Corps, as an air crew member
24 of a fixed-wing aircraft or personnel supporting generation
25 of the aircraft, including pilots, navigators, weapons sys-

1 tems operators, aircraft system operators, personnel asso-
2 ciated with aircraft maintenance, supply, logistics, fuels,
3 or transportation, and any other crew member who regu-
4 larly flew in an aircraft or was required to complete the
5 mission of the aircraft.

6 **SEC. 5118. FEASIBILITY STUDY ON INCLUSION ON THE**
7 **VIETNAM VETERANS MEMORIAL WALL OF**
8 **THE NAMES OF THE LOST CREW MEMBERS**
9 **OF THE USS FRANK E. EVANS KILLED ON**
10 **JUNE 3, 1969.**

11 (a) IN GENERAL.—The Secretary of Defense shall
12 conduct a study to determine the feasibility of including
13 on the Vietnam Veterans Memorial Wall in the District
14 of Columbia the names of the 74 crew members of the
15 USS Frank E. Evans in service who were killed on June
16 3, 1969. Such study shall include a determination of—

- 17 (1) the cost of including such names; and
18 (2) whether there is sufficient space on the
19 Wall for the inclusion of such names.

20 (b) CONSULTATION.—In conducting the study re-
21 quired under subsection, the Secretary shall consult with
22 members of the Frank E. Evans Association, as well as
23 survivors and family members of the crew members who
24 were killed.

1 **SEC. 5119. LIMITATION ON COPAYMENTS FOR CONTRACEP-**
2 **TION.**

3 Section 1722A(a)(2) of title 38, United States Code,
4 is amended—

5 (1) by striking “to pay” and all that follows
6 through the period and inserting “to pay—”; and

7 (2) by adding at the end the following new sub-
8 paragraphs:

9 “(A) an amount in excess of the cost to
10 the Secretary for medication described in para-
11 graph (1); or

12 “(B) an amount for any contraceptive item
13 for which coverage under health insurance cov-
14 erage is required without the imposition of any
15 cost-sharing requirement pursuant to section
16 2713(a)(4) of the Public Health Service Act (42
17 U.S.C. 300gg–13(a)(4)).”.

18 **SEC. 5120. REQUIREMENT FOR TIMELY SCHEDULING OF**
19 **APPOINTMENTS AT MEDICAL FACILITIES OF**
20 **DEPARTMENT OF VETERANS AFFAIRS.**

21 (a) REQUIREMENT.—Chapter 17 of title 38, United
22 States Code, is amended—

23 (1) by redesignating section 1706A as section
24 1706B; and

25 (2) by inserting after section 1706 the following
26 new section:

1 **“§ 1706A. Management of health care: timely sched-**
2 **uling of appointments at Department fa-**
3 **cilities**

4 “(a) REQUIREMENT FOR SCHEDULING.—In man-
5 aging the provision of hospital care and medical services
6 at medical facilities of the Department of Veterans Affairs
7 under this chapter, the Secretary shall ensure that when-
8 ever a covered veteran contacts the Department by tele-
9 phone to request the scheduling of an appointment for
10 care or services for the covered veteran at such a facility,
11 the scheduling for the appointment occurs during that
12 telephone call (regardless of the prospective date of the
13 appointment being scheduled).

14 “(b) COVERED VETERAN DEFINED.—In this section,
15 the term ‘covered veteran’ means a veteran who is enrolled
16 in the system of patient enrollment of the Department
17 under section 1705(a) of this title.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by striking
20 the item relating to section 1706A and inserting the fol-
21 lowing new items:

“1706A. Management of health care: timely scheduling of appointments at De-
partment facilities.

“1706B. Remediation of medical service lines.”.

22 (c) APPLICABILITY.—The amendments made by sub-
23 section (a) shall apply with respect to requests for appoint-

1 ment scheduling occurring on or after the date that is 120
2 days after the date of the enactment of this Act.

3 **SEC. 5121. PROVISION BY DEPARTMENT OF VETERANS AF-**
4 **FAIRS HEALTH CARE PROVIDERS OF REC-**
5 **COMMENDATIONS AND OPINIONS REGARDING**
6 **VETERAN PARTICIPATION IN STATE MARI-**
7 **JUANA PROGRAMS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, the Secretary of Veterans Affairs shall author-
10 ize physicians and other health care providers employed
11 by the Department of Veterans Affairs to—

12 (1) provide recommendations and opinions to
13 veterans who are residents of States with State
14 marijuana programs regarding the participation of
15 veterans in such State marijuana programs; and

16 (2) complete forms reflecting such recommenda-
17 tions and opinions.

18 (b) STATE DEFINED.—In this section, the term
19 “State” means each of the several States, the District of
20 Columbia, the Commonwealth of Puerto Rico, any terri-
21 tory or possession of the United States, and each federally
22 recognized Indian Tribe.

1 **SEC. 5122. ANNUAL REPORT FROM THE ADVISORY COM-**
2 **MITTEE ON WOMEN VETERANS.**

3 Subsection (c)(1) of section 542 of title 38, United
4 States Code, is amended by striking “even-numbered
5 year” and inserting “year”.

6 **SEC. 5123. VA PAYMENTS OR ALLOWANCES FOR BENE-**
7 **FICIARY TRAVEL.**

8 Section 111(g) of title 38, United States Code, is
9 amended—

10 (1) by striking “(1) Beginning one year after
11 the date of the enactment of the Caregivers and Vet-
12 erans Omnibus Health Services Act of 2010, the
13 Secretary may” and inserting “The Secretary shall”;

14 (2) by striking “to be” and inserting “to be at
15 least”; and

16 (3) by striking paragraph (2).

17 **SEC. 5124. IMPROVEMENT OF VET CENTERS AT DEPART-**
18 **MENT OF VETERANS AFFAIRS.**

19 (a) PRODUCTIVITY EXPECTATIONS FOR READJUST-
20 MENT COUNSELORS OF VET CENTERS.—

21 (1) EVALUATION OF PRODUCTIVITY EXPECTA-
22 TIONS.—Not later than one year after the date of
23 the enactment of this Act, the Secretary of Veterans
24 Affairs shall evaluate productivity expectations for
25 readjustment counselors of Vet Centers, including by
26 obtaining systematic feedback from counselors on

1 such expectations, including with respect to fol-
2 lowing:

3 (A) Any potential effects of productivity
4 expectations, whether positive or negative, on
5 client care and the welfare of readjustment
6 counselors.

7 (B) Distances readjustment counselors
8 may travel to appointments, especially with re-
9 spect to serving rural veterans.

10 (C) The possibility that some veterans may
11 not want to use nor benefit from telehealth or
12 group counseling.

13 (D) Availability and access of veteran pop-
14 ulations to broadband and telehealth.

15 (E) Any effect of productivity expectations
16 on readjustment counselors, including with re-
17 spect to recruitment, retention, and welfare.

18 (F) Whether productivity expectations pro-
19 vide incentives or pressure to inaccurately re-
20 port client visits.

21 (G) Whether directors and readjustment
22 counselors of Vet Centers need additional train-
23 ing or guidance on how productivity expecta-
24 tions are calculated.

1 (H) Such other criteria as the Secretary
2 considers appropriate.

3 (2) SYSTEMATIC FEEDBACK.—

4 (A) IN GENERAL.—The Secretary shall—

5 (i) make every effort to ensure that all
6 readjustment counselors of Vet Centers are
7 given the opportunity to fully provide feed-
8 back, positive or negative, including
9 through a survey containing open- and
10 close-ended questions, on all items under
11 paragraph (1);

12 (ii) in obtaining feedback under para-
13 graph (1), ensure that the items under
14 paragraph (1) are adequately and com-
15 pletely addressed in a way that permits re-
16 sponses to be relevant to the evaluation of
17 productivity expectations;

18 (iii) collect and safely store the feed-
19 back obtained under paragraph (1)—

20 (I) in an electronic database that
21 cannot be altered by any party;

22 (II) in an anonymized manner, in
23 order to protect the privacy of each
24 respondent; and

1 (III) in a manner that allows for
2 evaluation by third parties of the feed-
3 back, such as audit of the feedback by
4 the Government Accountability Office;
5 and

6 (iv) provide the feedback obtained
7 under paragraph (1) in an anonymized
8 manner to the working group established
9 under subsection (c).

10 (B) GOVERNMENT ACCOUNTABILITY OF-
11 FICE AUDIT.—Not less frequently than once
12 each year during the five-year period beginning
13 on the date of the enactment of this Act, the
14 Comptroller General of the United States shall
15 audit the feedback obtained from readjustment
16 counselors of Vet Centers under paragraph (1).

17 (3) IMPLEMENTATION OF CHANGES.—Not later
18 than 90 days after the date of the completion of the
19 evaluation required by paragraph (1), the Secretary
20 shall implement any needed changes to the produc-
21 tivity expectations described in such paragraph in
22 order to ensure—

23 (A) quality of care and access to care for
24 veterans; and

25 (B) the welfare of readjustment counselors.

1 (4) REPORT TO CONGRESS.—Not later than
2 180 days after the date of the completion of the
3 evaluation required by paragraph (1), the Secretary
4 shall submit to Congress a report on—

5 (A) the findings of the evaluation; and

6 (B) any planned or implemented changes
7 described in paragraph (3).

8 (5) PLAN FOR REASSESSMENT AND IMPLEMEN-
9 TATION.—

10 (A) PLAN.—Not later than one year after
11 the date of the enactment of this Act, the Sec-
12 retary shall develop and implement a plan for—

13 (i) reassessing productivity expecta-
14 tions for readjustment counselors of Vet
15 Centers, in consultation with such coun-
16 selors; and

17 (ii) implementing any needed changes
18 to such expectations, as the Secretary de-
19 termines appropriate.

20 (B) REASSESSMENTS.—Under the plan re-
21 quired by subparagraph (A), the Secretary shall
22 conduct a reassessment described in such para-
23 graph not less frequently than once each year.

24 (b) STAFFING MODEL FOR VET CENTERS.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the Sec-
3 retary of Veterans Affairs shall develop and imple-
4 ment a staffing model for Vet Centers that incor-
5 porates key practices in the design of such staffing
6 model.

7 (2) ELEMENTS.—In developing the staffing
8 model under paragraph (1), the Secretary shall—

9 (A) involve key stakeholders, including re-
10 adjustment counselors, outreach specialists, and
11 directors of Vet Centers;

12 (B) incorporate key work activities and the
13 frequency and time required to conduct such
14 activities;

15 (C) ensure the data used in the model is
16 high quality to provide assurance that staffing
17 estimates are reliable; and

18 (D) incorporate—

19 (i) risk factors, including case com-
20 plexity;

21 (ii) geography;

22 (iii) availability, advisability, and will-
23 ingness of veterans to use telehealth or
24 group counseling; and

1 (iv) such other factors as the Sec-
2 retary considers appropriate.

3 (3) PLAN FOR ASSESSMENTS AND UPDATES.—

4 Not later than one year after the date of the enact-
5 ment of this Act, the Secretary shall develop a plan
6 for—

7 (A) assessing and updating the staffing
8 model developed and implemented under para-
9 graph (1) not less frequently than once every
10 four years; and

11 (B) implementing any needed changes to
12 such model, as the Secretary determines appro-
13 priate.

14 (c) WORKING GROUP OF READJUSTMENT COUN-
15 SELORS, OUTREACH SPECIALISTS, AND DIRECTORS OF
16 VET CENTERS.—

17 (1) IN GENERAL.—In conducting the evaluation
18 of productivity expectations under subsection (a) (1)
19 and developing the staffing model for Vet Centers
20 under subsection (b)(1), the Secretary of Veterans
21 Affairs shall establish a working group to assess—

22 (A) the efficacy, impact, and composition
23 of performance metrics for such expectations
24 with respect to—

1 (i) quality of care and access to care
2 for veterans; and

3 (ii) the welfare of readjustment coun-
4 selors and other employees of Vet Centers;
5 and

6 (B) key considerations for the development
7 of such staffing model, including with respect
8 to—

9 (i) quality of care and access to care
10 for veterans and other individuals eligible
11 for care through Vet Centers; and

12 (ii) recruitment, retention, and wel-
13 fare of employees of Vet Centers.

14 (2) MEMBERSHIP.—The working group estab-
15 lished under paragraph (1) shall be composed of re-
16 adjustment counselors, outreach specialists, and di-
17 rectors of Vet Centers.

18 (3) FEEDBACK AND RECOMMENDATIONS.—The
19 working group established under paragraph (1) shall
20 provide to the Secretary—

21 (A) feedback from readjustment coun-
22 selors, outreach specialists, and directors of Vet
23 Centers; and

24 (B) recommendations on how to improve—

1 (i) quality of care and access to care
2 for veterans; and

3 (ii) the welfare of readjustment coun-
4 selors and other employees of Vet Centers.

5 (d) IMPROVEMENTS OF HIRING PRACTICES AT VET
6 CENTERS.—

7 (1) STANDARDIZATION OF POSITION DESCRIP-
8 TIONS.—

9 (A) IN GENERAL.—Not later than one year
10 after the date of the enactment of this Act, the
11 Secretary of Veterans Affairs shall standardize
12 descriptions of position responsibilities at Vet
13 Centers.

14 (B) REPORTING REQUIREMENT.—In each
15 of the first two annual reports submitted under
16 section 7309(e) of title 38, United States Code,
17 after the date of the enactment of this Act, the
18 Secretary shall include a description of the ac-
19 tions taken by the Secretary to carry out sub-
20 paragraph (A).

21 (2) EXPANSION OF REPORTING REQUIREMENTS
22 ON READJUSTMENT COUNSELING TO INCLUDE AC-
23 TIONS TO REDUCE STAFFING VACANCIES AND TIME
24 TO HIRE.—Section 7309(e)(2) of title 38, United

1 States Code, is amended by adding at the end the
2 following new subparagraph:

3 “(D) A description of actions taken by the Sec-
4 retary to reduce—

5 “(i) vacancies in counselor positions in the
6 Readjustment Counseling Service; and

7 “(ii) the time it takes to hire such coun-
8 selors.”.

9 (e) REPORT BY GOVERNMENT ACCOUNTABILITY OF-
10 FICE ON VET CENTER INFRASTRUCTURE AND FUTURE
11 INVESTMENTS.—

12 (1) IN GENERAL.—Not later than one year
13 after the date of the enactment of this Act, the
14 Comptroller General of the United States shall sub-
15 mit to Congress a report on physical infrastructure
16 and future investments with respect to Vet Centers.

17 (2) ELEMENTS.—The report required by para-
18 graph (1) shall include the following:

19 (A) An assessment of—

20 (i) the condition of the physical infra-
21 structure of all assets of Vet Centers,
22 whether owned or leased by the Depart-
23 ment of Veterans Affairs; and

24 (ii) the short-, medium-, and long-
25 term plans of the Department to maintain

1 and upgrade the physical infrastructure of
2 Vet Centers to address the operational
3 needs of Vet Centers as of the date of the
4 submittal of the report and future needs.

5 (B) An assessment of management and
6 strategic planning for the physical infrastruc-
7 ture of Vet Centers, including whether the De-
8 partment should buy or lease existing or addi-
9 tional locations in areas with stable or growing
10 populations of veterans.

11 (C) An assessment of whether, as of the
12 date of the submittal of the report, Vet Center
13 buildings, mobile Vet Centers, community ac-
14 cess points, and similar infrastructure are suffi-
15 cient to care for veterans or if such infrastruc-
16 ture is negatively affecting care due to limited
17 space for veterans and Vet Center personnel or
18 other factors.

19 (D) An assessment of the areas with the
20 greatest need for investments in—

21 (i) improved physical infrastructure,
22 including upgraded Vet Centers; or

23 (ii) additional physical infrastructure
24 for Vet Centers, including new Vet Centers
25 owned or leased by the Department.

1 (E) A description of the authorities and re-
2 sources that may be required for the Secretary
3 to make such investments.

4 (F) A review of all annual reports sub-
5 mitted under 7309(e) of title 38, United States
6 Code, before the date of the submittal of the re-
7 port under paragraph (1).

8 (f) PILOT PROGRAM TO COMBAT FOOD INSECURITY
9 AMONG VETERANS AND FAMILY MEMBERS OF VET-
10 ERANS.—

11 (1) IN GENERAL.—Not later than 18 months
12 after the date of the enactment of this Act, the Sec-
13 retary of Veterans Affairs shall establish a pilot pro-
14 gram to award grants to eligible entities to support
15 partnerships that address food insecurity among vet-
16 erans and family members of veterans who receive
17 services through Vet Centers or other facilities of
18 the Department as determined by the Secretary.

19 (2) DURATION OF PILOT.—The Secretary shall
20 carry out the pilot program for a three-year period
21 beginning on the date of the establishment of the
22 pilot program.

23 (3) TRAINING AND TECHNICAL ASSISTANCE.—
24 The Secretary may provide eligible entities receiving
25 grant funding under the pilot program with training

1 and technical assistance on the provision of food in-
2 security assistance services to veterans and family
3 members of veterans.

4 (4) ELIGIBLE ENTITIES.—For purposes of the
5 pilot program, an eligible entity is—

6 (A) a nonprofit organization;

7 (B) an organization recognized by the Sec-
8 retary for the representation of veterans under
9 section 5902 of title 38, United States Code;

10 (C) a public agency;

11 (D) a community-based organization; or

12 (E) an institution of higher education.

13 (5) APPLICATION.—An eligible entity seeking a
14 grant under the pilot program shall submit to the
15 Secretary an application therefor at such time, in
16 such manner, and containing such information and
17 commitments as the Secretary may require.

18 (6) SELECTION.—The Secretary shall select eli-
19 gible entities that submit applications under para-
20 graph (5) for the award of grants under the pilot
21 program using a competitive process that takes into
22 account the following:

23 (A) Capacity of the applicant entity to
24 serve veterans and family members of veterans.

1 (B) Demonstrated need of the population
2 the applicant entity would serve.

3 (C) Demonstrated need of the applicant
4 entity for assistance from the grant.

5 (D) Such other criteria as the Secretary
6 considers appropriate.

7 (7) DISTRIBUTION.—The Secretary shall en-
8 sure, to the extent practicable, an equitable geo-
9 graphic distribution of grants awarded under this
10 subsection.

11 (8) MINIMUM PROGRAM REQUIREMENTS.—Any
12 grant awarded under this subsection shall be used—

13 (A) to coordinate with the Secretary with
14 respect to the provision of assistance to address
15 food insecurity among veterans and family
16 members of veterans described in paragraph
17 (1);

18 (B) to increase participation in nutrition
19 counseling programs and provide educational
20 materials and counseling to veterans and family
21 members of veterans to address food insecurity
22 and healthy diets among those individuals;

23 (C) to increase access to and enrollment in
24 Federal assistance programs, including the sup-
25 plemental nutrition assistance program under

1 the Food and Nutrition Act of 2008 (7 U.S.C.
2 2011 et seq.), the special supplemental nutri-
3 tion program for women, infants, and children
4 established by section 17 of the Child Nutrition
5 Act of 1966 (42 U.S.C. 1786), the low-income
6 home energy assistance program established
7 under the Low-Income Home Energy Assist-
8 ance Act of 1981 (42 U.S.C. 8621 et seq.), and
9 any other assistance program that the Sec-
10 retary considers advisable; and

11 (D) to fulfill such other criteria as the Sec-
12 retary considers appropriate to further the pur-
13 pose of the grant and serve veterans.

14 (9) PROVISION OF INFORMATION.—Each entity
15 that receives a grant under this subsection shall pro-
16 vide to the Secretary, at least once each year during
17 the duration of the grant term, data on—

18 (A) the number of veterans and family
19 members of veterans screened for, and enrolled
20 in, programs described in subparagraphs (B)
21 and (C) of paragraph (8);

22 (B) other services provided by the entity to
23 veterans and family members of veterans using
24 funds from the grant; and

1 (C) such other data as the Secretary may
2 require.

3 (10) REPORT ON DATA COLLECTED.—For each
4 year of operation of the pilot program, the Secretary
5 shall submit to the appropriate committees of Con-
6 gress a report on the data collected under paragraph
7 (9) during such year.

8 (11) GOVERNMENT ACCOUNTABILITY OFFICE
9 REPORT.—

10 (A) IN GENERAL.—Not later than one year
11 after the date on which the pilot program ter-
12 minates, the Comptroller General of the United
13 States shall submit to Congress a report evalu-
14 ating the effectiveness and outcomes of the ac-
15 tivities carried out under this subsection in re-
16 ducing food insecurity among veterans and fam-
17 ily members of veterans.

18 (B) ELEMENTS.—The report required by
19 subparagraph (A) shall include the following:

20 (i) A summary of the activities carried
21 out under this subsection.

22 (ii) An assessment of the effectiveness
23 and outcomes of the grants awarded under
24 this subsection, including with respect to
25 eligibility screening contacts, application

1 assistance consultations, and changes in
2 food insecurity among the population
3 served by the grant.

4 (iii) Best practices regarding the use
5 of partnerships to improve the effectiveness
6 and outcomes of public benefit programs to
7 address food insecurity among veterans
8 and family members of veterans.

9 (iv) An assessment of the feasibility
10 and advisability of making the pilot pro-
11 gram permanent and expanding to other
12 locations.

13 (12) AUTHORIZATION OF APPROPRIATIONS.—

14 (A) IN GENERAL.—There is authorized to
15 be appropriated to carry out the pilot program
16 established under paragraph (1) \$15,000,000
17 for each fiscal year in which the program is car-
18 ried out, beginning with the fiscal year in which
19 the program is established.

20 (B) ADMINISTRATIVE EXPENSES.—Of the
21 amounts authorized to be appropriated under
22 subparagraph (A), not more than ten percent
23 may be used for administrative expenses of the
24 Department of Veterans Affairs associated with
25 administering grants under this subsection.

1 (13) DEFINITIONS.—In this subsection:

2 (A) The term “appropriate committees of
3 Congress” means—

4 (i) the Committee on Veterans’ Af-
5 fairs, the Committee on Appropriations,
6 and the Committee on Agriculture, Nutri-
7 tion, and Forestry of the Senate; and

8 (ii) the Committee on Veterans’ Af-
9 fairs, the Committee on Appropriations,
10 and the Committee on Agriculture of the
11 House of Representatives.

12 (B) The term “facilities of the Depart-
13 ment” has the meaning given that term in sec-
14 tion 1701(3) of title 38, United States Code.

15 (C) The term “institution of higher edu-
16 cation” has the meaning given that term in sec-
17 tion 101 of the Higher Education Act of 1965
18 (20 U.S.C. 1001).

19 (D) The term “public agency” means a de-
20 partment, agency, other unit, or instrumentality
21 of Federal, State, Tribal, or local government.

22 (E) The term “State” has the meaning
23 given that term in section 101(20) of title 38,
24 United States Code.

1 (F) The term “veteran” means an indi-
2 vidual who served in the Armed Forces, includ-
3 ing an individual who served in a reserve com-
4 ponent of the Armed Forces, and who was dis-
5 charged or released therefrom, regardless of the
6 conditions of such discharge or release.

7 (g) DEFINITION OF VET CENTER.—In this section,
8 the term “Vet Center” has the meaning given that term
9 in section 1712A(h) of title 38, United States Code.

10 **SEC. 5125. SECRETARY OF VETERANS AFFAIRS STUDY ON**
11 **VA HOME LOAN BENEFIT.**

12 (a) STUDY.—The Secretary of Veterans Affairs shall
13 conduct a study to identify the means by which the Sec-
14 retary informs lenders and veterans about the availability
15 of a loan guaranteed by the Department of Veterans Af-
16 fairs under chapter 37 of title 38, United States Code,
17 for any purpose described in section 3710(a) of such title.

18 (b) REPORT.—Not later than 6 months after the date
19 of the enactment of this Act, the Secretary of Veterans
20 Affairs shall submit to the Committee on Veterans’ Affairs
21 of the Senate and the Committee on Veterans’ Affairs of
22 the House of Representatives a report on the results of
23 the study conducted under subsection (a), and shall pub-
24 lish such report on the website of the Department of Vet-
25 erans Affairs.

1 **SEC. 5126. GAO STUDY ON POST-MARKET SURVEILLANCE**
2 **OF MEDICAL DEVICES BY DEPARTMENT OF**
3 **VETERANS AFFAIRS.**

4 (a) STUDY.—The Comptroller General of the United
5 States shall conduct a study on the efforts of the Under
6 Secretary of Veterans Affairs for Health relating to post-
7 market surveillance of implantable medical devices.

8 (b) REPORT.—Not later than one year after the date
9 of the enactment of this Act, the Comptroller General shall
10 submit to the Committees on Veterans' Affairs of the
11 House of Representatives and the Senate a report on the
12 findings of the study under subsection (a). Such report
13 shall include the following:

14 (1) A description of the process used by the
15 Veterans Health Administration for documenting
16 implantable medical devices issued to patients.

17 (2) An evaluation of the capability of the Vet-
18 erans Health Administration to identify, in a timely
19 manner, adverse events and safety issues relating to
20 implantable medical devices.

21 (3) An evaluation of the process for, and poten-
22 tial barriers to, the Under Secretary of Veterans Af-
23 fairs for Health notifying patients of an implantable
24 medical device recall.

1 (4) An evaluation of the accessibility of the ad-
2 verse event reporting systems of the Veterans Health
3 Administration for patients with disabilities.

4 (5) Recommendations to address gaps in such
5 adverse event reporting systems, to better identify
6 adverse events and safety issues from implantable
7 medical devices.

8 **SEC. 5127. COMPETITIVE PAY FOR HEALTH CARE PRO-**
9 **VIDERS OF THE DEPARTMENT OF VETERANS**
10 **AFFAIRS.**

11 Section 7451(c) of title 38, United States Code, is
12 amended by adding at the end the following new para-
13 graph:

14 “(4)(A) The director of each medical center of
15 the Department of Veterans Affairs shall submit to
16 the Secretary of Veterans Affairs an annual locality
17 pay survey and rates of basic pay for covered posi-
18 tions at such medical center to ensure that pay rates
19 remain competitive in the local labor market.

20 “(B) Not less than once per fiscal year, the
21 Secretary shall submit to the Committees on Vet-
22 erans’ Affairs of the Senate and House of Rep-
23 resentatives a report on rates of basic pay for cov-
24 ered positions at medical centers of the Depart-
25 ment.”.

1 **SEC. 5128. DEPARTMENT OF VETERANS AFFAIRS PROGRAM**
2 **TO PROVIDE GRANTS FOR CERTAIN VET-**
3 **ERANS SERVICE ORGANIZATIONS AFFECTED**
4 **BY THE COVID-19 PANDEMIC.**

5 (a) GRANT PROGRAM.—The Secretary of Veterans
6 Affairs shall carry out a program under which the Sec-
7 retary shall make grants to eligible organizations to offset
8 costs relating to the COVID-19 pandemic incurred during
9 the covered 2020 period.

10 (b) ELIGIBLE ORGANIZATIONS.—To be eligible to re-
11 ceive a grant under the program, an organization shall be
12 a veterans service organization that—

13 (1) as a result of the COVID-19 pandemic, ex-
14 perience a loss of 50 percent or greater gross rev-
15 enue during the covered 2020 period (compared to
16 the gross revenue collected during the covered 2019
17 period); and

18 (2) submits to the Secretary an application in
19 such form, at such time, and containing such infor-
20 mation as the Secretary determines appropriate, in-
21 cluding—

22 (A) information demonstrating the loss
23 specified in paragraph (1); and

24 (B) a plan for the use of such grant.

25 (c) USE OF GRANT AMOUNTS.—A veterans service
26 organization that receives a grant under this section may

1 only use the grant in accordance with the plan referred
2 to in subsection (b)(2)(B) for the following expenses of
3 the organization:

4 (1) Rent.

5 (2) Utilities.

6 (3) Scheduled mortgage payments.

7 (4) Scheduled debt payments.

8 (5) Other ordinary and necessary business ex-
9 penses, including maintenance costs, administrative
10 costs (including fees and licensing), State and local
11 taxes and fees, operating leases, and insurance pay-
12 ments.

13 (d) AMOUNT OF GRANT.—A grant made to a vet-
14 erans service organization under the program shall be in
15 an amount equal to the aggregate cost of the activities
16 specified in the plan referred to in subsection (b)(2)(B),
17 except that any such grant may not exceed \$50,000.

18 (e) REGULATIONS.—Not later than 90 days after the
19 date of the enactment of this Act, the Secretary shall pre-
20 scribe regulations to carry out the grant program.

21 (f) DEFINITIONS.—In this section:

22 (1) The term “covered 2019 period” means the
23 period beginning on April 1, 2019, and ending on
24 December 31, 2019.

1 (2) The term “covered 2020 period” means the
2 period beginning on April 1, 2020, and ending on
3 December 31, 2020.

4 (3) The term “veterans service organization”
5 means an organization that is chartered under part
6 B of subtitle II of title 36, United States Code, and
7 includes any local or area chapter, post, or other
8 unit.

9 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$25,000,000, to remain available until expended.

12 **SEC. 5129. INCLUSION OF VETERANS IN HOUSING PLAN-**
13 **NING.**

14 (a) PUBLIC HOUSING AGENCY PLANS.—Section
15 5A(d)(1) of the United States Housing Act of 1937 (42
16 U.S.C. 1437c–1(d)(1)) is amended by striking “and dis-
17 abled families” and inserting “, disabled families, and vet-
18 erans (as such term is defined in section 101 of title 38,
19 United States Code)”.

20 (b) COMPREHENSIVE HOUSING AFFORDABILITY
21 STRATEGIES.—

22 (1) IN GENERAL.—Section 105 of the Cran-
23 ston-Gonzalez National Affordable Housing Act (42
24 U.S.C. 12705) is amended—

1 (A) in subsection (b)(1), by inserting “vet-
2 erans (as such term is defined in section 101 of
3 title 38, United States Code),” after “acquired
4 immunodeficiency syndrome,”;

5 (B) in subsection (b)(20), by striking “and
6 service” and inserting “veterans service, and
7 other service”; and

8 (C) in subsection (e)(1), by inserting “vet-
9 erans (as such term is defined in section 101 of
10 title 38, United States Code),” after “homeless
11 persons,”.

12 (2) CONSOLIDATED PLANS.—The Secretary of
13 Housing and Urban Development shall revise the
14 regulations relating to submission of consolidated
15 plans (part 91 of title 24, Code of Federal Regula-
16 tions) in accordance with the amendments made by
17 paragraph (1) of this subsection to require inclusion
18 of appropriate information relating to veterans and
19 veterans service agencies in all such plans.

20 **SEC. 5130. ANNUAL REPORT ON HOUSING ASSISTANCE TO**
21 **VETERANS.**

22 (a) IN GENERAL.—Not later than December 31 of
23 each year, the Secretary of Housing and Urban Develop-
24 ment shall submit a report on the activities of the Depart-

1 ment of Housing and Urban Development relating to vet-
2 erans during such year to the following:

3 (1) The Committee on Banking, Housing, and
4 Urban Affairs of the Senate.

5 (2) The Committee on Veterans' Affairs of the
6 Senate.

7 (3) The Committee on Appropriations of the
8 Senate.

9 (4) The Committee on Financial Services of the
10 House of Representatives.

11 (5) The Committee on Veterans' Affairs of the
12 House of Representatives.

13 (6) The Committee on Appropriations of the
14 House of Representatives.

15 (7) The Secretary of Veterans Affairs.

16 (b) CONTENTS.—Each report required under sub-
17 section (a) shall include the following information with re-
18 spect to the year for which the report is submitted:

19 (1) The number of homeless veterans provided
20 assistance under the program of housing choice
21 vouchers for homeless veterans under section
22 8(o)(19) of the United States Housing Act of 1937
23 (42 U.S.C. 1437f(o)(19)), the socioeconomic charac-
24 teristics and racial characteristics of such homeless
25 veterans, and the number, types, and locations of en-

1 tities contracted under such section to administer
2 the vouchers.

3 (2) The number of homeless veterans provided
4 assistance under the Tribal HUD–VA Supportive
5 Housing Program (HUD–VASH) authorized by the
6 Consolidated and Further Continuing Appropria-
7 tions Act, 2015 (Pub. L. 113–235; 128 Stat. 2733),
8 the socioeconomic characteristics and racial charac-
9 teristics of such homeless veterans, and the number,
10 types, and locations of entities contracted under
11 such section to administer the vouchers.

12 (3) A summary description of the special con-
13 siderations made for veterans under public housing
14 agency plans submitted pursuant to section 5A of
15 the United States Housing Act of 1937 (42 U.S.C.
16 1437c–1) and under comprehensive housing afford-
17 ability strategies submitted pursuant to section 105
18 of the Cranston-Gonzalez National Affordable Hous-
19 ing Act (42 U.S.C. 12705).

20 (4) A description of the activities of the Special
21 Assistant for Veterans Affairs.

22 (5) A description of the efforts of the Depart-
23 ment of Housing and Urban Development to coordi-
24 nate the delivery of housing and services to veterans
25 with other Federal departments and agencies, in-

cluding the Department of Defense, Department of Justice, Department of Labor, Department of Health and Human Services, Department of Veterans Affairs, and the Interagency Council on Homelessness.

(6) The cost to the Department of Housing and Urban Development of administering the programs and activities relating to veterans.

(7) Any other information that the Secretary considers relevant in assessing the programs and activities of the Department of Housing and Urban Development relating to veterans.

(c) ASSESSMENT OF HOUSING NEEDS OF VERY LOW-INCOME VETERAN FAMILIES.—

(1) IN GENERAL.—For the first report submitted pursuant to subsection (a) and every fifth report thereafter, the Secretary of Housing and Urban Development shall—

(A) conduct an assessment of the housing needs of very low-income veteran families (as such term is defined in paragraph 5); and

(B) shall include in each such report findings regarding such assessment.

(2) CONTENT.—Each assessment under this subsection shall include—

1 (A) conducting a survey of, and direct
2 interviews with, a representative sample of very
3 low-income veteran families (as such term is de-
4 fined in paragraph 5) to determine past and
5 current—

6 (i) socioeconomic characteristics of
7 such veteran families;

8 (ii) barriers to such veteran families
9 obtaining safe, quality, and affordable
10 housing;

11 (iii) levels of homelessness among
12 such veteran families; and

13 (iv) levels and circumstances of, and
14 barriers to, receipt by such veteran families
15 of rental housing and homeownership as-
16 sistance; and

17 (B) such other information that the Sec-
18 retary determines, in consultation with the Sec-
19 retary of Veterans Affairs and national non-
20 governmental organizations concerned with vet-
21 erans, homelessness, and very low-income hous-
22 ing, may be useful to the assessment.

23 (3) CONDUCT.—If the Secretary contracts with
24 an entity other than the Department of Housing and
25 Urban Development to conduct the assessment

1 under this subsection, such entity shall be a non-
2 governmental organization determined by the Sec-
3 retary to have appropriate expertise in quantitative
4 and qualitative social science research.

5 (4) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated to the Sec-
7 retary of Housing and Urban Development, to be
8 available until expended to carry out this subsection,
9 \$1,000,000.

10 (5) VERY LOW-INCOME VETERAN FAMILY.—The

11 term “very low-income veteran family” means a vet-
12 eran family whose income does not exceed 50 per-
13 cent of the median income for the area, as deter-
14 mined by the Secretary with adjustments for smaller
15 and larger families, except that the Secretary may
16 establish an income ceiling higher or lower than 50
17 percent of the median for the area on the basis of
18 the Secretary’s findings that such variations are nec-
19 essary because of prevailing levels of construction
20 costs or fair market rents (as determined under sec-
21 tion 8 of the United States Housing Act of 1937 (42
22 U.S.C. 1437f)).

1 **SEC. 5131. PAYMENTS TO INDIVIDUALS WHO SERVED DUR-**
2 **ING WORLD WAR II IN THE UNITED STATES**
3 **MERCHANT MARINE.**

4 (a) ESTABLISHMENT OF COMPENSATION FUND.—
5 Subchapter II of chapter 5 of title 38, United States Code,
6 is amended by adding at the end the following new section:

7 **“§ 534. Merchant Mariner Equity Compensation Fund**

8 “(a) COMPENSATION FUND.—(1) There is in the gen-
9 eral fund of the Treasury a fund to be known as the ‘Mer-
10 chant Mariner Equity Compensation Fund’ (in this sec-
11 tion referred to as the ‘compensation fund’).

12 “(2) Subject to the availability of appropriations pro-
13 vided in advance in a appropriations Act specifically for
14 the purpose of carrying out this section, and no other
15 funding source, amounts in the compensation fund shall
16 be available to the Secretary without fiscal year limitation
17 to make payments to eligible individuals in accordance
18 with this section.

19 “(b) ELIGIBLE INDIVIDUALS.—(1) An eligible indi-
20 vidual is an individual who—

21 “(A) during the one-year period beginning on
22 the date of the enactment of this section, submits to
23 the Secretary an application containing such infor-
24 mation and assurances as the Secretary may require;

1 “(B) has not received benefits under the Serv-
2 icemen’s Readjustment Act of 1944 (Public Law
3 78–346); and

4 “(C) has engaged in qualified service.

5 “(2) For purposes of paragraph (1), a person has en-
6 gaged in qualified service if, between December 7, 1941,
7 and December 31, 1946, the person—

8 “(A) was a member of the United States mer-
9 chant marine (including the Army Transport Service
10 and the Naval Transport Service) serving as a crew-
11 member of a vessel that was—

12 “(i) operated by the War Shipping Admin-
13 istration or the Office of Defense Transpor-
14 tation (or an agent of the Administration or Of-
15 fice);

16 “(ii) operated in waters other than inland
17 waters, the Great Lakes, and other lakes, bays,
18 and harbors of the United States;

19 “(iii) under contract or charter to, or prop-
20 erty of, the Government of the United States;
21 and

22 “(iv) serving the Armed Forces; and

23 “(B) while so serving, was licensed or otherwise
24 documented for service as a crewmember of such a
25 vessel by an officer or employee of the United States

1 authorized to license or document the person for
2 such service.

3 “(3) In determining the information and assurances
4 required in the application pursuant to paragraph (1)(A),
5 the Secretary shall accept a DD-214 form as proof of
6 qualified service.

7 “(c) AMOUNT OF PAYMENT.—The Secretary shall
8 make one payment out of the compensation fund in the
9 amount of \$25,000 to an eligible individual. The Secretary
10 shall make such a payment to eligible individuals in the
11 order in which the Secretary receives the applications of
12 the eligible individuals. Payments may only be made sub-
13 ject to the availability of funds provided in advance in an
14 appropriations Act for this purpose.

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated for fiscal year 2022
17 \$125,000,000 for the compensation fund. Such amount
18 shall remain available until expended.

19 “(e) REPORTS.—The Secretary shall include, in docu-
20 ments submitted to Congress by the Secretary in support
21 of the President’s budget for each fiscal year, detailed in-
22 formation on the operation of the compensation fund, in-
23 cluding the number of applicants, the number of eligible
24 individuals receiving benefits, the amounts paid out of the
25 compensation fund, the administration of the compensa-

1 tion fund, and an estimate of the amounts necessary to
 2 fully fund the compensation fund for that fiscal year and
 3 each of the three subsequent fiscal years.

4 “(f) REGULATIONS.—The Secretary shall prescribe
 5 regulations to carry out this section.”.

6 (b) REGULATIONS.—Not later than 180 days after
 7 the date of the enactment of this Act, the Secretary shall
 8 prescribe the regulations required under section 534(f) of
 9 title 38, United States Code, as added by subsection (a).

10 (c) CLERICAL AMENDMENT.—The table of sections
 11 at the beginning of such chapter is amended by inserting
 12 after the item related to section 532 the following new
 13 item:

“534. Merchant Mariner Equity Compensation Fund.”.

14 **SEC. 5132. EXPANSION OF ELIGIBILITY FOR HOSPITAL**
 15 **CARE, MEDICAL SERVICES, AND NURSING**
 16 **HOME CARE FROM THE DEPARTMENT OF**
 17 **VETERANS AFFAIRS TO INCLUDE VETERANS**
 18 **OF WORLD WAR II.**

19 Section 1710(a)(2)(E) of title 38, United States
 20 Code, is amended—

21 (1) by striking “of the Mexican border period
 22 or of World War I;” and inserting “of—”; and

23 (2) by adding at the end the following new
 24 clauses:

25 “(i) the Mexican border period;

1 “(ii) World War I; or

2 “(iii) World War II;”.

3 **SEC. 5133. PILOT PROGRAM ON CYBERSECURITY TRAINING**
4 **FOR VETERANS AND MILITARY SPOUSES.**

5 (a) ESTABLISHMENT.—Not later than 3 years after
6 the date of enactment of this Act, the Secretary of Home-
7 land Security, in consultation with the Secretary of Vet-
8 erans Affairs, shall establish a pilot program under which
9 the Secretary of Homeland Security shall provide cyberse-
10 curity training to eligible individuals at no cost to such
11 individuals.

12 (b) ELEMENTS.—The cybersecurity training provided
13 under the pilot program shall include—

14 (1) coursework and training that, if applicable,
15 qualifies for postsecondary credit toward an asso-
16 ciate or baccalaureate degree at an institution of
17 higher education;

18 (2) virtual learning opportunities;

19 (3) hands-on learning and performance-based
20 assessments;

21 (4) Federal work-based learning opportunities
22 and programs; and

23 (5) the provision of recognized postsecondary
24 credentials to eligible individuals who complete the
25 pilot program.

1 (c) ELIGIBILITY.—

2 (1) IN GENERAL.—To be eligible for the pilot
3 program under this section an individual shall be—

4 (A) a veteran who is entitled to educational
5 assistance under chapter 30, 32, 33, 34, or 35
6 of title 38, United States Code, or chapter 1606
7 of title 10, United States Code;

8 (B) a member of an active or a reserve
9 component of the Armed Forces who the Sec-
10 retary determines will become an eligible indi-
11 vidual under paragraph (1) within 180 days of
12 the date of such determination; or

13 (C) an eligible spouse described in section
14 1784a(b) of title 10, United States Code.

15 (2) NO CHARGE TO ENTITLEMENT.—In the
16 case of an individual described in paragraph (1)(A),
17 training under this section shall be provided to the
18 individual without charge to the entitlement of the
19 individual to educational assistance under the laws
20 administered by the Secretary of Veterans Affairs.

21 (d) ALIGNMENT WITH NICE WORKFORCE FRAME-
22 WORK FOR CYBERSECURITY.—In carrying out the pilot
23 program, the Secretary shall ensure alignment with the
24 taxonomy, including work roles and competencies and the
25 associated tasks, knowledge, and skills, from the National

1 Initiative for Cybersecurity Education Workforce Frame-
2 work for Cybersecurity (NIST Special Publication 800–
3 181, Revision 1), or successor framework.

4 (e) COORDINATION.—

5 (1) TRAINING, PLATFORMS, AND FRAME-
6 WORKS.—In developing the pilot program, the Sec-
7 retary of Homeland Security shall coordinate with
8 the Secretary of Veterans Affairs, the Secretary of
9 Defense, the Secretary of Labor, the Director of the
10 National Institute of Standards and Technology, and
11 the Director of the Office of Personnel Management
12 to evaluate and, where possible, leverage existing
13 training, platforms, and frameworks of the Federal
14 Government for providing cybersecurity education
15 and training to prevent duplication of efforts.

16 (2) FEDERAL WORK-BASED LEARNING OPPOR-
17 TUNITIES AND PROGRAMS.—In developing the Fed-
18 eral work-based learning opportunities and programs
19 required under subsection (b)(4), the Secretary of
20 Homeland Security shall coordinate with the Sec-
21 retary of Veterans Affairs, the Secretary of Defense,
22 the Secretary of Labor, the Director of the Office of
23 Personnel Management, and the heads of other ap-
24 propriate Federal agencies to identify or create, as

1 necessary, interagency opportunities to provide par-
2 ticipants in the pilot program with—

3 (A) opportunities to acquire and dem-
4 onstrate competencies; and

5 (B) the capabilities necessary to qualify for
6 Federal employment.

7 (f) RESOURCES.—

8 (1) IN GENERAL.—In any case in which the
9 pilot program—

10 (A) uses training, platforms, and frame-
11 works described in subsection (e)(1), the Sec-
12 retary of Homeland Security, in consultation
13 with the Secretary of Veterans Affairs, shall en-
14 sure that the trainings, platforms, and frame-
15 works are expanded and resourced to accommo-
16 date usage by eligible individuals participating
17 in the pilot program; or

18 (B) does not use training, platforms, and
19 frameworks described in subsection (e)(1), the
20 Secretary of Homeland Security, in consultation
21 with the Secretary of Veterans Affairs, shall de-
22 velop or procure training, platforms, and frame-
23 works necessary to carry out the requirements
24 of subsection (b) and accommodate the usage

1 by eligible individuals participating in the pilot
2 program.

3 (2) ACTIONS.—In carrying out paragraph (1),
4 the Secretary of Homeland Security may provide ad-
5 ditional funding, staff, or other resources to—

6 (A) recruit and retain women, underrep-
7 resented minorities, and individuals from other
8 underrepresented communities;

9 (B) provide administrative support for
10 basic functions of the pilot program;

11 (C) ensure the success and ongoing en-
12 gagement of eligible individuals participating in
13 the pilot program;

14 (D) connect participants who complete the
15 pilot program to job opportunities within the
16 Federal Government; and

17 (E) allocate dedicated positions for term
18 employment to enable Federal work-based
19 learning opportunities and programs, as re-
20 quired under subsection (b)(4), for participants
21 to gain the competencies necessary to pursue
22 permanent Federal employment.

23 (g) REPORTS.—

24 (1) SECRETARY.—Not later than 2 years after
25 the date on which the pilot program is established,

1 and annually thereafter, the Secretary shall submit
2 to Congress a report on the pilot program. Such re-
3 port shall include—

4 (A) a description of—

5 (i) any activity carried out by the De-
6 partment of Homeland Security under this
7 section; and

8 (ii) the existing training, platforms,
9 and frameworks of the Federal Govern-
10 ment leveraged in accordance with sub-
11 section (e)(1); and

12 (B) an assessment of the results achieved
13 by the pilot program, including—

14 (i) the admittance rate into the pilot
15 program;

16 (ii) the demographics of participants
17 in the program, including representation of
18 women, underrepresented minorities, and
19 individuals from other underrepresented
20 communities;

21 (iii) the completion rate for the pilot
22 program, including if there are any identi-
23 fiable patterns with respect to participants
24 who do not complete the pilot program;

1 (iv) as applicable, the transfer rates to
2 other academic or vocational programs,
3 and certifications and licensure exam pas-
4 sage rates;

5 (v) the rate of continued employment
6 within a Federal agency for participants
7 after completing the pilot program;

8 (vi) the rate of continued employment
9 for participants after completing the pilot
10 program; and

11 (vii) the median annual salary of par-
12 ticipants who completed the pilot program
13 and were subsequently employed.

14 (2) COMPTROLLER GENERAL.—Not later than
15 4 years after the date on which the pilot program
16 is established, the Comptroller General of the United
17 States shall submit to Congress a report on the pilot
18 program, including the recommendation of the
19 Comptroller General with respect to whether the
20 pilot program should be extended.

21 (h) DEFINITIONS.—In this section:

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

1 (2) The term “recognized postsecondary creden-
2 tial” has the meaning given the term in section 3 of
3 the Workforce Innovation and Opportunity Act (29
4 U.S.C. 3102).

5 (3) The term “veteran” has the meaning given
6 the term in section 101 of title 38, United States
7 Code.

8 (4) The term “work-based learning” has the
9 meaning given the term in section 3 of the Carl D.
10 Perkins Career and Technical Education Act of
11 2006 (20 U.S.C. 2302).

12 (i) TERMINATION.—The authority to carry out the
13 pilot program under this section shall terminate on the
14 date that is 5 years after the date on which the Secretary
15 establishes the pilot program under this section.

16 (j) FEDERAL CYBERSECURITY WORKFORCE ASSESS-
17 MENT EXTENSION.—Section 304(a) of the Federal Cyber-
18 security Workforce Assessment Act of 2015 (5 U.S.C. 301
19 note) is amended, in the matter preceding paragraph (1),
20 by striking “2022” and inserting “2025”.

21 **SEC. 5134. DEPARTMENT OF VETERANS AFFAIRS AWARE-**
22 **NESS CAMPAIGN ON FERTILITY SERVICES.**

23 (a) AWARENESS CAMPAIGN.—The Secretary of Vet-
24 erans Affairs shall conduct an awareness campaign re-
25 garding the types of fertility treatments, procedures, and

1 services covered under the medical benefits package of the
2 Department of Veterans Affairs that are available to vet-
3 erans experiencing issues with fertility.

4 (b) MODES OF OUTREACH.—In carrying out sub-
5 section (a), the Secretary shall ensure that a variety of
6 modes of outreach are incorporated into the awareness
7 campaign under such subsection, taking into consideration
8 the age range of the veteran population.

9 (c) REPORT.—Not later than 180 days after the date
10 of the enactment of this Act, the Secretary shall submit
11 to the appropriate congressional committees a report that
12 includes a summary of the actions that have been taken
13 to implement the awareness campaign under subsection
14 (a) and how the Secretary plans to better engage women
15 veterans, to ensure awareness of such veterans regarding
16 covered fertility services available.

17 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
18 DEFINED.—In this section, the term “appropriate con-
19 gressional committees” means—

20 (1) the Committees on Armed Services of the
21 House of Representatives and the Senate; and

22 (2) the Committees on Veterans’ Affairs of the
23 House of Representatives and the Senate.

TITLE LII—HOMELAND SECURITY MATTERS

SEC. 5201. CHEMICAL SECURITY ANALYSIS CENTER.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

“SEC. 323. CHEMICAL SECURITY ANALYSIS CENTER.

“(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall designate the laboratory described in subsection (b) as an additional laboratory pursuant to the authority under section 308(c)(2). Such laboratory shall be used to conduct studies and analyses for assessing the threat and hazards associated with an accidental or intentional large-scale chemical event or chemical terrorism event.

“(b) LABORATORY DESCRIBED.—The laboratory described in this subsection is the laboratory known, as of the date of the enactment of this section, as the Chemical Security Analysis Center.

“(c) LABORATORY ACTIVITIES.—The Chemical Security Analysis Center shall—

“(1) identify and develop countermeasures to chemical threats, including the development of comprehensive, research-based definable goals for such countermeasures;

1 “(2) provide an enduring science-based chemical
2 threat and hazard analysis capability;

3 “(3) provide expertise in risk and consequence
4 modeling, chemical sensing and detection, analytical
5 chemistry, chemical toxicology, synthetic chemistry
6 and reaction characterization, and nontraditional
7 chemical agents and emerging chemical threats;

8 “(4) staff and operate a technical assistance
9 program that provides operational support and sub-
10 ject matter expertise, design and execute laboratory
11 and field tests, and provide a comprehensive knowl-
12 edge repository of chemical threat information that
13 is continuously updated with data from scientific, in-
14 telligence, operational, and private sector sources;
15 and

16 “(5) carry out such other activities as the Sec-
17 retary determines appropriate.

18 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion may be construed as affecting in any manner the au-
20 thorities or responsibilities of the Countering Weapons of
21 Mass Destruction Office of the Department.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in section 1(b) of the Homeland Security Act of 2002
24 amended by inserting after the item relating to section
25 322 the following new item:

“Sec. 323. Chemical Security Analysis Center.”.

1 **SEC. 5202. NATIONAL CYBERSECURITY PREPAREDNESS**
2 **CONSORTIUM.**

3 The National Cybersecurity Preparedness Consor-
4 tium Act of 2021 (Public Law 117–122; 6 U.S.C. 652
5 note) is amended—

6 (1) in subsections (a) and (b), by striking “The
7 Secretary may work with one or more consortia”
8 each place it appears and inserting “The Secretary
9 shall work with not fewer than three consortia”;

10 (2) in subsection (c)—

11 (A) in the matter preceding paragraph (1),
12 by striking “In selecting a consortium” and in-
13 serting “In selecting the consortia”; and

14 (B) in paragraph (2), by striking “Geo-
15 graphic diversity of the members of any such
16 consortium” and inserting “Regional diversity
17 of such consortia, and geographic diversity of
18 the members of such consortia,”; and

19 (3) in subsection (d), by striking “If the Sec-
20 retary works with a consortium” and inserting “In
21 working with the consortia”.

22 **SEC. 5203. REPORT ON CYBERSECURITY ROLES AND RE-**
23 **SPONSIBILITIES OF THE DEPARTMENT OF**
24 **HOMELAND SECURITY.**

25 (a) IN GENERAL.—Not later than one year after the
26 date of the enactment of this Act, the Secretary of Home-

1 land Security, in coordination with the Director of the Cy-
2 bersecurity and Infrastructure Security Agency of the De-
3 partment of Homeland Security, shall submit to the Com-
4 mittee on Homeland Security of the House of Representa-
5 tives and the Committee on Homeland Security and Gov-
6 ernmental Affairs of the Senate a report on the roles and
7 responsibilities of the Department and its components re-
8 lating to cyber incident response.

9 (b) CONTENTS.—The report required under sub-
10 section (a) shall include the following:

11 (1) A review of how the cyber incident response
12 plans under section 2210(c) of the Homeland Secu-
13 rity Act of 2002 (6 U.S.C. 660(c)) are utilized in
14 the Federal Government's response to a cyber inci-
15 dent.

16 (2) An explanation of the roles and responsibil-
17 ities of the Department of Homeland Security and
18 its components with responsibility for, or in support
19 of, the Federal Government's response to a cyber in-
20 cident, including primary responsibility for working
21 with impacted private sector entities.

22 (3) An explanation of which and how authori-
23 ties of the Department and its components are uti-
24 lized in the Federal Government's response to a
25 cyber incident.

1 (4) Recommendations to provide further clarity
2 for roles and responsibilities of the Department and
3 its components relating to cyber incident response.

4 **SEC. 5204. EXEMPTION OF CERTAIN HOMELAND SECURITY**
5 **FEES FOR CERTAIN IMMEDIATE RELATIVES**
6 **OF AN INDIVIDUAL WHO RECEIVED THE PUR-**
7 **PLE HEART.**

8 (a) IN GENERAL.—Not later than 90 days after the
9 date of the enactment of this Act, the Secretary of Home-
10 land Security shall include on a certain application or peti-
11 tion an opportunity for certain immediate relatives of an
12 individual who was awarded the Purple Heart to identify
13 themselves as such an immediate relative.

14 (b) FEE EXEMPTION.—The Secretary shall exempt
15 certain immediate relatives of an individual who was
16 awarded the Purple Heart, who identifies as such an im-
17 mediate relative on a certain application or petition, from
18 a fee with respect to a certain application or petition and
19 any associated fee for biometrics.

20 (c) PENDING APPLICATIONS AND PETITIONS.—The
21 Secretary of Homeland Security may waive fees for a cer-
22 tain application or petition and any associated fee for bio-
23 metrics for certain immediate relatives of an individual
24 who was awarded the Purple Heart, if such application

1 or petition is submitted not more than 90 days after the
2 date of the enactment of this Act.

3 (d) DEFINITIONS.—In this section:

4 (1) CERTAIN APPLICATION OR PETITION.—The
5 term “certain application or petition” means—

6 (A) an application using Form–400, Appli-
7 cation for Naturalization (or any successor
8 form); or

9 (B) a petition using Form I-360, Petition
10 for Amerasian, Widow(er), or Special Immi-
11 grant (or any successor form).

12 (2) CERTAIN IMMEDIATE RELATIVES OF AN IN-
13 DIVIDUAL WHO WAS AWARDED THE PURPLE
14 HEART.—The term “certain immediate relatives of
15 an individual who was awarded the Purple Heart”
16 means an immediate relative of a living or deceased
17 member of the Armed Forces who was awarded the
18 Purple Heart and who is not a person ineligible for
19 military honors pursuant to section 985(a) of title
20 10, United States Code.

21 (3) IMMEDIATE RELATIVE.—The term “imme-
22 diate relative” has the meaning given such term in
23 section 201(b) of the Immigration and Nationality
24 Act (8 U.S.C. 1151(b)).

1 **SEC. 5205. CLARIFICATIONS REGARDING SCOPE OF EM-**
2 **PLOYMENT AND REEMPLOYMENT RIGHTS OF**
3 **MEMBERS OF THE UNIFORMED SERVICES.**

4 (a) CLARIFICATION REGARDING DEFINITION OF
5 RIGHTS AND BENEFITS.—Section 4303(2) of title 38,
6 United States Code, is amended—

7 (1) by inserting “(A)” before “The term”; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(B) Any procedural protections or provisions
11 set forth in this chapter shall also be considered a
12 right or benefit subject to the protection of this
13 chapter.”.

14 (b) CLARIFICATION REGARDING RELATION TO
15 OTHER LAW AND PLANS FOR AGREEMENTS.—Section
16 4302 of such title is amended by adding at the end the
17 following:

18 “(c)(1) Pursuant to this section and the procedural
19 rights afforded by subchapter III of this chapter, any
20 agreement to arbitrate a claim under this chapter is unen-
21 forceable, unless all parties consent to arbitration after a
22 complaint on the specific claim has been filed in court or
23 with the Merit Systems Protection Board and all parties
24 knowingly and voluntarily consent to have that particular
25 claim subjected to arbitration.

1 “(2) For purposes of this subsection, consent shall
2 not be considered voluntary when a person is required to
3 agree to arbitrate an action, complaint, or claim alleging
4 a violation of this chapter as a condition of future or con-
5 tinued employment, advancement in employment, or re-
6 ceipt of any right or benefit of employment.”.

7 **SEC. 5206. CRITICAL TECHNOLOGY SECURITY CENTERS.**

8 (a) CRITICAL TECHNOLOGY SECURITY CENTERS.—
9 Title III of the Homeland Security Act of 2002 (6 U.S.C.
10 181 et seq.) is amended by adding at the end the following
11 new section:

12 **“SEC. 323. CRITICAL TECHNOLOGY SECURITY CENTERS.**

13 “(a) ESTABLISHMENT.—Not later than 180 days
14 after the date of the enactment of this section, the Sec-
15 retary, acting through the Under Secretary for Science
16 and Technology, and in coordination with the Director,
17 shall award grants, contracts, or cooperative agreements
18 to covered entities for the establishment of not fewer than
19 two cybersecurity-focused Critical Technology Security
20 Centers to evaluate and test the security of critical tech-
21 nology.

22 “(b) EVALUATION AND TESTING.—In carrying out
23 the evaluation and testing of the security of critical tech-
24 nology pursuant to subsection (a), the Critical Technology

1 Security Centers referred to in such subsection shall ad-
2 dress the following technologies:

3 “(1) The security of information and commu-
4 nications technology that underpins national critical
5 functions related to communications.

6 “(2) The security of networked industrial equip-
7 ment, such as connected programmable data logic
8 controllers and supervisory control and data acquisi-
9 tion servers.

10 “(3) The security of open source software that
11 underpins national critical functions.

12 “(4) The security of critical software used by
13 the Federal Government.

14 “(c) ADDITION OR TERMINATION OF CENTERS.—

15 “(1) IN GENERAL.—The Under Secretary for
16 Science and Technology may, in coordination with
17 the Director, award or terminate grants, contracts,
18 or cooperative agreements to covered entities for the
19 establishment of additional or termination of exist-
20 ing Critical Technology Security Centers to address
21 critical technologies.

22 “(2) LIMITATION.—The authority provided
23 under paragraph (1) may be exercised except if such
24 exercise would result in the operation at any time of
25 fewer than two Critical Technology Security Centers.

1 “(d) SELECTION OF CRITICAL TECHNOLOGIES.—

2 “(1) IN GENERAL.—Before awarding a grant,
3 contract, or cooperative agreement to a covered enti-
4 ty to establish a Critical Technology Security Cen-
5 ter, the Under Secretary for Science and Technology
6 shall coordinate with the Director, who shall provide
7 the Under Secretary a list of critical technologies or
8 specific guidance on such technologies that would be
9 within the remit of any such Center.

10 “(2) EXPANSION AND MODIFICATION.—The
11 Under Secretary for Science and Technology, in co-
12 ordination with the Director, is authorized to expand
13 or modify at any time the list of critical technologies
14 or specific guidance on technologies referred to in
15 paragraph (1) that is within the remit of a proposed
16 or established Critical Technology Security Center.

17 “(e) RESPONSIBILITIES.—In carrying out the evalua-
18 tion and testing of the security of critical technology pur-
19 suant to subsection (a), the Critical Technology Security
20 Centers referred to in such subsection shall each have the
21 following responsibilities:

22 “(1) Conducting rigorous security testing to
23 identify vulnerabilities in such technologies.

24 “(2) Utilizing the coordinated vulnerability dis-
25 closure processes established under subsection (g) to

1 report to the developers of such technologies and, as
2 appropriate, to the Cybersecurity and Infrastructure
3 Security Agency, information relating to
4 vulnerabilities discovered and any information nec-
5 essary to reproduce such vulnerabilities.

6 “(3) Developing new capabilities for improving
7 the security of such technologies, including vulner-
8 ability discovery, management, and mitigation.

9 “(4) Assessing the security of software,
10 firmware, and hardware that underpin national crit-
11 ical functions.

12 “(5) Supporting existing communities of inter-
13 est, including through grant making, in remediating
14 vulnerabilities discovered within such technologies.

15 “(6) Utilizing findings to inform and support
16 the future work of the Cybersecurity and Infrastruc-
17 ture Security Agency.

18 “(f) RISK BASED EVALUATIONS.—Unless otherwise
19 directed pursuant to guidance issued by the Under Sec-
20 retary or Director under subsection (d), to the greatest
21 extent practicable activities carried out pursuant to the re-
22 sponsibilities specified in subsection (e) shall leverage risk-
23 based evaluations to focus on activities that have the
24 greatest effect practicable on the security of the critical

1 technologies within each Critical Technology Security Cen-
2 ter’s remit, such as the following:

3 “(1) Developing capabilities that can detect or
4 eliminate entire classes of vulnerabilities.

5 “(2) Testing for vulnerabilities in the most
6 widely used technology or vulnerabilities that affect
7 many such critical technologies.

8 “(g) COORDINATED VULNERABILITY DISCLOSURE
9 PROCESSES.—Each Critical Technology Security Center
10 shall establish, in coordination with the Director, coordi-
11 nated vulnerability disclosure processes regarding the dis-
12 closure of vulnerabilities that—

13 “(1) are adhered to when a vulnerability is dis-
14 covered or disclosed by each such Center, consistent
15 with international standards and coordinated vulner-
16 ability disclosure best practices; and

17 “(2) are published on the website of each such
18 Center.

19 “(h) APPLICATION.—To be eligible for an award of
20 a grant, contract, or cooperative agreement as a Critical
21 Technology Security Center pursuant to subsection (a), a
22 covered entity shall submit to the Secretary an application
23 at such time, in such manner, and including such informa-
24 tion as the Secretary may require.

1 “(i) PUBLIC REPORTING OF VULNERABILITIES.—
2 The Under Secretary for Science and Technology shall en-
3 sure that vulnerabilities discovered by a Critical Tech-
4 nology Security Center are reported to the National Vul-
5 nerability Database of the National Institute of Standards
6 and Technology, as appropriate and using the coordinated
7 vulnerability disclosure processes established under sub-
8 section (g).

9 “(j) ADDITIONAL GUIDANCE.—The Under Secretary
10 for Science and Technology, in coordination with the Di-
11 rector, shall develop, and periodically update, guidance, in-
12 cluding eligibility and any additional requirements, relat-
13 ing to how Critical Technology Security Centers may
14 award grants to communities of interest pursuant to sub-
15 section (e)(5) to remediate vulnerabilities and take other
16 actions under such subsection and subsection (k).

17 “(k) OPEN SOURCE SOFTWARE SECURITY
18 GRANTS.—

19 “(1) IN GENERAL.—Any Critical Technology
20 Security Center addressing open source software se-
21 curity may award grants, in consultation with the
22 Under Secretary for Science and Technology and Di-
23 rector, to individual open source software developers
24 and maintainers, nonprofit organizations, and other
25 non-Federal entities as determined appropriate by

1 any such Center, to fund improvements to the secu-
2 rity of the open source software ecosystem.

3 “(2) IMPROVEMENTS.—A grant awarded under
4 paragraph (1) may include improvements such as
5 the following:

6 “(A) Security audits.

7 “(B) Funding for developers to patch
8 vulnerabilities.

9 “(C) Addressing code, infrastructure, and
10 structural weaknesses, including rewrites of
11 open source software components in memory-
12 safe programming languages.

13 “(D) Research and tools to assess and im-
14 prove the overall security of the open source
15 software ecosystem, such as improved software
16 fault isolation techniques.

17 “(E) Training and other tools to aid open
18 source software developers in the secure devel-
19 opment of open source software, including se-
20 cure coding practices and secure systems archi-
21 tecture.

22 “(3) PRIORITY.—In awarding grants under
23 paragraph (1), a Critical Technology Security Cen-
24 ter shall prioritize, to the greatest extent practicable,
25 the following:

1 “(A) Where applicable, open source soft-
2 ware components identified in guidance from
3 the Director, or if no such guidance is so pro-
4 vided, utilizing the risk-based evaluation de-
5 scribed in subsection (f).

6 “(B) Activities that most promote the
7 long-term security of the open source software
8 ecosystem.

9 “(1) BIENNIAL REPORTS TO UNDER SECRETARY.—
10 Not later than one year after the date of the enactment
11 of this section and every two years thereafter, each Critical
12 Technology Security Center shall submit to the Under
13 Secretary for Science and Technology and Director a re-
14 port that includes the following:

15 “(1) A summary of the work performed by such
16 Center.

17 “(2) Information relating to the allocation of
18 Federal funds at such Center.

19 “(3) A description of each vulnerability that has
20 been publicly disclosed pursuant to subsection (g),
21 including information relating to the corresponding
22 software weakness.

23 “(4) An assessment of the criticality of each
24 such vulnerability.

1 “(5) A list of critical technologies studied by
2 such Center.

3 “(6) An overview of the methodologies used by
4 such Center, such as tactics, techniques, and proce-
5 dures.

6 “(7) A description of such Center’s development
7 of capabilities for vulnerability discovery, manage-
8 ment, and mitigation.

9 “(8) A summary of such Center’s support to ex-
10 isting communities of interest, including an account-
11 ing of dispersed grant funds.

12 “(9) For such Center, if applicable, a summary
13 of any grants awarded during the period covered by
14 the report that includes the following:

15 “(A) An identification of the entity to
16 which each such grant was awarded.

17 “(B) The amount of each such grant.

18 “(C) The purpose of each such grant.

19 “(D) The expected impact of each such
20 grant.

21 “(10) The coordinated vulnerability disclosure
22 processes established by such Center.

23 “(m) REPORTS TO CONGRESS.—Upon receiving the
24 reports required under subsection (l), the Under Secretary
25 for Science and Technology shall submit to the appro-

1 priate congressional committees a report that includes,
2 with respect to each Critical Technology Security Center,
3 the reports received in subsection (l). Where applicable,
4 the Under Secretary shall include an explanation for any
5 deviations from the list of critical technologies studied by
6 a Center from the list of critical technologies or specific
7 guidance relating to such technologies provided by the Di-
8 rector before the distribution of funding to such Center.

9 “(n) CONSULTATION WITH RELEVANT AGENCIES.—

10 In carrying out this section, the Under Secretary shall
11 consult with the heads of other Federal agencies con-
12 ducting cybersecurity research, including the following:

13 “(1) The National Institute of Standards and
14 Technology.

15 “(2) The National Science Foundation.

16 “(3) Relevant agencies within the Department
17 of Energy.

18 “(4) Relevant agencies within the Department
19 of Defense.

20 “(o) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 the following:

23 “(1) \$40,000,000 for fiscal year 2023.

24 “(2) \$42,000,000 for fiscal year 2024.

25 “(3) \$44,000,000 for fiscal year 2025.

1 “(4) \$46,000,000 for fiscal year 2026.

2 “(5) \$49,000,000 for fiscal year 2027.

3 “(p) DEFINITIONS.—In this section:

4 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term ‘appropriate congressional com-
6 mittees’ means—

7 “(A) the Committee on Homeland Security
8 of the House of Representatives; and

9 “(B) the Committee on Homeland Security
10 and Governmental Affairs of the Senate.

11 “(2) COVERED ENTITY.—The term ‘covered en-
12 tity’ means a university or federally-funded research
13 and development center, including a national labora-
14 tory, or a consortia thereof.

15 “(3) CRITICAL TECHNOLOGY.—The term ‘crit-
16 ical technology’ means technology that underpins
17 one or more national critical functions.

18 “(4) CRITICAL SOFTWARE.—The term ‘critical
19 software’ has the meaning given such term by the
20 National Institute of Standards and Technology pur-
21 suant to Executive Order 14028 or any successor
22 provision.

23 “(5) OPEN SOURCE SOFTWARE.—The term
24 ‘open source software’ means software for which the
25 human-readable source code is made available to the

1 public for use, study, re-use, modification, enhance-
2 ment, and redistribution.

3 “(6) DIRECTOR.—The term ‘Director’ means
4 the Director of the Cybersecurity and Infrastructure
5 Security Agency.”.

6 (b) IDENTIFICATION OF CERTAIN TECHNOLOGY.—
7 Paragraph (1) of section 2202(e) of the Homeland Secu-
8 rity Act of 2002 (6 U.S.C. 603(e)) is amended by adding
9 at the end the following new subparagraph:

10 “(S) To identify the critical technologies
11 (as such term is defined in section 323) or de-
12 velop guidance relating to such technologies
13 within the remits of the Critical Technology Se-
14 curity Centers as described in such section.”.

15 (c) CLERICAL AMENDMENT.—The table of contents
16 in section 1(b) of the Homeland Security Act of 2002 is
17 amended by inserting after the item relating to section
18 322 the following new item:

“Sec. 323. Critical Technology Security Centers.”.

19 **SEC. 5207. SYSTEMICALLY IMPORTANT ENTITIES.**

20 (a) IDENTIFICATION OF SYSTEMICALLY IMPORTANT
21 ENTITIES.—Subtitle A of title XXII of the Homeland Se-
22 curity Act of 2002 (6 U.S.C. 651 et seq.) is amended by
23 adding at the end the following new section:

1 **“SEC. 2220D. PROCEDURE FOR DESIGNATION OF SYSTEM-**
2 **ICALLY IMPORTANT ENTITIES.**

3 “(a) ESTABLISHMENT OF CRITERIA AND PROCE-
4 DURES.—

5 “(1) IN GENERAL.—Not later than 12 months
6 after the date of the enactment of this section, the
7 Secretary, acting through the Director, in consulta-
8 tion with the National Cyber Director, Sector Risk
9 Management Agencies, the Critical Infrastructure
10 Partnership Advisory Council, and, as appropriate,
11 other government and nongovernmental entities,
12 shall establish criteria and procedures for identifying
13 and designating certain entities as systemically im-
14 portant entities for purposes of this section.

15 “(2) CONSIDERATION.—In establishing the cri-
16 teria for designation under paragraph (1), the Sec-
17 retary shall consider the following:

18 “(A) The consequences that a disruption
19 to a system, asset, or facility under an entity’s
20 control would have on one or more national
21 critical functions.

22 “(B) The degree to which the entity has
23 the capacity to engage in operational collabora-
24 tion with the Agency, and the degree to which
25 such operational collaboration would benefit na-
26 tional security.

1 “(C) The entity’s role and prominence
2 within critical supply chains or in the delivery
3 of critical functions.

4 “(D) Any other factors the Secretary de-
5 termines appropriate.

6 “(3) ELEMENTS.—The Secretary shall develop
7 a mechanism for owners and operators of critical in-
8 frastructure to submit information to assist the Sec-
9 retary in making designations under this subsection.

10 “(b) DESIGNATION OF SYSTEMICALLY IMPORTANT
11 ENTITIES.—

12 “(1) IN GENERAL.—The Secretary, using the
13 criteria and procedures established under subsection
14 (a)(1) and any supplementary information submitted
15 under subsection (a)(3), shall designate certain enti-
16 ties as systemically important entities.

17 “(2) NOTIFICATION OF DESIGNATION STA-
18 TUS.—The Secretary shall notify designees within
19 30 days of designation or dedesignation, with an ex-
20 planation of the basis for such determination.

21 “(3) REGISTER.—The Secretary shall maintain
22 and routinely update a list, or register, of such enti-
23 ties, with contact information.

24 “(4) LIMITATIONS.—

1 “(A) IN GENERAL.—The number of des-
2 ignated entities shall not exceed 200 in total.

3 “(B) SUNSET.—Beginning on the date
4 that is four years after the date of the enact-
5 ment of this section, the Secretary, after con-
6 sultation with the Director, may increase the
7 number of designated entities provided—

8 “(i) such number does not exceed 150
9 percent of the prior maximum;

10 “(ii) the Secretary publishes such new
11 maximum number in the Federal Register;
12 and

13 “(iii) such new maximum number has
14 not been changed in the immediately pre-
15 ceding four years.

16 “(c) REDRESS.—

17 “(1) IN GENERAL.—Subject to paragraph (2),
18 the Secretary shall develop a mechanism, consistent
19 with subchapter II of chapter 5 of title 5, United
20 States Code, for an entity notified under subsection
21 (b)(2) to present evidence that the Secretary should
22 reverse—

23 “(A) the designation of a facility, system,
24 or asset as systemically important critical infra-
25 structure;

1 “(B) the determination that a facility, sys-
2 tem, or asset no longer constitutes systemically
3 important critical infrastructure; or

4 “(C) a final judgment entered in a civil ac-
5 tion seeking judicial review brought in accord-
6 ance with paragraph (2).

7 “(2) APPEAL TO FEDERAL COURT.—A civil ac-
8 tion seeking judicial review of a final agency action
9 taken under the mechanism developed under para-
10 graph (1) shall be filed in the United States District
11 Court for the District of Columbia.

12 “(d) REPORTING FOR SYSTEMICALLY IMPORTANT
13 ENTITIES.—

14 “(1) IN GENERAL.—Not later than two years
15 after the date of the enactment of this section, the
16 Secretary, acting through the Director, in consulta-
17 tion with the National Cyber Director, Sector Risk
18 Management Agencies, the CISA Cybersecurity Ad-
19 visory Committee, and relevant government and non-
20 government entities, shall establish reporting re-
21 quirements for systemically important entities.

22 “(2) REQUIREMENTS.—The requirements es-
23 tablished under subsection (a) shall directly support
24 the Department’s ability to understand and
25 prioritize mitigation of risks to national critical func-

1 tions and ensure that any information obtained by
2 a systemically important entity pursuant to this sec-
3 tion is properly secured.

4 “(3) REPORTED INFORMATION.—The require-
5 ments under paragraph (2) may include obligations
6 for systemically important entities to—

7 “(A) identify critical assets, systems, sup-
8 pliers, technologies, software, services, proc-
9 esses, or other dependencies that would inform
10 the Federal Government’s understanding of the
11 risks to national critical functions present in
12 the entity’s supply chain;

13 “(B) associate specific third-party entities
14 with the supply chain dependencies identified
15 under subparagraph (A);

16 “(C) detail the supply chain risk manage-
17 ment practices put in place by the systemically
18 important entity, including, where applicable,
19 any known security and assurance requirements
20 for third-party entities under subparagraph
21 (B); and

22 “(D) identify any documented security con-
23 trols or risk management practices that third-
24 party entities have enacted to ensure the con-

1 tinued delivery of critical services to the system-
2 ically important entity.

3 “(4) DUPLICATIVE REQUIREMENTS.—

4 “(A) IN GENERAL.—The Secretary shall
5 coordinate with the head of any Federal agency
6 with responsibility for regulating the security of
7 a systemically important entity to determine
8 whether the reporting requirements under this
9 subsection may be fulfilled by any reporting re-
10 quirement in effect on the date of the enact-
11 ment of this section or subsequently enacted
12 after such date.

13 “(B) EXISTING REQUIRED REPORTS.—If
14 the Secretary determines that an existing re-
15 porting requirement for a systemically impor-
16 tant entity substantially satisfies the reporting
17 requirements under this subsection, the Sec-
18 retary shall accept such report and may not re-
19 quire a such entity to submit an alternate or
20 modified report.

21 “(C) COORDINATION.—The Secretary shall
22 coordinate with the head any Federal agency
23 with responsibilities for regulating the security
24 of a systemically important entity to eliminate
25 any duplicate reporting or compliance require-

1 ments relating to the security or resiliency of
2 such entities.

3 “(e) INTELLIGENCE SUPPORT TO SYSTEMICALLY IM-
4 PORTANT ENTITIES.—

5 “(1) IDENTIFICATION OF INFORMATION
6 NEEDS.—Not later than one year after the date of
7 the enactment of this section, the Secretary, acting
8 through the Director, shall establish a process to so-
9 licit and compile relevant information from Sector
10 Risk Management Agencies and any other relevant
11 Federal agency to inform and identify common in-
12 formation needs and interdependencies across sys-
13 temically important entities.

14 “(2) INTERDEPENDENCIES AND RISK IDENTI-
15 FICATION.—In establishing the process under para-
16 graph (1), the Secretary, acting through the Direc-
17 tor, shall incorporate methods and procedures—

18 “(A) to identify the types of information
19 needed to understand interdependence of sys-
20 temically important entities and areas where a
21 nation-state adversary may target to cause
22 widespread compromise or disruption, includ-
23 ing—

1 “(i) common technologies, including
2 hardware, software, and services, used
3 within systemically important entities;

4 “(ii) critical lines of businesses, serv-
5 ices, processes, and functions on which
6 multiple systemically important entities are
7 dependent;

8 “(iii) specific technologies, compo-
9 nents, materials, or resources on which
10 multiple systemically important entities are
11 dependent; and

12 “(iv) Federal, State, local, Tribal, or
13 territorial government services, functions,
14 and processes on which multiple system-
15 ically important entities are dependent;
16 and

17 “(B) to associate specific systemically im-
18 portant entities with the information identified
19 under subparagraph (A),

20 “(3) INFORMATION NEEDS AND INDICATIONS
21 AND WARNING.—In establishing the process under
22 paragraph (1), the Secretary, acting through the Di-
23 rector, in consultation with the Director of National
24 Intelligence, shall incorporate methods and proce-
25 dures to—

1 “(A) provide indications and warning to
2 systemically important entities regarding na-
3 tion-state adversary cyber operations relevant to
4 information identified under paragraph (2)(A);
5 and

6 “(B) to identify information needs for the
7 cyber defense efforts of such entities.

8 “(4) RECURRENT INPUT.—Not later than 30
9 days after the establishment of the process under
10 paragraph (1) and no less often than biennially
11 thereafter, the Secretary, acting through the Direc-
12 tor, shall solicit information from systemically im-
13 portant entities utilizing such process.

14 “(5) INTELLIGENCE SHARING.—

15 “(A) IN GENERAL.—Not later than five
16 days after discovery of information that indi-
17 cates a credible threat to an identifiable system-
18 ically important entity, the Director of National
19 Intelligence, in coordination with the Secretary,
20 shall share the appropriate intelligence informa-
21 tion with such entity.

22 “(B) EMERGENCY NOTIFICATION.—The
23 Director of National Intelligence, in coordina-
24 tion with the Secretary, shall share any intel-
25 ligence information related to a systemically im-

1 portant entity with such entity not later than
2 24 hours after the Director of National Intel-
3 ligence determines that such information indi-
4 cates an imminent threat—

5 “(i) to such entity, or to a system,
6 asset, or facility such entity owns or oper-
7 ates; or

8 “(ii) to national security, economic se-
9 curity, or public health and safety relevant
10 to such entity.

11 “(C) NATIONAL SECURITY EXEMPTIONS.—
12 Notwithstanding subparagraphs (A) or (B), the
13 Director of National Intelligence may withhold
14 intelligence information pertaining to a system-
15 ically important entity if the Director of Na-
16 tional Intelligence, with the concurrence of the
17 Secretary and the Director, determines that
18 withholding such information is in the national
19 security interest of the United States.

20 “(D) REPORT TO CONGRESS.—Not later
21 than three years after the date of the enact-
22 ment of this section and annually thereafter,
23 the Secretary, in coordination with the National
24 Cyber Director and the Director of National In-
25 telligence, shall submit to the Committee on

1 Homeland Security of the House of Representa-
2 tives, the Committee on Homeland Security and
3 Government Affairs of the Senate, the Perma-
4 nent Select Committee on Intelligence of the
5 House of Representatives, and the Select Com-
6 mittee on Intelligence of the Senate, a report
7 that—

8 “(i) provides an overview of the intel-
9 ligence information shared with system-
10 ically important entities; and

11 “(ii) evaluates the relevance and suc-
12 cess of the classified, actionable informa-
13 tion the intelligence community (as such
14 term is defined in section 3(4) of the Na-
15 tional Security Act of 1947 (50 U.S.C.
16 3003(4)) provided to systemically impor-
17 tant entities.

18 “(E) INTELLIGENCE SHARING.—Notwith-
19 standing any other provision of law, information
20 or intelligence shared with systemically impor-
21 tant entities under the processes established
22 under this subsection shall not constitute favor-
23 ing one private entity over another.

24 “(f) PRIORITIZATION.—In allocating Department re-
25 sources, the Secretary shall prioritize systemically impor-

1 tant entities in the provision of voluntary services, and en-
2 courage participation in programs to provide technical as-
3 sistance in the form of continuous monitoring and detec-
4 tion of cybersecurity risks.

5 “(g) INCIDENT RESPONSE.—In the event that a sys-
6 temically important entity experiences a serious cyber inci-
7 dent, the Secretary shall—

8 “(1) promptly establish contact with such entity
9 to acknowledge receipt of notification, obtain addi-
10 tional information regarding such incident, and as-
11 certain the need for incident response or technical
12 assistance;

13 “(2) maintain routine or continuous contact
14 with such entity to monitor developments related to
15 such incident;

16 “(3) assist in incident response, mitigation, and
17 recovery efforts;

18 “(4) ascertain evolving needs of such entity;
19 and

20 “(5) prioritize voluntary incident response and
21 technical assistance for such covered entity.

22 “(h) OPERATIONAL COLLABORATION WITH SYSTEM-
23 ICALLY IMPORTANT ENTITIES.—The head of the office for
24 joint cyber planning established pursuant to section 2216,
25 in carrying out the responsibilities of such office with re-

1 spect to relevant cyber defense planning, joint cyber oper-
2 ations, cybersecurity exercises, and information-sharing
3 practices, shall, to the extent practicable, prioritize the in-
4 volvement of systemically important entities.

5 “(i) EMERGENCY PLANNING.—In partnership with
6 systemically important entities, the Secretary, in coordina-
7 tion with the Director, the heads of Sector Risk Manage-
8 ment Agencies, and the heads of other Federal agencies
9 with responsibilities for regulating critical infrastructure,
10 shall regularly exercise response, recovery, and restoration
11 plans to—

12 “(1) assess performance and improve the capa-
13 bilities and procedures of government and system-
14 ically important entities to respond to a major cyber
15 incident; and

16 “(2) clarify specific roles, responsibilities, and
17 authorities of government and systemically impor-
18 tant entities when responding to such an incident.

19 “(j) INTERAGENCY COUNCIL FOR CRITICAL INFRA-
20 STRUCTURE CYBERSECURITY COORDINATION.—

21 “(1) INTERAGENCY COUNCIL FOR CRITICAL IN-
22 FRASTRUCTURE CYBERSECURITY COORDINATION.—

23 There is established an Interagency Council for Crit-
24 ical Infrastructure Cybersecurity Coordination (in
25 this section referred to as the ‘Council’).

1 “(2) CHAIRS.—The Council shall be co-chaired
2 by—

3 “(A) the Secretary, acting through the Di-
4 rector; and

5 “(B) the National Cyber Director.

6 “(3) MEMBERSHIP.—The Council shall be com-
7 prised of representatives from the following:

8 “(A) Appropriate Federal departments and
9 agencies, including independent regulatory
10 agencies responsible for regulating the security
11 of critical infrastructure, as determined by the
12 Secretary and National Cyber Director.

13 “(B) Sector Risk Management Agencies.

14 “(C) The National Institute of Standards
15 and Technology.

16 “(4) FUNCTIONS.—The Council shall be respon-
17 sible for the following:

18 “(A) Reviewing existing regulatory authori-
19 ties that could be utilized to strengthen cyberse-
20 curity for critical infrastructure, as well as po-
21 tential forthcoming regulatory requirements
22 under consideration, and coordinating to ensure
23 that any new or existing regulations are stream-
24 lined and harmonized to the extent practicable,

1 consistent with the principles described in para-
2 graph (5).

3 “(B) Developing cross-sector and sector-
4 specific cybersecurity performance goals that
5 serve as clear guidance for critical infrastruc-
6 ture owners and operators about the cybersecu-
7 rity practices and postures that the American
8 people can trust and should expect for essential
9 services.

10 “(C) Facilitating information sharing and,
11 where applicable, coordination on the develop-
12 ment of cybersecurity policy, rulemaking, ex-
13 aminations, reporting requirements, enforce-
14 ment actions, and information sharing prac-
15 tices.

16 “(D) Recommending to members of the
17 council general supervisory priorities and prin-
18 ciples reflecting the outcome of discussions
19 among such members.

20 “(E) Identifying gaps in regulation that
21 could invite cybersecurity risks to critical infra-
22 structure, and as appropriate, developing legis-
23 lative proposals to resolve such regulatory gaps.

1 “(F) Providing a forum for discussion and
2 analysis of emerging cybersecurity developments
3 and cybersecurity regulatory issues.

4 “(5) PRINCIPLES.—In carrying out the activi-
5 ties under paragraph (4), the Council shall seek to
6 harmonize regulations in a way that—

7 “(A) avoids duplicative, overlapping, overly
8 burdensome, or conflicting regulatory require-
9 ments that do not effectively or efficiently serve
10 the interests of national security, economic se-
11 curity, or public health and safety;

12 “(B) is consistent with national cyber pol-
13 icy and strategy, including the National Cyber
14 Strategy;

15 “(C) recognizes and prioritizes the need for
16 the Cybersecurity and Infrastructure Security
17 Agency, as the lead coordinator for the security
18 and resilience of critical infrastructure across
19 all sectors, to have visibility regarding cyberse-
20 curity threats and security vulnerabilities across
21 sectors, and leverages regulatory authorities in
22 a manner that supports such cross-sector visi-
23 bility and coordination, to the extent prac-
24 ticable; and

1 “(D) recognizes and accounts for the vari-
2 ation within and among critical infrastructure
3 sectors with respect to the level of cybersecurity
4 maturity, the nature of the infrastructure and
5 assets, resources available to deploy security
6 measures, and other factors.

7 “(6) LEVERAGING EXISTING COORDINATING
8 BODIES.—The Council shall, as appropriate in the
9 determination of the Co-Chairs, carry out its work
10 in coordination with critical infrastructure stake-
11 holders, including sector coordinating councils and
12 information sharing and analysis organizations, and
13 the Cyber Incident Reporting Council established
14 pursuant to section 2246.

15 “(7) CONGRESSIONAL OVERSIGHT.—Not later
16 than one year after the date of the enactment of this
17 section and annually thereafter, the Council shall re-
18 port to the Committee on Homeland Security of the
19 House of Representatives, the Committee on Home-
20 land Security and Government Affairs of the Senate,
21 and other relevant congressional committees, on the
22 activities of the Council, including efforts to har-
23 monize regulatory requirements, and close regulatory
24 gaps, together with legislative proposals, as appro-
25 priate.

1 “(k) STUDY ON PERFORMANCE GOALS FOR SYSTEM-
2 ICALLY IMPORTANT ENTITIES.—

3 “(1) IN GENERAL.—The Council shall conduct
4 a study to develop policy options and recommenda-
5 tions regarding the development of risk-based cyber-
6 security performance benchmarks that, if met, would
7 establish a common minimum level of cybersecurity
8 for systemically important entities.

9 “(2) AREAS OF INTEREST.—The study required
10 under paragraph (1) shall evaluate how the perform-
11 ance benchmarks referred to in such paragraph can
12 be—

13 “(A) flexible, nonprescriptive, risk-based,
14 and outcome-focused;

15 “(B) designed to improve resilience and
16 address cybersecurity threats and security
17 vulnerabilities while also providing an appro-
18 priate amount of discretion to operators in de-
19 ciding which specific technologies or solutions to
20 deploy;

21 “(C) applicable and appropriate across
22 critical infrastructure sectors, but also adapt-
23 able and augmentable to develop tailored, sec-
24 tor-specific cybersecurity performance goals;
25 and

1 “(D) reflective of existing industry best
2 practices, standards, and guidelines to the
3 greatest extent possible.

4 “(1) DEFINITIONS.—In this section:

5 “(1) SYSTEMICALLY IMPORTANT ENTITY.—The
6 term ‘systemically important entity’ means a critical
7 infrastructure entity the Secretary has designated as
8 a systemically important entity pursuant to sub-
9 section (b).

10 “(2) DIRECTOR.—The term ‘Director’ means
11 the Director of the Cybersecurity and Infrastructure
12 Security Agency.

13 “(3) SECTOR RISK MANAGEMENT AGENCY.—
14 The term ‘Sector Risk Management Agency’ has the
15 meaning given such term in section 2201.

16 “(4) NATIONAL CRITICAL FUNCTIONS.—The
17 term ‘national critical functions’ means functions of
18 government or private sector so vital to the United
19 States that the disruption, corruption, or dysfunc-
20 tion of such functions would have a debilitating ef-
21 fect on security, national economic security, national
22 public health or safety, or any combination there-
23 of.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 in section 1(b) of the Homeland Security Act is amended

1 by inserting after the item relating to section 2220C the
2 following new item:

“Sec. 2220D. Procedure for designation of covered systemically important entities.”.

3 **SEC. 5208. GAO REVIEW OF DEPARTMENT OF HOMELAND**
4 **SECURITY EFFORTS RELATED TO ESTAB-**
5 **LISHING SPACE AS A CRITICAL INFRASTRUC-**
6 **TURE SECTOR.**

7 Not later than one year after the date of the enact-
8 ment of this Act, the Comptroller General of the United
9 States shall conduct a review, and not later than 18
10 months after such date of enactment, submit to the Com-
11 mittee on Homeland Security, the Committee on Trans-
12 portation and Infrastructure, and the Committee on
13 Science, Space, and Technology of the House of Rep-
14 resentatives and the Committee on Homeland Security
15 and Governmental Affairs and the Committee on Com-
16 merce, Science, and Transportation of the Senate a report
17 on the following:

18 (1) The actions taken by the Department of
19 Homeland Security to evaluate the establishment of
20 space as a critical infrastructure sector, based on the
21 decision-support framework published in reports re-
22 quired pursuant to section 9002(b) of the William
23 M. (Mac) Thornberry National Defense Authoriza-
24 tion Act for Fiscal Year 2021 (6 U.S.C. 652a(b)).

1 (2) The status of efforts by the Department of
2 Homeland Security, if any, to establish space as a
3 critical infrastructure sector.

4 (3) The extent to which the current 16 critical
5 infrastructure sectors, as set forth in PPD21, cover
6 space systems, services, and technology, and the ex-
7 tent to which such sectors leave coverage gaps relat-
8 ing to such space systems, services, and technology.

9 **SEC. 5209. REPORT ON COMMERCIAL SATELLITE CYBERSE-**
10 **CURITY; CISA COMMERCIAL SATELLITE SYS-**
11 **TEM CYBERSECURITY CLEARINGHOUSE.**

12 (a) STUDY.—

13 (1) IN GENERAL.—The Comptroller General of
14 the United States shall conduct a study on the ac-
15 tions the Federal Government has taken to support
16 the cybersecurity of commercial satellite systems, in-
17 cluding as part of any action to address the cyberse-
18 curity of critical infrastructure sectors.

19 (2) REPORT.—Not later than two years after
20 the date of the enactment of this Act, the Comp-
21 troller General of the United States shall submit to
22 the appropriate congressional committees a report
23 on the study conducted under paragraph (1), which
24 shall include information on—

1 (A) efforts of the Federal Government to
2 address or improve the cybersecurity of com-
3 mercial satellite systems and support related ef-
4 forts with international entities or the private
5 sector;

6 (B) the resources made available to the
7 public by Federal agencies to address cyberse-
8 curity risks and cybersecurity threats to com-
9 mercial satellite systems;

10 (C) the extent to which commercial sat-
11 ellite systems and the cybersecurity threats to
12 such systems are integrated into critical infra-
13 structure risk analyses and protection plans of
14 the Department of Homeland Security; and

15 (D) the extent to which Federal agencies
16 coordinate or duplicate authorities and take
17 other actions focused on the cybersecurity of
18 commercial satellite systems.

19 (3) CONSULTATION.—In carrying out para-
20 graphs (1) and (2), the Comptroller General of the
21 United States shall coordinate with appropriate Fed-
22 eral agencies and organizations, including—

23 (A) the Department of Homeland Security;

24 (B) the Department of Commerce;

25 (C) the Department of Defense;

- 1 (D) the Department of Transportation;
2 (E) the Department of State;
3 (F) the Federal Communications Commis-
4 sion;
5 (G) the National Aeronautics and Space
6 Administration;
7 (H) the National Executive Committee for
8 Space-Based Positioning, Navigation, and Tim-
9 ing; and
10 (I) the National Space Council.

11 (4) BRIEFING.—Not later than two years after
12 the date of the enactment of this Act, the Comp-
13 troller General of the United States shall provide to
14 the appropriate congressional committees a briefing
15 relating to carrying out paragraphs (1) and (2).

16 (5) CLASSIFICATION.—The report under para-
17 graph (2) shall be submitted in unclassified form,
18 but may include a classified annex.

19 (b) CISA COMMERCIAL SATELLITE SYSTEM CYBER-
20 SECURITY CLEARINGHOUSE.—

21 (1) ESTABLISHMENT.—

22 (A) IN GENERAL.—Not later than 180
23 days after the date of the enactment of this
24 Act, the Director shall establish a commercial
25 satellite system cybersecurity clearinghouse.

1 (B) REQUIREMENTS.—The clearinghouse
2 shall—

3 (i) be publicly available online;

4 (ii) contain current, relevant, and
5 publicly available commercial satellite sys-
6 tem cybersecurity resources, including the
7 recommendations consolidated under para-
8 graph (2), and any other appropriate ma-
9 terials for reference by entities that de-
10 velop commercial satellite systems; and

11 (iii) include materials specifically
12 aimed at assisting small business concerns
13 with the secure development, operation,
14 and maintenance of commercial satellite
15 systems.

16 (C) EXISTING PLATFORM OR WEBSITE.—
17 The Director may establish the clearinghouse
18 on an online platform or a website that is in ex-
19 istence as of the date of the enactment of this
20 Act.

21 (2) CONSOLIDATION OF COMMERCIAL SAT-
22 ELLITE SYSTEM CYBERSECURITY RECOMMENDA-
23 TIONS.—

24 (A) IN GENERAL.—The Director shall con-
25 solidate voluntary cybersecurity recommenda-

1 tions designed to assist in the development,
2 maintenance, and operation of commercial sat-
3 ellite systems.

4 (B) REQUIREMENTS.—The recommenda-
5 tions consolidated under subparagraph (A) shall
6 include, to the greatest extent practicable, ma-
7 terials addressing the following:

8 (i) Risk-based, cybersecurity-informed
9 engineering, including continuous moni-
10 toring and resiliency.

11 (ii) Planning for retention or recovery
12 of positive control of commercial satellite
13 systems in the event of a cybersecurity in-
14 cident.

15 (iii) Protection against unauthorized
16 access to vital commercial satellite system
17 functions.

18 (iv) Physical protection measures de-
19 signed to reduce the vulnerabilities of a
20 commercial satellite system's command,
21 control, or telemetry receiver systems.

22 (v) Protection against jamming or
23 spoofing.

1 (vi) Security against threats through-
2 out a commercial satellite system's mission
3 lifetime.

4 (vii) Management of supply chain
5 risks that affect the cybersecurity of com-
6 mercial satellite systems.

7 (viii) As appropriate, and as applica-
8 ble pursuant to the requirement under
9 paragraph (1)(b)(ii) (relating to the clear-
10 inghouse containing current, relevant, and
11 publicly available commercial satellite sys-
12 tem cybersecurity resources), the findings
13 and recommendations from the study con-
14 ducted by the Comptroller General of the
15 United States under subsection (a)(1).

16 (ix) Risks of a strategic competitor
17 becoming dominant in the commercial sat-
18 ellite sector.

19 (x) Any other recommendations to en-
20 sure the confidentiality, availability, and
21 integrity of data residing on or in transit
22 through commercial satellite systems.

23 (3) IMPLEMENTATION.—In implementing this
24 subsection, the Director shall—

1 (A) to the extent practicable, carry out
2 such implementation as a public-private part-
3 nership;

4 (B) coordinate with the heads of appro-
5 priate Federal agencies with expertise and expe-
6 rience in satellite operations, including the enti-
7 ties described in subsection (a)(3);

8 (C) consult with non-Federal entities devel-
9 oping commercial satellite systems or otherwise
10 supporting the cybersecurity of commercial sat-
11 ellite systems, including private, consensus or-
12 ganizations that develop relevant standards;
13 and

14 (D) consider entering into an agreement
15 with a non-Federal organization to manage and
16 operate the clearinghouse.

17 (c) DEFINITIONS.—In this section:

18 (1) The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Homeland Security,
21 the Committee on Space, Science, and Tech-
22 nology, the Committee on Armed Services, the
23 Committee on Foreign Affairs, and the Com-
24 mittee on Energy and Commerce of the House
25 of Representatives; and

1 (B) the Committee on Homeland Security
2 and Governmental Affairs, the Committee on
3 Armed Services, the Committee on Foreign Re-
4 lations, and the Committee on Commerce,
5 Science, and Transportation of the Senate.

6 (2) The term “clearinghouse” means the com-
7 mercial satellite system cybersecurity clearinghouse
8 required to be developed and maintained under sub-
9 section (b)(1).

10 (3) The term “commercial satellite system”
11 means a system of one or more satellites and any
12 ground support infrastructure, and all transmission
13 links among and between them that is owned, or op-
14 erated by a non-Federal United States entity.

15 (4) The term “critical infrastructure” has the
16 meaning given such term in section 1016(e) of Pub-
17 lic Law 107–56 (42 U.S.C. 5195c(e)).

18 (5) The term “cybersecurity risk” has the
19 meaning given such term in section 2209 of the
20 Homeland Security Act of 2002 (6 U.S.C. 659).

21 (6) The term “cybersecurity threat” has the
22 meaning given such term in section 102 of the Cy-
23 bersecurity Information Sharing Act of 2015 (6
24 U.S.C. 1501).

1 (7) The term “Director” means the Director of
2 the Cybersecurity and Infrastructure Security Agen-
3 cy.

4 (8) The term “small business concern” has the
5 meaning given the term in section 3 of the Small
6 Business Act (15 U.S.C. 632).

7 **SEC. 5210. REPORTS, EVALUATIONS, AND RESEARCH RE-**
8 **GARDING DRUG INTERDICTION AT AND BE-**
9 **TWEEN PORTS OF ENTRY.**

10 (a) RESEARCH ON ADDITIONAL TECHNOLOGIES TO
11 DETECT FENTANYL.—Not later than one year after the
12 date of the enactment of this Act, the Secretary of Home-
13 land Security, in consultation with the Centers for Disease
14 Control and Prevention, the Federal Drug Administration,
15 and the Defense Advanced Research Projects Agency,
16 shall research additional technological solutions to—

17 (1) target and detect illicit fentanyl and its pre-
18 cursors, including low-purity fentanyl, especially in
19 counterfeit pressed tablets, and illicit pill press
20 molds;

21 (2) enhance targeting of counterfeit pills
22 through nonintrusive, noninvasive, and other visual
23 screening technologies; and

24 (3) enhance data-driven targeting to increase
25 seizure rates of fentanyl and its precursors.

1 (b) EVALUATION OF CURRENT TECHNOLOGIES AND
2 STRATEGIES IN ILLICIT DRUG INTERDICTION AND PRO-
3 CUREMENT DECISIONS.—

4 (1) IN GENERAL.—The Secretary of Homeland
5 Security, in consultation with the Administrator of
6 the Drug Enforcement Administration, the Director
7 of the Federal Bureau of Investigation, the Director
8 of the Centers for Disease Control and Prevention,
9 and the Commissioner of Food and Drugs, shall es-
10 tablish a program to collect available data and de-
11 velop metrics to measure how technologies and strat-
12 egies used by the Department, U.S. Customs and
13 Border Protection, and other relevant Federal agen-
14 cies have helped detect, deter, or address illicit
15 fentanyl and its precursors being trafficking into the
16 United States at and between land, air, and sea
17 ports of entry. Such data and metrics program may
18 consider the rate of detection at random secondary
19 inspections at such ports of entry, investigations and
20 intelligence sharing into the origins of illicit fentanyl
21 later detected within the United States, and other
22 data or metrics considered appropriate by the Sec-
23 retary. The Secretary, as appropriate and in the co-
24 ordination with the officials specified in this para-
25 graph, may update such data and metrics program.

1 (2) REPORTS.—

2 (A) SECRETARY OF HOMELAND SECUR-
3 RITY.—Not later than one year after the date
4 of the enactment of this Act and biennially
5 thereafter, the Secretary of Homeland Security,
6 the Administrator of the Drug Enforcement
7 Administration, the Director of the Federal Bu-
8 reau of Investigation, the Director of the Cen-
9 ters for Disease Control and Prevention, the
10 Commissioner of Food and Drugs, and the
11 Postmaster General shall, based on the data
12 collected and metrics developed pursuant to the
13 program established under paragraph (1), sub-
14 mit to the Committee on Homeland Security of
15 the House of Representatives and the Com-
16 mittee on Homeland Security and Govern-
17 mental Affairs a report that—

18 (i) examines and analyzes current
19 technologies deployed at land, air, and sea
20 ports of entry, including pilot technologies,
21 to assess how well such technologies detect,
22 deter, and address fentanyl and its precur-
23 sors;

24 (ii) contains a cost-benefit analysis of
25 technologies used in drug interdiction; and

1 (iii) describes how such analysis may
2 be used when making procurement deci-
3 sions relating to such technologies.

4 (B) GAO.—Not later than one year after
5 each report submitted pursuant to subpara-
6 graph (A), the Comptroller General of the
7 United States shall submit to the Committee on
8 Homeland Security of the House of Representa-
9 tives and the Committee on Homeland Security
10 and Governmental Affairs of the Senate a re-
11 port that evaluates and, as appropriate, makes
12 recommendations to improve, the data collected
13 and metrics used in each such report.

14 **SEC. 5211. REPORT ON PUERTO RICO'S ELECTRIC GRID.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary of Home-
17 land Security and the Administrator of the Federal Emer-
18 gency Management Agency (FEMA), in consultation with
19 the Secretary of the Department of Energy and the Sec-
20 retary of the Department of Housing and Urban Develop-
21 ment, shall submit to the appropriate congressional com-
22 mittees a report on Puerto Rico's progress toward rebuild-
23 ing the electric grid and detailing the efforts the Federal
24 Government is undertaking to expedite such rebuilding.
25 The report shall contain the following:

1 (1) An analysis of the state of Puerto Rico's
2 electric grid, including the following:

3 (A) A list of projects in order of priority,
4 estimated cost, and estimated time necessary
5 for completion.

6 (B) An analysis of the measures taken by
7 the Federal Government to expedite such re-
8 building and the effectiveness of such measures.

9 (C) Information relating to the amount of
10 funds that have been allocated and the amount
11 of funds that have been disbursed.

12 (D) An analysis of how the Federal Gov-
13 ernment can provide further assistance in expe-
14 diting such rebuilding.

15 (2) An analysis of the state of Puerto Rico's re-
16 newable energy generation and storage capacities,
17 including the following:

18 (A) A list of current and expected projects
19 focused on renewable energy generation and
20 storage.

21 (B) A report on the development of renew-
22 able energy sources in Puerto Rico, including
23 projections for meeting renewable energy
24 metrics established in the Puerto Rico Energy
25 Public Policy Act (Act 17).

1 (C) An analysis of challenges for improving
2 Puerto Rico's renewable energy capacity and
3 recommendations for addressing such chal-
4 lenges.

5 (D) An analysis of how the Federal Gov-
6 ernment can provide further assistance, includ-
7 ing funding and legislative actions, in facili-
8 tating renewable energy development and im-
9 proving Puerto Rico's renewable energy genera-
10 tion and storage capacities.

11 (E) An analysis of the extent to which the
12 federally funded projects to rebuild the electric
13 grid will support an efficient transition from
14 fossil fueled generation sources to renewable
15 sources, in a manner that sustains reliable
16 power supply during such transition, preserves
17 base and peak load capacity upon completion of
18 such transition, and prevents creation of
19 stranded assets.

20 (3) Recommendations, as appropriate, for
21 power companies and governments to reduce the
22 number of outages and blackouts.

23 (4) Proposals, as appropriate, for legislative ac-
24 tions and funding needed to improve the process of

1 fund disbursement for critical projects related to
2 electric grids.

3 (5) A plan for expediting such rebuilding by not
4 later than three months after the report is so sub-
5 mitted.

6 (b) DEFINITION.—In this section, the term “appro-
7 priate congressional committees” means the Committee on
8 Homeland Security, the Committee on Natural Resources,
9 the Committee on Energy and Commerce, and the Com-
10 mittee on Transportation and Infrastructure of the House
11 of Representatives and the Committee on Homeland Secu-
12 rity and Governmental Affairs and the Committee on En-
13 ergy and Natural Resources of the Senate.

14 **SEC. 5212. ACCESS TO MILITARY INSTALLATIONS FOR**
15 **HOMELAND SECURITY INVESTIGATIONS PER-**
16 **SONNEL IN GUAM.**

17 The commander of a military installation located in
18 Guam shall grant to an officer or employee of Homeland
19 Security Investigations the same access to such military
20 installation (including the use of an APO or FPO box)
21 such commander grants to an officer or employee of U.S.
22 Customs and Border Protection or of the Federal Bureau
23 of Investigation.

1 **SEC. 5213. BUILDING CYBER RESILIENCE AFTER**
2 **SOLARWINDS.**

3 (a) DEFINITIONS.—In this section:

4 (1) CRITICAL INFRASTRUCTURE.—The term
5 “critical infrastructure” has the meaning given such
6 term in section 1016(e) of Public Law 107–56 (42
7 U.S.C. 5195c(e)).

8 (2) DIRECTOR.—The term “Director” shall
9 refer to the Director of the Cybersecurity and Infra-
10 structure Security Agency.

11 (3) INFORMATION SYSTEM.—The term “infor-
12 mation system” has the meaning given such term in
13 section 2240 of the Homeland Security Act of 2002
14 (6 U.S.C. 681).

15 (4) SIGNIFICANT CYBER INCIDENT.—The term
16 “significant cyber incident” has the meaning given
17 such term in section 2240 of the Homeland Security
18 Act of 2002.

19 (5) SOLARWINDS INCIDENT.—The term
20 “SolarWinds incident” refers to the significant cyber
21 incident that prompted the establishment of a Uni-
22 fied Cyber Coordination Group, as provided by sec-
23 tion V(B)(2) of Presidential Policy Directive 41, in
24 December 2020.

25 (b) SOLARWINDS INVESTIGATION AND REPORT.—

1 (1) INVESTIGATION.—The Director, in con-
2 sultation with the National Cyber Director and the
3 heads of other relevant Federal departments and
4 agencies, shall carry out an investigation to evaluate
5 the impact of the SolarWinds incident on informa-
6 tion systems owned and operated by Federal depart-
7 ments and agencies, and, to the extent practicable,
8 other critical infrastructure.

9 (2) ELEMENTS.—In carrying out subsection
10 (b), the Director shall review the following:

11 (A) The extent to which Federal informa-
12 tion systems were accessed, compromised, or
13 otherwise impacted by the SolarWinds incident,
14 and any potential ongoing security concerns or
15 consequences arising from such incident.

16 (B) The extent to which information sys-
17 tems that support other critical infrastructure
18 were accessed, compromised, or otherwise im-
19 pacted by the SolarWinds incident, where such
20 information is available to the Director.

21 (C) Any ongoing security concerns or con-
22 sequences arising from the SolarWinds incident,
23 including any sensitive information that may
24 have been accessed or exploited in a manner
25 that poses a threat to national security.

1 (D) Implementation of Executive Order
2 14028 (Improving the Nation's Cybersecurity
3 (May 12, 2021)).

4 (E) Efforts taken by the Director, the
5 heads of Federal departments and agencies,
6 and critical infrastructure owners and operators
7 to address cybersecurity vulnerabilities and
8 mitigate risks associated with the SolarWinds
9 incident.

10 (c) REPORT.—Not later than 120 days after the date
11 of the enactment of this Act, the Director shall submit
12 to the Committee on Homeland Security in the House of
13 Representatives and Committee on Homeland Security
14 and Government Affairs in the Senate a report that in-
15 cludes the following:

16 (1) Findings for each of the elements specified
17 in subsection (b).

18 (2) Recommendations to address security gaps,
19 improve incident response efforts, and prevent simi-
20 lar cyber incidents.

21 (3) Any areas where the Director lacked the in-
22 formation necessary to fully review and assessment
23 such elements, the reason the information necessary
24 was unavailable, and recommendations to close such
25 informational gaps.

1 (d) GAO REPORT ON CYBER SAFETY REVIEW
2 BOARD.—Not later than one year after the date of the
3 enactment of this Act, the Comptroller General of the
4 United States shall evaluate the activities of the Cyber
5 Safety Review Board established pursuant to Executive
6 Order 14028 (Improving the Nation’s Cybersecurity (May
7 12, 2021)), with a focus on the Board’s inaugural review
8 announced in February 2022, and assess whether the
9 Board has the authorities, resources, and expertise nec-
10 essary to carry out its mission of reviewing and assessing
11 significant cyber incidents.

12 **SEC. 5214. CISA DIRECTOR APPOINTMENT AND TERM.**

13 Subsection (b) of section 2202 of the Homeland Se-
14 curity Act of 2002 (6 U.S.C. 652) is amended—

15 (1) in paragraph (1), by adding at the end the
16 following new sentence: “The Director shall be ap-
17 pointed by the President, by and with the advice and
18 consent of the Senate.”;

19 (2) by redesignating paragraphs (2) and (3) as
20 paragraphs (3) and (4), respectively; and

21 (3) by inserting after paragraph (1) the fol-
22 lowing new paragraph:

23 “(2) TERM.—Effective with respect to an indi-
24 vidual appointed pursuant to paragraph (1) after the
25 date of the enactment of this paragraph, the term

1 of office of such an individual so appointed shall be
2 five years. The term of office of the individual serv-
3 ing as the Director on the day before such date of
4 enactment shall be five years beginning from the
5 date on which such Director began serving.”.

6 **SEC. 5215. DEPARTMENT OF HOMELAND SECURITY REPORT**
7 **RELATING TO ESTABLISHMENT OF**
8 **PRECLEARANCE FACILITY IN TAIWAN.**

9 (a) REPORT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the Sec-
12 retary of Homeland Security, in consultation with
13 the Secretary of Commerce, shall submit to the ap-
14 propriate congressional committees a report that in-
15 cludes an assessment of establishing a preclearance
16 facility in Taiwan.

17 (2) ELEMENTS.—The assessment required
18 under paragraph (1) shall include the following:

19 (A) An assessment with respect to the fea-
20 sibility and advisability of establishing a CBP
21 Preclearance facility in Taiwan.

22 (B) An assessment with respect to the na-
23 tional security, homeland security, and law en-
24 forcement benefits of establishing a CBP
25 Preclearance facility in Taiwan.

1 (C) An assessment of the impacts
2 preclearance operations in Taiwan will have
3 with respect to—

4 (i) trade and travel, including impacts
5 on passengers traveling to the United
6 States; and

7 (ii) CBP staffing.

8 (D) Country-specific information relating
9 to—

10 (i) anticipated benefits to the United
11 States; and

12 (ii) security vulnerabilities associated
13 with such preclearance operations.

14 (b) DEFINITIONS.—In this section—

15 (1) The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Homeland Security,
18 the Committee on Financial Services, and the
19 Committee on Ways and Means of the House of
20 Representatives; and

21 (B) the Committee on Commerce, Science,
22 and Transportation, the Committee on Finance,
23 and the Joint Committee on Taxation of the
24 Senate.

1 (2) The term “CBP” means U.S. Customs and
2 Border Protection.

3 **SEC. 5216. HUMAN TRAFFICKING TRAINING.**

4 (a) IN GENERAL.—Subtitle H of title VIII of the
5 Homeland Security Act of 2002 is amended by inserting
6 after section 884 (6 U.S.C. 464) the following new section:

7 **“SEC. 884A. HUMAN TRAFFICKING TRAINING.**

8 “(a) IN GENERAL.—The Director of the Federal Law
9 Enforcement Training Centers (FLETC) is authorized, in
10 accordance with this section, to establish a human traf-
11 ficking awareness training program within the Federal
12 Law Enforcement Training Centers.

13 “(b) TRAINING PURPOSES.—The human trafficking
14 awareness training program referred to in subsection (a),
15 shall, if established, provide to State, local, Tribal, terri-
16 torial, and educational institution law enforcement per-
17 sonnel training courses relating to the following:

18 “(1) An in-depth understanding of the defini-
19 tion of human trafficking.

20 “(2) An ability to recognize indicators of
21 human trafficking.

22 “(3) Information on industries and common lo-
23 cations known for human trafficking.

24 “(4) Human trafficking response measures, in-
25 cluding a victim-centered approach.

1 “(5) Human trafficking reporting protocols.

2 “(6) An overview of Federal statutes and appli-
3 cable State law related to human trafficking.

4 “(7) Additional resources to assist with sus-
5 pected human trafficking cases, as necessary.

6 “(c) INTEGRATION WITH EXISTING PROGRAMS.—To
7 the extent practicable, human trafficking awareness train-
8 ing, including principles and learning objectives, should be
9 integrated into other training programs operated by the
10 Federal Law Enforcement Training Centers.

11 “(d) COORDINATION.—The Director of FLETC, or
12 the designee of such Director, shall coordinate with the
13 Director of the Department’s Blue Campaign, or the des-
14 ignee of such Director, in the development and delivery
15 of human trafficking awareness training programs.

16 “(e) HUMAN TRAFFICKING DEFINED.—In this sec-
17 tion, the term ‘human trafficking’ means an act or prac-
18 tice described in paragraph (11) or (12) of section 103
19 of the Trafficking Victims Protection Act of 2000 (22
20 U.S.C. 7102).

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated \$2,300,000 for each of
23 fiscal years 2023 through 2028.”.

24 (b) TECHNICAL AMENDMENT.—Subsection (a) of
25 section 434 of the Homeland Security Act of 2002 (6

1 U.S.C. 242) is amended by striking “paragraph (9) or
2 (10)” and inserting “paragraph (11) or (12)”.

3 (c) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002 is
5 amended by inserting after the item relating to section
6 884 the following new item:

“Sec. 884A. Human trafficking training.”.

7 **TITLE LIII—TRANSPORTATION**
8 **AND INFRASTRUCTURE MAT-**
9 **TERS**

10 **SEC. 5301. CALCULATION OF ACTIVE SERVICE.**

11 (a) IN GENERAL.—Subchapter I of chapter 25 of title
12 14, United States Code, is amended by adding at the end
13 the following:

14 **“§ 2515. Calculation of active service**

15 “Any service described, including service described
16 prior to the date of enactment of the Don Young Coast
17 Guard Authorization Act of 2022, in writing, including by
18 electronic communication, by a representative of the Coast
19 Guard Personnel Service Center as service that counts to-
20 ward total active service for regular retirement under sec-
21 tion 2152 or section 2306 shall be considered by the Presi-
22 dent as active service for purposes of applying section
23 2152 or section 2306 with respect to the determination
24 of the retirement qualification for any officer or enlisted
25 member to whom a description was provided.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 25 of title 14, United States Code, is amended by in-
3 serting after the item relating to section 2515 the fol-
4 lowing:

“2515. Calculation of active service.”.

5 (c) RULE OF CONSTRUCTION.—The amendment
6 made by subsection (a) shall apply to officers and enlisted
7 members that—

8 (1) have retired from the Coast Guard before
9 the date of enactment of this Act;

10 (2) voluntarily separated from service before
11 the date of enactment of this Act; or

12 (3) are serving in the Coast Guard on or after
13 the date of enactment of this Act.

14 **SEC. 5302. ACQUISITION OF ICEBREAKER.**

15 (a) IN GENERAL.—The Commandant of the Coast
16 Guard may acquire or procure an available icebreaker.

17 (b) EXEMPTIONS FROM REQUIREMENTS.—Sections
18 1131, 1132, 1133, and 1171 of title 14, United States
19 Code, shall not apply to an acquisition or procurement
20 under subsection (a).

21 (c) AVAILABLE ICEBREAKER DEFINED.—In this sec-
22 tion, the term “available icebreaker” means a vessel
23 that—

24 (1) is capable of—

1 (A) supplementing United States Coast
2 Guard polar icebreaking capabilities;

3 (B) projecting United States sovereignty;

4 (C) carrying out the primary duty of the
5 Coast Guard described in section 103(7) of title
6 14, United States Code; and

7 (D) collecting hydrographic, environmental,
8 and climate data; and

9 (2) is documented with a coastwise endorsement
10 under chapter 121 of title 46, United States Code.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—Of the
12 amounts authorized under section 4902 of title 14, United
13 States Code, as amended by this Act, for fiscal year 2023
14 up to \$150,000,000 is authorized for the acquisition or
15 procurement of an available icebreaker.

16 **SEC. 5303. DEPARTMENT OF DEFENSE CIVILIAN PILOTS.**

17 (a) ELIGIBILITY FOR CERTAIN RATINGS.—Not later
18 than 18 months after the date of the enactment of this
19 Act, the Administrator of the Federal Aviation Adminis-
20 tration shall revise section 61.73 of title 14, Code of Fed-
21 eral Regulations, to ensure that a Department of Defense
22 civilian pilot is eligible for a rating based on qualifications
23 earned as a Department of Defense pilot, pilot instructor,
24 or pilot examiner in the same manner that a military pilot

1 is eligible for such a rating based on qualifications earned
2 as a military pilot, pilot instructor, or pilot examiner.

3 (b) DEFINITIONS.—In this section:

4 (1) DEPARTMENT OF DEFENSE CIVILIAN
5 PILOT.—

6 (A) IN GENERAL.—The term “Department
7 of Defense civilian pilot” means an individual,
8 other than a military pilot, who is employed as
9 a pilot by the Department of Defense.

10 (B) EXCLUSION.—The term “Department
11 of Defense civilian pilot” does not include a
12 contractor of the Department of Defense.

13 (2) MILITARY PILOT.—The term “military
14 pilot” means a military pilot, as such term is used
15 in section 61.73 of title 14, Code of Federal Regula-
16 tions (as in effect on the day before the date of the
17 enactment of this Act).

18 **SEC. 5304. PILOT PROGRAM FOR SPACEFLIGHT RECOVERY**

19 **OPERATIONS AT SEA.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that—

22 (1) the United States has the most advanced
23 commercial space industry in the world;

24 (2) the United States domestic space sector cre-
25 ates jobs, demonstrates American global techno-

1 logical leadership, and is critical to the national de-
2 fense; and

3 (3) the reliable, safe, and secure at-sea recovery
4 of spaceflight components is necessary to sustain
5 and further develop the commercial space enterprise,
6 which is of vital importance to the national and eco-
7 nomic security of the United States.

8 (b) ESTABLISHMENT.—

9 (1) IN GENERAL.—Not later than 30 days after
10 the date of enactment of this Act, the Secretary
11 shall establish and conduct a pilot program to over-
12 see the operation and monitoring of remotely-con-
13 trolled or unmanned spaceflight recovery vessels or
14 platforms by eligible entities to—

15 (A) better understand the complexities of
16 such operation and monitoring and potential
17 risks to navigation safety and maritime work-
18 ers;

19 (B) gather observational and performance
20 data from monitoring the use of remotely-con-
21 trolled or unmanned spaceflight recovery vessels
22 and platforms; and

23 (C) assess and evaluate regulatory alter-
24 natives to guide the development of routine op-
25 eration and monitoring of remotely-controlled or

1 unmanned spaceflight recovery vessels and plat-
2 forms.

3 (2) REQUIREMENTS.—In conducting the pilot
4 program established under this section, the Sec-
5 retary shall—

6 (A) ensure that authority provided under
7 this section is necessary to ensure the life and
8 safety of licensed and unlicensed maritime
9 workers and other non-vessel operating per-
10 sonnel involved during operations regulated
11 under this section; and

12 (B) consider experience and knowledge
13 gained pursuant to implementation of the pilot
14 program authorized under section 8343 of the
15 Elijah E. Cummings Coast Guard Authoriza-
16 tion Act of 2020 (46 U.S.C. 70034 note).

17 (c) AUTHORIZED ACTIVITIES.—

18 (1) IN GENERAL.—In conducting the pilot pro-
19 gram under this section, the Secretary may allow an
20 eligible entity to—

21 (A) carry out remote over-the-horizon mon-
22 itoring operations related to the active recovery
23 of spaceflight components at sea on a remotely-
24 controlled or unmanned spaceflight recovery
25 vessel or platform;

1 (B) develop procedures for the operation
2 and monitoring of remotely-controlled or un-
3 manned spaceflight recovery vessels or plat-
4 forms;

5 (C) carry out unmanned spaceflight recov-
6 ery vessel transits and testing operations with-
7 out a physical tow line; and

8 (D) carry out any other activities the Sec-
9 retary determines to be in the interest of fur-
10 thering the development of operations to re-
11 cover spaceflight components at sea, including
12 the use of remotely-controlled or unmanned ves-
13 sels specifically designed, built, and used for do-
14 mestic spaceflight recovery operations.

15 (2) PROHIBITION.—In conducting the pilot pro-
16 gram under this section, the Secretary may not
17 allow an eligible entity to operate a remotely-con-
18 trolled or unmanned spaceflight recovery vessel with-
19 out a physical tow line within 12 nautical miles of
20 a port.

21 (d) INTERIM AUTHORITY.—In recognition of poten-
22 tial risks to navigation safety and unique circumstances
23 requiring the use of remotely operated or unmanned
24 spaceflight recovery vessels or platforms for recovery of
25 spaceflight components at sea, and in carrying out the

1 pilot program under this section, the Secretary is author-
2 ized to—

3 (1) allow such recovery operations to proceed
4 consistent with the authorities of the Secretary
5 under navigation and manning laws and regulations;
6 and

7 (2) modify applicable regulations and guidance
8 as the Secretary considers appropriate to—

9 (A) allow the recovery of spaceflight com-
10 ponents at sea to occur while ensuring naviga-
11 tion safety in recovery areas; and

12 (B) ensure the reliable, safe, and secure
13 operation of remotely controlled or unmanned
14 spaceflight recovery vessels and platforms.

15 (e) DURATION.—The pilot program established under
16 this section shall terminate on the day that is 5 years after
17 the date on which the pilot program is established.

18 (f) PROHIBITION ON RULEMAKING.—

19 (1) IN GENERAL.—During the covered period,
20 and except as provided in paragraph (2), the Sec-
21 retary may not propose, issue, or implement a rule
22 regarding the integration of automated and autono-
23 mous commercial vessels and vessel technologies, in-
24 cluding artificial intelligence, into the United States
25 maritime transportation system.

1 (2) NON-APPLICATION.—The prohibition au-
2 thorized under paragraph (1) shall not apply to a
3 rule that is—

4 (A) related to activities carried out under
5 this section; and

6 (B) initiated due to a matter of national
7 security, an emergency, or to prevent the immi-
8 nent loss of life and property at sea.

9 (3) COVERED PERIOD DEFINED.—In this sub-
10 section, the term “covered period” means the period
11 beginning on the date of enactment of this Act and
12 ending on the later of—

13 (A) the date on which the International
14 Maritime Organization adopts a regulatory re-
15 gime including international standards to gov-
16 ern the use and operation of automated and au-
17 tonomous commercial vessels and vessel tech-
18 nologies for commercial waterborne transpor-
19 tation; or

20 (B) the date on which the pilot program
21 terminates under subsection (e).

22 (g) BRIEFINGS.—Upon the request of the Committee
23 on Transportation and Infrastructure of the House of
24 Representatives or the Committee on Commerce, Science,
25 and Transportation of the Senate, the Commandant of the

1 Coast Guard shall brief either such committee on the pilot
2 program established under this section.

3 (h) REPORT.—Not later than 180 days after the ter-
4 mination of the pilot program under subsection (e), the
5 Secretary shall submit to the Committee on Transpor-
6 tation and Infrastructure of the House of Representatives
7 and the Committee on Commerce, Science, and Transpor-
8 tation of the Senate a final report describing the execution
9 of such pilot program and recommendations for maintain-
10 ing navigation safety and the safety of maritime workers
11 in spaceflight recovery areas.

12 (i) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion may be construed to authorize the employment in the
14 coastwise trade of a vessel or platform that does not meet
15 the requirements of sections 12112, 55102, 55103, or
16 55111 of title 46, United States Code.

17 (j) DEFINITIONS.—In this section:

18 (1) ELIGIBLE ENTITY.—The term “eligible enti-
19 ty” means any company engaged in the recovery of
20 spaceflight components at sea.

21 (2) SECRETARY.—The term “Secretary” means
22 the Secretary of the department in which the Coast
23 Guard is operating.

1 **SEC. 5305. PORT INFRASTRUCTURE DEVELOPMENT**
2 **GRANTS.**

3 (a) IN GENERAL.—From amounts appropriated for
4 port infrastructure development grants under section
5 54301(a) of title 46, United States Code, after the date
6 of enactment of this Act for each of fiscal years 2023
7 through 2027, the Secretary of Transportation shall treat
8 a project described in subsection (b) as an eligible project
9 under section 54301(a)(3) of such title for purposes of
10 making grants under section 54301(a) of such title.

11 (b) PROJECT DESCRIBED.—A project described in
12 this subsection is a project to provide shore power at a
13 port that services passenger vessels described in section
14 3507(k) of title 46, United States Code.

15 **SEC. 5306. PRELIMINARY DAMAGE ASSESSMENT.**

16 (a) FINDINGS.—Congress finds the following:

17 (1) Preliminary damage assessments play a
18 critical role in assessing and validating the impact
19 and magnitude of a disaster.

20 (2) Through the preliminary damage assess-
21 ment process, representatives from the Federal
22 Emergency Management Agency validate informa-
23 tion gathered by State and local officials that serves
24 as the basis for disaster assistance requests.

25 (3) Various factors can impact the duration of
26 a preliminary damage assessment and the cor-

1 responding submission of a major disaster request,
2 however, the average time between when a disaster
3 occurs, and the submission of a corresponding dis-
4 aster request has been found to be approximately
5 twenty days longer for flooding disasters.

6 (4) With communities across the country facing
7 increased instances of catastrophic flooding and
8 other extreme weather events, accurate and efficient
9 preliminary damage assessments have become criti-
10 cally important to the relief process for impacted
11 States and municipalities.

12 (b) REPORT TO CONGRESS.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of enactment of this Act, the Administrator
15 of the Federal Emergency Management Agency shall
16 submit to Congress a report describing the prelimi-
17 nary damage assessment process, as supported by
18 the Federal Emergency Management Agency in the
19 5 years before the date of enactment of this Act.

20 (2) CONTENTS.—The report described in para-
21 graph (1) shall contain the following:

22 (A) The process of the Federal Emergency
23 Management Agency for deploying personnel to
24 support preliminary damage assessments.

1 (B) The number of Agency staff partici-
2 pating on disaster assessment teams.

3 (C) The training and experience of such
4 staff described in subparagraph (B).

5 (D) A calculation of the average amount of
6 time disaster assessment teams described in
7 subparagraph (A) are deployed to a disaster
8 area.

9 (E) The efforts of the Agency to maintain
10 a consistent liaison between the Agency and
11 State, local, tribal, and territorial officials with-
12 in a disaster area.

13 (c) PRELIMINARY DAMAGE ASSESSMENT.—

14 (1) IN GENERAL.—Not later than 6 months
15 after the date of enactment of this Act, the Adminis-
16 trator of the Federal Emergency Management Agen-
17 cy shall convene an advisory panel consisting of
18 emergency management personnel employed by
19 State, local, territorial, or tribal authorities, and the
20 representative organizations of such personnel to as-
21 sist the Agency in improving critical components of
22 the preliminary damage assessment process.

23 (2) MEMBERSHIP.—

24 (A) IN GENERAL.—This advisory panel
25 shall consist of at least 2 representatives from

1 national emergency management organizations
2 and at least 1 representative from each of the
3 10 regions of the Federal Emergency Manage-
4 ment Agency, selected from emergency manage-
5 ment personnel employed by State, local, terri-
6 torial, or tribal authorities within each region.

7 (B) INCLUSION ON PANEL.—To the fur-
8 thest extent practicable, representation on the
9 advisory panel shall include emergency manage-
10 ment personnel from both rural and urban ju-
11 risdictions.

12 (3) CONSIDERATIONS.—The advisory panel con-
13 vened under paragraph (1) shall—

14 (A) consider—

15 (i) establishing a training regime to
16 ensure preliminary damage assessments
17 are conducted and reviewed under con-
18 sistent guidelines;

19 (ii) utilizing a common technological
20 platform to integrate data collected by
21 State and local governments with data col-
22 lected by the Agency; and

23 (iii) assessing instruction materials
24 provided by the Agency for omissions of
25 pertinent information or language that

1 conflicts with other statutory requirements;
 2 and

3 (B) identify opportunities for streamlining
 4 the consideration of preliminary damage assess-
 5 ments by the Agency, including eliminating du-
 6 plicative paperwork requirements and ensuring
 7 consistent communication and decision making
 8 among Agency staff.

9 (4) INTERIM REPORT.—Not later than 18
 10 months after the date of enactment of this Act, the
 11 Administrator shall submit to Congress a report re-
 12 garding the findings of the advisory panel, steps that
 13 will be undertaken by the Agency to implement the
 14 findings of the advisory panel, and additional legisla-
 15 tion that may be necessary to implement the find-
 16 ings of the advisory panel.

17 (5) RULEMAKING AND FINAL REPORT.—Not
 18 later than 2 years after the date of enactment of
 19 this Act, the Administrator shall issue such regula-
 20 tions as are necessary to implement the rec-
 21 ommendations of the advisory panel and submit to
 22 Congress a report discussing—

23 (A) the implementation of recommenda-
 24 tions from the advisory panel;

1 (B) the identification of any additional
2 challenges to the preliminary damage assess-
3 ment process, including whether specific disas-
4 ters result in longer preliminary damage assess-
5 ments; and

6 (C) any additional legislative recommenda-
7 tions necessary to improve the preliminary dam-
8 age assessment process.

9 **SEC. 5307. DESIGNATION OF SMALL STATE AND RURAL AD-**
10 **VOCATE.**

11 (a) IN GENERAL.—Section 326(c) of the Robert T.
12 Stafford Disaster Relief and Emergency Assistance Act
13 (42 U.S.C. 5165d) is amended—

14 (1) by striking “and” at the end of paragraph
15 (2);

16 (2) by redesignating paragraph (3) as para-
17 graph (4); and

18 (3) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) assist States in the collection and presen-
21 tation of material in the disaster or emergency dec-
22 laration request relevant to demonstrate severe local-
23 ized impacts within the State for a specific incident,
24 including—

1 “(A) the per capita personal income by
2 local area, as calculated by the Bureau of Eco-
3 nomic Analysis;

4 “(B) the disaster impacted population pro-
5 file, as reported by the Bureau of the Census,
6 including—

7 “(i) the percentage of the population
8 for whom poverty status is determined;

9 “(ii) the percentage of the population
10 already receiving Government assistance
11 such as Supplemental Security Income and
12 Supplemental Nutrition Assistance Pro-
13 gram benefits;

14 “(iii) the pre-disaster unemployment
15 rate;

16 “(iv) the percentage of the population
17 that is 65 years old and older;

18 “(v) the percentage of the population
19 18 years old and younger;

20 “(vi) the percentage of the population
21 with a disability;

22 “(vii) the percentage of the population
23 who speak a language other than English
24 and speak English less than ‘very well’;
25 and

1 “(viii) any unique considerations re-
2 garding American Indian and Alaskan Na-
3 tive Tribal populations raised in the
4 State’s request for a major disaster dec-
5 laration that may not be reflected in the
6 data points referenced in this subpara-
7 graph;

8 “(C) the impact to community infrastruc-
9 ture, including—

10 “(i) disruptions to community life-sav-
11 ing and life-sustaining services;

12 “(ii) disruptions or increased demand
13 for essential community services; and

14 “(iii) disruptions to transportation, in-
15 frastructure, and utilities; and

16 “(D) any other information relevant to
17 demonstrate severe local impacts.”.

18 (b) GAO REVIEW OF A FINAL RULE.—

19 (1) IN GENERAL.—The Comptroller General
20 shall conduct a review of the Federal Emergency
21 Management Agency’s implementation of its final
22 rule, published on March 21, 2019, amending sec-
23 tion 206.48(b) of title 44, Code of Federal Regula-
24 tions (regarding factors considered when evaluating
25 a Governor’s request for a major disaster declara-

1 tion), which revised the factors that the Agency con-
2 siders when evaluating a Governor's request for a
3 major disaster declaration authorizing individual as-
4 sistance under the Robert T. Stafford Disaster Re-
5 lief and Emergency Assistance Act (42 U.S.C. 5121
6 et seq).

7 (2) SCOPE.—The review required under para-
8 graph (1) shall include the following:

9 (A) An assessment of the criteria used by
10 the Agency to assess individual assistance re-
11 quests following a major disaster declaration
12 authorizing individual assistance.

13 (B) An assessment of the consistency with
14 which the Agency uses the updated Individual
15 Assistance Declaration Factors when assessing
16 the impact of individual communities after a
17 major disaster declaration.

18 (C) An assessment of the impact, if any, of
19 using the updated Individual Assistance Dec-
20 laration Factors has had on equity in disaster
21 recovery outcomes.

22 (D) Recommendations to improve the use
23 of the Individual Assistance Declaration Fac-
24 tors to increase equity in disaster recovery out-
25 comes.

1 (3) REPORT.—Not later than 1 year after the
2 date of the enactment of this Act, the Comptroller
3 General shall submit to the Committee on Transpor-
4 tation and Infrastructure of the House of Represent-
5 atives and the Committee on Homeland Security and
6 Governmental Affairs of the Senate a report on the
7 review required under this section.

8 **SEC. 5308. FLEXIBILITY.**

9 (a) IN GENERAL.—Section 1216(a) of the Disaster
10 Recovery Reform Act of 2018 (42 U.S.C. 5174a(a)) is
11 amended—

12 (1) by amending paragraph (2)(A) to read as
13 follows:

14 “(A) except as provided in subparagraph
15 (B), shall—

16 “(i) waive a debt owed to the United
17 States related to covered assistance pro-
18 vided to an individual or household if the
19 covered assistance was distributed based
20 on an error by the Agency and such debt
21 shall be construed as a hardship; and

22 “(ii) waive a debt owed to the United
23 States related to covered assistance pro-
24 vided to an individual or household if such
25 assistance is subject to a claim or legal ac-

tion, including in accordance with section 317 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5160); and”; and

(2) in paragraph (3)(B)—

(A) by striking “REMOVAL OF” and inserting “REPORT ON”; and

(B) in clause (ii) by striking “the authority of the Administrator to waive debt under paragraph (2) shall no longer be effective” and inserting “the Administrator shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate actions that the Administrator will take to reduce the error rate”.

(b) REPORT TO CONGRESS.—The Administrator of the Federal Emergency Management Agency shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing a description of the internal processes used to make decisions regarding the distribution of covered assistance under section 1216 of the Disaster Re-

1 covery and Reform Act of 2018 (42 U.S.C. 5174a) and
2 any changes made to such processes.

3 **SEC. 5309. MENSTRUAL PRODUCTS IN PUBLIC BUILDINGS.**

4 (a) REQUIREMENT.—Each appropriate authority
5 shall ensure that menstrual products are stocked in, and
6 available free of charge in, each covered restroom in each
7 covered public building under the jurisdiction of such au-
8 thority.

9 (b) DEFINITIONS.—In this section:

10 (1) APPROPRIATE AUTHORITY.—The term “ap-
11 propriate authority” means the head of a Federal
12 agency, the Architect of the Capitol, or other official
13 authority responsible for the operation of a covered
14 public building.

15 (2) COVERED PUBLIC BUILDING.—The term
16 “covered public building” means a public building,
17 as defined in section 3301 of title 40, United States
18 Code, that is open to the public and contains a pub-
19 lic restroom, and includes a building listed in section
20 6301 or 5101 of such title.

21 (3) COVERED RESTROOM.—The term “covered
22 restroom” means a restroom in a covered public
23 building, except for a restroom designated solely for
24 use by men.

1 (4) MENSTRUAL PRODUCTS.—The term “men-
2 strual products” means sanitary napkins and tam-
3 pons that conform to applicable industry standards.

4 **SEC. 5310. FLY AMERICA ACT EXCEPTION.**

5 Section 40118 of title 49, United States Code, is
6 amended by adding at the end the following:

7 “(h) CERTAIN TRANSPORTATION OF DOMESTIC ANI-
8 MALS.—

9 “(1) IN GENERAL.—Notwithstanding sub-
10 sections (a) and (c), an appropriation to any depart-
11 ment, agency, or instrumentality of the United
12 States Government may be used to pay for the
13 transportation of a Peace Corps volunteer or an offi-
14 cer, employee, or member of the uniformed services
15 of any such department, agency, or instrumentality,
16 a dependent of the Peace Corps volunteer, officer,
17 employee, or member, and in-cabin or accompanying
18 checked baggage, by a foreign air carrier when—

19 “(A) the transportation is from a place—

20 “(i) outside the United States to a
21 place in the United States;

22 “(ii) in the United States to a place
23 outside the United States; or

24 “(iii) outside the United States to an-
25 other place outside the United States; and

1 “(B) no air carrier holding a certificate
2 under section 41102 is willing and able to
3 transport up to three domestic animals accom-
4 panying such Peace Corps volunteer, officer,
5 employee, member, or dependent.

6 “(2) LIMITATION.—An amount paid pursuant
7 to paragraph (1) for transportation by a foreign car-
8 rier may not be greater than the amount that would
9 otherwise have been paid had the transportation
10 been on an air carrier holding a certificate under
11 section 41102 had that carrier been willing and able
12 to provide such transportation. If the amount that
13 would otherwise have been paid to such an air car-
14 rier is less than the cost of transportation on the ap-
15 plicable foreign carrier, the Peace Corps volunteer,
16 officer, employee, member may pay the difference of
17 such amount.

18 “(3) DEFINITION.—In this subsection:

19 “(A) DOMESTIC ANIMAL.—The term ‘do-
20 mestic animal’ means a dog or a cat.

21 “(B) PEACE CORPS VOLUNTEER.—The
22 term ‘Peace Corps volunteer’ means an indi-
23 vidual described in section 5(a) of the Peace
24 Corps Act (22 U.S.C. 2504(a)).”.

1 **SEC. 5311. AQUA ALERT NOTIFICATION SYSTEM PILOT PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Not later than 2 years after the
4 date of enactment of this Act, the Commandant of the
5 Coast Guard shall, subject to the availability of appropria-
6 tions, establish a pilot program to improve the issuance
7 of alerts to facilitate cooperation with the public to render
8 aid to distressed individuals under section 521 of title 14,
9 United States Code.

10 (b) PILOT PROGRAM CONTENTS.—The pilot program
11 established under subsection (a) shall, to the maximum
12 extent possible—

13 (1) include a voluntary opt-in program under
14 which members of the public may receive notifica-
15 tions on cellular devices regarding Coast Guard ac-
16 tivities to render aid to distressed individuals under
17 section 521 of title 14, United States Code;

18 (2) cover areas located within the area of re-
19 sponsibility of 3 different Coast Guard sectors in di-
20 verse geographic regions; and

21 (3) provide that the dissemination of an alert
22 be limited to the geographic areas most likely to fa-
23 cilitate the rendering of aid to distressed individ-
24 uals.

25 (c) CONSULTATION WITH OTHER AGENCIES,
26 STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.—

1 In developing the pilot program under subsection (a), the
2 Commandant shall consult any relevant Federal agency,
3 State, Territory, Tribal government, possession, or polit-
4 ical subdivision.

5 (d) REPORT TO CONGRESS.—Not later than 2 years
6 after the date of enactment of this Act, and annually
7 thereafter through 2026, the Commandant shall submit
8 to the Committee on Transportation and Infrastructure
9 of the House of Representatives and the Committee on
10 Commerce, Science, and Transportation of the Senate,
11 and make available to the public, a report on the imple-
12 mentation of this Act.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There is authorized to be
15 appropriated to carry out this Act \$3,000,000 to the
16 Commandant for each of fiscal years 2023 through
17 2026.

18 (2) AVAILABILITY OF FUNDS.—Amounts appro-
19 priated pursuant to paragraph (1) shall remain
20 available until expended.

21 **SEC. 5312. RECOGNIZING FEMA SUPPORT.**

22 Congress finds the following:

23 (1) The Federal Emergency Management Agen-
24 cy provides vital support to communities and dis-
25 aster survivors in the aftermath of major disasters,

1 including housing assistance for individuals and fam-
2 ilies displaced from their homes.

3 (2) The Federal Emergency Management Agen-
4 cy should be encouraged to study the idea inte-
5 grating collapsible shelters for appropriate non-con-
6 gregate sheltering needs into the disaster prepared-
7 ness stockpile.

8 **SEC. 5313. DEFINITIONS.**

9 Section 101(a) of title 23, United States Code, is
10 amended—

11 (1) by redesignating paragraphs (33), (34),
12 (35), and (36) as paragraphs (34), (35), (36), and
13 (37), respectively; and

14 (2) by inserting after paragraph (32) the fol-
15 lowing:

16 “(33) TRANSPORTATION DEMAND MANAGE-
17 MENT.—The term ‘transportation demand manage-
18 ment’ means the use of strategies to inform and en-
19 courage travelers to maximize the efficiency of a
20 transportation system, leading to improved mobility,
21 reduced congestion, and lower vehicle emissions, in-
22 cluding strategies that use planning, programs, poli-
23 cies, marketing, communications, incentives, pricing,
24 data, and technology.”.

1 **SEC. 5314. PERMITTING USE OF HIGHWAY TRUST FUND**
2 **FOR CONSTRUCTION OF CERTAIN NOISE BAR-**
3 **RIERS.**

4 (a) IN GENERAL.—Section 339(b) of the National
5 Highway System Designation Act of 1995 (23 U.S.C. 109
6 note) is amended to read as follows:

7 “(1) GENERAL RULE.—No funds made avail-
8 able out of the Highway Trust Fund may be used
9 to construct a Type II noise barrier (as defined by
10 section 772.5 of title 23, Code of Federal Regula-
11 tions) pursuant to subsections (h) and (i) of section
12 109 of title 23, United States Code.

13 “(2) EXCEPTIONS.—Paragraph (1) shall not
14 apply to construction or preservation of a Type II
15 noise barrier if such a barrier—

16 “(A) was not part of a project approved by
17 the Secretary before November 28, 1995;

18 “(B) is proposed along lands that were de-
19 veloped or were under substantial construction
20 before approval of the acquisition of the rights-
21 of-ways for, or construction of, the existing
22 highway; or

23 “(C) as determined and applied by the
24 Secretary, separates a highway or other noise
25 corridor from a group of structures of which

1 the majority of such structures closest to the
2 highway or noise corridor—

3 “(i) are residential in nature; and
4 “(ii) are at least 10 years old as of
5 the date of the proposal of the barrier
6 project.”.

7 (b) ELIGIBILITY FOR SURFACE TRANSPORTATION
8 BLOCK GRANT FUNDS.—Section 133 of title 23, United
9 States Code, is amended—

10 (1) in subsection (b) by adding at the end the
11 following:

12 “(25) Planning, design, preservation, or con-
13 struction of a Type II noise barrier (as described in
14 section 772.5 of title 23, Code of Federal Regula-
15 tions) and consistent with the requirements of sec-
16 tion 339(b) of the National Highway System Des-
17 ignation Act of 1995 (23 U.S.C. 109 note).”; and

18 (2) in subsection (c)(2) by striking “and para-
19 graph (23)” and inserting “, paragraph (23), and
20 paragraph (25)”.

21 (c) MULTIPURPOSE NOISE BARRIERS.—

22 (1) IN GENERAL.—The Secretary of Transpor-
23 tation shall ensure that a noise barrier constructed
24 or preserved under section 339(b) of the National
25 Highway System Designation Act of 1995 (23

1 U.S.C. 109 note) or with funds made available
2 under title 23, United States Code, may be a multi-
3 purpose noise barrier.

4 (2) STATE APPROVAL.—A State, on behalf of
5 the Secretary, may approve accommodation of a sec-
6 ondary beneficial use on a noise barrier within a
7 right-of-way on a Federal-aid highway.

8 (3) DEFINITIONS.—In this subsection:

9 (A) MULTIPURPOSE NOISE BARRIER.—The
10 term “multipurpose noise barrier” means any
11 noise barrier that provides a secondary bene-
12 ficial use, including a barrier that hosts or ac-
13 commodates renewable energy generation facili-
14 ties, electrical transmission and distribution in-
15 frastructure, or broadband infrastructure and
16 conduit.

17 (B) SECONDARY BENEFICIAL USE.—The
18 term “secondary beneficial use” means an envi-
19 ronmental, economic, or social benefit in addi-
20 tion to highway noise mitigation.

21 (d) AESTHETICS.—A project sponsor constructing or
22 preserving a noise barrier under section 339(b) of the Na-
23 tional Highway System Designation Act of 1995 (23
24 U.S.C. 109 note) or with funds made available under title
25 23, United States Code, shall consider the aesthetics of

1 the proposed noise barrier, consistent with latest version
2 of the Noise Barrier Design Handbook published by the
3 Federal Highway Administration of the Department of
4 Transportation.

5 **SEC. 5315. ESTABLISHMENT OF SOUTHERN NEW ENGLAND**
6 **REGIONAL COMMISSION.**

7 (a) ESTABLISHMENT.—Section 15301(a) of title 40,
8 United States Code, is amended by adding at the end the
9 following:

10 “(4) The Southern New England Regional
11 Commission.”.

12 (b) DESIGNATION OF REGION.—

13 (1) IN GENERAL.—Subchapter II of chapter
14 157 of such title is amended by adding at the end
15 the following:

16 **“§ 15734. Southern New England Regional Commis-**
17 **sion**

18 “The region of the Southern New England Regional
19 Commission shall include the following counties:

20 “(1) RHODE ISLAND.—Each county in the
21 State of Rhode Island.

22 “(2) CONNECTICUT.—The counties of Hartford,
23 New Haven, Windham, Tolland, Middlesex, and New
24 London in the State of Connecticut.

1 “(3) MASSACHUSETTS.—The counties of
2 Hampden, Plymouth, Barnstable, Essex, Worcester,
3 and Bristol in the State of Massachusetts.”.

4 (2) TECHNICAL AND CONFORMING AMEND-
5 MENT.—The analysis for Subchapter II of chapter
6 157 of such title is amended by adding at the end
7 the following:

“15734. Southern New England Regional Commission.”.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—The au-
9 thorization of appropriations in section 15751 of title 40,
10 United States Code, shall apply with respect to the South-
11 ern New England Regional Commission beginning with
12 fiscal year 2023.

13 **SEC. 5316. CRITICAL DOCUMENT FEE WAIVER.**

14 Section 1238(a) of the Disaster Recovery Reform Act
15 of 2018 (42 U.S.C. 5174b) is amended—

16 (1) in paragraph (2), by striking “applies re-
17 gardless” and inserting “and the requirement of the
18 President to waive fees under paragraph (4) apply
19 regardless”;

20 (2) by redesignating paragraph (4) as para-
21 graph (5); and

22 (3) by inserting after paragraph (3) the fol-
23 lowing:

24 “(4) MANDATORY AUTOMATIC WAIVER.—The
25 President, in consultation with the Governor of a

1 State, shall automatically provide a fee waiver de-
2 scribed in paragraph (1) to an individual or house-
3 hold that has been adversely affected by a major dis-
4 aster declared under section 401 of the Robert T.
5 Stafford Disaster Relief and Emergency Assistance
6 Act (42 U.S.C. 5170)—

7 “(A) for which the President provides as-
8 sistance to individuals and households under
9 section 408 of that Act (42 U.S.C. 5174); and

10 “(B) that destroyed a critical document de-
11 scribed in paragraph (1) of the individual or
12 household.”.

13 **SEC. 5317. DISADVANTAGED BUSINESS ENTERPRISES.**

14 Section 11101(e)(2)(A) of the Infrastructure Invest-
15 ment and Jobs Act (Public Law 117–58) is amended to
16 read as follows:

17 “(A) SMALL BUSINESS CONCERN.—The
18 term ‘small business concern’ means a small
19 business concern (as the term is used in section
20 3 of the Small Business Act (15 U.S.C.
21 632)).”.

1 **SEC. 5318. SECRETARY OF AGRICULTURE REPORT ON IM-**
2 **PROVING SUPPLY CHAIN SHORTFALLS AND**
3 **INFRASTRUCTURE NEEDS AT WHOLESALE**
4 **PRODUCE MARKETS.**

5 (a) IN GENERAL.—Not later than one year after the
6 date of the enactment of this Act, the Secretary of Agri-
7 culture shall submit to the appropriate congressional com-
8 mittees a report on—

9 (1) the 5 largest wholesale produce markets by
10 annual sales and volume over the preceding 4 cal-
11 endar years; and

12 (2) a representative sample of 8 wholesale
13 produce markets that are not among the largest
14 wholesale produce markets.

15 (b) CONTENTS.—The report under subsection (a)
16 shall contain the following:

17 (1) An analysis of the supply chain shortfalls in
18 each wholesale produce market identified under sub-
19 section (a), which shall include an analysis of the
20 following:

21 (A) State of repair of infrastructure, in-
22 cluding roads, food storage units, and refueling
23 stations.

24 (B) Sustainability infrastructure, including
25 the following:

1 (i) Carbon emission reduction tech-
2 nology.

3 (ii) On-site green refueling stations.

4 (iii) Disaster preparedness.

5 (C) Disaster preparedness, including with
6 respect to cyber attacks, weather events, and
7 terrorist attacks.

8 (D) Disaster recovery systems, including
9 coordination with State and Federal agencies.

10 (2) A description of any actions the Secretary
11 recommends be taken as a result of the analysis
12 under paragraph (1).

13 (3) Recommendations, as appropriate, for
14 wholesale produce market owners and operators, and
15 State and local entities to improve the supply chain
16 shortfalls identified under paragraph (1).

17 (4) Proposals, as appropriate, for legislative ac-
18 tions and funding needed to improve the supply
19 chain shortfalls.

20 (c) CONSULTATION.—In completing the report under
21 subsection (a), the Secretary of Agriculture shall consult
22 with the Secretary of Transportation, the Secretary of
23 Homeland Security, wholesale produce market owners and
24 operators, State and local entities, and other agencies or
25 stakeholders, as determined appropriate by the Secretary.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—

2 For the purposes of this section, the term “appropriate
3 congressional committees” means the Committee on Agri-
4 culture, the Committee on Homeland Security, and the
5 Committee on Transportation and Infrastructure of the
6 House of Representatives and the Committee on Com-
7 merce, Science, and Technology, the Committee on Home-
8 land Security and Governmental Affairs, and the Com-
9 mittee on Agriculture, Nutrition, and Forestry of the Sen-
10 ate.

11 **SEC. 5319. REPORT ON IMPROVING COUNTERTERRORISM**
12 **SECURITY AT PASSENGER RAIL STATIONS.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Secretary of Homeland
15 Secretary, in consultation with the Secretary of Transpor-
16 tation and State, local, Tribal, and territorial govern-
17 ments, passenger rail station owners and operators, State
18 and local transportation entities, and other agencies or
19 stakeholders as determined appropriate by the Secretary,
20 shall submit to the appropriate congressional committees
21 a report on the 5 largest passenger rail stations by annual
22 ridership and a representative sample of 8 other-sized pas-
23 senger rail stations that contains the following:

24 (1) An analysis of the effectiveness of counter-
25 terrorism measures implemented in each passenger

1 rail station to include prevention systems, includ-
2 ing—

3 (A) surveillance systems, including cam-
4 eras, and physical law enforcement presence;

5 (B) response systems including—

6 (i) evacuation systems to allow pas-
7 sengers and workers to egress the stations,
8 mezzanines, and rail cars;

9 (ii) fire safety measures, including
10 ventilation and fire suppression systems;
11 and

12 (iii) public alert systems; and

13 (C) recovery systems, including coordina-
14 tion with State and Federal agencies.

15 (2) A description of any actions taken as a re-
16 sult of the analysis conducted under paragraph (1).

17 (3) Recommendations, as appropriate, for pas-
18 senger rail station owners and operators, and State
19 and local transportation entities to improve counter-
20 terrorism measures outlined in paragraph (1).

21 (4) Proposals, as appropriate, for legislative ac-
22 tions and funding needed to improve counterter-
23 rorism measures.

24 (b) REPORT FORMAT.—The report described in sub-
25 section (a) shall be submitted in unclassified form, but in-

1 formation that is sensitive or classified shall be included
2 as a classified annex.

3 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term “appropriate congres-
5 sional committees” means the Committee on Homeland
6 Security of the House of Representatives, the Committee
7 on Transportation and Infrastructure of the House of
8 Representatives, the Committee on Commerce, Science,
9 and Transportation of the Senate, and the Committee on
10 Homeland Security and Governmental Affairs of the Sen-
11 ate.

12 **SEC. 5320. EXTREME WEATHER EVENTS.**

13 (a) DEFINITIONS.—

14 (1) IN GENERAL.—Section 203 of the Robert T.
15 Stafford Disaster Relief and Emergency Assistance
16 Act (42 U.S.C. 5133) is amended—

17 (A) by amending subsection (a) to read as
18 follows:

19 “(a) DEFINITION OF UNDERSERVED COMMUNITY.—
20 In this section, the term ‘underserved community’ means
21 a community, or a neighborhood within a community,
22 that—

23 “(1) is classified as high risk according to cen-
24 sus tract risk ratings derived from a product that—

1 “(A) is maintained under a natural hazard
2 assessment program;

3 “(B) is available to the public;

4 “(C) defines natural hazard risk across the
5 United States;

6 “(D) reflects high levels of individual haz-
7 ard risk ratings;

8 “(E) reflects high social vulnerability rat-
9 ings and low community resilience ratings;

10 “(F) reflects the principal natural hazard
11 risks identified for the respective census tracts;
12 and

13 “(G) any other elements determined by the
14 President.

15 “(2) is comprised of 50,000 or fewer individuals
16 and is economically disadvantaged, as determined by
17 the State in which the community is located and
18 based on criteria established by the President; or

19 “(3) is otherwise determined by the President
20 based on factors including, high housing cost burden
21 and substandard housing, percentage of homeless
22 population, limited water and sanitation access, de-
23 mographic information such as race, age, and dis-
24 ability, language composition, transportation access
25 or type, disproportionate environmental stressor bur-

1 den, and disproportionate impacts from climate
2 change.”;

3 (B) in subsection (g)(9) by striking “small
4 impoverished communities” and inserting “un-
5 derserved communities”; and

6 (C) in subsection (h)(2)—

7 (i) in the heading by striking “SMALL
8 IMPOVERISHED COMMUNITIES” and insert-
9 ing “UNDERSERVED COMMUNITIES”; and
10 (ii) by striking “small impoverished
11 community” and inserting “underserved
12 community”.

13 (2) APPLICABILITY.—The amendments made
14 by subsection (a) shall apply with respect to any
15 amounts appropriated on or after the date of enact-
16 ment of this Act.

17 (b) GUIDANCE ON EXTREME TEMPERATURE
18 EVENTS.—Not later than 1 year after the date of enact-
19 ment of this Act, the Administrator of the Federal Emer-
20 gency Management Administration shall issue guidance
21 related to extreme temperature events, including heat
22 waves and freezes, and publish such guidance in the Fed-
23 eral Emergency Management Administration Public As-
24 sistance Program and Policy Guide.

1 (c) HAZARD MITIGATION PLANS.—Section 322 of the
2 Robert T. Stafford Disaster Relief and Emergency Assist-
3 ance Act (42 U.S.C. 5165) is amended—

4 (1) in subsection (a) by striking the period at
5 the end and inserting “, including—

6 “(1) identifying the extent to which resilience is
7 or will be incorporated into other planning processes,
8 including community land use, economic develop-
9 ment, capital improvement budgets and transpor-
10 tation planning processes;

11 “(2) goals and objectives related to increasing
12 resilience over a 5-year period, including benchmarks
13 for future work and an assessment of past progress;

14 “(3) the building codes in existence at the time
15 the plan is submitted and standards that are in use
16 by the State for all manner of planning or develop-
17 ment purposes and how the State has or will comply
18 with the standards set forth in section 406(e)(1)(A);

19 “(4) the use of nature-based solutions or other
20 mitigation activities that conserve or restore natural
21 features that can serve to abate or lessen the im-
22 pacts of future disasters;

23 “(5) integration of each local mitigation plan
24 with the State, Indian Tribe, or territory plan; and

1 “(6) the disparate impacts on underserved com-
2 munities (as such term is defined in section 203(a))
3 and plans to address any disparities.”; and

4 (2) by adding at the end the following:

5 “(f) GUIDANCE.—The Administrator of the Federal
6 Emergency Management Agency shall issue specific guid-
7 ance on resilience goals and provide technical assistance
8 for States, Indian Tribes, territories, and local govern-
9 ments to meet such goals.

10 “(g) ADEQUATE STAFFING.—The Administrator of
11 the Federal Emergency Management Agency shall ensure
12 that ample staff are available to develop the guidance and
13 technical assistance under section 322, including hazard
14 mitigation planning staff and personnel with expertise in
15 community planning, land use development, and consensus
16 based codes and hazard resistant designs at each regional
17 office that specifically focus on providing financial and
18 non-financial direct technical assistance to States, Indian
19 Tribes, and territories.

20 “(h) REPORTING.—Not less frequently than every 5
21 years, the Administrator shall submit to Congress a report
22 on the progress of meeting the goals under this section.”.

23 (d) ADDITIONAL USES OF FUNDS.—Section 408 of
24 the Robert T. Stafford Disaster Relief and Emergency As-

1 sistance Act (42 U.S.C. 5174) is amended by adding at
2 the end the following:

3 “(k) ADDITIONAL USES OF FUNDS.—For State and
4 local governments that have exceeded, adopted, or are im-
5 plementing the latest two published editions of relevant
6 consensus-based codes, specifications, and standards that
7 incorporate the latest hazard-resistant designs and estab-
8 lish minimum acceptable criteria for the design, construc-
9 tion, and maintenance of residential structures and facili-
10 ties, a recipient of assistance provided under this para-
11 graph may use such assistance in a manner consistent
12 with the standards set forth in clauses (ii) and (iii) of sec-
13 tion 406(e)(1)(A).”.

14 (e) COLLABORATION WITH OTHER AGENCIES.—In
15 awarding grants under the Robert T. Stafford Disaster
16 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
17 seq.), the Administrator of the Federal Emergency Man-
18 agement Agency may coordinate with other relevant agen-
19 cies, including the Environmental Protection Agency, the
20 Department of Energy, the Department of Transpor-
21 tation, the Corps of Engineers, the Department of Agri-
22 culture, and the Department of Housing and Urban De-
23 velopment, as necessary, to improve collaboration for eligi-
24 ble activities under the Act.

25 (f) GAO REPORTS.—

1 (1) EXTREME TEMPERATURE EVENTS.—Not
2 later than 1 year after the date of enactment of this
3 Act, and every 5 years thereafter, the Comptroller
4 General of the United States shall evaluate and
5 issue to Congress and the Federal Emergency Man-
6 agement Agency a report regarding the impacts of
7 extreme temperatures events on communities, the
8 challenges posed to the Federal Emergency Manage-
9 ment Agency in addressing extreme temperature
10 events, and recommendations for the Federal Emer-
11 gency Management Agency to better provide assist-
12 ance to communities experiencing extreme tempera-
13 ture events. The report may also include examples of
14 specific mitigation and resilience projects that com-
15 munities may undertake, and the Federal Emer-
16 gency Management Agency may consider, to reduce
17 the impacts of extreme temperatures on and within
18 building structures, participatory processes that
19 allow for public engagement in determining and ad-
20 dressing local risks and vulnerabilities related to ex-
21 treme temperatures events, and community infra-
22 structure, including heating or cooling shelters.

23 (2) SMOKE AND INDOOR AIR QUALITY.—Not
24 later than 1 year after the date of enactment of this
25 Act, and every 5 years thereafter, the Comptroller

1 General shall evaluate and issue to Congress and the
2 Federal Emergency Management Agency a report
3 regarding the impacts of wildfire smoke and poor in-
4 door air quality, the challenges posed to Federal
5 Emergency Management Agency in addressing wild-
6 fire smoke and indoor air quality, and recommenda-
7 tions for the Federal Emergency Management Agen-
8 cy to better provide assistance to communities and
9 individuals in dealing with wildfire smoke and indoor
10 air quality.

11 (g) REPORT CONGRESS AND UPDATE OF COST EF-
12 FECTIVENESS DETERMINATIONS AND DECLARATIONS.—

13 (1) REPORT.—Not later than 2 years after the
14 date of enactment of this Act, the Administrator of
15 the Federal Emergency Management Agency, in co-
16 ordination with the Director of the Office of Man-
17 agement and Budget, shall submit to Congress a re-
18 port regarding the challenges posed by the Agency's
19 requirements for declaring an incident or deter-
20 mining the cost effectiveness of mitigation activities
21 and specifically how such requirements may dis-
22 proportionately burden small impoverished commu-
23 nities, or specific vulnerable populations within com-
24 munities.

1 (2) UPDATE OF COST EFFECTIVENESS DETER-
2 MINATION.—Not later than 5 years after the date of
3 enactment of this Act, the Administrator, to the ex-
4 tent practicable, shall update the requirements for
5 determining cost effectiveness and declaring inci-
6 dents, including selection of appropriate interest
7 rates, based on the findings made under subsection
8 (a).

9 **SEC. 5321. SAFETY STANDARDS.**

10 (a) IN GENERAL.—Section 4502 of title 46, United
11 States Code, is amended—

12 (1) in subsection (i)(4) by striking “each of fis-
13 cal years 2018 through 2021” and inserting “fiscal
14 year 2023”; and

15 (2) in subsection (j)(4) by striking “each of fis-
16 cal years 2018 through 2021” and inserting “fiscal
17 year 2023”.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
19 9 of the Maritime Debris Act (33 U.S.C. 1958) is amend-
20 ed—

21 (1) in subsection (a) by striking “each of fiscal
22 years 2018 through 2021” and inserting “fiscal year
23 2023”; and

24 (2) in subsection (b) by striking “2702(1)” and
25 inserting “4902(1)”.

1 **SEC. 5322. EXTENSION.**

2 Section 1246 of the Disaster Recovery Reform Act
3 of 2018 is amended—

4 (1) by striking “3 years” and inserting “4 ½
5 years”; and

6 (2) by inserting “and every 3 months there-
7 after,” before “the Administrator shall submit”.

8 **SEC. 5323. CENTERS OF EXCELLENCE FOR DOMESTIC MARI-**
9 **TIME WORKFORCE TRAINING AND EDU-**
10 **CATION.**

11 (a) IN GENERAL.—Section 51706 of title 46, United
12 States Code, is amended—

13 (1) by striking subsection (a) and inserting the
14 following:

15 “(a) DESIGNATION.—The Secretary of Transpor-
16 tation may designate a covered training entity as a center
17 of excellence for domestic maritime workforce training and
18 education.”;

19 (2) by striking subsection (b) and inserting the
20 following:

21 “(b) GRANT PROGRAM.—

22 “(1) IN GENERAL.—The Secretary may award
23 maritime career training grants to centers of excel-
24 lence designated under subsection (a) for the pur-
25 pose of developing, offering, or improving edu-
26 cational or career training programs for American

1 workers related to the United States maritime in-
2 dustry.

3 “(2) REQUIRED INFORMATION.—To receive a
4 grant under this subsection, a center of excellence
5 designated under subsection (a) shall submit to the
6 Secretary a grant proposal that includes a detailed
7 description of—

8 “(A) the specific project for which the
9 grant proposal is submitted, including the man-
10 ner in which the grant will be used to develop,
11 offer, or improve an educational or career train-
12 ing program that is suited to United States
13 maritime industry workers;

14 “(B) the extent to which the project for
15 which the grant proposal is submitted will meet
16 the educational or career training needs of
17 United States maritime industry workers;

18 “(C) any previous experience of the center
19 of excellence in providing United States mari-
20 time industry educational or career training
21 programs;

22 “(D) how the grant would address short-
23 comings in existing educational and career
24 training opportunities available to United
25 States maritime industry workers; and

1 “(E) the extent to which employers, includ-
2 ing small and medium-sized firms, have dem-
3 onstrated a commitment to employing United
4 States maritime industry workers who would
5 benefit from the project for which the grant
6 proposal is submitted.

7 “(3) CRITERIA FOR AWARD OF GRANTS.—Sub-
8 ject to the appropriation of funds, the Secretary
9 shall award a grant under this subsection based
10 on—

11 “(A) a determination of the merits of the
12 grant proposal submitted by the center of excel-
13 lence designated under subsection (a) to de-
14 velop, offer, or improve educational or career
15 training programs to be made available to
16 United States maritime industry workers;

17 “(B) an evaluation of the likely employ-
18 ment opportunities available to United States
19 maritime industry workers who complete a mar-
20 itime educational or career training program
21 that the center of excellence designated under
22 subsection (a) proposes to develop, offer, or im-
23 prove; and

24 “(C) an evaluation of prior demand for
25 training programs by workers served by the

1 centers of excellence designated under sub-
2 section (a) as well as the availability and capac-
3 ity of existing maritime training programs to
4 meet future demand for training programs.

5 “(4) COMPETITIVE AWARDS.—

6 “(A) IN GENERAL.—The Secretary shall
7 award grants under this subsection to a center
8 of excellence designated under subsection (a) on
9 a competitive basis.

10 “(B) TIMING OF GRANT NOTICE.—The
11 Secretary shall post a Notice of Funding Op-
12 portunity regarding grants awarded under this
13 subsection not more than 90 days after the date
14 of enactment of the appropriations Act for the
15 fiscal year concerned.

16 “(C) TIMING OF GRANTS.—The Secretary
17 shall award grants under this subsection not
18 later than 270 days after the date of the enact-
19 ment of the appropriations Act for the fiscal
20 year concerned.

21 “(D) REUSE OF UNEXPENDED GRANT
22 FUNDS.—Notwithstanding subparagraph (C),
23 amounts awarded as a grant under this sub-
24 section that are not expended by the grantee

1 shall remain available to the Administrator for
2 use for grants under this subsection.

3 “(E) ADMINISTRATIVE COSTS.—Not more
4 than 3 percent of amounts made available to
5 carry out this subsection may be used for the
6 necessary costs of grant administration.

7 “(F) PROHIBITED USE.—A center of excel-
8 lence designated under subsection (a) that has
9 received funds awarded under section
10 54101(a)(2) for training purposes shall not be
11 eligible for grants under this subsection in the
12 same fiscal year.

13 “(5) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this subsection \$30,000,000.”; and

16 (3) in subsection (c)—

17 (A) by striking paragraph (1) and insert-
18 ing the following:

19 “(1) COVERED TRAINING ENTITY.—The term
20 ‘covered training entity’ means an entity that—

21 “(A) is located in a State that borders on
22 the—

23 “(i) Gulf of Mexico;

24 “(ii) Atlantic Ocean;

25 “(iii) Long Island Sound;

1 “(iv) Pacific Ocean;

2 “(v) Great Lakes; or

3 “(vi) Mississippi River System; and

4 “(B) is—

5 “(i) a postsecondary educational insti-
6 tution (as such term is defined in section
7 3 (39) of the Carl D. Perkins Career and
8 Technical Education Act of 2006 (20
9 U.S.C. 2302));

10 “(ii) a postsecondary vocational insti-
11 tution (as such term is defined in section
12 102(c) of the Higher Education Act of
13 1965 (20 U.S.C. 1002(c));

14 “(iii) a public or private nonprofit en-
15 tity that offers 1 or more other structured
16 experiential learning training programs for
17 American workers in the United States
18 maritime industry, including a program
19 that is offered by a labor organization or
20 conducted in partnership with a nonprofit
21 organization or 1 or more employers in the
22 United States maritime industry;

23 “(iv) an entity sponsoring an appren-
24 ticeship program registered with the Office
25 of Apprenticeship of the Employment and

1 Training Administration of the Depart-
2 ment of Labor or a State apprenticeship
3 agency recognized by the Office of Appren-
4 ticeship pursuant to the Act of August 16,
5 1937 (commonly known as the ‘National
6 Apprenticeship Act’; 50 Stat. 664, chapter
7 663; 29 U.S.C. 50 et seq.); or

8 “(v) a maritime training center des-
9 ignated prior to the date of enactment of
10 the National Defense Authorization Act for
11 Fiscal Year 2023.”; and

12 (B) by adding at the end the following:

13 “(3) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of Transportation.

15 “(4) UNITED STATES MARITIME INDUSTRY.—
16 The term ‘United States maritime industry’ means
17 the design, construction, repair, operation, manning,
18 and supply of vessels in all segments of the maritime
19 transportation system of the United States, includ-
20 ing—

21 “(A) the domestic and foreign trade;

22 “(B) the coastal, offshore, and inland
23 trade, including energy activities conducted
24 under the Outer Continental Shelf Lands
25 Act(43 U.S.C. 1331 et seq.);

1 “(C) non-commercial maritime activities,
2 including—
3 “(i) recreational boating; and
4 “(ii) oceanographic and limnological
5 research as described in section
6 2101(24).”.

7 (b) PUBLIC REPORT.—Not later than December 15
8 in each of calendar years 2022 through 2024, the Sec-
9 retary of Transportation shall make available on a publicly
10 available website a report and provide a briefing to the
11 Committee on Commerce, Science, and Transportation of
12 the Senate and the Committee on Transportation and In-
13 frastructure of the House of Representatives—

14 (1) describing each grant awarded under this
15 subsection during the preceding fiscal year; and

16 (2) assessing the impact of each award of a
17 grant under this subsection in a fiscal year pre-
18 ceding the fiscal year referred to in subparagraph
19 (A) on workers receiving training.

20 (c) GUIDELINES.—Not later than 1 year after the
21 date of enactment of this Act, the Secretary shall—

22 (1) promulgate guidelines for the submission of
23 grant proposals under section 51706(b) of title 46,
24 United States Code (as amended by this section);
25 and

1 (2) publish and maintain such guidelines on the
2 website of the Department of Transportation.

3 (d) ASSISTANCE FOR SMALL SHIPYARDS.—Section
4 54101(e) of title 46, United States Code, is amended by
5 striking paragraph (2) and inserting the following:

6 “(2) ALLOCATION OF FUNDS.—

7 “(A) IN GENERAL.—The Administrator
8 may not award more than 25 percent of the
9 funds appropriated to carry out this section for
10 any fiscal year to any small shipyard in one ge-
11 ographic location that has more than 600 em-
12 ployees.

13 “(B) INELIGIBILITY.—A maritime training
14 center that has received funds awarded under
15 this section 51706 of title 46, United States
16 Code, shall not be eligible for grants under this
17 subsection for training purposes in the same
18 fiscal year.”.

19 **SEC. 5324. DUPLICATION OF BENEFITS.**

20 Section 312(b)(4) of the Robert T. Stafford Disaster
21 Relief and Emergency Assistance Act (42 U.S.C.
22 5155(b)(4)) is amended by adding at the end the fol-
23 lowing:

24 “(D) LIMITATION ON USE OF INCOME CRI-
25 TERIA.—In carrying out subparagraph (A), the

1 President may not impose additional income
2 criteria on a potential grant recipient who has
3 accepted a qualified disaster loan in deter-
4 mining eligibility for duplications of benefit re-
5 lief.”.

6 **SEC. 5325. FLIGHT INSTRUCTION OR TESTING.**

7 (a) IN GENERAL.—An authorized flight instructor
8 providing student instruction, flight instruction, or flight
9 training shall not be deemed to be operating an aircraft
10 carrying persons or property for compensation or hire.

11 (b) AUTHORIZED ADDITIONAL PILOTS.—An indi-
12 vidual acting as an authorized additional pilot during
13 Phase I flight testing of aircraft holding an experimental
14 airworthiness certificate, in accordance with section
15 21.191 of title 14, Code of Federal Regulations, and meet-
16 ing the requirements set forth in Federal Aviation Admin-
17 istration regulations and policy in effect as of the date
18 of enactment of this section, shall not be deemed to be
19 operating an aircraft carrying persons or property for
20 compensation or hire.

21 (c) USE OF AIRCRAFT.—An individual who uses,
22 causes to use, or authorizes to use aircraft for flights con-
23 ducted under subsection (a) or (b) shall not be deemed
24 to be operating an aircraft carrying persons or property
25 for compensation or hire.

1 (d) REVISION OF RULES.—The requirements of this
 2 section shall become effective upon the date of enactment.
 3 The Administrator of the Federal Aviation Administration
 4 shall issue, revise, or repeal the rules, regulations, guid-
 5 ance, or procedures of the Federal Aviation Administra-
 6 tion to conform to the requirements of this section.

7 **SEC. 5326. HIGH-SPEED BROADBAND DEPLOYMENT INITIA-**
 8 **TIVE.**

9 (a) IN GENERAL.—Title II of the Public Works and
 10 Economic Development Act of 1965 (42 U.S.C. 3141 et
 11 seq.) is amended by adding at the end the following:

12 **“SEC. 219. HIGH-SPEED BROADBAND DEPLOYMENT INITIA-**
 13 **TIVE.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) BROADBAND PROJECT.—The term
 16 ‘broadband project’ means, for the purpose of pro-
 17 viding, extending, expanding, or improving high-
 18 speed broadband service to further the goals of this
 19 Act—

20 “(A) planning, technical assistance, or
 21 training;

22 “(B) the acquisition or development of
 23 land; or

24 “(C) the acquisition, design and engineer-
 25 ing, construction, rehabilitation, alteration, ex-

1 pansion, or improvement of facilities, including
2 related machinery, equipment, contractual
3 rights, and intangible property.

4 “(2) ELIGIBLE RECIPIENT.—

5 “(A) IN GENERAL.—The term ‘eligible re-
6 cipient’ means an eligible recipient.

7 “(B) INCLUSIONS.—The term ‘eligible re-
8 cipient’ includes—

9 “(i) a public-private partnership; and

10 “(ii) a consortium formed for the pur-
11 pose of providing, extending, expanding, or
12 improving high-speed broadband service
13 between 1 or more eligible recipients and 1
14 or more for-profit organizations.

15 “(3) HIGH-SPEED BROADBAND.—The term
16 ‘high-speed broadband’ means the provision of 2-way
17 data transmission with sufficient downstream and
18 upstream speeds to end users to permit effective
19 participation in the economy and to support eco-
20 nomic growth, as determined by the Secretary.

21 “(b) BROADBAND PROJECTS.—

22 “(1) IN GENERAL.—On the application of an el-
23 igible recipient, the Secretary may make grants
24 under this title for broadband projects, which shall
25 be subject to the provisions of this section.

1 “(2) CONSIDERATIONS.—In reviewing applica-
2 tions submitted under paragraph (1), the Secretary
3 shall take into consideration geographic diversity of
4 grants allocated, including consideration of under-
5 served markets, in addition to data requested in
6 paragraph (3).

7 “(3) DATA REQUESTED.—In reviewing an ap-
8 plication submitted under paragraph (1), the Sec-
9 retary shall request from the Federal Communica-
10 tions Commission, the Administrator of the National
11 Telecommunications and Information Administra-
12 tion, the Secretary of Agriculture, and the Appa-
13 lachian Regional Commission data on—

14 “(A) the level and extent of broadband
15 service that exists in the area proposed to be
16 served; and

17 “(B) the level and extent of broadband
18 service that will be deployed in the area pro-
19 posed to be served pursuant to another Federal
20 program.

21 “(4) INTEREST IN REAL OR PERSONAL PROP-
22 ERTY.—For any broadband project carried out by an
23 eligible recipient that is a public-private partnership
24 or consortium, the Secretary shall require that title
25 to any real or personal property acquired or im-

1 proved with grant funds, or if the recipient will not
2 acquire title, another possessory interest acceptable
3 to the Secretary, be vested in a public partner or eli-
4 gible nonprofit organization or association for the
5 useful life of the project, after which title may be
6 transferred to any member of the public-private
7 partnership or consortium in accordance with regu-
8 lations promulgated by the Secretary.

9 “(5) PROCUREMENT.—Notwithstanding any
10 other provision of law, no person or entity shall be
11 disqualified from competing to provide goods or serv-
12 ices related to a broadband project on the basis that
13 the person or entity participated in the development
14 of the broadband project or in the drafting of speci-
15 fications, requirements, statements of work, or simi-
16 lar documents related to the goods or services to be
17 provided.

18 “(6) BROADBAND PROJECT PROPERTY.—

19 “(A) IN GENERAL.—The Secretary may
20 permit a recipient of a grant for a broadband
21 project to grant an option to acquire real or
22 personal property (including contractual rights
23 and intangible property) related to that project
24 to a third party on such terms as the Secretary
25 determines to be appropriate, subject to the

1 condition that the option may only be exercised
2 after the Secretary releases the Federal interest
3 in the property.

4 “(B) TREATMENT.—The grant or exercise
5 of an option described in subparagraph (A)
6 shall not constitute a redistribution of grant
7 funds under section 217.

8 “(c) NON-FEDERAL SHARE.—In determining the
9 amount of the non-Federal share of the cost of a
10 broadband project, the Secretary may provide credit to-
11 ward the non-Federal share for the present value of allow-
12 able contributions over the useful life of the broadband
13 project, subject to the condition that the Secretary may
14 require such assurances of the value of the rights and of
15 the commitment of the rights as the Secretary determines
16 to be appropriate.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of the Public Works and Economic Devel-
19 opment Act of 1965 (42 U.S.C. 3121 note; Public Law
20 89–136) is amended by inserting after the item relating
21 to section 218 the following:

“Sec. 219. High-speed broadband deployment initiative.”.

**TITLE LIV—FINANCIAL
SERVICES MATTERS
Subtitle A—In General**

**SEC. 5401. SERVICES THAT OPEN PORTALS TO DIRTY
MONEY ACT.**

(a) SHORT TITLE.—This section may be cited as the “Establishing New Authorities for Businesses Laundering and Enabling Risks to Security Act” and the “ENABLERS Act”.

(b) FINDINGS.—Congress finds the following:

(1) Kleptocrats and other corrupt actors across the world are increasingly relying on non-bank professional service providers, including non-bank professional service providers operating in the United States, to move, hide, and grow their ill-gotten gains.

(2) In 2003, the Financial Action Task Force, an intergovernmental body formed by the United States and other major industrial nations, determined that designated non-financial businesses and professions should be subject to the same anti-money laundering and counter-terrorist financing rules and regulations as financial institutions, including the requirement to know your customer or client and to perform due diligence, as well as to file suspicious

1 transaction reports, referred to as suspicious activity
2 reports or “SARs” in the United States.

3 (3) In October 2021, the “Pandora Papers”,
4 the largest exposé of global financial data in history,
5 revealed to a global audience how the United States
6 plays host to a highly specialized group of
7 “enablers” who help the world’s elite move, hide,
8 and grow their money.

9 (4) The Pandora Papers described how an ad-
10 viser to the former Prime Minister of Malaysia re-
11 portedly used affiliates of a United States law firm
12 to assemble and consult a network of companies, de-
13 spite the adviser fitting the “textbook definition” of
14 a high-risk client. The adviser went on to use his
15 companies to help steal \$4.5 billion from Malaysia’s
16 public investment fund in one of “the world’s big-
17 gest-ever financial frauds”, known as 1MDB.

18 (5) Russian oligarchs have used gatekeepers to
19 move their money into the United States. For exam-
20 ple, a gatekeeper formed a company in Delaware
21 that reportedly owns a \$15 million mansion in
22 Washington, D.C., that is linked to one of Vladimir
23 Putin’s closest allies. Also, reportedly connected to
24 the oligarch is a \$14 million townhouse in New York
25 City owned by a separate Delaware company.

1 (6) The Pandora Papers uncovered over 200
2 United States-based trusts across 15 States that
3 held assets of over \$1 billion, “including nearly 30
4 trusts that held assets linked to people or companies
5 accused of fraud, bribery, or human rights abuses”.
6 In particular, South Dakota, Nevada, Delaware,
7 Florida, Wyoming, and New Hampshire have
8 emerged as global hotspots for those seeking to hide
9 their assets and minimize their tax burdens.

10 (7) In 2016, an investigator with the non-profit
11 organization Global Witness posed as an adviser to
12 a corrupt African official and set up meetings with
13 13 New York City law firms to discuss how to move
14 suspect funds into the United States. Lawyers from
15 all but one of the firms provided advice to the faux
16 adviser, including advice on how to utilize anony-
17 mous companies to obscure the true owner of the as-
18 sets. Other suggestions included naming the lawyer
19 as a trustee of an offshore trust in order to open a
20 bank account, and using the law firm’s escrow ac-
21 count to receive payments.

22 (8) The autocratic Prime Minister of Iraqi
23 Kurdistan, reportedly known for torturing and kill-
24 ing journalists and critics, allegedly purchased a re-
25 tail store valued at over \$18 million in Miami, Flor-

1 ida, with the assistance of a Pennsylvania-based law
2 firm.

3 (9) Teodoro Obiang, the vice president of Equa-
4 torial Guinea and son of the country’s authoritarian
5 president, embezzled millions of dollars from his
6 home country, which was then used to purchase lux-
7 ury assets in the United States. Obiang relied on the
8 assistance of two American lawyers to move millions
9 of dollars of suspect funds through U.S. banks. The
10 lawyers incorporated five shell companies in Cali-
11 fornia and opened bank accounts associated with the
12 companies for Obiang’s personal use. The suspect
13 funds were first wired to the lawyers’ attorney-client
14 and firm accounts, then transferred to the accounts
15 of the shell companies.

16 (10) An American consulting company report-
17 edly made millions of dollars working for companies
18 owned or partly owned by Isabel dos Santos, the eld-
19 est child of a former President of Angola. This in-
20 cluded working with Angola’s state oil company
21 when it was run by Isabel dos Santos and helping
22 to “run a failing jewelry business acquired with An-
23 golan money”. In 2021, a Dutch tribunal found that
24 Isabel dos Santos and her husband obtained a \$500

1 million stake in the oil company through “grand cor-
2 ruption”.

3 (11) In December 2021, the United States Gov-
4 ernment issued a first-ever “United States Strategy
5 on Countering Corruption”, that includes “Curbing
6 Illicit Finance” as a strategic pillar. An express line
7 of effort to advance this strategic pillar states that:
8 “Deficiencies in the U.S. regulatory framework
9 mean various professionals and service providers—
10 including lawyers, accountants, trust and company
11 service providers, incorporators, and others willing to
12 be hired as registered agents or who act as nominees
13 to open and move funds through bank accounts—are
14 not required to understand the nature or source of
15 income of their clients or prospective clients. . .While
16 U.S. law enforcement has increased its focus on
17 such facilitators, it is both difficult to prove ‘intent
18 and knowledge’ that a facilitator was dealing with il-
19 licit funds or bad actors, or that they should have
20 known the same. Cognizant of such constraints, the
21 Administration will consider additional authorities to
22 cover key gatekeepers, working with the Congress as
23 necessary to secure additional authorities”.

24 (12) This section provides the authorities need-
25 ed to require that professional service providers who

1 serve as key gatekeepers to the U.S. financial system
2 adopt anti-money laundering procedures that can
3 help detect and prevent the laundering of corrupt
4 and other criminal funds into the United States. Ab-
5 sent such authorities, the United States Government
6 will be unable to adequately protect the U.S. finan-
7 cial system, identify funds and assets that are the
8 proceeds of corruption, or support foreign states in
9 their efforts to combat corruption and promote good
10 governance.

11 (c) REQUIREMENTS FOR GATEKEEPERS.—

12 (1) IN GENERAL.—Section 5312(a)(2) of title
13 31, United States Code, as amended by the William
14 M. (Mac) Thornberry National Defense Authoriza-
15 tion Act for Fiscal Year 2021, is amended—

16 (A) by redesignating subparagraphs (Z)
17 and (AA) as subparagraphs (AA) and (BB), re-
18 spectively; and

19 (B) by inserting after subparagraph (Y)
20 the following:

21 “(Z) any person, excluding any govern-
22 mental entity, employee, or agent, who engages
23 in any activity which the Secretary determines,
24 by regulation pursuant to section 5337(a), to be

1 the provision, with or without compensation,
2 of—

3 “(i) corporate or other legal entity ar-
4 rangement, association, or formation serv-
5 ices;

6 “(ii) trust services;

7 “(iii) third party payment services; or

8 “(iv) legal or accounting services
9 that—

10 “(I) involve financial activities
11 that facilitate—

12 “(aa) corporate or other
13 legal entity arrangement, associa-
14 tion, or formation services;

15 “(bb) trust services; or

16 “(cc) third party payment
17 services; and

18 “(II) are not direct payments or
19 compensation for civil or criminal de-
20 fense matters.”.

21 (2) REQUIREMENTS FOR GATEKEEPERS.—Sub-
22 chapter II of chapter 53 of subtitle IV of title 31,
23 United States Code, is amended by adding at the
24 end the following:

1 **“§ 5337. Requirements for gatekeepers.**

2 “(a) IN GENERAL.—

3 “(1) IN GENERAL.—The Secretary shall, not
4 later than 1 year after the date of the enactment
5 this section, issue a rule to—

6 “(A) determine what persons fall within
7 the class of persons described in section
8 5312(a)(2)(Z); and

9 “(B) prescribe appropriate requirements
10 for such persons.

11 “(2) SENSE OF THE CONGRESS.—It is the sense
12 of the Congress that when issuing a rule to deter-
13 mine what persons fall within the class of persons
14 described in section 5312(a)(2)(Z), the Secretary
15 shall design such rule—

16 “(A) to minimizes burden of such rule and
17 maximizes the intended outcome of such rule,
18 as determined by the Secretary; and

19 “(B) avoid applying additional require-
20 ments for persons that may fall within the class
21 of persons described in section 5312(a)(2)(Z)
22 but whom are already, as determined by the
23 Secretary, appropriately regulated under section
24 5312.

25 “(3) IDENTIFICATION OF PERSONS.—When de-
26 termining what persons fall within the class of per-

1 sons described in section 5312(a)(2)(Z) the Sec-
2 retary of the Treasury shall include—

3 “(A) any person involved in—

4 “(i) the formation or registration of a
5 corporation, limited liability company,
6 trust, foundation, limited liability partner-
7 ship, partnership, or other similar entity;

8 “(ii) the acquisition or disposition of
9 an interest in a corporation, limited liabil-
10 ity company, trust, foundation, limited li-
11 ability partnership, partnership, or other
12 similar entity;

13 “(iii) providing a registered office, ad-
14 dress or accommodation, correspondence or
15 administrative address for a corporation,
16 limited liability company, trust, foundation,
17 limited liability partnership, partnership,
18 or other similar entity;

19 “(iv) acting as, or arranging for an-
20 other person to act as, a nominee share-
21 holder for another person;

22 “(v) the managing, advising, or con-
23 sulting with respect to money or other as-
24 sets;

25 “(vi) the processing of payments;

1 “(vii) the provision of cash vault serv-
2 ices;

3 “(viii) the wiring of money;

4 “(ix) the exchange of foreign cur-
5 rency, digital currency, or digital assets; or

6 “(x) the sourcing, pooling, organiza-
7 tion, or management of capital in associa-
8 tion with the formation, operation, or man-
9 agement of, or investment in, a corpora-
10 tion, limited liability company, trust, foun-
11 dation, limited liability partnership, part-
12 nership, or other similar entity;

13 “(B) any person who, in connection with
14 filing any return, directly or indirectly, on be-
15 half of a foreign individual, trust or fiduciary
16 with respect to direct or indirect, United States
17 investment, transaction, trade or business, or
18 similar activities—

19 “(i) obtains or uses a preparer tax
20 identification number; or

21 “(ii) would be required to use or ob-
22 tain a preparer tax identification number,
23 if such person were compensated for serv-
24 ices rendered;

1 “(C) any person acting as, or arranging
2 for another person to act as, a registered agent,
3 trustee, director, secretary, partner of a com-
4 pany, a partner of a partnership, or similar po-
5 sition in relation to a corporation, limited liabil-
6 ity company, trust, foundation, limited liability
7 partnership, partnership, or other similar enti-
8 ty; and

9 “(D) any person, wherever organized or
10 doing business, that is—

11 “(i) owned or controlled by a person
12 described in subparagraphs (A), (B), or
13 (C);

14 “(ii) acts as an agent of a person de-
15 scribed in subparagraphs (A), (B), or (C);
16 or

17 “(iii) is an instrumentality of a person
18 described in subparagraphs (A), (B), or
19 (C).

20 “(b) REQUIREMENTS.—The Secretary shall require
21 persons described in section 5312(a)(3) to do 1 or more
22 of the following—

23 “(1) identify and verify account holders and
24 functional equivalents as described in section
25 5318(l), including by establishing and maintaining

1 written procedures that are reasonably designed to
2 enable the person to identify and verify beneficial
3 owners (as such term is defined in section 5336(a))
4 of clients;

5 “(2) maintain appropriate procedures, including
6 the collection and reporting of such information as
7 the Secretary may prescribe by regulation, to ensure
8 compliance with this subchapter and regulations pre-
9 scribed thereunder or to guard against corruption,
10 money laundering, the financing of terrorism, or
11 other forms of illicit finance;

12 “(3) establish anti-money laundering programs
13 as described in section 5318(h);

14 “(4) report suspicious transactions as described
15 in section 5318(g)(1); and

16 “(5) establish due diligence policies, procedures,
17 and controls as described in section 5318(i).

18 “(c) LIMITATION ON EXEMPTIONS.—The Secretary
19 may not delay the application of any requirement de-
20 scribed in this subchapter for any person described in sec-
21 tion 5312(a)(2)(Z) or section 5337(a)(3).

22 “(d) EXTRATERRITORIAL JURISDICTION.—Any per-
23 son described in section 5312(a)(2)(Z) shall be subject to
24 extraterritorial Federal jurisdiction with respect to the re-
25 quirements of this subtitle.

1 “(e) ENFORCEMENT.—

2 “(1) RANDOM AUDITS.—Beginning on the date
3 that is 1 year after the date that the Secretary
4 issues a rule to determine what persons fall within
5 the class of persons described in section
6 5312(a)(2)(Z), and on an ongoing basis thereafter,
7 the Secretary shall conduct random audits of per-
8 sons that fall within the class of persons described
9 in section 5312(a)(2)(Z), in a manner that the Sec-
10 retary determines appropriate, to assess compliance
11 with this section.

12 “(2) REPORTS.—The Secretary shall, not later
13 than 180 days after the conclusion of any calendar
14 year that begins after the date that is 1 year after
15 the date that the Secretary issues a rule pursuant
16 to section 5337(a), submit a report to the Com-
17 mittee on Financial Services of the House of Rep-
18 resentatives and the Committee on Banking, Hous-
19 ing, and Urban Affairs of the Senate that—

20 “(A) describes the results of any random
21 audits conducted pursuant to paragraph (1)
22 during such calendar year; and

23 “(B) includes recommendations for improv-
24 ing the effectiveness of the requirements im-

1 posed under this section on persons described in
2 section 5312(a)(2)(Z).”.

3 (3) EFFECTIVE DATE.—This section and the
4 amendments made by this section shall take effect
5 on the date that the Secretary of the Treasury
6 issues a rule pursuant to section 5537 of title 31 of
7 the United States Code, as added by this section.

8 (4) CONFORMING AMENDMENT.—The table of
9 sections in chapter 53 of subtitle IV of title 31,
10 United States Code, is amended by inserting after
11 the item relating to section 5336 the following:

“5337. Requirements for gatekeepers.”.

12 (5) USE OF TECHNOLOGY TO INCREASE EFFI-
13 CIENCY AND ACCURACY OF INFORMATION.—

14 (A) IN GENERAL.—The Secretary of the
15 Treasury, acting through the Director of the
16 Financial Crimes Enforcement Network, shall
17 promote the integrity and timely, efficient col-
18 lection of information by persons described in
19 section 5312(a)(2)(Z) of title 31, United States
20 Code by exploring the use of technologies to—

21 (i) effectuate the collection, standard-
22 ization, transmission, and sharing of such
23 information as required under section 5337
24 of title 31, United States Code; and

1 (ii) minimize the burdens associated
2 with the collection, standardization, trans-
3 mission, and sharing of such information
4 as required under section 5337 of title 31,
5 United States Code.

6 (B) REPORT.—Not later than 3 years after
7 the date of the enactment of this subsection,
8 the Director of the Financial Crimes Enforce-
9 ment Network shall submit a report to Com-
10 mittee on Financial Services of the House of
11 Representatives and the Committee on Bank-
12 ing, Housing, and Urban Affairs of the Senate
13 that—

14 (i) describes any findings of the Di-
15 rector of the Financial Crimes Enforce-
16 ment with respect to technologies that may
17 effectuate the collection, standardization,
18 transmission, and sharing of such informa-
19 tion as required under section 5337 of title
20 31, United States Code; and

21 (ii) makes recommendations for imple-
22 menting such technologies.

23 (d) GATEKEEPERS STRATEGY.—Section 262 of the
24 Countering America’s Adversaries Through Sanctions Act

1 is amended by inserting after paragraph (10) the fol-
2 lowing:

3 “(11) GATEKEEPER STRATEGY.—

4 “(A) IN GENERAL.—A description of ef-
5 forts to impose sufficient anti-money laundering
6 safeguards on types of persons who serve as
7 gatekeepers.

8 “(B) UPDATE.—If the updates to the na-
9 tional strategy required under section 261 have
10 been submitted to appropriate congressional
11 committees before the date of the enactment of
12 this paragraph, the President shall submit to
13 the appropriate congressional committees an
14 additional update to the national strategy with
15 respect to the addition of this paragraph not
16 later than 1 year after the date of the enact-
17 ment of this paragraph.”.

18 (e) AGENCY COORDINATION AND COLLABORATION.—
19 The Secretary of the Treasury shall, to the greatest extent
20 practicable—

21 (1) establish relationships with State, local, ter-
22 ritorial, and Tribal governmental agencies; and

23 (2) work collaboratively with such governmental
24 agencies to implement and enforce the regulations

1 prescribed under this section and the amendments
2 made by this section, by—

3 (A) using the domestic liaisons established
4 in section 310(f) of title 31, United States
5 Code, to share information regarding changes
6 effectuated by this section;

7 (B) using the domestic liaisons established
8 in section 310(f) of title 31, United States
9 Code, to advise on necessary revisions to State,
10 local, territorial, and Tribal standards with re-
11 spect to relevant professional licensure;

12 (C) engaging with various gatekeepers as
13 appropriate, including with respect to informa-
14 tion sharing and data sharing; and

15 (D) working with State, local, territorial,
16 and Tribal governmental agencies to levy pro-
17 fessional sanctions on persons who facilitate
18 corruption, money laundering, the financing of
19 terrorist activities, and other related crimes.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—In addi-
21 tion to amounts otherwise available for such purposes,
22 there are authorized to be appropriated to the Secretary
23 of the Treasury, without fiscal year limitation,
24 \$53,300,000 to remain available until expended, exclu-

1 sively for the purpose of carrying out this section and the
2 amendments made by the Act, including for—

3 (1) the hiring of personnel;

4 (2) the exploration and adoption of information
5 technology to effectively support enforcement activi-
6 ties or activities described in subsection (c) of this
7 section and the amendments made by such sub-
8 section;

9 (3) audit, investigatory, and review activities,
10 including those described in subsection (c) of this
11 section and the amendments made by such sub-
12 section;

13 (4) agency coordination and collaboration ef-
14 forts and activities described in subsection (e) of this
15 section;

16 (5) for voluntary compliance programs;

17 (6) for conducting the report in subsection
18 (c)(5) of this section; and

19 (7) for allocating amounts to the State, local,
20 territorial, and Tribal jurisdictions to pay reasonable
21 costs relating to compliance with or enforcement of
22 the requirements of this section.

23 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion may be construed to be limited or impeded by any
25 obligations under State, local, territorial, or Tribal laws

1 or rules concerning privilege, ethics, confidentiality, pri-
2 vacy, or related matters.

3 **SEC. 5402. REVIEW OF CYBER-RELATED MATTERS AT THE**
4 **DEPARTMENT OF THE TREASURY.**

5 (a) IN GENERAL.—No later than 270 days after the
6 date of enactment of this Act, the Secretary of the Treas-
7 ury shall complete a comprehensive review of the Depart-
8 ment of the Treasury’s efforts dedicated to enhancing cy-
9 bersecurity capability, readiness, and resilience of the fi-
10 nancial services sector, specifically as it relates to—

11 (1) Treasury’s role as the sector risk manage-
12 ment agency for the financial services sector, as de-
13 fined by section 9002 of the William M. (Mac)
14 Thornberry National Defense Authorization Act for
15 Fiscal Year 2021; and

16 (2) integration of operational resilience and cy-
17 bersecurity for the financial services sector across
18 the Department of the Treasury.

19 (b) ELEMENTS.—The review required under sub-
20 section (a) shall include the following elements and consid-
21 erations:

22 (1) A comprehensive review of the components
23 and offices within the Departmental Offices of the
24 Department of the Treasury involved in efforts spec-
25 ified in subsection (a).

1 (2) A review of activities by the Department of
2 the Treasury involved in efforts specified in sub-
3 section (a).

4 (3) An assessment of the how each activity
5 identified in this subsection connects to the National
6 Security Strategy and other related documents of
7 the Executive Branch.

8 (4) An assessment of the Department of the
9 Treasury's ability to discharge fully its duties speci-
10 fied in subsection (a) and identify any areas where
11 it may need additional resources, legislation or au-
12 thority.

13 (5) An evaluation of the partnerships with other
14 executive branch departments and agencies to sup-
15 port efforts specified in subsection (a).

16 (6) An evaluation of support to and from the
17 Financial and Banking Information Infrastructure
18 Committee, and its member agencies to enhance ef-
19 forts specified in subsection (a).

20 (7) A five-year plan for the Department of the
21 Treasury that defines an objectives and goals related
22 to the efforts specified in subsection (a).

23 (c) SUBMISSION TO CONGRESS.—No later than 30
24 days after the completion of the review specified under
25 subsection (a), the Secretary of the Treasury shall trans-

1 mit the review to Committee on Financial Services of the
2 House of Representatives and the Committee on Banking,
3 Housing, and Urban Affairs of the Senate.

4 (d) ANNUAL UPDATE.—No later than February 1st
5 of each year after the submission of the review until 2028,
6 the Secretary shall provide an update on progress made
7 in the preceding year in relation to the plan directed in
8 subsection (b)(7) to the Committee on Financial Services
9 of the House of Representatives and the Committee on
10 Banking, Housing, and Urban Affairs of the Senate.

11 **SEC. 5403. STRENGTHENING AWARENESS OF SANCTIONS.**

12 Section 312 of title 31, United States Code, is
13 amended by adding at the end the following:

14 “(i) OFAC EXCHANGE.—

15 “(1) ESTABLISHMENT.—The OFAC Exchange
16 is hereby established within OFAC.

17 “(2) PURPOSE.—The OFAC Exchange shall fa-
18 cilitate a voluntary public-private information shar-
19 ing partnership among law enforcement agencies,
20 national security agencies, financial institutions, and
21 OFAC to—

22 “(A) effectively and efficiently administer
23 and enforce economic and trade sanctions
24 against targeted foreign countries and regimes,
25 terrorists, international narcotics traffickers,

1 those engaged in activities related to the pro-
2 liferation of weapons of mass destruction, and
3 other threats to the national security, foreign
4 policy, or economy of the United States by pro-
5 moting innovation and technical advances in re-
6 porting—

7 “(i) under subchapter II of chapter 53
8 and the regulations promulgated under
9 that subchapter; and

10 “(ii) with respect to other economic
11 and trade sanctions requirements;

12 “(B) protect the financial system from il-
13 licit use, including evasions of existing economic
14 and trade sanctions programs; and

15 “(C) facilitate two-way information ex-
16 change between OFAC and persons who are re-
17 quired to comply with sanctions administered
18 and enforced by OFAC, including financial in-
19 stitutions, business sectors frequently affected
20 by sanctions programs, and non-government or-
21 ganizations and humanitarian groups impacted
22 by such sanctions programs.

23 “(3) REPORT.—

24 “(A) IN GENERAL.—Not later than 1 year
25 after the date of enactment of this subsection,

1 and once every 2 years thereafter for the next
2 5 years, the Secretary of the Treasury shall
3 submit to the Committees on Banking, Hous-
4 ing, and Urban Affairs and Foreign Relations
5 of the Senate and the Committees on Financial
6 Services and Foreign Affairs of the House of
7 Representatives a report containing—

8 “(i) an analysis of the efforts under-
9 taken by the OFAC Exchange, which shall
10 include an analysis of—

11 “(I) the results of those efforts;

12 and

13 “(II) the extent and effectiveness
14 of those efforts, including the extent
15 and effectiveness of communication
16 between OFAC and persons who are
17 required to comply with sanctions ad-
18 ministered and enforced by OFAC;

19 “(ii) recommendations to improve effi-
20 ciency and effectiveness of targeting, com-
21 pliance, enforcement, and licensing activi-
22 ties undertaken by OFAC; and

23 “(iii) any legislative, administrative,
24 or other recommendations the Secretary

1 may have to strengthen the efforts of the
2 OFAC Exchange.

3 “(B) CLASSIFIED ANNEX.—Each report
4 under subparagraph (A) may include a classi-
5 fied annex.

6 “(4) INFORMATION SHARING REQUIREMENT.—
7 Information shared under this subsection shall be
8 shared—

9 “(A) in compliance with all other applica-
10 ble Federal laws and regulations;

11 “(B) in such a manner as to ensure the
12 appropriate confidentiality of personal informa-
13 tion; and

14 “(C) at the discretion of the Director, with
15 the appropriate Federal functional regulator, as
16 defined in section 6003 of the Anti-Money
17 Laundering Act of 2020.

18 “(5) PROTECTION OF SHARED INFORMATION.—

19 “(A) REGULATIONS.—OFAC shall, as ap-
20 propriate, promulgate regulations that establish
21 procedures for the protection of information
22 shared and exchanged between OFAC and the
23 private sector in accordance with this section,
24 consistent with the capacity, size, and nature of

1 the financial institution to which the particular
2 procedures apply.

3 “(B) USE OF INFORMATION.—Information
4 received by a financial institution pursuant to
5 this section shall not be used for any purpose
6 other than identifying and reporting on activi-
7 ties that may involve the financing of terrorism,
8 proliferation financing, narcotics trafficking, or
9 financing of sanctioned countries, regimes, or
10 persons.

11 “(6) RULE OF CONSTRUCTION.—Nothing in
12 this subsection may be construed to create new in-
13 formation sharing authorities or requirements relat-
14 ing to the Bank Secrecy Act.”.

15 **SEC. 5404. BRIEFING ON CHINESE SUPPORT FOR AFGHAN**
16 **ILLICIT FINANCE.**

17 (a) REQUIREMENT.—Not later than one year after
18 the date of the enactment of this Act, the Secretary of
19 Treasury shall brief the Committee on Financial Services
20 and the Committee on Foreign Affairs of the House of
21 Representatives and the Committee on Banking, Housing,
22 and Urban Affairs and the Committee on Foreign Rela-
23 tions of the Senate and the Permanent Select Committee
24 on Intelligence of the House of Representatives and the
25 Select Committee on Intelligence of the Senate on the fi-

1 nancial activities of China and Chinese entities in connec-
2 tion with the finances of Afghanistan and the Taliban.

3 (b) MATTERS INCLUDED.—The briefing under sub-
4 section (a) shall include the following:

5 (1) An assessment of the activities undertaken
6 by the People’s Republic of China and Chinese-reg-
7 istered companies to support illicit financial net-
8 works in Afghanistan, particularly such networks in-
9 volved in narcotics trafficking, illicit financial trans-
10 actions, official corruption, natural resources exploi-
11 tation, and terrorist networks.

12 (2) An assessment of financial, commercial, and
13 economic activities undertaken by China and Chi-
14 nese companies in Afghanistan, including the licit
15 and illicit extraction of critical minerals, to support
16 Chinese policies counter to American strategic inter-
17 ests.

18 (3) Information relating to the impacts of exist-
19 ing United States and multilateral laws, regulations,
20 and sanctions, including environmental and public
21 health impacts of natural resources exploitation.

22 (4) Any recommendations to Congress regard-
23 ing legislative or regulatory improvements necessary
24 to support the identification and disruption of Chi-

1 nese-supported illicit financial networks in Afghani-
2 stan.

3 **SEC. 5405. SUPPORT FOR INTERNATIONAL INITIATIVES TO**
4 **PROVIDE DEBT RESTRUCTURING OR RELIEF**
5 **TO DEVELOPING COUNTRIES WITH**
6 **UNSUSTAINABLE LEVELS OF DEBT.**

7 (a) IN GENERAL.—Title XVI of the International Fi-
8 nancial Institutions Act (22 U.S.C. 262p et seq.) is
9 amended by adding at the end the following:

10 **“SEC. 1632. SUPPORT FOR INTERNATIONAL INITIATIVES TO**
11 **PROVIDE DEBT RESTRUCTURING OR RELIEF**
12 **TO DEVELOPING COUNTRIES WITH**
13 **UNSUSTAINABLE LEVELS OF DEBT.**

14 “(a) DEBT RELIEF.—The Secretary of the Treasury,
15 in consultation with the Secretary of State, shall—

16 “(1) engage with international financial institu-
17 tions, the G20, and official and commercial creditors
18 to advance support for prompt and effective imple-
19 mentation and improvement of the Common Frame-
20 work for Debt Treatments beyond the DSSI (in this
21 section referred to as the ‘Common Framework’), or
22 any successor framework or similar coordinated
23 international debt treatment process in which the
24 United States participates through the establishment
25 and publication of clear and accountable—

1 “(A) debt treatment benchmarks designed
2 to achieve debt sustainability for each partici-
3 pating debtor;

4 “(B) standards for appropriate burden-
5 sharing among all creditors with material
6 claims on each participating debtor, without re-
7 gard for their official, private, or hybrid status;

8 “(C) robust debt disclosure by creditors,
9 including the People’s Republic of China, and
10 debtor countries, including inter-creditor data-
11 sharing and, to the maximum extent prac-
12 ticable, public disclosure of material terms and
13 conditions of claims on participating debtors;

14 “(D) expansion of Common Framework
15 country eligibility to lower middle-income coun-
16 tries who otherwise meet the existing criteria;

17 “(E) improvements to the Common
18 Framework process with the aim of ensuring
19 access to debt relief in a timely manner for
20 those countries eligible and who request treat-
21 ment; and

22 “(F) consistent enforcement and improve-
23 ment of the policies of multilateral institutions
24 relating to asset-based and revenue-based bor-
25 rowing by participating debtors, and coordi-

1 nated standards on restructuring collateralized
2 debt;

3 “(2) engage with international financial institu-
4 tions and official and commercial creditors to ad-
5 vance support, as the Secretary finds appropriate,
6 for debt restructuring or debt relief for each partici-
7 pating debtor, including, on a case-by-case basis, a
8 debt standstill, if requested by the debtor country
9 through the Common Framework process from the
10 time of conclusion of a staff-level agreement with the
11 International Monetary Fund, and until the conclu-
12 sion of a memorandum of understanding with its
13 creditor committee pursuant to the Common Frame-
14 work, or any successor framework or similar coordi-
15 nated international debt treatment process in which
16 the United States participates; and

17 “(3) instruct the United States Executive Di-
18 rector at the International Monetary Fund and the
19 United States Executive Director at the World Bank
20 to use the voice and vote of the United States to ad-
21 vance the efforts described in paragraphs (1) and
22 (2).

23 “(b) REPORTING REQUIREMENT.—Not later than
24 120 days after the date of the enactment of this section,
25 and annually thereafter, the Secretary of the Treasury, in

1 coordination with the Secretary of State, shall submit to
2 the Committees on Banking, Housing, and Urban Affairs
3 and Foreign Relations of the Senate and the Committees
4 on Financial Services and Foreign Affairs of the House
5 of Representatives a report that describes—

6 “(1) any actions that have been taken, in co-
7 ordination with international financial institutions,
8 by official creditors, including the government of,
9 and state-owned enterprises in, the People’s Repub-
10 lic of China, and relevant commercial creditor
11 groups to advance debt restructuring or relief for
12 countries with unsustainable debt that have sought
13 restructuring or relief under the Common Frame-
14 work, any successor framework or mechanism, or
15 under any other coordinated international arrange-
16 ment for sovereign debt restructuring in which the
17 United States participates;

18 “(2) any implementation challenges that hinder
19 the ability of the Common Framework to provide
20 timely debt restructuring for any country with
21 unsustainable debt that seeks debt restructuring or
22 debt payment relief, including any refusal of a cred-
23 itor to participate in appropriate burden-sharing, in-
24 cluding failure to share (or publish, as appropriate)

1 all material information needed to assess debt sus-
2 tainability; and

3 “(3) recommendations on how to address any
4 challenges identified in paragraph (2).”.

5 (b) SUNSET.—The amendment made by subsection
6 (a) is repealed effective on the date that is 5 years after
7 the effective date of this section.

8 **SEC. 5406. PAYMENT CHOICE.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that every consumer has the right to use cash at
11 retail businesses who accept in-person payments.

12 (b) RETAIL BUSINESSES PROHIBITED FROM REFUS-
13 ING CASH PAYMENTS.—

14 (1) IN GENERAL.—Subchapter I of chapter 51
15 of title 31, United States Code, is amended by add-
16 ing at the end the following:

17 **“§ 5104. Retail businesses prohibited from refusing**
18 **cash payments**

19 “(a) IN GENERAL.—Any person engaged in the busi-
20 ness of selling or offering goods or services at retail to
21 the public with a person accepting in-person payments at
22 a physical location (including a person accepting payments
23 for telephone, mail, or internet-based transactions who is
24 accepting in-person payments at a physical location)—

1 “(1) shall accept cash as a form of payment for
2 sales of less than \$2,000 (or, for loan payments,
3 payments made on a loan with an original principal
4 amount of less than \$2,000) made at such physical
5 location; and

6 “(2) may not charge cash-paying customers a
7 higher price compared to the price charged to cus-
8 tomers not paying with cash.

9 “(b) EXCEPTIONS.—

10 “(1) IN GENERAL.—Subsection (a) shall not
11 apply to a person if such person—

12 “(A) is unable to accept cash because of—

13 “(i) a sale system failure that tempo-
14 rarily prevents the processing of cash pay-
15 ments; or

16 “(ii) a temporary insufficiency in cash
17 on hand needed to provide change; or

18 “(B) provides customers with the means,
19 on the premises, to convert cash into a card
20 that is either a general-use prepaid card, a gift
21 card, or an access device for electronic fund
22 transfers for which—

23 “(i) there is no fee for the use of the
24 card;

1 “(ii) there is not a minimum deposit
2 amount greater than 1 dollar;

3 “(iii) amounts loaded on the card do
4 not expire, except as permitted under para-
5 graph (2);

6 “(iv) there is no collection of any per-
7 sonal identifying information from the cus-
8 tomer;

9 “(v) there is no fee to use the card;
10 and

11 “(vi) there may be a limit to the num-
12 ber of transactions.

13 “(2) INACTIVITY.—A person seeking exception
14 from subsection (a) may charge an inactivity fee in
15 association with a card offered by such person if—

16 “(A) there has been no activity with re-
17 spect to the card during the 12-month period
18 ending on the date on which the inactivity fee
19 is imposed;

20 “(B) not more than 1 inactivity fee is im-
21 posed in any 1-month period; and

22 “(C) it is clearly and conspicuously stated,
23 on the face of the mechanism that issues the
24 card and on the card—

1 “(i) that an inactivity fee or charge
2 may be imposed;

3 “(ii) the frequency at which such inac-
4 tivity fee may be imposed; and

5 “(iii) the amount of such inactivity
6 fee.

7 “(c) RIGHT TO NOT ACCEPT LARGE BILLS.—

8 “(1) IN GENERAL.—Notwithstanding subsection
9 (a), for the 5-year period beginning on the date of
10 enactment of this section, this section shall not re-
11 quire a person to accept cash payments in \$50 bills
12 or any larger bill.

13 “(2) RULEMAKING.—

14 “(A) IN GENERAL.—The Secretary of the
15 Treasury, in this section referred to as the Sec-
16 retary, shall issue a rule on the date that is 5
17 years after the date of the enactment of this
18 section with respect to any bills a person is not
19 required to accept.

20 “(B) REQUIREMENT.—When issuing a rule
21 under subparagraph (A), the Secretary shall re-
22 quire persons to accept \$1, \$5, \$10, \$20, and
23 \$50 bills.

24 “(d) ENFORCEMENT.—

1 “(1) PREVENTATIVE RELIEF.—Whenever any
2 person has engaged, or there are reasonable grounds
3 to believe that any person is about to engage, in any
4 act or practice prohibited by this section, a civil ac-
5 tion for preventive relief, including an application for
6 a permanent or temporary injunction, restraining
7 order, or other order may be brought against such
8 person.

9 “(2) CIVIL PENALTIES.—Any person who vio-
10 lates this section shall—

11 “(A) be liable for actual damages;

12 “(B) be fined not more than \$2,500 for a
13 first offense; and

14 “(C) be fined not more than \$5,000 for a
15 second or subsequent offense.

16 “(3) JURISDICTION.—An action under this sec-
17 tion may be brought in any United States district
18 court, or in any other court of competent jurisdic-
19 tion.

20 “(4) INTERVENTION OF ATTORNEY GENERAL.—
21 Upon timely application, a court may, in its discre-
22 tion, permit the Attorney General to intervene in a
23 civil action brought under this subsection, if the At-
24 torney General certifies that the action is of general
25 public importance.

1 “(5) AUTHORITY TO APPOINT COURT-PAID AT-
2 TORNEY.—Upon application by an individual and in
3 such circumstances as the court may determine just,
4 the court may appoint an attorney for such indi-
5 vidual and may authorize the commencement of a
6 civil action under this subsection without the pay-
7 ment of fees, costs, or security.

8 “(6) ATTORNEY’S FEES.—In any action com-
9 menced pursuant to this section, the court, in its
10 discretion, may allow the prevailing party, other
11 than the United States, a reasonable attorney’s fee
12 as part of the costs, and the United States shall be
13 liable for costs the same as a private person.

14 “(7) REQUIREMENTS IN CERTAIN STATES AND
15 LOCAL AREAS.—In the case of an alleged act or
16 practice prohibited by this section which occurs in a
17 State, or political subdivision of a State, which has
18 a State or local law prohibiting such act or practice
19 and establishing or authorizing a State or local au-
20 thority to grant or seek relief from such act or prac-
21 tice or to institute criminal proceedings with respect
22 thereto upon receiving notice thereof, no civil action
23 may be brought hereunder before the expiration of
24 30 days after written notice of such alleged act or
25 practice has been given to the appropriate State or

1 local authority by registered mail or in person, pro-
2 vided that the court may stay proceedings in such
3 civil action pending the termination of State or local
4 enforcement proceedings.

5 “(e) GREATER PROTECTION UNDER STATE LAW.—
6 This section shall not preempt any law of a State, the Dis-
7 trict of Columbia, a Tribal government, or a territory of
8 the United States if the protections that such law affords
9 to consumers are greater than the protections provided
10 under this section.

11 “(f) RULEMAKING.—The Secretary shall issue such
12 rules as the Secretary determines are necessary to imple-
13 ment this section, which may prescribe additional excep-
14 tions to the application of the requirements described in
15 subsection (a).”.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents for chapter 51 of title 31, United States Code,
18 is amended by inserting after the item relating to
19 section 5103 the following:

“5104. Retail businesses prohibited from refusing cash payments.”.

20 (3) RULE OF CONSTRUCTION.—The amend-
21 ments made by this section may not be construed to
22 have any effect on section 5103 of title 31, United
23 States Code.

24 (c) DISCRETIONARY SURPLUS FUND.—

1 (1) IN GENERAL.—Subparagraph (A) of section
 2 7(a)(3) of the Federal Reserve Act (12 U.S.C.
 3 289(a)(3)(A)) is amended by reducing the dollar fig-
 4 ure described in such subparagraph by \$15,000,000.

5 (2) EFFECTIVE DATE.—The amendment made
 6 by paragraph (1) shall take effect on September 30,
 7 2022.

8 **SEC. 5407. DISCLOSURE REQUIREMENTS RELATING TO**
 9 **CHINA-BASED HEDGE FUNDS CAPITAL RAIS-**
 10 **ING ACTIVITIES IN THE UNITED STATES**
 11 **THROUGH CERTAIN EXEMPTED TRANS-**
 12 **ACTIONS.**

13 (a) AMENDMENT.—The Securities Exchange Act of
 14 1934 is amended by inserting after section 13A (15 U.S.C.
 15 78m–1) the following:

16 **“SEC. 13B. DISCLOSURE REQUIREMENTS RELATING TO**
 17 **CERTAIN EXEMPTED TRANSACTIONS.**

18 “(a) IN GENERAL.—Notwithstanding any other pro-
 19 vision of law, in the case of an issuer that is domiciled
 20 in the People’s Republic of China, including a China-based
 21 hedge fund or a China-based private equity fund, that con-
 22 ducts a covered exempted transaction, such issuer shall
 23 provide to the Commission, at such time and in such man-
 24 ner as the Commission may prescribe, the following:

25 “(1) The identity of the issuer.

1 “(2) The place of incorporation of the issuer.

2 “(3) The amount of the issuance involved in the
3 covered exempted transaction and the net proceeds
4 to the issuer.

5 “(4) The principal beneficial owners of the
6 issuer.

7 “(5) The intended use of the proceeds from
8 such issuance, including—

9 “(A) each country in which the issuer in-
10 tends to invest such proceeds; and

11 “(B) each industry in which the issuer in-
12 tends to invest such proceeds.

13 “(6) The exemption the issuer relies on with re-
14 spect to such covered exempted transaction.

15 “(b) AUTHORITY TO REVISE AND PROMULGATE
16 RULES, REGULATIONS, AND FORMS.—The Commission
17 shall, for the protection of investors and fair and orderly
18 markets—

19 “(1) revise and promulgate such rules, regula-
20 tions, and forms as may be necessary to carry out
21 this section; and

22 “(2) issue rules to set conditions for the use of
23 covered exempted transactions by an issuer who does
24 not comply with the requirements under subsection
25 (a).

1 “(c) COVERED EXEMPTED TRANSACTION.—In this
2 section, the term ‘covered exempted transaction’ means an
3 issuance of a security that is exempt from registration
4 under section 5 of the Securities Act of 1933 (15 U.S.C.
5 77e) that—

6 “(1) is structured or intended to comply with—

7 “(A) Rule 506(b) of Regulation D, as pro-
8 mulgated by the Commission;

9 “(B) Regulation S, as promulgated by the
10 Commission; or

11 “(C) Rule 144A, as promulgated by the
12 Commission; and

13 “(2) either—

14 “(A) has an issuance equal to \$25,000,000
15 or greater; or

16 “(B) with respect to any 1-year period,
17 has, together with all covered exempted trans-
18 actions in that period, an aggregate issuance of
19 \$50,000,000 or greater.”.

20 (b) APPLICABILITY.—The amendment made by sub-
21 section (a) shall apply with respect to issuers of covered
22 exempted transactions on the date that is 270 days after
23 the date of the enactment of this Act.

24 (c) REPORT.—The Securities and Exchange Commis-
25 sion shall, each quarter, issue a report to the Committee

1 on Financial Services of the House of Representatives and
2 the Committee on Banking, Housing, and Urban Affairs
3 of the Senate containing all information submitted by an
4 issuer under section 13B of the Securities Exchange Act
5 of 1934, as added by subsection (a), during the previous
6 quarter.

7 **SEC. 5408. RUSSIA AND BELARUS FINANCIAL SANCTIONS.**

8 (a) IN GENERAL.—A United States financial institu-
9 tion shall take all actions necessary and available to cause
10 any entity or person owned or controlled by the institution
11 to comply with any provision of law described in sub-
12 section (b) to the same extent as required of a United
13 States financial institution.

14 (b) PROVISION OF LAW DESCRIBED.—A provision of
15 law described in this subsection is any prohibition or limi-
16 tation described in a sanctions-related statute, regulation
17 or order applicable to a United States financial institution
18 concerning the Russian Federation or the Republic of
19 Belarus, involving—

20 (1) the conduct of transactions;

21 (2) the acceptance of deposits;

22 (3) the making, granting, transferring, holding,
23 or brokering of loans or credits;

24 (4) the purchasing or selling of foreign ex-
25 change, securities, commodity futures, or options;

1 (5) the procuring of purchasers and sellers de-
2 scribed under paragraph (4) as principal or agent;
3 or

4 (6) any other good or service provided by a
5 United States financial institution.

6 (c) PENALTY.—A United States financial institution
7 that violates subsection (a) shall be subject to the penalties
8 described in the applicable statute, regulation or order ap-
9 plicable to a United States financial Institution.

10 (d) UNITED STATES FINANCIAL INSTITUTION DE-
11 FINED.—In this section, the term “United States financial
12 institution” means any U.S. entity (including its foreign
13 branches) that is engaged in the business of accepting de-
14 posits, making, granting, transferring, holding, or
15 brokering loans or credits, or purchasing or selling foreign
16 exchange, securities, futures or options, or procuring pur-
17 chasers and sellers thereof, as principal or agent. It in-
18 cludes depository institutions, banks, savings banks,
19 money services businesses, operators of credit card sys-
20 tems, trust companies, insurance companies, securities
21 brokers and dealers, futures and options brokers and deal-
22 ers, forward contract and foreign exchange merchants, se-
23 curities and commodities exchanges, clearing corporations,
24 investment companies, employee benefit plans, dealers in
25 precious metals, stones, or jewels, and U.S. holding com-

panies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices, and agencies of foreign financial institutions that are located in the United States, but not such institutions' foreign branches, offices, or agencies.

SEC. 5409. APPRAISAL STANDARDS FOR SINGLE-FAMILY HOUSING MORTGAGES.

(a) CERTIFICATION OR LICENSING.—Paragraph (5) of section 202(g) of the National Housing Act (12 U.S.C. 1708(g)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

“(A)(i) in the case of an appraiser for a mortgage for single-family housing, be certified or licensed by the State in which the property to be appraised is located; and

“(ii) in the case of an appraiser for a mortgage for multifamily housing, be certified by the State in which the property to be appraised is located; and”; and

(2) in subparagraph (B), by inserting before the period at the end the following: “, which, in the case of appraisers for any mortgage for single-family housing, shall include completion of a course or seminar that consists of not less than 7 hours of train-

1 ing regarding such appraisal requirements that is
2 approved by the Course Approval Program of the
3 Appraiser Qualifications Board of the Appraisal
4 Foundation or a State appraiser certifying and li-
5 censing agency”.

6 (b) COMPLIANCE WITH VERIFIABLE EDUCATION RE-
7 QUIREMENTS; GRANDFATHERING.—Effective beginning
8 on the date of the effectiveness of the mortgagee letter
9 or other guidance issued pursuant to subsection (c) of this
10 section, notwithstanding any choice or approval of any ap-
11 praiser made before such date of enactment, no appraiser
12 may conduct an appraisal for any mortgage for single-
13 family housing insured under title II of the National
14 Housing Act (12 U.S.C. 1707 et seq.) unless such ap-
15 praiser is, as of such date of effectiveness, in compliance
16 with—

17 (1) all of the requirements under section
18 202(g)(5) of such Act (12 U.S.C. 1708(g)(5)), as
19 amended by subsection (a) of this section, including
20 the requirement under subparagraph (B) of such
21 section 202(g)(5) (relating to demonstrated
22 verifiable education in appraisal requirements); or

23 (2) all of the requirements under section
24 202(g)(5) of such Act as in effect on the day before
25 the date of the enactment of this Act.

1 (c) IMPLEMENTATION.—Not later than the expiration
2 of the 240-day period beginning on the date of the enact-
3 ment of this Act, the Secretary of Housing and Urban
4 Development shall issue a mortgagee letter or other guid-
5 ance that shall—

6 (1) implement the amendments made by sub-
7 section (a) of this section;

8 (2) clearly set forth all of the specific require-
9 ments under section 202(g)(5) of the National
10 Housing Act (as amended by subsection (a) of this
11 section) for approval to conduct appraisals under
12 title II of such Act for mortgages for single-family
13 housing, which shall include—

14 (A) providing that the completion, prior to
15 the effective date of such mortgagee letter or
16 guidance, of training meeting the requirements
17 under subparagraph (B) of such section
18 202(g)(5) (as amended by subsection (a) of this
19 section) shall be considered to fulfill the re-
20 quirement under such subparagraph; and

21 (B) providing a method for appraisers to
22 demonstrate such prior completion; and

23 (3) take effect not later than the expiration of
24 the 180-day period beginning upon issuance of such
25 mortgagee letter or guidance.

1 **SEC. 5410. CHINA FINANCIAL THREAT MITIGATION.**

2 (a) **REPORT.**—Not later than one year after the date
3 of the enactment of this Act, the Secretary of the Treas-
4 ury, in consultation with the Chairman of the Board of
5 Governors of the Federal Reserve System, the Chairman
6 of the Securities and Exchange Commission, the Chair-
7 man of the Commodity Futures Trading Commission, and
8 the Secretary of State, shall conduct a study and issue
9 a report on the exposure of the United States to the finan-
10 cial sector of the People’s Republic of China that in-
11 cludes—

12 (1) an assessment of the effects of reforms to
13 the financial sector of the People’s Republic of
14 China on the United States and global financial sys-
15 tems;

16 (2) a description of the policies the United
17 States Government is adopting to protect the inter-
18 ests of the United States while the financial sector
19 of the People’s Republic of China undergoes such re-
20 forms;

21 (3) a description and analysis of any risks to
22 the financial stability of the United States and the
23 global economy emanating from the People’s Repub-
24 lic of China; and

25 (4) recommendations for additional actions the
26 United States Government, including United States

1 representatives at relevant international organiza-
2 tions, should take to strengthen international co-
3 operation to monitor and mitigate such financial sta-
4 bility risks and protect United States interests.

5 (b) TRANSMISSION OF REPORT.—The Secretary of
6 the Treasury shall transmit the report required under sub-
7 section (a) not later than one year after the date of enact-
8 ment of this Act to the Committees on Financial Services
9 and Foreign Affairs of the House of Representatives, the
10 Committees on Banking, Housing, and Urban Affairs and
11 Foreign Relations of the Senate, and to the United States
12 representatives at relevant international organizations, as
13 appropriate.

14 (c) CLASSIFICATION.—The report required under
15 subsection (a) shall be unclassified, but may contain a
16 classified annex.

17 (d) PUBLICATION OF REPORT.—The Secretary of the
18 Treasury shall publish the report required under sub-
19 section (a) (other than any classified annex) on the
20 website of the Department of the Treasury not later than
21 one year after the date of enactment of this Act.

22 **SEC. 5411. REVIEW OF FHA SMALL-DOLLAR MORTGAGE**
23 **PRACTICES.**

24 (a) CONGRESSIONAL FINDINGS.—The Congress finds
25 that—

1 (1) affordable homeownership opportunities are
2 being hindered due to the lack of financing available
3 for home purchases under \$100,000;

4 (2) according to the Urban Institute, small-dol-
5 lar mortgage loan applications in 2017 were denied
6 by lenders at double the rate of denial for large
7 mortgage loans, and this difference in denial rates
8 cannot be fully explained by differences in the appli-
9 cants' credit profiles;

10 (3) according to data compiled by Attom Data
11 solutions, small-dollar mortgage originations have
12 decreased 38 percent since 2009, while there has
13 been a 65-percent increase in origination of mort-
14 gages for more than \$150,000;

15 (4) the FHA's mission is to serve creditworthy
16 borrowers who are underserved and, according to the
17 Urban Institute, the FHA serves 24 percent of the
18 overall market, but only 19 percent of the small-dol-
19 lar mortgage market; and

20 (5) the causes behind these variations are not
21 fully understood, but merit study that could assist in
22 furthering the Department of Housing and Urban
23 Development's mission, including meeting the hous-
24 ing needs of borrowers the program is designed to
25 serve and reducing barriers to homeownership, while

1 protecting the solvency of the Mutual Mortgage In-
2 surance Fund.

3 (b) REVIEW.—The Secretary of Housing and Urban
4 Development shall conduct a review of its FHA single-
5 family mortgage insurance policies, practices, and prod-
6 ucts to identify any barriers or impediments to supporting,
7 facilitating, and making available mortgage insurance for
8 small dollar mortgages, as defined by the Secretary. Not
9 later than the expiration of the 12-month period beginning
10 on the date of the enactment of this Act, the Secretary
11 shall submit a report to the Congress describing the find-
12 ings of such review and the actions that the Secretary will
13 take, without adversely affecting the solvency of the Mu-
14 tual Mortgage Insurance Fund, to remove such barriers
15 and impediments to providing mortgage insurance for
16 such mortgages.

17 **SEC. 5412. DISCLOSURE OF BUSINESSES TIES TO RUSSIA.**

18 (a) IN GENERAL.—Section 13 of the Securities Ex-
19 change Act of 1934 (15 U.S.C. 78m) is amended by add-
20 ing at the end the following:

21 “(s) DISCLOSURE OF BUSINESS TIES TO RUSSIA.—
22 Any issuer required to file an annual or quarterly report
23 under subsection (a) that—

1 “(1) does business in Russia, or with or
2 through firms domiciled in Russia, regardless of
3 where that business activity takes place, or

4 “(2) with the Russian government, or with any
5 entity owned by or affiliated with such government,
6 regardless of where that business activity takes
7 place,

8 shall disclose in that report relevant facts and a descrip-
9 tion about the business activity.”.

10 (b) The Securities and Exchange Commission shall
11 within 270 days of enactment of this section define any
12 necessary terms and amend its rules or forms, to carry
13 out the requirements of the provision added by subsection
14 (a).

15 **SEC. 5413. SMALL BUSINESS LOAN DATA COLLECTION.**

16 (a) IN GENERAL.—Section 704B of the Equal Credit
17 Opportunity Act (15 U.S.C. 1691c–2) is amended—

18 (1) by inserting “LGBTQ-owned,” after “mi-
19 nority-owned,” each place such term appears;

20 (2) in subsection (e)(2)(G), by inserting “, sex-
21 ual orientation, gender identity” after “sex”; and

22 (3) in subsection (h), by adding at the end the
23 following:

24 “(7) LGBTQ-OWNED BUSINESS.—The term
25 ‘LGBTQ-owned business’ means a business—

1 “(A) more than 50 percent of the owner-
2 ship or control of which is held by 1 or more
3 individuals self-identifying as lesbian, gay, bi-
4 sexual, transgender, or queer; and

5 “(B) more than 50 percent of the net prof-
6 it or loss of which accrues to 1 or more individ-
7 uals self-identifying as lesbian, gay, bisexual,
8 transgender, or queer.”.

9 (b) DISCRETIONARY SURPLUS FUND.—

10 (1) IN GENERAL.—Subparagraph (A) of section
11 7(a)(3) of the Federal Reserve Act (12 U.S.C.
12 289(a)(3)(A)) is amended by reducing the dollar fig-
13 ure described in such subparagraph by \$500,000.

14 (2) EFFECTIVE DATE.—The amendment made
15 by paragraph (1) shall take effect on September 30,
16 2032.

17 **SEC. 5414. NATIONWIDE EMERGENCY DECLARATION MED-**
18 **ICAL SUPPLIES ENHANCEMENT.**

19 (a) DETERMINATION ON EMERGENCY SUPPLIES AND
20 OTHER PUBLIC HEALTH EMERGENCIES.—For the pur-
21 poses of section 101 of the Defense Production Act of
22 1950 (50 U.S.C. 4511), the following materials may be
23 deemed by the President, during a nationwide emergency
24 declaration period, to be scarce and critical materials es-
25 sential to the national defense and otherwise meet the re-

1 quirements of section 101(b) of such Act, and funds avail-
2 able to implement such Act may be used for the purchase,
3 production (including the construction, repair, and retro-
4 fitting of government-owned facilities as necessary), or
5 distribution of such materials:

6 (1) Face masks and personal protective equip-
7 ment, including non-surgical isolation gowns, face
8 shields, nitrile gloves, N-95 filtering facepiece res-
9 pirators, and any other masks or equipment (includ-
10 ing durable medical equipment) determined by the
11 Secretary of Health and Human Services to be need-
12 ed to respond during a nationwide emergency dec-
13 laration period, and the materials, machinery, addi-
14 tional manufacturing lines or facilities, or other
15 technology necessary to produce such equipment.

16 (2) Drugs and devices (as those terms are de-
17 fined in the Federal Food, Drug, and Cosmetic Act
18 (21 U.S.C. 301 et seq.)) and biological products (as
19 that term is defined by section 351 of the Public
20 Health Service Act (42 U.S.C. 262)) that are ap-
21 proved, cleared, licensed, or authorized for use dur-
22 ing a nationwide emergency, and any materials,
23 manufacturing machinery, additional manufacturing
24 or fill-finish lines or facilities, technology, or equip-
25 ment (including durable medical equipment) nec-

1 essary to produce or use such drugs, biological prod-
2 ucts, or devices (including syringes, vials, or other
3 supplies or equipment related to delivery, distribu-
4 tion, or administration).

5 (3) Any other medical equipment or supplies
6 determined by the Secretary of Health and Human
7 Services or the Secretary of Homeland Security to
8 be scarce and critical materials essential to the na-
9 tional defense for purposes of section 101 of the De-
10 fense Production Act of 1950 (50 U.S.C. 4511).

11 (b) ENHANCEMENT OF SUPPLY CHAIN PRODUC-
12 TION.—In exercising authority under title III of the De-
13 fense Production Act of 1950 (50 U.S.C. 4531 et seq.)
14 with respect to materials described in subsection (a), the
15 President shall seek to ensure that support is provided to
16 companies that comprise the supply chains for reagents,
17 components, raw materials, and other materials and items
18 necessary to produce or use the materials described in sub-
19 section (a) to the extent necessary for the national defense
20 during a nationwide emergency declaration and subse-
21 quent major disaster declarations under sections 501 and
22 401, respectively, of the Robert T. Stafford Disaster Relief
23 and Emergency Assistance Act (42 U.S.C. 5191, 5170).

24 (c) ENHANCED REPORTING DURING NATIONWIDE
25 DISASTER DECLARATIONS.—

1 (1) REPORT ON EXERCISING AUTHORITIES
2 UNDER THE DEFENSE PRODUCTION ACT OF 1950.—

3 (A) IN GENERAL.—Not later than 90 days
4 after the date of the enactment of this Act, the
5 President, in consultation with the Adminis-
6 trator of the Federal Emergency Management
7 Agency, the Secretary of Defense, and the Sec-
8 retary of Health and Human Services, shall
9 submit to the appropriate congressional com-
10 mittees a report on the exercise of authorities
11 under titles I, III, and VII of the Defense Pro-
12 duction Act of 1950 (50 U.S.C. 4501 et seq.)
13 prior to the date of such report for the purposes
14 of the nationwide emergency declaration re-
15 sponse.

16 (B) CONTENTS.—The report required
17 under subparagraph (A) and the update re-
18 quired under subparagraph (C) shall include
19 the following:

20 (i) IN GENERAL.—With respect to
21 each exercise of such authority—

22 (I) an explanation of the purpose
23 of the applicable contract, purchase
24 order, or other exercise of authority
25 (including an allocation of materials,

1 services, and facilities under section
2 101(a)(2) of the Defense Production
3 Act of 1950 (50 U.S.C. 4511(a)(2));

4 (II) the cost of such exercise of
5 authority; and

6 (III) if applicable—

7 (aa) the amount of goods
8 that were purchased or allocated;

9 (bb) an identification of the
10 entity awarded a contract or pur-
11 chase order or that was the sub-
12 ject of the exercise of authority;
13 and

14 (cc) an identification of any
15 entity that had shipments de-
16 layed by the exercise of any au-
17 thority under the Defense Pro-
18 duction Act of 1950 (50 U.S.C.
19 4501 et seq.).

20 (ii) CONSULTATIONS.—A description
21 of any consultations conducted with rel-
22 evant stakeholders on the needs addressed
23 by the exercise of the authorities described
24 in subparagraph (A).

1 (C) UPDATE.—The President shall provide
2 an additional briefing to the appropriate con-
3 gressional committees on the matters described
4 under subparagraph (B) no later than four
5 months after the submission of the report.

6 (2) SUNSET.—The requirements of this section
7 shall terminate at the end of the nationwide emer-
8 gency declaration period.

9 **SEC. 5415. SPECIAL MEASURES TO FIGHT MODERN**
10 **THREATS.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) The Financial Crimes Enforcement Net-
13 work (FinCEN) is the Financial Intelligence Unit of
14 the United States tasked with safeguarding the fi-
15 nancial system from illicit use, combating money
16 laundering and its related crimes including ter-
17 rorism, and promoting national security.

18 (2) Per statute, FinCEN may require domestic
19 financial institutions and financial agencies to take
20 certain “special measures” against jurisdictions, in-
21 stitutions, classes of transactions, or types of ac-
22 counts determined to be of primary money laun-
23 dering concern, providing the Secretary with a range
24 of options, such as enhanced record-keeping, that
25 can be adapted to target specific money laundering

1 and terrorist financing and to bring pressure on
2 those that pose money laundering threats.

3 (3) This special-measures authority was grant-
4 ed in 2001, when most cross-border transactions oc-
5 curred through correspondent or payable-through ac-
6 counts held with large financial institutions which
7 serve as intermediaries to facilitate financial trans-
8 actions on behalf of other banks.

9 (4) Innovations in financial services have trans-
10 formed and expanded methods of cross-border trans-
11 actions that could not have been envisioned 20 years
12 ago when FinCEN was given its special-measures
13 authority.

14 (5) These innovations, particularly through dig-
15 ital assets and informal value transfer systems, while
16 useful to legitimate consumers and law enforcement,
17 can be tools abused by bad actors like sanctions
18 evaders, fraudsters, money launderers, and those
19 who commit ransomware attacks on victimized U.S.
20 companies and which abuse the financial system to
21 move and obscure the proceeds of their crimes.

22 (6) Ransomware attacks on U.S. companies re-
23 quiring payments in cryptocurrencies have increased
24 in recent years, with the U.S. Treasury estimating
25 that ransomware payments in the United States

1 reached \$590 million in just the first half of 2021,
2 compared to a total of \$416 million in 2020.

3 (7) As ransomware attacks organized by Chi-
4 nese and other foreign bad actors continue to grow
5 in size and scope, modernizing FinCEN’s special
6 measure authorities will empower FinCEN to adapt
7 its existing tools, monitor and obstruct global finan-
8 cial threats, and meet the challenges of combating
9 21st century financial crime.

10 (b) PROHIBITIONS OR CONDITIONS ON CERTAIN
11 TRANSMITTALS OF FUNDS.—Section 5318A of title 31,
12 United States Code, is amended—

13 (1) in subsection (a)(2)(C), by striking “sub-
14 section (b)(5)” and inserting “paragraphs (5) and
15 (6) of subsection (b)”; and

16 (2) in subsection (b)—

17 (A) in paragraph (5), by striking “for or
18 on behalf of a foreign banking institution”; and

19 (B) by adding at the end the following:

20 “(6) PROHIBITIONS OR CONDITIONS ON CER-
21 TAIN TRANSMITTALS OF FUNDS.—If the Secretary
22 finds a jurisdiction outside of the United States, 1
23 or more financial institutions operating outside of
24 the United States, 1 or more types of accounts with-
25 in, or involving, a jurisdiction outside of the United

1 States, or 1 or more classes of transactions within,
2 or involving, a jurisdiction outside of the United
3 States to be of primary money laundering concern,
4 the Secretary, in consultation with the Secretary of
5 State, the Attorney General, and the Chairman of
6 the Board of Governors of the Federal Reserve Sys-
7 tem, may prohibit, or impose conditions upon certain
8 transmittals of funds (as such term may be defined
9 by the Secretary in a special measure issuance, by
10 regulation, or as otherwise permitted by law), to or
11 from any domestic financial institution or domestic
12 financial agency if such transmittal of funds involves
13 any such jurisdiction, institution, type of account, or
14 class of transaction.”.

15 **SEC. 5416. SUBMISSION OF DATA RELATING TO DIVERSITY.**

16 Section 13 of the Securities Exchange Act of 1934
17 (15 U.S.C. 78m) is amended by adding at the end the
18 following:

19 “(s) SUBMISSION OF DATA RELATING TO DIVER-
20 SITY.—

21 “(1) DEFINITIONS.—In this subsection—

22 “(A) the term ‘executive officer’ has the
23 meaning given the term in section 230.501(f) of
24 title 17, Code of Federal Regulations, as in ef-

1 fect on the date of enactment of this subsection;
2 and

3 “(B) the term ‘veteran’ has the meaning
4 given the term in section 101 of title 38, United
5 States Code.

6 “(2) SUBMISSION OF DISCLOSURE.—Each
7 issuer required to file an annual report under sub-
8 section (a) shall disclose in any proxy statement and
9 any information statement relating to the election of
10 directors filed with the Commission the following:

11 “(A) Demographic data, based on vol-
12 untary self-identification, on the racial, ethnic,
13 gender identity, and sexual orientation composi-
14 tion of—

15 “(i) the board of directors of the
16 issuer;

17 “(ii) nominees for the board of direc-
18 tors of the issuer; and

19 “(iii) the executive officers of the
20 issuer.

21 “(B) The status of any member of the
22 board of directors of the issuer, any nominee
23 for the board of directors of the issuer, or any
24 executive officer of the issuer, based on vol-
25 untary self-identification, as a veteran.

1 “(C) Whether the board of directors of the
2 issuer, or any committee of that board of direc-
3 tors, has, as of the date on which the issuer
4 makes a disclosure under this paragraph,
5 adopted any policy, plan, or strategy to promote
6 racial, ethnic, and gender diversity among—

7 “(i) the board of directors of the
8 issuer;

9 “(ii) nominees for the board of direc-
10 tors of the issuer; or

11 “(iii) the executive officers of the
12 issuer.

13 “(3) ALTERNATIVE SUBMISSION.—In any 1-
14 year period in which an issuer required to file an an-
15 nual report under subsection (a) does not file with
16 the Commission a proxy statement or an information
17 statement relating to the election of directors, the
18 issuer shall disclose the information required under
19 paragraph (2) in the first annual report of issuer
20 that the issuer submits to the Commission after the
21 end of that 1-year period.

22 “(4) ANNUAL REPORT.—Not later than 18
23 months after the date of enactment of this sub-
24 section, and annually thereafter, the Commission
25 shall submit to the Committee on Banking, Housing,

1 and Urban Affairs of the Senate and the Committee
2 on Financial Services of the House of Representa-
3 tives, and publish on the website of the Commission,
4 a report that analyzes the information disclosed
5 under paragraphs (2) and (3) and identifies any
6 trends with respect to such information.

7 “(5) BEST PRACTICES.—

8 “(A) IN GENERAL.—The Director of the
9 Office of Minority and Women Inclusion of the
10 Commission shall, not later than 3 years after
11 the date of enactment of this subsection, and
12 every 3 years thereafter, publish best practices
13 for compliance with this subsection.

14 “(B) COMMENTS.—The Director of the Of-
15 fice of Minority and Women Inclusion of the
16 Commission may, pursuant to subchapter II of
17 chapter 5 of title 5, United States Code, solicit
18 public comments related to the best practices
19 published under subparagraph (A).”.

20 **SEC. 5417. DIVERSITY ADVISORY GROUP.**

21 (a) DEFINITIONS.—For the purposes of this section:

22 (1) ADVISORY GROUP.—The term “Advisory
23 Group” means the Diversity Advisory Group estab-
24 lished under subsection (b).

1 (2) COMMISSION.—The term “Commission”
2 means the Securities and Exchange Commission.

3 (3) ISSUER.—The term “issuer” has the mean-
4 ing given the term in section 3(a) of the Securities
5 Exchange Act of 1934 (15 U.S.C. 78c(a)).

6 (b) ESTABLISHMENT.—The Commission shall estab-
7 lish a Diversity Advisory Group, which shall be composed
8 of representatives from—

9 (1) the Federal Government and State and local
10 governments;

11 (2) academia; and

12 (3) the private sector.

13 (c) STUDY AND RECOMMENDATIONS.—The Advisory
14 Group shall—

15 (1) carry out a study that identifies strategies
16 that can be used to increase gender identity, racial,
17 ethnic, and sexual orientation diversity among mem-
18 bers of boards of directors of issuers; and

19 (2) not later than 270 days after the date on
20 which the Advisory Group is established, submit to
21 the Commission, the Committee on Banking, Hous-
22 ing, and Urban Affairs of the Senate, and the Com-
23 mittee on Financial Services of the House of Rep-
24 resentatives a report that—

1 (A) describes any findings from the study
2 conducted under paragraph (1); and

3 (B) makes recommendations regarding
4 strategies that issuers could use to increase
5 gender identity, racial, ethnic, and sexual ori-
6 entation diversity among board members.

7 (d) ANNUAL REPORT.—Not later than 1 year after
8 the date on which the Advisory Group submits the report
9 required under subsection (c)(2), and annually thereafter,
10 the Commission shall submit to the Committee on Bank-
11 ing, Housing, and Urban Affairs of the Senate and the
12 Committee on Financial Services of the House of Rep-
13 resentatives a report that describes the status of gender
14 identity, racial, ethnic, and sexual orientation diversity
15 among members of the boards of directors of issuers.

16 (e) PUBLIC AVAILABILITY OF REPORTS.—The Com-
17 mission shall make all reports of the Advisory Group avail-
18 able to issuers and the public, including on the website
19 of the Commission.

20 (f) INAPPLICABILITY OF FEDERAL ADVISORY COM-
21 MITTEE ACT.—The Federal Advisory Committee Act (5
22 U.S.C. App.) shall not apply with respect to the Advisory
23 Group or the activities of the Advisory Group.

1 **SEC. 5418. DISCOUNT ON MORTGAGE INSURANCE PREMIUM**
2 **PAYMENTS FOR FIRST-TIME HOMEBUYERS**
3 **WHO COMPLETE FINANCIAL LITERACY HOUS-**
4 **ING COUNSELING PROGRAMS.**

5 The second sentence of subparagraph (A) of section
6 203(c)(2) of the National Housing Act (12 U.S.C.
7 1709(c)(2)(A)) is amended—

8 (1) by inserting before the comma the following:

9 “and such program is completed before the mort-
10 gator has signed an application for a mortgage to
11 be insured under this title or a sales agreement”;
12 and

13 (2) by striking “not exceed 2.75 percent of the
14 amount of the original insured principal obligation of
15 the mortgage” and inserting “be 25 basis points
16 lower than the premium payment amount estab-
17 lished by the Secretary under the first sentence of
18 this subparagraph”.

19 **SEC. 5419. CAPACITY BUILDING FOR COMMUNITY DEVEL-**
20 **OPMENT AND AFFORDABLE HOUSING.**

21 Section 4 of the HUD Demonstration Act of 1993
22 (42 U.S.C. 9816 note) is amended—

23 (1) in subsection (a), by striking “the National
24 Community Development Initiative, Local Initiatives
25 Support Corporation, The Enterprise Foundation,
26 Habitat for Humanity, and Youthbuild USA” and

1 inserting “non-Federal entities, including nonprofit
2 organizations that can provide technical assistance
3 activities to community development corporations,
4 community housing development organizations, com-
5 munity land trusts, nonprofit organizations in insu-
6 lar areas, and other mission-driven and nonprofit or-
7 ganizations that target services to low-income and
8 socially disadvantaged populations, and provide serv-
9 ices in neighborhoods having high concentrations of
10 minority, low-income, or socially disadvantaged pop-
11 ulations,”; and

12 (2) in subsection (b)(3), by striking “National
13 Community Development Initiative, Local Initiatives
14 Support Corporation, The Enterprise Foundation,
15 Habitat for Humanity, and Youthbuild USA” and
16 inserting “non-Federal entities through which assist-
17 ance is provided under this section,”.

18 **SEC. 5420. AFFORDABLE HOUSING CONSTRUCTION AS ELI-**
19 **GIBLE ACTIVITY UNDER COMMUNITY DEVEL-**
20 **OPMENT BLOCK GRANT PROGRAM.**

21 (a) ELIGIBLE ACTIVITY.—Subsection (a) of section
22 105 of the Housing and Community Development Act of
23 1974 (42 U.S.C. 5305(a)) is amended—

24 (1) in paragraph (25)(D), by striking “and” at
25 the end;

1 (2) in paragraph (26), by striking the period at
2 the end and inserting “; and”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(27) the new construction of affordable hous-
6 ing, within the meaning given such term under sec-
7 tion 215 of the Cranston-Gonzalez National Afford-
8 able Housing Act (42 U.S.C. 12745).”.

9 (b) LOW AND MODERATE INCOME REQUIREMENT.—
10 Paragraph (3) of section 105(c) of the Housing and Com-
11 munity Development Act of 1974 (42 U.S.C. 5305(c)(3))
12 is amended by striking “or rehabilitation” and inserting
13 “; rehabilitation, or new construction”.

14 (c) APPLICABILITY.—The amendments made by this
15 section shall apply with respect only to amounts appro-
16 priated after the date of the enactment of this Act.

17 **SEC. 5421. CONSIDERATION OF SMALL HOME MORTGAGE**
18 **LENDING UNDER COMMUNITY REINVEST-**
19 **MENT ACT.**

20 (a) IN GENERAL.— Section 804 of the Community
21 Reinvestment Act of 1977 (12 U.S.C. 2903) is amended
22 by adding at the end the following:

23 “(e) CONSIDERATION OF SMALL HOME MORTGAGE
24 LENDING.—

1 “(1) IN GENERAL.—As part of assessing a fi-
2 nancial institution under subsection (a), the appro-
3 priate Federal financial supervisory agency shall
4 evaluate the financial institution’s performance in
5 facilitating home mortgage lending targeted to low-
6 and moderate-income borrowers in a safe and sound
7 manner, including—

8 “(A) mortgages of \$100,000 or less in
9 value that facilitate a home purchase or help a
10 borrower to refinance an existing mortgage;

11 “(B) mortgages of \$100,000 or less in
12 value originated in cooperation with a minority
13 depository institution, women’s depository insti-
14 tution, low-income credit union, or a community
15 development financial institution certified by
16 the Secretary of the Treasury (as defined under
17 section 103 of the Riegle Community Develop-
18 ment and Regulatory Improvement Act of
19 1994);

20 “(C) mortgages of \$100,000 or less in
21 value originated to purchase or refinance a
22 home as part of a special purpose credit pro-
23 gram (as defined under section 1002.8(a) of
24 title 12, Code of Federal Regulations).

1 “(2) DATA COLLECTION AND REPORTING BY
2 LARGE FINANCIAL INSTITUTIONS.—

3 “(A) IN GENERAL.—Each large financial
4 institution shall collect, maintain, and report to
5 the appropriate Federal financial supervisory
6 agency—

7 “(i) mortgage loan data needed to cal-
8 culate retail lending volume and distribu-
9 tion metrics;

10 “(ii) information related to demo-
11 graphics of borrowers, including the in-
12 come, disability, gender identity, race, and
13 ethnicity of mortgage applicants;

14 “(iii) the number of mortgage loans
15 originated with a value of \$100,000 or less
16 as well as the demographics of borrowers,
17 including income, race, gender, and eth-
18 nicity; and

19 “(iv) all mortgage loans for the pur-
20 pose of a home purchase and a refinance
21 originated by the bank through a special
22 purpose credit program, to focus on Black,
23 Latinx, Native American, Asian American,
24 Pacific Islander borrowers.

“(B) TEMPLATE.—The appropriate Federal financial supervisory agencies shall, jointly, issue rules to establish a template that large financial institutions shall use to collect information required to be collected under this paragraph.

“(C) LARGE FINANCIAL INSTITUTION DEFINED.—The appropriate Federal financial supervisory agencies shall, jointly, define the term ‘large financial institution’ for purposes of this paragraph.”.

(b) DISCRETIONARY SURPLUS FUND.—

(1) IN GENERAL.—Subparagraph (A) of section 7(a)(3) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by reducing the dollar figure described in such subparagraph by \$3,000,000.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on September 30, 2022.

SEC. 5422. PROHIBITION ON CONSUMER REPORTS CONTAINING ADVERSE INFORMATION RELATED TO CERTAIN STUDENT LOANS.

(a) CANCELED OR FORGIVEN FEDERAL STUDENT LOANS.—Section 605(a) of the Fair Credit Reporting Act

1 (15 U.S.C. 1681c(a)) is amended by adding at the end
2 the following:

3 “(9) Any adverse information related to any
4 portion of a loan made, insured, or guaranteed
5 under part B or made under part D of the Higher
6 Education Act of 1965, to the extent the loan was
7 repaid, canceled, or otherwise forgiven by the Sec-
8 retary of Education.”.

9 (b) STUDENT LOANS RELATED TO CORINTHIAN COL-
10 LEGES.—Section 605(a) of the Fair Credit Reporting Act
11 (15 U.S.C. 1681c(a)), as amended by subsection (a), is
12 further amended by adding at the end the following:

13 “(10) Any adverse information related to a pri-
14 vate education loan (as defined under section 140(a)
15 of the Truth in Lending Act) if such loan was pro-
16 vided to cover expenses related to attending a school
17 owned by Corinthian Colleges, Inc.”.

18 **SEC. 5423. EXTENSION OF THE CENTRAL LIQUIDITY FACIL-**
19 **ITY.**

20 (a) IN GENERAL.—Section 4016(b) of the CARES
21 Act (12 U.S.C. 1795a note) is amended by adding at the
22 end the following:

23 “(3) EXTENSION.—During the period beginning
24 on the date of enactment of this Act and ending on
25 December 31, 2023, the provisions of law amended

1 by this subsection shall be applied as such provisions
2 were in effect on the day before the effective date
3 described under paragraph (2).”.

4 (b) CLF BORROWING AUTHORITY.—Effective on the
5 date of enactment of the CARES Act, section
6 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C.
7 1795f(a)(4)(A)) is amended by striking “twelve times the
8 subscribed capital stock and surplus of the Facility, pro-
9 vided that, the total face value of such obligations shall
10 not exceed 16 times the subscribed capital stock and sur-
11 plus of the Facility for the period beginning on the date
12 of enactment of the Coronavirus Economic Stabilization
13 Act of 2020 and ending on December 31, 2021” and in-
14 serting “16 times the subscribed capital stock and surplus
15 of the Facility”.

16 **SEC. 5424. PROMOTING CAPITAL RAISING OPTIONS FOR**
17 **TRADITIONALLY UNDERREPRESENTED**
18 **SMALL BUSINESSES.**

19 Section 4(j)(4) of the Securities Exchange Act of
20 1934 (15 U.S.C. 78d(j)(4)) is amended—

21 (1) in subparagraph (G), by striking “and” at
22 the end;

23 (2) in subparagraph (H), by striking the period
24 at the end and insert a semicolon; and

25 (3) by adding at the end the following:

1 “(I) provide educational resources and host
2 events to raise awareness of capital raising op-
3 tions for—

4 “(i) underrepresented small busi-
5 nesses, including women-owned and minor-
6 ity-owned small businesses;

7 “(ii) businesses located in rural areas;
8 and

9 “(iii) small businesses affected by hur-
10 ricanes or other natural disasters; and

11 “(J) at least annually, meet with rep-
12 resentatives of State securities commissions to
13 discuss opportunities for collaboration and co-
14 ordination with respect to efforts to assist small
15 businesses and small business investors.”.

16 **SEC. 5425. IMPROVEMENTS BY COUNTRIES IN COMBATING**
17 **NARCOTICS-RELATED MONEY LAUNDERING.**

18 Section 489(a)(7) of the Foreign Assistance Act of
19 1961 (22 U.S.C. 2291h(a)(7)) is amended—

20 (1) in the matter before subparagraph (A), by
21 striking “paragraph (3)(D)” and inserting “para-
22 graph (3)(C)”; and

23 (2) by inserting after subparagraph (C) the fol-
24 lowing:

1 “(D) Where the information is available,
2 examples of improvements in each country re-
3 lated to the findings described in each of
4 clauses (i) through (viii) of subparagraph (C),
5 such as—

6 “(i) actions taken by the country due
7 to each country’s adoption of law and reg-
8 ulations considered essential to prevent
9 narcotics-related money laundering;

10 “(ii) enhanced enforcement actions
11 taken by the country, such as regulatory
12 penalties, criminal prosecutions and convic-
13 tions, and asset seizures and forfeitures;

14 “(iii) status changes in international
15 financial crime-related evaluations;

16 “(iv) other descriptions that are rep-
17 resentative of efforts to enhance the pre-
18 vention of narcotics-related money laun-
19 dering; and

20 “(v) if applicable, bilateral, multilat-
21 eral, and regional initiatives which have
22 been undertaken to prevent narcotics-re-
23 lated money laundering.”.

1 **SEC. 5426. STUDY ON THE ROLE OF ONLINE PLATFORMS**
2 **AND TENANT SCREENING COMPANIES IN THE**
3 **HOUSING MARKET.**

4 (a) STUDY.—The Secretary of Housing and Urban
5 Development and the Director of the Bureau of Consumer
6 Financial Protection shall, jointly, carry out a study to—

7 (1) assess the role of online platforms and ten-
8 ant screening companies in the housing market, in-
9 cluding purchasing homes and providing housing-re-
10 lated services to landlords and consumers, including
11 tenants, homeowners, and prospective homebuyers;

12 (2) assess how such entities currently comply
13 with fair housing, fair lending, and consumer finan-
14 cial protection laws and regulations (including the
15 Fair Housing Act, the Equal Credit Opportunity
16 Act, the Fair Credit Reporting Act, and other rel-
17 evant statutes and regulations determined relevant
18 by the Secretary and the Director), including in
19 their digital advertising, digital listing, and tenant
20 screening practices;

21 (3) assess how such entities are currently using
22 artificial intelligence, including machine learning, in
23 their services, and how these technologies are being
24 assessed for compliance with appropriate fair hous-
25 ing and fair lending laws; and

1 (4) assess the impact of how such entities and
2 their use of artificial intelligence technologies, in-
3 cluding machine learning, affect low- and moderate-
4 income communities and communities of color in
5 particular, including any impediments to fair hous-
6 ing and fair lending.

7 (b) REPORTS.—

8 (1) IN GENERAL.—The Secretary and the Di-
9 rector shall, jointly, issue an initial report to the
10 Committee on Financial Services of the House of
11 Representatives and the Committee on Banking,
12 Housing, and Urban Affairs of the Senate not later
13 than 1 year after the date of enactment of this Act,
14 and issue a final report to such committees not later
15 than 2 years after the date of enactment of this Act,
16 containing—

17 (A) all findings and determinations made
18 in carrying out the study required under sub-
19 section (a); and

20 (B) any recommendations on how to im-
21 prove entities', as described under subsection
22 (a)(1), compliance with fair housing, fair lend-
23 ing, and consumer financial protection laws and
24 regulations, including to affirmatively further
25 fair housing, to prevent algorithmic bias, and to

1 promote greater transparency, explainability,
2 privacy, and fairness in the development and
3 implementation of artificial intelligence tech-
4 nologies, including machine learning, with re-
5 spect to the products and services they offer.

6 (2) ADDITIONAL REPORTS.—The Secretary and
7 the Director may, either individually or jointly, issue
8 updates to the final report described under para-
9 graph (1), as the Secretary or the Director deter-
10 mines necessary.

11 **SEC. 5427. UNITED STATES OPPOSITION TO MULTILATERAL**
12 **DEVELOPMENT BANK PROJECTS THAT PRO-**
13 **VIDE A PUBLIC SUBSIDY TO A PRIVATE SEC-**
14 **TOR FIRM UNLESS THE SUBSIDY IS AWARDED**
15 **USING AN OPEN, COMPETITIVE PROCESS OR**
16 **ON AN OPEN-ACCESS BASIS.**

17 Title XV of the International Financial Institutions
18 Act (22 U.S.C. 262o-262o-4) is amended by adding at the
19 end the following:

1 **“SEC. 1506. UNITED STATES OPPOSITION TO MULTILAT-**
2 **ERAL DEVELOPMENT BANK PROJECTS THAT**
3 **PROVIDE A PUBLIC SUBSIDY TO A PRIVATE**
4 **SECTOR FIRM UNLESS THE SUBSIDY IS**
5 **AWARDED USING AN OPEN, COMPETITIVE**
6 **PROCESS OR ON AN OPEN-ACCESS BASIS.**

7 “(a) IN GENERAL.—The Secretary of the Treasury
8 shall instruct the United States Executive Director at each
9 multilateral development bank—

10 “(1) to use voice, vote, and influence of the
11 United States to ensure that private sector subsidies
12 provided by the respective bank, including through
13 the Private Sector Window of the International De-
14 velopment Association, are provided in accordance
15 with the World Bank guidelines; and

16 “(2) to vote against any project at the respec-
17 tive bank, including through the Private Sector Win-
18 dow of the International Development Association,
19 that provides a public subsidy to a private sector
20 firm unless—

21 “(A) the subsidy is awarded using an open,
22 competitive process;

23 “(B) the subsidy is awarded on an open
24 access basis; or

25 “(C) the United States Executive Director
26 at the respective bank determines that the sub-

1 sity falls within an exception provided in the
2 World Bank guidelines for the use of direct
3 contracting.

4 “(b) PUBLICATION OF DETERMINATION.—Within 60
5 days after the United States Executive Director at any
6 multilateral development bank makes a determination de-
7 scribed in subsection (a)(2)(C), the Secretary of the
8 Treasury shall cause to be posted on the website of the
9 Department of the Treasury a justification for the deter-
10 mination.

11 “(c) DEFINITIONS.—In this section:

12 “(1) MULTILATERAL DEVELOPMENT BANK.—
13 The term ‘multilateral development bank’ has the
14 meaning given in section 1701(c)(4).

15 “(2) WORLD BANK GUIDELINES.—The term
16 ‘World Bank Guidelines’ means the July 2014 re-
17 vised edition of the document, entitled ‘Procurement
18 of Goods, Works, and Non-Consulting Services
19 under IBRD Loans and IDA Credits & Grants by
20 World Bank Borrowers’, published by the World
21 Bank Group.”.

1 **SEC. 5428. UNITED STATES CONTRIBUTION TO THE CATAS-**
2 **TROPHE CONTAINMENT AND RELIEF TRUST**
3 **AT THE INTERNATIONAL MONETARY FUND.**

4 (a) CONTRIBUTION AUTHORITY.—The Secretary of
5 the Treasury may contribute \$200,000,000 on behalf of
6 the United States to the Catastrophe Containment and
7 Relief Trust of the International Monetary Fund.

8 (b) LIMITATIONS ON AUTHORIZATION OF APPRO-
9 PRIATIONS.—For the contribution authorized by sub-
10 section (a), there are authorized to be appropriated, with-
11 out fiscal year limitation, \$200,000,000 for payment by
12 the Secretary of the Treasury.

13 **SEC. 5429. PUBLIC REPORTING OF UNITED STATES VOTES**
14 **TO SUPPORT, OR ABSTENTION FROM VOTING**
15 **ON, MULTILATERAL DEVELOPMENT BANK**
16 **PROJECTS UNDER THE GUIDANCE ON FOSSIL**
17 **FUEL ENERGY AT THE MULTILATERAL DE-**
18 **VELOPMENT BANKS ISSUED BY THE DEPART-**
19 **MENT OF THE TREASURY ON AUGUST 16, 2021.**

20 Title XIII of the International Financial Institutions
21 Act (22 U.S.C. 262m-262m-8) is amended by adding at
22 the end the following:

1 **“SEC. 1309. PUBLIC REPORTING OF UNITED STATES VOTES**
2 **TO SUPPORT, OR ABSTENTION FROM VOTING**
3 **ON, MULTILATERAL DEVELOPMENT BANK**
4 **PROJECTS UNDER THE GUIDANCE ON FOSSIL**
5 **FUEL ENERGY AT THE MULTILATERAL DE-**
6 **VELOPMENT BANKS ISSUED BY THE DEPART-**
7 **MENT OF THE TREASURY ON AUGUST 16, 2021.**

8 “Within 60 days after the United States votes to sup-
9 port, or abstains from voting on, a multilateral develop-
10 ment bank (as defined in section 1701(c)(4)) project
11 under the Guidance on Fossil Fuel Energy at the Multilat-
12 eral Development Banks issued by the Department of the
13 Treasury on August 16, 2021, the Secretary of Treasury
14 shall cause to be posted on the website of the Department
15 of the Treasury a detailed justification for the vote or ab-
16 stention.”.

17 **SEC. 5430. UNITED STATES POLICY ON INTERNATIONAL FI-**
18 **NANCE CORPORATION DISCLOSURE OF HIGH**
19 **AND SUBSTANTIAL RISK SUB-PROJECTS OF**
20 **FINANCIAL INTERMEDIARY CLIENTS.**

21 Title XVI of the International Financial Institutions
22 Act (22 U.S.C. 262p et seq.) is amended by adding at
23 the end the following:

1 **“SEC. 1632. UNITED STATES POLICY ON INTERNATIONAL FI-**
2 **NANCE CORPORATION DISCLOSURE OF HIGH**
3 **AND SUBSTANTIAL RISK SUB-PROJECTS OF**
4 **FINANCIAL INTERMEDIARY CLIENTS.**

5 “(a) IN GENERAL.—The Secretary of the Treasury
6 shall instruct the United States Executive Director at the
7 International Finance Corporation to use the voice, vote,
8 and influence of the United States to seek the adoption
9 at the institution of a policy to require each financial inter-
10 mediary client to publicly disclose on the website of the
11 International Finance Corporation, in searchable form,
12 and updated annually, the following information about the
13 Category A and B sub-projects of the client, within 6
14 months after the date of the enactment of this section for
15 existing clients and, for new clients, within 6 months after
16 the date of Board approval for new investments:

17 “(1) The name, city, and sector for all sub-
18 projects.

19 “(2) The environmental and social risk assess-
20 ments and mitigation plans that have been com-
21 pleted for each sub-project.

22 “(3) A summary of the Environmental and So-
23 cial Management System of the client including a
24 detailed description of policies to appropriately iden-
25 tify, categorize, assess, and address the environ-

1 mental and social risks relevant to the activities the
2 client is financing.

3 “(4) A link to the full Environmental and So-
4 cial Management System policy on the website of the
5 client.

6 “(b) REPORTING REQUIREMENT.—Within 6 months
7 after the date of the enactment of this section, the Sec-
8 retary of the Treasury shall submit a report to the Com-
9 mittee on Financial Services of the House of Representa-
10 tives and the Committee on Foreign Relations of the Sen-
11 ate containing—

12 “(1) a description of the efforts by the Sec-
13 retary to achieve the policy outlined in subsection
14 (a); and

15 “(2) a description of any opposition from man-
16 agement, shareholders, and clients to the adoption of
17 the policy.”.

18 **SEC. 5431. UNITED STATES POLICY ON MULTILATERAL DE-**
19 **VELOPMENT BANK DISCLOSURE OF BENE-**
20 **FICIAL OWNERSHIP INFORMATION.**

21 Title XV of the International Financial Institutions
22 Act (22 U.S.C. 262o-262o-4) is further amended by add-
23 ing at the end the following:

1 **“SEC. 1507. UNITED STATES POLICY ON MULTILATERAL DE-**
2 **VELOPMENT BANK DISCLOSURE OF BENE-**
3 **FICIAL OWNERSHIP INFORMATION.**

4 “(a) IN GENERAL.—The Secretary of the Treasury
5 shall instruct the United States Executive Director at each
6 multilateral development bank—

7 “(1) to use voice and vote of the United States
8 to advocate for the adoption of a policy at the re-
9 spective institution to collect, verify and publish ben-
10 efiticial ownership information for any corporation or
11 limited liability company, other than a publicly listed
12 company, that receives any assistance from the
13 bank; and

14 “(2) to vote against the provision of any assist-
15 ance by the bank to any corporation or limited liabil-
16 ity company, other than a publicly listed company,
17 unless the bank collects, verifies, and publishes bene-
18 ficial ownership information for the entity.

19 “(b) DEFINITIONS.—In this section:

20 “(1) MULTILATERAL DEVELOPMENT BANK.—
21 The term ‘multilateral development bank’ has the
22 meaning given in section 1701(c)(4).

23 “(2) BENEFICIAL OWNER.—The term ‘bene-
24 ficial owner’ has the meaning given in section
25 5336(3) of title 31, United States Code.”.

1 **SEC. 5432. STRENGTHENING THE SEC'S WHISTLEBLOWER**
2 **FUND.**

3 Section 21F(g)(3)(A) of the Securities Exchange Act
4 of 1934 (15 U.S.C. 78u-6(g)(3)(A)) is amended—

5 (1) in clause (i), by striking “\$300,000,000”
6 and inserting “\$600,000,000 (as such amount is in-
7 dexed for inflation every 5 years by the Commission
8 to reflect the change in the Consumer Price Index
9 for All Urban Consumers published by the Bureau
10 of Labor Statistics)”; and

11 (2) in clause (ii)—

12 (A) by striking “\$200,000,000” and in-
13 serting “\$600,000,000 (as such amount is in-
14 dexed for inflation every 5 years by the Com-
15 mission to reflect the change in the Consumer
16 Price Index for All Urban Consumers published
17 by the Bureau of Labor Statistics)”; and

18 (B) by striking “Fund” and inserting
19 “fund”; and

20 (C) by striking “balance of the
21 disgorgement fund” and inserting “balance of
22 the Fund”.

1 **SEC. 5433. UNITED STATES POLICY ON WORLD BANK**
2 **GROUP AND ASIAN DEVELOPMENT BANK AS-**
3 **SISTANCE TO THE PEOPLE'S REPUBLIC OF**
4 **CHINA.**

5 (a) IN GENERAL.—Title XVI of the International Fi-
6 nancial Institutions Act (22 U.S.C. 262p et seq.) is
7 amended by adding at the end the following:

8 **“SEC. 1632. UNITED STATES POLICY ON WORLD BANK**
9 **GROUP AND ASIAN DEVELOPMENT BANK AS-**
10 **SISTANCE TO THE PEOPLE'S REPUBLIC OF**
11 **CHINA.**

12 “(a) IN GENERAL.—The Secretary of the Treasury
13 shall instruct the United States Executive Director at each
14 international financial institution of the World Bank
15 Group and at the Asian Development Bank to use the
16 voice and vote of the United States at the respective insti-
17 tution to vote against the provision of any loan, extension
18 of financial assistance, or technical assistance to the Peo-
19 ple's Republic of China unless the Secretary of the Treas-
20 ury has certified to the appropriate congressional commit-
21 tees that—

22 “(1) the Government of the People's Republic
23 of China and any lender owned or controlled by the
24 Government of the People's Republic of China have
25 demonstrated a commitment—

1 “(A) to the rules and principles of the
2 Paris Club, or of other similar coordinated mul-
3 tilateral initiatives on debt relief and debt re-
4 structuring in which the United States partici-
5 pates, including with respect to debt trans-
6 parency and appropriate burden-sharing among
7 all creditors;

8 “(B) to the practice of presumptive public
9 disclosure of the terms and conditions on which
10 they extend credit to other governments (with-
11 out regard to the form of any such extension of
12 credit);

13 “(C) not to enforce any agreement terms
14 that may impair their own or the borrowers’ ca-
15 pacity fully to implement any commitment de-
16 scribed in subparagraph (A) or (B); and

17 “(D) not to enter into any agreement con-
18 taining terms that may impair their own or the
19 borrowers’ capacity fully to implement any com-
20 mitment described in subparagraph (A) or (B);
21 or

22 “(2) the loan or assistance is important to the
23 national interest of the United States, as described
24 in a detailed explanation by the Secretary to accom-
25 pany the certification.

1 “(b) DEFINITIONS.—In this section:

2 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
3 TEES.—The term ‘appropriate congressional com-
4 mittees’ means the Committee on Financial Services
5 of the House of Representatives and the Committee
6 on Foreign Relations of the Senate.

7 “(2) WORLD BANK GROUP DEFINED.—The
8 term ‘World Bank Group’ means the International
9 Bank for Reconstruction and Development, the
10 International Development Association, the Inter-
11 national Finance Corporation, and the Multilateral
12 Investment Guarantee Agency.”.

13 (b) SUNSET.—The amendment made by subsection
14 (a) is repealed effective on the date that is 7 years after
15 the effective date of this section.

16 **SEC. 5434. ADDITION OF UNITED KINGDOM AND AUSTRALIA**
17 **AS DPA DOMESTIC SOURCES.**

18 Section 702(7)(A) of the Defense Production Act of
19 1950 (50 U.S.C. 4552(7)(A)) is amended by striking
20 “United States or Canada” and inserting “United States,
21 the United Kingdom of Great Britain and Northern Ire-
22 land, Australia, or Canada”.

1 **SEC. 5435. SERVICEMEMBER PROTECTIONS FOR MEDICAL**
2 **DEBT COLLECTIONS.**

3 (a) AMENDMENTS TO THE FAIR DEBT COLLECTION
4 PRACTICES ACT.—

5 (1) DEFINITION.—Section 803 of the Fair Debt
6 Collection Practices Act (15 U.S.C. 1692a) is
7 amended by adding at the end the following:

8 “(9) The term ‘medical debt’ means a debt
9 arising from the receipt of medical services,
10 products, or devices.”.

11 (2) UNFAIR PRACTICES.—Section 808 of the
12 Fair Debt Collection Practices Act (15 U.S.C.
13 1692f) is amended by adding at the end the fol-
14 lowing:

15 “(9) Engaging in activities to collect or at-
16 tempting to collect a medical debt owed or due
17 or asserted to be owed or due by a consumer
18 who was a member of the Armed Forces at the
19 time such debt was incurred, before the end of
20 the 2-year period beginning on the date that
21 the first payment with respect to such medical
22 debt is due.”.

23 (b) PROHIBITION ON CONSUMER REPORTING AGEN-
24 CIES REPORTING CERTAIN MEDICAL DEBT WITH RE-
25 SPECT TO MEMBERS OF THE ARMED FORCES.—

1 (1) DEFINITION.—Section 603 of the Fair
2 Credit Reporting Act (15 U.S.C. 1681a) is amended
3 by adding at the end the following:

4 “(bb) MEDICAL DEBT.—The term ‘medical debt’
5 means a debt arising from the receipt of medical services,
6 products, or devices.

7 “(cc) MEDICALLY NECESSARY PROCEDURE.—The
8 term ‘medically necessary procedure’ means—

9 “(1) health care services or supplies needed to
10 diagnose or treat an illness, injury, condition, dis-
11 ease, or its symptoms and that meet accepted stand-
12 ards of medicine; and

13 “(2) health care to prevent illness or detect ill-
14 ness at an early stage, when treatment is likely to
15 work best (including preventive services such as pap
16 tests, flu shots, and screening mammograms).”.

17 (2) IN GENERAL.—Section 605(a) of the Fair
18 Credit Reporting Act (15 U.S.C. 1681c(a)) is
19 amended—

20 (A) in paragraph (7), by adding at the end
21 the following: “This paragraph shall not be sub-
22 ject to section 625(b)(1)(E).”;

23 (B) in paragraph (8), by adding at the end
24 the following: “This paragraph shall not be sub-
25 ject to section 625(b)(1)(E).”; and

1 (C) by adding at the end the following new
2 paragraphs:

3 “(9) Any information related to a debt arising
4 from a medically necessary procedure that occurred
5 when the consumer was a member of the Armed
6 Forces. This paragraph shall not be subject to sec-
7 tion 625(b)(1)(E).

8 “(10) Any information related to a medical debt
9 of a consumer that was incurred when the consumer
10 was a member of the Armed Forces, if the date on
11 which such debt was placed for collection, charged to
12 profit or loss, or subjected to any similar action
13 antedates the report by less than 365 calendar days.
14 This paragraph shall not be subject to section
15 625(b)(1)(E).”.

16 (c) REQUIREMENTS FOR FURNISHERS OF MEDICAL
17 DEBT INFORMATION WITH RESPECT TO MEMBERS OF
18 THE ARMED FORCES.—

19 (1) ADDITIONAL NOTICE REQUIREMENTS FOR
20 MEDICAL DEBT OF MEMBERS OF THE ARMED
21 FORCES.—Section 623 of the Fair Credit Reporting
22 Act (15 U.S.C. 1681s–2) is amended by adding at
23 the end the following:

24 “(f) ADDITIONAL NOTICE REQUIREMENTS FOR MED-
25 ICAL DEBT OF MEMBERS OF THE ARMED FORCES.—Be-

1 fore furnishing information regarding a medical debt of
2 a consumer that was incurred when the consumer was a
3 member of the Armed Forces to a consumer reporting
4 agency, the person furnishing the information shall send
5 a statement to the consumer that includes the following:

6 “(1) A notification that the medical debt—

7 “(A) may not be included on a consumer
8 report made by a consumer reporting agency
9 until the later of the date that is 365 days
10 after—

11 “(i) the date on which the person
12 sends the statement;

13 “(ii) with respect to the medical debt
14 of a borrower demonstrating hardship, a
15 date determined by the Director of the Bu-
16 reau; or

17 “(iii) the date described under section
18 605(a)(10); and

19 “(B) may not ever be included on a con-
20 sumer report made by a consumer reporting
21 agency, if the medical debt arises from a medi-
22 cally necessary procedure.

23 “(2) A notification that, if the debt is settled or
24 paid by the consumer or an insurance company be-
25 fore the end of the period described under paragraph

1 (1)(A), the debt may not be reported to a consumer
2 reporting agency.

3 “(3) A notification that the consumer may—

4 “(A) communicate with an insurance com-
5 pany to determine coverage for the debt; or

6 “(B) apply for financial assistance.”.

7 (2) FURNISHING OF MEDICAL DEBT INFORMA-
8 TION WITH RESPECT TO MEMBERS OF THE ARMED
9 FORCES.—Section 623 of the Fair Credit Reporting
10 Act (15 U.S.C. 1681s–2), as amended by paragraph
11 (1), is further amended by adding at the end the fol-
12 lowing:

13 “(g) FURNISHING OF MEDICAL DEBT INFORMATION
14 WITH RESPECT TO MEMBERS OF THE ARMED FORCES.—

15 “(1) PROHIBITION ON REPORTING DEBT RE-
16 LATED TO MEDICALLY NECESSARY PROCEDURES.—
17 No person shall furnish any information to a con-
18 sumer reporting agency regarding a debt arising
19 from a medically necessary procedure that occurred
20 when the consumer was a member of the Armed
21 Forces.

22 “(2) TREATMENT OF OTHER MEDICAL DEBT IN-
23 FORMATION.—With respect to a medical debt of a
24 consumer that was incurred when the consumer was
25 a member of the Armed Forces and that is not de-

1 scribed under paragraph (1), no person shall furnish
2 any information to a consumer reporting agency re-
3 garding such debt before the end of the 365-day pe-
4 riod beginning on the later of—

5 “(A) the date on which the person sends
6 the statement described under subsection (f) to
7 the consumer;

8 “(B) with respect to the medical debt of a
9 borrower demonstrating hardship, a date deter-
10 mined by the Director of the Bureau; or

11 “(C) the date described in section
12 605(a)(10).

13 “(3) TREATMENT OF SETTLED OR PAID MED-
14 ICAL DEBT.—With respect to a medical debt of a
15 consumer that was incurred when the consumer was
16 a member of the Armed Forces and that is not de-
17 scribed under paragraph (1), no person shall furnish
18 any information to a consumer reporting agency re-
19 garding such debt if the debt is settled or paid by
20 the consumer or an insurance company before the
21 end of the 365-day period described under para-
22 graph (2).

23 “(4) BORROWER DEMONSTRATING HARDSHIP
24 DEFINED.—In this subsection, and with respect to a
25 medical debt, the term ‘borrower demonstrating

1 hardship’ means a borrower or a class of borrowers
2 who, as determined by the Director of the Bureau,
3 is facing or has experienced unusual extenuating life
4 circumstances or events that result in severe finan-
5 cial or personal barriers such that the borrower or
6 class of borrowers does not have the capacity to
7 repay the medical debt.”.

8 (d) EFFECTIVE DATE.—Except as otherwise pro-
9 vided under subsection (e), this section and the amend-
10 ments made by this section shall take effect on the date
11 that is 180 days after the date of enactment of this Act.

12 (e) DISCRETIONARY SURPLUS FUNDS.—

13 (1) IN GENERAL.—The dollar amount specified
14 under section 7(a)(3)(A) of the Federal Reserve Act
15 (12 U.S.C. 289(a)(3)(A)) is reduced by \$1,000,000.

16 (2) EFFECTIVE DATE.—The amendment made
17 by paragraph (1) shall take effect on September 30,
18 2032.

19 **SEC. 5436. PROTECTIONS FOR ACTIVE DUTY UNIFORMED**
20 **CONSUMER.**

21 (a) DEFINITIONS.—Section 603 of the Fair Credit
22 Reporting Act (15 U.S.C. 1681a) is amended—

23 (1) in subsection (q), by amending paragraph
24 (1) to read as follows:

1 “(1) UNIFORMED CONSUMER.—The term ‘uni-
2 formed consumer’ means a consumer who is—

3 “(A) a member of the—

4 “(i) uniformed services (as such term
5 is defined in section 101(a)(5) of title 10,
6 United States Code); or

7 “(ii) National Guard (as such term is
8 defined in section 101(c)(1) of title 10,
9 United States Code); and

10 “(B) in active service (as such term is de-
11 fined in section 101(d)(3) of title 10, United
12 States Code), including full-time duty in the
13 commissioned corps of the Public Health Serv-
14 ice or the National Oceanic and Atmospheric
15 Administration.”; and

16 (2) by adding at the end the following:

17 “(bb) DEPLOYED UNIFORMED CONSUMER.—The
18 term ‘deployed uniformed consumer’ means an uniformed
19 consumer who—

20 “(1) serves—

21 “(A) in a combat zone (as such term is de-
22 fined in section 112(c)(2) of title 26, United
23 States Code); or

24 “(B) aboard a United States combatant,
25 support, or auxiliary vessel (as such terms are

1 defined in section 231(f) of title 10, United
2 States Code); or

3 “(C) in a deployment (as such term is de-
4 fined in section 991(b) of title 10, United
5 States Code); and

6 “(2) is on active duty (as such term is defined
7 in section 101(d)(2) of title 10, United States Code)
8 for not less than 30 days during the type of service
9 described in paragraph (1).”.

10 (b) PROHIBITION ON INCLUDING CERTAIN ADVERSE
11 INFORMATION IN CONSUMER REPORTS.—Section 605 of
12 the Fair Credit Reporting Act (15 U.S.C. 1681c) is
13 amended—

14 (1) in subsection (a), by adding at the end the
15 following:

16 “(9) Any item of adverse information about a
17 uniformed consumer, if the action or inaction that
18 gave rise to the item occurred while the consumer
19 was a deployed uniformed consumer.”; and

20 (2) by adding at the end the following:

21 “(i) NOTICE OF STATUS AS A UNIFORMED CON-
22 SUMER.—With respect to an item of adverse information
23 about a consumer, if the action or inaction that gave rise
24 to the item occurred while the consumer was a uniformed
25 consumer, the consumer may provide appropriate proof,

1 including official orders, to a consumer reporting agency
 2 that the consumer was a deployed uniformed consumer at
 3 the time such action or inaction occurred. The consumer
 4 reporting agency shall promptly delete that item of ad-
 5 verse information from the file of the uniformed consumer
 6 and notify the consumer and the furnisher of the informa-
 7 tion of the deletion.”.

8 (c) COMMUNICATIONS BETWEEN THE CONSUMER
 9 AND CONSUMER REPORTING AGENCIES.—Section 605A
 10 of the Fair Credit Reporting Act (15 U.S.C. 1681c–1) is
 11 amended—

12 (1) in subsection (c)—

13 (A) by striking “Upon” and inserting the
 14 following:

15 “(1) IN GENERAL.—Upon”;

16 (B) by redesignating paragraphs (1), (2),
 17 and (3) as subparagraphs (A), (B), and (C),
 18 and moving such redesignated subparagraphs 2
 19 ems to the right; and

20 (C) by adding at the end the following:

21 “(2) NEGATIVE INFORMATION ALERT.—Any
 22 time a consumer reporting agency receives an item
 23 of adverse information about a consumer, if the con-
 24 sumer has provided appropriate proof that the con-

1 consumer is a uniformed consumer, the consumer re-
2 porting agency shall promptly notify the consumer—

3 “(A) that the agency has received such
4 item of adverse information, along with a de-
5 scription of the item; and

6 “(B) the method by which the consumer
7 can dispute the validity of the item.

8 “(3) CONTACT INFORMATION FOR UNIFORMED
9 CONSUMERS.—With respect to any consumer that
10 has provided appropriate proof to a consumer re-
11 porting agency that the consumer is a deployed uni-
12 formed consumer, if the consumer provides the con-
13 sumer reporting agency with separate contact infor-
14 mation to be used when communicating with the
15 consumer while the consumer is a deployed uni-
16 formed consumer, the consumer reporting agency
17 shall use such contact information for all commu-
18 nications while the consumer is a deployed uni-
19 formed consumer.”; and

20 (2) in subsection (e), by amending paragraph
21 (3) to read as follows:

22 “(3) subparagraphs (A) and (B) of subsection
23 (c)(1), in the case of a referral under subsection
24 (c)(1)(C).”.

1 (d) CONFORMING AMENDMENT.—The Fair Credit
2 Reporting Act (15 U.S.C. 1681 et seq.) is amended by
3 striking “active duty military” each place such term ap-
4 pears and inserting “uniformed consumer”.

5 (e) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that any person making use of a consumer report
7 containing an item of adverse information should, if the
8 action or inaction that gave rise to the item occurred while
9 the consumer was a uniformed consumer, take such fact
10 into account when evaluating the creditworthiness of the
11 consumer.

12 **SEC. 5437. FAIR DEBT COLLECTION PRACTICES FOR**
13 **SERVICEMEMBERS.**

14 (a) ENHANCED PROTECTION AGAINST DEBT COL-
15 LECTOR HARASSMENT OF SERVICEMEMBERS.—

16 (1) COMMUNICATION IN CONNECTION WITH
17 DEBT COLLECTION.—Section 805 of the Fair Debt
18 Collection Practices Act (15 U.S.C. 1692c) is
19 amended by adding at the end the following:

20 “(e) COMMUNICATIONS CONCERNING SERVICEMEM-
21 BER DEBTS.—

22 “(1) DEFINITION.—In this subsection, the term
23 ‘covered member’ means—

1 “(A) a covered member or a dependent as
2 defined in section 987(i) of title 10, United
3 States Code; and

4 “(B)(i) an individual who was separated,
5 discharged, or released from duty described in
6 such section 987(i)(1), but only during the 365-
7 day period beginning on the date of separation,
8 discharge, or release; or

9 “(ii) a person, with respect to an individual
10 described in clause (i), described in subpara-
11 graph (A), (D), (E), or (I) of section 1072(2)
12 of title 10, United States Code.

13 “(2) PROHIBITIONS.—A debt collector may not,
14 in connection with the collection of any debt of a
15 covered member—

16 “(A) threaten to have the covered member
17 reduced in rank;

18 “(B) threaten to have the covered mem-
19 ber’s security clearance revoked; or

20 “(C) threaten to have the covered member
21 prosecuted under chapter 47 of title 10, United
22 States Code (the Uniform Code of Military Jus-
23 tice).”.

24 (2) UNFAIR PRACTICES.—Section 808 of the
25 Fair Debt Collection Practices Act (15 U.S.C.

1 1692f) is amended by adding at the end the fol-
2 lowing:

3 “(9) The representation to any covered member
4 (as defined under section 805(e)(1)) that failure to
5 cooperate with a debt collector will result in—

6 “(A) a reduction in rank of the covered
7 member;

8 “(B) a revocation of the covered member’s
9 security clearance; or

10 “(C) prosecution under chapter 47 of title
11 10, United States Code (the Uniform Code of
12 Military Justice).”.

13 (b) GAO STUDY.—The Comptroller General of the
14 United States shall conduct a study and submit a report
15 to Congress on the impact of this section on—

16 (1) the timely delivery of information to a cov-
17 ered member (as defined in section 805(e) of the
18 Fair Debt Collection Practices Act, as added by this
19 section);

20 (2) military readiness; and

21 (3) national security, including the extent to
22 which covered members with security clearances
23 would be impacted by uncollected debt.

24 (c) DETERMINATION OF BUDGETARY EFFECTS.—
25 The budgetary effects of this section, for the purpose of

1 complying with the Statutory Pay-As-You-Go Act of 2010,
2 shall be determined by reference to the latest statement
3 titled “Budgetary Effects of PAYGO Legislation” for this
4 section, submitted for printing in the Congressional
5 Record by the Chairman of the House Budget Committee,
6 provided that such statement has been submitted prior to
7 the vote on passage.

8 **SEC. 5438. FAIR HIRING IN BANKING.**

9 (a) FEDERAL DEPOSIT INSURANCE ACT.—Section
10 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829)
11 is amended—

12 (1) by inserting after subsection (b) the fol-
13 lowing:

14 “(c) EXCEPTIONS.—

15 “(1) CERTAIN OLDER OFFENSES.—

16 “(A) IN GENERAL.—With respect to an in-
17 dividual, subsection (a) shall not apply to an of-
18 fense if—

19 “(i) it has been 7 years or more since
20 the offense occurred; or

21 “(ii) the individual was incarcerated
22 with respect to the offense and it has been
23 5 years or more since the individual was
24 released from incarceration.

1 “(B) OFFENSES COMMITTED BY INDIVID-
2 UALS 21 OR YOUNGER.—For individuals who
3 committed an offense when they were 21 years
4 of age or younger, subsection (a) shall not
5 apply to the offense if it has been more than 30
6 months since the sentencing occurred.

7 “(C) LIMITATION.—This paragraph shall
8 not apply to an offense described under sub-
9 section (a)(2).

10 “(2) EXPUNGEMENT AND SEALING.—With re-
11 spect to an individual, subsection (a) shall not apply
12 to an offense if—

13 “(A) there is an order of expungement,
14 sealing, or dismissal that has been issued in re-
15 gard to the conviction in connection with such
16 offense; and

17 “(B) it is intended by the language in the
18 order itself, or in the legislative provisions
19 under which the order was issued, that the con-
20 viction shall be destroyed or sealed from the in-
21 dividual’s State or Federal record, even if ex-
22 ceptions allow the record to be considered for
23 certain character and fitness evaluation pur-
24 poses.

25 “(3) DE MINIMIS EXEMPTION.—

1 “(A) IN GENERAL.—Subsection (a) shall
2 not apply to such de minimis offenses as the
3 Corporation determines, by rule.

4 “(B) CONFINEMENT CRITERIA.—In issuing
5 rules under subparagraph (A), the Corporation
6 shall include a requirement that the offense was
7 punishable by a term of three years or less con-
8 fined in a correctional facility, where such con-
9 finement—

10 “(i) is calculated based on the time an
11 individual spent incarcerated as a punish-
12 ment or a sanction, not as pretrial deten-
13 tion; and

14 “(ii) does not include probation or pa-
15 role where an individual was restricted to
16 a particular jurisdiction or was required to
17 report occasionally to an individual or a
18 specific location.

19 “(C) BAD CHECK CRITERIA.—In setting
20 the criteria for de minimis offenses under sub-
21 paragraph (A), if the Corporation establishes
22 criteria with respect to insufficient funds
23 checks, the Corporation shall require that the
24 aggregate total face value of all insufficient
25 funds checks across all convictions or program

1 entries related to insufficient funds checks is
2 \$2,000 or less.

3 “(D) DESIGNATED LESSER OFFENSES.—

4 Subsection (a) shall not apply to certain lesser
5 offenses (including the use of a fake ID, shop-
6 lifting, trespass, fare evasion, driving with an
7 expired license or tag, and such other low-risk
8 offenses as the Corporation may designate) if 1
9 year or more has passed since the applicable
10 conviction or program entry.”; and

11 (2) by adding at the end the following:

12 “(f) CONSENT APPLICATIONS.—

13 “(1) IN GENERAL.—The Corporation shall ac-
14 cept consent applications from an individual and
15 from an insured depository institution or depository
16 institution holding company on behalf of an indi-
17 vidual that are filed separately or contemporaneously
18 with a regional office of the Corporation.

19 “(2) SPONSORED APPLICATIONS FILED WITH
20 REGIONAL OFFICES.—Consent applications filed at a
21 regional office of the Corporation by an insured de-
22 pository institution or depository institution holding
23 company on behalf of an individual—

24 “(A) shall be reviewed by such office;

1 “(B) may be approved or denied by such
2 office, if such authority has been delegated to
3 such office by the Corporation; and

4 “(C) may only be denied by such office if
5 the general counsel of the Corporation (or a
6 designee) certifies that the denial is consistent
7 with this section.

8 “(3) INDIVIDUAL APPLICATIONS FILED WITH
9 REGIONAL OFFICES.—Consent applications filed at a
10 regional office by an individual—

11 “(A) shall be reviewed by such office; and

12 “(B) may be approved or denied by such
13 office, if such authority has been delegated to
14 such office by the Corporation, except with re-
15 spect to—

16 “(i) cases involving an offense de-
17 scribed under subsection (a)(2); and

18 “(ii) such other high-level security
19 cases as may be designated by the Cor-
20 poration.

21 “(4) NATIONAL OFFICE REVIEW.—The national
22 office of the Corporation shall—

23 “(A) review any consent application with
24 respect to which a regional office is not author-
25 ized to approve or deny the application; and

1 “(B) review any consent application that is
2 denied by a regional office, if the individual re-
3 quests a review by the national office.

4 “(5) FORMS AND INSTRUCTIONS.—

5 “(A) AVAILABILITY.—The Corporation
6 shall make all forms and instructions related to
7 consent applications available to the public, in-
8 cluding on the website of the Corporation.

9 “(B) CONTENTS.—The forms and instruc-
10 tions described under subparagraph (A) shall
11 provide a sample cover letter and a comprehen-
12 sive list of items that may accompany the appli-
13 cation, including clear guidance on evidence
14 that may support a finding of rehabilitation.

15 “(6) CONSIDERATION OF CRIMINAL HISTORY.—

16 “(A) REGIONAL OFFICE CONSIDER-
17 ATION.—In reviewing a consent application, a
18 regional office shall—

19 “(i) primarily rely on the criminal his-
20 tory record of the Federal Bureau of In-
21 vestigation; and

22 “(ii) provide such record to the appli-
23 cant to review for accuracy.

24 “(B) CERTIFIED COPIES.—The Corpora-
25 tion may not require an applicant to provide

1 certified copies of criminal history records un-
2 less the Corporation determines that there is a
3 clear and compelling justification to require ad-
4 ditional information to verify the accuracy of
5 the criminal history record of the Federal Bu-
6 reau of Investigation.

7 “(7) CONSIDERATION OF REHABILITATION.—

8 Consistent with title VII of the Civil Rights Act of
9 1964 (42 U.S.C. 2000e et seq.), the Corporation
10 shall—

11 “(A) conduct an individualized assessment
12 when evaluating consent applications that takes
13 into account evidence of rehabilitation, the ap-
14 plicant’s age at the time of the conviction or
15 program entry, the time that has elapsed since
16 conviction or program entry, and the relation-
17 ship of individual’s offense to the responsibil-
18 ities of the applicable position;

19 “(B) consider the individual’s employment
20 history, letters of recommendation, certificates
21 documenting participation in substance abuse
22 programs, successful participating in job prepa-
23 ration and educational programs, and other rel-
24 evant mitigating evidence; and

1 “(C) consider any additional information
2 the Corporation determines necessary for safety
3 and soundness.

4 “(8) SCOPE OF EMPLOYMENT.—With respect to
5 an approved consent application filed by an insured
6 depository institution or depository institution hold-
7 ing company on behalf of an individual, if the Cor-
8 poration determines it appropriate, such approved
9 consent application shall allow the individual to work
10 for the same employer (without restrictions on the
11 location) and across positions, except that the prior
12 consent of the Corporation (which may require a
13 new application) shall be required for any proposed
14 significant changes in the individual’s security-re-
15 lated duties or responsibilities, such as promotion to
16 an officer or other positions that the employer deter-
17 mines will require higher security screening creden-
18 tials.

19 “(9) COORDINATION WITH THE NCUA.—In car-
20 rying out this section, the Corporation shall consult
21 and coordinate with the National Credit Union Ad-
22 ministration as needed to promote consistent imple-
23 mentation where appropriate.

24 “(g) DEFINITIONS.—In this section:

1 “(1) CONSENT APPLICATION.—The term ‘con-
2 sent application’ means an application filed with
3 Corporation by an individual (or by an insured de-
4 pository institution or depository institution holding
5 company on behalf of an individual) seeking the
6 written consent of the Corporation under subsection
7 (a)(1).

8 “(2) CRIMINAL OFFENSE INVOLVING DISHON-
9 ESTY.—The term ‘criminal offense involving dishon-
10 esty’—

11 “(A) means an offense under which an in-
12 dividual, directly or indirectly—

13 “(i) cheats or defrauds; or

14 “(ii) wrongfully takes property belong-
15 ing to another in violation of a criminal
16 statute;

17 “(B) includes an offense that Federal,
18 State, or local law defines as dishonest, or for
19 which dishonesty is an element of the offense;
20 and

21 “(C) does not include—

22 “(i) a misdemeanor criminal offense
23 committed more than one year before the
24 date on which an individual files a consent

1 application, excluding any period of incar-
2 ceration; or

3 “(ii) an offense involving the posses-
4 sion of controlled substances.

5 “(3) PRETRIAL DIVERSION OR SIMILAR PRO-
6 GRAM.—The term ‘pretrial diversion or similar pro-
7 gram’ means a program characterized by a suspen-
8 sion or eventual dismissal or reversal of charges or
9 criminal prosecution upon agreement by the accused
10 to restitution, drug or alcohol rehabilitation, anger
11 management, or community service.”.

12 (b) FEDERAL CREDIT UNION ACT.—Section 205(d)
13 of the Federal Credit Union Act (12 U.S.C. 1785(d)) is
14 amended by adding at the end the following:

15 “(4) EXCEPTIONS.—

16 “(A) CERTAIN OLDER OFFENSES.—

17 “(i) IN GENERAL.—With respect to an
18 individual, paragraph (1) shall not apply to
19 an offense if—

20 “(I) it has been 7 years or more
21 since the offense occurred; or

22 “(II) the individual was incarcer-
23 ated with respect to the offense and it
24 has been 5 years or more since the in-

1 dividual was released from incarceration.
2 ation.

3 “(ii) OFFENSES COMMITTED BY INDIVIDUALS 21 OR YOUNGER.—For individuals
4 who committed an offense when they were
5 21 years of age or younger, paragraph (1)
6 shall not apply to the offense if it has been
7 more than 30 months since the sentencing
8 occurred.
9 occurred.

10 “(iii) LIMITATION.—This subparagraph shall not apply to an offense de-
11 scribed under paragraph (1)(B).
12 described under paragraph (1)(B).

13 “(B) EXPUNGEMENT AND SEALING.—With
14 respect to an individual, paragraph (1) shall not
15 apply to an offense if—

16 “(i) there is an order of expungement,
17 sealing, or dismissal that has been issued
18 in regard to the conviction in connection
19 with such offense; and

20 “(ii) it is intended by the language in
21 the order itself, or in the legislative provisions under which the order was issued,
22 that the conviction shall be destroyed or
23 sealed from the individual’s State or Federal
24 record, even if exceptions allow the
25 record, even if exceptions allow the

1 record to be considered for certain char-
2 acter and fitness evaluation purposes.

3 “(C) DE MINIMIS EXEMPTION.—

4 “(i) IN GENERAL.—Paragraph (1)
5 shall not apply to such de minimis offenses
6 as the Board determines, by rule.

7 “(ii) CONFINEMENT CRITERIA.—In
8 issuing rules under clause (i), the Board
9 shall include a requirement that the of-
10 fense was punishable by a term of three
11 years or less confined in a correctional fa-
12 cility, where such confinement—

13 “(I) is calculated based on the
14 time an individual spent incarcerated
15 as a punishment or a sanction, not as
16 pretrial detention; and

17 “(II) does not include probation
18 or parole where an individual was re-
19 stricted to a particular jurisdiction or
20 was required to report occasionally to
21 an individual or a specific location.

22 “(iii) BAD CHECK CRITERIA.—In set-
23 ting the criteria for de minimis offenses
24 under clause (i), if the Board establishes
25 criteria with respect to insufficient funds

1 checks, the Board shall require that the
2 aggregate total face value of all insufficient
3 funds checks across all convictions or pro-
4 gram entries related to insufficient funds
5 checks is \$2,000 or less.

6 “(iv) DESIGNATED LESSER OF-
7 FENSES.—Paragraph (1) shall not apply to
8 certain lesser offenses (including the use of
9 a fake ID, shoplifting, trespass, fare eva-
10 sion, driving with an expired license or tag,
11 and such other low-risk offenses as the
12 Board may designate) if 1 year or more
13 has passed since the applicable conviction
14 or program entry.

15 “(5) CONSENT APPLICATIONS.—

16 “(A) IN GENERAL.—The Board shall ac-
17 cept consent applications from an individual
18 and from an insured credit union on behalf of
19 an individual that are filed separately or con-
20 temporaneously with a regional office of the
21 Board.

22 “(B) SPONSORED APPLICATIONS FILED
23 WITH REGIONAL OFFICES.—Consent applica-
24 tions filed at a regional office of the Board by

1 an insured credit union on behalf of an indi-
2 vidual—

3 “(i) shall be reviewed by such office;

4 “(ii) may be approved or denied by
5 such office, if such authority has been dele-
6 gated to such office by the Board; and

7 “(iii) may only be denied by such of-
8 fice if the general counsel of the Board (or
9 a designee) certifies that the denial is con-
10 sistent with this section.

11 “(C) INDIVIDUAL APPLICATIONS FILED
12 WITH REGIONAL OFFICES.—Consent applica-
13 tions filed at a regional office by an indi-
14 vidual—

15 “(i) shall be reviewed by such office;
16 and

17 “(ii) may be approved or denied by
18 such office, if such authority has been dele-
19 gated to such office by the Board, except
20 with respect to—

21 “(I) cases involving an offense
22 described under paragraph (1)(B);
23 and

1 “(II) such other high-level secu-
2 rity cases as may be designated by the
3 Board.

4 “(D) NATIONAL OFFICE REVIEW.—The
5 national office of the Board shall—

6 “(i) review any consent application
7 with respect to which a regional office is
8 not authorized to approve or deny the ap-
9 plication; and

10 “(ii) review any consent application
11 that is denied by a regional office, if the
12 individual requests a review by the national
13 office.

14 “(E) FORMS AND INSTRUCTIONS.—

15 “(i) AVAILABILITY.—The Board shall
16 make all forms and instructions related to
17 consent applications available to the public,
18 including on the website of the Board.

19 “(ii) CONTENTS.—The forms and in-
20 structions described under clause (i) shall
21 provide a sample cover letter and a com-
22 prehensive list of items that may accom-
23 pany the application, including clear guid-
24 ance on evidence that may support a find-
25 ing of rehabilitation.

1 “(F) CONSIDERATION OF CRIMINAL HIS-
2 TORY.—

3 “(i) REGIONAL OFFICE CONSIDER-
4 ATION.—In reviewing a consent applica-
5 tion, a regional office shall—

6 “(I) primarily rely on the crimi-
7 nal history record of the Federal Bu-
8 reau of Investigation; and

9 “(II) provide such record to the
10 applicant to review for accuracy.

11 “(ii) CERTIFIED COPIES.—The Board
12 may not require an applicant to provide
13 certified copies of criminal history records
14 unless the Board determines that there is
15 a clear and compelling justification to re-
16 quire additional information to verify the
17 accuracy of the criminal history record of
18 the Federal Bureau of Investigation.

19 “(G) CONSIDERATION OF REHABILITA-
20 TION.—Consistent with title VII of the Civil
21 Rights Act of 1964 (42 U.S.C. 2000e et seq.),
22 the Board shall—

23 “(i) conduct an individualized assess-
24 ment when evaluating consent applications
25 that takes into account evidence of reha-

1 bilitation, the applicant’s age at the time
2 of the conviction or program entry, the
3 time that has elapsed since conviction or
4 program entry, and the relationship of in-
5 dividual’s offense to the responsibilities of
6 the applicable position;

7 “(ii) consider the individual’s employ-
8 ment history, letters of recommendation,
9 certificates documenting participation in
10 substance abuse programs, successful par-
11 ticipating in job preparation and edu-
12 cational programs, and other relevant miti-
13 gating evidence; and

14 “(iii) consider any additional informa-
15 tion the Board determines necessary for
16 safety and soundness.

17 “(H) SCOPE OF EMPLOYMENT.—With re-
18 spect to an approved consent application filed
19 by an insured credit union on behalf of an indi-
20 vidual, if the Board determines it appropriate,
21 such approved consent application shall allow
22 the individual to work for the same employer
23 (without restrictions on the location) and across
24 positions, except that the prior consent of the
25 Board (which may require a new application)

1 shall be required for any proposed significant
2 changes in the individual's security-related du-
3 ties or responsibilities, such as promotion to an
4 officer or other positions that the employer de-
5 termines will require higher security screening
6 credentials.

7 “(I) COORDINATION WITH FDIC.—In car-
8 rying out this subsection, the Board shall con-
9 sult and coordinate with the Federal Deposit
10 Insurance Corporation as needed to promote
11 consistent implementation where appropriate.

12 “(6) DEFINITIONS.—In this subsection:

13 “(A) CONSENT APPLICATION.—The term
14 ‘consent application’ means an application filed
15 with Board by an individual (or by an insured
16 credit union on behalf of an individual) seeking
17 the written consent of the Board under para-
18 graph (1)(A).

19 “(B) CRIMINAL OFFENSE INVOLVING DIS-
20 HONESTY.—The term ‘criminal offense involv-
21 ing dishonesty’—

22 “(i) means an offense under which an
23 individual, directly or indirectly—

24 “(I) cheats or defrauds; or

1 “(II) wrongfully takes property
2 belonging to another in violation of a
3 criminal statute;

4 “(ii) includes an offense that Federal,
5 State, or local law defines as dishonest, or
6 for which dishonesty is an element of the
7 offense; and

8 “(iii) does not include—

9 “(I) a misdemeanor criminal of-
10 fense committed more than one year
11 before the date on which an individual
12 files a consent application, excluding
13 any period of incarceration; or

14 “(II) an offense involving the
15 possession of controlled substances.

16 “(C) PRETRIAL DIVERSION OR SIMILAR
17 PROGRAM.—The term ‘pretrial diversion or
18 similar program’ means a program character-
19 ized by a suspension or eventual dismissal or
20 reversal of charges or criminal prosecution upon
21 agreement by the accused to restitution, drug
22 or alcohol rehabilitation, anger management, or
23 community service.”.

24 (c) REVIEW AND REPORT TO CONGRESS.—Not later
25 than the end of the 2-year period beginning on the date

1 of enactment of this Act, the Federal Deposit Insurance
2 Corporation and the National Credit Union Administra-
3 tion shall—

4 (1) review the rules issued to carry out this Act
5 and the amendments made by this Act on—

6 (A) the application of section 19 of the
7 Federal Deposit Insurance Act (12 U.S.C.
8 1829) and section 205(d) of the Federal Credit
9 Union Act (12 U.S.C. 1785(d));

10 (B) the number of applications for consent
11 applications under such sections; and

12 (C) the rates of approval and denial for
13 consent applications under such sections;

14 (2) make the results of the review required
15 under paragraph (1) available to the public; and

16 (3) issue a report to Congress containing any
17 legislative or regulatory recommendations for ex-
18 panding employment opportunities for those with a
19 previous minor criminal offense.

20 (d) DISCRETIONARY SURPLUS FUND.—

21 (1) IN GENERAL.—Subparagraph (A) of section
22 7(a)(3) of the Federal Reserve Act (12 U.S.C.
23 289(a)(3)(A)) is amended by reducing the dollar fig-
24 ure described in such subparagraph by \$1,500,000.

1 (2) EFFECTIVE DATE.—The amendment made
2 by subsection (a) shall take effect on September 30,
3 2032.

4 **SEC. 5439. BANKING TRANSPARENCY FOR SANCTIONED**
5 **PERSONS.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, and every 180 days thereafter, the Sec-
8 retary of the Treasury shall issue a report to the Commit-
9 tees on Financial Services and Foreign Affairs of the
10 House of Representatives and the Committees on Bank-
11 ing, Housing, and Urban Affairs and Foreign Relations
12 of the Senate that includes a copy of any license issued
13 by the Secretary in the preceding 180 days that authorizes
14 a United States financial institution (as defined under sec-
15 tion 561.309 of title 31, Code of Federal Regulations) to
16 provide financial services benefitting—

17 (1) a state sponsor of terrorism; or

18 (2) a person sanctioned pursuant to any of the
19 following:

20 (A) Section 404 of the Russia and Moldova
21 Jackson-Vanik Repeal and Sergei Magnitsky
22 Rule of Law Accountability Act of 2012 (Public
23 Law 112–208).

24 (B) Subtitle F of title XII of the National
25 Defense Authorization Act for Fiscal Year 2017

1 (Public Law 114–328, the Global Magnitsky
2 Human Rights Accountability Act).

3 (C) Executive Order No. 13818.

4 **SEC. 5440. UKRAINE DEBT PAYMENT RELIEF.**

5 (a) SUSPENSION OF MULTILATERAL DEBT PAY-
6 MENTS OF UKRAINE.—

7 (1) UNITED STATES POSITION IN THE INTER-
8 NATIONAL FINANCIAL INSTITUTIONS.—The Sec-
9 retary of the Treasury shall instruct the United
10 States Executive Director at each international fi-
11 nancial institution (as defined in section 1701(c)(2)
12 of the International Financial Institutions Act) to
13 use the voice, vote, and influence of the United
14 States to advocate that the respective institution im-
15 mediately suspend all debt service payments owed to
16 the institution by Ukraine.

17 (2) OFFICIAL BILATERAL AND COMMERCIAL
18 DEBT SERVICE PAYMENT RELIEF.—The Secretary of
19 the Treasury, working in coordination with the Sec-
20 retary of State, shall commence immediate efforts
21 with other governments and commercial creditor
22 groups, through the Paris Club of Official Creditors
23 and other bilateral and multilateral frameworks,
24 both formal and informal, to pursue comprehensive
25 debt payment relief for Ukraine.

1 (3) MULTILATERAL FINANCIAL SUPPORT FOR
2 UKRAINE.—The Secretary of the Treasury shall di-
3 rect the United States Executive Director at each
4 international financial institution (as defined in sec-
5 tion 1701(c)(2) of the International Financial Insti-
6 tutions Act) to use the voice and vote of the United
7 States to support, to the maximum extent prac-
8 ticable, the provision of concessional financial assist-
9 ance for Ukraine.

10 (4) MULTILATERAL FINANCIAL SUPPORT FOR
11 REFUGEES.—The Secretary of the Treasury shall di-
12 rect the United States Executive Director at each
13 international financial institution (as defined in sec-
14 tion 1701(c)(2) of the International Financial Insti-
15 tutions Act) to use the voice and vote of the United
16 States to seek to provide economic support for refu-
17 gees from Ukraine, including refugees of African de-
18 scend, and for countries receiving refugees from
19 Ukraine.

20 (b) REPORT TO THE CONGRESS.—Not later than De-
21 cember 31 of each year, the President shall—

22 (1) submit to the Committees on Financial
23 Services, on Appropriations, and on Foreign Affairs
24 of the House of Representatives and the Committees
25 on Foreign Relations and on Appropriations of the

1 Senate, a report on the activities undertaken under
2 this section; and

3 (2) make public a copy of the report.

4 (c) WAIVER AND TERMINATION.—

5 (1) WAIVER.—The President may waive the
6 preceding provisions of this section if the President
7 determines that a waiver is in the national interest
8 of the United States and reports to the Congress an
9 explanation of the reasons therefor.

10 (2) TERMINATION.—The preceding provisions
11 of this section shall have no force or effect on or
12 after the date that is 7 years after the date of the
13 enactment of this Act.

14 **SEC. 5441. GRANT PROGRAM FOR GRANDFAMILY HOUSING.**

15 (a) IN GENERAL.—Title II of the LEGACY Act of
16 2003 (12 U.S.C. 1790q note) is amended by adding at
17 the end the following:

18 **“SEC. 206. GRANT PROGRAM.**

19 “(a) IN GENERAL.—The Secretary shall, not later
20 than 180 days after the date of the enactment of this sec-
21 tion, establish a program to provide grants to owners of
22 intergenerational dwelling units.

23 “(b) APPLICATION.—To be eligible to receive a grant
24 under this section, an owner of an intergenerational dwell-
25 ing unit shall submit an application to the Secretary at

1 such time, in such manner, and containing such informa-
2 tion as the Secretary may reasonably require.

3 “(c) USE OF GRANT AMOUNTS.—An owner of an in-
4 tergenerational dwelling unit that receives a grant under
5 this section shall use amounts provided to cover costs asso-
6 ciated with—

7 “(1) employing a service coordinator to—

8 “(A) offer onsite services to intergenera-
9 tional families, including tutoring, health care
10 services, afterschool care, and activities that are
11 age appropriate for children of various ages of
12 development; and

13 “(B) coordinate with any local kinship nav-
14 igator program (as described in section
15 474(a)(7) of the Social Security Act (42 U.S.C.
16 674(a)(7));

17 “(2) facilitating outreach to intergenerational
18 families as described in subsection (d);

19 “(3) planning and offering services to intergen-
20 erational families; and

21 “(4) retrofitting and maintaining existing
22 spaces within the property that contains the inter-
23 generational dwelling unit for the services and pro-
24 grams provided to intergenerational families.

25 “(d) OUTREACH.—

1 “(1) IN GENERAL.—An owner of an intergen-
2 erational dwelling unit that receives a grant under
3 this section shall engage with intergenerational fami-
4 lies in the community surrounding the property that
5 contains the grandfamily housing owned by the
6 grant recipient by—

7 “(A) performing periodic informational
8 outreach; and

9 “(B) planning and executing events for in-
10 tergenerational families.

11 “(2) COORDINATION.—Outreach under this
12 subsection shall, where possible, be in coordination
13 with a local kinship navigator program (as described
14 in section 474(a)(7) of the Social Security Act (42
15 U.S.C. 674(a)(7)) or a comparable program or enti-
16 ty in the State in which the intergenerational dwell-
17 ing unit is located.

18 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Secretary to carry
20 out this section \$50,000,000 for each of fiscal years 2023
21 and 2024.

22 “(f) NONDISCRIMINATION.—The program established
23 under this section shall be implemented by the Secretary
24 in a manner that is consistent with the Fair Housing
25 Act.”.

1 (b) VAWA PROTECTIONS.—Section 41411(a)(3) of
2 the Violence Against Women Act of 1994 (34 U.S.C.
3 12491(a)(3)) is amended—

4 (1) by redesignating subparagraphs (O) and
5 (P) as subparagraphs (P) and (Q), respectively; and

6 (2) by inserting after paragraph (N) the fol-
7 lowing:

8 “(O) the program established under the
9 Grandfamily Housing Act of 2022;”.

10 (c) REPORT.—Not later than 2 years after the date
11 of enactment of this section, the Secretary of Housing and
12 Urban Development shall submit to the Congress a report
13 that—

14 (1) describes the effectiveness of the grant pro-
15 gram established under section 206 of the LEGACY
16 Act of 2003, as added by subsection (a); and

17 (2) makes recommendations for legislative
18 changes that could allow for the grant program to
19 be more effective.

20 **SEC. 5442. FLEXIBILITY IN ADDRESSING RURAL HOMELESS-**
21 **NESS.**

22 Subsection (a) of section 423 of subtitle C of title
23 IV of the McKinney-Vento Homeless Assistance Act (42
24 U.S.C. 11383(a)) is amended by adding at the end the
25 following:

1 “(13) Projects in rural areas that consist of one
2 or more of the following activities:

3 “(A) Payment of short-term emergency
4 lodging, including in motels or shelters, directly
5 or through vouchers.

6 “(B) Repairs to units—

7 “(i) in which homeless individuals and
8 families will be housed; or

9 “(ii) which are currently not fit for
10 human habitation.

11 “(C) Staff training, professional develop-
12 ment, skill development, and staff retention ac-
13 tivities.”.

14 **SEC. 5443. PROMOTING DIVERSITY AND INCLUSION IN THE**
15 **APPRAISAL PROFESSION.**

16 (a) IN GENERAL.—The Financial Institutions Re-
17 form, Recovery, and Enforcement Act of 1989 is amend-
18 ed—

19 (1) in section 1103(a) (12 U.S.C. 3332(a))—

20 (A) in paragraph (3), by striking “and” at
21 the end;

22 (B) in paragraph (4), by striking the pe-
23 riod at the end and inserting a semicolon;

24 (C) in paragraph (5), by striking the pe-
25 riod at the end and inserting a semicolon;

1 (D) in paragraph (6), by striking the pe-
2 riod at the end and inserting “a semicolon;
3 and”; and

4 (E) by adding at the end the following new
5 paragraph:

6 “(7) administer the grant program under sec-
7 tion 1122(j).”;

8 (2) in section 1106 (12 U.S.C. 3335)—

9 (A) by inserting “(a) IN GENERAL.—” be-
10 fore “The Appraisal Subcommittee”;

11 (B) by striking the comma after “com-
12 ment”;

13 (C) by inserting before “Any regulations”
14 the following:

15 “(b) REGULATIONS.—”; and

16 (D) in subsection (a) (as so designated by
17 subparagraph (A) of this paragraph), by adding
18 at the end the following: “The Appraisal Sub-
19 committee may coordinate, and enter into
20 agreements, with private industry stakeholders
21 (including appraisal management companies
22 and industry associations) to facilitate activities
23 and practices that ensure diversity among indi-
24 viduals newly hired as appraisers in their first

1 employment positions in the appraisal indus-
2 try.”; and

3 (3) in section 1122 (12 U.S.C. 3351), by add-
4 ing at the end the following new subsection:

5 “(j) GRANT PROGRAM TO PROMOTE DIVERSITY AND
6 INCLUSION IN THE APPRAISAL PROFESSION.—

7 “(1) IN GENERAL.—The Appraisal Sub-
8 committee shall carry out a program under this sub-
9 section to makes grants to State agencies, nonprofit
10 organizations, and institutions of higher education to
11 promote diversity and inclusion in the appraisal pro-
12 fession.

13 “(2) ELIGIBLE ACTIVITIES.—Activities carried
14 out with amounts from a grant under this Act shall
15 be designed to promote diversity and inclusion in the
16 appraisal profession, and may include—

17 “(A) funding scholarships;

18 “(B) providing training and education;

19 “(C) providing implicit bias training for
20 appraisers; and

21 “(D) other activities as determined appro-
22 priate to further the purposes of this grant pro-
23 gram by the Appraisal Subcommittee.

1 “(3) ALLOCATION OF FUNDS.—In making
2 grants under this subsection, the Appraisal Sub-
3 committee shall—

4 “(A) allocate 50 percent of the funds made
5 available to part B institutions (as such term is
6 defined in section 322 of the Higher Education
7 Act of 1965 (20 U.S.C. 1061)) or universities
8 with degree programs approved by the Ap-
9 praiser Qualifications Board or a relevant State
10 regulatory agency for—

11 “(i) scholarships for students of color
12 who want to pursue a career in real estate
13 appraisal; and

14 “(ii) subsidizing living expenses for
15 those students while in training; and

16 “(B) allocate 20 percent of the funds to
17 cover the cost of fulfilling the experience re-
18 quirements or other applicable requirements
19 that the students described under subparagraph
20 (A) will need to complete in order to become
21 appraisers.

22 “(4) ADMINISTRATIVE COSTS.—The Appraisal
23 Subcommittee may use 1 percent of amounts appro-
24 priated pursuant to paragraph (6) to cover the ad-
25 ministrative costs of carrying out this subsection.

1 “(5) REPORTS.—For each fiscal year during
2 which grants are made under the program under
3 this subsection, the Appraisal Subcommittee shall
4 submit a report to the Congress regarding imple-
5 mentation of the program and describing the grants
6 made, activities conducted using grant amounts, and
7 the number of individuals served by such grants,
8 disaggregated by race, ethnicity, age, and gender.”.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Appraisal Sub-
11 committee for carrying out the amendments made by this
12 section, including for making grants authorized by such
13 amendments, \$50,000,000 for each of fiscal years 2023
14 through 2027.

15 **SEC. 5444. COMBATING TRADE-BASED MONEY LAUN-**
16 **DERING.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) Trade-based money laundering is among the
19 most widely used and least understood forms of
20 money laundering, disguising proceeds of crime by
21 moving value through international trade trans-
22 actions in an attempt to legitimize illicit origins of
23 money or products.

1 (2) The transnational nature and complexity of
2 trade-based money laundering make detection and
3 investigation exceedingly difficult.

4 (3) Drug trafficking organizations, terrorist or-
5 ganizations, and other transnational criminal organi-
6 zations have succeeded at trade-based money laun-
7 dering despite the best efforts of United States law
8 enforcement.

9 (4) Trade-based money laundering includes
10 other offenses such as tax evasion, disruption of
11 markets, profit loss for businesses, and corruption of
12 government officials, and constitutes a persistent
13 threat to the economy and security of the United
14 States.

15 (5) Trade-based money laundering can result in
16 the decreased collection of customs duties as a result
17 of the undervaluation of imports and fraudulent
18 cargo manifests.

19 (6) Trade-based money laundering can decrease
20 tax revenue collected as a result of the sale of under-
21 priced goods in the marketplace.

22 (7) Trade-based money laundering is one mech-
23 anism by which counterfeiters infiltrate supply
24 chains, threatening the quality and safety of con-
25 sumer, industrial, and military products.

1 (8) Drug trafficking organizations collaborate
2 with Chinese criminal networks to launder profits
3 from drug trafficking through Chinese messaging
4 applications.

5 (9) On March 16, 2021, the Commander of the
6 United States Southern Command, Admiral Faller,
7 testified to the Committee on Armed Services of the
8 Senate that transnational criminal organizations
9 “market in drugs and people and guns and illegal
10 mining, and one of the prime sources that under-
11 writes their efforts is Chinese money-laundering”.

12 (10) The deaths and violence associated with
13 drug traffickers, the financing of terrorist organiza-
14 tions and other violent non-state actors, and the
15 adulteration of supply chains with counterfeit goods
16 showcase the danger trade-based money laundering
17 poses to the United States.

18 (11) Trade-based money laundering undermines
19 national security and the rule of law in countries
20 where it takes place.

21 (12) Illicit profits for transnational criminal or-
22 ganizations and other criminal organizations can
23 lead to instability globally.

24 (13) The United States is facing a drug use
25 and overdose epidemic, as well as an increase in con-

1 sumption of synthetic drugs, such as methamphet-
2 amine and fentanyl, which is often enabled by Chi-
3 nese money laundering organizations operating in
4 coordination with drug-trafficking organizations and
5 transnational criminal organizations in the Western
6 Hemisphere that use trade-based money laundering
7 to disguise the proceeds of drug trafficking.

8 (14) The presence of drug traffickers in the
9 United States and their intrinsic connection to inter-
10 national threat networks, as well as the use of licit
11 trade to further their motives, is a national security
12 concern.

13 (15) Drug-trafficking organizations frequently
14 use the trade-based money laundering scheme known
15 as the “Black Market Peso Exchange” to move their
16 ill-gotten gains out of the United States and into
17 Central and South America.

18 (16) United States ports and U.S. Customs and
19 Border Protection do not have the capacity to prop-
20 erly examine the 60,000,000 shipping containers
21 that pass through United States ports annually, with
22 only 2 to 5 percent of that cargo actively inspected.

23 (17) Trade-based money laundering can only be
24 combated effectively if the intelligence community,
25 law enforcement agencies, the Department of State,

1 the Department of Defense, the Department of the
2 Treasury, the Department of Homeland Security,
3 the Department of Justice, and the private sector
4 work together.

5 (18) Drug-trafficking organizations, terrorist
6 organizations, and other transnational criminal orga-
7 nizations disguise the proceeds of their illegal activi-
8 ties behind sophisticated mechanisms that operate
9 seamlessly between licit and illicit trade and finan-
10 cial transactions, making it almost impossible to ad-
11 dress without international cooperation.

12 (19) The United States has established Trade
13 Transparency Units with 18 partner countries, in-
14 cluding with major drug-producing and transit coun-
15 tries, to facilitate the increased exchange of import-
16 export data to combat trade-based money laun-
17 dering.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) the activities of transnational criminal orga-
21 nizations and their networks, and the means by
22 which such organizations and networks move and
23 launder their ill-gotten gains, such as through the
24 use of illicit economies, illicit trade, and trade-based
25 money laundering, pose a threat to the national in-

1 terests and national security of the United States
2 and allies and partners of the United States around
3 the world;

4 (2) in addition to considering the countering of
5 illicit economies, illicit trade, and trade-based money
6 laundering as a national priority and committing to
7 detect, address, and prevent such activities, the
8 President should—

9 (A) continue to assess, in the periodic na-
10 tional risk assessments on money laundering,
11 terrorist financing, and proliferation financing
12 conducted by the Department of the Treasury,
13 the ongoing risks of trade-based money laun-
14 dering;

15 (B) finalize the assessment described in
16 the Explanatory Statement accompanying the
17 Financial Services and General Government Ap-
18 propriations Act, 2020 (division C of the Con-
19 solidated Appropriations Act, 2020 (Public Law
20 116–93)), which directs the Financial Crimes
21 Enforcement Network of the Department of the
22 Treasury to thoroughly assess the risk that
23 trade-based money laundering and other forms
24 of illicit finance pose to national security;

1 (C) work expeditiously to develop, finalize,
2 and execute a strategy, as described in section
3 6506 of the Anti-Money Laundering Act of
4 2020 (title LXV of division F of Public Law
5 116–283; 134 Stat. 4631), drawing on the mul-
6 tiple instruments of United States national
7 power available, to counter—

8 (i) the activities of transnational
9 criminal organizations, including illicit
10 trade and trade-based money laundering;
11 and

12 (ii) the illicit economies such organiza-
13 tions operate in;

14 (D) coordinate with international partners
15 to implement that strategy, exhorting those
16 partners to strengthen their approaches to com-
17 bating transnational criminal organizations; and

18 (E) review that strategy on a biennial basis
19 and improve it as needed in order to most effec-
20 tively address illicit economies, illicit trade, and
21 trade-based money laundering by exploring the
22 use of emerging technologies and other new
23 avenues for interrupting and putting an end to
24 those activities; and

1 (3) the Trade Transparency Unit program of
2 the Department of Homeland Security should take
3 steps to strengthen its work, including in countries
4 that the Department of State has identified as major
5 money laundering jurisdictions under section 489 of
6 the Foreign Assistance Act of 1961 (22 U.S.C.
7 2291h).

8 **SEC. 5445. DISCLOSURE OF DISABILITY, VETERAN, AND**
9 **MILITARY STATUS.**

10 Section 304(b)(4) of the Home Mortgage Disclosure
11 Act of 1975 (12 U.S.C. 2803(b)(4)) is amended by strik-
12 ing “age,” and inserting “age, veteran and military status,
13 disability status,”.

14 **SEC. 5446. STRENGTHENING CYBERSECURITY FOR THE FI-**
15 **NANCIAL SECTOR.**

16 (a) REGULATION AND EXAMINATION OF CREDIT
17 UNION ORGANIZATIONS AND SERVICE PROVIDERS.—Sec-
18 tion 206A of the Federal Credit Union Act (12 U.S.C.
19 1786a) is amended—

20 (1) in subsection (a)(1), by striking “that” and
21 inserting “an”;

22 (2) in subsection (c)(2), by inserting after
23 “shall notify the Board” the following: “, in a man-
24 ner and method prescribed by the Board,”; and

1 (3) by striking subsection (f) and inserting the
2 following:

3 “(f) EXERCISE OF AUTHORITY.—To minimize dupli-
4 cative efforts, prior to conducting any examination of a
5 credit union organization under the authority provided to
6 the Board under this section, the Board shall first seek
7 to collect any information which the Board intends to ac-
8 quire through such examination from—

9 “(1) any Federal regulatory agencies that su-
10 pervise any activity of that credit union organiza-
11 tion; and

12 “(2) any Federal banking agency that super-
13 vises any other person who maintains an ownership
14 interest in that credit union organization.”.

15 (b) GAO STUDY ON FHFA’S REGULATION OF SERV-
16 ICE PROVIDERS.—

17 (1) STUDY.—The Comptroller General of the
18 United States shall carry out a study on the Federal
19 Housing Finance Agency’s authority and regulation
20 of service providers to its regulated entities, includ-
21 ing the Federal National Mortgage Association, the
22 Federal Home Loan Mortgage Corporation, and the
23 Federal Home Loan Banks.

24 (2) REPORT.—Not later than the end of the 12-
25 month period beginning on the date of the enact-

1 ment of this Act, the Comptroller General shall issue
2 a report to Congress containing—

3 (A) all findings and determinations made
4 in carrying out the study required under para-
5 graph (1);

6 (B) an analysis of the Federal Housing Fi-
7 nance Agency’s existing authority, how service
8 providers to the Federal Housing Finance
9 Agency’s regulated entities are currently regu-
10 lated, and risks to the regulated entities associ-
11 ated with third-party service providers; and

12 (C) recommendations for legislative and
13 administrative action.

14 **SEC. 5447. REVIEW OF IMF LOAN SURCHARGE POLICY.**

15 (a) FINDINGS.—The Congress finds as follows:

16 (1) The International Monetary Fund (in this
17 section referred to as the “IMF”) imposes a sur-
18 charge, in addition to standard interest and service
19 fees, of 200 basis points on outstanding credit pro-
20 vided through its General Resources Account that
21 exceeds 187.5 percent of the IMF country quota,
22 and an additional 100 basis points if that credit has
23 been outstanding for over 36 or 51 months, depend-
24 ing on the facility.

1 (2) According to the IMF, “These level and
2 time-based surcharges are intended to help mitigate
3 credit risk by providing members with incentives to
4 limit their demand for Fund assistance and encour-
5 age timely repurchases while at the same time gen-
6 erating income for the Fund to accumulate pre-
7 cautionary balances.”.

8 (3) According to a 2021 report by the Euro-
9 pean Network on Debt and Development, surcharges
10 increase the average cost of borrowing from the IMF
11 by over 64 percent for surcharged countries. Sur-
12 charges increased Ukraine’s borrowing costs on its
13 IMF lending program by nearly 27 percent, Jor-
14 dan’s by 72 percent, and Egypt’s by over 104 per-
15 cent.

16 (4) As a result of Russia’s invasion, the World
17 Bank predicts that Ukraine will experience an eco-
18 nomic contraction of 45 percent in 2022. Yet
19 Ukraine is expected to pay the IMF an estimated
20 \$483,000,000 in surcharges from 2021 through
21 2027.

22 (5) The Ukraine Comprehensive Debt Payment
23 Relief Act of 2022 (H.R.7081), which requires the
24 Department of Treasury to make efforts to secure
25 debt relief for Ukraine, was passed by the House of

1 Representatives on May 11, 2022, with over-
2 whelming bipartisan support, by a vote of 362 Yeas
3 to 56 Nays.

4 (6) As a result of the war in Ukraine and other
5 factors, the World Bank predicted that global
6 growth rates will slow to 2.9 percent in 2022, down
7 nearly half from 2021. External public debt of devel-
8 oping economies is at record levels, and the World
9 Bank, IMF, and United Nations have all warned of
10 coming defaults and a potential global debt crisis. As
11 food and energy prices rise, the World Food Pro-
12 gram has estimated that 750,000 people are at im-
13 mediate risk of starvation or death, and
14 323,000,000 people may experience acute food inse-
15 curity before the end of the year.

16 (7) Since 2020, the number of countries paying
17 surcharges to the IMF has increased from 9 to 16.
18 A December 2021 IMF policy paper, notes that
19 under the IMF's model-based World Economic Out-
20 look scenario "the number of surcharge-paying
21 members would increase to 38 in FY 2024 and FY
22 2025" and that under the Fund's "adverse scenario,
23 the number of surcharge-paying members and the
24 amount of surcharge income would increase even
25 more sharply".

1 (8) An April 2022 brief from the United Na-
2 tions Global Crisis Response Group on Food, Energy
3 and Finance on the impacts of the war in Ukraine
4 on developing countries called for the immediate sus-
5 pension of surcharge payments for a minimum of 2
6 years, because “[s]urcharges do not make sense dur-
7 ing a global crisis since the need for more financing
8 does not stem from national conditions but from the
9 global economy shock”.

10 (b) REVIEW OF SURCHARGE POLICY AT THE INTER-
11 NATIONAL MONETARY FUND.—The Secretary of the
12 Treasury shall instruct the United States Executive Direc-
13 tor at the International Monetary Fund to use the voice
14 and vote of the United States to—

15 (1) initiate an immediate review by the IMF of
16 the surcharge policy of the IMF to be completed,
17 and its results and underlying data published, within
18 365 days; and

19 (2) suspend and waive surcharge payments dur-
20 ing the pendency of the review.

21 (c) COMPONENTS OF THE REVIEW OF SURCHARGE
22 POLICY.—The review referred to in subsection (b) shall
23 include the following:

24 (1) A borrower-by-borrower analysis of sur-
25 charges in terms of cost and as a percentage of na-

1 tional spending on debt service on IMF loans, food
2 security, and health for the 5-year period beginning
3 at the start of the COVID-19 pandemic.

4 (2) Evaluation of the policy's direct impact
5 on—

6 (A) disincentivizing large and prolonged re-
7 liance on Fund credit;

8 (B) mitigating the credit risks taken by
9 the IMF;

10 (C) improving borrower balance of pay-
11 ments and debt sustainability, particularly dur-
12 ing periods of contraction, unrest, and pan-
13 demic;

14 (D) promoting fiscally responsible policy
15 reforms;

16 (E) disincentivizing borrowers from seek-
17 ing opaque and potentially predatory bilateral
18 loans; and

19 (F) improving the ability of borrowers to
20 repay private creditors and access the private
21 credit market.

22 (3) Recommendations for—

23 (A) Identifying alternative sources of fund-
24 ing for the IMF's precautionary balances that

1 prioritize stable funding sources and equitable
2 burden-sharing among IMF members;

3 (B) Determining whether the Fund should
4 maintain, reform, temporarily suspend or elimi-
5 nate the use of surcharges.

6 (4) The review process must incorporate exten-
7 sive consultation with relevant experts, particularly
8 those from countries that are currently paying or
9 have recently paid surcharges. These experts should
10 include government officials responsible for over-
11 seeing economic development, social services, and de-
12 fense, United Nations officials, economic research
13 institutes, academics, and civil society organizations.

14 **SEC. 5448. GRANTS TO ELIGIBLE ENTITIES FOR ENHANCED**
15 **PROTECTION OF SENIOR INVESTORS AND**
16 **SENIOR POLICYHOLDERS.**

17 (a) IN GENERAL.—Section 989A of the Investor Pro-
18 tection and Securities Reform Act of 2010 (15 U.S.C.
19 5537) is amended to read as follows:

20 **“SEC. 989A. GRANTS TO ELIGIBLE ENTITIES FOR EN-**
21 **HANCED PROTECTION OF SENIOR INVES-**
22 **TORS AND SENIOR POLICYHOLDERS.**

23 “(a) DEFINITIONS.—In this section:

24 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
25 tity’ means—

1 “(A) the securities commission (or any
2 agency or office performing like functions) of
3 any State; and

4 “(B) the insurance department (or any
5 agency or office performing like functions) of
6 any State.

7 “(2) SENIOR.—The term ‘senior’ means any in-
8 dividual who has attained the age of 62 years or
9 older.

10 “(3) SENIOR FINANCIAL FRAUD.—The term
11 ‘senior financial fraud’ means a fraudulent or other-
12 wise illegal, unauthorized, or improper act or process
13 of an individual, including a caregiver or a fiduciary,
14 that—

15 “(A) uses the resources of a senior for
16 monetary or personal benefit, profit, or gain;

17 “(B) results in depriving a senior of right-
18 ful access to or use of benefits, resources, be-
19 longings, or assets; or

20 “(C) is an action described in section 1348
21 of title 18, United States Code, that is taken
22 against a senior.

23 “(4) TASK FORCE.—The term ‘task force’
24 means the task force established under subsection
25 (b)(1).

1 “(b) GRANT PROGRAM.—

2 “(1) TASK FORCE.—

3 “(A) IN GENERAL.—The Commission shall
4 establish a task force to carry out the grant
5 program under paragraph (2).

6 “(B) MEMBERSHIP.—The task force shall
7 consist of the following members:

8 “(i) A Chair of the task force, who—

9 “(I) shall be appointed by the
10 Chairman of the Commission, in con-
11 sultation with the Commissioners of
12 the Commission; and

13 “(II) may be a representative of
14 the Office of the Investor Advocate of
15 the Commission, the Division of En-
16 forcement of the Commission, or such
17 other representative as the Commis-
18 sion determines appropriate.

19 “(ii) If the Chair is not a representa-
20 tive of the Office of the Investor Advocate
21 of the Commission, a representative of
22 such Office.

23 “(iii) If the Chair is not a representa-
24 tive of the Division of Enforcement of the

1 Commission, a representative of such Divi-
2 sion.

3 “(iv) Such other representatives as
4 the Commission determines appropriate.

5 “(C) DETAIL OF EXECUTIVE AGENCY EM-
6 PLOYEES.—Upon the request of the Commis-
7 sion, the head of any Federal agency may de-
8 tail, on a reimbursable basis, any of the per-
9 sonnel of that Federal agency to the Commis-
10 sion to assist it in carrying out its functions
11 under this section. The detail of any such per-
12 sonnel shall be without interruption or loss of
13 civil service status or privilege.

14 “(2) GRANTS.—The task force shall carry out
15 a program under which the task force shall make
16 grants, on a competitive basis, to eligible entities,
17 which—

18 “(A) may use the grant funds—

19 “(i) to hire staff to identify, inves-
20 tigate, and prosecute (through civil, admin-
21 istrative, or criminal enforcement actions)
22 cases involving senior financial fraud;

23 “(ii) to fund technology, equipment,
24 and training for regulators, prosecutors,
25 and law enforcement officers, in order to

1 identify, investigate, and prosecute cases
2 involving senior financial fraud;

3 “(iii) to provide educational materials
4 and training to seniors to increase aware-
5 ness and understanding of senior financial
6 fraud;

7 “(iv) to develop comprehensive plans
8 to combat senior financial fraud; and

9 “(v) to enhance provisions of State
10 law to provide protection from senior fi-
11 nancial fraud; and

12 “(B) may not use the grant funds for any
13 indirect expense, such as rent, utilities, or any
14 other general administrative cost that is not di-
15 rectly related to the purpose of the grant pro-
16 gram.

17 “(3) AUTHORITY OF TASK FORCE.—In carrying
18 out paragraph (2), the task force—

19 “(A) may consult with staff of the Com-
20 mission; and

21 “(B) shall make public all actions of the
22 task force relating to carrying out that para-
23 graph.

24 “(c) APPLICATIONS.—An eligible entity desiring a
25 grant under this section shall submit an application to the

1 task force, in such form and in such a manner as the task
2 force may determine, that includes—

3 “(1) a proposal for activities to protect seniors
4 from senior financial fraud that are proposed to be
5 funded using a grant under this section, including—

6 “(A) an identification of the scope of the
7 problem of senior financial fraud in the applica-
8 ble State;

9 “(B) a description of how the proposed ac-
10 tivities would—

11 “(i) protect seniors from senior finan-
12 cial fraud, including by proactively identi-
13 fying victims of senior financial fraud;

14 “(ii) assist in the investigation and
15 prosecution of those committing senior fi-
16 nancial fraud; and

17 “(iii) discourage and reduce cases of
18 senior financial fraud; and

19 “(C) a description of how the proposed ac-
20 tivities would be coordinated with other State
21 efforts; and

22 “(2) any other information that the task force
23 determines appropriate.

24 “(d) PERFORMANCE OBJECTIVES; REPORTING RE-
25 QUIREMENTS; AUDITS.—

1 “(1) IN GENERAL.—The task force—

2 “(A) may establish such performance ob-
3 jectives and reporting requirements for eligible
4 entities receiving a grant under this section as
5 the task force determines are necessary to carry
6 out and assess the effectiveness of the program
7 under this section; and

8 “(B) shall require each eligible entity that
9 receives a grant under this section to submit to
10 the task force a detailed accounting of the use
11 of grant funds, which shall be submitted at
12 such time, in such form, and containing such
13 information as the task force may require.

14 “(2) REPORT.—Not later than 2 years, and
15 again not later than 5 years, after the date of the
16 enactment of the Empowering States to Protect Sen-
17 iors from Bad Actors Act, the task force shall sub-
18 mit to the Committee on Financial Services of the
19 House of Representatives and the Committee on
20 Banking, Housing, and Urban Affairs of the Senate
21 a report that—

22 “(A) specifies each recipient of a grant
23 under this section;

1 “(B) includes a description of the pro-
2 grams that are supported by each such grant;
3 and

4 “(C) includes an evaluation by the task
5 force of the effectiveness of such grants.

6 “(3) AUDITS.—The task force shall annually
7 conduct an audit of the program under this section
8 to ensure that eligible entities to which grants are
9 made under that program are, for the year covered
10 by the audit, using grant funds for the intended pur-
11 poses of those funds.

12 “(e) MAXIMUM AMOUNT.—The amount of a grant to
13 an eligible entity under this section may not exceed
14 \$500,000, which the task force shall adjust annually to
15 reflect the percentage change in the Consumer Price Index
16 for All Urban Consumers published by the Bureau of
17 Labor Statistics of the Department of Labor.

18 “(f) SUBGRANTS.—An eligible entity that receives a
19 grant under this section may, in consultation with the task
20 force, make a subgrant, as the eligible entity determines
21 is necessary or appropriate—

22 “(1) to carry out the activities described in sub-
23 section (b)(2)(A); and

24 “(2) which may not be used for any activity de-
25 scribed in subsection (b)(2)(B).

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 \$10,000,000 for each of fiscal years 2023 through 2028.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
 5 tents in section 1(b) of the Dodd-Frank Wall Street Re-
 6 form and Consumer Protection Act is amended by striking
 7 the item relating to section 989A and inserting the fol-
 8 lowing:

“Sec. 989A. Grants to eligible entities for enhanced protection of senior inves-
 tors and senior policyholders.”.

9 **SEC. 5449. BANKING TRANSPARENCY FOR SANCTIONED**
 10 **PERSONS.**

11 (a) REPORT ON FINANCIAL SERVICES BENEFITTING
 12 STATE SPONSORS OF TERRORISM, HUMAN RIGHTS ABUS-
 13 ERS, AND CORRUPT OFFICIALS.—

14 (1) IN GENERAL.—Not later than 180 days
 15 after the date of the enactment of this Act, and
 16 every 180 days thereafter, the Secretary of the
 17 Treasury shall issue a report to the Committees on
 18 Financial Services and Foreign Affairs of the House
 19 of Representatives and the Committees on Banking,
 20 Housing, and Urban Affairs and Foreign Relations
 21 of the Senate that includes—

22 (A) a copy of any license issued by the
 23 Secretary in the preceding 180 days that au-
 24 thorizes a financial institution to provide finan-

1 cial services benefitting a state sponsor of ter-
2 rorism; and

3 (B) a list of any foreign financial institu-
4 tions that, in the preceding 180 days, know-
5 ingly conducted a significant transaction or
6 transactions, directly or indirectly, for a sanc-
7 tioned person included on the Department of
8 the Treasury's Specially Designated Nationals
9 And Blocked Persons List who—

10 (i) is owned or controlled by, or acts
11 on behalf of, the government of a state
12 sponsor of terrorism; or

13 (ii) is designated pursuant to any of
14 the following:

15 (I) Section 404 of the Russia and
16 Moldova Jackson-Vanik Repeal and
17 Sergei Magnitsky Rule of Law Ac-
18 countability Act of 2012 (Public Law
19 112208).

20 (II) Subtitle F of title XII of the
21 National Defense Authorization Act
22 for Fiscal Year 2017 (Public Law
23 114–328, the Global Magnitsky
24 Human Rights Accountability Act).

25 (III) Executive Order No. 13818.

1 (2) FORM OF REPORT.—The report required
2 under paragraph (1) shall be submitted in unclassi-
3 fied form but may contain a classified annex.

4 (b) WAIVER.—The Secretary of the Treasury may
5 waive the requirements of subsection (a) with respect to
6 a foreign financial institution described in paragraph
7 (1)(B) of such subsection—

8 (1) upon receiving credible assurances that the
9 foreign financial institution has ceased, or will immi-
10 nently cease, to knowingly conduct any significant
11 transaction or transactions, directly or indirectly, for
12 a person described in clause (i) or (ii) of such sub-
13 paragraph (B); or

14 (2) upon certifying to the Committees on Fi-
15 nancial Services and Foreign Affairs of the House of
16 Representatives and the Committees on Banking,
17 Housing, and Urban Affairs and Foreign Relations
18 of the Senate that the waiver is important to the na-
19 tional interest of the United States, with an expla-
20 nation of the reasons therefor.

21 (c) DEFINITIONS.—For purposes of this section:

22 (1) FINANCIAL INSTITUTION.—The term “fi-
23 nancial institution” means a United States financial
24 institution or a foreign financial institution.

1 (2) FOREIGN FINANCIAL INSTITUTION.—The
2 term “foreign financial institution” has the meaning
3 given that term under section 561.308 of title 31,
4 Code of Federal Regulations.

5 (3) KNOWINGLY.—The term “knowingly” with
6 respect to conduct, a circumstance, or a result,
7 means that a person has actual knowledge, or should
8 have known, of the conduct, the circumstance, or the
9 result.

10 (4) UNITED STATES FINANCIAL INSTITUTION.—
11 The term “United States financial institution” has
12 the meaning given the term “U.S. financial institu-
13 tion” under section 561.309 of title 31, Code of
14 Federal Regulations.

15 (d) SUNSET.—The reporting requirement under this
16 section shall terminate on the date that is the end of the
17 7-year period beginning on the date of the enactment of
18 this Act.

19 **SEC. 5450. BUREAU SERVICEMEMBER AND VETERAN CRED-**
20 **IT REPORTING OMBUDSPERSON.**

21 (a) IN GENERAL.—Section 611(a) of the Fair Credit
22 Reporting Act (15 U.S.C. 1681i(a)) is amended by adding
23 at the end the following:

24 “(9) BUREAU SERVICEMEMBER AND VETERAN
25 CREDIT REPORTING OMBUDSPERSON.—

1 “(A) IN GENERAL.—Not later than 180
2 days after the date of enactment of this para-
3 graph, the Bureau shall establish the position
4 of servicemember and veteran credit reporting
5 ombudsperson, who shall carry out the Bu-
6 reau’s responsibilities with respect to—

7 “(i) resolving persistent errors that
8 are not resolved in a timely manner by a
9 consumer reporting agency in connection
10 with servicemembers and veterans; and

11 “(ii) enhancing oversight of consumer
12 reporting agencies by—

13 “(I) advising the Director of the
14 Bureau, in consultation with the Of-
15 fice of Enforcement and the Office of
16 Supervision of the Bureau, on any po-
17 tential violations of paragraph (5) or
18 any other applicable law by a con-
19 sumer reporting agency in connection
20 with servicemembers and veterans, in-
21 cluding appropriate corrective action
22 for such a violation; and

23 “(II) making referrals to the Of-
24 fice of Supervision for supervisory ac-
25 tion or the Office of Enforcement for

1 enforcement action, as appropriate, in
2 response to violations of paragraph
3 (5) or any other applicable law by a
4 consumer reporting agency in connec-
5 tion with servicemembers and vet-
6 erans.

7 “(B) CONSULTATION WITH VETERANS
8 SERVICE ORGANIZATIONS.—The servicemember
9 and veteran credit reporting ombudsperson
10 shall consult with veterans service organizations
11 in carrying out the duties of the ombudsperson.

12 “(C) REPORT.—The ombudsperson shall
13 submit to the Committees on Financial Services
14 and Veterans’ Affairs of the House of Rep-
15 resentatives and the Committees on Banking,
16 Housing, and Urban Affairs and Veterans’ Af-
17 fairs of the Senate an annual report including
18 statistics and analysis on consumer complaints
19 the Bureau receives relating to consumer re-
20 ports in connection with servicemembers and
21 veterans, as well as a summary of the super-
22 visory actions and enforcement actions taken
23 with respect to consumer reporting agencies in
24 connection with servicemembers and veterans
25 during the year covered by the report.”.

1 (b) DISCRETIONARY SURPLUS FUNDS.—

2 (1) IN GENERAL.—The dollar amount specified
3 under section 7(a)(3)(A) of the Federal Reserve Act
4 (12 U.S.C. 289(a)(3)(A)) is reduced by
5 \$18,000,000.

6 (2) EFFECTIVE DATE.—The amendment made
7 by paragraph (1) shall take effect on September 30,
8 2032.

9 **SEC. 5451. SENIOR INVESTOR TASKFORCE.**

10 (a) IN GENERAL.—Section 4 of the Securities Ex-
11 change Act of 1934 (15 U.S.C. 78d) is amended by adding
12 at the end the following:

13 “(k) SENIOR INVESTOR TASKFORCE.—

14 “(1) ESTABLISHMENT.—There is established
15 within the Commission the Senior Investor
16 Taskforce (in this subsection referred to as the
17 ‘Taskforce’).

18 “(2) DIRECTOR OF THE TASKFORCE.—The
19 head of the Taskforce shall be the Director, who
20 shall—

21 “(A) report directly to the Chairman; and

22 “(B) be appointed by the Chairman, in
23 consultation with the Commission, from among
24 individuals—

1 “(i) currently employed by the Com-
2 mission or from outside of the Commis-
3 sion; and

4 “(ii) having experience in advocating
5 for the interests of senior investors.

6 “(3) STAFFING.—The Chairman shall ensure
7 that—

8 “(A) the Taskforce is staffed sufficiently to
9 carry out fully the requirements of this sub-
10 section; and

11 “(B) such staff shall include individuals
12 from the Division of Enforcement, Office of
13 Compliance Inspections and Examinations, and
14 Office of Investor Education and Advocacy.

15 “(4) NO COMPENSATION FOR MEMBERS OF
16 TASKFORCE.—All members of the Taskforce ap-
17 pointed under paragraph (2) or (3) shall serve with-
18 out compensation in addition to that received for
19 their services as officers or employees of the United
20 States.

21 “(5) MINIMIZING DUPLICATION OF EFFORTS.—
22 In organizing and staffing the Taskforce, the Chair-
23 man shall take such actions as may be necessary to
24 minimize the duplication of efforts within the divi-
25 sions and offices described under paragraph (3)(B)

1 and any other divisions, offices, or taskforces of the
2 Commission.

3 “(6) FUNCTIONS OF THE TASKFORCE.—The
4 Taskforce shall—

5 “(A) identify challenges that senior inves-
6 tors encounter, including problems associated
7 with financial exploitation and cognitive decline;

8 “(B) identify areas in which senior inves-
9 tors would benefit from changes in the regula-
10 tions of the Commission or the rules of self-reg-
11 ulatory organizations;

12 “(C) coordinate, as appropriate, with other
13 offices within the Commission, other taskforces
14 that may be established within the Commission,
15 self-regulatory organizations, and the Elder
16 Justice Coordinating Council; and

17 “(D) consult, as appropriate, with State
18 securities and law enforcement authorities,
19 State insurance regulators, and other Federal
20 agencies.

21 “(7) REPORT.—The Taskforce, in coordination,
22 as appropriate, with the Office of the Investor Advo-
23 cate and self-regulatory organizations, and in con-
24 sultation, as appropriate, with State securities and
25 law enforcement authorities, State insurance regu-

1 lators, and Federal agencies, shall issue a report
2 every 2 years to the Committee on Banking, Hous-
3 ing, and Urban Affairs and the Special Committee
4 on Aging of the Senate and the Committee on Fi-
5 nancial Services of the House of Representatives, the
6 first of which shall not be issued until after the re-
7 port described in section 5403(b) of the National
8 Defense Authorization Act for Fiscal Year 2023 has
9 been issued and considered by the Taskforce, con-
10 taining—

11 “(A) appropriate statistical information
12 and full and substantive analysis;

13 “(B) a summary of recent trends and inno-
14 vations that have impacted the investment land-
15 scape for senior investors;

16 “(C) a summary of regulatory initiatives
17 that have concentrated on senior investors and
18 industry practices related to senior investors;

19 “(D) key observations, best practices, and
20 areas needing improvement, involving senior in-
21 vestors identified during examinations, enforce-
22 ment actions, and investor education outreach;

23 “(E) a summary of the most serious issues
24 encountered by senior investors, including
25 issues involving financial products and services;

1 “(F) an analysis with regard to existing
2 policies and procedures of brokers, dealers, in-
3 vestment advisers, and other market partici-
4 pants related to senior investors and senior in-
5 vestor-related topics and whether these policies
6 and procedures need to be further developed or
7 refined;

8 “(G) recommendations for such changes to
9 the regulations, guidance, and orders of the
10 Commission and self-regulatory organizations
11 and such legislative actions as may be appro-
12 priate to resolve problems encountered by senior
13 investors; and

14 “(H) any other information, as determined
15 appropriate by the Director of the Taskforce.

16 “(8) REQUEST FOR REPORTS.—The Taskforce
17 shall make any report issued under paragraph (7)
18 available to a Member of Congress who requests
19 such a report.

20 “(9) SUNSET.—The Taskforce shall terminate
21 after the end of the 10-year period beginning on the
22 date of the enactment of this subsection.

23 “(10) SENIOR INVESTOR DEFINED.—For pur-
24 poses of this subsection, the term ‘senior investor’
25 means an investor over the age of 65.

1 “(11) USE OF EXISTING FUNDS.—The Commis-
2 sion shall use existing funds to carry out this sub-
3 section.”.

4 (b) GAO STUDY.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of enactment of this Act, the Comptroller
7 General of the United States shall submit to Con-
8 gress and the Senior Investor Taskforce the results
9 of a study of financial exploitation of senior citizens.

10 (2) CONTENTS.—The study required under
11 paragraph (1) shall include information with respect
12 to—

13 (A) economic costs of the financial exploi-
14 tation of senior citizens—

15 (i) associated with losses by victims
16 that were incurred as a result of the finan-
17 cial exploitation of senior citizens;

18 (ii) incurred by State and Federal
19 agencies, law enforcement and investiga-
20 tory agencies, public benefit programs,
21 public health programs, and other public
22 programs as a result of the financial ex-
23 ploitation of senior citizens;

1 (iii) incurred by the private sector as
2 a result of the financial exploitation of sen-
3 ior citizens; and

4 (iv) any other relevant costs that—

5 (I) result from the financial ex-
6 ploitation of senior citizens; and

7 (II) the Comptroller General de-
8 termines are necessary and appro-
9 priate to include in order to provide
10 Congress and the public with a full
11 and accurate understanding of the
12 economic costs resulting from the fi-
13 nancial exploitation of senior citizens
14 in the United States;

15 (B) frequency of senior financial exploi-
16 tation and correlated or contributing factors—

17 (i) information about percentage of
18 senior citizens financially exploited each
19 year; and

20 (ii) information about factors contrib-
21 uting to increased risk of exploitation, in-
22 cluding such factors as race, social isola-
23 tion, income, net worth, religion, region,
24 occupation, education, home-ownership, ill-
25 ness, and loss of spouse; and

1 (C) policy responses and reporting of sen-
2 ior financial exploitation—

3 (i) the degree to which financial ex-
4 ploitation of senior citizens unreported to
5 authorities;

6 (ii) the reasons that financial exploi-
7 tation may be unreported to authorities;

8 (iii) to the extent that suspected elder
9 financial exploitation is currently being re-
10 ported—

11 (I) information regarding which
12 Federal, State, and local agencies are
13 receiving reports, including adult pro-
14 tective services, law enforcement, in-
15 dustry, regulators, and professional li-
16 censing boards;

17 (II) information regarding what
18 information is being collected by such
19 agencies; and

20 (III) information regarding the
21 actions that are taken by such agen-
22 cies upon receipt of the report and
23 any limits on the agencies' ability to
24 prevent exploitation, such as jurisdic-
25 tional limits, a lack of expertise, re-

1 source challenges, or limiting criteria
2 with regard to the types of victims
3 they are permitted to serve;

4 (iv) an analysis of gaps that may exist
5 in empowering Federal, State, and local
6 agencies to prevent senior exploitation or
7 respond effectively to suspected senior fi-
8 nancial exploitation; and

9 (v) an analysis of the legal hurdles
10 that prevent Federal, State, and local
11 agencies from effectively partnering with
12 each other and private professionals to ef-
13 fectively respond to senior financial exploi-
14 tation.

15 (3) SENIOR CITIZEN DEFINED.—For purposes
16 of this subsection, the term “senior citizen” means
17 an individual over the age of 65.

18 **SEC. 5452. MILITARY SERVICE QUESTION.**

19 (a) IN GENERAL.—Subpart A of part 2 of subtitle
20 A of title VIII of the Housing and Community Develop-
21 ment Act of 1992 (12 U.S.C. 4541 et seq.) is amended
22 by adding at the end the following:

1 **“SEC. 1329. UNIFORM RESIDENTIAL LOAN APPLICATION.**

2 “The Director shall, not later than 6 months after
3 the date of the enactment of this section, require each en-
4 terprise to—

5 “(1) include a military service question on the
6 form known as the Uniform Residential Loan Appli-
7 cation; and

8 “(2) position such question above the signature
9 line of the Uniform Residential Loan Application.”.

10 (b) RULEMAKING.—The Director of the Federal
11 Housing Finance Agency shall, not later than 6 months
12 after the date of the enactment of this section, issue a
13 rule to carry out the amendment made by this section.

14 **SEC. 5453. PROHIBITION ON TRADING AHEAD BY MARKET**
15 **MAKERS.**

16 (a) IN GENERAL.—Section 15 of the Securities Ex-
17 change Act of 1934 (15 U.S.C. 78o) is amended by adding
18 at the end the following:

19 “(p) PROHIBITION ON TRADING AHEAD BY MARKET
20 MAKERS.—

21 “(1) IN GENERAL.—With respect to a person
22 acting in the capacity of a market maker, if the per-
23 son accepts an order with respect to a security from
24 a customer, including a broker or dealer—

1 “(A) the market maker has a duty of trust
2 and loyalty to the customer arising from the re-
3 ceipt of such order; and

4 “(B) the information in such order is ma-
5 terial, non-public information that may be used
6 only in furtherance of executing such cus-
7 tomer’s order.

8 “(2) ANNUAL CEO CERTIFICATION.—The Chief
9 Executive Officer of each person that acts in the ca-
10 pacity of a market maker shall issue an annual cer-
11 tification to the Commission, in such form and man-
12 ner as the Commission may prescribe by rule, that
13 certifies that—

14 “(A) the person has performed reasonable
15 due diligence during the reporting period to en-
16 sure that the person has not violated the duty
17 of trust and loyalty described under paragraph
18 (1)(A) or used the information described under
19 paragraph (1)(B) in a prohibited fashion; and

20 “(B) the person has not violated the duty
21 of trust and loyalty described under paragraph
22 (1)(A) or used the information described under
23 paragraph (1)(B) in a prohibited fashion during
24 the reporting period.

25 “(3) PERSONAL LIABILITY.—

1 “(A) FINE FOR INDIVIDUAL VIOLA-
2 TIONS.—Any associated person of a market
3 maker who knowingly and willfully causes the
4 market maker to violate paragraph (1) (or who
5 directs another agent or associated person of
6 the market maker to commit such a violation or
7 engage in such acts that result in the associated
8 person being personally unjustly enriched) shall
9 be fined in an amount equal to the greater of—

10 “(i) two times the amount of profit
11 realized by reason of such violation; or

12 “(ii) \$50,000.

13 “(B) COURSE OF CONDUCT.—Any associ-
14 ated person of a market maker who knowingly
15 and willfully causes the market maker to en-
16 gage in a course of conduct of knowingly and
17 willfully violating paragraph (1) (or who directs
18 another agent or associated person of the mar-
19 ket maker to commit such a violation or engage
20 in such acts that result in the associated person
21 being personally unjustly enriched) shall be—

22 “(i) fined in an amount not to exceed
23 200 percent of the compensation (including
24 stock options awarded as compensation)

1 received by such associated person from
2 the market maker—

3 “(I) during the time period in
4 which the violations occurred; or

5 “(II) in the one- to three-year
6 time period preceding the date on
7 which the violations were discovered;
8 and

9 “(ii) imprisoned for not more than 5
10 years.

11 “(C) ASSOCIATED PERSON DEFINED.—The
12 term ‘associated person’ means an associated
13 person of a broker or dealer.

14 “(4) RULEMAKING.—Not later than the end of
15 the 90-day period beginning on the date of enact-
16 ment of this subsection, the Commission—

17 “(A) shall issue rules to carry out this sub-
18 section; and

19 “(B) may provide exemptions from the re-
20 quirements of this subsection, by rule, if the
21 Commission determines that such exemptions
22 would promote market integrity and are nec-
23 essary or appropriate in the public interest or
24 for the protection of investors.”.

1 (b) SENSE OF CONGRESS.—It is the sense of the
2 Congress that the prohibitions added by this section
3 should complement, and not replace, existing rules of self-
4 regulatory organizations applicable to their members, in-
5 cluding brokers and dealers.

6 (c) EFFECTIVE DATE.—Section 15(p) of the Securi-
7 ties Exchange Act of 1934, as added by subsection (a),
8 shall take effect after the end of the 180-day period begin-
9 ning on the date of enactment of this Act.

10 **SEC. 5454. SECURING AMERICA'S VACCINES FOR EMER-**
11 **GENCIES.**

12 (a) SECURING ESSENTIAL MEDICAL MATERIALS.—

13 (1) STATEMENT OF POLICY.—Section 2(b) of
14 the Defense Production Act of 1950 (50 U.S.C.
15 4502) is amended—

16 (A) by redesignating paragraphs (3)
17 through (8) as paragraphs (4) through (9), re-
18 spectively; and

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

21 “(3) authorities under this Act should be used
22 when appropriate to ensure the availability of med-
23 ical materials essential to national defense, including
24 through measures designed to secure the drug sup-
25 ply chain, and taking into consideration the impor-

1 tance of United States competitiveness, scientific
2 leadership and cooperation, and innovative capac-
3 ity;”.

4 (2) STRENGTHENING DOMESTIC CAPABILITY.—

5 Section 107 of the Defense Production Act of 1950
6 (50 U.S.C. 4517) is amended—

7 (A) in subsection (a), by inserting “(in-
8 cluding medical materials)” after “materials”;
9 and

10 (B) in subsection (b)(1), by inserting “(in-
11 cluding medical materials such as drugs, de-
12 vices, and biological products to diagnose, cure,
13 mitigate, treat, or prevent disease that are es-
14 sential to national defense)” after “essential
15 materials”.

16 (3) STRATEGY ON SECURING SUPPLY CHAINS

17 FOR MEDICAL MATERIALS.—Title I of the Defense
18 Production Act of 1950 (50 U.S.C. 4511 et seq.) is
19 amended by adding at the end the following:

20 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**
21 **MEDICAL MATERIALS.**

22 “(a) IN GENERAL.—Not later than 180 days after
23 the date of the enactment of this section, the President,
24 in consultation with the Secretary of Health and Human
25 Services, the Secretary of Commerce, the Secretary of

1 Homeland Security, and the Secretary of Defense, shall
2 transmit a strategy to the appropriate Members of Con-
3 gress that includes the following:

4 “(1) A detailed plan to use the authorities
5 under this title and title III, or any other provision
6 of law, to ensure the supply of medical materials (in-
7 cluding drugs, devices, and biological products (as
8 that term is defined in section 351 of the Public
9 Health Service Act (42 U.S.C. 262)) to diagnose,
10 cure, mitigate, treat, or prevent disease) essential to
11 national defense, to the extent necessary for the pur-
12 poses of this Act.

13 “(2) An analysis of vulnerabilities to existing
14 supply chains for such medical materials, and rec-
15 ommendations to address the vulnerabilities.

16 “(3) Measures to be undertaken by the Presi-
17 dent to diversify such supply chains, as appropriate
18 and as required for national defense.

19 “(4) A discussion of—

20 “(A) any significant effects resulting from
21 the plan and measures described in this sub-
22 section on the production, cost, or distribution
23 of biological products (as that term is defined
24 in section 351 of the Public Health Service Act
25 (42 U.S.C. 262)) or any other devices or drugs

1 (as defined under the Federal Food, Drug, and
2 Cosmetic Act (21 U.S.C. 301 et seq.));

3 “(B) a timeline to ensure that essential
4 components of the supply chain for medical ma-
5 terials are not under the exclusive control of a
6 foreign government in a manner that the Presi-
7 dent determines could threaten the national de-
8 fense of the United States; and

9 “(C) efforts to mitigate any risks resulting
10 from the plan and measures described in this
11 subsection to United States competitiveness,
12 scientific leadership, and innovative capacity,
13 including efforts to cooperate and proactively
14 engage with United States allies.

15 “(b) PROGRESS REPORT.—Following submission of
16 the strategy under subsection (a), the President shall sub-
17 mit to the appropriate Members of Congress an annual
18 progress report until September 30, 2025, evaluating the
19 implementation of the strategy, and may include updates
20 to the strategy as appropriate. The strategy and progress
21 reports shall be submitted in unclassified form but may
22 contain a classified annex.

23 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The
24 term ‘appropriate Members of Congress’ means the
25 Speaker, majority leader, and minority leader of the

1 House of Representatives, the majority leader and minor-
2 ity leader of the Senate, the Chairman and Ranking Mem-
3 ber of the Committee on Energy and Commerce of the
4 House of Representatives, the Chairman and Ranking
5 Member of the Committee on Financial Services of the
6 House of Representatives, the Chairman and Ranking
7 Member of the Committee on Banking, Housing, and
8 Urban Affairs of the Senate, and the Chairman and Rank-
9 ing Member of the Committee on Health, Education,
10 Labor, and Pensions of the Senate.”.

11 (b) INVESTMENT IN SUPPLY CHAIN SECURITY.—

12 (1) IN GENERAL.—Section 303 of the Defense
13 Production Act of 1950 (50 U.S.C. 4533) is amend-
14 ed by adding at the end the following:

15 “(h) INVESTMENT IN SUPPLY CHAIN SECURITY.—

16 “(1) IN GENERAL.—In addition to other au-
17 thorities in this title, the President may make avail-
18 able to an eligible entity described in paragraph (2)
19 payments to increase the security of supply chains
20 and supply chain activities, if the President certifies
21 to Congress not less than 30 days before making
22 such a payment that the payment is critical to meet
23 national defense requirements of the United States.

24 “(2) ELIGIBLE ENTITY.—An eligible entity de-
25 scribed in this paragraph is an entity that—

“(A) is organized under the laws of the United States or any jurisdiction within the United States; and

“(B) produces—

“(i) one or more critical components;

“(ii) critical technology; or

“(iii) one or more products or raw materials for the security of supply chains or supply chain activities.

“(3) DEFINITIONS.—In this subsection, the terms ‘supply chain’ and ‘supply chain activities’ have the meanings given those terms by the President by regulation.”.

(2) REGULATIONS.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall prescribe regulations setting forth definitions for the terms “supply chain” and “supply chain activities” for the purposes of section 303(h) of the Defense Production Act of 1950 (50 U.S.C. 4533(h)), as added by paragraph (1).

(B) SCOPE OF DEFINITIONS.—The definitions required by subparagraph (A)—

(i) shall encompass—

1 (I) the organization, people, ac-
2 tivities, information, and resources in-
3 volved in the delivery and operation of
4 a product or service used by the Gov-
5 ernment; or

6 (II) critical infrastructure as de-
7 fined in Presidential Policy Directive
8 21 (February 12, 2013; relating to
9 critical infrastructure security and re-
10 silience); and

11 (ii) may include variations as deter-
12 mined necessary and appropriate by the
13 President for purposes of national defense.

14 **SEC. 5455. SPECIAL DRAWING RIGHTS EXCHANGE PROHIBI-**
15 **TION.**

16 (a) IN GENERAL.—The Secretary of the Treasury
17 may not engage in any transaction involving the exchange
18 of Special Drawing Rights issued by the International
19 Monetary Fund that are held by the Russian Federation
20 or Belarus.

21 (b) ADVOCACY.—The Secretary of the Treasury
22 shall—

23 (1) vigorously advocate that the governments of
24 the member countries of the International Monetary
25 Fund, to the extent that the member countries issue

1 freely usable currencies, prohibit transactions involv-
2 ing the exchange of Special Drawing Rights held by
3 the Russian Federation or Belarus; and

4 (2) direct the United States Executive Director
5 at each international financial institution (as defined
6 in section 1701(c)(2) of the International Financial
7 Institutions Act) to use the voice and vote of the
8 United States to oppose the provision of financial
9 assistance to the Russian Federation and Belarus,
10 except to address basic human needs of the civilian
11 population.

12 (c) TERMINATION.—The preceding provisions of this
13 section shall have no force or effect on the earlier of—

14 (1) the date that is 5 years after the date of the
15 enactment of this Act; or

16 (2) 30 days after the date that the President
17 reports to the Congress that the governments of the
18 Russian Federation and Belarus have ceased desta-
19 bilizing activities with respect to the sovereignty and
20 territorial integrity of Ukraine.

21 (d) WAIVER.—The President may waive the applica-
22 tion of this section if the President reports to the Congress
23 that the waiver is in the national interest of the United
24 States and includes an explanation of the reasons therefor.

1 **SEC. 5456. PROHIBITION ON INSIDER TRADING.**

2 (a) IN GENERAL.—The Securities Exchange Act of
3 1934 (15 U.S.C. 78a et seq.) is amended by inserting after
4 section 16 (15 U.S.C. 78p) the following:

5 **“SEC. 16A. PROHIBITION ON INSIDER TRADING.**

6 “(a) PROHIBITION AGAINST TRADING SECURITIES
7 WHILE AWARE OF MATERIAL, NONPUBLIC INFORMA-
8 TION.—It shall be unlawful for any person, directly or in-
9 directly, to purchase, sell, or enter into, or cause the pur-
10 chase or sale of, or entry into, any security, security-based
11 swap, or security-based swap agreement if that person, at
12 the time the person takes such an action—

13 “(1) has access to information relating to such
14 security, security-based swap, or security-based swap
15 agreement that is material and nonpublic and is
16 aware (including if the person consciously avoids
17 being aware), or recklessly disregards, that such in-
18 formation is material and nonpublic; and

19 “(2) is aware (including if the person con-
20 sciously avoids being aware), or recklessly dis-
21 regards, that—

22 “(A) the information described in para-
23 graph (1) has been obtained wrongfully; or

24 “(B) the purchase, sale, or entry would
25 constitute wrongful trading on the information
26 described in paragraph (1).

1 “(b) PROHIBITION AGAINST THE WRONGFUL COM-
2 MUNICATION OF CERTAIN MATERIAL, NONPUBLIC INFOR-
3 MATION.—It shall be unlawful for any person, the pur-
4 chase or sale of a security or security-based swap (or entry
5 into a security-based swap agreement) by which would vio-
6 late subsection (a), to wrongfully communicate material,
7 nonpublic information relating to that security, security-
8 based swap, or security-based swap agreement to any
9 other person, if—

10 “(1) the person communicating the information,
11 at the time the person communicates the informa-
12 tion, is aware (including if the person consciously
13 avoids being aware), or recklessly disregards, that
14 such communication would result in such a pur-
15 chase, sale, or entry; and

16 “(2) any recipient of the wrongfully commu-
17 nicated information purchases, sells, or causes the
18 purchase or sale of any security or security-based
19 swap, or enters into (or causes the entry into) any
20 security-based swap agreement, based on that com-
21 munication.

22 “(c) STANDARD AND KNOWLEDGE REQUIREMENT.—

23 “(1) STANDARD.—For purposes of this section,
24 trading while aware of material, nonpublic informa-
25 tion under subsection (a), or communicating mate-

1 rial, nonpublic information under subsection (b), is
2 wrongful only if the information has been obtained
3 by, or the communication or trading on the informa-
4 tion would constitute, directly or indirectly—

5 “(A) theft, conversion, bribery, misrepre-
6 sentation, espionage (through electronic or
7 other means), or other unauthorized access of
8 the information;

9 “(B) a violation of any Federal law pro-
10 tecting—

11 “(i) computer data; or

12 “(ii) the intellectual property or pri-
13 vacy of computer users;

14 “(C) misappropriation from a source of the
15 information; or

16 “(D) a breach of any fiduciary duty to
17 shareholders of an issuer for a direct or indirect
18 personal benefit, including—

19 “(i) an existing or future pecuniary
20 gain or reputational benefit; or

21 “(ii) a gift of confidential information
22 to a relative or friend.

23 “(2) KNOWLEDGE REQUIREMENT.—It shall not
24 be necessary that a person trading while aware of
25 information in violation of subsection (a), or making

1 a communication in violation of subsection (b),
2 knows the specific means by which the information
3 was obtained or communicated or traded on, or the
4 specific benefit described in paragraph (1)(D) that
5 was received, paid, or promised by or to any person
6 in the chain of communication, if the person trading
7 while aware of the information or making the com-
8 munication, as applicable, at the time the person
9 makes the trade or communicates the information, is
10 aware (including if the person consciously avoids
11 being aware), or recklessly disregards, that the in-
12 formation was wrongfully obtained, wrongfully trad-
13 ed on, or wrongfully communicated.

14 “(d) AFFIRMATIVE DEFENSES.—

15 “(1) IN GENERAL.—The Commission may, by
16 rule or by order, exempt any person, security, or
17 transaction, or any class of persons, securities, or
18 transactions, from any or all of the provisions of this
19 section, upon such terms and conditions as the Com-
20 mission considers necessary or appropriate in fur-
21 therance of the purposes of this title.

22 “(2) RULE 10B5–1 COMPLIANT TRANS-
23 ACTIONS.—The prohibitions of this section shall not
24 apply to any transaction that satisfies the require-

1 ments of section 240.10b5–1 of title 17, Code of
2 Federal Regulations, or any successor regulation.

3 “(e) RULE OF CONSTRUCTION.—The rights and rem-
4 edies provided by this section shall be in addition to any
5 and all other rights and remedies that may exist at law
6 or in equity (without regard to whether such a right or
7 remedy is provided under this Act) with respect to an ac-
8 tion by a person to—

9 “(1) purchase, sell, or enter into a security, se-
10 curity-based swap, or security-based swap agreement
11 while aware of material, nonpublic information; or

12 “(2) communicate material, nonpublic informa-
13 tion relating to a security, security-based swap, or
14 security-based swap agreement.”.

15 (b) CONFORMING AMENDMENTS.—The Securities
16 Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amend-
17 ed—

18 (1) in section 3(a)(78)(A) (15 U.S.C.
19 78c(a)(78)(A)), by inserting “16A,” after “16,”;

20 (2) in section 21(d)(2) (15 U.S.C. 78u(d)(2)),
21 by striking “or the rules or regulations thereunder”
22 and inserting “, section 16A of this title, or the
23 rules or regulations under either such section”;

24 (3) in section 21A (15 U.S.C. 78u–1)—

1 (A) in subsection (g)(1), by striking “sec-
 2 tion 10(b) and Rule 10b–5 thereunder” and in-
 3 serting “section 10(b), Rule 10b–5 thereunder,
 4 and section 16A”; and

5 (B) in subsection (h)(1), by striking “sec-
 6 tion 10(b), and Rule 10b–5 thereunder” and in-
 7 serting “section 10(b), Rule 10b–5 thereunder,
 8 and section 16A”; and

9 (4) in section 21C(f) (15 U.S.C. 78u–3(f)), by
 10 striking “or the rules or regulations thereunder” and
 11 inserting “, section 16A, or the rules or regulations
 12 under either such section”.

13 **SEC. 5457. COMMUNITY DEVELOPMENT BLOCK GRANT DIS-**
 14 **ASTER RECOVERY PROGRAM.**

15 (a) IN GENERAL.—Title I of the Housing and Com-
 16 munity Development Act of 1974 is amended—

17 (1) in section 101(c) (42 U.S.C. 5301(c))—

18 (A) in paragraph (8), by striking “and” at
 19 the end;

20 (B) in paragraph (9), by striking the pe-
 21 riod at the end and inserting “; and”; and

22 (C) by inserting after paragraph (9) and
 23 before the undesignated matter at the end the
 24 following:

1 “(10) in the case of grants awarded under sec-
2 tion 123, the recovery from disasters and efforts to
3 mitigate the effects of future disasters.”;

4 (2) in section 102(a) (42 U.S.C. 5302(a))—

5 (A) in paragraph (20)(A), by inserting be-
6 fore the last sentence the following: “The term
7 ‘persons of middle income’ means families and
8 individuals whose incomes exceed 80 percent,
9 but do not exceed 120 percent, of the median
10 income of the area involved, as determined by
11 the Secretary with adjustments for smaller and
12 larger families.”; and

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

15 “(25) The term ‘major disaster’ has the mean-
16 ing given such term in section 102 of the Robert T.
17 Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5122).”;

19 (3) in section 106(c)(4) (42 U.S.C.
20 5306(c)(4))—

21 (A) in subparagraph (A)—

22 (i) by striking “declared by the Presi-
23 dent under the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act”;
25 and

1 (ii) by inserting “major” before “dis-
2 aster, any amounts”;

3 (B) in subparagraph (C), by inserting
4 “major” before “disaster”; and

5 (C) in subparagraph (F), by inserting
6 “major” before “disaster”;

7 (4) in section 122 (42 U.S.C. 5321)), by strik-
8 ing “disaster under title IV of the Robert T. Staf-
9 ford Disaster Relief and Emergency Assistance Act”
10 and inserting “major disaster”; and

11 (5) by adding at the end the following new sec-
12 tions:

13 **“SEC. 123. CDBG-DISASTER RECOVERY ASSISTANCE.**

14 **“(a) AUTHORITY; USE.—**

15 **“(1) IN GENERAL.—**The Secretary may provide
16 assistance under this section to States, including
17 Puerto Rico, units of general local government, and
18 Indian tribes for necessary expenses for activities
19 authorized under this title related to disaster relief,
20 resiliency, long-term recovery, restoration of infra-
21 structure and housing, mitigation, and economic re-
22 vitalization in the most impacted and distressed
23 areas (as such term shall be defined by the Sec-
24 retary by regulation) resulting from a major disaster
25 declared pursuant to the Robert T. Stafford Dis-

1 aster Relief and Emergency Assistance Act (42
2 U.S.C. 5121 et seq.).

3 “(2) AUTHORIZATION OF APPROPRIATIONS.—

4 For purposes of assistance under this section, there
5 are authorized to be appropriated and made avail-
6 able in the Community Development Block Grant
7 Declared Disaster Recovery Fund established under
8 section 124, such sums as are necessary to respond
9 to current or future disasters, which shall remain
10 available until expended.

11 “(b) ALLOCATION; COORDINATION.—

12 “(1) ALLOCATION AMOUNTS.—The Secretary
13 shall annually establish and publish on its website
14 an unmet needs threshold for most impacted and
15 distressed areas resulting from a major disaster that
16 shall result in a grant under this section. In deter-
17 mining the amount allocated under this section for
18 any grantee, the Secretary shall make allocations
19 based on the best available data on unmet recover
20 needs and include an additional amount, as deter-
21 mined by the Secretary, for mitigation, based on the
22 best available research, the type of disaster, and
23 such amounts awarded for mitigation for similar
24 types of disasters in prior years. Such data may in-
25 clude information from the Federal Emergency Man-

1 agement Agency, the Small business Administration,
2 and any other relevant Federal, State, or local agen-
3 cy, and data from the Bureau of the Census to as-
4 sess the unmet needs of both homeowners and rent-
5 ers.

6 “(2) DEADLINES FOR ALLOCATION.—Except as
7 provided in paragraph (3), for any major disaster
8 meeting the most impacted and distressed unmet
9 need threshold requirements in paragraph (1), the
10 Secretary shall allocate funds available to a grantee
11 for assistance under this section within 60 days of
12 the date of a major disaster declaration or 60 days
13 from when sufficient funds become available to make
14 the allocation.

15 “(3) INAPPLICABILITY OF DEADLINES BASED
16 ON INSUFFICIENT INFORMATION.—The deadlines
17 under paragraph (2) for allocation of funds shall not
18 apply in the case of funds made available for assist-
19 ance under this section if Federal Emergency Man-
20 agement Agency has not made sufficient information
21 available to the Secretary regarding relevant unmet
22 recovery needs to make allocations in accordance
23 with such deadlines. The Secretary shall notify the
24 Congress of progress on or delay in receiving the
25 necessary information within 60 days following dec-

1 laration of such a major disaster and monthly there-
2 after until all necessary information is received.

3 “(4) OBLIGATION OF AMOUNTS BY THE SEC-
4 RETARY.—Subject to subsection (c)(1), the Sec-
5 retary shall provide for the disbursement of the
6 amounts allocated for a grantee, but shall require
7 the grantee to be in substantial compliance with the
8 requirements of this section before each such dis-
9 bursement.

10 “(5) COORDINATION OF DISASTER BENEFITS
11 AND DATA WITH OTHER FEDERAL AGENCIES.—

12 “(A) COORDINATION OF DATA.—The Sec-
13 retary shall coordinate with other agencies to
14 obtain data on recovery needs, including the
15 Administrator of the Federal Emergency Man-
16 agement Agency and the Administrator of the
17 Small Business Administration, and other agen-
18 cies when necessary regarding disaster benefits.

19 “(B) COORDINATION WITH FEMA.—The
20 Secretary shall share with the Administrator of
21 the Federal Emergency Management Agency,
22 and make publicly available (with such
23 redactions necessary to protect personally iden-
24 tifiable information), all data collected, pos-
25 sessed, or analyzed during the course of a dis-

1 aster recovery for which assistance is provided
2 under this section. Notwithstanding section
3 552a of title 5, U.S.C., or any other law, the
4 Secretary may make data transfers pertaining
5 to grants under this section with the FEMA
6 Administrator, grantees, and academic and re-
7 search institutions described in section
8 123(l)(3), which transfers may disclose infor-
9 mation about an individual without the individ-
10 ual's written consent, including the use and re-
11 tention of this data for computer matching pro-
12 grams to assess disaster recovery needs and to
13 prevent the duplication of benefits and other
14 waste, fraud, and abuse; provided, that the Sec-
15 retary shall enter a data sharing agreement be-
16 fore sharing or receiving any information under
17 transfers authorized by this section. The data
18 sharing agreements must, in the determination
19 of the Secretary, include measures adequate to
20 safeguard the privacy and personally identifying
21 information of individuals. The data the Sec-
22 retary shares with the Administrator shall in-
23 clude—

24 “(i) all data on damage caused by the
25 disaster;

1 “(ii) information on how any Federal
2 assistance provided in connection with the
3 disaster is expended; and

4 “(iii) information regarding the effect
5 of the disaster on education, transportation
6 capabilities and dependence, housing
7 needs, health care capacity, and displace-
8 ment of persons.

9 “(C) REQUIREMENTS REGARDING ELIGI-
10 BILITY FOR DIRECT ASSISTANCE AND DUPLICA-
11 TION OF BENEFITS.—

12 “(i) COMPLIANCE.—Funds made
13 available under this subsection shall be
14 used in accordance with section 312 of the
15 Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act (42 U.S.C.
17 5155), as amended by section 1210 of the
18 Disaster Recovery Reform Act of 2018 (di-
19 vision D, Public Law 115–254), and such
20 rules as may be prescribed under such sec-
21 tion.

22 “(ii) PRIORITY.—Households having
23 the lowest incomes shall be prioritized for
24 direct assistance under this subsection
25 until all unmet needs are satisfied for fam-

1 ilies having an income up to 120 percent
2 of the median for the area.

3 “(D) TREATMENT OF DUPLICATIVE BENE-
4 FITS.—In any case in which a grantee provides
5 assistance that duplicates benefits available to a
6 person for the same purpose from another
7 source, the grantee itself shall either (i) be sub-
8 ject to remedies for noncompliance under sec-
9 tion 111, or (ii) bear responsibility for absorb-
10 ing such cost of duplicative benefits and return-
11 ing an amount equal to any duplicative benefits
12 paid to the grantee’s funds available for use
13 under this section or to the Community Devel-
14 opment Block Grant Declared Disaster Recov-
15 ery Fund under section 124, unless the Sec-
16 retary issues a public determination by publica-
17 tion in the Federal Register that it is not in the
18 best interest of the Federal Government to pur-
19 sue such remedies based on hardships identified
20 in subparagraph (E) or other reasons.

21 “(E) WAIVER OF RECOUPMENT.—A grant-
22 ee of assistance from funds made available for
23 use under this section may request a waiver
24 from the Secretary of any recoupment by the
25 Secretary of such funds for amounts owed by

1 persons who have received such assistance from
2 such funds and who have been defrauded, or
3 after receiving assistance, have filed for bank-
4 ruptcy, gone through a foreclosure procedure on
5 property that received such assistance, or are
6 deceased. If the grantee self-certifies to the Sec-
7 retary in such request that it has verified that
8 the individual conditions of each person it is re-
9 questing a waiver for meets one of the condi-
10 tions specified in the preceding sentence, the
11 Secretary may grant such waivers on the basis
12 of grantee self-certification, issue a public de-
13 termination by publication in the Federal Reg-
14 ister that it is not in the best interest of the
15 Federal Government to pursue such
16 recoupment, and may conduct oversight to
17 verify grantee self-certification and subject the
18 grantee to remedies for noncompliance for any
19 amounts that have not met such requirements.

20 “(F) PROTECTION OF PERSONALLY IDEN-
21 TIFIABLE INFORMATION.—In carrying out this
22 paragraph, the Secretary and the grantee shall
23 take such actions as may be necessary to ensure
24 that personally identifiable information regard-
25 ing recipients of assistance provided from funds

1 made available under this section is not made
2 publicly available by the Department of Hous-
3 ing and Urban Development or any agency with
4 which information is shared pursuant to this
5 paragraph.

6 “(c) PLAN FOR USE OF ASSISTANCE.—

7 “(1) REQUIREMENT.—Not later than 90 days
8 after the allocation pursuant to subsection (b)(1) of
9 all of the funds made available by an appropriations
10 Act for assistance under this section and before the
11 Secretary obligates any of such funds for a grantee,
12 the grantee shall submit a plan to the Secretary for
13 approval detailing the proposed use of all funds,
14 which shall include, at a minimum—

15 “(A) criteria for eligibility for each pro-
16 posed use of funds, including eligibility limits
17 on income and geography, and a description of
18 how each proposed use of such funds will com-
19 ply with all civil rights and fair housing laws
20 and will address disaster relief, resiliency, long-
21 term recovery, restoration of infrastructure and
22 housing, hazard mitigation, and economic revi-
23 talization in the most impacted and distressed
24 areas, including, as appropriate, assistance for
25 the benefit of impacted households experiencing

1 homelessness as defined by section 103 of the
2 McKinney-Vento Homeless Assistance Act (42
3 U.S.C. 11302) or at risk of homelessness as de-
4 fined by section 401 of such Act (42 U.S.C.
5 11360);

6 “(B) an agreement to share data,
7 disaggregated by the smallest census tract,
8 block group, or block possible for the data set,
9 with Federal agencies and other providers of
10 disaster relief, which shall include information
11 the grantee has regarding the matters described
12 in subsection (b)(4)(B);

13 “(C) identification of officials and offices
14 responsible for administering such funds and
15 processes and procedures for identifying and re-
16 covering duplicate benefits;

17 “(D) for grantees other than Indian tribes,
18 a plan for compliance with the Fair Housing
19 Act, which may include, at the election of the
20 grantee, providing for partnerships with local
21 fair housing organizations and funding set-aside
22 for local fair housing organizations to handle
23 complaints relating to assistance with amounts
24 made available for use under this section; and

1 “(E) a plan to provide for the funding and
2 delivery of—

3 “(i) case management services to as-
4 sist disaster-impacted residents in identi-
5 fying, understanding, and accessing avail-
6 able assistance; and

7 “(ii) housing counseling services
8 through housing counseling agencies ap-
9 proved by the Secretary to assist disaster-
10 impacted residents with mortgage assist-
11 ance, housing affordability, homeownership,
12 tenancy, avoiding foreclosure and
13 eviction, and other housing counseling top-
14 ics;

15 “(F) a plan for addressing displacement or
16 relocation caused by activities performed pursu-
17 ant to this section,

18 such a plan shall set forth how housing coun-
19 seling services will be delivered in coordination
20 with case management services; and

21 “(G) a plan for addressing displacement or
22 relocation caused by activities performed pursu-
23 ant to this section.

24 “(2) IMPLEMENTATION FUNDING.—To speed
25 recovery, the Secretary may award a portion of a

1 grant for implementation purposes under this sec-
2 tion at the time the Secretary announces the alloca-
3 tion of funds and before the Secretary has issued
4 pre-grant certifications and the grantee has made
5 required submissions to the Secretary, and with the
6 following conditions:

7 “(A) Implementation funding under this
8 paragraph shall not exceed 10 percent of the
9 grant awarded under subsection (a).

10 “(B) Implementation funding shall be lim-
11 ited to eligible activities that, in the determina-
12 tion of the Secretary, will support faster recov-
13 ery, improve the grantee’s ability to assess
14 unmet recovery needs, plan for the prevention
15 of improper payments, and reduce fraud, waste,
16 and abuse.

17 “(C) Awards under this subsection shall
18 not be subject to the substantial compliance de-
19 termination under subsection (b)(4).

20 “(3) APPROVAL.—

21 “(A) IN GENERAL.—The Secretary shall,
22 by regulation, specify criteria for approval of
23 plans under paragraph (1), including approval
24 of substantial amendments to such plans.

1 “(B) PARTIAL APPROVAL.—The Secretary
2 may approve a plan addressing the use of funds
3 for unmet recovery needs under paragraph (1)
4 before approving a plan addressing the use of
5 funds for mitigation.

6 “(4) DISAPPROVAL.—The Secretary shall dis-
7 approve a plan or substantial amendment to a plan
8 if—

9 “(A) the plan or substantial amendment
10 does not meet the approval criteria;

11 “(B) based on damage and unmet needs
12 assessments of the Secretary and the Federal
13 Emergency Management Administration or
14 such other information as may be available, the
15 plan or substantial amendment describing ac-
16 tivities to address unmet recovery needs does
17 not provide an allocation of resources that is
18 reasonably proportional to unmet need—

19 “(i) between infrastructure and hous-
20 ing activities; and

21 “(ii) between homeowners, renters,
22 and persons experiencing homelessness;

23 “(C) unless the plan is submitted by an In-
24 dian tribe, the plan or amendment does not pro-
25 vide an adequate plan for ensuring that funding

1 provided under this section is used in compli-
2 ance with the Fair Housing Act;

3 “(D) the plan or substantial amendment
4 does not adequately address, as determined by
5 the Secretary in regulation, the unmet needs for
6 replacement or rehabilitation of certain dis-
7 aster-damaged housing units, with cost adjust-
8 ment where appropriate, including damaged
9 dwelling units in public housing, as such term
10 is defined in section 3(b) of the United States
11 Housing Act of 1937 (42 U.S.C. 1437a(b)),
12 projects receiving tax credits pursuant to sec-
13 tion 42 of the Internal Revenue Code of 1986,
14 or for projects assisted under section 8 of the
15 Housing Act of 1937 (42 U.S.C. 1437f), under
16 section 202 of the Housing Act of 1959 (12
17 U.S.C. 1701q), under section 811 of the Cran-
18 ston-Gonzalez National Affordable Housing Act
19 (42 U.S.C. 8013), under the HOME Invest-
20 ment Partnerships Act (42 U.S.C. 12721 et
21 seq.), under the community development block
22 grant program under this title, or by the Hous-
23 ing Trust Fund under section 1338 of the Fed-
24 eral Housing Enterprises Financial Safety and
25 Soundness Act of 1992 (12 U.S.C. 4568) or

1 any low and moderate income dwelling units de-
2 molished or converted to a use other than for
3 housing for low and moderate income persons,
4 as defined in section 104(d) of this Act (42
5 U.S.C. 5304(d));

6 “(E) the plan or substantial amendment
7 does not use a percentage of the grant, as de-
8 termined by the Secretary in regulation, for ac-
9 quisition, rehabilitation, reconstruction, or other
10 activities permitted by the Secretary to provide
11 affordable rental housing to benefit persons of
12 low and moderate income, which rental housing
13 will, upon completion, be occupied by such per-
14 sons; or

15 “(F) the plan or substantial amendment
16 does not provide a process to provide appli-
17 cants—

18 “(i) notice by grantee of applicant’s
19 right to administrative appeal of any ad-
20 verse action on the applicant’s application;
21 and

22 “(ii) right to full discovery of appli-
23 cant’s entire application file.

1 “(5) PUBLIC CONSULTATION.—In developing
2 the plan required under paragraph (1), a grantee
3 shall, at a minimum—

4 “(A) consult with affected residents, stake-
5 holders, local governments, and public housing
6 authorities to assess needs;

7 “(B) publish the plan in accordance with
8 the requirements set forth by the Secretary, in-
9 cluding a requirement to prominently post the
10 plan on the website of the grantee for not less
11 than 14 days;

12 “(C) ensure equal access for individuals
13 with disabilities and individuals with limited
14 English proficiency; and

15 “(D) publish the plan in a manner that af-
16 fords citizens, affected local governments, and
17 other interested parties a reasonable oppor-
18 tunity to examine the contents of the plan and
19 provide feedback.

20 “(6) RESUBMISSION.—The Secretary shall per-
21 mit a grantee to revise and resubmit a disapproved
22 plan or plan amendment.

23 “(7) TIMING.—

24 “(A) IN GENERAL.—The Secretary shall
25 approve or disapprove a plan not later than 60

1 days after submission of the plan to the Sec-
2 retary. The Secretary shall immediately notify
3 the State, unit of general local government, or
4 Indian tribe that submitted the plan or sub-
5 stantial amendment of the Secretary's decision.

6 “(B) DISAPPROVAL.—If the Secretary dis-
7 approves a plan or a substantial amendment,
8 not later than 15 days after such disapproval
9 the Secretary shall inform the State, unit of
10 general local government, or Indian tribe in
11 writing of (i) the reasons for disapproval, and
12 (ii) actions that the State, unit of general local
13 government, or Indian tribe could take to meet
14 the criteria for approval.

15 “(C) SUBSTANTIAL AMENDMENTS; RESUB-
16 MISSION.—The Secretary shall, for a period of
17 not less than 45 days following the date of dis-
18 approval, permit the revision and resubmission
19 of any plan or substantial amendment that is
20 disapproved. The Secretary shall approve or
21 disapprove a resubmission of any plan or sub-
22 stantial amendment not less than 30 days after
23 receipt of such substantial amendments or re-
24 submission.

1 “(D) GRANT AGREEMENTS.—Subject to
2 subsection (b)(3), the Secretary shall ensure
3 that all grant agreements necessary for prompt
4 disbursement of funds allocated to a grantee
5 are signed by the Secretary within 60 days of
6 approval of grantee’s plan describing the use of
7 such funds.

8 “(d) FINANCIAL CONTROLS.—

9 “(1) COMPLIANCE SYSTEM.—The Secretary
10 shall develop and maintain a system to ensure that
11 each grantee has and will maintain for the life of the
12 grant—

13 “(A) proficient financial controls and pro-
14 curement processes;

15 “(B) adequate procedures to ensure that
16 eligible applicants are approved for assistance
17 with amounts made available for use under this
18 section and that recipients are provided the full
19 amount of assistance for which they are eligible,
20 subject to funding availability;

21 “(C) adequate procedures to prevent any
22 duplication of benefits, as defined by section
23 312 of the Robert T. Stafford Disaster Relief
24 and Emergency Assistance Act (42 U.S.C.
25 5155), to ensure timely expenditure of funds,

1 and to detect and prevent waste, fraud, and
2 abuse of funds; and

3 “(D) adequate procedures to ensure the
4 grantee will maintain comprehensive and pub-
5 licly accessible websites that make available in-
6 formation regarding all disaster recovery activi-
7 ties assisted with such funds, which information
8 shall include common reporting criteria estab-
9 lished by the Secretary that permits individuals
10 and entities awaiting assistance and the general
11 public to see how all grant funds are used, in-
12 cluding copies of all relevant, unredacted pro-
13 curement documents, grantee administrative
14 contracts and details of ongoing procurement
15 processes, as determined by the Secretary.

16 “(2) EVALUATION OF COMPLIANCE.—The Sec-
17 retary shall provide, by regulation or guideline, a
18 method for qualitatively and quantitatively evalu-
19 ating compliance with the requirements under para-
20 graph (1).

21 “(3) CERTIFICATION.—Before making a grant,
22 the Secretary shall certify in advance that the grant-
23 ee has in place the processes and procedures re-
24 quired under subparagraphs (A) through (D) of
25 paragraph (1), as determined by the Secretary. No

1 additional certification is necessary if the Secretary
2 has recently certified that the grantee has the re-
3 quired processes and procedures. The Secretary may
4 permit a State, unit of general local government, or
5 Indian tribe to demonstrate compliance with require-
6 ments for adequate financial controls before disas-
7 ters occur and before receiving an allocation for a
8 grant under this section.

9 “(e) USE OF FUNDS.—

10 “(1) ADMINISTRATIVE COSTS.—

11 “(A) IN GENERAL.—The Secretary shall
12 establish by regulation the maximum grant
13 amounts a State, unit of general local govern-
14 ment, or Indian tribe may use for administra-
15 tive costs, and for technical assistance and
16 planning activities, taking into consideration
17 size of grant, complexity of recovery, and other
18 factors as determined by the Secretary.
19 Amounts available for administrative costs for a
20 grant under this section shall be available for
21 eligible administrative costs of the grantee for
22 any grant made under this section, without re-
23 gard to a particular disaster.

24 “(B) DISCRETION TO ESTABLISH SLIDING
25 SCALE.—The Secretary may establish a series

1 of percentage limitations on the amount of
2 grant funds received that may be used by a
3 grantee for administrative costs, but only if—

4 “(i) such percentage limitations are
5 based on the amount of grant funds re-
6 ceived by a grantee;

7 “(ii) such series provides that the per-
8 centage that may be so used is lower for
9 grantees receiving a greater amount of
10 grant funds and such percentage that may
11 be so used is higher for grantees receiving
12 a lesser amount of grant funds; and

13 “(iii) in no case may a grantee so use
14 more than 10 percent of grant funds re-
15 ceived.

16 “(2) LIMITATIONS ON USE.—Amounts from a
17 grant under this section may not be used for activi-
18 ties—

19 “(A) that are reimbursable, or for which
20 funds are made available, by the Federal Emer-
21 gency Management Agency, including under the
22 Robert T. Stafford Disaster Relief and Emer-
23 gency Assistance Act or the National Flood In-
24 surance Program; or

1 “(B) for which funds are made available
2 by the Army Corps of Engineers.

3 “(3) HUD ADMINISTRATIVE COSTS.—

4 “(A) LIMITATION.—Of any funds made
5 available to the Community Development Block
6 Grant Declared Disaster Recovery Fund estab-
7 lished under section 124 or otherwise made
8 available for use under this section by any sin-
9 gle appropriations Act, the Secretary may use 1
10 percent of any such amount for necessary costs,
11 including information technology costs, of ad-
12 ministering and overseeing the obligation and
13 expenditure of amounts made available for use
14 under this section.

15 “(B) TRANSFER OF FUNDS.—Any amounts
16 made available for use in accordance with sub-
17 paragraph (A)—

18 “(i) shall be transferred to the appro-
19 priate salaries and expenses account in the
20 Community Development Block Grant De-
21 clared Disaster Recovery Fund established
22 under section 124 for use by the Office of
23 Disaster Recovery and Resilient Commu-
24 nities;

1 “(ii) shall remain available until ex-
2 pended; and

3 “(iii) may be used for administering
4 any funds appropriated for the same pur-
5 poses described in section 123(a) to the
6 Community Development fund or Commu-
7 nity Development Block Grant Declared
8 Disaster Recovery Fund established under
9 section 124 in any prior or future Act, not-
10 withstanding the disaster for which such
11 funds were appropriated.

12 “(4) INSPECTOR GENERAL.—Of any funds
13 made available for use in accordance with paragraph
14 (3)(A), 15 percent shall be transferred to the Office
15 of the Inspector General for necessary costs of au-
16 dits, reviews, oversight, evaluation, and investiga-
17 tions relating to amounts made available for use
18 under this section.

19 “(5) CAPACITY BUILDING.—Of any funds made
20 available for use under this section, not more than
21 0.1 percent or \$15,000,000, whichever is less, shall
22 be made available to the Secretary for capacity
23 building and technical assistance, including assist-
24 ance regarding contracting and procurement proc-

1 esses, to support grantees and subgrantees receiving
2 funds under this section.

3 “(6) MITIGATION PLANNING.—

4 “(A) REQUIREMENT.—The Secretary shall
5 require each grantee to use a fixed percentage
6 of any allocation for mitigation for comprehen-
7 sive mitigation planning, subject to the limita-
8 tions on funds in paragraph (2).

9 “(B) AMOUNT.—The Secretary may estab-
10 lish such fixed percentage by regulation and
11 may establish a lower percentage for grantees
12 receiving a grant exceeding \$1,000,000,000.

13 “(C) COORDINATION.—Each grantee shall
14 ensure that such comprehensive mitigation
15 planning is coordinated and aligned with exist-
16 ing comprehensive, land use, transportation,
17 and economic development plans, and specifi-
18 cally analyze multiple types of hazard exposures
19 and risks. Each grantee shall coordinate and
20 align such mitigation planning with other miti-
21 gation projects funded by the Federal Emer-
22 gency Management Agency, the Army Corps of
23 Engineers, the Forest Service, and other agen-
24 cies as appropriate.

1 “(D) USE OF FUNDS.—Such funds may be
2 used for the purchase of data and development
3 or updating of risk mapping for all relevant
4 hazards.

5 “(E) PRIORITY.—Grantees shall prioritize
6 the expenditure of grant funds to support haz-
7 ard mitigation and resiliency funds for activities
8 primarily benefitting persons of low and mod-
9 erate income with the greatest risk of harm
10 from natural hazards.

11 “(7) BUILDING SAFETY.—

12 “(A) IN GENERAL.—In consultation with
13 the Administrator of the Federal Emergency
14 Management Agency, the Secretary shall pro-
15 vide that no funds made available under this
16 section shall be used for installation, substantial
17 rehabilitation, reconstruction, or new construc-
18 tion of infrastructure or residential, commercial,
19 or public buildings in hazard-prone areas, un-
20 less construction complies with paragraph (8)
21 and with the latest published editions of rel-
22 evant national consensus-based codes, and spec-
23 ifications and standards referenced therein, ex-
24 cept that nothing in this section shall be con-

1 strued to prohibit a grantee from requiring
2 higher standards.

3 “(B) SAVINGS PROVISION.—Nothing in
4 subparagraph (A) shall be construed as a re-
5 quirement for a grantee to adopt the latest pub-
6 lished editions of relevant national consensus-
7 based codes, specifications, and standards.

8 “(C) COMPLIANCE.—Compliance with this
9 paragraph may be certified by a suitable design
10 professional.

11 “(D) DEFINITIONS.—For purposes of this
12 paragraph, the following definitions shall apply:

13 “(i) HAZARD-PRONE AREAS.—The
14 term ‘hazard-prone areas’ means areas
15 identified by the Secretary, in consultation
16 with the Administrator, at risk from nat-
17 ural hazards that threaten property dam-
18 age or health, safety, and welfare, such as
19 floods (including special flood hazard
20 areas), wildfires (including Wildland-Urban
21 Interface areas), earthquakes, tornados,
22 and high winds. The Secretary may con-
23 sider future risks and the likelihood such
24 risks may pose to protecting property and
25 health, safety, and general welfare when

1 making the determination of or modifica-
2 tion to hazard-prone areas.

3 “(ii) LATEST PUBLISHED EDITIONS.—

4 The term ‘latest published editions’ means,
5 with respect to relevant national con-
6 sensus-based codes, and specifications and
7 standards referenced therein, the two most
8 recent published editions, including, if any,
9 amendments made by States, units of gen-
10 eral local government, or Indian tribes dur-
11 ing the adoption process, that incorporate
12 the latest natural hazard-resistant designs
13 and establish criteria for the design, con-
14 struction, and maintenance of structures
15 and facilities that may be eligible for as-
16 sistance under this section for the purposes
17 of protecting the health, safety, and gen-
18 eral welfare of a structure’s or facility’s
19 users against disasters.

20 “(8) FLOOD RISK MITIGATION.—

21 “(A) REQUIREMENTS.—Subject to sub-
22 paragraph (B), the Secretary shall require that
23 any structure that is located in an area having
24 special flood hazards and that is newly con-
25 structed, for which substantial damage is re-

1 paired, or that is substantially improved, using
2 amounts made available under this section,
3 shall be elevated with the lowest floor, including
4 the basement, at least two feet above the base
5 flood level, or to a future flood protection
6 standard that provides equivalent protection
7 and is developed in conjunction with the Admin-
8 istrator of the Federal Emergency Management
9 Agency, except that critical facilities, including
10 hospitals, nursing homes, and other public fa-
11 cilities providing social and economic lifelines,
12 as defined by the Secretary, shall be elevated at
13 least 3 feet above the base flood elevation (or
14 higher if required under paragraph (7)).

15 “(B) ALTERNATIVE MITIGATION.—In the
16 case of existing structures consisting of multi-
17 family housing and row houses, and other
18 structures, as determined by the Secretary, the
19 Secretary shall seek consultation with the Ad-
20 ministrator of the Federal Emergency Manage-
21 ment Agency, shall provide for alternative forms
22 of mitigation (apart from elevation), and shall
23 exempt from the requirement under subpara-
24 graph (A) any such structure that meets the

1 standards for such an alternative form of miti-
2 gation.

3 “(C) DEFINITIONS.—For purposes of sub-
4 paragraph (A), the terms ‘area having special
5 flood hazards’, ‘newly constructed’, ‘substantial
6 damage’, ‘substantial improvement’, and ‘base
7 flood level’ have the same meanings as under
8 the Flood Disaster Protection Act of 1973 and
9 the National Flood Insurance Act of 1968 (42
10 U.S.C. 4001 et seq.).

11 “(f) ADMINISTRATION.—In administering any
12 amounts made available for assistance under this section,
13 the Secretary—

14 “(1) may not allow a grantee to use any such
15 amounts for any purpose other than the purpose ap-
16 proved by the Secretary in the plan or amended plan
17 submitted under subsection (c) to the Secretary for
18 use of such amounts; and

19 “(2) shall prohibit a grantee from delegating,
20 by contract or otherwise, the responsibility for inher-
21 ent government functions.

22 “(g) TRAINING FOR GRANT MANAGEMENT FOR SUB-
23 GRANTEES.—The Secretary shall require each grantee to
24 provide ongoing training to all staff and subgrantees.

1 “(h) PROCUREMENT PROCESSES AND PROCEDURES
2 FOR GRANTEES.—

3 “(1) GRANTEE PROCESSES AND PROCE-
4 DURES.—In procuring property or services to be
5 paid for in whole or in part with amounts from a
6 grant under this section, a grantee shall—

7 “(A) follow its own procurement processes
8 and procedures, but only if the Secretary makes
9 a determination that such processes and proce-
10 dures comply with the requirements under
11 paragraph (2); or

12 “(B) comply with such processes and pro-
13 cedures as the Secretary shall, by regulation,
14 establish for purposes of this section.

15 “(2) REQUIREMENTS.—The requirements under
16 this paragraph with respect to such processes and
17 procedures shall—

18 “(A) provide for full and open competition
19 and compliance with applicable statutory re-
20 quirements on the use of Federal funds, and re-
21 quire cost or price analysis;

22 “(B) include requirements for procurement
23 policies and procedures for subgrantees;

24 “(C) specify methods of procurement and
25 their applicability, but not allow cost-plus-a-per-

1 centage-of cost or percentage-of-construction-
2 cost methods of procurement;

3 “(D) include standards of conduct gov-
4 erning employees engaged in the award or ad-
5 ministration of contracts; and

6 “(E) ensure that all purchase orders and
7 contracts include any clauses required by Fed-
8 eral statute, Executive order, or implementing
9 regulation.

10 “(i) TREATMENT OF CDBG ALLOCATIONS.—
11 Amounts made available for use under this section shall
12 not be considered relevant to the non-disaster formula al-
13 locations made pursuant to section 106 of this title (42
14 U.S.C. 5306).

15 “(j) WAIVERS.—

16 “(1) AUTHORITY.—Subject to the other provi-
17 sions of this section, in administering amounts made
18 available for use under this section, the Secretary
19 may waive, or specify alternative requirements for,
20 any provision of any statute or regulation that the
21 Secretary administers in connection with the obliga-
22 tion by the Secretary or the use by the recipient of
23 such funds (except for requirements related to fair
24 housing, nondiscrimination, labor standards, and the
25 environment and except for the requirements of this

1 section), if the Secretary makes a public finding that
2 good cause exists for the waiver or alternative re-
3 quirement and such waiver or alternative require-
4 ment would not be inconsistent with the overall pur-
5 poses of this title.

6 “(2) NOTICE AND PUBLICATION.—Any waiver
7 of or alternative requirement pursuant to paragraph
8 (1) shall not take effect before the expiration of the
9 5-day period beginning upon the publication of no-
10 tice in the Federal Register of such waiver or alter-
11 native requirement.

12 “(3) APPLICABLE REQUIREMENTS AND BEN-
13 EFIT TO LOW- AND MODERATE-INCOME PERSONS.—

14 “(A) IN GENERAL.—The requirements in
15 this Act that apply to grants made under sec-
16 tion 106 of this title (except those related to the
17 allocation) apply equally to grants under this
18 section unless modified by a waiver or alter-
19 native requirement pursuant to paragraph (1).

20 “(B) LIMITATION.—Notwithstanding sub-
21 paragraph (A), the Secretary may not grant a
22 waiver or alternative requirement to reduce the
23 percentage of funds that must be used for ac-
24 tivities that benefit persons of low and mod-
25 erate income to less than 70 percent, unless the

1 Secretary specifically finds that there is compel-
2 ling need to further reduce the percentage re-
3 quirement and that funds are not necessary to
4 address the housing needs of low- and mod-
5 erate-income residents.

6 “(4) PROHIBITION.—The Secretary may not
7 use the authority under paragraph (1) to waive any
8 provision of this section.

9 “(k) ENVIRONMENTAL REVIEW.—

10 “(1) ADOPTION.—Notwithstanding subsection
11 (j)(1), recipients of funds provided under this section
12 that use such funds to supplement Federal assist-
13 ance provided under section 402, 403, 404, 406,
14 407, 408(c)(4), 428, or 502 of the Robert T. Staf-
15 ford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. 5121 et seq.) may adopt, without review
17 or public comment, any environmental review, ap-
18 proval, or permit performed by a Federal agency,
19 and such adoption shall satisfy the responsibilities of
20 the recipient with respect to such environmental re-
21 view, approval, or permit under section 104(g)(1) of
22 this title (42 U.S.C. 5304(g)(1)).

23 “(2) RELEASE OF FUNDS.—Notwithstanding
24 section 104(g)(2) of this title (42 U.S.C.
25 5304(g)(2)), the Secretary may, upon receipt of a

1 request for release of funds and certification, imme-
2 diately approve the release of funds for an activity
3 or project assisted with amounts made available for
4 use under this section if the recipient has adopted
5 an environmental review, approval or permit under
6 paragraph (1) or the activity or project is categori-
7 cally excluded from review under the National Envi-
8 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
9 seq.).

10 “(3) STATE ACTIONS.—The requirements of
11 section 104(g)(4) shall apply to assistance under
12 this section that a State distributes to a unit of gen-
13 eral local government.

14 “(1) COLLECTION OF INFORMATION; AUDITS AND
15 OVERSIGHT.—

16 “(1) COLLECTION OF INFORMATION.—For each
17 major disaster for which assistance is made available
18 under this section, the Secretary shall collect infor-
19 mation from grantees regarding all recovery activi-
20 ties so assisted, including information on applicants
21 and recipients of assistance, and shall make such in-
22 formation available to the public and to the Inspec-
23 tor General for the Department of Housing and
24 Urban Development on a monthly basis using uni-
25 form data collection practices, and shall provide a

1 quarterly update to the Congress regarding compli-
2 ance with this section. Information collected and re-
3 ported by grantees and the Secretary shall be
4 disaggregated by program, race, income, geography,
5 and all protected classes of individuals under the
6 Americans with Disabilities Act of 1990, the Fair
7 Housing Act, the Civil Rights Act of 1964, and
8 other civil rights and nondiscrimination protections,
9 with respect to the smallest census tract, block
10 group, or block possible for the data set.

11 “(2) AVAILABILITY OF INFORMATION.—In car-
12 rying out this paragraph, the Secretary may make
13 full and unredacted information available to aca-
14 demic and research institutions for the purpose of
15 research into the equitable distribution of recovery
16 funds, adherence to civil rights protections, and
17 other areas.

18 “(3) PROTECTION OF INFORMATION.—The Sec-
19 retary shall take such actions and make such
20 redactions as may be necessary to ensure that per-
21 sonally identifiable information regarding recipients
22 of assistance provided from funds made available
23 under this section shall not made publicly available.

24 “(4) AUDITS AND OVERSIGHT.—In conducting
25 audits, reviews, oversight, evaluation, and investiga-

1 tions, in addition to activities designed to prevent
2 and detect waste, fraud, and abuse, the Inspector
3 General shall review activities carried out by grant-
4 ees under this section to ensure such programs fulfill
5 their authorized purposes, as identified in the grant-
6 ee's action plan.

7 “(m) PLAN PRE-CERTIFICATION FOR STATES AND
8 UNITS OF GENERAL LOCAL GOVERNMENT.—

9 “(1) IN GENERAL.—The Secretary shall carry
10 out a program under this subsection to provide for
11 States and units of general local government to pre-
12 certify as eligible grantees for assistance under this
13 section. The objective of such program shall be to—

14 “(A) allow grantees that have consistently
15 demonstrated the ability to administer funds re-
16 sponsibly and equitably in similar disasters to
17 utilize in subsequent years plans which are sub-
18 stantially similar to those the Department has
19 previously approved; and

20 “(B) facilitate the re-use of a plan or its
21 substantially similar equivalent by a pre-cer-
22 tified grantee for whom the plan has previously
23 been approved and executed upon.

24 “(2) REQUIREMENTS.—To be eligible for pre-
25 certification under the program under this sub-

1 section a State or unit of general local government
2 shall—

3 “(A) demonstrate to the satisfaction of the
4 Secretary compliance with the requirements of
5 this section; and

6 “(B) have previously submitted a plan or
7 its substantially similar equivalent and received
8 assistance thereunder as a grantee or sub-
9 grantee under this section, or with amounts
10 made available for the Community Development
11 Block Grant—Disaster Recovery account, in
12 connection with two or more major disasters de-
13 clared pursuant to the Robert T. Stafford Dis-
14 aster Relief and Emergency Assistance Act (42
15 U.S.C. 5121 et seq.).

16 “(3) APPROVAL OF PLANS.—

17 “(A) EXPEDITED APPROVAL PROCESSES.—
18 The Secretary shall establish and maintain
19 processes for expediting approval of plans for
20 States and units of general local government
21 that are pre-certified under this subsection.

22 “(B) EFFECT OF PRE-CERTIFICATION.—
23 Pre-certification pursuant to this subsection
24 shall not—

1 “(i) establish any entitlement to, or
2 priority or preference for, allocation of
3 funds made available under this section; or

4 “(ii) exempt any grantee from com-
5 plying with any of the requirements under,
6 or established pursuant to, subsection (c)
7 or (d).

8 “(4) DURATION.—Pre-certification under this
9 subsection shall be effective for a term of 5 years.

10 “(n) DEPOSIT OF UNUSED AMOUNTS IN FUND.—

11 “(1) UNMET NEEDS.—If any amounts made
12 available for assistance for unmet needs under this
13 section to grantees remain unexpended upon the ear-
14 lier of—

15 “(A) the date that the grantee of such
16 amounts notifies the Secretary that the grantee
17 has completed all activities identified in the
18 grantee’s plan for use of such amounts that was
19 approved by the Secretary in connection with
20 such grant; or

21 “(B) the expiration of the 6-year period
22 beginning upon the Secretary obligating such
23 amounts to the grantee, as such period may be
24 extended pursuant to paragraph (3);

1 the Secretary may, subject to authority provided in
2 advance by appropriations Acts, transfer such unex-
3 pended amounts to the Secretary of the Treasury for
4 deposit into the Community Development Block
5 Grant Declared Disaster Recovery Fund established
6 under section 124, except that the Secretary may, by
7 regulation, permit the grantee to retain amounts
8 needed to close out the grant.

9 “(2) MITIGATION.—If any amounts made avail-
10 able for assistance for mitigation under this section
11 to grantees remain unexpended upon the earlier of—

12 “(A) the date that the grantee of such
13 amounts notifies the Secretary that the grantee
14 has completed all activities identified in the
15 grantee’s plan for use of such amounts that was
16 approved by the Secretary in connection with
17 such grant; or

18 “(B) the expiration of the 12-year period
19 beginning upon the Secretary obligating such
20 amounts to the grantee, as such period may be
21 extended pursuant to paragraph (3);

22 the Secretary may, subject to authority provided in
23 advance by appropriations Acts, transfer such unex-
24 pended amounts to the Secretary of the Treasury for
25 deposit into the Community Development Block

1 Grant Declared Disaster Recovery Fund established
2 under section 124, except that the Secretary may, by
3 regulation, permit the grantee to retain amounts
4 needed to close out the grant.

5 “(3) EXTENSION OF PERIOD OF PERFORM-
6 ANCE.—

7 “(A) UNMET NEEDS.—

8 “(i) IN GENERAL.—The period of per-
9 formance under paragraph (1)(B) shall be
10 extended by not more than 4 years if, be-
11 fore the expiration of such 6-year period,
12 the Secretary waives this requirement and
13 submits a written justification for such
14 waiver to the Committees on Appropria-
15 tions of the House of Representatives and
16 the Senate that specifies the amended pe-
17 riod of performance under the waiver.

18 “(ii) INSULAR AREAS.—For any
19 amounts made available for unmet needs
20 under this section to a grantee that is an
21 insular area as defined in section 102, the
22 Secretary may extend the period of per-
23 formance under clause (i) by not more
24 than an additional 4 years, and shall pro-
25 vide additional technical assistance to help

1 increase capacity within the insular area
2 receiving such extension. If the Secretary
3 extends the period of performance pursu-
4 ant to this subparagraph, the Secretary
5 shall submit a written justification for such
6 extension to the Committees on Appropria-
7 tions of the House of Representatives and
8 the Senate that specifies the period of such
9 extension.

10 “(B) MITIGATION.—The period under
11 paragraph (2)(B) shall be extended to a date
12 determined by the Secretary if, before the expi-
13 ration of such 12-year period, the Secretary
14 issues a waiver to amend the period of perform-
15 ance and submits a written justification for
16 such waiver to the Committees on Appropria-
17 tions of the House of Representatives and the
18 Senate that specifies the amended period of
19 performance under the waiver.

20 “(o) BEST PRACTICES.—

21 “(1) STUDY.—The Secretary, in consultation
22 with the Administrator of the Federal Emergency
23 Management Agency, shall identify best practices for
24 grantees on issues including developing the action
25 plan and substantial amendments under subsection

1 (c) and substantive amendments, establishing finan-
2 cial controls, building grantee technical and adminis-
3 trative capacity, procurement, compliance with Fair
4 Housing Act statute and regulations, and use of
5 grant funds as local match for other sources of Fed-
6 eral funding. The Secretary shall publish a compila-
7 tion of such identified best practices and share with
8 all relevant grantees, including States, units of gen-
9 eral local government, and Indian tribes to facilitate
10 a more efficient and effective disaster recovery proc-
11 ess. The compilation shall include—

12 “(A) guidelines for housing and economic
13 revitalization programs, including mitigation,
14 with sufficient model language on program de-
15 sign for grantees to incorporate into action
16 plans; and

17 “(B) standards for at least form of appli-
18 cation, determining unmet need, and income eli-
19 gibility.

20 “(2) EXPEDITED REVIEW.—

21 “(A) REQUIREMENTS.—After publication
22 of the final compilation required by paragraph
23 (1), the Secretary shall issue either Federal reg-
24 ulations, as part of the final rule required
25 under section 5403(b) of the National Defense

1 Authorization Act for Fiscal Year 2023 or as a
2 separate rule, or a Federal Register notice solie-
3 iting public comment for at least 60 days, that
4 establishes grant requirements, including the
5 requirements that grantees must follow in order
6 to qualify for expedited review and approval of
7 a plan or substantial amendment required by
8 subsection (c) of this section.

9 “(B) APPROVAL; DISAPPROVAL.—The Sec-
10 retary shall approve or disapprove plans or sub-
11 stantial amendments of grantees that comply
12 with the requirements for such expedited review
13 within 45 days.

14 “(C) STANDARDIZATION.—The require-
15 ments for expedited review shall establish
16 standard language for inclusion in action plans
17 and substantial amendments under subsection
18 (c) of this section and for establishing stand-
19 ardized programs and activities recognized by
20 the Secretary.

21 “(D) APPLICABILITY OF GRANT REQUIRE-
22 MENTS.—Compliance with the requirements for
23 expedited review shall not exempt grantees from
24 complying with grant requirements, including
25 requirements for public comment, community

1 citizen participation, and establishing and main-
2 taining a public website.

3 “(E) REVISION.—The Secretary may re-
4 vise the requirements for expedited review at
5 any time after a public comment period of at
6 least 60 days.

7 “(p) DEFINITIONS.—For purposes of this section:

8 “(1) GRANTEE.—The term ‘grantee’ means a
9 recipient of funds made available under this section
10 after its enactment.

11 “(2) SUBSTANTIALLY SIMILAR.—The term ‘sub-
12 stantially similar’ means, with respect to a plan, a
13 plan previously approved by the Department, admin-
14 istered successfully by the grantee, and relating to
15 disasters of the same type.

16 **“SEC. 124. COMMUNITY DEVELOPMENT BLOCK GRANT DE-**
17 **CLARED DISASTER RECOVERY FUND.**

18 “(a) ESTABLISHMENT.—There is established in the
19 Treasury of the United States an account to be known
20 as the Community Development Block Grant Declared
21 Disaster Recovery Fund (in this section referred to as the
22 ‘Fund’).

23 “(b) AMOUNTS.—The Fund shall consist of any
24 amounts appropriated to or deposited into the Fund, in-

1 cluding amounts deposited into the Fund pursuant to sec-
2 tion 123.

3 “(c) USE.—Amounts in the Fund shall be available,
4 pursuant to the occurrence of a major disaster declared
5 under the Robert T. Stafford Disaster Relief and Emer-
6 gency Assistance Act, only for providing technical assist-
7 ance and capacity building in connection with section 123
8 for grantees under such section that have been allocated
9 assistance under such section in connection with such dis-
10 aster to facilitate planning required under such section
11 and increase capacity to administer assistance provided
12 under such section, including for technical assistance and
13 training building and fire officials, builders, contractors
14 and subcontractors, architects, and other design and con-
15 struction professionals regarding the latest published edi-
16 tions of national consensus-based codes, specifications,
17 and standards (as such term is defined in section
18 123(e)(7)).”.

19 (b) REGULATIONS.—

20 (1) PROPOSED RULE.—Not later than the expi-
21 ration of the 12-month period beginning on the date
22 of the enactment of this Act, the Secretary of Hous-
23 ing and Urban Development shall issue proposed
24 rules to carry out sections 123 and 124 of the Hous-
25 ing and Community Development Act of 1974, as

1 added by the amendment made by subsection (a) of
 2 this section, and shall provide a 60-day period for
 3 submission of public comments on such proposed
 4 rule.

5 (2) FINAL RULE.—Not later than the expira-
 6 tion of the 24-month period beginning on the date
 7 of the enactment of this Act, the Secretary of Hous-
 8 ing and Urban Development, in consultation with
 9 the Administrator of the Federal Emergency Man-
 10 agement Agency, shall issue final regulations to
 11 carry out sections 123 and 124 of the Housing and
 12 Community Development Act of 1974, as added by
 13 the amendment made by subsection (a) of this sec-
 14 tion.

15 **Subtitle B—SAFE Banking**

16 **SEC. 5461. SHORT TITLE; TABLE OF CONTENTS; PURPOSE.**

17 (a) SHORT TITLE.—This subtitle may be cited as the
 18 “Secure And Fair Enforcement Banking Act of 2022” or
 19 the “SAFE Banking Act of 2022”.

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

Subtitle B—SAFE Banking

- Sec. 5461. Short title; table of contents; purpose.
- Sec. 5462. Safe harbor for depository institutions.
- Sec. 5463. Protections for ancillary businesses.
- Sec. 5464. Protections under Federal law.
- Sec. 5465. Rules of construction.
- Sec. 5466. Requirements for filing suspicious activity reports.
- Sec. 5467. Guidance and examination procedures.
- Sec. 5468. Annual diversity and inclusion report.

Sec. 5469. GAO study on diversity and inclusion.

Sec. 5470. GAO study on effectiveness of certain reports on finding certain persons.

Sec. 5471. Application of this subtitle with respect to hemp-related legitimate businesses and hemp-related service providers.

Sec. 5472. Banking services for hemp-related legitimate businesses and hemp-related service providers.

Sec. 5473. Requirements for deposit account termination requests and orders.

Sec. 5474. Definitions.

Sec. 5475. Discretionary surplus funds.

1 (c) PURPOSE.—The purpose of this subtitle is to in-
2 crease public safety by ensuring access to financial serv-
3 ices to cannabis-related legitimate businesses and service
4 providers and reducing the amount of cash at such busi-
5 nesses.

6 **SEC. 5462. SAFE HARBOR FOR DEPOSITORY INSTITUTIONS.**

7 (a) IN GENERAL.—A Federal banking regulator may
8 not—

9 (1) terminate or limit the deposit insur-
10 ance or share insurance of a depository institu-
11 tion under the Federal Deposit Insurance Act
12 (12 U.S.C. 1811 et seq.), the Federal Credit
13 Union Act (12 U.S.C. 1751 et seq.), or take
14 any other adverse action against a depository
15 institution under section 8 of the Federal De-
16 posit Insurance Act (12 U.S.C. 1818) solely be-
17 cause the depository institution provides or has
18 provided financial services to a cannabis-related
19 legitimate business or service provider;

1 (2) prohibit, penalize, or otherwise discour-
2 age a depository institution from providing fi-
3 nancial services to a cannabis-related legitimate
4 business or service provider or to a State, polit-
5 ical subdivision of a State, or Indian Tribe that
6 exercises jurisdiction over cannabis-related le-
7 gitimate businesses;

8 (3) recommend, incentivize, or encourage a
9 depository institution not to offer financial serv-
10 ices to an account holder, or to downgrade or
11 cancel the financial services offered to an ac-
12 count holder solely because—

13 (A) the account holder is a cannabis-
14 related legitimate business or service pro-
15 vider, or is an employee, owner, or oper-
16 ator of a cannabis-related legitimate busi-
17 ness or service provider;

18 (B) the account holder later becomes
19 an employee, owner, or operator of a can-
20 nabis-related legitimate business or service
21 provider; or

22 (C) the depository institution was not
23 aware that the account holder is an em-
24 ployee, owner, or operator of a cannabis-re-

1 lated legitimate business or service pro-
2 vider;

3 (4) take any adverse or corrective super-
4 visory action on a loan made to—

5 (A) a cannabis-related legitimate busi-
6 ness or service provider, solely because the
7 business is a cannabis-related legitimate
8 business or service provider;

9 (B) an employee, owner, or operator
10 of a cannabis-related legitimate business or
11 service provider, solely because the em-
12 ployee, owner, or operator is employed by,
13 owns, or operates a cannabis-related legiti-
14 mate business or service provider, as appli-
15 cable; or

16 (C) an owner or operator of real es-
17 tate or equipment that is leased to a can-
18 nabis-related legitimate business or service
19 provider, solely because the owner or oper-
20 ator of the real estate or equipment leased
21 the equipment or real estate to a cannabis-
22 related legitimate business or service pro-
23 vider, as applicable; or

24 (5) prohibit or penalize a depository insti-
25 tution (or entity performing a financial service

1 for or in association with a depository institu-
2 tion) for, or otherwise discourage a depository
3 institution (or entity performing a financial
4 service for or in association with a depository
5 institution) from, engaging in a financial service
6 for a cannabis-related legitimate business or
7 service provider.

8 (b) SAFE HARBOR APPLICABLE TO DE NOVO INSTI-
9 TUTIONS.—Subsection (a) shall apply to an institution ap-
10 plying for a depository institution charter to the same ex-
11 tent as such subsection applies to a depository institution.

12 **SEC. 5463. PROTECTIONS FOR ANCILLARY BUSINESSES.**

13 For the purposes of sections 1956 and 1957 of title
14 18, United States Code, and all other provisions of Fed-
15 eral law, the proceeds from a transaction involving activi-
16 ties of a cannabis-related legitimate business or service
17 provider shall not be considered proceeds from an unlawful
18 activity solely because—

19 (1) the transaction involves proceeds from a
20 cannabis-related legitimate business or service pro-
21 vider; or

22 (2) the transaction involves proceeds from—

23 (A) cannabis-related activities described in
24 section 5474(4)(B) conducted by a cannabis-re-
25 lated legitimate business; or

1 (B) activities described in section
2 5474(13)(A) conducted by a service provider.

3 **SEC. 5464. PROTECTIONS UNDER FEDERAL LAW.**

4 (a) IN GENERAL.—With respect to providing a finan-
5 cial service to a cannabis-related legitimate business
6 (where such cannabis-related legitimate business operates
7 within a State, political subdivision of a State, or Indian
8 country that allows the cultivation, production, manufac-
9 ture, sale, transportation, display, dispensing, distribution,
10 or purchase of cannabis pursuant to a law or regulation
11 of such State, political subdivision, or Indian Tribe that
12 has jurisdiction over the Indian country, as applicable) or
13 a service provider (wherever located), a depository institu-
14 tion, entity performing a financial service for or in associa-
15 tion with a depository institution, or insurer that provides
16 a financial service to a cannabis-related legitimate busi-
17 ness or service provider, and the officers, directors, and
18 employees of that depository institution, entity, or insurer
19 may not be held liable pursuant to any Federal law or
20 regulation—

21 (1) solely for providing such a financial service;

22 or

23 (2) for further investing any income derived
24 from such a financial service.

1 (b) PROTECTIONS FOR FEDERAL RESERVE BANKS
2 AND FEDERAL HOME LOAN BANKS.—With respect to
3 providing a service to a depository institution that pro-
4 vides a financial service to a cannabis-related legitimate
5 business (where such cannabis-related legitimate business
6 operates within a State, political subdivision of a State,
7 or Indian country that allows the cultivation, production,
8 manufacture, sale, transportation, display, dispensing, dis-
9 tribution, or purchase of cannabis pursuant to a law or
10 regulation of such State, political subdivision, or Indian
11 Tribe that has jurisdiction over the Indian country, as ap-
12 plicable) or service provider (wherever located), a Federal
13 reserve bank or Federal Home Loan Bank, and the offi-
14 cers, directors, and employees of the Federal reserve bank
15 or Federal Home Loan Bank, may not be held liable pur-
16 suant to any Federal law or regulation—

- 17 (1) solely for providing such a service; or
18 (2) for further investing any income derived
19 from such a service.

20 (c) PROTECTIONS FOR INSURERS.—With respect to
21 engaging in the business of insurance within a State, polit-
22 ical subdivision of a State, or Indian country that allows
23 the cultivation, production, manufacture, sale, transpor-
24 tation, display, dispensing, distribution, or purchase of
25 cannabis pursuant to a law or regulation of such State,

1 political subdivision, or Indian Tribe that has jurisdiction
2 over the Indian country, as applicable, an insurer that en-
3 gages in the business of insurance with a cannabis-related
4 legitimate business or service provider or who otherwise
5 engages with a person in a transaction permissible under
6 State law related to cannabis, and the officers, directors,
7 and employees of that insurer may not be held liable pur-
8 suant to any Federal law or regulation—

9 (1) solely for engaging in the business of insur-
10 ance; or

11 (2) for further investing any income derived
12 from the business of insurance.

13 (d) FORFEITURE.—

14 (1) DEPOSITORY INSTITUTIONS.—A depository
15 institution that has a legal interest in the collateral
16 for a loan or another financial service provided to an
17 owner, employee, or operator of a cannabis-related
18 legitimate business or service provider, or to an
19 owner or operator of real estate or equipment that
20 is leased or sold to a cannabis-related legitimate
21 business or service provider, shall not be subject to
22 criminal, civil, or administrative forfeiture of that
23 legal interest pursuant to any Federal law for pro-
24 viding such loan or other financial service.

1 (2) FEDERAL RESERVE BANKS AND FEDERAL
2 HOME LOAN BANKS.—A Federal reserve bank or
3 Federal Home Loan Bank that has a legal interest
4 in the collateral for a loan or another financial serv-
5 ice provided to a depository institution that provides
6 a financial service to a cannabis-related legitimate
7 business or service provider, or to an owner or oper-
8 ator of real estate or equipment that is leased or
9 sold to a cannabis-related legitimate business or
10 service provider, shall not be subject to criminal,
11 civil, or administrative forfeiture of that legal inter-
12 est pursuant to any Federal law for providing such
13 loan or other financial service.

14 **SEC. 5465. RULES OF CONSTRUCTION.**

15 (a) NO REQUIREMENT TO PROVIDE FINANCIAL
16 SERVICES.—Nothing in this subtitle shall require a depos-
17 itory institution, entity performing a financial service for
18 or in association with a depository institution, or insurer
19 to provide financial services to a cannabis-related legiti-
20 mate business, service provider, or any other business.

21 (b) GENERAL EXAMINATION, SUPERVISORY, AND
22 ENFORCEMENT AUTHORITY.—Nothing in this subtitle
23 may be construed in any way as limiting or otherwise re-
24 stricting the general examination, supervisory, and en-
25 forcement authority of the Federal banking regulators,

1 provided that the basis for any supervisory or enforcement
2 action is not the provision of financial services to a can-
3 nabis-related legitimate business or service provider.

4 (c) BUSINESS OF INSURANCE.—Nothing in this sub-
5 title shall interfere with the regulation of the business of
6 insurance in accordance with the Act of March 9, 1945
7 (59 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (com-
8 monly known as the “McCarran-Ferguson Act”) and the
9 Dodd-Frank Wall Street Reform and Consumer Protec-
10 tion Act (12 U.S.C. 5301 et seq.).

11 **SEC. 5466. REQUIREMENTS FOR FILING SUSPICIOUS ACTIV-**
12 **ITY REPORTS.**

13 Section 5318(g) of title 31, United States Code, is
14 amended by adding at the end the following:

15 “(5) REQUIREMENTS FOR CANNABIS-RELATED
16 LEGITIMATE BUSINESSES.—

17 “(A) IN GENERAL.—With respect to a fi-
18 nancial institution or any director, officer, em-
19 ployee, or agent of a financial institution that
20 reports a suspicious transaction pursuant to
21 this subsection, if the reason for the report re-
22 lates to a cannabis-related legitimate business
23 or service provider, the report shall comply with
24 appropriate guidance issued by the Financial
25 Crimes Enforcement Network. Not later than

1 the end of the 180-day period beginning on the
2 date of enactment of this paragraph, the Sec-
3 retary shall update the February 14, 2014,
4 guidance titled ‘BSA Expectations Regarding
5 Marijuana-Related Businesses’ (FIN-2014-
6 G001) to ensure that the guidance is consistent
7 with the purpose and intent of the SAFE
8 Banking Act of 2022 and does not significantly
9 inhibit the provision of financial services to a
10 cannabis-related legitimate business or service
11 provider in a State, political subdivision of a
12 State, or Indian country that has allowed the
13 cultivation, production, manufacture, transpor-
14 tation, display, dispensing, distribution, sale, or
15 purchase of cannabis pursuant to law or regula-
16 tion of such State, political subdivision, or In-
17 dian Tribe that has jurisdiction over the Indian
18 country.

19 “(B) DEFINITIONS.—For purposes of this
20 paragraph:

21 “(i) CANNABIS.—The term ‘cannabis’
22 has the meaning given the term ‘mari-
23 huana’ in section 102 of the Controlled
24 Substances Act (21 U.S.C. 802).

1 “(ii) CANNABIS-RELATED LEGITIMATE
2 BUSINESS.—The term ‘cannabis-related le-
3 gitimate business’ has the meaning given
4 that term in section 5474 of the SAFE
5 Banking Act of 2022.

6 “(iii) INDIAN COUNTRY.—The term
7 ‘Indian country’ has the meaning given
8 that term in section 1151 of title 18.

9 “(iv) INDIAN TRIBE.—The term ‘In-
10 dian Tribe’ has the meaning given that
11 term in section 102 of the Federally Rec-
12 ognized Indian Tribe List Act of 1994 (25
13 U.S.C. 479a).

14 “(v) FINANCIAL SERVICE.—The term
15 ‘financial service’ has the meaning given
16 that term in section 5474 of the SAFE
17 Banking Act of 2022.

18 “(vi) SERVICE PROVIDER.—The term
19 ‘service provider’ has the meaning given
20 that term in section 5474 of the SAFE
21 Banking Act of 2022.

22 “(vii) STATE.—The term ‘State’
23 means each of the several States, the Dis-
24 trict of Columbia, the Commonwealth of

1 Puerto Rico, and any territory or posses-
2 sion of the United States.”.

3 **SEC. 5467. GUIDANCE AND EXAMINATION PROCEDURES.**

4 Not later than 180 days after the date of enactment
5 of this Act, the Financial Institutions Examination Coun-
6 cil shall develop uniform guidance and examination proce-
7 dures for depository institutions that provide financial
8 services to cannabis-related legitimate businesses and
9 service providers.

10 **SEC. 5468. ANNUAL DIVERSITY AND INCLUSION REPORT.**

11 The Federal banking regulators shall issue an annual
12 report to Congress containing—

13 (1) information and data on the availability of
14 access to financial services for minority-owned and
15 women-owned cannabis-related legitimate businesses;
16 and

17 (2) any regulatory or legislative recommenda-
18 tions for expanding access to financial services for
19 minority-owned and women-owned cannabis-related
20 legitimate businesses.

21 **SEC. 5469. GAO STUDY ON DIVERSITY AND INCLUSION.**

22 (a) STUDY.—The Comptroller General of the United
23 States shall carry out a study on the barriers to market-
24 place entry, including in the licensing process, and the ac-
25 cess to financial services for potential and existing minor-

1 ity-owned and women-owned cannabis-related legitimate
2 businesses.

3 (b) REPORT.—The Comptroller General shall issue a
4 report to the Congress—

5 (1) containing all findings and determinations
6 made in carrying out the study required under sub-
7 section (a); and

8 (2) containing any regulatory or legislative rec-
9 ommendations for removing barriers to marketplace
10 entry, including in the licensing process, and ex-
11 panding access to financial services for potential and
12 existing minority-owned and women-owned cannabis-
13 related legitimate businesses.

14 **SEC. 5470. GAO STUDY ON EFFECTIVENESS OF CERTAIN RE-**
15 **PORTS ON FINDING CERTAIN PERSONS.**

16 Not later than 2 years after the date of the enact-
17 ment of this Act, the Comptroller General of the United
18 States shall carry out a study on the effectiveness of re-
19 ports on suspicious transactions filed pursuant to section
20 5318(g) of title 31, United States Code, at finding individ-
21 uals or organizations suspected or known to be engaged
22 with transnational criminal organizations and whether any
23 such engagement exists in a State, political subdivision,
24 or Indian Tribe that has jurisdiction over Indian country
25 that allows the cultivation, production, manufacture, sale,

1 transportation, display, dispensing, distribution, or pur-
2 chase of cannabis. The study shall examine reports on sus-
3 picious transactions as follows:

4 (1) During the period of 2014 until the date of
5 the enactment of this Act, reports relating to mari-
6 juana-related businesses.

7 (2) During the 1-year period after date of the
8 enactment of this Act, reports relating to cannabis-
9 related legitimate businesses.

10 **SEC. 5471. APPLICATION OF THIS SUBTITLE WITH RESPECT**
11 **TO HEMP-RELATED LEGITIMATE BUSINESSES**
12 **AND HEMP-RELATED SERVICE PROVIDERS.**

13 (a) IN GENERAL.—The provisions of this subtitle
14 (other than sections 5466 and 5470) shall apply with re-
15 spect to hemp-related legitimate businesses and hemp-re-
16 lated service providers in the same manner as such provi-
17 sions apply with respect to cannabis-related legitimate
18 businesses and service providers.

19 (b) DEFINITIONS.—In this section:

20 (1) CBD.—The term “CBD” means
21 cannabidiol.

22 (2) HEMP.—The term “hemp” has the meaning
23 given that term under section 297A of the Agricul-
24 tural Marketing Act of 1946 (7 U.S.C. 1639o).

1 (3) HEMP-RELATED LEGITIMATE BUSINESS.—

2 The term “hemp-related legitimate business” means
3 a manufacturer, producer, or any person or company
4 that—

5 (A) engages in any activity described in
6 subparagraph (B) in conformity with the Agri-
7 cultural Improvement Act of 2018 (Public Law
8 115–334) and the regulations issued to imple-
9 ment such Act by the Department of Agri-
10 culture, where applicable, and the law of a
11 State or political subdivision thereof or Indian
12 Tribe; and

13 (B) participates in any business or orga-
14 nized activity that involves handling hemp,
15 hemp-derived CBD products, and other hemp-
16 derived cannabinoid products, including culti-
17 vating, producing, extracting, manufacturing,
18 selling, transporting, displaying, dispensing, dis-
19 tributing, or purchasing hemp, hemp-derived
20 CBD products, and other hemp-derived
21 cannabinoid products.

22 (4) HEMP-RELATED SERVICE PROVIDER.—The
23 term “hemp-related service provider”—

24 (A) means a business, organization, or
25 other person that—

1 (i) sells goods or services to a hemp-
2 related legitimate business; or

3 (ii) provides any business services, in-
4 cluding the sale or lease of real or any
5 other property, legal or other licensed serv-
6 ices, or any other ancillary service, relating
7 to hemp, hemp-derived CBD products, or
8 other hemp-derived cannabinoid products;
9 and

10 (B) does not include a business, organiza-
11 tion, or other person that participates in any
12 business or organized activity that involves han-
13 dling hemp, hemp-derived CBD products, or
14 other hemp-derived cannabinoid products, in-
15 cluding cultivating, producing, manufacturing,
16 selling, transporting, displaying, dispensing, dis-
17 tributing, or purchasing hemp, hemp-derived
18 CBD products, and other hemp-derived
19 cannabinoid products.

20 **SEC. 5472. BANKING SERVICES FOR HEMP-RELATED LE-**
21 **GITIMATE BUSINESSES AND HEMP-RELATED**
22 **SERVICE PROVIDERS.**

23 (a) FINDINGS.—The Congress finds that—

24 (1) the Agriculture Improvement Act of 2018
25 (Public Law 115–334) legalized hemp by removing

1 it from the definition of “marihuana” under the
2 Controlled Substances Act;

3 (2) despite the legalization of hemp, some hemp
4 businesses (including producers, manufacturers, and
5 retailers) continue to have difficulty gaining access
6 to banking products and services; and

7 (3) businesses involved in the sale of hemp-de-
8 rived CBD products are particularly affected, due to
9 confusion about the legal status of such products.

10 (b) FEDERAL BANKING REGULATORS’ HEMP BANK-
11 ING GUIDANCE.—Not later than the end of the 90-day pe-
12 riod beginning on the date of enactment of this Act, the
13 Federal banking regulators shall update their existing
14 guidance, as applicable, regarding the provision of finan-
15 cial services to hemp-related legitimate businesses and
16 hemp-related service providers to address—

17 (1) compliance with financial institutions’ exist-
18 ing obligations under Federal laws and imple-
19 menting regulations determined relevant by the Fed-
20 eral banking regulators, including subchapter II of
21 chapter 53 of title 31, United States Code, and its
22 implementing regulation in conformity with this sub-
23 title and the Department of Agriculture’s rules regu-
24 lating domestic hemp production (7 CFR 990); and

1 (2) best practices for financial institutions to
2 follow when providing financial services, including
3 processing payments, to hemp-related legitimate
4 businesses and hemp-related service providers.

5 (c) DEFINITIONS.—In this section:

6 (1) FINANCIAL INSTITUTION.—The term “fi-
7 nancial institution”—

8 (A) has the meaning given that term under
9 section 5312(a) of title 31, United States Code;
10 and

11 (B) includes a bank holding company, as
12 defined under section 2(a) of the Bank Holding
13 Company Act of 1956 (12 U.S.C. 1841(a)).

14 (2) HEMP TERMS.—The terms “CBD”,
15 “hemp”, “hemp-related legitimate business”, and
16 “hemp-related service provider” have the meaning
17 given those terms, respectively, under section 5471.

18 **SEC. 5473. REQUIREMENTS FOR DEPOSIT ACCOUNT TERMI-**

19 **NATION REQUESTS AND ORDERS.**

20 (a) TERMINATION REQUESTS OR ORDERS MUST BE
21 VALID.—

22 (1) IN GENERAL.—An appropriate Federal
23 banking agency may not formally or informally re-
24 quest or order a depository institution to terminate
25 a specific customer account or group of customer ac-

1 counts or to otherwise restrict or discourage a de-
2 pository institution from entering into or maintain-
3 ing a banking relationship with a specific customer
4 or group of customers unless—

5 (A) the agency has a valid reason for such
6 request or order; and

7 (B) such reason is not based solely on rep-
8 utation risk.

9 (2) TREATMENT OF NATIONAL SECURITY
10 THREATS.—If an appropriate Federal banking agen-
11 cy believes a specific customer or group of customers
12 is, or is acting as a conduit for, an entity which—

13 (A) poses a threat to national security;

14 (B) is involved in terrorist financing;

15 (C) is an agency of the Government of
16 Iran, North Korea, Syria, or any country listed
17 from time to time on the State Sponsors of
18 Terrorism list;

19 (D) is located in, or is subject to the juris-
20 diction of, any country specified in subpara-
21 graph (C); or

22 (E) does business with any entity described
23 in subparagraph (C) or (D), unless the appro-
24 priate Federal banking agency determines that
25 the customer or group of customers has used

1 due diligence to avoid doing business with any
2 entity described in subparagraph (C) or (D),
3 such belief shall satisfy the requirement under para-
4 graph (1).

5 (b) NOTICE REQUIREMENT.—

6 (1) IN GENERAL.—If an appropriate Federal
7 banking agency formally or informally requests or
8 orders a depository institution to terminate a spe-
9 cific customer account or a group of customer ac-
10 counts, the agency shall—

11 (A) provide such request or order to the
12 institution in writing; and

13 (B) accompany such request or order with
14 a written justification for why such termination
15 is needed, including any specific laws or regula-
16 tions the agency believes are being violated by
17 the customer or group of customers, if any.

18 (2) JUSTIFICATION REQUIREMENT.—A jus-
19 tification described under paragraph (1)(B) may not
20 be based solely on the reputation risk to the deposi-
21 tory institution.

22 (c) CUSTOMER NOTICE.—

23 (1) NOTICE REQUIRED.—Except as provided
24 under paragraph (2) or as otherwise prohibited from
25 being disclosed by law, if an appropriate Federal

1 banking agency orders a depository institution to
2 terminate a specific customer account or a group of
3 customer accounts, the depository institution shall
4 inform the specific customer or group of customers
5 of the justification for the customer's account termi-
6 nation described under subsection (b).

7 (2) NOTICE PROHIBITED.—

8 (A) NOTICE PROHIBITED IN CASES OF NA-
9 TIONAL SECURITY.—If an appropriate Federal
10 banking agency requests or orders a depository
11 institution to terminate a specific customer ac-
12 count or a group of customer accounts based on
13 a belief that the customer or customers pose a
14 threat to national security, or are otherwise de-
15 scribed under subsection (a)(2), neither the de-
16 pository institution nor the appropriate Federal
17 banking agency may inform the customer or
18 customers of the justification for the customer's
19 account termination.

20 (B) NOTICE PROHIBITED IN OTHER
21 CASES.—If an appropriate Federal banking
22 agency determines that the notice required
23 under paragraph (1) may interfere with an au-
24 thorized criminal investigation, neither the de-
25 pository institution nor the appropriate Federal

1 banking agency may inform the specific cus-
2 tomer or group of customers of the justification
3 for the customer's account termination.

4 (d) REPORTING REQUIREMENT.—Each appropriate
5 Federal banking agency shall issue an annual report to
6 the Congress stating—

7 (1) the aggregate number of specific customer
8 accounts that the agency requested or ordered a de-
9 pository institution to terminate during the previous
10 year; and

11 (2) the legal authority on which the agency re-
12 lied in making such requests and orders and the fre-
13 quency on which the agency relied on each such au-
14 thority.

15 (e) DEFINITIONS.—For purposes of this section:

16 (1) APPROPRIATE FEDERAL BANKING AGEN-
17 CY.—The term “appropriate Federal banking agen-
18 cy” means—

19 (A) the appropriate Federal banking agen-
20 cy, as defined under section 3 of the Federal
21 Deposit Insurance Act (12 U.S.C. 1813); and

22 (B) the National Credit Union Administra-
23 tion, in the case of an insured credit union.

24 (2) DEPOSITORY INSTITUTION.—The term “de-
25 pository institution” means—

1 (A) a depository institution, as defined
2 under section 3 of the Federal Deposit Insur-
3 ance Act (12 U.S.C. 1813); and

4 (B) an insured credit union.

5 **SEC. 5474. DEFINITIONS.**

6 In this subtitle:

7 (1) BUSINESS OF INSURANCE.—The term
8 “business of insurance” has the meaning given such
9 term in section 1002 of the Dodd-Frank Wall Street
10 Reform and Consumer Protection Act (12 U.S.C.
11 5481).

12 (2) CANNABIS.—The term “cannabis” has the
13 meaning given the term “marihuana” in section 102
14 of the Controlled Substances Act (21 U.S.C. 802).

15 (3) CANNABIS PRODUCT.—The term “cannabis
16 product” means any article which contains cannabis,
17 including an article which is a concentrate, an edi-
18 ble, a tincture, a cannabis-infused product, or a top-
19 ical.

20 (4) CANNABIS-RELATED LEGITIMATE BUSI-
21 NESS.—The term “cannabis-related legitimate busi-
22 ness” means a manufacturer, producer, or any per-
23 son or company that—

24 (A) engages in any activity described in
25 subparagraph (B) pursuant to a law established

1 by a State or a political subdivision of a State,
2 as determined by such State or political subdivi-
3 sion; and

4 (B) participates in any business or orga-
5 nized activity that involves handling cannabis or
6 cannabis products, including cultivating, pro-
7 ducing, manufacturing, selling, transporting,
8 displaying, dispensing, distributing, or pur-
9 chasing cannabis or cannabis products.

10 (5) DEPOSITORY INSTITUTION.—The term “de-
11 pository institution” means—

12 (A) a depository institution as defined in
13 section 3(c) of the Federal Deposit Insurance
14 Act (12 U.S.C. 1813(c));

15 (B) a Federal credit union as defined in
16 section 101 of the Federal Credit Union Act
17 (12 U.S.C. 1752); or

18 (C) a State credit union as defined in sec-
19 tion 101 of the Federal Credit Union Act (12
20 U.S.C. 1752).

21 (6) FEDERAL BANKING REGULATOR.—The
22 term “Federal banking regulator” means each of the
23 Board of Governors of the Federal Reserve System,
24 the Bureau of Consumer Financial Protection, the
25 Federal Deposit Insurance Corporation, the Federal

1 Housing Finance Agency, the Financial Crimes En-
2 forcement Network, the Office of Foreign Asset
3 Control, the Office of the Comptroller of the Cur-
4 rency, the National Credit Union Administration,
5 the Department of the Treasury, or any Federal
6 agency or department that regulates banking or fi-
7 nancial services, as determined by the Secretary of
8 the Treasury.

9 (7) FINANCIAL SERVICE.—The term “financial
10 service”—

11 (A) means a financial product or service,
12 as defined in section 1002 of the Dodd-Frank
13 Wall Street Reform and Consumer Protection
14 Act (12 U.S.C. 5481), regardless if the cus-
15 tomer receiving the product or service is a con-
16 sumer or commercial entity;

17 (B) means a financial product or service,
18 or any combination of products and services,
19 permitted to be provided by—

20 (i) a national bank or a financial sub-
21 sidiary pursuant to the authority provided
22 under—

23 (I) the provision designated
24 “Seventh” of section 5136 of the Re-

1 vised Statutes of the United States
2 (12 U.S.C. 24); or

3 (II) section 5136A of the Revised
4 Statutes of the United States (12
5 U.S.C. 24a); and

6 (ii) a Federal credit union, pursuant
7 to the authority provided under the Fed-
8 eral Credit Union Act;

9 (C) includes the business of insurance;

10 (D) includes, whether performed directly or
11 indirectly, the authorizing, processing, clearing,
12 settling, billing, transferring for deposit, trans-
13 mitting, delivering, instructing to be delivered,
14 reconciling, collecting, or otherwise effectuating
15 or facilitating of payments or funds, where such
16 payments or funds are made or transferred by
17 any means, including by the use of credit cards,
18 debit cards, other payment cards, or other ac-
19 cess devices, accounts, original or substitute
20 checks, or electronic funds transfers;

21 (E) includes acting as a money transmit-
22 ting business which directly or indirectly makes
23 use of a depository institution in connection
24 with effectuating or facilitating a payment for
25 a cannabis-related legitimate business or service

1 provider in compliance with section 5330 of
2 title 31, United States Code, and any applicable
3 State law; and

4 (F) includes acting as an armored car
5 service for processing and depositing with a de-
6 pository institution or a Federal reserve bank
7 with respect to any monetary instruments (as
8 defined under section 1956(e)(5) of title 18,
9 United States Code.

10 (8) INDIAN COUNTRY.—The term “Indian coun-
11 try” has the meaning given that term in section
12 1151 of title 18.

13 (9) INDIAN TRIBE.—The term “Indian Tribe”
14 has the meaning given that term in section 102 of
15 the Federally Recognized Indian Tribe List Act of
16 1994 (25 U.S.C. 479a).

17 (10) INSURER.—The term “insurer” has the
18 meaning given that term under section 313(r) of
19 title 31, United States Code.

20 (11) MANUFACTURER.—The term “manufac-
21 turer” means a person who manufactures, com-
22 pounds, converts, processes, prepares, or packages
23 cannabis or cannabis products.

1 (12) PRODUCER.—The term “producer” means
2 a person who plants, cultivates, harvests, or in any
3 way facilitates the natural growth of cannabis.

4 (13) SERVICE PROVIDER.—The term “service
5 provider”—

6 (A) means a business, organization, or
7 other person that—

8 (i) sells goods or services to a can-
9 nabis-related legitimate business; or

10 (ii) provides any business services, in-
11 cluding the sale or lease of real or any
12 other property, legal or other licensed serv-
13 ices, or any other ancillary service, relating
14 to cannabis; and

15 (B) does not include a business, organiza-
16 tion, or other person that participates in any
17 business or organized activity that involves han-
18 dling cannabis or cannabis products, including
19 cultivating, producing, manufacturing, selling,
20 transporting, displaying, dispensing, distrib-
21 uting, or purchasing cannabis or cannabis prod-
22 ucts.

23 (14) STATE.—The term “State” means each of
24 the several States, the District of Columbia, the

1 Commonwealth of Puerto Rico, and any territory or
2 possession of the United States.

3 **SEC. 5475. DISCRETIONARY SURPLUS FUNDS.**

4 Section 7(a)(3)(A) of the Federal Reserve Act (12
5 U.S.C. 289(a)(3)(A)) is amended by reducing the dollar
6 figure by \$6,000,000.

7 **TITLE LV—NATURAL**
8 **RESOURCES MATTERS**

9 **SEC. 5501. YSLETA DEL SUR PUEBLO AND ALABAMA-**
10 **COUSHATTA TRIBES OF TEXAS EQUAL AND**
11 **FAIR OPPORTUNITY AMENDMENT.**

12 The Ysleta del Sur Pueblo and Alabama and
13 Coushatta Indian Tribes of Texas Restoration Act (Public
14 Law 100–89; 101 Stat. 666) is amended by adding at the
15 end the following:

16 **“SEC. 301. RULE OF CONSTRUCTION.**

17 “Nothing in this Act shall be construed to preclude
18 or limit the applicability of the Indian Gaming Regulatory
19 Act (25 U.S.C. 2701 et seq.).”.

20 **SEC. 5502. INCLUSION OF COMMONWEALTH OF THE**
21 **NORTHERN MARIANA ISLANDS AND AMER-**
22 **ICAN SAMOA.**

23 The Wagner-Peyser Act is amended—

1 (1) in section 2(5) (29 U.S.C. 49a(5)), by in-
2 serting “the Commonwealth of the Northern Mar-
3 iana Islands, American Samoa,” after “Guam,”;

4 (2) in section 5(b)(1) (29 U.S.C. 49d(b)(1)), by
5 inserting “the Commonwealth of the Northern Mar-
6 iana Islands, and American Samoa,” after “Guam,”;

7 (3) in section 6(a) (29 U.S.C. 49e(a))—

8 (A) by inserting “, the Commonwealth of
9 the Northern Mariana Islands, and American
10 Samoa” after “except for Guam”;

11 (B) by striking “allot to Guam” and in-
12 serting the following: “allot to—

13 “(1) Guam”;

14 (C) by striking the period at the end and
15 inserting “; and”; and

16 (D) by adding at the end the following:

17 “(2) the Commonwealth of the Northern Mar-
18 iana Islands and American Samoa an amount which,
19 in relation to the total amount available for the fis-
20 cal year, is equal to the allotment percentage that
21 Guam received of amounts available under this Act
22 in fiscal year 1983.”; and

23 (4) in section 6(b)(1) (29 U.S.C. 49e(b)(1)), in
24 the matter following subparagraph (B), by inserting
25 “, the Commonwealth of the Northern Mariana Is-

1 lands, American Samoa,” after “does not include
2 Guam”.

3 **SEC. 5503. AMENDMENTS TO SIKES ACT.**

4 (a) USE OF NATURAL FEATURES.—Section
5 101(a)(3)(A) of the Sikes Act (16 U.S.C. 670a(a)(3)(A))
6 is amended—

7 (1) by redesignating clauses (ii) and (iii) as
8 clauses (iii) and (iv), respectively; and

9 (2) by inserting after clause (i) the following:

10 “(ii) the use of natural and nature-
11 based features to maintain or improve mili-
12 tary installation resilience;”.

13 (b) EXPANDING AND MAKING PERMANENT THE PRO-
14 GRAM FOR INVASIVE SPECIES MANAGEMENT FOR MILI-
15 TARY INSTALLATIONS.—Section 101(g) of the Sikes Act
16 (16 U.S.C. 670a(g)) is amended—

17 (1) by striking the header and inserting “PRO-
18 GRAM FOR INVASIVE SPECIES MANAGEMENT FOR
19 MILITARY INSTALLATIONS”; and

20 (2) in paragraph (1)—

21 (A) by striking “During fiscal years 2009
22 through 2014, the” and inserting “The”; and

23 (B) by striking “in Guam”.

1 **SEC. 5504. BRENNAN REEF.**

2 (a) DESIGNATION.—The reef described in subsection
3 (b) shall be known and designated as “Brennan Reef”,
4 in honor of the late Rear Admiral Richard T. Brennan
5 of the National Oceanic and Atmospheric Administration.

6 (b) REEF DESCRIBED.—The reef referred to in sub-
7 section (a) is—

8 (1) between San Miguel and Santa Rosa Is-
9 lands on the north side of the San Miguel Passage
10 in the Channel Island National Marine Sanctuary;
11 and

12 (2) centered at 34 degrees 03.12 minutes
13 North, 120 degrees 15.95 minutes West.

14 (c) REFERENCES.—Any reference in any law, regula-
15 tion, document, record, map, or other paper of the United
16 States to the reef described in subsection (b) is deemed
17 to be a reference to Brennan Reef.

18 **SEC. 5505. ESTABLISHMENT OF FUND.**

19 (a) ESTABLISHMENT.—Not later than 180 days after
20 the date of enactment of this section, the Secretary shall
21 enter into a cooperative agreement with the Foundation
22 to establish the Community Resilience and Restoration
23 Fund at the Foundation to—

24 (1) improve community safety in the face of cli-
25 matic extremes through conservation and protection
26 of restoration and resilience lands;

1 (2) to protect, conserve, and restore restoration
2 and resilience lands in order to help communities re-
3 spond and adapt to natural threats, including wild-
4 fire, drought, extreme heat, and other threats posed
5 or exacerbated by the impacts of global climate;

6 (3) to build the resilience of restoration and re-
7 silience lands to adapt to, recover from, and with-
8 stand natural threats, including wildfire, drought,
9 extreme heat, and other threats posed or exacer-
10 bated by the impacts of global climate change;

11 (4) to protect and enhance the biodiversity of
12 wildlife populations across restoration and resilience
13 lands;

14 (5) to support the health of restoration and re-
15 silience lands for the benefit of present and future
16 generations;

17 (6) to foster innovative, nature-based solutions
18 that help meet the goals of this section; and

19 (7) to enhance the nation's natural carbon se-
20 questration capabilities and help communities
21 strengthen natural carbon sequestration capacity
22 where applicable.

23 (b) MANAGEMENT OF THE FUND.—The Foundation
24 shall manage the Fund—

1 (1) pursuant to the National Fish and Wildlife
2 Foundation Establishment Act (16 U.S.C. 3701 et
3 seq.); and

4 (2) in such a manner that, to the greatest ex-
5 tent practicable and consistent with the purposes for
6 which the Fund is established—

7 (A) ensures that amounts made available
8 through the Fund are accessible to historically
9 underserved communities, including Tribal com-
10 munities, communities of color, and rural com-
11 munities; and

12 (B) avoids project selection and funding
13 overlap with those projects and activities that
14 could otherwise receive funding under—

15 (i) the National Oceans and Coastal
16 Security Fund, established under the Na-
17 tional Oceans and Coastal Security Act (16
18 U.S.C. 7501); or

19 (ii) other coastal management focused
20 programs.

21 (c) COMPETITIVE GRANTS.—

22 (1) IN GENERAL.—To the extent amounts are
23 available in the Fund, the Foundation shall award
24 grants to eligible entities through a competitive
25 grant process in accordance with procedures estab-

lished pursuant to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.) to carry out eligible projects and activities, including planning eligible projects and activities.

(2) PROPOSALS.—The Foundation, in coordination with the Secretary, shall establish requirements for proposals for competitive grants under this section.

(d) USE OF AMOUNTS IN THE FUND.—

(1) PLANNING.—Not less than 8 percent of amounts appropriated annually to the Fund may be used to plan eligible projects and activities, including capacity building.

(2) ADMINISTRATIVE COSTS.—Not more than 4 percent of amounts appropriated annually to the Fund may be used by the Foundation for administrative expenses of the Fund or administration of competitive grants offered under the Fund.

(3) PRIORITY.—Not less than \$10,000,000 shall be awarded annually to support eligible projects and activities for Indian Tribes.

(4) COORDINATION.—The Secretary and Foundation shall ensure, to the greatest extent practicable and through meaningful consultation, that input from Indian Tribes, including traditional eco-

1 logical knowledge, is incorporated in the planning
2 and execution of eligible projects and activities.

3 (e) REPORTS.—

4 (1) ANNUAL REPORTS.—Beginning at the end
5 the first full fiscal year after the date of enactment
6 of this section, and not later than 60 days after the
7 end of each fiscal year in which amounts are depos-
8 ited into the Fund, the Foundation shall submit to
9 the Secretary a report on the operation of the Fund
10 including—

11 (A) an accounting of expenditures made
12 under the Fund, including leverage and match
13 where applicable;

14 (B) an accounting of any grants made
15 under the Fund, including a list of recipients
16 and a brief description of each project and its
17 purposes and goals; and

18 (C) measures and metrics to track benefits
19 created by grants administered under the Fund,
20 including enhanced biodiversity, water quality,
21 natural carbon sequestration, and resilience.

22 (2) 5-YEAR REPORTS.—Not later than 90 days
23 after the end of the fifth full fiscal year after the
24 date of enactment of this section, and not later than
25 90 days after the end every fifth fiscal year there-

1 after, the Foundation shall submit to the Secretary
2 a report containing—

3 (A) a description of any socioeconomic,
4 biodiversity, community resilience, or climate
5 resilience or mitigation (including natural car-
6 bon sequestration), impacts generated by
7 projects funded by grants awarded by the
8 Fund, including measures and metrics illus-
9 trating these impacts;

10 (B) a description of land health benefits
11 derived from projects funded by grants awarded
12 by the Fund, including an accounting of—

13 (i) lands treated for invasive species;

14 (ii) lands treated for wildfire threat
15 reduction, including those treated with
16 controlled burning or other natural fire-
17 management techniques; and

18 (iii) lands restored either from wildfire
19 or other forms of degradation, including
20 over-grazing and sedimentation;

21 (C) key findings for Congress, including
22 any recommended changes to the authorization
23 or purposes of the Fund;

1 (D) best practices for other Federal agen-
2 cies in the administration of funds intended for
3 land and habitat restoration;

4 (E) information on the use and outcome of
5 funds specifically set aside for planning and ca-
6 pacity building pursuant to section 6; and

7 (F) any other information that the Foun-
8 dation considers relevant.

9 (3) SUBMISSION OF REPORTS TO CONGRESS.—
10 Not later than 10 days after receiving a report
11 under this section, the Secretary shall submit the re-
12 port to the Committee on Natural Resources of the
13 House of Representatives and the Committee on En-
14 vironment and Public Works of the Senate.

15 (4) AUTHORIZATION OF APPROPRIATIONS.—
16 There is hereby authorized to be appropriated to the
17 Fund \$100,000,000 for each of fiscal years 2023
18 through 2028 to carry out this section.

19 (f) DEFINITIONS.—For purposes of this section:

20 (1) The term “eligible entity” means a Federal
21 agency, State, the District of Columbia, a territory
22 of the United States, a unit of local government, an
23 Indian Tribe, a non-profit organization, or an ac-
24 credited institution of higher education.

1 (2) The term “eligible projects and activities”
2 means projects and activities carried out by an eligi-
3 ble entity on public lands, tribal lands, or private
4 land, or any combination thereof, to further the pur-
5 poses for which the Fund is established, including
6 planning and capacity building and projects and ac-
7 tivities carried out in coordination with Federal,
8 State, or tribal departments or agencies, or any de-
9 partment or agency of a subdivision of a State.

10 (3) The term “Foundation” means the National
11 Fish and Wildlife Foundation established under the
12 National Fish and Wildlife Foundation Establish-
13 ment Act (16 U.S.C. 3701 et seq.).

14 (4) The term “Fund” means the Community
15 Resilience and Restoration Fund established under
16 subsection (a).

17 (5) The term “Indian Tribe” means the gov-
18 erning body of any individually identified and feder-
19 ally recognized Indian or Alaska Native Tribe, band,
20 nation, pueblo, village, community, affiliated Tribal
21 group, or component reservation in the list published
22 pursuant to section 104(a) of the Federally Recog-
23 nized Indian Tribe List Act of 1994 (25 U.S.C.
24 5131(a)).

1 (6) The term “restoration and resilience lands”
2 means fish, wildlife, and plant habitats, and other
3 important natural areas in the United States, on
4 public lands, private land (after obtaining proper
5 consent from the landowner), or land of Indian
6 Tribes, including grasslands, shrublands, prairies,
7 chapparral lands, forest lands, deserts, and riparian
8 or wetland areas within or adjacent to these eco-
9 systems.

10 (7) The term “public lands” means lands
11 owned or controlled by the United States.

12 (8) The term “Secretary” means the Secretary
13 of the Interior, acting through the Director of the
14 United States Fish and Wildlife Service.

15 (9) The term “State” means a State of the
16 United States, the District of Columbia, any Indian
17 Tribe, and any commonwealth, territory, or posses-
18 sion of the United States.

19 **SEC. 5506. LEASING ON THE OUTER CONTINENTAL SHELF.**

20 (a) **LEASING AUTHORIZED.**—Notwithstanding the
21 Presidential Memorandum entitled “Memorandum on the
22 Withdrawal of Certain Areas of the United States Outer
23 Continental Shelf from Leasing Disposition” (issued Sep-
24 tember 8, 2020) and the Presidential Memorandum enti-
25 tled “Presidential Determination on the Withdrawal of

1 Certain Areas of the United States Outer Continental
2 Shelf from Leasing Disposition” (issued September 25,
3 2020), the Secretary of the Interior is authorized to grant
4 leases pursuant to section 8(p)(1)(C) of the Outer Conti-
5 nental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) in the
6 South Atlantic Planning Area, the Straits of Florida Plan-
7 ning Area, and the Mid Atlantic Planning Area designated
8 by the Bureau of Ocean Energy Management as of Sep-
9 tember 25, 2020.

10 (b) WITHDRAWALS.—Any Presidential withdrawal of
11 an area of the Outer Continental Shelf from leasing under
12 section 12(a) of the Outer Continental Shelf Lands Act
13 (43 U.S.C. 1341(a)) issued after the date of enactment
14 of this section shall apply only to leasing authorized under
15 subsections (a) and (i) of section 8 of the Outer Conti-
16 nental Shelf Lands Act (43 U.S.C. 1337(a) and 1337(i)),
17 unless the withdrawal explicitly applies to other leasing
18 authorized under such Act.

19 **SEC. 5507. CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.**

20 (a) COMPLETION OF TRAIL.—

21 (1) IN GENERAL.—Not later than November
22 10, 2028, the Secretary and the Secretary of the In-
23 terior shall, to the maximum extent practicable, en-
24 sure the completion of the Continental Divide Na-
25 tional Scenic Trail as a contiguous route, consistent

1 with the following provisions of the National Trails
2 System Act:

3 (A) Section 3(a)(2) (16 U.S.C.
4 1242(a)(2)).

5 (B) Section 5(a)(5) (16 U.S.C.
6 1244(a)(5)).

7 (C) Section 7 (16 U.S.C. 1246).

8 (2) PRIORITY OF ACTIONS.—The Secretary and
9 the Secretary of the Interior shall, to the maximum
10 extent practicable, take necessary actions to achieve
11 this goal, including the following steps, listed in
12 order of priority:

13 (A) Complete the Continental Divide Na-
14 tional Scenic Trail by acquiring land or an in-
15 terest in land, or by encouraging States or local
16 governments to enter into cooperative agree-
17 ments to acquire interests in land, to eliminate
18 gaps between sections of the Trail while main-
19 taining the nature and purposes of the Trail.

20 (B) Optimize the Trail by relocating in-
21 compatible existing portions of the Trail on
22 Federal land as necessary to provide for max-
23 imum outdoor recreation potential and for the
24 conservation and enjoyment of the nationally
25 significant scenic, historic, natural, or cultural

1 qualities of the areas through which the Trail
2 passes, consistent with the Trail's nature and
3 purposes.

4 (C) Publish maps of the completed Trail
5 corridor.

6 (b) TRAIL COMPLETION TEAM.—

7 (1) IN GENERAL.—In carrying out subsection
8 (a), not later than 1 year after the date of the enact-
9 ment of this section, the Secretary, in coordination
10 with the Secretary of the Interior, shall establish a
11 joint Forest Service and Bureau of Land Manage-
12 ment trail completion team to work in coordination
13 with the Trail Administrator to facilitate the comple-
14 tion and optimization of the Trail, pursuant to the
15 purposes of section 3(a)(2) of the National Trails
16 System Act (16 U.S.C. 1242(a)(2)) and the Trail's
17 nature and purposes.

18 (2) DUTIES OF THE TEAM.—The Team shall:

19 (A) Implement land and right-of-way ac-
20 quisitions, relocations, and trail construction
21 consistent with any Optimal Location Review
22 for the trail, giving priority to land that—

23 (i) eliminates gaps between segments
24 of the Trail;

1 (ii) may be acquired by the Secretary
2 or the Secretary of the Interior by pur-
3 chase from a willing seller, donation, ex-
4 change, or by cooperative agreement;

5 (iii) is best suited for inclusion in the
6 Trail corridor in accordance with the pur-
7 poses, policies, and provisions of the Na-
8 tional Trails System Act (16 U.S.C. 1241
9 et seq.); and

10 (iv) has been identified as a segment
11 of the Trail on Federal land that should be
12 relocated to provide for maximum outdoor
13 recreation potential and the conservation
14 and enjoyment of the nationally significant
15 scenic, historic, natural, or cultural quali-
16 ties of the areas through which the Trail
17 passes.

18 (B) Provide the necessary administrative
19 and technical support to complete the Trail cor-
20 ridor under subsection (a).

21 (C) As appropriate, consult with other
22 Federal agencies, Governors of affected States,
23 Indian Tribes, Land Grants-Mercedes,
24 Acequias, relevant landowners or land users of
25 an acequia or land grant-merced, the Conti-

1 nental Divide Trail Coalition, and other volun-
2 teer and nonprofit organizations that assist in,
3 or whose members may be affected by, the de-
4 velopment, maintenance, and management of
5 the Trail.

6 (D) Support the Secretary in the develop-
7 ment of the acquisition and development plan
8 under subsection (c) and annual reports under
9 subsection (f).

10 (c) COMPREHENSIVE ACQUISITION AND DEVELOP-
11 MENT PLAN.—

12 (1) IN GENERAL.—Not later than 2 years after
13 the establishment of the Team under subsection (b),
14 the Secretary shall submit to the Committee on Nat-
15 ural Resources of the House of Representatives and
16 the Committee on Energy and Natural Resources of
17 the Senate a comprehensive acquisition and develop-
18 ment plan for the Trail.

19 (2) CONTENTS OF PLAN.—The comprehensive
20 acquisition and development plan should—

21 (A) identify any gaps in the Trail where
22 the Secretary and the Secretary of the Interior
23 have not been able to acquire land or interests
24 in land by purchase from a willing seller, by do-

1 nation, by exchange, or by cooperative agree-
2 ment;

3 (B) include a plan for closing such gaps by
4 acquiring lands or interests in land; and

5 (C) include general and site-specific devel-
6 opment plans, including anticipated costs.

7 (d) METHOD OF ACQUISITION.—In carrying out this
8 section, the Secretary and the Secretary of the Interior—

9 (1) may acquire land only by purchase from a
10 willing seller with donated or appropriated funds, by
11 donation, or by exchange; and

12 (2) may not acquire land by eminent domain.

13 (e) MAINTAINING EXISTING PARTNERSHIPS.—In
14 carrying out this section, the Secretary, the Secretary of
15 the Interior, and the Team shall continue to maintain and
16 develop working relationships with volunteer and nonprofit
17 organizations that assist in the development, maintenance,
18 and management of the Trail.

19 (f) REPORTS.—Not later than September 30, 2024,
20 and at the close of each fiscal year until the acquisition
21 and development plan is fully implemented, the Secretary
22 shall report on the following, in writing, to the Committee
23 on Natural Resources of the House of Representatives and
24 the Committee on Energy and Natural Resources of the
25 Senate:

1 (1) The progress in acquiring land or interests
2 in land to complete the Trail consistent with this
3 section.

4 (2) The amount of land or interests in land ac-
5 quired during the fiscal year and the amount ex-
6 pended for such land or interests in land.

7 (3) The amount of land or interests in land
8 planned for acquisition in the ensuing fiscal year
9 and the estimated cost of such land or interests in
10 land.

11 (4) The estimated amount of land or interests
12 in land remaining to be acquired.

13 (5) The amount of existing Trail miles on Fed-
14 eral lands that need to be relocated to provide for
15 maximum outdoor recreation potential and for con-
16 servation and enjoyment of the nationally significant
17 scenic, historic, natural, or cultural qualities of the
18 areas through which the Trail passes.

19 (g) DEFINITIONS.—In this section:

20 (1) ACEQUIA.—The term “acequia” has the
21 meaning of the term “community ditch” as such
22 term is defined under section 73-2-27 of the New
23 Mexico Statutes.

24 (2) LAND GRANT-MERCED.—The term “land
25 grant-merced” means a community land grant

1 issued under the laws or customs of the Government
2 of Spain or Mexico that is recognized under chapter
3 49 of the New Mexico Statutes (or a successor statute).
4

5 (3) OPTIMAL LOCATION REVIEW.—The term
6 “Optimal Location Review” means the procedures
7 described in the Continental Divide National Scenic
8 Trail Optimal Location Review Guide, dated November
9 2017.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Agriculture, acting through the
12 Chief of the Forest Service.

13 (5) TEAM.—The term “Team” means the trail
14 completion team established under subsection (b).

15 (6) TRAIL.—The term “Trail” means the Continental
16 Divide National Scenic Trail established by
17 section 5 of the National Trails System Act (16
18 U.S.C. 1244).

19 **SEC. 5508. SACRAMENTO-SAN JOAQUIN DELTA NATIONAL**
20 **HERITAGE AREA.**

21 Section 6001(a)(4)(A) of the John D. Dingell, Jr.
22 Conservation, Management, and Recreation Act (Public
23 Law 116–9) is amended by adding at the end the following:
24 “In addition, the Sacramento-San Joaquin Delta
25 National Heritage Area shall include the area depicted as

1 ‘Rio Vista/Expansion Area’ on the map entitled ‘Sac-
2 ramento-San Joaquin Delta National Heritage Area Pro-
3 posed Boundary Expansion’ and dated February 2021.”.

4 **SEC. 5509. NEW YORK-NEW JERSEY WATERSHED PROTEC-**
5 **TION.**

6 (a) PROGRAM ESTABLISHMENT.—

7 (1) ESTABLISHMENT.—Not later than 180 days
8 after the date of the enactment of this Act, the Sec-
9 retary shall establish a nonregulatory program to be
10 known as the “New York-New Jersey Watershed
11 Restoration Program”.

12 (2) DUTIES.—In carrying out the program, the
13 Secretary shall—

14 (A) draw on existing and new approved
15 plans for the Watershed, or portions of the Wa-
16 tershed, and work in consultation with applica-
17 ble management entities, including representa-
18 tives of the New York-New Jersey Harbor and
19 Estuary Program (HEP), Hudson River Estu-
20 ary Program, Mohawk River Basin Program,
21 Sustainable Raritan River Initiative, the Fed-
22 eral Government, and other State and local gov-
23 ernments, and regional and nonprofit organiza-
24 tions, as appropriate, to identify, prioritize, and

1 implement restoration and protection activities
2 within the Watershed; and

3 (B) adopt a Watershed-wide strategy
4 that—

5 (i) supports the implementation of a
6 shared set of science-based restoration and
7 protection activities developed in accord-
8 ance with subparagraph (A);

9 (ii) targets cost-effective projects with
10 measurable results;

11 (iii) maximizes conservation outcomes;

12 (iv) prioritizes the needs of commu-
13 nities lacking in environmental justice; and

14 (v) establishes the voluntary grant
15 and technical assistance programs author-
16 ized in this section.

17 (3) CONSULTATION.—In establishing the pro-
18 gram, the Secretary shall, as appropriate—

19 (A) consult with—

20 (i) the heads of Federal agencies, in-
21 cluding—

22 (I) the Administrator of the En-
23 vironmental Protection Agency;

1 (II) the Administrator of the Na-
2 tional Oceanic and Atmospheric Ad-
3 ministration;

4 (III) the Secretary of Agri-
5 culture; and

6 (IV) the Director of the National
7 Park Service; and

8 (ii) Indian Tribes; and

9 (B) coordinate with —

10 (i) the Governors of New York and
11 New Jersey and the Commissioner of the
12 New York State Department of Environ-
13 mental Conservation and the Director of
14 the New Jersey Division of Fish and Wild-
15 life;

16 (ii) the New York-New Jersey Harbor
17 & Estuary Program; and

18 (iii) other public agencies and organi-
19 zations with authority for the planning and
20 implementation of conservation strategies
21 in the Watershed.

22 (4) PURPOSES.—The purposes of the program
23 include—

24 (A) coordinating restoration and protection
25 activities among Federal, State, local, and re-

1 gional entities and conservation partners
2 throughout the Watershed;

3 (B) carrying out coordinated restoration
4 and protection activities, and providing for tech-
5 nical assistance throughout the Watershed—

6 (i) to sustain and enhance fish and
7 wildlife habitat restoration and protection
8 activities;

9 (ii) to improve and maintain water
10 quality to support fish, wildlife, and their
11 habitat, as well as to improve opportunities
12 for public access and recreation in the Wa-
13 tershed consistent with the ecological needs
14 of fish and wildlife habitat;

15 (iii) to advance the use of natural and
16 nature-based features, living shoreline, and
17 other green infrastructure techniques to
18 maximize the resilience of communities,
19 natural systems, and habitats under
20 changing sea levels, storm risks, and wa-
21 tershed conditions;

22 (iv) to engage the public, communities
23 experiencing environmental injustice,
24 through outreach, education, and commu-
25 nity involvement to increase capacity and

1 support for coordinated restoration and
2 protection activities in the Watershed;

3 (v) to increase scientific capacity to
4 support the planning, monitoring, and re-
5 search activities necessary to carry out co-
6 ordinated restoration and protection activi-
7 ties;

8 (vi) to provide for feasibility and plan-
9 ning studies for green infrastructure
10 projects that achieve habitat restoration
11 and stormwater management goals;

12 (vii) to support land conservation and
13 management activities necessary to fulfill
14 the Watershed-wide strategy adopted
15 under subsection (a)(2)(B);

16 (viii) to provide technical assistance to
17 carry out restoration and protection activi-
18 ties in the Watershed;

19 (ix) to monitor environmental quality
20 to assess progress toward the goals of this
21 section; and

22 (x) to improve fish and wildlife habi-
23 tats, as well as opportunities for personal
24 recreation, along rivers and shore fronts

1 within communities lacking in environ-
2 mental justice; and

3 (C) other activities necessary for the imple-
4 mentation of approved plans.

5 (b) NEW YORK-NEW JERSEY WATERSHED RESTORA-
6 TION GRANT PROGRAM.—

7 (1) ESTABLISHMENT.—The Secretary shall es-
8 tablish a voluntary grant and technical assistance
9 program, to be known as the “New York-New Jersey
10 Watershed Restoration Grant Program”, to provide
11 competitive matching grants of varying amounts to
12 State and local governments, nonprofit organiza-
13 tions, institutions of higher education, and other eli-
14 gible entities to carry out activities described in sub-
15 section (a)(4).

16 (2) CRITERIA.—The Secretary, in consultation
17 with the agencies, organizations, and other persons
18 referred to in section 404(c), shall develop criteria
19 for the grant program to help ensure that activities
20 funded under this section accomplish one or more of
21 the purposes identified in subsection (a)(4) and ad-
22 vance the implementation of priority actions or
23 needs identified in the Watershed-wide strategy
24 adopted under subsection (a)(2)(B).

1 (3) CAPACITY BUILDING.—The Secretary shall
2 include grant program provisions designed to in-
3 crease the effectiveness of organizations that work at
4 the nexus of natural resource and community health
5 issues within the New York-New Jersey Watershed
6 by addressing organizational capacity needs.

7 (4) COST SHARING.—

8 (A) DEPARTMENT OF THE INTERIOR
9 SHARE.—The Department of the Interior share
10 of the cost of a project funded under the grant
11 program shall not exceed 50 percent of the total
12 cost of the activity, as determined by the Sec-
13 retary.

14 (B) NON-DEPARTMENT OF THE INTERIOR
15 SHARE.—The non-Department of the Interior
16 share of the cost of a project funded under the
17 grant program may be provided in cash or in
18 the form of an in-kind contribution of services
19 or materials.

20 (c) ADMINISTRATION.—

21 (1) IN GENERAL.—The Secretary may enter
22 into an agreement to manage the grant program
23 with the National Fish and Wildlife Foundation or
24 a similar organization that offers grant management
25 services.

1 (2) FUNDING.—If the Secretary enters into an
2 agreement under paragraph (A), the organization se-
3 lected shall—

4 (A) for each fiscal year, receive amounts
5 made available to carry out this section in an
6 advance payment of the entire amounts on Oc-
7 tober 1 of that fiscal year, or as soon as prac-
8 ticable thereafter;

9 (B) invest and reinvest those amounts for
10 the benefit of the grant program; and

11 (C) otherwise administer the grant pro-
12 gram to support partnerships between the pub-
13 lic and private sectors in accordance with this
14 section.

15 (3) REQUIREMENTS.—If the Secretary enters
16 into an agreement with the Foundation under sub-
17 paragraph (A), any amounts received by the Foun-
18 dation under this section shall be subject to the Na-
19 tional Fish and Wildlife Foundation Establishment
20 Act (16 U.S.C. 3701 et seq.), excluding section
21 10(a) of that Act (16 U.S.C. 3709(a)).

22 (d) ANNUAL REPORTS.—Not later than 180 days
23 after the date of enactment of this Act and annually there-
24 after, the Secretary shall submit to the Congress a report
25 on the implementation of this section, including a descrip-

tion of each project that has received funding under this section in the preceding fiscal year.

(e) PROHIBITION ON FEDERAL LAND HOLDINGS.—
The Federal Government may not maintain ownership of any land acquired under this section except for the purpose of promptly transferring ownership to a State or local entity.

(f) SUNSET.—This section shall have no force or effect after September 30, 2030.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section \$20,000,000 for each of fiscal years 2023 through 2028, of which not more than 3 percent shall be used for administrative costs to carry out this section.

(2) USE FOR GRANT PROGRAM.—Of any amount made available under this section for each fiscal year, the Secretary shall use at least 75 percent to carry out the grant program under subsection (b) and to provide, or provide for, technical assistance under such program.

(h) DEFINITIONS.—In this section:

(1) APPROVED PLANS.—The term “approved plan”—

1 (A) means any plan for management of the
2 New York-New Jersey Watershed—

3 (i) that has been approved by a Fed-
4 eral, regional, State, or local governmental
5 entity, including State Wildlife Action
6 Plans, Comprehensive Conservation Man-
7 agement Plans, Watershed Improvement
8 Plans; or

9 (ii) that is determined by the Direc-
10 tor, in consultation with such entities, to
11 contribute to the achievement of the pur-
12 poses of this section; and

13 (B) includes the New York-New Jersey
14 Harbor & Estuary Program (HEP) Action
15 Agenda, the Hudson Raritan Comprehensive
16 Restoration Plan, the Hudson River Com-
17 prehensive Restoration Plan, the Hudson River
18 Estuary Program Action Agenda, the Hudson
19 River Park Trust Estuarine Sanctuary Manage-
20 ment Plan, the Mohawk River Action Agenda,
21 the Sustainable Raritan River Initiative Action
22 Plan, the Lower Passaic and Bronx & Harlem
23 Federal Urban Waters Partnership Workplans,
24 the New Jersey Sports and Exhibition Author-
25 ity Meadowlands Restoration Plan, as well as

1 other critical conservation projects in the region
2 that achieve the purposes of this section.

3 (2) DIRECTOR.—The term “Director” means
4 the Director of the United States Fish and Wildlife
5 Service.

6 (3) ENVIRONMENTAL JUSTICE.—The term “en-
7 vironmental justice” means the fair treatment and
8 meaningful involvement of all people regardless of
9 race, color, national origin, or income, with respect
10 to the development, implementation, and enforce-
11 ment of environmental laws, regulations, and poli-
12 cies.

13 (4) FOUNDATION.—The term “Foundation”
14 means the National Fish and Wildlife Foundation.

15 (5) GRANT PROGRAM.—The term “grant pro-
16 gram” means the voluntary New York-New Jersey
17 Watershed Restoration Grant Program established
18 under section 405.

19 (6) PROGRAM.—The term “program” means
20 the New York-New Jersey Watershed Restoration
21 Program established under section 404.

22 (7) RESTORATION AND PROTECTION.—The
23 term “restoration and protection” means the con-
24 servation, stewardship, and enhancement of habitat
25 for fish and wildlife and water quality to preserve

1 and improve ecosystems and ecological processes on
2 which they depend and for use and enjoyment by the
3 public.

4 (8) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior, acting through the Di-
6 rector.

7 (9) SERVICE.—The term “Service” means the
8 United States Fish and Wildlife Service.

9 (10) WATERSHED.—The term “Watershed”
10 means the New York-New Jersey Watershed, which
11 is comprised of all land area whose surface water
12 drains into New York-New Jersey Harbor, the
13 waters contained within that land area, and the es-
14 tuaries associated with those watersheds.

15 **SEC. 5510. AUTHORIZATION OF APPROPRIATIONS FOR THE**
16 **NATIONAL MARITIME HERITAGE GRANT PRO-**
17 **GRAM.**

18 Section 308703 of title 54, United States Code, is
19 amended—

20 (1) in subsection (b)(1), by inserting “sub-
21 section (k) and” after “amounts for that purpose
22 under”;

23 (2) in subsection (c)(1), by inserting “sub-
24 section (k) and” after “amounts for that purpose
25 under”; and

1 (3) by adding at the end the following:

2 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
3 are hereby authorized to be appropriated to the Secretary
4 \$10,000,000 for each of fiscal years 2023 and 2024 to
5 carry out this section.”.

6 **SEC. 5511. BERRYESSA SNOW MOUNTAIN NATIONAL MONU-**
7 **MENT EXPANSION.**

8 (a) DEFINITIONS.—In this section:

9 (1) BOARD.—The term “Board” means the
10 Board on Geographic Names established by section
11 2 of the Act of July 25, 1947 (61 Stat. 456, chapter
12 330; 43 U.S.C. 364a).

13 (2) MAP.—The term “Map” means the map en-
14 titled “Proposed Walker Ridge (Molok Luyuk) Addi-
15 tion Berryessa Snow Mountain National Monument”
16 and dated October 26, 2021.

17 (3) MOLOK LUYUK.—The term “Molok Luyuk”
18 means Condor Ridge (in the Patwin language).

19 (4) NATIONAL MONUMENT.—The term “Na-
20 tional Monument” means the Berryessa Snow Moun-
21 tain National Monument established by Presidential
22 Proclamation 9298, dated July 10, 2015 (80 Fed.
23 Reg. 41975), including all land, interests in the
24 land, and objects on the land identified in that Pres-
25 idential Proclamation.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (6) WALKER RIDGE (MOLOK LUYUK) ADDI-
4 TION.—The term “Walker Ridge (Molok Luyuk) Ad-
5 dition” means the approximately 3,925 acres of Fed-
6 eral land (including any interests in, or objects on,
7 the land) administered by the Bureau of Land Man-
8 agement in Lake County, California, and identified
9 as “Proposed Walker Ridge (Molok Luyuk) Addi-
10 tion” on the Map.

11 (b) NATIONAL MONUMENT EXPANSION.—

12 (1) BOUNDARY MODIFICATION.—The boundary
13 of the National Monument is modified to include the
14 Walker Ridge (Molok Luyuk) Addition.

15 (2) MAP.—

16 (A) CORRECTIONS.—The Secretary may
17 make clerical and typographical corrections to
18 the Map.

19 (B) PUBLIC AVAILABILITY; EFFECT.—The
20 Map and any corrections to the Map under sub-
21 paragraph (A) shall—

22 (i) be publicly available on the website
23 of the Bureau of Land Management; and
24 (ii) have the same force and effect as
25 if included in this section.

1 (3) ADMINISTRATION.—Subject to valid existing
2 rights, the Secretary shall administer the Walker
3 Ridge (Molok Luyuk) Addition—

4 (A) as part of the National Monument;

5 (B) in accordance with Presidential Procla-
6 mation 9298, dated July 10, 2015 (80 Fed.
7 Reg. 41975); and

8 (C) in accordance with applicable laws (in-
9 cluding regulations).

10 (c) MANAGEMENT PLAN.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of the enactment of this section, the Sec-
13 retary and the Secretary of Agriculture shall jointly
14 develop a comprehensive management plan for the
15 National Monument in accordance with, and in a
16 manner that fulfills the purposes described in, Presi-
17 dential Proclamation 9298, dated July 10, 2015 (80
18 Fed. Reg. 41975).

19 (2) TRIBAL CONSULTATION.—The Secretary
20 and the Secretary of Agriculture shall consult with
21 affected federally recognized Indian Tribes in—

22 (A) the development of the management
23 plan under paragraph (1); and

24 (B) making management decisions relating
25 to the National Monument.

1 (3) CONTINUED ENGAGEMENT WITH INDIAN
2 TRIBES.—The management plan developed under
3 paragraph (1) shall set forth parameters for contin-
4 ued meaningful engagement with affected federally
5 recognized Indian Tribes in the implementation of
6 the management plan.

7 (4) EFFECT.—Nothing in this section affects
8 the conduct of fire mitigation or suppression activi-
9 ties at the National Monument, including through
10 the use of existing agreements.

11 (d) AGREEMENTS AND PARTNERSHIPS.—To the
12 maximum extent practicable and in accordance with appli-
13 cable laws, on request of an affected federally recognized
14 Indian Tribe, the Secretary (acting through the Director
15 of the Bureau of Land Management) and the Secretary
16 of Agriculture (acting through the Chief of the Forest
17 Service) shall enter into agreements, contracts, and other
18 cooperative and collaborative partnerships with the feder-
19 ally recognized Indian Tribe regarding management of the
20 National Monument under relevant Federal authority, in-
21 cluding—

22 (1) the Indian Self-Determination and Edu-
23 cation Assistance Act (25 U.S.C. 5301 et seq.);

24 (2) the Federal Land Policy and Management
25 Act of 1976 (43 U.S.C. 1701 et seq.);

1 (3) the Tribal Self-Governance Act of 1994 (25
2 U.S.C. 5361 et seq.);

3 (4) the Tribal Forest Protection Act of 2004
4 (25 U.S.C. 3115a et seq.);

5 (5) the good neighbor authority under section
6 8206 of the Agricultural Act of 2014 (16 U.S.C.
7 2113a);

8 (6) Executive Order 13175 (25 U.S.C. 5301
9 note; relating to consultation and coordination with
10 Indian Tribal governments);

11 (7) Secretarial Order 3342, issued by the Sec-
12 retary on October 21, 2016 (relating to identifying
13 opportunities for cooperative and collaborative part-
14 nerships with federally recognized Indian Tribes in
15 the management of Federal lands and resources);
16 and

17 (8) Joint Secretarial Order 3403, issued by the
18 Secretary and the Secretary of Agriculture on No-
19 vember 15, 2021 (relating to fulfilling the trust re-
20 sponsibility to Indian Tribes in the stewardship of
21 Federal lands and waters).

22 (e) DESIGNATION OF CONDOR RIDGE (MOLOK
23 LUYUK) IN LAKE AND COLUSA COUNTIES, CALI-
24 FORNIA.—

1 (1) IN GENERAL.—The parcel of Federal land
2 administered by the Bureau of Land Management
3 located in Lake and Colusa Counties in the State of
4 California and commonly referred to as “Walker
5 Ridge” shall be known and designated as “Condor
6 Ridge (Molok Luyuk)”.

7 (2) REFERENCES.—Any reference in a law,
8 map, regulation, document, paper, or other record of
9 the United States to the parcel of Federal land de-
10 scribed in paragraph (1) shall be deemed to be a ref-
11 erence to “Condor Ridge (Molok Luyuk)”.

12 (3) MAP AND LEGAL DESCRIPTION.—

13 (A) PREPARATION.—

14 (i) INITIAL MAP.—The Board shall
15 prepare a map and legal description of the
16 parcel of Federal land designated by sub-
17 section (a).

18 (ii) CORRECTIONS.—The Board and
19 the Director of the Bureau of Land Man-
20 agement may make clerical and typo-
21 graphical corrections to the map and legal
22 description prepared under clause (i).

23 (B) CONSULTATION.—In preparing the
24 map and legal description under subparagraph
25 (A)(i), the Board shall consult with—

1 (i) the Director of the Bureau of
2 Land Management; and

3 (ii) affected federally recognized In-
4 dian Tribes.

5 (C) PUBLIC AVAILABILITY; EFFECT.—The
6 map and legal description prepared under sub-
7 paragraph (A)(i) and any correction to the map
8 or legal description made under subparagraph
9 (A)(ii) shall—

10 (i) be publicly available on the website
11 of the Board, the Bureau of Land Manage-
12 ment, or both; and

13 (ii) have the same force and effect as
14 if included in this section.

15 **TITLE LVI—INSPECTOR GEN-**
16 **ERAL INDEPENDENCE AND**
17 **EMPOWERMENT MATTERS**
18 **Subtitle A—Inspector General**
19 **Independence**

20 **SEC. 5601. SHORT TITLE.**

21 This subtitle may be cited as the “Securing Inspector
22 General Independence Act of 2022”.

1 **SEC. 5602. REMOVAL OR TRANSFER OF INSPECTORS GEN-**
2 **ERAL; PLACEMENT ON NON-DUTY STATUS.**

3 (a) IN GENERAL.—The Inspector General Act of
4 1978 (5 U.S.C. App.) is amended—

5 (1) in section 3(b)—

6 (A) by inserting “(1)(A)” after “(b)”;

7 (B) in paragraph (1), as so designated—

8 (i) in subparagraph (A), as so des-
9 ignated, in the second sentence—

10 (I) by striking “reasons” and in-
11 serting the following: “substantive ra-
12 tionale, including detailed and case-
13 specific reasons,”; and

14 (II) by inserting “(including to
15 the appropriate congressional commit-
16 tees)” after “Houses of Congress”;
17 and

18 (ii) by adding at the end the fol-
19 lowing:

20 “(B) If there is an open or completed inquiry into
21 an Inspector General that relates to the removal or trans-
22 fer of the Inspector General under subparagraph (A), the
23 written communication required under that subparagraph
24 shall—

25 “(i) identify each entity that is conducting, or
26 that conducted, the inquiry; and

1 “(ii) in the case of a completed inquiry, contain
2 the findings made during the inquiry.”; and

3 (C) by adding at the end the following:

4 “(2)(A) Subject to the other provisions of this para-
5 graph, only the President may place an Inspector General
6 on non-duty status.

7 “(B) If the President places an Inspector General on
8 non-duty status, the President shall communicate in writ-
9 ing the substantive rationale, including detailed and case-
10 specific reasons, for the change in status to both Houses
11 of Congress (including to the appropriate congressional
12 committees) not later than 15 days before the date on
13 which the change in status takes effect, except that the
14 President may submit that communication not later than
15 the date on which the change in status takes effect if—

16 “(i) the President has made a determination
17 that the continued presence of the Inspector General
18 in the workplace poses a threat described in any of
19 clauses (i) through (iv) of section 6329b(b)(2)(A) of
20 title 5, United States Code; and

21 “(ii) in the communication, the President in-
22 cludes a report on the determination described in
23 clause (i), which shall include—

24 “(I) a specification of which clause of sec-
25 tion 6329b(b)(2)(A) of title 5, United States

1 Code, the President has determined applies
2 under clause (i) of this subparagraph;

3 “(II) the substantive rationale, including
4 detailed and case-specific reasons, for the deter-
5 mination made under clause (i);

6 “(III) an identification of each entity that
7 is conducting, or that conducted, any inquiry
8 upon which the determination under clause (i)
9 was made; and

10 “(IV) in the case of an inquiry described
11 in subclause (III) that is completed, the find-
12 ings made during that inquiry.

13 “(C) The President may not place an Inspector Gen-
14 eral on non-duty status during the 30-day period pre-
15 ceding the date on which the Inspector General is removed
16 or transferred under paragraph (1)(A) unless the Presi-
17 dent—

18 “(i) has made a determination that the contin-
19 ued presence of the Inspector General in the work-
20 place poses a threat described in any of clauses (i)
21 through (iv) of section 6329b(b)(2)(A) of title 5,
22 United States Code; and

23 “(ii) not later than the date on which the
24 change in status takes effect, submits to both
25 Houses of Congress (including to the appropriate

1 congressional committees) a written communication
2 that contains the information required under sub-
3 paragraph (B), including the report required under
4 clause (ii) of that subparagraph.

5 “(D) For the purposes of this paragraph—

6 “(i) the term ‘Inspector General’—

7 “(I) means an Inspector General who was
8 appointed by the President, without regard to
9 whether the Senate provided advice and consent
10 with respect to that appointment; and

11 “(II) includes the Inspector General of an
12 establishment, the Inspector General of the In-
13 telligence Community, the Inspector General of
14 the Central Intelligence Agency, the Special In-
15 spector General for Afghanistan Reconstruc-
16 tion, the Special Inspector General for the
17 Troubled Asset Relief Program, and the Special
18 Inspector General for Pandemic Recovery; and

19 “(ii) a reference to the removal or transfer of
20 an Inspector General under paragraph (1), or to the
21 written communication described in that paragraph,
22 shall be considered to be—

23 “(I) in the case of the Inspector General of
24 the Intelligence Community, a reference to sec-

tion 103H(c)(4) of the National Security Act of 1947 (50 U.S.C. 3033(c)(4));

“(II) in the case of the Inspector General of the Central Intelligence Agency, a reference to section 17(b)(6) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(b)(6));

“(III) in the case of the Special Inspector General for Afghanistan Reconstruction, a reference to section 1229(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 378);

“(IV) in the case of the Special Inspector General for the Troubled Asset Relief Program, a reference to section 121(b)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(b)(4)); and

“(V) in the case of the Special Inspector General for Pandemic Recovery, a reference to section 4018(b)(3) of the CARES Act (15 U.S.C. 9053(b)(3)).”; and
(2) in section 8G(e)—

(A) in paragraph (1), by inserting “or placement on non-duty status” after “a removal”;

(B) in paragraph (2)—

1 (i) by inserting “(A)” after “(2)”;

2 (ii) in subparagraph (A), as so des-
3 ignated, in the first sentence—

4 (I) by striking “reasons” and in-
5 serting the following: “substantive ra-
6 tionale, including detailed and case-
7 specific reasons,”; and

8 (II) by inserting “(including to
9 the appropriate congressional commit-
10 tees)” after “Houses of Congress”;
11 and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(B) If there is an open or completed inquiry into
15 an Inspector General that relates to the removal or trans-
16 fer of the Inspector General under subparagraph (A), the
17 written communication required under that subparagraph
18 shall—

19 “(i) identify each entity that is conducting, or
20 that conducted, the inquiry; and

21 “(ii) in the case of a completed inquiry, contain
22 the findings made during the inquiry.”; and

23 (C) by adding at the end the following:

24 “(3)(A) Subject to the other provisions of this para-
25 graph, only the head of the applicable designated Federal

1 entity (referred to in this paragraph as the ‘covered offi-
2 cial’) may place an Inspector General on non-duty status.

3 “(B) If a covered official places an Inspector General
4 on non-duty status, the covered official shall communicate
5 in writing the substantive rationale, including detailed and
6 case-specific reasons, for the change in status to both
7 Houses of Congress (including to the appropriate congres-
8 sional committees) not later than 15 days before the date
9 on which the change in status takes effect, except that
10 the covered official may submit that communication not
11 later than the date on which the change in status takes
12 effect if—

13 “(i) the covered official has made a determina-
14 tion that the continued presence of the Inspector
15 General in the workplace poses a threat described in
16 any of clauses (i) through (iv) of section
17 6329b(b)(2)(A) of title 5, United States Code; and

18 “(ii) in the communication, the covered official
19 includes a report on the determination described in
20 clause (i), which shall include—

21 “(I) a specification of which clause of sec-
22 tion 6329b(b)(2)(A) of title 5, United States
23 Code, the covered official has determined ap-
24 plies under clause (i) of this subparagraph;

1 “(II) the substantive rationale, including
2 detailed and case-specific reasons, for the deter-
3 mination made under clause (i);

4 “(III) an identification of each entity that
5 is conducting, or that conducted, any inquiry
6 upon which the determination under clause (i)
7 was made; and

8 “(IV) in the case of an inquiry described
9 in subclause (III) that is completed, the find-
10 ings made during that inquiry.

11 “(C) A covered official may not place an Inspector
12 General on non-duty status during the 30-day period pre-
13 ceding the date on which the Inspector General is removed
14 or transferred under paragraph (2)(A) unless the covered
15 official—

16 “(i) has made a determination that the contin-
17 ued presence of the Inspector General in the work-
18 place poses a threat described in any of clauses (i)
19 through (iv) of section 6329b(b)(2)(A) of title 5,
20 United States Code; and

21 “(ii) not later than the date on which the
22 change in status takes effect, submits to both
23 Houses of Congress (including to the appropriate
24 congressional committees) a written communication
25 that contains the information required under sub-

1 paragraph (B), including the report required under
2 clause (ii) of that subparagraph.

3 “(D) Nothing in this paragraph may be construed to
4 limit or otherwise modify—

5 “(i) any statutory protection that is afforded to
6 an Inspector General; or

7 “(ii) any other action that a covered official
8 may take under law with respect to an Inspector
9 General.”.

10 (b) TECHNICAL AND CONFORMING AMENDMENT.—
11 Section 12(3) of the Inspector General Act of 1978 (5
12 U.S.C. App.) is amended by inserting “except as otherwise
13 expressly provided,” before “the term”.

14 **SEC. 5603. VACANCY IN POSITION OF INSPECTOR GENERAL.**

15 (a) IN GENERAL.—Section 3 of the Inspector General
16 Act of 1978 (5 U.S.C. App.) is amended by adding at the
17 end the following:

18 “(h)(1) In this subsection—

19 “(A) the term ‘first assistant to the position of
20 Inspector General’ means, with respect to an Office
21 of Inspector General—

22 “(i) an individual who, as of the day before
23 the date on which the Inspector General dies,
24 resigns, or otherwise becomes unable to perform
25 the functions and duties of that position—

1 “(I) is serving in a position in that
2 Office; and

3 “(II) has been designated in writing
4 by the Inspector General, through an order
5 of succession or otherwise, as the first as-
6 sistant to the position of Inspector Gen-
7 eral; or

8 “(ii) if the Inspector General has not made
9 a designation described in clause (i)(II)—

10 “(I) the Principal Deputy Inspector
11 General of that Office, as of the day before
12 the date on which the Inspector General
13 dies, resigns, or otherwise becomes unable
14 to perform the functions and duties of that
15 position; or

16 “(II) if there is no Principal Deputy
17 Inspector General of that Office, the Dep-
18 uty Inspector General of that Office, as of
19 the day before the date on which the In-
20 spector General dies, resigns, or otherwise
21 becomes unable to perform the functions
22 and duties of that position; and

23 “(B) the term ‘Inspector General’—

1 “(i) means an Inspector General who is ap-
2 pointed by the President, by and with the ad-
3 vice and consent of the Senate; and

4 “(ii) includes the Inspector General of an
5 establishment, the Inspector General of the In-
6 telligence Community, the Inspector General of
7 the Central Intelligence Agency, the Special In-
8 spector General for the Troubled Asset Relief
9 Program, and the Special Inspector General for
10 Pandemic Recovery.

11 “(2) If an Inspector General dies, resigns, or is other-
12 wise unable to perform the functions and duties of the po-
13 sition—

14 “(A) section 3345(a) of title 5, United States
15 Code, and section 103(e) of the National Security
16 Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

17 “(B) subject to paragraph (4), the first assist-
18 ant to the position of Inspector General shall per-
19 form the functions and duties of the Inspector Gen-
20 eral temporarily in an acting capacity subject to the
21 time limitations of section 3346 of title 5, United
22 States Code; and

23 “(C) notwithstanding subparagraph (B), and
24 subject to paragraphs (4) and (5), the President
25 (and only the President) may direct an officer or

1 employee of any Office of an Inspector General to
2 perform the functions and duties of the Inspector
3 General temporarily in an acting capacity subject to
4 the time limitations of section 3346 of title 5,
5 United States Code, only if—

6 “(i) during the 365-day period preceding
7 the date of death, resignation, or beginning of
8 inability to serve of the Inspector General, the
9 officer or employee served in a position in an
10 Office of an Inspector General for not less than
11 90 days, except that—

12 “(I) the requirement under this clause
13 shall not apply if the officer is an Inspec-
14 tor General; and

15 “(II) for the purposes of this subpara-
16 graph, performing the functions and duties
17 of an Inspector General temporarily in an
18 acting capacity does not qualify as service
19 in a position in an Office of an Inspector
20 General;

21 “(ii) the rate of pay for the position of the
22 officer or employee described in clause (i) is
23 equal to or greater than the minimum rate of
24 pay payable for a position at GS-15 of the
25 General Schedule;

1 “(iii) the officer or employee has dem-
2 onstrated ability in accounting, auditing, finan-
3 cial analysis, law, management analysis, public
4 administration, or investigations; and

5 “(iv) not later than 30 days before the
6 date on which the direction takes effect, the
7 President communicates in writing to both
8 Houses of Congress (including to the appro-
9 priate congressional committees) the sub-
10 stantive rationale, including the detailed and
11 case-specific reasons, for such direction, includ-
12 ing the reason for the direction that someone
13 other than the individual who is performing the
14 functions and duties of the Inspector General
15 temporarily in an acting capacity (as of the
16 date on which the President issues that direc-
17 tion) perform those functions and duties tempo-
18 rarily in an acting capacity.

19 “(3) Notwithstanding section 3345(a) of title 5,
20 United States Code, section 103(e) of the National Secu-
21 rity Act of 1947 (50 U.S.C. 3025(e)), and subparagraphs
22 (B) and (C) of paragraph (2), and subject to paragraph
23 (4), during any period in which an Inspector General is
24 on non-duty status—

1 “(A) the first assistant to the position of In-
2 specter General shall perform the functions and du-
3 ties of the position temporarily in an acting capacity
4 subject to the time limitations of section 3346 of
5 title 5, United States Code; and

6 “(B) if the first assistant described in subpara-
7 graph (A) dies, resigns, or becomes otherwise unable
8 to perform those functions and duties, the President
9 (and only the President) may direct an officer or
10 employee in that Office of Inspector General to per-
11 form those functions and duties temporarily in an
12 acting capacity, subject to the time limitations of
13 section 3346 of title 5, United States Code, if—

14 “(i) that direction satisfies the require-
15 ments under clauses (ii), (iii), and (iv) of para-
16 graph (2)(C); and

17 “(ii) that officer or employee served in a
18 position in that Office of Inspector General for
19 not fewer than 90 of the 365 days preceding
20 the date on which the President makes that di-
21 rection.

22 “(4) An individual may perform the functions and
23 duties of an Inspector General temporarily and in an act-
24 ing capacity under subparagraph (B) or (C) of paragraph

1 (2), or under paragraph (3), with respect to only 1 Inspec-
2 tor General position at any given time.

3 “(5) If the President makes a direction under para-
4 graph (2)(C), during the 30-day period preceding the date
5 on which the direction of the President takes effect, the
6 functions and duties of the position of the applicable In-
7 spector General shall be performed by—

8 “(A) the first assistant to the position of In-
9 spector General; or

10 “(B) the individual performing those functions
11 and duties temporarily in an acting capacity, as of
12 the date on which the President issues that direc-
13 tion, if that individual is an individual other than
14 the first assistant to the position of Inspector Gen-
15 eral.”.

16 (b) RULE OF CONSTRUCTION.—Nothing in the
17 amendment made by subsection (a) may be construed to
18 limit the applicability of sections 3345 through 3349d of
19 title 5, United States Code (commonly known as the “Fed-
20 eral Vacancies Reform Act of 1998”), other than with re-
21 spect to section 3345(a) of that title.

22 (c) EFFECTIVE DATE.—

23 (1) DEFINITION.—In this subsection, the term
24 “Inspector General” has the meaning given the term
25 in subsection (h)(1)(B) of section 3 of the Inspector

1 General Act of 1978 (5 U.S.C. App.), as added by
2 subsection (a) of this section.

3 (2) APPLICABILITY.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), this section, and the amend-
6 ments made by this section, shall take effect on
7 the date of enactment of this Act.

8 (B) EXISTING VACANCIES.—If, as of the
9 date of enactment of this Act, an individual is
10 performing the functions and duties of an In-
11 spector General temporarily in an acting capac-
12 ity, this section, and the amendments made by
13 this section, shall take effect with respect to
14 that Inspector General position on the date that
15 is 30 days after the date of enactment of this
16 Act.

17 **SEC. 5604. OFFICE OF INSPECTOR GENERAL WHISTLE-**
18 **BLOWER COMPLAINTS.**

19 (a) WHISTLEBLOWER PROTECTION COORDINATOR.—
20 Section 3(d)(1)(C) of the Inspector General Act of 1978
21 (5 U.S.C. App.) is amended—

22 (1) in clause (i), in the matter preceding sub-
23 clause (I), by inserting “, including employees of
24 that Office of Inspector General” after “employees”;
25 and

1 (2) in clause (iii), by inserting “(including the
2 Integrity Committee of that Council)” after “and
3 Efficiency”.

4 (b) COUNCIL OF THE INSPECTORS GENERAL ON IN-
5 TEGRITY AND EFFICIENCY.—Section 11(c)(5)(B) of the
6 Inspector General Act of 1978 (5 U.S.C. App.) is amended
7 by striking “, allegations of reprisal,” and inserting the
8 following: “and allegations of reprisal (including the timely
9 and appropriate handling and consideration of protected
10 disclosures and allegations of reprisal that are internal to
11 an Office of Inspector General)”.

12 **Subtitle B—Presidential Expla-**
13 **nation of Failure to Nominate**
14 **an Inspector General**

15 **SEC. 5611. PRESIDENTIAL EXPLANATION OF FAILURE TO**
16 **NOMINATE AN INSPECTOR GENERAL.**

17 (a) IN GENERAL.—Subchapter III of chapter 33 of
18 title 5, United States Code, is amended by inserting after
19 section 3349d the following:

20 **“§ 3349e. Presidential explanation of failure to nomi-**
21 **nate an inspector general**

22 “‘If the President fails to make a formal nomination
23 for a vacant inspector general position that requires a for-
24 mal nomination by the President to be filled within the
25 period beginning on the later of the date on which the

1 vacancy occurred or on which a nomination is rejected,
2 withdrawn, or returned, and ending on the day that is 210
3 days after that date, the President shall communicate,
4 within 30 days after the end of such period and not later
5 than June 1 of each year thereafter, to the appropriate
6 congressional committees, as defined in section 12 of the
7 Inspector General Act of 1978 (5 U.S.C. App.)—

8 “(1) the reasons why the President has not yet
9 made a formal nomination; and

10 “(2) a target date for making a formal nomina-
11 tion.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
13 The table of sections for subchapter III of chapter 33 of
14 title 5, United States Code, is amended by inserting after
15 the item relating to section 3349d the following:

“3349e. Presidential explanation of failure to nominate an Inspector General.”.

16 (c) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect—

18 (1) on the date of enactment of this Act with
19 respect to any vacancy first occurring on or after
20 that date; and

21 (2) on the day that is 210 days after the date
22 of enactment of this Act with respect to any vacancy
23 that occurred before the date of enactment of this
24 Act.

1 **Subtitle C—Integrity Committee of**
2 **the Council of Inspectors Gen-**
3 **eral on Integrity and Efficiency**
4 **Transparency**

5 **SEC. 5621. SHORT TITLE.**

6 This subtitle may be cited as the “Integrity Com-
7 mittee Transparency Act of 2022”.

8 **SEC. 5622. ADDITIONAL INFORMATION TO BE INCLUDED IN**
9 **REQUESTS AND REPORTS TO CONGRESS.**

10 Section 11(d) of the Inspector General Act of 1978
11 (5 U.S.C. App.) is amended—

12 (1) in paragraph (5)(B)(ii), by striking the pe-
13 riod at the end and inserting “, the length of time
14 the Integrity Committee has been evaluating the al-
15 legation of wrongdoing, and a description of any pre-
16 vious written notice provided under this clause with
17 respect to the allegation of wrongdoing, including
18 the description provided for why additional time was
19 needed.”; and

20 (2) in paragraph (8)(A)(ii), by inserting “or
21 corrective action” after “disciplinary action”.

1 **SEC. 5623. AVAILABILITY OF INFORMATION TO CONGRESS**
2 **ON CERTAIN ALLEGATIONS OF WRONGDOING**
3 **CLOSED WITHOUT REFERRAL.**

4 Section 11(d)(5)(B) of the Inspector General Act of
5 1978 (5 U.S.C. App.) is amended by adding at the end
6 the following:

7 “(iii) AVAILABILITY OF INFORMATION
8 TO CONGRESS ON CERTAIN ALLEGATIONS
9 OF WRONGDOING CLOSED WITHOUT RE-
10 FERRAL.—

11 “(I) IN GENERAL.—With respect
12 to an allegation of wrongdoing made
13 by a member of Congress that is
14 closed by the Integrity Committee
15 without referral to the Chairperson of
16 the Integrity Committee to initiate an
17 investigation, the Chairperson of the
18 Integrity Committee shall, not later
19 than 60 days after closing the allega-
20 tion of wrongdoing, provide a written
21 description of the nature of the allega-
22 tion of wrongdoing and how the Integ-
23 rity Committee evaluated the allega-
24 tion of wrongdoing to—

25 “(aa) the Chair and Rank-
26 ing Minority Member of the

1 Committee on Homeland Security
2 and Governmental Affairs of the
3 Senate; and

4 “(bb) the Chair and Rank-
5 ing Minority Member of the
6 Committee on Oversight and Re-
7 form of the House of Representa-
8 tives.

9 “(II) REQUIREMENT TO FOR-
10 ward.—The Chairperson of the In-
11 tegrity Committee shall forward any
12 written description or update provided
13 under this clause to the members of
14 the Integrity Committee and to the
15 Chairperson of the Council.”.

16 **SEC. 5624. SEMIANNUAL REPORT.**

17 Section 11(d)(9) of the Inspector General Act of
18 1978 (5 U.S.C. App.) is amended to read as follows:

19 “(9) SEMIANNUAL REPORT.—On or before May
20 31, 2022, and every 6 months thereafter, the Coun-
21 cil shall submit to Congress and the President a re-
22 port on the activities of the Integrity Committee
23 during the immediately preceding 6-month periods
24 ending March 31 and September 30, which shall in-
25 clude the following with respect to allegations of

1 wrongdoing that are made against Inspectors Gen-
2 eral and staff members of the various Offices of In-
3 spector General described in paragraph (4)(C):

4 “(A) An overview and analysis of the alle-
5 gations of wrongdoing disposed of by the Integ-
6 rity Committee, including—

7 “(i) analysis of the positions held by
8 individuals against whom allegations were
9 made, including the duties affiliated with
10 such positions;

11 “(ii) analysis of the categories or
12 types of the allegations of wrongdoing; and

13 “(iii) a summary of disposition of all
14 the allegations.

15 “(B) The number of allegations received by
16 the Integrity Committee.

17 “(C) The number of allegations referred to
18 the Department of Justice or the Office of Spe-
19 cial Counsel, including the number of allega-
20 tions referred for criminal investigation.

21 “(D) The number of allegations referred to
22 the Chairperson of the Integrity Committee for
23 investigation, a general description of the status
24 of such investigations, and a summary of the
25 findings of investigations completed.

1 “(E) An overview and analysis of allega-
2 tions of wrongdoing received by the Integrity
3 Committee during any previous reporting pe-
4 riod, but remained pending during some part of
5 the six months covered by the report, includ-
6 ing—

7 “(i) analysis of the positions held by
8 individuals against whom allegations were
9 made, including the duties affiliated with
10 such positions;

11 “(ii) analysis of the categories or
12 types of the allegations of wrongdoing; and

13 “(iii) a summary of disposition of all
14 the allegations.

15 “(F) The number and category or type of
16 pending investigations.

17 “(G) For each allegation received—

18 “(i) the date on which the investiga-
19 tion was opened;

20 “(ii) the date on which the allegation
21 was disposed of, as applicable; and

22 “(iii) the case number associated with
23 the allegation.

24 “(H) The nature and number of allega-
25 tions to the Integrity Committee closed without

1 referral, including the justification for why each
2 allegation was closed without referral.

3 “(I) A brief description of any difficulty
4 encountered by the Integrity Committee when
5 receiving, evaluating, investigating, or referring
6 for investigation an allegation received by the
7 Integrity Committee, including a brief descrip-
8 tion of—

9 “(i) any attempt to prevent or hinder
10 an investigation; or

11 “(ii) concerns about the integrity or
12 operations at an Office of Inspector Gen-
13 eral.

14 “(J) Other matters that the Council con-
15 sider appropriate.”.

16 **SEC. 5625. ADDITIONAL REPORTS.**

17 Section 5 of the Inspector General Act of 1978 (5
18 U.S.C. App.) is amended—

19 (1) by redesignating subsections (e) and (f) as
20 subsections (g) and (h), respectively; and

21 (2) by inserting after subsection (d) the fol-
22 lowing:

23 “(e) ADDITIONAL REPORTS.—

24 “(1) REPORT TO INSPECTOR GENERAL.—The
25 Chairperson of the Integrity Committee of the Coun-

1 cil of the Inspectors General on Integrity and Effi-
2 ciency shall, immediately whenever the Chairperson
3 of the Integrity Committee becomes aware of par-
4 ticularly serious or flagrant problems, abuses, or de-
5 ficiencies relating to the administration of programs
6 and operations of an Office of Inspector General for
7 which the Integrity Committee may receive, review,
8 and refer for investigation allegations of wrongdoing
9 under section 11(d), submit a report to the Inspec-
10 tor General who leads the Office at which the seri-
11 ous or flagrant problems, abuses, or deficiencies
12 were alleged.

13 “(2) REPORT TO PRESIDENT, CONGRESS, AND
14 THE ESTABLISHMENT.—Not later than 7 days after
15 the date on which an Inspector General receives a
16 report submitted under paragraph (1), the Inspector
17 General shall submit to the President, the appro-
18 priate congressional committees, and the head of the
19 establishment—

20 “(A) the report received under paragraph
21 (1); and

22 “(B) a report by the Inspector General
23 containing any comments the Inspector General
24 determines appropriate.”.

1 **SEC. 5626. REQUIREMENT TO REPORT FINAL DISPOSITION**
2 **TO CONGRESS.**

3 Section 11(d)(8)(B) of the Inspector General Act of
4 1978 (5 U.S.C. App.) is amended by inserting “and the
5 appropriate congressional committees” after “Integrity
6 Committee”.

7 **SEC. 5627. INVESTIGATIONS OF OFFICES OF INSPECTORS**
8 **GENERAL OF ESTABLISHMENTS BY THE IN-**
9 **TEGRITY COMMITTEE.**

10 Section 11(d)(7)(B)(i)(V) of the Inspector General
11 Act of 1978 (5 U.S.C. App.) is amended by inserting “,
12 and that an investigation of an Office of Inspector General
13 of an establishment is conducted by another Office of In-
14 spector General of an establishment” after “size”.

15 **Subtitle D—Notice of Ongoing In-**
16 **vestigations When There Is a**
17 **Change in Status of Inspector**
18 **General**

19 **SEC. 5631. NOTICE OF ONGOING INVESTIGATIONS WHEN**
20 **THERE IS A CHANGE IN STATUS OF INSPEC-**
21 **TOR GENERAL.**

22 Section 5 of the Inspector General Act of 1978 (5
23 U.S.C. App.) is amended by inserting after subsection (e),
24 as added by section 5625 of this title, the following:

25 “(f) Not later than 15 days after an Inspector Gen-
26 eral is removed, placed on paid or unpaid non-duty status,

1 or transferred to another position or location within an
2 establishment, the officer or employee performing the
3 functions and duties of the Inspector General temporarily
4 in an acting capacity shall submit to the Committee on
5 Homeland Security and Governmental Affairs of the Sen-
6 ate and the Committee on Oversight and Reform of the
7 House of Representatives information regarding work
8 being conducted by the Office as of the date on which the
9 Inspector General was removed, placed on paid or unpaid
10 non-duty status, or transferred, which shall include—

11 “(1) for each investigation—

12 “(A) the type of alleged offense;

13 “(B) the fiscal quarter in which the Office
14 initiated the investigation;

15 “(C) the relevant Federal agency, includ-
16 ing the relevant component of that Federal
17 agency for any Federal agency listed in section
18 901(b) of title 31, United States Code, under
19 investigation or affiliated with the individual or
20 entity under investigation; and

21 “(D) whether the investigation is adminis-
22 trative, civil, criminal, or a combination thereof,
23 if known; and

24 “(2) for any work not described in paragraph

25 (1)—

1 “(A) a description of the subject matter
2 and scope;

3 “(B) the relevant agency, including the rel-
4 evant component of that Federal agency, under
5 review;

6 “(C) the date on which the Office initiated
7 the work; and

8 “(D) the expected time frame for comple-
9 tion.”.

10 **Subtitle E—Council of the Inspec-**
11 **tors General on Integrity and**
12 **Efficiency Report on Expendi-**
13 **tures**

14 **SEC. 5641. CIGIE REPORT ON EXPENDITURES.**

15 Section 11(c)(3) of the Inspector General Act of 1978
16 (5 U.S.C. App.) is amended by adding at the end the fol-
17 lowing:

18 “(D) REPORT ON EXPENDITURES.—Not
19 later than November 30 of each year, the
20 Chairperson shall submit to the appropriate
21 committees or subcommittees of Congress, in-
22 cluding the Committee on Appropriations of the
23 Senate and the Committee on Appropriations of
24 the House of Representatives, a report on the
25 expenditures of the Council for the preceding

1 fiscal year, including from direct appropriations
2 to the Council, interagency funding pursuant to
3 subparagraph (A), a revolving fund pursuant to
4 subparagraph (B), or any other source.”.

5 **Subtitle F—Notice of Refusal to**
6 **Provide Inspectors General Access**

7 **SEC. 5651. NOTICE OF REFUSAL TO PROVIDE INFORMATION**
8 **OR ASSISTANCE TO INSPECTORS GENERAL.**

9 Section 6(c) of the Inspector General Act of 1978 (5
10 U.S.C. App.) is amended by adding at the end the fol-
11 lowing:

12 “(3) If the information or assistance that is the sub-
13 ject of a report under paragraph (2) is not provided to
14 the Inspector General by the date that is 30 days after
15 the report is made, the Inspector General shall submit a
16 notice that the information or assistance requested has not
17 been provided by the head of the establishment involved
18 or the head of the Federal agency involved, as applicable,
19 to the appropriate congressional committees.”.

1 **Subtitle G—Training Resources for**
2 **Inspectors General and Other**
3 **Matters**

4 **SEC. 5671. TRAINING RESOURCES FOR INSPECTORS GEN-**
5 **ERAL.**

6 Section 11(c)(1) of the Inspector General Act of 1978
7 (5 U.S.C. App.) is amended—

8 (1) by redesignating subparagraphs (E)
9 through (I) as subparagraphs (F) through (J), re-
10 spectively; and

11 (2) by inserting after subparagraph (D) the fol-
12 lowing:

13 “(E) support the professional development
14 of Inspectors General, including by providing
15 training opportunities on the duties, responsibil-
16 ities, and authorities under this Act and on top-
17 ics relevant to Inspectors General and the work
18 of Inspectors General, as identified by Inspec-
19 tors General and the Council.”.

20 **SEC. 5672. DEFINITION OF APPROPRIATE CONGRESSIONAL**
21 **COMMITTEES.**

22 The Inspector General Act of 1978 (5 U.S.C. App.)
23 is amended—

24 (1) in section 5—

1 (A) in subsection (b), in the matter pre-
2 ceding paragraph (1), by striking “committees
3 or subcommittees of the Congress” and insert-
4 ing “congressional committees”; and

5 (B) in subsection (d), by striking “commit-
6 tees or subcommittees of Congress” and insert-
7 ing “congressional committees”;

8 (2) in section 6(h)(4)—

9 (A) in subparagraph (B), by striking
10 “Government”; and

11 (B) by amending subparagraph (C) to read
12 as follows:

13 “(C) Any other relevant congressional com-
14 mittee or subcommittee of jurisdiction.”;

15 (3) in section 8—

16 (A) in subsection (b)—

17 (i) in paragraph (3), by striking “the
18 Committees on Armed Services and Gov-
19 ernmental Affairs of the Senate and the
20 Committee on Armed Services and the
21 Committee on Government Reform and
22 Oversight of the House of Representatives
23 and to other appropriate committees or
24 subcommittees of the Congress” and in-
25 serting “the appropriate congressional

1 committees, including the Committee on
2 Armed Services of the Senate and the
3 Committee on Armed Services of the
4 House of Representatives”; and

5 (ii) in paragraph (4), by striking “and
6 to other appropriate committees or sub-
7 committees”; and

8 (B) in subsection (f)—

9 (i) in paragraph (1), by striking “the
10 Committees on Armed Services and on
11 Homeland Security and Governmental Af-
12 fairs of the Senate and the Committees on
13 Armed Services and on Oversight and Gov-
14 ernment Reform of the House of Rep-
15 resentatives and to other appropriate com-
16 mittees or subcommittees of Congress” and
17 inserting “the appropriate congressional
18 committees, including the Committee on
19 Armed Services of the Senate and the
20 Committee on Armed Services of the
21 House of Representatives”; and

22 (ii) in paragraph (2), by striking
23 “committees or subcommittees of the Con-
24 gress” and inserting “congressional com-
25 mittees”;

1 (4) in section 8D—

2 (A) in subsection (a)(3), by striking “Com-
3 mittees on Governmental Affairs and Finance
4 of the Senate and the Committees on Govern-
5 ment Operations and Ways and Means of the
6 House of Representatives, and to other appro-
7 priate committees or subcommittees of the Con-
8 gress” and inserting “appropriate congressional
9 committees, including the Committee on Fi-
10 nance of the Senate and the Committee on
11 Ways and Means of the House of Representa-
12 tives”; and

13 (B) in subsection (g)—

14 (i) in paragraph (1)—

15 (I) by striking “committees or
16 subcommittees of the Congress” and
17 inserting “congressional committees”;
18 and

19 (II) by striking “Committees on
20 Governmental Affairs and Finance of
21 the Senate and the Committees on
22 Government Reform and Oversight
23 and Ways and Means of the House of
24 Representatives” and inserting “Com-
25 mittee on Finance of the Senate and

1 the Committee on Ways and Means of
2 the House of Representatives”; and

3 (ii) in paragraph (2), by striking
4 “committees or subcommittees of Con-
5 gress” and inserting “congressional com-
6 mittees”;

7 (5) in section 8E—

8 (A) in subsection (a)(3), by striking “Com-
9 mittees on Governmental Affairs and Judiciary
10 of the Senate and the Committees on Govern-
11 ment Operations and Judiciary of the House of
12 Representatives, and to other appropriate com-
13 mittees or subcommittees of the Congress” and
14 inserting “appropriate congressional commit-
15 tees, including the Committee on the Judiciary
16 of the Senate and the Committee on the Judici-
17 ary of the House of Representatives”; and

18 (B) in subsection (c)—

19 (i) by striking “committees or sub-
20 committees of the Congress” and inserting
21 “congressional committees”; and

22 (ii) by striking “Committees on the
23 Judiciary and Governmental Affairs of the
24 Senate and the Committees on the Judici-
25 ary and Government Operations of the

1 House of Representatives” and inserting
2 “Committee on the Judiciary of the Senate
3 and the Committee on the Judiciary of the
4 House of Representatives”;

5 (6) in section 8G—

6 (A) in subsection (d)(2)(E), in the matter
7 preceding clause (i), by inserting “the appro-
8 priate congressional committees, including”
9 after “are”; and

10 (B) in subsection (f)(3)—

11 (i) in subparagraph (A)(iii), by strik-
12 ing “Committee on Governmental Affairs
13 of the Senate and the Committee on Gov-
14 ernment Reform and Oversight of the
15 House of Representatives, and to other ap-
16 propriate committees or subcommittees of
17 the Congress” and inserting “the appro-
18 priate congressional committees”; and

19 (ii) by striking subparagraph (C);

20 (7) in section 8I—

21 (A) in subsection (a)(3), in the matter pre-
22 ceding subparagraph (A), by striking “commit-
23 tees and subcommittees of Congress” and in-
24 serting “congressional committees”; and

1 (B) in subsection (d), by striking “commit-
2 tees and subcommittees of Congress” each place
3 it appears and inserting “congressional commit-
4 tees”;

5 (8) in section 8N(b), by striking “committees of
6 Congress” and inserting “congressional commit-
7 tees”;

8 (9) in section 11—

9 (A) in subsection (b)(3)(B)(viii)—

10 (i) by striking subclauses (III) and
11 (IV);

12 (ii) in subclause (I), by adding “and”
13 at the end; and

14 (iii) by amending subclause (II) to
15 read as follows:

16 “(II) the appropriate congres-
17 sional committees.”; and

18 (B) in subsection (d)(8)(A)(iii), by striking
19 “to the” and all that follows through “jurisdic-
20 tion” and inserting “to the appropriate congres-
21 sional committees”; and

22 (10) in section 12—

23 (A) in paragraph (4), by striking “and” at
24 the end;

1 (B) in paragraph (5), by striking the pe-
 2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(6) the term ‘appropriate congressional com-
 5 mittees’ means—

6 “(A) the Committee on Homeland Security
 7 and Governmental Affairs of the Senate;

8 “(B) the Committee on Oversight and Re-
 9 form of the House of Representatives; and

10 “(C) any other relevant congressional com-
 11 mittee or subcommittee of jurisdiction.”.

12 **SEC. 5673. SEMIANNUAL REPORTS.**

13 The Inspector General Act of 1978 (5 U.S.C. App.)
 14 is amended—

15 (1) in section 4(a)(2)—

16 (A) by inserting “, including” after “to
 17 make recommendations”; and

18 (B) by inserting a comma after “section
 19 5(a)”;

20 (2) in section 5—

21 (A) in subsection (a)—

22 (i) by striking paragraphs (1) through
 23 (12) and inserting the following:

24 “(1) a description of significant problems,
 25 abuses, and deficiencies relating to the administra-

1 tion of programs and operations of the establishment
2 and associated reports and recommendations for cor-
3 rective action made by the Office;

4 “(2) an identification of each recommendation
5 made before the reporting period, for which correc-
6 tive action has not been completed, including the po-
7 tential costs savings associated with the rec-
8 ommendation;

9 “(3) a summary of significant investigations
10 closed during the reporting period;

11 “(4) an identification of the total number of
12 convictions during the reporting period resulting
13 from investigations;

14 “(5) information regarding each audit, inspec-
15 tion, or evaluation report issued during the reporting
16 period, including—

17 “(A) a listing of each audit, inspection, or
18 evaluation;

19 “(B) if applicable, the total dollar value of
20 questioned costs (including a separate category
21 for the dollar value of unsupported costs) and
22 the dollar value of recommendations that funds
23 be put to better use, including whether a man-
24 agement decision had been made by the end of
25 the reporting period;

1 “(6) information regarding any management
2 decision made during the reporting period with re-
3 spect to any audit, inspection, or evaluation issued
4 during a previous reporting period;”;

5 (ii) by redesignating paragraphs (13)
6 through (22) as paragraphs (7) through
7 (16), respectively;

8 (iii) by amending paragraph (13), as
9 so redesignated, to read as follows:

10 “(13) a report on each investigation conducted
11 by the Office where allegations of misconduct were
12 substantiated involving a senior Government em-
13 ployee or senior official (as defined by the Office) if
14 the establishment does not have senior Government
15 employees, which shall include—

16 “(A) the name of the senior Government
17 employee, if already made public by the Office;
18 and

19 “(B) a detailed description of—

20 “(i) the facts and circumstances of
21 the investigation; and

22 “(ii) the status and disposition of the
23 matter, including—

1 “(I) if the matter was referred to
2 the Department of Justice, the date of
3 the referral; and

4 “(II) if the Department of Jus-
5 tice declined the referral, the date of
6 the declination;”; and

7 (iv) by amending paragraph (15), as
8 so redesignated, to read as follows:

9 “(15) information related to interference by the
10 establishment, including—

11 “(A) a detailed description of any attempt
12 by the establishment to interfere with the inde-
13 pendence of the Office, including—

14 “(i) with budget constraints designed
15 to limit the capabilities of the Office; and

16 “(ii) incidents where the establish-
17 ment has resisted or objected to oversight
18 activities of the Office or restricted or sig-
19 nificantly delayed access to information,
20 including the justification of the establish-
21 ment for such action; and

22 “(B) a summary of each report made to
23 the head of the establishment under section
24 6(c)(2) during the reporting period;”; and

25 (B) in subsection (b)—

1 (i) by striking paragraphs (2) and (3)
2 and inserting the following:

3 “(2) where final action on audit, inspection,
4 and evaluation reports had not been taken before the
5 commencement of the reporting period, statistical ta-
6 bles showing—

7 “(A) with respect to management deci-
8 sions—

9 “(i) for each report, whether a man-
10 agement decision was made during the re-
11 porting period;

12 “(ii) if a management decision was
13 made during the reporting period, the dol-
14 lar value of disallowed costs and funds to
15 be put to better use as agreed to in the
16 management decision; and

17 “(iii) total number of reports where a
18 management decision was made during the
19 reporting period and the total cor-
20 responding dollar value of disallowed costs
21 and funds to be put to better use as agreed
22 to in the management decision; and

23 “(B) with respect to final actions—

24 “(i) whether, if a management deci-
25 sion was made before the end of the re-

1 porting period, final action was taken dur-
2 ing the reporting period;

3 “(ii) if final action was taken, the dol-
4 lar value of—

5 “(I) disallowed costs that were
6 recovered by management through
7 collection, offset, property in lieu of
8 cash, or otherwise;

9 “(II) disallowed costs that were
10 written off by management;

11 “(III) disallowed costs and funds
12 to be put to better use not yet recov-
13 ered or written off by management;

14 “(IV) recommendations that were
15 completed; and

16 “(V) recommendations that man-
17 agement has subsequently concluded
18 should not or could not be imple-
19 mented or completed; and

20 “(iii) total number of reports where
21 final action was not taken and total num-
22 ber of reports where final action was
23 taken, including the total corresponding
24 dollar value of disallowed costs and funds

1 to be put to better use as agreed to in the
2 management decisions;”;

3 (ii) by redesignating paragraph (4) as
4 paragraph (3);

5 (iii) in paragraph (3), as so redesign-
6 nated, by striking “subsection (a)(20)(A)”
7 and inserting “subsection (a)(14)(A)”; and

8 (iv) by striking paragraph (5) and in-
9 serting the following:

10 “(4) a statement explaining why final action
11 has not been taken with respect to each audit, in-
12 spection, and evaluation report in which a manage-
13 ment decision has been made but final action has
14 not yet been taken, except that such statement—

15 “(A) may exclude reports if—

16 “(i) a management decision was made
17 within the preceding year; or

18 “(ii) the report is under formal ad-
19 ministrative or judicial appeal or manage-
20 ment of the establishment has agreed to
21 pursue a legislative solution; and

22 “(B) shall identify the number of reports
23 in each category so excluded.”;

1 (C) by redesignating subsection (h), as so
2 redesignated by section ____305 of this title, as
3 subsection (i); and

4 (D) by inserting after subsection (g), as so
5 redesignated by section ____305 of this title,
6 the following:

7 “(h) If an Office has published any portion of the
8 report or information required under subsection (a) to the
9 website of the Office or on oversight.gov, the Office may
10 elect to provide links to the relevant webpage or website
11 in the report of the Office under subsection (a) in lieu
12 of including the information in that report.”.

13 **SEC. 5674. SUBMISSION OF REPORTS THAT SPECIFICALLY**
14 **IDENTIFY NON-GOVERNMENTAL ORGANIZA-**
15 **TIONS OR BUSINESS ENTITIES.**

16 (a) IN GENERAL.—Section 5(g) of the Inspector Gen-
17 eral Act of 1978 (5 U.S.C. App.), as so redesignated by
18 section ____305 of this title, is amended by adding at the
19 end the following:

20 “(6)(A) Except as provided in subparagraph (B), if
21 an audit, evaluation, inspection, or other non-investigative
22 report prepared by an Inspector General specifically iden-
23 tifies a specific non-governmental organization or business
24 entity, whether or not the non-governmental organization

1 or business entity is the subject of that audit, evaluation,
2 inspection, or non-investigative report—

3 “(i) the Inspector General shall notify the non-
4 governmental organization or business entity;

5 “(ii) the non-governmental organization or busi-
6 ness entity shall have—

7 “(I) 30 days to review the audit, evalua-
8 tion, inspection, or non-investigative report be-
9 ginning on the date of publication of the audit,
10 evaluation, inspection, or non-investigative re-
11 port; and

12 “(II) the opportunity to submit a written
13 response for the purpose of clarifying or pro-
14 viding additional context as it directly relates to
15 each instance wherein an audit, evaluation, in-
16 spection, or non-investigative report specifically
17 identifies that non-governmental organization or
18 business entity; and

19 “(iii) if a written response is submitted under
20 clause (ii)(II) within the 30-day period described in
21 clause (ii)(I)—

22 “(I) the written response shall be attached
23 to the audit, evaluation, inspection, or non-in-
24 vestigative report; and

1 “(II) in every instance where the report
2 may appear on the public-facing website of the
3 Inspector General, the website shall be updated
4 in order to access a version of the audit, evalua-
5 tion, inspection, or non-investigative report that
6 includes the written response.

7 “(B) Subparagraph (A) shall not apply with respect
8 to a non-governmental organization or business entity that
9 refused to provide information or assistance sought by an
10 Inspector General during the creation of the audit, evalua-
11 tion, inspection, or non-investigative report.

12 “(C) An Inspector General shall review any written
13 response received under subparagraph (A) for the purpose
14 of preventing the improper disclosure of classified infor-
15 mation or other non-public information, consistent with
16 applicable laws, rules, and regulations, and, if necessary,
17 redact such information.”.

18 (b) RETROACTIVE APPLICABILITY.—During the 30-
19 day period beginning on the date of enactment of this
20 Act—

21 (1) the amendment made by subsection (a)
22 shall apply upon the request of a non-governmental
23 organization or business entity named in an audit,
24 evaluation, inspection, or other non-investigative re-
25 port prepared on or after January 1, 2019; and

1 (2) any written response submitted under
2 clause (iii) of section 5(g)(6)(A) of the Inspector
3 General Act of 1978 (5 U.S.C. App.), as added by
4 subsection (a), with respect to such an audit, evalua-
5 tion, inspection, or other non-investigative report
6 shall attach to the original report in the manner de-
7 scribed in that clause.

8 **SEC. 5675. REVIEW RELATING TO VETTING, PROCESSING,**
9 **AND RESETTLEMENT OF EVACUEES FROM**
10 **AFGHANISTAN AND THE AFGHANISTAN SPE-**
11 **CIAL IMMIGRANT VISA PROGRAM.**

12 (a) IN GENERAL.—In accordance with the Inspector
13 General Act of 1978 (5 U.S.C. App.), the Inspector Gen-
14 eral of the Department of Homeland Security, jointly with
15 the Inspector General of the Department of State, and in
16 coordination with the Inspector General of the Depart-
17 ment of Defense and any appropriate inspector general,
18 shall conduct a thorough review of efforts to support and
19 process evacuees from Afghanistan and the Afghanistan
20 special immigrant visa program.

21 (b) ELEMENTS.—The review required by subsection
22 (a) shall include an assessment of the systems, staffing,
23 policies, and programs used—

24 (1) to the screen and vet such evacuees, includ-
25 ing—

1 (A) an assessment of whether personnel
2 conducting such screening and vetting were ap-
3 propriately authorized and provided with train-
4 ing, including training in the detection of fraud-
5 ulent personal identification documents;

6 (B) an analysis of the degree to which
7 such screening and vetting deviated from
8 United States law, regulations, policy, and best
9 practices relating to the screening and vetting
10 of refugees and applicants for United States
11 visas that have been in use at any time since
12 January 1, 2016;

13 (C) an identification of any risk to the na-
14 tional security of the United States posed by
15 any such deviations;

16 (D) an analysis of the processes used for
17 evacuees traveling without personal identifica-
18 tion records, including the creation or provision
19 of any new identification records to such evac-
20 uees; and

21 (E) an analysis of the degree to which
22 such screening and vetting process was capable
23 of detecting—

24 (i) instances of human trafficking and
25 domestic abuse;

1 (ii) evacuees who are unaccompanied
2 minors; and

3 (iii) evacuees with a spouse that is a
4 minor;

5 (2) to admit and process such evacuees at
6 United States ports of entry;

7 (3) to temporarily house such evacuees prior to
8 resettlement;

9 (4) to account for the total number of individ-
10 uals evacuated from Afghanistan in 2021 with sup-
11 port of the United States Government,
12 disaggregated by—

13 (A) country of origin;

14 (B) citizenship, only if different from coun-
15 try of origin;

16 (C) age;

17 (D) gender;

18 (E) eligibility for special immigrant visas
19 under the Afghan Allies Protection Act of 2009
20 (8 U.S.C. 1101 note; Public Law 111–8) or
21 section 1059 of the National Defense Author-
22 ization Act for Fiscal Year 2006 (8 U.S.C.
23 1101 note; Public Law 109–163) at the time of
24 evacuation;

1 (F) eligibility for employment-based non-
2 immigrant visas at the time of evacuation; and

3 (G) familial relationship to evacuees who
4 are eligible for visas described in subparagraphs
5 (E) and (F); and

6 (5) to provide eligible individuals with special
7 immigrant visas under the Afghan Allies Protection
8 Act of 2009 (8 U.S.C. 1101 note; Public Law 111–
9 8) and section 1059 of the National Defense Author-
10 ization Act for Fiscal Year 2006 (8 U.S.C. 1101
11 note; Public Law 109–163) since the date of the en-
12 actment of the Afghan Allies Protection Act of 2009
13 (8 U.S.C. 1101 note; Public Law 111–8), includ-
14 ing—

15 (A) a detailed step-by-step description of
16 the application process for such special immi-
17 grant visas, including the number of days allot-
18 ted by the United States Government for the
19 completion of each step;

20 (B) the number of such special immigrant
21 visa applications received, approved, and denied,
22 disaggregated by fiscal year;

23 (C) the number of such special immigrant
24 visas issued, as compared to the number avail-
25 able under law, disaggregated by fiscal year;

1 (D) an assessment of the average length of
2 time taken to process an application for such a
3 special immigrant visa, beginning on the date of
4 submission of the application and ending on the
5 date of final disposition, disaggregated by fiscal
6 year;

7 (E) an accounting of the number of appli-
8 cations for such special immigrant visas that
9 remained pending at the end of each fiscal year;

10 (F) an accounting of the number of inter-
11 views of applicants for such special immigrant
12 visas conducted during each fiscal year;

13 (G) the number of noncitizens who were
14 admitted to the United States pursuant to such
15 a special immigrant visa during each fiscal
16 year;

17 (H) an assessment of the extent to which
18 each participating department or agency of the
19 United States Government, including the De-
20 partment of State and the Department of
21 Homeland Security, adjusted processing prac-
22 tices and procedures for such special immigrant
23 visas so as to vet applicants and expand proc-
24 essing capacity since the February 29, 2020,

1 Doha Agreement between the United States
2 and the Taliban;

3 (I) a list of specific steps, if any, taken be-
4 tween February 29, 2020, and August 31,
5 2021—

6 (i) to streamline the processing of ap-
7 plications for such special immigrant visas;
8 and

9 (ii) to address longstanding bureau-
10 cratic hurdles while improving security
11 protocols;

12 (J) a description of the degree to which
13 the Secretary of State implemented rec-
14 ommendations made by the Department of
15 State Office of Inspector General in its June
16 2020 reports on Review of the Afghan Special
17 Immigrant Visa Program (AUD-MERO-20-35)
18 and Management Assistance Report: Quarterly
19 Reporting on Afghan Special Immigrant Visa
20 Program Needs Improvement (AUD-MERO-20-
21 34);

22 (K) an assessment of the extent to which
23 challenges in verifying applicants' employment
24 with the Department of Defense contributed to
25 delays in the processing of such special immi-

1 grant visas, and an accounting of the specific
2 steps taken since February 29, 2020, to ad-
3 dress issues surrounding employment
4 verification; and

5 (L) recommendations to strengthen and
6 streamline such special immigrant visa process
7 going forward.

8 (c) INTERIM REPORTING.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the In-
11 spector General of the Department of Homeland Se-
12 curity and the Inspector General of the Department
13 of State shall submit to the appropriate congres-
14 sional committees not fewer than one interim report
15 on the review conducted under this section.

16 (2) DEFINITIONS.—In this subsection:

17 (A) APPROPRIATE CONGRESSIONAL COM-
18 MITTEES.—The term “appropriate congres-
19 sional committees” has the meaning given the
20 term in section 12 of the Inspector General Act
21 of 1978 (5 U.S.C. App.), as amended by this
22 subtitle.

23 (B) SCREEN; SCREENING.—The terms
24 “screen” and “screening”, with respect to an

1 evacuee, mean the process by which a Federal
2 official determines—

3 (i) the identity of the evacuee;

4 (ii) whether the evacuee has a valid
5 identification documentation; and

6 (iii) whether any database of the
7 United States Government contains derog-
8 atory information about the evacuee.

9 (C) VET; VETTING.—The term “vet” and
10 “vetting”, with respect to an evacuee, means
11 the process by which a Federal official inter-
12 views the evacuee to determine whether the
13 evacuee is who they purport to be, including
14 whether the evacuee poses a national security
15 risk.

16 (d) DISCHARGE OF RESPONSIBILITIES.—The Inspec-
17 tor General of the Department of Homeland Security and
18 the Inspector General of the Department of State shall
19 discharge the responsibilities under this section in a man-
20 ner consistent with the authorities and requirements of the
21 Inspector General Act of 1978 (5 U.S.C. App.) and the
22 authorities and requirements applicable to the Inspector
23 General of the Department of Homeland Security and the
24 Inspector General of the Department of State under that
25 Act.

1 (e) COORDINATION.—Upon request of an Inspector
2 General for information or assistance under subsection
3 (a), the head of any Federal agency involved shall, insofar
4 as is practicable and not in contravention of any existing
5 statutory restriction or regulation of the Federal agency
6 from which the information is requested, furnish to such
7 Inspector General, or to an authorized designee, such in-
8 formation or assistance.

9 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to limit the ability of the Inspector
11 General of the Department of Homeland Security or the
12 Inspector General of the Department of State to enter into
13 agreements to conduct joint audits, inspections, or inves-
14 tigations in the exercise of the oversight responsibilities
15 of the Inspector General of the Department of Homeland
16 Security and the Inspector General of the Department of
17 State, in accordance with the Inspector General Act of
18 1978 (5 U.S.C. App.), with respect to oversight of the
19 evacuation from Afghanistan, the selection, vetting, and
20 processing of applicants for special immigrant visas and
21 asylum, and any resettlement in the United States of such
22 evacuees.

1 **SEC. 5676. INVESTIGATIONS OF DEPARTMENT OF JUSTICE**
2 **PERSONNEL.**

3 Section 8E of the Inspector General Act of 1978 (5
4 U.S.C. App.) is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (2), by striking “and
7 paragraph (3)”;

8 (B) by striking paragraph (3);

9 (C) by redesignating paragraphs (4) and
10 (5) as paragraphs (3) and (4), respectively; and

11 (D) in paragraph (4), as redesignated, by
12 striking “paragraph (4)” and inserting “para-
13 graph (3)”;

14 (2) in subsection (d), by striking “, except with
15 respect to allegations described in subsection
16 (b)(3),”.

17 **SEC. 5677. LAW ENFORCEMENT AUTHORITY OF THE IN-**
18 **SPECTOR GENERAL OF THE UNITED STATES**
19 **INTERNATIONAL DEVELOPMENT FINANCE**
20 **CORPORATION.**

21 Section 6(f)(3) of the Inspector General Act of 1978
22 (5 U.S.C. App.) is amended by inserting “International
23 Development Finance Corporation,” before “Environ-
24 mental”.

1 **SEC. 5678. INSPECTOR GENERAL FOR THE OFFICE OF MAN-**
2 **AGEMENT AND BUDGET.**

3 (a) ESTABLISHMENT OF OFFICE.—Section 12 of the
4 Inspector General Act of 1978 (5 U.S.C. App.) is amend-
5 ed—

6 (1) in paragraph, (1) by inserting “the Director
7 of the Office of Management and Budget,” after
8 “means”; and

9 (2) in paragraph (2), by inserting “the Office
10 of Management and Budget,” after “means”.

11 (b) SPECIAL PROVISIONS CONCERNING THE INSPEC-
12 TOR GENERAL OF THE OFFICE OF MANAGEMENT AND
13 BUDGET.—The Inspector General Act of 1978 (5 U.S.C.
14 App.) is amended by adding after section 8N the following
15 new section:

16 **“SEC. 80. SPECIAL PROVISIONS CONCERNING THE INSPEC-**
17 **TOR GENERAL OF THE OFFICE OF MANAGE-**
18 **MENT AND BUDGET.**

19 “The Inspector General of the Office of Management
20 and Budget shall only have jurisdiction over those matters
21 that have been specifically assigned to the Office under
22 law.”.

23 (c) APPOINTMENT.—Not later than 120 days after
24 the date of the enactment of this Act, the President shall
25 appoint an individual to serve as the Inspector General
26 of the Office of Management and Budget in accordance

1 with section 3(a) of the Inspector General Act of 1978
2 (5 U.S.C. App.).

3 **TITLE LVII—FEDERAL**
4 **EMPLOYEE MATTERS**

5 **SEC. 5701. APPEALS TO MERIT SYSTEMS PROTECTION**
6 **BOARD RELATING TO FBI REPRISAL ALLEGA-**
7 **TIONS; SALARY OF SPECIAL COUNSEL.**

8 (a) APPEALS TO MSPB.—Section 2303 of title 5,
9 United States Code, is amended by adding at the end the
10 following:

11 “(d)(1) An employee of the Federal Bureau of Inves-
12 tigation who makes an allegation of a reprisal under regu-
13 lations promulgated under this section may appeal a final
14 determination or corrective action order by the Bureau
15 under those regulations to the Merit Systems Protection
16 Board pursuant to section 1221.

17 “(2) If no final determination or corrective action
18 order has been made or issued for an allegation described
19 in paragraph (1) before the expiration of the 180-day pe-
20 riod beginning on the date on which the allegation is re-
21 ceived by the Federal Bureau of Investigation, the em-
22 ployee described in that paragraph may seek corrective ac-
23 tion directly from the Merit Systems Protection Board
24 pursuant to section 1221.”.

25 (b) SPECIAL COUNSEL SALARY.—

1 (1) IN GENERAL.—Subchapter II of chapter 53
2 of title 5, United States Code, is amended—

3 (A) in section 5314, by adding at the end
4 the following new item :“Special Counsel of the
5 Office of Special Counsel.”; and

6 (B) in section 5315, by striking “Special
7 Counsel of the Merit Systems Protection
8 Board.”

9 (2) APPLICATION.—The rate of pay applied
10 under the amendments made by paragraph (1) shall
11 begin to apply on the first day of the first pay pe-
12 riod beginning after date of enactment of this Act.

13 **SEC. 5702. MINIMUM WAGE FOR FEDERAL CONTRACTORS.**

14 Executive Order 14026 and its implementing regula-
15 tions in part 23 of title 29, Code of Federal Regulations,
16 are hereby enacted into law, except that nothing in this
17 section shall be construed to prohibit any Federal depart-
18 ment or agency from requiring any Federal contract en-
19 tered into on or after the date of enactment of this section
20 to include a clause requiring that workers employed in the
21 performance of such contract or any covered subcontract
22 (as defined in such regulations) be paid at a minimum
23 wage that exceeds the minimum wage in effect pursuant
24 to such executive order and regulations.

1 **SEC. 5703. FEDERAL WILDLAND FIREFIGHTER RECRUIT-**
2 **MENT AND RETENTION.**

3 (a) RECRUITMENT AND RETENTION BONUS.—In
4 order to promote the recruitment and retention of Federal
5 wildland firefighters, the Director of the Office of Per-
6 sonnel Management, in coordination with the Secretary of
7 Agriculture and the Secretary of the Interior, shall estab-
8 lish a program under which a recruitment or retention
9 bonus of not less than \$1,000 may be paid to a Federal
10 wildland firefighter in an amount as determined appro-
11 priate by the Director of the Office of Personnel Manage-
12 ment and the Secretary of Agriculture and the Secretary
13 of the Interior. The minimum amount of such bonus in
14 the previous sentence shall be increased each year by the
15 Consumer Price Index in the manner prescribed under
16 subsection (b)(2). Any bonus under this subsection—

17 (1) shall be paid to any primary or secondary
18 Federal wildland firefighter upon the date that such
19 firefighter successfully completes a work capacity
20 test; and

21 (2) may not be paid to any such firefighter
22 more than once per calendar year.

23 (b) FEDERAL WILDLAND FIREFIGHTER.—In this
24 section, the term “Federal wildland firefighter” means
25 any temporary, seasonal, or permanent position at the De-
26 partment of Agriculture or the Department of the Interior

1 that maintains group, emergency incident management, or
2 fire qualifications, as established annually by the Stand-
3 ards for Wildland Fire Position Qualifications published
4 by the National Wildfire Coordinating Group, and pri-
5 marily engages in or supports wildland fire management
6 activities, including forestry and rangeland technicians
7 and positions concerning aviation, engineering heavy
8 equipment operations, or fire and fuels management.

9 **SEC. 5704. STUDY AND REPORT ON RETURNSHIP PRO-**
10 **GRAMS.**

11 (a) IN GENERAL.—Not later than September 30,
12 2023, the Secretary of Defense shall conduct a study, and
13 submit a report on such study to the congressional defense
14 committees, on the feasibility and benefits of establishing
15 returnship programs for the civilian workforce of the De-
16 partment of Defense. The study and report shall assess—

17 (1) where returnship programs could be used to
18 address such workforce needs and bolster the knowl-
19 edge and experience base of such workforce;

20 (2) how the programs would be structured and
21 the estimated funding levels to implement the
22 returnship programs; and

23 (3) if and how returnship programs impact the
24 diversity of such workforce.

1 (b) RETURNSHIP PROGRAM DEFINED.—In this sec-
2 tion, the term “returnship program” means any program
3 that supports entry into the civilian workforce of the De-
4 partment of Defense of an individual who has taken an
5 extended leave of absence from such workforce, including
6 a leave of absence to care for a dependent.

7 **SEC. 5705. LIMITATIONS ON EXCEPTION OF COMPETITIVE**
8 **SERVICE POSITIONS.**

9 (a) IN GENERAL.—No position in the competitive
10 service (as defined under section 2102 of title 5, United
11 States Code) may be excepted from the competitive service
12 unless such position is placed—

13 (1) in any of the schedules A through E as de-
14 scribed in section 6.2 of title 5, Code of Federal 5
15 Regulations, as in effect on September 30, 2020;
16 and

17 (2) under the terms and conditions under part
18 8 of such title as in effect on such date.

19 (b) SUBSEQUENT TRANSFERS.—No position in the
20 excepted service (as defined under section 2103 of title
21 5, United States Code) may be placed in any schedule
22 other than a schedule described in subsection (a)(1).

1 **TITLE LVIII—OTHER MATTERS**

2 **Subtitle A—In General**

3 **SEC. 5801. AFGHAN ALLIES PROTECTION.**

4 Clause (ii) of section 602(b)(2)(A) of the Afghan Al-
5 lies Protection Act of 2009 (Public Law 111–8; 8 U.S.C.
6 1101 note) is amended in the matter preceding subclause
7 (I), by striking “year—” and inserting the following:
8 “year, or in the case of an alien who was wounded or seri-
9 ously injured in connection with employment described in
10 this subparagraph, for the period until such wound or in-
11 jury occurred, if the wound or injury prevented the alien
12 from continuing employment—”.

13 **SEC. 5802. ADVANCING MUTUAL INTERESTS AND GROWING**
14 **OUR SUCCESS.**

15 (a) NONIMMIGRANT TRADERS AND INVESTORS.—For
16 purposes of clauses (i) and (ii) of section 101(a)(15)(E)
17 of the Immigration and Nationality Act (8 U.S.C.
18 1101(a)(15)(E)), Portugal shall be considered to be a for-
19 eign state described in such section if the Government of
20 Portugal provides similar nonimmigrant status to nation-
21 als of the United States.

22 (b) MODIFICATION OF ELIGIBILITY CRITERIA FOR E
23 VISAS.—

1 Section 101(a)(15)(E) of the Immigration and
2 Nationality Act (8 U.S.C. 1101(a)(15)(E)) is
3 amended—

4 (1) by inserting “(or, in the case of an alien
5 who acquired the relevant nationality through a fi-
6 nancial investment and who has not previously been
7 granted status under this subparagraph, the foreign
8 state of which the alien is a national and in which
9 the alien has been domiciled for a continuous period
10 of not less than 3 years at any point before applying
11 for a nonimmigrant visa under this subparagraph)”
12 before “, and the spouse”; and

13 (2) by striking “him” and inserting “such
14 alien”; and

15 (3) by striking “he” each place such term ap-
16 pears and inserting “the alien”.

17 **SEC. 5803. EXPANSION OF STUDY OF PFAS CONTAMINA-**
18 **TION.**

19 (a) CDC STUDY ON HEALTH IMPLICATIONS OF PER-
20 AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION
21 IN DRINKING WATER.—The Secretary of Health and
22 Human Services, acting through the Director of the Cen-
23 ters for Disease Control and Prevention and the Director
24 of the Agency for Toxic Substances and Disease Registry,
25 and, as appropriate, the Director of the National Institute

1 of Environmental Health Sciences, and in consultation
2 with the Secretary of Defense, shall—

3 (1) expand (by including more military installa-
4 tions, communities, or other sites, including schools
5 operated by the Department of Defense Education
6 Activity) the study authorized by section 316 of the
7 National Defense Authorization Act for Fiscal Year
8 2018 (Public Law 115–91) on the human health im-
9 plications of per- and polyfluoroalkyl substances (in
10 this section referred to as “PFAS”) contamination
11 in drinking water, ground water, and any other
12 sources of water and relevant exposure pathways, in-
13 cluding the cumulative human health implications of
14 multiple types of PFAS contamination at levels
15 above and below health advisory levels to assess
16 health effects at additional military installations;

17 (2) not later than 1 year after the date of the
18 enactment of this Act, and annually thereafter until
19 submission of the report under paragraph (3)(B),
20 submit to the appropriate congressional committees
21 a report on the progress of such expanded study;
22 and

23 (3) not later than 5 years after the date of en-
24 actment of this Act (or 7 years after such date of
25 enactment after providing notice to the appropriate

1 congressional committees of the need for the
2 delay)—

3 (A) complete the expanded study and make
4 any appropriate recommendations; and

5 (B) submit a report to the appropriate
6 congressional committees on the results of such
7 expanded study.

8 (b) EXPOSURE ASSESSMENT.—

9 (1) IN GENERAL.—The Secretary of Health and
10 Human Services, acting through the Director of the
11 Centers for Disease Control and Prevention and the
12 Director of the Agency for Toxic Substances and
13 Disease Registry, and, as appropriate, the Director
14 of the National Institute of Environmental Health
15 Sciences, and in consultation with the Secretary of
16 Defense, shall conduct an exposure assessment of
17 not less than 10 current or former domestic military
18 installations which were not included in the study
19 authorized by section 316(a) of the National De-
20 fense Authorization Act for Fiscal Year 2018 (Pub-
21 lic Law 115–91) and which are known to have
22 PFAS contamination in drinking water, ground
23 water, and any other sources of water and relevant
24 exposure pathways.

1 (2) CONTENTS.—The exposure assessment re-
2 quired under this subsection shall—

3 (A) include—

4 (i) for each military installation cov-
5 ered under the exposure assessment, a sta-
6 tistical sample to be determined by the
7 Secretary of Health and Human Services
8 in consultation with the relevant State
9 health departments; and

10 (ii) biomonitoring for assessing the
11 contamination described in paragraph (1);
12 and

13 (B) produce findings, which shall be—

14 (i) used to help design the study de-
15 scribed in subsection (a)(1); and

16 (ii) not later than 1 year after the
17 conclusion of such exposure assessment,
18 released to the appropriate congressional
19 committees.

20 (3) TIMING.—The exposure assessment re-
21 quired under this subsection shall—

22 (A) begin not later than 180 days after the
23 date of enactment of this Act; and

24 (B) conclude not later than 2 years after
25 such date of enactment.

1 (c) COORDINATION WITH OTHER AGENCIES.—The
2 Director of the Agency for Toxic Substances and Disease
3 Registry may, as necessary, use staff and other resources
4 from other Federal agencies in carrying out the study
5 under subsection (a) and the assessment under subsection
6 (b).

7 (d) NO EFFECT ON REGULATORY PROCESS.—The
8 study under subsection (a) and assessment under sub-
9 section (b) shall not interfere with any regulatory proc-
10 esses of the Environmental Protection Agency, including
11 determinations of maximum contaminant levels.

12 (e) DEFINITION.—In this section, the term “appro-
13 priate congressional committees” means—

14 (1) the congressional defense committees;
15 (2) the Committee on Health, Education, Labor,
16 and Pensions, the Committee on Environment and
17 Public Works, and the Committee on Veterans’ Af-
18 fairs of the Senate; and

19 (3) the Committee on Energy and Commerce,
20 the Committee on Education and Labor, and the
21 Committee on Veterans’ Affairs of the House of
22 Representatives.

23 (f) FUNDING.—

24 (1) SOURCE OF FUNDS.—The study under sub-
25 section (a) and assessment under subsection (b) may

1 be paid for using funds authorized to be appro-
2 priated to the Department of Defense under the
3 heading “Operation and Maintenance, Defense-
4 Wide”.

5 (2) TRANSFER AUTHORITY.—Without regard to
6 section 2215 of title 10, United States Code, the
7 Secretary of Defense may transfer not more than
8 \$20,000,000 a year during each of fiscal years 2023
9 and 2024 to the Secretary of Health and Human
10 Services to pay for the study under subsection (a)
11 and assessment under subsection (b).

12 (3) EXPENDITURE AUTHORITY.—Amounts
13 transferred to the Secretary of Health and Human
14 Services shall be used to carry out the study under
15 subsection (a) and assessment under subsection (b)
16 through contracts, cooperative agreements, or
17 grants. In addition, such funds may be transferred
18 by the Secretary of Health and Human Services to
19 other accounts of the Department of Health and
20 Human Services for the purposes of carrying out
21 this section.

22 (4) RELATIONSHIP TO OTHER TRANSFER AU-
23 THORITIES.—The transfer authority provided under
24 this subsection is in addition to any other transfer

1 authority available to the Department of Defense or
2 the Department of Health and Human Services.

3 **SEC. 5804. NATIONAL RESEARCH AND DEVELOPMENT**
4 **STRATEGY FOR DISTRIBUTED LEDGER TECH-**
5 **NOLOGY.**

6 (a) DEFINITIONS.—In this section:

7 (1) DIRECTOR.—Except as otherwise expressly
8 provided, the term “Director” means the Director of
9 the Office of Science and Technology Policy.

10 (2) DISTRIBUTED LEDGER.—The term “distrib-
11 uted ledger” means a ledger that—

12 (A) is shared across a set of distributed
13 nodes, which are devices or processes, that par-
14 ticipate in a network and store a complete or
15 partial replica of the ledger;

16 (B) is synchronized between the nodes;

17 (C) has data appended to it by following
18 the ledger’s specified consensus mechanism;

19 (D) may be accessible to anyone (public)
20 or restricted to a subset of participants (pri-
21 vate); and

22 (E) may require participants to have au-
23 thorization to perform certain actions
24 (permissioned) or require no authorization
25 (permissionless).

1 (3) DISTRIBUTED LEDGER TECHNOLOGY.—The
2 term “distributed ledger technology” means tech-
3 nology that enables the operation and use of distrib-
4 uted ledgers.

5 (4) INSTITUTION OF HIGHER EDUCATION.—The
6 term “institution of higher education” has the
7 meaning given the term in section 101 of the Higher
8 Education Act of 1965 (20 U.S.C. 1001).

9 (5) RELEVANT CONGRESSIONAL COMMIT-
10 TEES.—The term “relevant congressional commit-
11 tees” means—

12 (A) the Committee on Commerce, Science,
13 and Transportation of the Senate; and

14 (B) the Committee on Science, Space, and
15 Technology of the House of Representatives.

16 (6) SMART CONTRACT.—The term “smart con-
17 tract” means a computer program stored in a dis-
18 tributed ledger system that is executed when certain
19 predefined conditions are satisfied and wherein the
20 outcome of any execution of the program may be re-
21 corded on the distributed ledger.

22 (b) NATIONAL DISTRIBUTED LEDGER TECHNOLOGY
23 R&D STRATEGY.—

24 (1) IN GENERAL.—The Director, or a designee
25 of the Director, shall, in coordination with the Na-

1 tional Science and Technology Council, and the
2 heads of such other relevant Federal agencies and
3 entities as the Director considers appropriate, which
4 may include the National Academies, and in con-
5 sultation with such nongovernmental entities as the
6 Director considers appropriate, develop a national
7 strategy for the research and development of distrib-
8 uted ledger technologies and their applications, in-
9 cluding applications of public and permissionless dis-
10 tributed ledgers. In developing the national strategy,
11 the Director shall consider the following:

12 (A) Current efforts and coordination by
13 Federal agencies to invest in the research and
14 development of distributed ledger technologies
15 and their applications, including through pro-
16 grams like the Small Business Innovation Re-
17 search program, the Small Business Technology
18 Transfer program, and the National Science
19 Foundation's Innovation Corps programs.

20 (B)(i) The potential benefits and risks of
21 applications of distributed ledger technologies
22 across different industry sectors, including their
23 potential to—

24 (I) lower transactions costs and facili-
25 tate new types of commercial transactions;

1 (II) protect privacy and increase indi-
2 viduals' data sovereignty;

3 (III) reduce friction to the interoper-
4 ability of digital systems;

5 (IV) increase the accessibility,
6 auditability, security, efficiency, and trans-
7 parency of digital services;

8 (V) increase market competition in
9 the provision of digital services;

10 (VI) enable dynamic contracting and
11 contract execution through smart con-
12 tracts;

13 (VII) enable participants to collabo-
14 rate in trustless and disintermediated envi-
15 ronments;

16 (VIII) enable the operations and gov-
17 ernance of distributed organizations;

18 (IX) create new ownership models for
19 digital items; and

20 (X) increase participation of popu-
21 lations historically underrepresented in the
22 technology, business, and financial sectors.

23 (ii) In consideration of the potential risks
24 of applications of distributed ledger technologies

1 under clause (i), the Director shall take into ac-
2 count, where applicable—

3 (I) additional risks that may emerge
4 from distributed ledger technologies, as
5 identified in reports submitted to the
6 President pursuant to Executive Order
7 14067, that may be addressed by research
8 and development;

9 (II) software vulnerabilities in distrib-
10 uted ledger technologies and smart con-
11 tracts;

12 (III) limited consumer literacy on en-
13 gaging with applications of distributed
14 ledger technologies in a secure way;

15 (IV) the use of distributed ledger
16 technologies in illicit finance and their use
17 in combating illicit finance;

18 (V) manipulative, deceptive, and
19 fraudulent practices that harm consumers
20 engaging with applications of distributed
21 ledger technologies;

22 (VI) the implications of different con-
23 sensus mechanisms for digital ledgers and
24 governance and accountability mechanisms
25 for applications of distributed ledger tech-

1 nologies, which may include decentralized
2 networks;

3 (VII) foreign activities in the develop-
4 ment and deployment of distributed ledger
5 technologies and their associated tools and
6 infrastructure; and

7 (VIII) environmental, sustainability,
8 and economic impacts of the computational
9 resources required for distributed ledger
10 technologies.

11 (C) Potential uses for distributed ledger
12 technologies that could improve the operations
13 and delivery of services by Federal agencies,
14 taking into account the potential of digital ledg-
15 er technologies to—

16 (i) improve the efficiency and effec-
17 tiveness of privacy-preserving data sharing
18 among Federal agencies and with State,
19 local, territorial, and Tribal governments;

20 (ii) promote government transparency
21 by improving data sharing with the public;

22 (iii) introduce or mitigate risks that
23 may threaten individuals' rights or broad
24 access to Federal services;

1 (iv) automate and modernize proc-
2 esses for assessing and ensuring regulatory
3 compliance; and

4 (v) facilitate broad access to financial
5 services for underserved and underbanked
6 populations.

7 (D) Ways to support public and private
8 sector dialogue on areas of research that could
9 enhance the efficiency, scalability, interoper-
10 ability, security, and privacy of applications
11 using distributed ledger technologies.

12 (E) The need for increased coordination of
13 the public and private sectors on the develop-
14 ment of voluntary standards in order to pro-
15 mote research and development, including
16 standards regarding security, smart contracts,
17 cryptographic protocols, virtual routing and for-
18 warding, interoperability, zero-knowledge
19 proofs, and privacy, for distributed ledger tech-
20 nologies and their applications.

21 (F) Applications of distributed ledger tech-
22 nologies that could positively benefit society but
23 that receive relatively little private sector invest-
24 ment.

1 (G) The United States position in global
2 leadership and competitiveness across research,
3 development, and deployment of distributed
4 ledger technologies.

5 (2) CONSULTATION.—

6 (A) IN GENERAL.—In carrying out the Di-
7 rector’s duties under this subsection, the Direc-
8 tor shall consult with the following:

9 (i) Private industry.

10 (ii) Institutions of higher education,
11 including minority-serving institutions.

12 (iii) Nonprofit organizations, includ-
13 ing foundations dedicated to supporting
14 distributed ledger technologies and their
15 applications.

16 (iv) State governments.

17 (v) Such other persons as the Director
18 considers appropriate.

19 (B) REPRESENTATION.—The Director
20 shall ensure consultations with the following:

21 (i) Rural and urban stakeholders from
22 across the Nation.

23 (ii) Small, medium, and large busi-
24 nesses.

1 (iii) Subject matter experts rep-
2 resenting multiple industrial sectors.

3 (iv) A demographically diverse set of
4 stakeholders.

5 (3) COORDINATION.—In carrying out this sub-
6 section, the Director shall, for purposes of avoiding
7 duplication of activities, consult, cooperate, and co-
8 ordinate with the programs and policies of other rel-
9 evant Federal agencies, including the interagency
10 process outlined in section 3 of Executive Order
11 14067 (87 Fed. Reg. 14143; relating ensuring re-
12 sponsible development of digital assets).

13 (4) NATIONAL STRATEGY.—Not later than 1
14 year after the date of enactment of this Act, the Di-
15 rector shall submit to the relevant congressional
16 committees and the President a national strategy
17 that includes the following:

18 (A) Priorities for the research and develop-
19 ment of distributed ledger technologies and
20 their applications.

21 (B) Plans to support public and private
22 sector investment and partnerships in research
23 and technology development for societally bene-
24 ficial applications of distributed ledger tech-
25 nologies.

1 (C) Plans to mitigate the risks of distrib-
2 uted ledger technologies and their applications.

3 (D) An identification of additional re-
4 sources, administrative action, or legislative ac-
5 tion recommended to assist with the implemen-
6 tation of such strategy.

7 (5) RESEARCH AND DEVELOPMENT FUND-
8 ING.—The Director shall, as the Director considers
9 necessary, consult with the Director of the Office of
10 Management and Budget and with the heads of such
11 other elements of the Executive Office of the Presi-
12 dent as the Director considers appropriate, to ensure
13 that the recommendations and priorities with respect
14 to research and development funding, as expressed
15 in the national strategy developed under this sub-
16 section, are incorporated in the development of an-
17 nual budget requests for Federal research agencies.

18 (c) DISTRIBUTED LEDGER TECHNOLOGY RE-
19 SEARCH.—

20 (1) IN GENERAL.—The Director of the National
21 Science Foundation shall make awards, on a com-
22 petitive basis, to institutions of higher education, in-
23 cluding minority-serving institutions, or nonprofit
24 organizations (or consortia of such institutions or or-
25 ganizations) to support research, including inter-

1 disciplinary research, on distributed ledger tech-
2 nologies, their applications, and other issues that im-
3 pact or are caused by distributed ledger tech-
4 nologies, which may include research on—

5 (A) the implications on trust, trans-
6 parency, privacy, accessibility, accountability,
7 and energy consumption of different consensus
8 mechanisms and hardware choices, and ap-
9 proaches for addressing these implications;

10 (B) approaches for improving the security,
11 privacy, resiliency, interoperability, perform-
12 ance, and scalability of distributed ledger tech-
13 nologies and their applications, which may in-
14 clude decentralized networks;

15 (C) approaches for identifying and ad-
16 dressing vulnerabilities and improving the per-
17 formance and expressive power of smart con-
18 tracts;

19 (D) the implications of quantum com-
20 puting on applications of distributed ledger
21 technologies, including long-term protection of
22 sensitive information (such as medical or digital
23 property), and techniques to address them;

24 (E) game theory, mechanism design, and
25 economics underpinning and facilitating the op-

1 erations and governance of decentralized net-
2 works enabled by distributed ledger tech-
3 nologies;

4 (F) the social behaviors of participants in
5 decentralized networks enabled by distributed
6 ledger technologies;

7 (G) human-centric design approaches to
8 make distributed ledger technologies and their
9 applications more usable and accessible;

10 (H) use cases for distributed ledger tech-
11 nologies across various industry sectors and
12 government, including applications pertaining
13 to—

14 (i) digital identity, including trusted
15 identity and identity management;

16 (ii) digital property rights;

17 (iii) delivery of public services;

18 (iv) supply chain transparency;

19 (v) medical information management;

20 (vi) inclusive financial services;

21 (vii) community governance;

22 (viii) charitable giving;

23 (ix) public goods funding;

24 (x) digital credentials;

25 (xi) regulatory compliance;

- 1 (xii) infrastructure resilience, includ-
2 ing against natural disasters; and
3 (xiii) peer-to-peer transactions; and
4 (I) the social, behavioral, and economic im-
5 plications associated with the growth of applica-
6 tions of distributed ledger technologies, includ-
7 ing decentralization in business, financial, and
8 economic systems.

9 (2) ACCELERATING INNOVATION.—The Director
10 of the National Science Foundation shall consider
11 continuing to support startups that are in need of
12 funding, would develop in and contribute to the
13 economy of the United States, leverage distributed
14 ledger technologies, have the potential to positively
15 benefit society, and have the potential for commer-
16 cial viability, through programs like the Small Busi-
17 ness Innovation Research program, the Small Busi-
18 ness Technology Transfer program, and, as appro-
19 priate, other programs that promote broad and di-
20 verse participation.

21 (3) CONSIDERATION OF NATIONAL DISTRIB-
22 UTED LEDGER TECHNOLOGY RESEARCH AND DEVEL-
23 OPMENT STRATEGY.—In making awards under para-
24 graph (1), the Director of the National Science

1 Foundation shall take into account the national
2 strategy, as described in subsection (b)(4).

3 (4) FUNDAMENTAL RESEARCH.—The Director
4 of the National Science Foundation shall consider
5 continuing to make awards supporting fundamental
6 research in areas related to distributed ledger tech-
7 nologies and their applications, such as applied cryp-
8 tography and distributed systems.

9 (d) DISTRIBUTED LEDGER TECHNOLOGY APPLIED
10 RESEARCH PROJECT.—

11 (1) APPLIED RESEARCH PROJECT.—Subject to
12 the availability of appropriations, the Director of the
13 National Institute of Standards and Technology,
14 may carry out an applied research project to study
15 and demonstrate the potential benefits and unique
16 capabilities of distributed ledger technologies.

17 (2) ACTIVITIES.—In carrying out the applied
18 research project, the Director of the National Insti-
19 tute of Standards and Technology shall—

20 (A) identify potential applications of dis-
21 tributed ledger technologies, including those
22 that could benefit activities at the Department
23 of Commerce or at other Federal agencies, con-
24 sidering applications that could—

1 (i) improve the privacy and interoper-
2 ability of digital identity and access man-
3 agement solutions;

4 (ii) increase the integrity and trans-
5 parency of supply chains through the se-
6 cure and limited sharing of relevant sup-
7 plier information;

8 (iii) facilitate increased interoper-
9 ability across healthcare information sys-
10 tems and consumer control over the move-
11 ment of their medical data;

12 (iv) facilitate broader participation in
13 distributed ledger technologies of popu-
14 lations historically underrepresented in
15 technology, business, and financial sectors;

16 or

17 (v) be of benefit to the public or pri-
18 vate sectors, as determined by the Director
19 in consultation with relevant stakeholders;

20 (B) solicit and provide the opportunity for
21 public comment relevant to potential projects;

22 (C) consider, in the selection of a project,
23 whether the project addresses a pressing need
24 not already addressed by another organization
25 or Federal agency;

1 (D) establish plans to mitigate potential
2 risks, including those outlined in subsection
3 (b)(1)(B)(ii), if applicable, of potential projects;

4 (E) produce an example solution leveraging
5 distributed ledger technologies for 1 of the ap-
6 plications identified in subparagraph (A);

7 (F) hold a competitive process to select
8 private sector partners, if they are engaged, to
9 support the implementation of the example so-
10 lution;

11 (G) consider hosting the project at the Na-
12 tional Cybersecurity Center of Excellence; and

13 (H) ensure that cybersecurity best prac-
14 tices consistent with the Cybersecurity Frame-
15 work of the National Institute of Standards and
16 Technology are demonstrated in the project.

17 (3) BRIEFINGS TO CONGRESS.—Not later than
18 1 year after the date of enactment of this Act, the
19 Director of the National Institute of Standards and
20 Technology shall offer a briefing to the relevant con-
21 gressional committees on the progress and current
22 findings from the project under this subsection.

23 (4) PUBLIC REPORT.—Not later than 12
24 months after the completion of the project under
25 this subsection, the Director of the National Insti-

1 tute of Standards and Technology shall make public
2 a report on the results and findings from the
3 project.

4 **SEC. 5805. COMMERCIAL AIR WAIVER FOR NEXT OF KIN RE-**
5 **GARDING TRANSPORTATION OF REMAINS OF**
6 **CASUALTIES.**

7 Section 580A of the National Defense Authorization
8 Act for Fiscal Year 2020 (Public Law 116–92) is amended
9 by adding at the end the following:

10 “(c) TRANSPORTATION OF DECEASED MILITARY
11 MEMBER.—In the event of a death that requires the Sec-
12 retary concerned to provide a death benefit under sub-
13 chapter II of chapter 75 of title 10, United States Code,
14 such Secretary shall provide the next of kin or other ap-
15 propriate person a commercial air travel use waiver for
16 the transportation of deceased remains of military member
17 who dies outside of the United States.”.

18 **SEC. 5806. ARMS EXPORTS DELIVERY SOLUTIONS ACT.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) prioritizing the defense needs of United
22 States allies and partners globally is a national secu-
23 rity priority; and

24 (2) sustained support to key partners for inter-
25 operable defense systems is critical to preserve—

1 (A) the safety and security of American
2 persons;

3 (B) the free flow of commerce through
4 international trade routes;

5 (C) the United States commitment to col-
6 lective security agreements, territorial integrity,
7 and recognized maritime boundaries; and

8 (D) Taiwan's defense capability both in
9 quantitative and qualitative terms.

10 (b) REPORT REQUIRED.—Not later than March 1,
11 2023, and March 1, 2024, the Secretary of State and the
12 Secretary of Defense shall jointly transmit to the appro-
13 priate congressional committees a report with respect to
14 the transfer of all defense articles or defense services, on
15 or after October 1, 2017, pursuant to the authorities pro-
16 vided by—

17 (1) section 3, 21, or 36 of the Arms Export
18 Control Act (22 U.S.C. 2753, 2761, or 2776); or

19 (2) section 516(c)(2) of the Foreign Assistance
20 Act of 1961 (22 U.S.C. 2321j(c)(2)).

21 (c) ELEMENTS.—The report required by subsection
22 (b) shall also contain the following:

23 (1) A list of all approved transfers of defense
24 articles and services authorized by Congress pursu-
25 ant to sections 25 and 36 of the Arms Export Con-

1 trol Act (22 U.S.C. 2765 and 2776) with a total
2 value of \$25,000,000 or more, to Taiwan, Japan,
3 South Korea, Australia, or New Zealand, that have
4 not been fully delivered by the start of the fiscal
5 year in which the report is being submitted.

6 (2) The estimated start and end dates of deliv-
7 ery for each approved and incomplete transfer listed
8 pursuant to paragraph (1), including additional de-
9 tails and dates for any transfers that involve mul-
10 tiple tranches of deliveries.

11 (3) With respect to each approved and incom-
12 plete transfer listed pursuant to paragraph (1), a de-
13 tailed description of—

14 (A) any changes in the delivery dates of
15 defense articles or services relative to the dates
16 anticipated at the time of congressional ap-
17 proval of the transfer, including specific reasons
18 for any delays related to the United States Gov-
19 ernment, defense suppliers, or a foreign part-
20 ner;

21 (B) the feasibility and advisability of pro-
22 viding the partner subject to such delayed deliv-
23 ery with an interim capability or solution, in-
24 cluding drawing from United States stocks, and

1 any challenges to implementing such a capa-
2 bility or solution; and

3 (C) authorities, appropriations, or waiver
4 requests that Congress could provide to improve
5 delivery timelines or authorize the provision of
6 interim capabilities or solutions identified pur-
7 suant to subparagraph (B).

8 (4) A description of ongoing interagency efforts
9 to support attainment of operational capability of
10 the corresponding defense articles and services once
11 delivered, including advance training with United
12 States or allied forces on the systems to be received.
13 The description of any such training shall also in-
14 clude an identification of the training implementer.

15 (5) If a transfer listed pursuant to paragraph
16 (1) has been terminated prior to the date of the sub-
17 mission of the report for any reason—

18 (A) the case information for such transfer;

19 (B) a description of the reasons for which
20 the transfer is no longer in effect; and

21 (C) the impact this termination will have
22 on the intended end-user and the consequent
23 implications for regional security.

24 (6) A separate description of the actions the
25 United States is taking to expedite deliveries of de-

1 fense articles and services to Taiwan, including in
2 particular, whether the United States intends to di-
3 vert defense articles from United States stocks to
4 provide an interim capability or solution with respect
5 to any delayed deliveries to Taiwan and the plan, if
6 applicable, to replenish any such diverted stocks.

7 (7) A description of other potential actions un-
8 dertaken by the Department of State to improve de-
9 livery timelines for the transfers listed pursuant to
10 paragraph (1).

11 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
12 DEFINED.—In this section, the term “appropriate con-
13 gressional committees” means—

14 (1) the Committee on Foreign Affairs and the
15 Committee on Armed Services of the House of Rep-
16 resentatives; and

17 (2) the Committee on Foreign Relations and
18 the Committee on Armed Services of the Senate.

19 **SEC. 5807. PROHIBITION ON TRANSFERS TO BADR ORGANI-**
20 **ZATION.**

21 None of the amounts authorized to be appropriated
22 by this Act or otherwise made available to the Department
23 of Defense may be made available, directly or indirectly,
24 to the Badr Organization.

1 **SEC. 5808. PROHIBITION OF FEDERAL FUNDING FOR IN-**
2 **DUCED OR REQUIRED UNDERMINING OF SE-**
3 **CURITY OF CONSUMER COMMUNICATIONS**
4 **GOODS.**

5 (a) PROHIBITION.—None of the funds made available
6 in this or any other Act may be used by any Federal agen-
7 cy to require, support, pay, or otherwise induce any pri-
8 vate sector provider of consumer software and hardware
9 to—

10 (1) intentionally add any security vulnerability
11 or weaken or omit any safeguard in the standards,
12 items, or services of the provider;

13 (2) remove or omit any information security
14 function, mechanism, service, or solution from the
15 items or services of the provider; or

16 (3) take any action that—

17 (A) undermines, circumvents, defeats, by-
18 passes, or otherwise counteracts the end-to-end
19 encryption of the item or service of the pro-
20 vider;

21 (B) prevents an item or service from
22 adopting end-to-end encryption; or

23 (C) otherwise makes an unencrypted
24 version of the end-to-end encrypted content of
25 any communication, file, or data of the item or

1 service of the provider available to any person
2 or entity other than the intended recipients.

3 (b) **FEDERAL AGENCY DEFINED.**—In this section,
4 the term “Federal agency” means any executive depart-
5 ment, military department, Government corporation, Gov-
6 ernment controlled corporation, or other establishment in
7 the executive branch of the Government (including the Ex-
8 ecutive Office of the President), or any independent regu-
9 latory agency.

10 **SEC. 5809. FOREIGN STATE COMPUTER INTRUSIONS.**

11 (a) **IN GENERAL.**—Chapter 97 of title 28, United
12 States Code, is amended by inserting after section 1605B
13 the following:

14 **“§ 1605C. Computer intrusions by a foreign state**

15 “A foreign state shall not be immune from the juris-
16 diction of the courts of the United States or of the States
17 in any case not otherwise covered by this chapter in which
18 money damages are sought against a foreign state by a
19 national of the United States for personal injury, harm
20 to reputation, or damage to or loss of property resulting
21 from any of the following activities, whether occurring in
22 the United States or a foreign state:

23 “(1) Unauthorized access to or access exceeding
24 authorization to a computer located in the United
25 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.

8 “(4) The use, dissemination, or disclosure, with-
9 out consent, of any information obtained by means
10 of any activity described in paragraph (1), (2), or
11 (3).

“(5) The provision of material support or re-
sources for any activity described in paragraph (1),
(2), (3), or (4), including by an official, employee, or
agent of such foreign state.”.

(b) 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.

19 SEC. 5810. SCHOOL PFAS TESTING AND FILTRATION PRO-
20 GRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary of Defense, in coordination with the Administrator of the Environmental Protection Agency, shall establish a program to—

1 (1) test for perfluoroalkyl and polyfluoroalkyl
2 substances in drinking water at eligible entities,
3 which testing shall be conducted by an entity ap-
4 proved by the Administrator or the applicable State
5 to conduct the testing;

6 (2) install, maintain, and repair water filtration
7 systems effective for reducing perfluoroalkyl and
8 polyfluoroalkyl substances in drinking water at eligi-
9 ble entities that contains a level of any
10 perfluoroalkyl or polyfluoroalkyl substance that ex-
11 ceeds—

12 (A) an applicable maximum contaminant
13 level established by the Administrator under
14 section 1412 of the Safe Drinking Water Act
15 (42 U.S.C. 300g–1); or

16 (B) an applicable standard established by
17 the applicable State that is more stringent than
18 the level described in subparagraph (A); and

19 (3) safely dispose of spent water filtration
20 equipment used to reduce perfluoroalkyl and
21 polyfluoroalkyl substances in drinking water at
22 schools.

23 (b) PUBLIC AVAILABILITY.—The Secretary of De-
24 fense shall—

1 (1) make publicly available, including, to the
2 maximum extent practicable, on the website of the
3 eligible entity, a copy of the results of any testing
4 carried out under this section; and

5 (2) notify relevant parent, teacher, and em-
6 ployee organizations of the availability of the results
7 described in paragraph (1).

8 (c) DEFINITIONS.—In this section:

9 (1) The term “Administrator” means the Ad-
10 ministrator of the Environmental Protection Agency.

11 (2) The term “eligible entity” means a school
12 operated by the Department of Defense Education
13 Activity.

14 **SEC. 5811. REPORT ON EMT NATIONAL LICENSING STAND-**
15 **ARDS.**

16 The Secretary of Defense, in coordination with each
17 branch of the United States military, shall submit a report
18 to Congress on how the Department of Defense can fea-
19 sibly incorporate EMT national licensing standards into
20 their existing training.

1 **SEC. 5812. REQUIREMENT FOR CUT FLOWERS AND CUT**
2 **GREENS DISPLAYED IN CERTAIN FEDERAL**
3 **BUILDINGS TO BE PRODUCED IN THE UNITED**
4 **STATES.**

5 (a) IN GENERAL.—A cut flower or a cut green may
6 not be officially displayed in any public area of a building
7 of the Executive Office of the President, of the Depart-
8 ment of State, or of the Department of Defense that is
9 in a State of the United States or in the District of Colum-
10 bia, unless the cut flower or cut green is produced in the
11 United States.

12 (b) WAIVER.—The prohibition under subsection (a)
13 may be waived by the head of the agency concerned with
14 respect to a cut flower or cut green that is a gift from
15 a foreign country.

16 (c) RULE OF CONSTRUCTION.—The limitation in sub-
17 section (a) may not be construed to apply to any cut flower
18 or cut green used by a Federal officer or employee for
19 personal display.

20 (d) DEFINITIONS.—In this section:

21 (1) The term “cut flower” means a flower re-
22 moved from a living plant for decorative use.

23 (2) The term “cut green” means a green, foli-
24 age, or branch removed from a living plant for deco-
25 rative use.

1 (3) The term “produced in the United States”
2 means grown in—

3 (A) any of the several States;

4 (B) the District of Columbia;

5 (C) a territory or possession of the United
6 States; or

7 (D) an area subject to the jurisdiction of
8 a federally recognized Indian Tribe.

9 (e) EFFECTIVE DATE.—This section shall take effect
10 on the date that is 1 year after the date of the enactment
11 of this Act.

12 **SEC. 5813. RENEGOTIATION OF COMPACTS OF FREE ASSO-**
13 **CIATION.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress as follows:

16 (1) The United States shares deep ties, history
17 and interests with the Freely Associated States of
18 the Republic of the Marshall Islands, Federated
19 States of Micronesia, and Palau and continues a
20 special, unique and mutually beneficial relationship
21 with them under the decades-old Compacts of Free
22 Association.

23 (2) Under the Compacts, the United States has
24 undertaken the responsibility and obligation to pro-

1 vide and ensure the security and defense of the
2 Freely Associated States.

3 (3) The Compacts are critical to the national
4 security of the United States and its allies and part-
5 ners and are the bedrock of the United States role
6 in the Pacific.

7 (4) Renewal of key provisions of the Compacts,
8 now being negotiated with each nation, is critical for
9 regional security.

10 (5) Maintaining and strengthening the Com-
11 pacts supports both United States national security
12 and the United States responsibility for the security
13 and defense of the Freely Associated States.

14 (6) As the Department charged with fulfilling
15 the security mandates of the Compacts, the Depart-
16 ment of Defense is an integral partner with the De-
17 partments of State and Interior in the Compact re-
18 newal negotiations, has a vested interest in the out-
19 come, and should play an active role in the negotia-
20 tions for their renewal.

21 (7) The Department of Defense should continue
22 its engagement in the negotiations of the Compacts
23 of Free Association, in coordination with the De-
24 partments of State and Interior and the Special
25 Presidential Envoy for Compact Negotiations.

1 (8) It would be beneficial for the Secretary of
2 Defense to detail a senior officer — or such other
3 personal and assistance as the Envoy may request
4 — to the Special Presidential Envoy for Compact
5 Negotiations to support the negotiations for the re-
6 newal of Compact provisions.

7 (b) BRIEFING ON NEGOTIATIONS.—Not later than 90
8 days after the date of the enactment of this Act, the Sec-
9 retary of Defense shall brief the following committees on
10 the role of the Department in the renegotiations of the
11 Compacts and opportunities to expand its support for the
12 negotiations:

13 (1) the congressional defense committees;

14 (2) the Committee on Foreign Affairs and the
15 Committee on Natural Resources of the House of
16 Representatives; and

17 (3) the Committee on Foreign Relations and
18 the Committee on Energy and Natural Resources of
19 the Senate.

20 **SEC. 5814. INTERAGENCY REPORT ON EXTREMIST ACTIV-**
21 **ITY.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of enactment of this Act, and every 6 months there-
24 after, the Director of the Federal Bureau of Investigation,
25 the Secretary of Homeland Security, and the Secretary of

1 Defense shall publish a report that analyzes and sets out
2 strategies to combat White supremacist and neo-Nazi ac-
3 tivity in the uniformed services and Federal law enforce-
4 ment agencies.

5 (b) REPORT.—

6 (1) IN GENERAL.—The Director of the Federal
7 Bureau of Investigation, the Secretary of Homeland
8 Security, and the Secretary of Defense shall submit
9 a joint report detailing Executive-wide plans de-
10 scribed in subsection (a) that includes—

11 (A) the number of individuals discharged
12 from the uniformed services due to incidents re-
13 lated to White supremacy and neo-Nazi activity;

14 (B) for each instance included in the total
15 number in subparagraph (A), a description of
16 the circumstances that led to the separation of
17 servicemembers from the uniformed services
18 due to White supremacy and neo-Nazi activity;

19 (C) the number of Federal law enforce-
20 ment officers separated from federal agencies
21 due to incidents related to White supremacy or
22 neo-Nazi activity;

23 (D) for each instance included in the total
24 number in subparagraph (C), a description of
25 the circumstances that led to the separation of

1 Federal law enforcement officers from federal
2 agencies due to White supremacy and neo-Nazi
3 activity;

4 (E) the response of the Director of the
5 Federal Bureau of Investigation, the Secretary
6 of Homeland Security, and the Secretary of De-
7 fense to planned or effectuated incidents that
8 have a nexus to White supremacist and neo-
9 Nazi ideology involving those described in sub-
10 paragraphs (B) and (D); and

11 (F) specific plans to address such incidents
12 described in this subsection within uniformed
13 services and Federal law enforcement agencies.

14 (2) TRANSMISSION.—The Director of the Fed-
15 eral Bureau of Investigation, the Secretary of Home-
16 land Security, and the Secretary of Defense shall
17 transmit each report described in paragraph (1)
18 to—

19 (A) the Committee on the Judiciary of the
20 Senate;

21 (B) the Committee on Homeland Security
22 and Governmental Affairs of the Senate;

23 (C) the Select Committee on Intelligence of
24 the Senate;

1 (D) the Committee on Armed Services of
2 the Senate;

3 (E) the Committee on the Judiciary of the
4 House of Representatives;

5 (F) the Committee on Homeland Security
6 of the House of Representatives;

7 (G) the Permanent Select Committee on
8 Intelligence of the House of Representatives;
9 and

10 (H) the Committee on Armed Services of
11 the House of Representatives.

12 (3) CLASSIFICATION AND PUBLIC RELEASE.—

13 The report submitted under paragraph (1) shall
14 be—

15 (A) submitted in unclassified form, to the
16 greatest extent possible, with a classified annex
17 only if necessary; and

18 (B) in the case of the unclassified portion
19 of the report, posted on the public website of
20 the Department of Defense, the Department of
21 Homeland Security, the Department of Justice,
22 and the Federal Bureau of Investigation.

1 **SEC. 5815. REPORTING ON PREVIOUS FEDERAL BUREAU OF**
2 **INVESTIGATION AND DEPARTMENT OF**
3 **HOMELAND SECURITY REQUIREMENTS.**

4 (a) **REPORT REQUIRED.**—Not later than 60 days
5 after the date of the enactment of this Act, the Director
6 of the Federal Bureau of Investigation and the Secretary
7 of Homeland Security, in consultation with the Office of
8 the Director of National Intelligence, shall submit to the
9 appropriate congressional committees a report on the
10 processes needed to regularly report to Congress on do-
11 mestic terrorism threats pursuant to Section 5602 of the
12 National Defense Authorization Act for Fiscal Year 2020
13 (Public Law 116-92).

14 (b) **DATA LIMITATIONS.**—In the event that data in-
15 ternal to the Federal Bureau of Investigation and Depart-
16 ment of Homeland Security on completed or attempted
17 acts of domestic terrorism from January 1, 2009, to De-
18 cember 31, 2014 is incomplete or inconsistent, the Direc-
19 tor of the Federal Bureau of Investigation and the Sec-
20 retary of Homeland Security shall engage with State,
21 local, Tribal, and territorial partners, academic institu-
22 tions, non-profit organizations, and the private sector with
23 expertise in domestic terrorism threats and acts to provide
24 the most accurate and consistent information for the re-
25 port required under subsection (a).

1 (c) GAO REPORT.— Not later than 180 days after
2 the date of the enactment of this Act, the Government
3 Accountability Office shall produce a report providing a
4 full review of the Federal Bureau of Investigation’s, the
5 Secretary of Homeland Security’s, and the Office of the
6 Director of National Intelligence’s compliance with domes-
7 tic terrorism transparency mechanisms required by Fed-
8 eral law, including the National Defense Authorization Act
9 for Fiscal Year 2020.

10 (d) DEFINITIONS.—In this section, the ter “appro-
11 priate congressional committees” means—

12 (1) the Committee on Homeland Security and
13 Governmental Affairs of the Senate;

14 (2) the Committee on the Judiciary of the Sen-
15 ate;

16 (3) the Select Committee on Intelligence of the
17 Senate;

18 (4) the Committee on Homeland Security of the
19 House of Representatives;

20 (5) the Committee on the Judiciary of the
21 House of Representatives; and

22 (6) the Permanent Select Committee on Intel-
23 ligence of the House of Representatives.

1 **SEC. 5816. PFAS DATA CALL.**

2 Section 8(a)(7) of the Toxic Substances Control Act
3 (15 U.S.C. 2607(a)(7)) is amended by inserting “that con-
4 tains at least one fully fluorinated carbon atom,” after
5 “perfluoroalkyl or polyfluoroalkyl substance”.

6 **SEC. 5817. PROHIBITION ON CONTRACTING WITH PERSONS**
7 **WITH WILLFUL OR REPEATED VIOLATIONS**
8 **OF THE FAIR LABOR STANDARDS ACT OF**
9 **1938.**

10 (a) INITIATION OF DEBARMENT PROCEEDINGS.—

11 (1) IN GENERAL.—The Secretary of Labor shall
12 initiate a debarment proceeding with respect to a
13 covered person for whom information regarding two
14 or more willful or repeated violations of the Fair
15 Labor Standards Act of 1938 (29 U.S.C. 201 et
16 seq.) (as determined by a disposition described
17 under subsection (c)(1) of section 2313 of title 41,
18 United States Code, and issued in the last five
19 years) is included in the database established under
20 subsection (a) of such section.

21 (2) LENGTH OF DEBARMENT.—Notwith-
22 standing any other provision of law, the Secretary of
23 Labor may determine the length of a debarment
24 under paragraph (1).

25 (b) DATABASES.—Not later than 180 days after the
26 date of enactment of this Act, the Secretary of Labor shall

1 ensure that the enforcement and compliance databases of
2 the Department of Labor—

3 (1) identify persons that have been finally adju-
4 dicated to have violated labor laws;

5 (2) list each person, identified by the tax identi-
6 fication number of the person, that is suspended or
7 debarred for a violation of a labor law; and

8 (3) are accessible to contracting officers and
9 suspension and debarment officials at all Federal
10 agencies.

11 (c) REVISION OF FAR.—The Federal Acquisition
12 Regulation shall be revised to require contracting offi-
13 cers—

14 (1) when renewing or awarding a contract, to
15 check the database in subsection (b) for suspensions
16 or debarments described under that subsection when
17 determining present responsibility and conducting a
18 past performance evaluation;

19 (2) to enter relevant information from the data-
20 base in subsection (b) into past performance evalua-
21 tions in the Contractor Performance Assessment and
22 Reporting System; and

23 (3) to coordinate with the Labor Advisor of the
24 agency and consult with experts regarding alleged
25 violations of labor law.

1 (d) DEFINITIONS.—In this section—

2 (1) the term “covered person” means any indi-
3 vidual, enterprise, or firm applying for a contract
4 worth \$500,000 or more;

5 (2) the term “Federal agency” has the meaning
6 given that term in section 102 of title 40, United
7 States Code;

8 (3) the term “labor law” includes—

9 (A) subchapter IV of chapter 31 of title
10 40, United States Code (commonly referred to
11 as the “Davis Bacon Act”);

12 (B) chapter 67 of subtitle II of title 41,
13 United States Code (commonly referred to as
14 the “Services Contracting Act”); and

15 (C) the Fair Labor Standards Act of 1938
16 (29 U.S.C. 201 et seq.); and

17 (4) the term “willful” has the meaning given
18 that term in section 578.3 of title 29, Code of Fed-
19 eral Regulations.

20 **SEC. 5818. REPORT ON HUMAN RIGHTS IN THE PHIL-**
21 **IPPINES.**

22 Not later than 180 days after the date of the enact-
23 ment of this Act, the Secretary of State, shall submit to
24 the congressional defense committees a report that in-
25 cludes the following:

1 (1) An assessment of extrajudicial killings and
 2 other human rights violations committed by the
 3 Philippines military, police, and paramilitary forces,
 4 specifically violations against trade unionists, jour-
 5 nalists, human rights defenders, critics of the gov-
 6 ernment, faith and religious leaders, and other civil
 7 society activists.

8 (2) A description of the human rights climate
 9 in the Philippines; an assessment of the Philippines
 10 military, police, and paramilitary forces' adherence
 11 to human rights; and an analysis of such forces' role
 12 in the practice of “red-tagging”, including against
 13 United States citizens.

14 **SEC. 5819. REQUIREMENT FOR THE SECRETARY OF HOUS-**
 15 **ING AND URBAN DEVELOPMENT TO ANNU-**
 16 **ALLY REPORT COMPLAINTS OF SEXUAL HAR-**
 17 **ASSMENT.**

18 (a) REQUIREMENT TO ANNUALLY REPORT COM-
 19 PLAINTS OF SEXUAL HARASSMENT.—

20 (1) ANNUAL REPORT.—Section 808(e)(2) of the
 21 Fair Housing Act (42 U.S.C. 3608(e)(2)) is amend-
 22 ed—

23 (A) in subparagraph (A) by striking “and”
 24 at the end;

1 (B) in subparagraph (B)(iii) by striking
2 the semicolon and inserting “; and”; and

3 (C) by inserting after subparagraph (B)
4 the following new subparagraph:

5 “(C) containing tabulations of the number
6 of instances in the preceding year in which
7 complaints of discriminatory housing practices
8 were filed with the Department of Housing and
9 Urban Development or a fair housing assistance
10 program, including identification of whether
11 each complaint was filed with respect to dis-
12 crimination based on race, color, religion, na-
13 tional origin, sex, handicap, or familial status.”.

14 (2) SEXUAL HARASSMENT.—Section 808 of the
15 Fair Housing Act (42 U.S.C. 3608) is amended by
16 adding at the end the following new subsection:

17 “(g) In carrying out the reporting obligations under
18 this section, the Secretary shall—

19 “(1) consider a complaint filed with respect to
20 discrimination based on sex to include any complaint
21 filed with respect to sexual harassment; and

22 “(2) in reporting the instances of a complaint
23 filed with respect to discrimination based on sex
24 under subsection (e)(2)(C), include a disaggregated

1 tabulation of the total number of such complaints
2 filed with respect to sexual harassment.”.

3 (3) INITIATIVE TO COMBAT SEXUAL HARASS-
4 MENT IN HOUSING.—Title IX of the Fair Housing
5 Act (42 U.S.C. 3631) is amended by adding at the
6 end the following:

7 **“SEC. 902. INITIATIVE TO COMBAT SEXUAL HARASSMENT IN**
8 **HOUSING.**

9 “The Attorney General shall establish an initiative to
10 investigate and prosecute an allegation of a violation
11 under this Act with respect to sexual harassment.”.

12 **SEC. 5820. DEPARTMENT OF LABOR STUDY ON FACTORS**
13 **AFFECTING EMPLOYMENT OPPORTUNITIES**
14 **FOR IMMIGRANTS AND REFUGEES WITH PRO-**
15 **FSSIONAL CREDENTIALS OBTAINED IN FOR-**
16 **EIGN COUNTRIES.**

17 (a) STUDY REQUIRED.—

18 (1) IN GENERAL.—The Secretary of Labor, in
19 coordination with the Secretary of State, the Sec-
20 retary of Education, the Secretary of Health and
21 Human Services, the Secretary of Commerce, the
22 Secretary of Homeland Security, the Administrator
23 of the Internal Revenue Service, and the Commis-
24 sioner of the Social Security Administration, shall
25 conduct a study of the factors affecting employment

1 opportunities in the United States for applicable im-
2 migrants and refugees who have professional creden-
3 tials that were obtained in a country other than the
4 United States.

5 (2) WORK WITH OTHER ENTITIES.—The Sec-
6 retary of Labor shall seek to work with relevant non-
7 profit organizations and State agencies to use the
8 existing data and resources of such entities to con-
9 duct the study required under paragraph (1).

10 (3) LIMITATION ON DISCLOSURE.—Any infor-
11 mation provided to the Secretary of Labor in con-
12 nection with the study required under paragraph
13 (1)—

14 (A) may only be used for the purposes of,
15 and to the extent necessary to ensure the effi-
16 cient operation of, such study; and

17 (B) may not be disclosed to any other per-
18 son or entity except as provided under this sub-
19 section.

20 (b) INCLUSIONS.—The study required under sub-
21 section (a)(1) shall include—

22 (1) an analysis of the employment history of
23 applicable immigrants and refugees admitted to the
24 United States during the 5-year period immediately

1 preceding the date of the enactment of this Act,
2 which shall include, to the extent practicable—

3 (A) a comparison of the employment appli-
4 cable immigrants and refugees held before im-
5 migrating to the United States with the employ-
6 ment they obtained in the United States, if any,
7 since their arrival; and

8 (B) the occupational and professional cre-
9 dentials and academic degrees held by applica-
10 ble immigrants and refugees before immigrating
11 to the United States;

12 (2) an assessment of any barriers that prevent
13 applicable immigrants and refugees from using occu-
14 pational experience obtained outside the United
15 States to obtain employment in the United States;

16 (3) an analysis of available public and private
17 resources assisting applicable immigrants and refu-
18 gees who have professional experience and qualifica-
19 tions obtained outside of the United States to obtain
20 skill-appropriate employment in the United States;
21 and

22 (4) policy recommendations for better enabling
23 applicable immigrants and refugees who have profes-
24 sional experience and qualifications obtained outside

1 of the United States to obtain skill-appropriate em-
2 ployment in the United States.

3 (c) REPORT.—Not later than 18 months after the
4 date of the enactment of this section, the Secretary of
5 Labor shall—

6 (1) submit a report to Congress that describes
7 the results of the study conducted pursuant to sub-
8 section (a); and

9 (2) make such report publicly available on the
10 website of the Department of Labor.

11 (d) DEFINITIONS.—In this section:

12 (1) The term “applicable immigrants and refu-
13 gees”—

14 (A) means individuals who—

15 (i)(I) are not citizens or nationals of
16 the United States; and

17 (II) are lawfully present in the United
18 States and authorized to be employed in
19 the United States; or

20 (ii) are naturalized citizens of the
21 United States who were born outside of the
22 United States and its outlying possessions;
23 and

24 (B) includes individuals described in sec-
25 tion 602(b)(2) of the Afghan Allies Protection

1 Act of 2009 (title VI of division F of Public
2 Law 111–8; 8 U.S.C. 1101 note).

3 (2) Except as otherwise defined in this section,
4 terms used in this section have the definitions given
5 such terms under section 101(a) of the Immigration
6 and Nationality Act (8 U.S.C. 1101(a)).

7 **SEC. 5821. SENSE OF CONGRESS AND STATEMENT OF POL-**
8 **ICY ON HAITI.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) Since 2018, the ruling PHTK has presided
11 over increasing instability, displacement, and poverty
12 in Haiti stemming from, among other reasons—

13 (A) systematic dismantlement of the judi-
14 cial system;

15 (B) a non-functioning parliamentary sys-
16 tem;

17 (C) mass gang violence against civilians
18 and between gangs resulting in large-scale mas-
19 sacres;

20 (D) gang rule of large parts of Haiti; daily
21 kidnappings for ransom;

22 (E) widespread sexual violence against
23 women, girls and marginalized people;

24 (F) grand corruption;

25 (G) state violence against protesters;

1 (H) unsafe conditions for workers;

2 (I) diminished access to water, food,
3 healthcare and education; and

4 (J) unnatural devastation from natural
5 disasters.

6 (2) Government-supported violence in Haiti has
7 forced large numbers of Haitians to flee the country,
8 including to the United States.

9 (3) Independent human rights organizations
10 and the media have documented PHTK collusion
11 with gang activity through—

12 (A) the participation of PHTK officials in
13 gang attacks;

14 (B) the use of police vehicles in gang ac-
15 tivities; and

16 (C) systemic refusals by the police to inter-
17 fere in gang attacks and the justice system to
18 prosecute gang members and government offi-
19 cials credibly accused of participating in mas-
20 sacres.

21 (4) In 2021, the United States together with
22 the international community installed PHTK official
23 Ariel Henry as the Prime Minister and thus de facto
24 head of Government of Haiti following the assassina-
25 tion of President Jovenel Moise.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the security, freedom, and well-being of Hai-
3 tians are intertwined with that of the people of the United
4 States, and United States interests are not served by an
5 unstable or unsafe Haiti.

6 (c) STATEMENT OF POLICY.—It is the policy of the
7 United States—

8 (1) to support a Haitian-led solution to the cur-
9 rent crisis;

10 (2) that the people of Haiti must be empowered
11 to choose their leaders and govern Haiti free from
12 foreign interference; and

13 (3) to support the sustainable rebuilding and
14 development of Haiti in a manner that promotes ef-
15 forts led and supported by the people and Govern-
16 ment of Haiti at all levels, so that Haitians lead the
17 course of reconstruction and development of Haiti.

18 **SEC. 5822. CORRECTIONAL FACILITY DISASTER PREPARED-**
19 **NESS.**

20 (a) DEFINITIONS.—In this section, the term “major
21 disaster” means—

22 (1) a major disaster declared by the President
23 under section 401 of the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C.
25 5170); or

1 (2) any natural disaster or extreme weather or
2 public health emergency event that—

3 (A) would activate the use of any Bureau
4 of Prisons 18 contingency plans; and

5 (B) the Bureau of Prisons determines is a
6 major disaster.

7 (b) BUREAU OF PRISONS ANNUAL SUMMARY RE-
8 PORT OF DISASTER DAMAGE.—

9 (1) IN GENERAL.—The Director of the Bureau
10 of Prisons shall submit to the Committee on Appro-
11 priations, the Committee on the Judiciary, and the
12 Committee on Homeland Security and Governmental
13 Affairs of the Senate and the Committee on Appro-
14 priations, the Committee on the Judiciary, and the
15 Committee on Homeland Security of the House of
16 Representatives an annual summary report of dis-
17 aster damage on the scope of physical damage from
18 a major disaster in each Bureau of Prisons facility
19 and its contract prisons impacted or struck by a
20 major disaster that explains the effects of the dam-
21 age on inmates and staff, including—

22 (A) data on injury and loss of life of in-
23 mates and staff;

24 (B) access to health and medical care,
25 food, special dietary needs, drinkable water,

1 personal protective equipment, and personal hy-
2 giene products;

3 (C) guidance used to adjudicate early re-
4 lease or home confinement requests, data on
5 early release or home confinement approvals,
6 denials, and justification for denials;

7 (D) an explanation as to whether using
8 home confinement or early release was consid-
9 ered;

10 (E) access to cost-free and uninterrupted
11 visitation with legal counsel and visitors with
12 justifications for facility decisions that resulted
13 in suspended or altered visitations;

14 (F) access to appropriate accommodations
15 for inmates with disabilities;

16 (G) access to educational and work pro-
17 grams;

18 (H) inmate grievances;

19 (I) assessment of the cost of the damage to
20 the facility and estimates for repairs;

21 (J) the impact on staffing, equipment, and
22 financial resources; and

23 (K) other factors relating to the ability of
24 the Bureau of Prisons and any existing contract

1 prison to uphold the health, safety, and civil
2 rights of the correctional population.

3 (2) CORRECTIVE ACTION PLAN.—The report re-
4 quired under paragraph (1) shall include agency cor-
5 rective actions that the Bureau of Prisons will take
6 to improve and modernize emergency preparedness
7 plans, as they relate to natural disasters, extreme
8 weather, and public health emergencies and a
9 timeline to implement the corrective action plan.

10 (3) RECOMMENDATIONS.—The report required
11 under paragraph (1) shall include specific legislative
12 recommendations to Congress for improving emer-
13 gency preparedness plans within the Bureau of Pris-
14 ons.

15 (4) APPOINTMENT.—Not later than 90 days
16 after the enactment of this section, the Director of
17 the Bureau of Prisons shall appoint an official of the
18 Bureau of Prisons responsible for carrying out the
19 corrective action plan.

20 (c) NATIONAL INSTITUTE OF CORRECTIONS.—Sec-
21 tion 4351 of title 18, United States Code, is amended—

22 (1) in subsection (c)—

23 (A) in the matter preceding paragraph (1),
24 by striking “ten” and inserting “13”; and

25 (B) by adding at the end the following:

1 “(3) One shall have served a sentence in either
2 a Federal or State correctional facility or have a
3 professional background advocating on the behalf of
4 formerly incarcerated or incarcerated individuals.

5 “(4) One shall have a background as an emer-
6 gency response coordinator that has created an
7 emergency management accreditation program.

8 “(5) One shall have an educational and profes-
9 sional background in public health working with
10 communicable diseases.”; and

11 (2) by adding at the end the following:

12 “(i) FIELD HEARING.—Not later than 1 year after
13 the date of enactment of this subsection, the National In-
14 stitute of Corrections shall conduct at least one public field
15 hearing on how correctional facilities can incorporate in
16 their emergency preparedness plans and recovery efforts—

17 “(1) inmate access to medical care, food, drink-
18 able water, personal protective equipment, and per-
19 sonal hygiene products;

20 “(2) consideration by staff of using home con-
21 finement or early release;

22 “(3) inmate access to cost-free and uninter-
23 rupted visitation with legal counsel and visitors with
24 clear standards for when facilities may suspend or
25 alter visitations;

1 “(4) inmate access to appropriate accommoda-
2 tions for inmates with disabilities;

3 “(5) use of Federal funding to restore disaster-
4 damaged correctional facilities; and

5 “(6) incorporation by staff of risk management
6 best practices, such as those made available under
7 the relevant agencies of the Federal Emergency
8 Management Administration, Department of Health
9 and Human Services, and the Government Account-
10 ability Office to enhance emergency preparedness
11 plans.”.

12 **SEC. 5823. NONDISCRIMINATION IN FEDERAL HIRING FOR**
13 **VETERAN MEDICAL CANNABIS USERS; AU-**
14 **THORIZED PROVISION OF INFORMATION ON**
15 **STATE-APPROVED MARIJUANA PROGRAMS**
16 **TO VETERANS.**

17 (a) IN GENERAL.—It shall be unlawful for a “vet-
18 eran”, as defined in title 38, section 101(2) of the United
19 States Code, to be excluded from employment in the Fed-
20 eral Government solely because the veteran consumes or
21 has consumed cannabis, as defined in the Controlled Sub-
22 stances Act, or anywhere in the United States Code. For
23 the purposes determining if a person is a veteran under
24 this provision, an other than honorable, bad conduct, or
25 dishonorable release premised solely on a nonviolent can-

1 nabis charge or conviction shall be construed as a general
2 discharge.

3 (b) AUTHORIZED PROVISION OF INFORMATION.—

4 Notwithstanding the provisions of the Controlled Sub-
5 stances Act (21 U.S.C. 801 et seq.) or any other Federal,
6 State, or local law regulating or prohibiting the provision
7 of information on marijuana, the Secretary of Veterans
8 Affairs shall authorize physicians and other health care
9 providers of the Veterans Health Administration of the
10 Department of Veterans Affairs to provide to veterans who
11 are residents of States with State-approved marijuana
12 programs information regarding the participation of such
13 veterans in such programs and to recommend their par-
14 ticipation in such programs.

15 (c) DEFINITIONS.—In this section:

16 (1) The term “information” includes details
17 such as informational materials, internet websites,
18 and relevant contact information for State-approved
19 marijuana programs.

20 (2) The term “marijuana” has the meaning
21 given the term “marihuana” in section 102 of the
22 Controlled Substances Act (21 U.S.C. 802).

23 (3) The term “State” means each of the several
24 States, the District of Columbia, the Commonwealth
25 of Puerto Rico, any territory, Federal enclave, or

1 possession of the United States, and each federally
2 recognized Indian Tribe.

3 (4) The term “nonviolent cannabis charge or
4 conviction” shall include any nonviolent offense or
5 offenses involving marijuana, or
6 tetrahydrocannabinols and any related nonviolent of-
7 fenses or convictions that would not have satisfied
8 all elements of the charged offense or offenses but
9 for the involvement of these substances except for
10 any offenses or convictions where it has been estab-
11 lished in court that the individual was associated
12 with a foreign drug cartel or operating a motor vehi-
13 cle under the influence of a drug or alcohol within
14 the meaning of section 13(b) of title 18, United
15 States Code, an offense of operating or being in ac-
16 tual physical control of a motor vehicle within the
17 meaning of title 36, section 4.23 of the Code of Fed-
18 eral Regulations, or drunken or reckless operation of
19 vehicle, aircraft or vessel within the meaning of arti-
20 cle 111 of the Uniform Code of Military Justice, sec-
21 tion 911 of title 10, United States Code.

1 **SEC. 5824. REPORT ON CERTAIN ENTITIES CONNECTED TO**
2 **FOREIGN PERSONS ON THE MURDER OF**
3 **JAMAL KHASHOGGI.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of State,
6 in consultation with the heads of appropriate agencies,
7 shall submit to the appropriate congressional committees
8 a report on private, commercial, and nongovernmental en-
9 tities, including non-profit foundations, controlled in whole
10 or in part by any foreign person named in the Office of
11 the Director of National Intelligence report titled “Assess-
12 ing the Saudi Government’s Role in the Killing of Jamal
13 Khashoggi”, dated February 11, 2021.

14 (b) MATTERS TO BE INCLUDED.—The report re-
15 quired by subsection (a) shall include the following:

16 (1) A description of such entities.

17 (2) A detailed assessment, based in part on
18 credible open sources and other publicly-available in-
19 formation, of the roles, if any, such entities played
20 in the murder of Jamal Khashoggi or any other
21 gross violations of internationally recognized human
22 rights.

23 (3) A certification of whether any such entity is
24 subject to sanctions pursuant to the Global
25 Magnitsky Human Rights Accountability Act (22
26 U.S.C. 2656 note).

1 (c) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form, but may include
3 a classified annex.

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means—

7 (1) the Committee on Foreign Affairs and the
8 Permanent Select Committee on Intelligence of the
9 House of Representatives; and

10 (2) the Committee on Foreign Relations and
11 the Select Committee on Intelligence of the Senate.

12 **SEC. 5825. REVIEW OF IMPLEMENTATION OF UNITED**
13 **STATES SANCTIONS WITH RESPECT TO VIO-**
14 **LATORS OF THE ARMS EMBARGO ON LIBYA.**

15 (a) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, the President shall submit
17 to the appropriate congressional committees an unclassi-
18 fied report that describes whether the President has deter-
19 mined the persons described in subsection (b) meet the
20 criteria for the imposition of sanctions under section 1(a)
21 of Executive Order 13726 (81 Fed. Reg. 23559; relating
22 to blocking property and suspending entry into the United
23 States of persons contributing to the situation in Libya).

24 (b) PERSONS.—For purposes of the determination re-
25 quired under subsection (a), the President shall consider

1 all private companies listed for facilitating violations of the
2 United Nations arms embargo on Libya in the report of
3 the United Nations Panel of Experts entitled “Letter
4 dated 8 March 2021 from the Panel of Experts on Libya
5 established pursuant to resolution 1973 (2011) addressed
6 to the President of the Security Council” and “Letter
7 dated 24 May 2022 from the Panel of Experts on Libya
8 established pursuant to resolution 1973 (2011) addressed
9 to the President of the Security Council”, including the
10 following:

11 (1) Maritime vessels.

12 (2) Corporate facilitators of arms embargo vio-
13 lations.

14 (3) Aircraft operators.

15 (4) Mercenary recruiters and facilitators.

16 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
17 FINED.—In this section, the term “appropriate congres-
18 sional committees” means—

19 (1) the Committee on Foreign Affairs and the
20 Committee on Financial Services of the House of
21 Representatives; and

22 (2) the Committee on Foreign Relations and
23 the Committee on Banking, Housing, and Urban Af-
24 fairs of the Senate.

1 **SEC. 5826. MODIFICATION OF PRIOR NOTIFICATION OF**
2 **SHIPMENT OF ARMS.**

3 Subsection (i) of section 36 of the Arms Export Con-
4 trol Act (22 U.S.C. 2776) is amended to read as follows:

5 “(i) **PRIOR NOTIFICATION OF SHIPMENT OF ARMS.**—
6 At least 30 days prior to the initial and final shipment
7 of a sale of defense articles subject to the requirements
8 of subsection (b), the President shall provide notification
9 of such pending shipment, in unclassified form, with a
10 classified annex as necessary, to the Chairperson and
11 Ranking Member of the Committee on Foreign Relations
12 of the Senate and the Chairperson and Ranking Member
13 of the Committee on Foreign Affairs of the House of Rep-
14 resentatives.”.

15 **SEC. 5827. STUDY AND REPORT ON FEASIBILITY OF SUS-**
16 **PENSION OF MERGERS, ACQUISITIONS, AND**
17 **TAKEOVERS OF CERTAIN FOREIGN SURVEIL-**
18 **LANCE COMPANIES.**

19 (a) **IN GENERAL.**—The Secretary of Commerce, in
20 consultation with the Secretary of the Treasury, the Sec-
21 retary of State, the Secretary of Defense, the Director of
22 National Intelligence, and the heads of other relevant
23 agencies, shall—

24 (1) study the feasibility of using existing au-
25 thorities to implement a suspension of any merger,
26 acquisition, or takeover that would result in control,

1 including full or partial ownership of some or all as-
2 sets, of a covered foreign entity described in sub-
3 section (c) by a United States person; and

4 (2) submit to the appropriate congressional
5 committees a report on the results of such study.

6 (b) MATTERS TO BE INCLUDED.—The study and re-
7 port required by subsection (a) shall include the following:

8 (1) An assessment of whether the President or
9 Executive branch agencies have the authority to im-
10 plement a suspension as described in subsection (a)
11 and what additional authorities would be required if
12 needed.

13 (2) An assessment of whether the President or
14 Executive branch agencies could lift a suspension
15 only if a determination is made that the merger, ac-
16 quisition, or takeover described in subsection (a)—

17 (A) does not pose a significant counter-
18 intelligence or national security risk to the
19 United States or United States treaty allies, in-
20 cluding an undue risk of subversion of the
21 United States intelligence community or United
22 States national security interests through the
23 design, integrity, manufacturing, production,
24 distribution, installation, operation, or mainte-

1 nance of targeted digital surveillance tech-
2 nologies;

3 (B) does not seek or intend to evade or cir-
4 cumvent United States export control laws, in-
5 cluding through a transaction, transfer, agree-
6 ment or arrangement intended or designed to
7 limit exposure to United States export controls;
8 or

9 (C) does not affect any existing contracts
10 between the United States Government and the
11 United States person.

12 (c) COVERED FOREIGN ENTITY DESCRIBED.—A cov-
13 ered foreign entity described in this subsection is an enti-
14 ty, including a subsidiary or affiliate of the entity, that—

15 (1) is organized under the laws of or having its
16 principal place of business in a foreign country;

17 (2) develops, sells, or otherwise controls propri-
18 etary technology, including non-sensitive tech-
19 nologies, related to targeted digital surveillance ca-
20 pabilities; and

21 (3) is included on the list maintained by the
22 Bureau of Industry and Security of the Department
23 of Commerce and set forth in Supplement No. 4 to
24 part 744 of title 15, Code of Federal Regulations.

25 (d) DEFINITIONS.—In this section:

1 (1) CONTROL.—The term “control” means the
2 power, direct or indirect, whether exercised or not
3 exercised, to determine, direct, or decide important
4 matters affecting an entity, subject to regulations
5 prescribed by the Secretary of Commerce.

6 (2) INTELLIGENCE COMMUNITY.—The term
7 “intelligence community” has the meaning given
8 that term in section 3(4) of the National Security
9 Act of 1947 (50 U.S.C. 3003(4)).

10 (3) TARGETED DIGITAL SURVEILLANCE.—The
11 term “targeted digital surveillance” means the use
12 of items or services that enable an individual or enti-
13 ty (with or without the knowing authorization of the
14 product’s owner) to detect, monitor, intercept, col-
15 lect, exploit, preserve, protect, transmit, retain, or
16 otherwise gain access to the communications, sen-
17 sitive or protected information, work product, brows-
18 ing data, research, identifying information, location
19 history, and online and offline activities of other in-
20 dividuals, organizations, or entities.

21 (4) UNITED STATES PERSON.—The term
22 “United States person” means—

23 (A) a United States citizen or an alien law-
24 fully admitted for permanent residence to the
25 United States; or

1 (B) an entity organized under the laws of
2 the United States or of any jurisdiction of the
3 United States, including a foreign branch of
4 such an entity.

5 **SEC. 5828. REPORT ON POLITICAL PRISONERS IN EGYPT.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of State,
8 in consultation with the Director of National Intelligence,
9 shall submit to the appropriate congressional committees
10 a report on the status of political prisoners in Egypt.

11 (b) MATTERS TO BE INCLUDED.—The report re-
12 quired by subsection (a) shall include a detailed assess-
13 ment of how many individuals are detained, imprisoned,
14 or the victim of an enforced disappearance in Egypt, in-
15 cluding individuals who—

16 (1) are human rights defenders;

17 (2) are detained, imprisoned, or otherwise phys-
18 ically restricted because of their political, religious,
19 other conscientiously-held beliefs, or their identity;

20 (3) are prisoners who are arbitrarily detained;

21 (4) are victims of enforced disappearance or are
22 reasonably suspected of being detained or impris-
23 oned in a secret location; or

1 (5) have been subject to torture or other gross
2 violations of human rights while detained or impris-
3 oned.

4 (c) FORM.—The report required by subsection (a)
5 shall be submitted in unclassified form, but portions of
6 the report described in subsection (b) may contain a classi-
7 fied annex, so long as such annex is provided separately
8 from the unclassified report.

9 **SEC. 5829. ATTORNEY GENERAL AUTHORITY TO TRANSFER**
10 **FORFEITED RUSSIAN ASSETS TO ASSIST**
11 **UKRAINE.**

12 (a) AUTHORIZATION.—Subject to appropriations for
13 such purpose, the Attorney General may transfer to the
14 Secretary of State the proceeds of any covered forfeited
15 property for use by the Secretary of State to provide as-
16 sistance to Ukraine to remediate the harms of Russian
17 aggression towards Ukraine. Any such transfer shall be
18 considered foreign assistance under the Foreign Assist-
19 ance Act of 1961 (22 U.S.C. 2151 et seq.).

20 (b) REPORT.—The Attorney General, in consultation
21 with the Secretary of the Treasury and the Secretary of
22 State, shall provide a semiannual report to the appropriate
23 congressional committees on any transfers made pursuant
24 to subsection (a).

25 (c) DEFINITIONS.—In this section:

1 (1) The term “covered forfeited property”
2 means property seized by the Department of Justice
3 under chapter 46 or section 1963 of title 18, United
4 States Code, which property belonged to or was pos-
5 sessed by a person subject to sanctions and des-
6 ignated by the Secretary of Treasury or the Sec-
7 retary of State, pursuant to Executive Order 14024,
8 and as expanded by Executive Order 14066 of
9 March 8, 2022, and relied on for additional steps
10 taken in Executive Order 14039 of August 20,
11 2021, and Executive Order 14068 of March 11,
12 2022.

13 (2) The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committees on the Judiciary of the
16 House of Representatives and of the Senate;

17 (B) the Committee on Foreign Affairs of
18 the House of Representatives and the Com-
19 mittee on Foreign Relations of the Senate;

20 (C) the Committee on Financial Services of
21 the House of Representatives and the Com-
22 mittee on Finance of the Senate; and

23 (D) the Committees on Appropriations of
24 the House of Representatives and of the Sen-
25 ate.

1 (d) SUNSET.—The authority under this section shall
2 apply to any covered forfeited property seized on or before
3 the date of the enactment of this Act and on or before
4 May 1, 2025.

5 **SEC. 5830. REMOVING RUSSIAN ROUGH DIAMONDS FROM**
6 **GLOBAL MARKETS.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the Secretary of State, in coordination with the
9 Secretary of the Treasury and the heads of all other rel-
10 evant interagency partners, should instruct the United
11 States representatives at each international institution as
12 follows:

13 (1) To use the voice and vote of the United
14 States to expel Russia from the Kimberley Process
15 to ensure that Russian source and origin rough dia-
16 monds are not used to finance Russia’s war in
17 Ukraine or to circumvent United States sanctions.

18 (2) To engage the current chair of the Kim-
19 berley Process to ensure that Russia’s exclusion
20 from the process is brought to a formal decision in
21 a timely manner.

22 (3) To use the role of the United States in the
23 Working Group on Monitoring in the Kimberley
24 Process to ensure that Kimberley Process compli-
25 ance obligations include assessments on tractability

1 and provenance of potential Russian diamonds mov-
2 ing through a particular country's compliance sys-
3 tem.

4 (4) To work with other participants in the Kim-
5 berley Process, including partner countries that pro-
6 vide avenues for sanctioned Russian oligarchs to
7 protect their wealth, to develop a coordinated policy
8 with respect to ensuring Russian rough diamonds,
9 precious metals, or other assets are not used to cir-
10 cumvent United States sanctions on Russian
11 oligarchs.

12 (b) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the Secretary of State, in
14 consultation with the Secretary of Treasury and the De-
15 partment of Homeland Security, shall submit to the ap-
16 propriate congressional committees a report on the imple-
17 mentation of United States sanctions of Russian diamond
18 companies that includes the following:

19 (1) An assessment on how specific countries are
20 implementing sanctions imposed with respect to the
21 Russian state-owned enterprise Alrosa and other
22 sanctioned Russian diamond companies, including in
23 particular the countries that—

24 (A) receive security assistance from the
25 United States authorized under title 10, United

1 States Code, or under the Foreign Assistance
2 Act of 1961 (22 U.S.C. 2151 et seq.); and

3 (B) have signed a collective defense ar-
4 rangement with the United States.

5 (2) A list of which countries wealthy Russian
6 oligarchs, sanctioned or otherwise, have emigrated to
7 following the outbreak of the war in Ukraine.

8 (3) An assessment on how implementation and
9 enforcement of the sanctions imposed with respect to
10 Alrosa can be strengthened, including through mech-
11 anisms for traceability.

12 (c) RESOURCES.—In completing the report required
13 by subsection (b), the relevant departments shall directly
14 engage with key industry associations and members, in-
15 cluding grading laboratories, on matters of technical im-
16 portance, including traceability and provenance.

17 **SEC. 5831. LIU XIAOBO FUND FOR STUDY OF THE CHINESE**
18 **LANGUAGE.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) as a substitute to Confucius Institutes, the
22 United States Government should invest heavily into
23 alternative programs and institutions that ensure
24 there remains a robust pipeline of Americans learn-
25 ing China’s many languages; and

1 (2) in a 21st century that will be dominated by
2 a strategic competition between the United States
3 and China, it is in the national security interests of
4 the United States to ensure that Americans continue
5 to invest in Chinese language skills, as well as Ti-
6 betan, Uyghur, and Mongolian languages, while en-
7 suring they can do so in a context free of malign po-
8 litical influence from foreign state actors.

9 (b) ESTABLISHMENT OF THE LIU XIAOBO FUND FOR
10 STUDY OF THE CHINESE LANGUAGE.—The Secretary of
11 State shall establish in the Department of State the “Liu
12 Xiaobo Fund for Study of the Chinese Language” to fund
13 study by United States persons of Mandarin and Can-
14 tonese Chinese, Tibetan, Uyghur, Mongolian, and other
15 contemporary spoken languages of China, abroad or in the
16 United States.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Department of
19 State for fiscal year 2021 and every fiscal year thereafter,
20 \$10,000,000 to carry out the Liu Xiaobo Fund for Study
21 of the Chinese Language.

22 (d) REQUIRED ACTIVITIES.—Amounts authorized to
23 be appropriated pursuant to subsection (c) shall—

1 (1) be designed to advance the national security
2 and foreign policy interests of the United States, as
3 determined by the Secretary of State;

4 (2) favor funding mechanisms that can maxi-
5 mize the total number of United States persons
6 given the opportunity to acquire full conversational
7 linguistic proficiency in Mandarin and Cantonese
8 Chinese, Tibetan, Uyghur, Mongolian, and other
9 contemporary spoken languages of China;

10 (3) favor funding mechanisms that provide op-
11 portunities for such language study to areas tradi-
12 tionally under-served by such opportunities;

13 (4) be shaped by an ongoing consultative proc-
14 ess taking into account design inputs of—

15 (A) civil society institutions, including Chi-
16 nese diaspora community organizations;

17 (B) language experts in Mandarin and
18 Cantonese Chinese, Tibetan, Uyghur, Mongo-
19 lian, and other contemporary spoken languages
20 of China;

21 (C) organizations representing historically
22 disadvantaged socioeconomic groups in the
23 United States; and

24 (D) human rights organizations; and

1 (5) favor opportunities to fund the study of
2 Mandarin and Cantonese Chinese, Tibetan, Uyghur,
3 Mongolian, and other contemporary spoken lan-
4 guages of China at Alaska Native-serving institu-
5 tions, Asian American and Native American Pacific
6 Islander-serving institutions, Hispanic-serving insti-
7 tutions, historically Black college or universities, Na-
8 tive American-serving nontribal institutions, Native
9 Hawaiian-serving institutions, Predominantly Black
10 institutions, Tribal Colleges or Universities.

11 (e) REPORT.—

12 (1) IN GENERAL.—Not later than 120 days
13 after the date of the enactment of this Act and an-
14 nually thereafter for five years, the Secretary of
15 State, in consultation with the heads of appropriate
16 Federal departments and agencies, as appropriate,
17 shall submit to the Committee on Foreign Affairs of
18 the House of Representatives and the Committee on
19 Foreign Relations of the Senate a report detailing
20 activities and disbursements made to carry out this
21 Act over the immediately preceding academic year.

22 (2) REPORT CONTENTS.—Each report required
23 under paragraph (1) shall include details on—

1 (A) which institutions, programs, or enti-
2 ties received funds through the Liu Xiaobo
3 Fund for Study of the Chinese Language;

4 (B) funds distribution disaggregated by in-
5 stitution, program, or entity, including identi-
6 fication of the State or country in which such
7 institution, program, or entity is located;

8 (C) the number of United States persons
9 who received language study under the Liu
10 Xiaobo Fund for Study of the Chinese Lan-
11 guage, and the average amount disbursed per
12 person for such study;

13 (D) a comparative analysis of per dollar
14 program effectiveness and efficiency in allowing
15 United States persons to reach conversational
16 proficiency Mandarin or Cantonese Chinese, Ti-
17 betan, Uyghur, Mongolian, or other contem-
18 porary spoken languages of China;

19 (E) an analysis of which of the languages
20 referred to in subparagraph (D) were studied
21 through the funding from the Liu Xiaobo Fund
22 for Study of the Chinese Language; and

23 (F) any recommendations of the Secretary
24 of State for improvements to the authorities,

1 priorities, or management of the Liu Xiaobo
2 Fund for Study of the Chinese Language.

3 (f) INTERAGENCY FUNDS TRANSFERS AUTHORIZA-
4 TION.—Amounts authorized to be appropriated to the Sec-
5 retary of State to carry out this Act are authorized to be
6 transferred to the heads of other appropriate Federal de-
7 partments and agencies for similar purposes, subject to
8 prior notification to the Committee on Foreign Affairs of
9 the House of Representatives and the Committee on For-
10 eign Relations of the Senate. Such heads shall consult with
11 the Secretary in the preparation of the report required
12 under subsection (e).

13 (g) LIMITATIONS.—Amounts authorized to be appro-
14 priated to carry out this Act may only be made available
15 for the costs of language study funded and administration
16 incurred by the Department of State or programs carried
17 out by the Department of State (or by another Federal
18 department or agency pursuant to subsection (f)) to carry
19 out this section.

20 (h) OFFSET.—Notwithstanding the amounts set
21 forth in the funding tables in division D, the amount au-
22 thorized to be appropriated for Operations and Mainte-
23 nance, Defense-Wide, as specified in the corresponding
24 funding table in section 4301, is hereby reduced by
25 \$10,000,000.

1 (i) DEFINITIONS.—In this section:

2 (1) The term “Alaska Native-serving institu-
3 tion” has the meaning given such term in section
4 317(b) of the Higher Education Act of 1965 (20
5 U.S.C. 1059d(b)).

6 (2) The term “Asian American and Native
7 American Pacific Islander-serving institution” has
8 the meaning given such term in section 371(c) of the
9 Higher Education Act of 1965 (20 U.S.C.
10 1067q(c)).

11 (3) The term “Hispanic-serving institution” has
12 the meaning given such term in section 502 of the
13 Higher Education Act of 1965 (20 U.S.C. 1101a).

14 (4) The term “historically Black college or uni-
15 versity” means a part B institution described in sec-
16 tion 322(2) of the Higher Education Act of 1965
17 (22 U.S.C. 1061(2)).

18 (5) The term “Native American-serving non-
19 tribal institution” has the meaning given such term
20 in section 371(c) of the Higher Education Act of
21 1965 (20 U.S.C. 1067q(c)).

22 (6) The term “Native Hawaiian-serving institu-
23 tion” has the meaning given such term in section
24 317(b) of the Higher Education Act of 1965 (20
25 U.S.C. 1059d(b)).

1 (7) The term “Predominantly Black institu-
2 tion” has the meaning given such term in section
3 371(c) of the Higher Education Act of 1965 (20
4 U.S.C. 1067q(c)).

5 (8) The term “Tribal College or University”
6 has the meaning given such term in section 316(b)
7 of the Higher Education Act of 1965 (20 U.S.C.
8 1059c(b)).

9 **SEC. 5832. ACCESS FOR VETERANS TO RECORDS.**

10 (a) PLAN TO ELIMINATE RECORDS BACKLOG AT THE
11 NATIONAL PERSONNEL RECORDS CENTER.—

12 (1) PLAN REQUIRED.—Not later than 60 days
13 after the date of the enactment of this Act, the Ar-
14 chivist of the United States shall submit to the ap-
15 propriate congressional committees a comprehensive
16 plan for reducing the backlog of requests for records
17 from the National Personnel Records Center and im-
18 proving the efficiency and responsiveness of oper-
19 ations at the National Personnel Records Center,
20 that includes, at a minimum, the following:

21 (A) An estimate of the number of back-
22 logged record requests for veterans.

23 (B) Target timeframes to reduce the back-
24 log.

1 (C) A detailed plan for using existing
2 funds to improve the information technology in-
3 frastructure, including secure access to appro-
4 priate agency Federal records, to prevent future
5 backlogs.

6 (D) Actions to improve customer service
7 for requesters.

8 (E) Measurable goals with respect to the
9 comprehensive plan and metrics for tracking
10 progress toward such goals.

11 (F) Strategies to prevent future record re-
12 quest backlogs, including backlogs caused by an
13 event that prevents employees of the Center
14 from reporting to work in person.

15 (2) UPDATES.—Not later than 90 days after
16 the date on which the comprehensive plan is sub-
17 mitted under paragraph (1), and biannually there-
18 after until the response rate by the National Per-
19 sonnel Records Center reaches 90 percent of all re-
20 quests in 20 days or less, not including any request
21 involving a record damaged or lost in the National
22 Personnel Records Center fire of 1973 or any re-
23 quest that is subject to a fee that has not been paid
24 in a timely manner by the requestor (provided the
25 National Personnel Records Center issues an invoice

1 within 20 days after the date on which the request
2 is made), the Archivist of the United States shall
3 submit to the appropriate congressional committees
4 an update of such plan that—

5 (A) describes progress made by the Na-
6 tional Personnel Records Center during the pre-
7 ceding 90-day period with respect to record re-
8 quest backlog reduction and efficiency and re-
9 sponsiveness improvement;

10 (B) provides data on progress made to-
11 ward the goals identified in the comprehensive
12 plan; and

13 (C) describes any changes made to the
14 comprehensive plan.

15 (3) CONSULTATION REQUIREMENT.—In car-
16 rying out paragraphs (1) and (2), the Archivist of
17 the United States shall consult with the Secretary of
18 Veterans Affairs.

19 (4) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES DEFINED.—In this section, the term “appro-
21 priate congressional committees” means—

22 (A) the Committee on Oversight and Re-
23 form and the Committee on Veterans’ Affairs of
24 the House of Representatives; and

1 (B) the Committee on Homeland Security
2 and Governmental Affairs and the Committee
3 on Veterans' Affairs of the Senate.

4 (b) ADDITIONAL FUNDING TO ADDRESS RECORDS
5 BACKLOG.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—In
7 addition to amounts otherwise available, there is au-
8 thorized to be appropriated to the National Archives
9 and Records Administration, \$60,000,000 to address
10 backlogs in responding to requests from veterans for
11 military personnel records, improve cybersecurity,
12 improve digital preservation and access to archival
13 Federal records, and address backlogs in requests
14 made under section 552 of title 5, United States
15 Code (commonly referred to as the Freedom of In-
16 formation Act). Such amounts may also be used for
17 the Federal Records Center Program.

18 (2) REQUIREMENT TO MAINTAIN IN-PERSON
19 STAFFING LEVELS.—Not later than 30 days after
20 the date of the enactment of this Act, the Archivist
21 of the United States shall ensure that the National
22 Personnel Records Center maintains staffing levels
23 and telework arrangements that enable the max-
24 imum processing of records requests possible in
25 order to achieve the performance goal of responding

1 to 90 percent of all requests in 20 days or less, not
2 including any request involving a record damaged or
3 lost in the National Personnel Records Center fire of
4 1973 or any request that is subject to a fee that has
5 not been paid in a timely manner by the requestor
6 (provided the National Personnel Records Center
7 issues an invoice within 20 days after the date on
8 which the request is made).

9 (3) INSPECTOR GENERAL REPORTING.—The In-
10 spector General for the National Archives and
11 Records Administration shall, for two years following
12 the date of the enactment of this Act, include in
13 every semiannual report submitted to Congress pur-
14 suant to the Inspector General Act of 1978, a de-
15 tailed summary of—

16 (A) efforts taken by the National Archives
17 and Records Administration to address the
18 backlog of records requests at the National Per-
19 sonnel Records Center; and

20 (B) any recommendations for action pro-
21 posed by the Inspector General related to re-
22 ducing the backlog of records requests at the
23 National Personnel Records Center and the sta-
24 tus of compliance with those recommendations

1 by the National Archives and Records Adminis-
2 tration.

3 **SEC. 5833. JAPANESE AMERICAN CONFINEMENT EDU-**
4 **CATION GRANTS.**

5 Public Law 109–441 (120 Stat. 3290) is amended—
6 (1) in section 2, by adding at the end the fol-
7 lowing:

8 “(4) JAPANESE AMERICAN CONFINEMENT EDU-
9 CATION GRANTS.—The term ‘Japanese American
10 Confinement Education Grants’ means competitive
11 grants, awarded through the Japanese American
12 Confinement Sites Program, for Japanese American
13 organizations to educate individuals, including
14 through the use of digital resources, in the United
15 States on the historical importance of Japanese
16 American confinement during World War II, so that
17 present and future generations may learn from Jap-
18 anese American confinement and the commitment of
19 the United States to equal justice under the law.

20 “(5) JAPANESE AMERICAN ORGANIZATION.—
21 The term ‘Japanese American organization’ means a
22 private nonprofit organization within the United
23 States established to promote the understanding and
24 appreciation of the ethnic and cultural diversity of
25 the United States by illustrating the Japanese

1 American experience throughout the history of the
2 United States.”; and

3 (2) in section 4—

4 (A) by inserting “(a) IN GENERAL.—” be-
5 fore “There are authorized”;

6 (B) by striking “\$38,000,000” and insert-
7 ing “\$80,000,000”; and

8 (C) by adding at the end the following:

9 “(b) JAPANESE AMERICAN CONFINEMENT EDU-
10 CATION GRANTS.—

11 “(1) IN GENERAL.—Of the amounts made
12 available under this section, not more than
13 \$10,000,000 shall be awarded as Japanese American
14 Confinement Education Grants to Japanese Amer-
15 ican organizations. Such competitive grants shall be
16 in an amount not less than \$750,000 and the Sec-
17 retary shall give priority consideration to Japanese
18 American organizations with fewer than 100 employ-
19 ees.

20 “(2) MATCHING REQUIREMENT.—

21 “(A) FIFTY PERCENT.—Except as pro-
22 vided in subparagraph (B), for funds awarded
23 under this subsection, the Secretary shall re-
24 quire a 50 percent match with non-Federal as-
25 sets from non-Federal sources, which may in-

1 clude cash or durable goods and materials fairly
2 valued, as determined by the Secretary.

3 “(B) WAIVER.—The Secretary may waive
4 all or part of the matching requirement under
5 subparagraph (A), if the Secretary determines
6 that—

7 “(i) no reasonable means are available
8 through which an applicant can meet the
9 matching requirement; and

10 “(ii) the probable benefit of the
11 project funded outweighs the public inter-
12 est in such matching requirement.”.

13 **SEC. 5834. REPORTING ON INTERNATIONALLY RECOG-**
14 **NIZED HUMAN RIGHTS IN THE UNITED**
15 **STATES IN THE ANNUAL COUNTRY REPORTS**
16 **ON HUMAN RIGHTS PRACTICES.**

17 Section 116 of the Foreign Assistance Act of 1961
18 (22 U.S.C. 2151n) is amended by adding at the end the
19 following:

20 “(h) INTERNATIONALLY RECOGNIZED HUMAN
21 RIGHTS IN THE UNITED STATES.—The report required
22 by subsection (d) shall include a section that provides a
23 list of reports published during the prior year by United
24 States government agencies on the status of internation-
25 ally recognized human rights in the United States, includ-

1 ing reports issued by the Department of Justice, the De-
2 partment of Homeland Security and the United States
3 Commission on Civil Rights.”.

4 **SEC. 5835. EXPORT PROHIBITION OF MUNITIONS ITEMS TO**
5 **THE HONG KONG POLICE FORCE.**

6 Section 3 of the Act entitled “An Act to prohibit the
7 commercial export of covered munitions items to the Hong
8 Kong Police Force”, approved November 27, 2019 (Public
9 Law 116–77; 133 Stat. 1173), is amended by striking
10 “December 31, 2021” and inserting the following: “De-
11 cember 31, 2024”.

12 **SEC. 5836. CONGRESSIONAL NOTIFICATION FOR REWARDS**
13 **PAID USING CRYPTOCURRENCIES.**

14 (a) IN GENERAL.—Section 36(e)(6) of the State De-
15 partment Basic Authorities Act of 1956 (22 U.S.C.
16 2708(e)(6)) is amended by adding at the end the following
17 new sentence: “Not later than 15 days before making a
18 reward in a form that includes cryptocurrency, the Sec-
19 retary of State shall notify the Committee on Foreign Af-
20 fairs of the House of Representatives and the Committee
21 on Foreign Relations of the Senate of such form for the
22 reward.”.

23 (b) REPORT.—Not later than 180 days after the date
24 of the enactment of this Act, the Secretary of State shall
25 submit to the Committee on Foreign Affairs of the House

1 of Representatives and the Committee on Foreign Rela-
2 tions of the Senate a report on the use of cryptocurrency
3 as a part of the Department of State Rewards program
4 established under section 36(a) of the State Department
5 Basic Authorities Act of 1956 (22 U.S.C. 2708(a)) that—

6 (1) justifies any determination of the Secretary
7 to make rewards under such program in a form that
8 includes cryptocurrency;

9 (2) lists each cryptocurrency payment made
10 under such program as of the date of the submission
11 of the report;

12 (3) provides evidence of the manner and extent
13 to which cryptocurrency payments would be more
14 likely to induce whistleblowers to come forward with
15 information than rewards paid out in United States
16 dollars or other forms of money or nonmonetary
17 items; and

18 (4) examines whether the Department's use of
19 cryptocurrency could provide bad actors with addi-
20 tional hard-to-trace funds that could be used for
21 criminal or illicit purposes.

22 **SEC. 5837. CONSULTATIONS ON REUNITING KOREAN AMER-**
23 **ICANS WITH FAMILY MEMBERS IN NORTH**
24 **KOREA.**

25 (a) CONSULTATIONS.—

1 (1) CONSULTATIONS WITH SOUTH KOREA.—

2 The Secretary of State, or a designee of the Sec-
3 retary, should consult with officials of South Korea,
4 as appropriate, on potential opportunities to reunite
5 Korean American families with family members in
6 North Korea from which such Korean American
7 families were divided after the signing of the Korean
8 War Armistice Agreement, including potential oppor-
9 tunities for video reunions for Korean Americans
10 with such family members.

11 (2) CONSULTATIONS WITH KOREAN AMERI-

12 CANS.—The Special Envoy on North Korean Human
13 Rights Issues of the Department of State should
14 regularly consult with representatives of Korean
15 Americans who have family members in North
16 Korea with respect to efforts to reunite families di-
17 vided after the signing of the Korean War Armistice
18 Agreement, including potential opportunities for
19 video reunions for Korean Americans with such fam-
20 ily members.

21 (b) REPORT.—Not later than 120 days after the date
22 of the enactment of this Act, and annually thereafter, the
23 Secretary of State, acting through the Special Envoy on
24 North Korean Human Rights Issues, shall submit to the
25 Committee on Foreign Affairs of the House of Representa-

1 tives and the Committee on Foreign Relations of the Sen-
2 ate a report on the consultations conducted pursuant to
3 this section during the preceding year.

4 **SEC. 5838. SECURE ACCESS TO SANITATION FACILITIES**
5 **FOR WOMEN AND GIRLS.**

6 Subsection (a) of section 501 of the Foreign Rela-
7 tions Authorization Act, Fiscal Years 1994 and 1995 (22
8 U.S.C. 2601 note) is amended—

9 (1) by redesignating paragraphs (6) through
10 (11) as paragraphs (7) through (12), respectively;
11 and

12 (2) by inserting after paragraph (5) the fol-
13 lowing new paragraph:

14 “(6) the provision of safe and secure access to
15 sanitation facilities, with a special emphasis on
16 women, girls, and vulnerable populations.”.

17 **SEC. 5839. BLACKWATER TRADING POST LAND.**

18 (a) DEFINITIONS.—In this section:

19 (1) The term “Blackwater Trading Post Land”
20 means the approximately 55.3 acres of land as de-
21 picted on the map that—

22 (A) is located in Pinal County, Arizona,
23 and bordered by Community land to the east,
24 west, and north and State Highway 87 to the
25 south; and

1 (B) is owned by the Community.

2 (2) The term “Community” means the Gila
3 River Indian Community of the Reservation.

4 (3) The term “map” means the map entitled
5 “Results of Survey, Ellis Property, A Portion of the
6 West ½ of Section 12, Township 5 South, Range 7
7 East, Gila and Salt River Meridian, Pinal County,
8 Arizona” and dated October 15, 2012.

9 (4) The term “Reservation” means the land lo-
10 cated within the exterior boundaries of the reserva-
11 tion created under sections 3 and 4 of the Act of
12 February 28, 1859 (11 Stat. 401, chapter LXVI),
13 and Executive orders of August 31, 1876, June 14,
14 1879, May 5, 1882, November 15, 1883, July 31,
15 1911, June 2, 1913, August 27, 1914, and July 19,
16 1915, and any other lands placed in trust for the
17 benefit of the Community.

18 (5) The term “Secretary” means the Secretary
19 of the Interior.

20 (b) LAND TAKEN INTO TRUST FOR BENEFIT OF THE
21 GILA RIVER INDIAN COMMUNITY.—

22 (1) IN GENERAL.—The Secretary shall take the
23 Blackwater Trading Post land into trust for the ben-
24 efit of the Community, after the Community—

1 (A) conveys to the Secretary all right, title,
2 and interest of the Community in and to the
3 Blackwater Trading Post Land;

4 (B) submits to the Secretary a request to
5 take the Blackwater Trading Post Land into
6 trust for the benefit of the Community;

7 (C) conducts a survey (to the satisfaction
8 of the Secretary) to determine the exact acreage
9 and legal description of the Blackwater Trading
10 Post Land, if the Secretary determines a survey
11 is necessary; and

12 (D) pays all costs of any survey conducted
13 under subparagraph (C).

14 (2) AVAILABILITY OF MAP.—Not later than 180
15 days after the Blackwater Trading Post Land is
16 taken into trust under paragraph (1), the map shall
17 be on file and available for public inspection in the
18 appropriate offices of the Secretary.

19 (3) LANDS TAKEN INTO TRUST PART OF RES-
20 ERVATION.—After the date on which the Blackwater
21 Trading Post Land is taken into trust under para-
22 graph (1), the land shall be treated as part of the
23 Reservation.

24 (4) GAMING.—Class II and class III gaming
25 under the Indian Gaming Regulatory Act (25 U.S.C.

1 2701 et seq.) shall not be allowed at any time on the
2 land taken into trust under paragraph (1).

3 (5) DESCRIPTION.—Not later than 180 days
4 after the date of enactment of this Act, the Sec-
5 retary shall cause the full metes-and-bounds descrip-
6 tion of the Blackwater Trading Post Land to be
7 published in the Federal Register. The description
8 shall, on publication, constitute the official descrip-
9 tion of the Blackwater Trading Post Land.

10 (c) CERCLA COMPLIANCE.—In carrying out this
11 section, the Secretary shall comply with section 120(h) of
12 the Comprehensive Environmental Response, Compensa-
13 tion, and Liability Act of 1980 (42 U.S.C. 9620(h)).

14 **SEC. 5840. AUTHORIZATIONS RELATING TO VETERINARY**
15 **CARE OVERSEAS.**

16 (a) DEPARTMENT OF STATE.—The Secretary of
17 State, in consultation with the Director of the Centers for
18 Disease Control and Prevention, is authorized, in order
19 to facilitate the importation to the United States, of do-
20 mestic animals by officers and employees of the United
21 States Government, and their dependents, under the au-
22 thority of any Chief of Mission from a country classified
23 by the Centers for Disease Control and Prevention as high
24 risk for dog rabies—

1 (1) to enter into contracts with individuals who
2 are licensed in the United States for the provision
3 of personal services (as described in section 104 of
4 part 37 of title 48, Code of Federal Regulations and
5 including pursuant to section 904 of the Foreign
6 Service Act of 1980 (22 U.S.C. 4084)) to provide
7 veterinary care overseas for domestic animals of
8 such officers, employees, and dependents, except
9 that—

10 (A) such individuals may not be deemed
11 officers or employees of the United States for
12 the purpose of any law administered by the Of-
13 fice of Personnel Management; and

14 (B) such individuals shall be expected to be
15 available to travel to any overseas post as nec-
16 essary to provide veterinary care and shall not
17 be hired for or detailed exclusively to any spe-
18 cific overseas post; and

19 (2) to take such steps as may be necessary to
20 provide medical services or related support with re-
21 spect to the domestic animals of such officers, em-
22 ployees, and dependents, including in particular the
23 purchase, procurement, delivery, and administration
24 of rabies vaccines licensed by the Secretary of Agri-
25 culture, on a reimbursable basis to the extent fea-

15 (c) DEFINITIONS.—In this section—

(2) the term “officers and employees of the United States Government” includes volunteers in the Peace Corps.

(a) FEDERAL EMERGENCY ASSISTANCE.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is

1 amended by inserting “and section 416” after “section
2 408”.

3 (b) APPLICABILITY.—The amendment made by sub-
4 section (a) shall only apply to amounts appropriated on
5 or after the date of enactment of this Act.

6 **SEC. 5842. PROHIBITED USES OF ACQUIRED, DONATED,**
7 **AND CONSERVATION LAND.**

8 Section 714(a) of the California Desert Protection
9 Act of 1994 (Public Law 103–433; 16 U.S.C. 410aaa–
10 81c(a)) is amended by striking paragraph (3) and insert-
11 ing the following:

12 “(3) CONSERVATION LAND.—The term ‘con-
13 servation land’ means—

14 “(A) any land within the Conservation
15 Area that is designated to satisfy the conditions
16 of a Federal habitat conservation plan, general
17 conservation plan, or State natural communities
18 conservation plan;

19 “(B) any national conservation land within
20 the Conservation Area established pursuant to
21 section 2002(b)(2)(D) of the Omnibus Public
22 Land Management Act of 2009 (16 U.S.C.
23 7202(b)(2)(D)); and

24 “(C) any area of critical environmental
25 concern within the Conservation Area estab-

1 lished pursuant to section 202(c)(3) of the Fed-
2 eral Land Policy and Management Act of 1976
3 (43 U.S.C. 1712(c)(3)).”.

4 **SEC. 5843. JAMAL KHASHOGGI PRESS FREEDOM ACCOUNT-**
5 **ABILITY ACT OF 2021.**

6 (a) EXPANDING SCOPE OF HUMAN RIGHTS REPORTS
7 WITH RESPECT TO VIOLATIONS OF HUMAN RIGHTS OF
8 JOURNALISTS.—The Foreign Assistance Act of 1961 (22
9 U.S.C. 2151 et seq.) is amended as follows:

10 (1) In paragraph (12) of section 116(d)—

11 (A) in subparagraph (B)—

12 (i) by inserting “or online harass-
13 ment” after “direct physical attacks”; and

14 (ii) by inserting “or surveillance”
15 after “sources of pressure”;

16 (B) in subparagraph (C)(ii), by striking
17 “ensure the prosecution” and all that follows to
18 the end of the clause and inserting “ensure the
19 investigation, prosecution, and conviction of
20 government officials or private individuals who
21 engage in or facilitate digital or physical at-
22 tacks, including hacking, censorship, surveil-
23 lance, harassment, unlawful imprisonment, or
24 bodily harm, against journalists and others who
25 perform, or provide administrative support to,

1 the dissemination of print, broadcast, internet-
2 based, or social media intended to communicate
3 facts or opinion.”;

4 (C) by redesignating subparagraphs (B)
5 and (C) (as amended by subparagraph (A) of
6 this section) as subparagraphs (C) and (D), re-
7 spectively; and

8 (D) by inserting after subparagraph (A)
9 the following new subparagraph:

10 “(B) an identification of countries in which
11 there were gross violations of internationally
12 recognized human rights (as such term is de-
13 fined for purposes of section 502B) committed
14 against journalists;”.

15 (2) By redesignating the second subsection (i)
16 of section 502B as subsection (j).

17 (3) In the first subsection (i) of section 502B—
18 (A) in paragraph (2)—

19 (i) by inserting “or online harass-
20 ment” after “direct physical attacks”; and

21 (ii) by inserting “or surveillance”
22 after “sources of pressure”;

23 (B) by redesignating paragraph (2) (as
24 amended by subparagraph (A) of this section)

1 and paragraph (3) as paragraphs (3) and (4),
2 respectively; and

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

5 “(2) an identification of countries in which
6 there were gross violations of internationally recog-
7 nized human rights committed against journalists;”.

8 (b) IMPOSITION OF SANCTIONS ON PERSONS RE-
9 SPONSIBLE FOR THE COMMISSION OF GROSS VIOLATIONS
10 OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS
11 AGAINST JOURNALISTS.—

12 (1) LISTING OF PERSONS WHO HAVE COM-
13 MITTED GROSS VIOLATIONS OF INTERNATIONALLY
14 RECOGNIZED HUMAN RIGHTS.—

15 (A) IN GENERAL.—On or after the date on
16 which a person is listed pursuant to subpara-
17 graph (B), the President shall impose the sanc-
18 tions described in paragraph (2) on each for-
19 eign person the President determines, based on
20 credible information, has perpetrated, ordered,
21 or otherwise directed the extrajudicial killing of
22 or other gross violation of internationally recog-
23 nized human rights committed against a jour-
24 nalist or other person who performs, or provides
25 administrative support to, the dissemination of

1 print, broadcast, internet-based, or social media
2 intended to report newsworthy activities or in-
3 formation, or communicate facts or fact-based
4 opinions.

5 (B) PUBLICATION OF LIST.—The Sec-
6 retary of State shall publish on a publicly avail-
7 able website of the Department of State a list
8 of the names of each foreign person determined
9 pursuant to subparagraph (A) to have per-
10 petrated, ordered, or directed an act described
11 in such paragraph. Such list shall be updated at
12 least annually.

13 (C) EXCEPTION.—The President may
14 waive the imposition of sanctions under sub-
15 paragraph (A) (and omit a foreign person from
16 the list published in accordance with subpara-
17 graph (B)) or terminate such sanctions and re-
18 move a foreign person from such list, if the
19 President certifies to the Committee on Foreign
20 Affairs of the House of Representatives and the
21 Committee on Foreign Relations of the Sen-
22 ate—

23 (i) that public identification of the in-
24 dividual is not in the national interest of
25 the United States, including an unclassi-

1 fied description of the factual basis sup-
2 porting such certification, which may con-
3 tain a classified annex; or

4 (ii) that appropriate foreign govern-
5 ment authorities have credibly—

6 (I) investigated the foreign per-
7 son and, as appropriate, held such
8 person accountable for perpetrating,
9 ordering, or directing the acts de-
10 scribed in subparagraph (A);

11 (II) publicly condemned viola-
12 tions of the freedom of the press and
13 the acts described in subparagraph
14 (A);

15 (III) complied with any requests
16 for information from international or
17 regional human rights organizations
18 with respect to the acts described in
19 subparagraph (A); and

20 (IV) complied with any United
21 States Government requests for infor-
22 mation with respect to the acts de-
23 scribed in subparagraph (A).

24 (2) SANCTIONS DESCRIBED.—The sanctions de-
25 scribed in this paragraph are the following:

1 (A) ASSET BLOCKING.—The President
2 shall exercise all of the powers granted to the
3 President under the International Emergency
4 Economic Powers Act (50 U.S.C. 1701 et seq.)
5 to the extent necessary to block and prohibit all
6 transactions in property and interests in prop-
7 erty of a foreign person identified in the report
8 required under paragraph (1)(A) if such prop-
9 erty and interests in property are in the United
10 States, come within the United States, or come
11 within the possession or control of a United
12 States person.

13 (B) INELIGIBILITY FOR VISAS, ADMISSION,
14 OR PAROLE.—

15 (i) VISAS, ADMISSION, OR PAROLE.—

16 An alien described in paragraph (1)(A)
17 is—

18 (I) inadmissible to the United
19 States;

20 (II) ineligible to receive a visa or
21 other documentation to enter the
22 United States; and

23 (III) otherwise ineligible to be
24 admitted or paroled into the United
25 States or to receive any other benefit

1 under the Immigration and Nation-
2 ality Act (8 U.S.C. 1101 et seq.).

3 (ii) CURRENT VISAS REVOKED.—

4 (I) IN GENERAL.—An alien de-
5 scribed in paragraph (1)(A) is subject
6 to revocation of any visa or other
7 entry documentation regardless of
8 when the visa or other entry docu-
9 mentation is or was issued.

10 (II) IMMEDIATE EFFECT.—A rev-
11 ocation under subclause (I) shall take
12 effect immediately, and automatically
13 cancel any other valid visa or entry
14 documentation that is in the alien's
15 possession.

16 (C) EXCEPTIONS.—

17 (i) EXCEPTION FOR INTELLIGENCE
18 ACTIVITIES.—The sanctions described in
19 this paragraph shall not apply to any activ-
20 ity subject to the reporting requirements
21 under title V of the National Security Act
22 of 1947 (50 U.S.C. 3091 et seq.) or any
23 authorized intelligence activities of the
24 United States.

1 (ii) EXCEPTION TO COMPLY WITH
2 INTERNATIONAL OBLIGATIONS.—The sanc-
3 tions described in this paragraph shall not
4 apply with respect to an alien if admitting
5 or paroling the alien into the United States
6 is necessary to permit the United States to
7 comply with the Agreement regarding the
8 Headquarters of the United Nations,
9 signed at Lake Success June 26, 1947,
10 and entered into force November 21, 1947,
11 between the United Nations and the
12 United States, or other applicable inter-
13 national obligations.

14 (3) IMPLEMENTATION; PENALTIES.—

15 (A) IMPLEMENTATION.—The President
16 may exercise all authorities provided under sec-
17 tions 203 and 205 of the International Emer-
18 gency Economic Powers Act (50 U.S.C. 1702
19 and 1704) to carry out this subsection.

20 (B) PENALTIES.—The penalties provided
21 for in subsections (b) and (c) of section 206 of
22 the International Emergency Economic Powers
23 Act (50 U.S.C. 1705) shall apply to a foreign
24 person that violates, attempts to violate, con-
25 spires to violate, or causes a violation of this

1 subsection to the same extent that such pen-
2 alties apply to a person that commits an unlaw-
3 ful act described in subsection (a) of such sec-
4 tion 206.

5 (4) EXCEPTION RELATING TO THE IMPORTA-
6 TION OF GOODS.—

7 (A) IN GENERAL.—The authorities and re-
8 quirements to impose sanctions under this sec-
9 tion shall not include any authority or require-
10 ment to impose sanctions on the importation of
11 goods.

12 (B) GOOD DEFINED.—For purposes of this
13 section, the term “good” means any article,
14 natural or man-made substance, material, sup-
15 ply, or manufactured product, including inspec-
16 tion and test equipment and excluding technical
17 data.

18 (5) DEFINITIONS.—In this subsection:

19 (A) The terms “admitted” and “alien”
20 have the meanings given those terms in section
21 101 of the Immigration and Nationality Act (8
22 U.S.C. 1001).

23 (B) The term “foreign person” means an
24 individual who is not—

1 (i) a United States citizen or national;

2 or

3 (ii) an alien lawfully admitted for per-
4 manent residence to the United States.

5 (C) The term “United States person”
6 means—

7 (i) a United States citizen, an alien
8 lawfully admitted for permanent residence
9 to the United States, or any other indi-
10 vidual subject to the jurisdiction of the
11 United States;

12 (ii) an entity organized under the laws
13 of the United States or of any jurisdiction
14 within the United States, including a for-
15 eign branch of such entity; or

16 (iii) any person in the United States.

17 (c) PROHIBITION ON FOREIGN ASSISTANCE.—

18 (1) PROHIBITION.—Assistance authorized
19 under the Foreign Assistance Act of 1961 (22
20 U.S.C. 2151 et seq.) or the Arms Export Control
21 Act (22 U.S.C. 2751 et seq.) may not be made avail-
22 able to any governmental entity of a country if the
23 Secretary of State or the Director of National Intel-
24 ligence has credible information that one or more of-
25 ficials associated with, leading, or otherwise acting

1 under the authority of such entity has committed a
2 gross violation of internationally recognized human
3 rights against a journalist or other person who per-
4 forms, or provides administrative support to, the dis-
5 semination of print, broadcast, internet-based, or so-
6 cial media intended to report newsworthy activities
7 or information, or communicate facts or fact-based
8 opinions. To the maximum extent practicable, a list
9 of such governmental entities shall be published on
10 publicly available websites of the Department of
11 State and of the Office of the Director of National
12 Intelligence and shall be updated on a regular basis.

13 (2) PROMPT INFORMATION.—The Secretary of
14 State shall promptly inform appropriate officials of
15 the government of a country from which assistance
16 is withheld in accordance with the prohibition under
17 paragraph (1).

18 (3) EXCEPTION.—The prohibition under para-
19 graph (1) shall not apply with respect to the fol-
20 lowing:

21 (A) Humanitarian assistance or disaster
22 relief assistance authorized under the Foreign
23 Assistance Act of 1961.

24 (B) Assistance the Secretary determines to
25 be essential to assist the government of a coun-

1 try to bring the responsible members of the rel-
2 evant governmental entity to justice for the acts
3 described in paragraph (1).

4 (4) WAIVER.—

5 (A) IN GENERAL.—The Secretary of State,
6 may waive the prohibition under paragraph (1)
7 with respect to a governmental entity of a coun-
8 try if—

9 (i) the President, acting through the
10 Secretary of State and the Director of Na-
11 tional Intelligence, determines that such a
12 waiver is in the national security interest
13 of the United States; or

14 (ii) the Secretary of State has re-
15 ceived credible information that the gov-
16 ernment of that country has—

17 (I) performed a thorough inves-
18 tigation of the acts described in para-
19 graph (1) and is taking effective steps
20 to bring responsible members of the
21 relevant governmental entity to jus-
22 tice;

23 (II) condemned violations of the
24 freedom of the press and the acts de-
25 scribed in paragraph (1);

1 (III) complied with any requests
2 for information from international or
3 regional human rights organizations
4 with respect to the acts described in
5 paragraph (1), in accordance with
6 international legal obligations to pro-
7 tect the freedom of expression; and

8 (IV) complied with United States
9 Government requests for information
10 with respect to the acts described in
11 paragraph (1).

12 (B) CERTIFICATION.—A waiver described
13 in subparagraph (A) may only take effect if—

14 (i) the Secretary of State certifies, not
15 later than 30 days before the effective date
16 of the waiver, to the Committee on Foreign
17 Affairs and the Committee on Appropria-
18 tions of the House of Representatives and
19 the Committee on Foreign Relations and
20 the Committee on Appropriations of the
21 Senate that such waiver is warranted and
22 includes an unclassified description of the
23 factual basis supporting the certification,
24 which may contain a classified annex; and

(ii) the Director of National Intelligence, not later than 30 days before the effective date of the waiver, submits to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report detailing any underlying information that the intelligence community (as such term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) has regarding the perpetrators of the acts described in paragraph (1), which shall be submitted in unclassified form but may contain a classified annex.

**SEC. 5844. GAO STUDY ON THE DANIEL PEARL FREEDOM
OF THE PRESS ACT OF 2009.**

(a) STUDY.—The Comptroller General of the United States shall evaluate the implementation of the Daniel Pearl Freedom of the Press Act of 2009 (Public Law 111–166) by—

(1) assessing the effects of including the information described in section 116(d)(12) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)(12)) in the annual Country Reports on Human Rights Practices; and

1 (2) determining how reporting on instances of
2 governmental suppression of free press abroad and
3 inaction in addressing press freedom violations has
4 changed since the enactment of the Daniel Pearl
5 Freedom of the Press Act of 2009.

6 (b) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, the Comptroller General shall
8 submit to Congress and to the Secretary of State a report
9 that—

10 (1) summarizes the results of the study re-
11 quired under subsection (a); and

12 (2) provides recommendations for any legisla-
13 tive or regulatory action that would improve the ef-
14 forts of the Department of State to report on issues
15 of press freedom abroad.

16 **SEC. 5845. SECRETARY OF STATE ASSISTANCE FOR PRIS-**
17 **ONERS IN ISLAMIC REPUBLIC OF IRAN.**

18 (a) STATEMENT OF POLICY.—It is the policy of the
19 United States that—

20 (1) the Islamic Republic of Iran should allow
21 the United Nations Special Rapporteur on the situa-
22 tion of human rights in the Islamic Republic of Iran
23 unimpeded access to facilitate the full implementa-
24 tion of the mandate of the United Nations Special
25 Rapporteur, including—

1 (A) investigating alleged violations of
2 human rights that are occurring or have oc-
3 curred both within prisons and elsewhere;

4 (B) transmitting urgent appeals and let-
5 ters to the Islamic Republic of Iran regarding
6 alleged violations of human rights; and

7 (C) engaging with relevant stakeholders in
8 the Islamic Republic of Iran and the sur-
9 rounding region;

10 (2) the Islamic Republic of Iran should imme-
11 diately end violations of the human rights of political
12 prisoners or persons imprisoned for exercising the
13 right to freedom of speech, including—

14 (A) torture;

15 (B) denial of access to health care; and

16 (C) denial of a fair trial;

17 (3) all prisoners of conscience and political pris-
18 oners in the Islamic Republic of Iran should be un-
19 conditionally and immediately released;

20 (4) all diplomatic tools of the United States
21 should be invoked to ensure that all prisoners of
22 conscience and political prisoners in the Islamic Re-
23 public of Iran are released, including raising indi-
24 vidual cases of particular concern; and

1 (5) all officials of the government of the Islamic
2 Republic of Iran who are responsible for human
3 rights abuses in the form of politically motivated im-
4 prisonment should be held to account, including
5 through the imposition of sanctions pursuant to the
6 Global Magnitsky Human Rights Accountability Act
7 (22 U.S.C. 10101 et seq.) and other applicable stat-
8 utory authorities of the United States.

9 (b) ASSISTANCE FOR PRISONERS.—The Secretary of
10 State is authorized to continue to provide assistance to
11 civil society organizations that support prisoners of con-
12 science and political prisoners in the Islamic Republic of
13 Iran, including organizations that—

14 (1) work to secure the release of such prisoners;

15 (2) document violations of human rights with
16 respect to such prisoners;

17 (3) support international advocacy to raise
18 awareness of issues relating to such prisoners;

19 (4) support the health, including mental health,
20 of such prisoners; and

21 (5) provide post-incarceration assistance to en-
22 able such prisoners to resume normal lives, including
23 access to education, employment, or other forms of
24 reparation.

25 (c) DEFINITIONS.—In this section:

1 (1) The term “political prisoner” means a per-
2 son who has been detained or imprisoned on politi-
3 cally motivated grounds and may include persons
4 that—

5 (A) have used violence;

6 (B) have advocated violence or hatred; or

7 (C) have committed a minor offense that
8 serves as a pretext for politically motivated im-
9 prisonment.

10 (2) The term “prisoner of conscience” means a
11 person who—

12 (A) is imprisoned or otherwise physically
13 restricted solely in response to the peaceful ex-
14 ercise of the human rights of such person; and

15 (B) has not used violence or advocated vio-
16 lence or hatred.

17 **SEC. 5846. POLICY REGARDING DEVELOPMENT OF NU-**
18 **CLEAR WEAPONS BY IRAN.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) Congress and several successive Presidential
21 administrations have long sought to prevent Iran
22 from ever acquiring a nuclear weapon.

23 (2) It is currently estimated that Iran is almost
24 to the point of having enough highly-enriched nu-

1 clear material to produce a nuclear weapon, if fur-
2 ther enriched.

3 (3) On March 3, 2020, the International Atom-
4 ic Energy Agency (IAEA) Director General reported
5 to the Agency's Board of Governors that nuclear
6 material was found at three previously undisclosed
7 locations in Iran.

8 (4) The IAEA reported it began investigating
9 this matter pursuant to Iran's IAEA safeguards ob-
10 ligations in 2019.

11 (5) On March 5, 2022, the IAEA and the
12 Atomic Energy Organization of Iran announced an
13 agreement wherein Iran committed to provide the
14 IAEA with information and documents in response
15 to the IAEA's questions related to uranium particles
16 discovered at undeclared sites in Iran.

17 (6) On June 6, 2022, the Director General of
18 the IAEA stated that "Iran has not provided expla-
19 nations that are technically credible in relation to
20 the Agency's findings at three undeclared locations
21 in Iran. Nor has Iran informed the Agency of the
22 current location, or locations, of the nuclear material
23 and/or of the equipment contaminated with nuclear
24 material, that was moved from Turqzabad in
25 2018."

1 (7) On June 8, 2022, the IAEA Board of Gov-
2 ernors overwhelmingly adopted a resolution calling
3 on Iran to cooperate with the IAEA on an urgent
4 basis to fulfil its safeguards obligations and express-
5 ing profound concern with Iran’s insufficient sub-
6 stantive cooperation thus far, with 30 Board Mem-
7 bers voting in favor, two voting against, and three
8 abstaining.

9 (8) The IAEA Board of Governors’s resolution
10 called upon Iran to “act on an urgent basis to fulfill
11 its legal obligations and, without delay, take up the
12 Director General’s offer of further engagement to
13 clarify and resolve all outstanding safeguards
14 issues.”.

15 (9) Shortly before the IAEA Board of
16 Governors’s vote adopting the resolution, Iran an-
17 nounced it would remove 27 IAEA cameras installed
18 to monitor the separate issue of Iran’s JCPOA com-
19 mitments at certain Iranian facilities and Iran has
20 since followed through on disconnecting these cam-
21 eras.

22 (10) Following the vote of the IAEA Board of
23 Governors, Iran informed the IAEA it would install
24 additional cascades of advanced IR-6 centrifuges at
25 its Natanz facility;

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that it—

3 (1) reiterates its commitment to ensuring Iran
4 will never acquire a nuclear weapon;

5 (2) supports the important work of the IAEA
6 in safeguarding nuclear material around the globe;

7 (3) condemns Iran for its lack of transparency
8 and meaningful cooperation with the IAEA on the
9 unresolved matter of uranium particles discovered at
10 undeclared sites in Iran and additional escalatory
11 actions related to its nuclear program; and

12 (4) applauds the IAEA Board of Governors'
13 resolution urging Iran's full cooperation with the
14 IAEA on outstanding safeguards issues on an ur-
15 gent basis.

16 **SEC. 5847. TRANSFER OF NOAA PROPERTY IN NORFOLK,**
17 **VIRGINIA.**

18 (a) IN GENERAL.—The Act entitled, “An Act to au-
19 thorize the Secretary of Commerce to sell or exchange cer-
20 tain National Oceanic and Atmospheric Administration
21 property located in Norfolk, Virginia, and for other pur-
22 poses”, enacted on October 13, 2008 (P.L. 110-393; 122
23 Stat. 4203), is amended by striking the heading and sub-
24 sections (a), (b), (c), and (d) of section 1 and inserting
25 the following:

1 **“SECTION 1. TRANSFER OF NOAA PROPERTY IN NORFOLK,**
2 **VIRGINIA.**

3 “(a) IN GENERAL.—The Secretary of Commerce
4 shall transfer without consideration all right, title, and in-
5 terest of the United States in and to the property de-
6 scribed in subsection (b) to the City of Norfolk, Virginia,
7 not later than the earlier of—

8 “(1) the date on which the Secretary of Com-
9 merce has transferred all of the employees of the
10 National Oceanic and Atmospheric Administration
11 (in this section referred to as ‘NOAA’) from its fa-
12 cilities at the property described in subsection (b); or

13 “(2) 5 years after the date of the enactment of
14 this Act.

15 “(b) PROPERTY DESCRIBED.—The property de-
16 scribed in this subsection is—

17 “(1) the real property under the administrative
18 jurisdiction of the NOAA, including land and im-
19 provements thereon, located at 538 Front Street,
20 Norfolk, Virginia, consisting of approximately 3.78
21 acres; and

22 “(2) the real property under the administrative
23 jurisdiction of the NOAA, including land and im-
24 provements thereon, located at 439 W. York Street,
25 Norfolk, Virginia, consisting of approximately
26 2.5231 acres.

1 “(c) SURVEY.—The exact acreage and legal descrip-
 2 tion of the property described in subsection (b) shall be
 3 determined by a survey or surveys satisfactory to the Sec-
 4 retary.

5 “(d) COMPLIANCE WITH COMPREHENSIVE ENVIRON-
 6 MENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT
 7 OF 1980.—In carrying out this section, the Secretary shall
 8 comply with section 120(h) of the Comprehensive Environ-
 9 mental Response, Compensation, and Liability Act of
 10 1980 (42 U.S.C. 9620(h)).”.

11 (b) CONFORMING AMENDMENT.—Subsection (e) of
 12 section 1 of such Act (122 Stat. 4204) is amended by
 13 striking the first sentence.

14 **SEC. 5848. ELIMINATION OF SENTENCING DISPARITY FOR**
 15 **COCAINE OFFENSES.**

16 (a) ELIMINATION OF INCREASED PENALTIES FOR
 17 COCAINE OFFENSES WHERE THE COCAINE INVOLVED IS
 18 COCAINE BASE.—

19 (1) CONTROLLED SUBSTANCES ACT.—The fol-
 20 lowing provisions of the Controlled Substances Act
 21 (21 U.S.C. 801 et seq.) are repealed:

22 (A) Clause (iii) of section 401(b)(1)(A) (21
 23 U.S.C. 841(b)(1)(A)).

24 (B) Clause (iii) of section 401(b)(1)(B)
 25 (21 U.S.C. 841(b)(1)(B)).

1 (2) CONTROLLED SUBSTANCES IMPORT AND
2 EXPORT ACT.—The following provisions of the Con-
3 trolled Substances Import and Export Act (21
4 U.S.C. 951 et seq.) are repealed:

5 (A) Subparagraph (C) of section
6 1010(b)(1) (21 U.S.C. 960(b)(1)).

7 (B) Subparagraph (C) of section
8 1010(b)(2) (21 U.S.C. 960(b)(2)).

9 (3) APPLICABILITY TO PENDING AND PAST
10 CASES.—

11 (A) PENDING CASES.—This section, and
12 the amendments made by this subsection, shall
13 apply to any sentence imposed after the date of
14 enactment of this section, regardless of when
15 the offense was committed.

16 (B) PAST CASES.—

17 (i) IN GENERAL.—In the case of a de-
18 fendant who, on or before the date of en-
19 actment of this section, was sentenced for
20 a Federal offense described in clause (ii),
21 the sentencing court may, on motion of the
22 defendant, the Bureau of Prisons, the at-
23 torney for the Government, or on its own
24 motion, impose a reduced sentence after

1 considering the factors set forth in section
2 3553(a) of title 18, United States Code.

3 (ii) FEDERAL OFFENSE DE-
4 SCRIBED.—A Federal offense described in
5 this clause is an offense that involves co-
6 caine base that is an offense under one of
7 the following:

8 (I) Section 401 of the Controlled
9 Substances Act (21 U.S.C. 841).

10 (II) Section 1010 of the Con-
11 trolled Substances Import and Export
12 Act (21 U.S.C. 960).

13 (III) Section 404(a) of the Con-
14 trolled Substances Act (21 U.S.C.
15 844(a)).

16 (IV) Any other Federal criminal
17 offense, the conduct or penalties for
18 which were established by reference to
19 a provision described in subclause (I),
20 (II), or (III).

21 (iii) DEFENDANT NOT REQUIRED TO
22 BE PRESENT.—Notwithstanding Rule 43
23 of the Federal Rules of Criminal Proce-
24 dure, the defendant is not required to be
25 present at any hearing on whether to im-

1 pose a reduced sentence pursuant to this
2 subparagraph.

3 (iv) NO REDUCTION FOR PREVIOUSLY
4 REDUCED SENTENCES.—A court may not
5 consider a motion made under this sub-
6 paragraph to reduce a sentence if the sen-
7 tence was previously imposed or previously
8 reduced in accordance with this section.

9 (v) NO REQUIREMENT TO REDUCE
10 SENTENCE.—Nothing in this subparagraph
11 may be construed to require a court to re-
12 duce a sentence pursuant to this subpara-
13 graph.

14 (b) DETERMINATION OF BUDGETARY EFFECTS.—
15 The budgetary effects of this section, for the purpose of
16 complying with the Statutory Pay-As-You-Go Act of 2010,
17 shall be determined by reference to the latest statement
18 titled “Budgetary Effects of PAYGO Legislation” for this
19 section, submitted for printing in the Congressional
20 Record by the Chairman of the House Budget Committee,
21 provided that such statement has been submitted prior to
22 the vote on passage.

1 **SEC. 5849. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **THE SALE, SUPPLY, OR TRANSFER OF GOLD**
3 **TO OR FROM RUSSIA.**

4 (a) IDENTIFICATION.—Not later than 90 days after
5 the date of the enactment of this Act, and periodically as
6 necessary thereafter, the President—

7 (1) shall submit to Congress a report identi-
8 fying foreign persons that knowingly participated in
9 a significant transaction—

10 (A) for the sale, supply, or transfer (in-
11 cluding transportation) of gold, directly or indi-
12 rectly, to or from the Russian Federation or the
13 Government of the Russian Federation, includ-
14 ing from reserves of the Central Bank of the
15 Russian Federation held outside the Russian
16 Federation; or

17 (B) that otherwise involved gold in which
18 the Government of the Russian Federation had
19 any interest; and

20 (2) shall impose the sanctions described in sub-
21 section (b)(1) with respect to each such person; and

22 (3) may impose the sanctions described in sub-
23 section (b)(2) with respect to any such person that
24 is an alien.

25 (b) SANCTIONS DESCRIBED.—The sanctions de-
26 scribed in this subsection are the following:

1 (1) BLOCKING OF PROPERTY.—The exercise of
2 all powers granted to the President by the Inter-
3 national Emergency Economic Powers Act (50
4 U.S.C. 1701 et seq.) to the extent necessary to block
5 and prohibit all transactions in all property and in-
6 terests in property of a foreign person identified in
7 the report required by subsection (a)(1) if such
8 property and interests in property are in the United
9 States, come within the United States, or are or
10 come within the possession or control of a United
11 States person.

12 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
13 PAROLE.—

14 (A) VISAS, ADMISSION, OR PAROLE.—An
15 alien described in subsection (a)(1) may be—

16 (i) inadmissible to the United States;

17 (ii) ineligible to receive a visa or other
18 documentation to enter the United States;

19 and

20 (iii) otherwise ineligible to be admitted
21 or paroled into the United States or to re-
22 ceive any other benefit under the Immigra-
23 tion and Nationality Act (8 U.S.C. 1101 et
24 seq.).

25 (B) CURRENT VISAS REVOKED.—

1 (i) IN GENERAL.—An alien described
2 in subsection (a)(1) may be subject to rev-
3 ocation of any visa or other entry docu-
4 mentation regardless of when the visa or
5 other entry documentation is or was
6 issued.

7 (ii) IMMEDIATE EFFECT.—A revoca-
8 tion under clause (i) shall—

9 (I) take effect pursuant to sec-
10 tion 221(i) of the Immigration and
11 Nationality Act (8 U.S.C. 1201(i));
12 and

13 (II) cancel any other valid visa or
14 entry documentation that is in the
15 alien's possession.

16 (c) IMPLEMENTATION; PENALTIES.—

17 (1) IMPLEMENTATION.—The President may ex-
18 ercise all authorities provided under sections 203
19 and 205 of the International Emergency Economic
20 Powers Act (50 U.S.C. 1702 and 1704) to carry out
21 this section.

22 (2) PENALTIES.—A person that violates, at-
23 tempts to violate, conspires to violate, or causes a
24 violation of this section or any regulation, license, or
25 order issued to carry out this section shall be subject

1 to the penalties set forth in subsections (b) and (c)
2 of section 206 of the International Emergency Eco-
3 nomic Powers Act (50 U.S.C. 1705) to the same ex-
4 tent as a person that commits an unlawful act de-
5 scribed in subsection (a) of that section.

6 (d) NATIONAL INTEREST WAIVER.—The President
7 may waive the imposition of sanctions under this section
8 with respect to a person if the President—

9 (1) determines that such a waiver is in the na-
10 tional interests of the United States; and

11 (2) submits to Congress a notification of the
12 waiver and the reasons for the waiver.

13 (e) TERMINATION.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), the requirement to impose sanctions
16 under this section, and any sanctions imposed under
17 this section, shall terminate on the earlier of—

18 (A) the date that is 3 years after the date
19 of the enactment of this Act; or

20 (B) the date that is 30 days after the date
21 on which the President certifies to Congress
22 that—

23 (i) the Government of the Russian
24 Federation has ceased its destabilizing ac-

1 tivities with respect to the sovereignty and
2 territorial integrity of Ukraine; and

3 (ii) such termination in the national
4 interests of the United States.

5 (2) TRANSITION RULES.—

6 (A) CONTINUATION OF CERTAIN AUTHORI-
7 TIES.—Any authorities exercised before the ter-
8 mination date under paragraph (1) to impose
9 sanctions with respect to a foreign person under
10 this section may continue to be exercised on
11 and after that date if the President determines
12 that the continuation of those authorities is in
13 the national interests of the United States.

14 (B) APPLICATION TO ONGOING INVESTIGA-
15 TIONS.—The termination date under paragraph
16 (1) shall not apply to any investigation of a civil
17 or criminal violation of this section or any regu-
18 lation, license, or order issued to carry out this
19 section, or the imposition of a civil or criminal
20 penalty for such a violation, if—

21 (i) the violation occurred before the
22 termination date; or

23 (ii) the person involved in the viola-
24 tion continues to be subject to sanctions
25 pursuant to subparagraph (A).

1 (f) EXCEPTIONS.—

2 (1) EXCEPTIONS FOR AUTHORIZED INTEL-
3 LIGENCE AND LAW ENFORCEMENT ACTIVITIES.—

4 This section shall not apply with respect to activities
5 subject to the reporting requirements under title V
6 of the National Security Act of 1947 (50 U.S.C.
7 3091 et seq.) or any authorized intelligence or law
8 enforcement activities of the United States.

9 (2) EXCEPTION TO COMPLY WITH INTER-
10 NATIONAL AGREEMENTS.—Sanctions under sub-
11 section (b)(2) may not apply with respect to the ad-
12 mission of an alien to the United States if such ad-
13 mission is necessary to comply with the obligations
14 of the United States under the Agreement regarding
15 the Headquarters of the United Nations, signed at
16 Lake Success June 26, 1947, and entered into force
17 November 21, 1947, between the United Nations
18 and the United States, or the Convention on Con-
19 sular Relations, done at Vienna April 24, 1963, and
20 entered into force March 19, 1967, or other inter-
21 national obligations.

22 (3) HUMANITARIAN EXEMPTION.—The Presi-
23 dent shall not impose sanctions under this section
24 with respect to any person for conducting or facili-
25 tating a transaction for the sale of agricultural com-

1 modities, food, medicine, or medical devices or for
2 the provision of humanitarian assistance.

3 (4) EXCEPTION RELATING TO IMPORTATION OF
4 GOODS.—

5 (A) IN GENERAL.—The requirement or au-
6 thority to impose sanctions under this section
7 shall not include the authority or a requirement
8 to impose sanctions on the importation of
9 goods.

10 (B) GOOD DEFINED.—In this paragraph,
11 the term “good” means any article, natural or
12 manmade substance, material, supply, or manu-
13 factured product, including inspection and test
14 equipment, and excluding technical data.

15 (g) DEFINITIONS.—In this section:

16 (1) The terms “admission”, “admitted”,
17 “alien”, and “lawfully admitted for permanent resi-
18 dence” have the meanings given those terms in sec-
19 tion 101 of the Immigration and Nationality Act (8
20 U.S.C. 1101).

21 (2) The term “foreign person” means an indi-
22 vidual or entity that is not a United States person.

23 (3) The term “knowingly”, with respect to con-
24 duct, a circumstance, or a result, means that a per-

1 son has actual knowledge, or should have known, of
2 the conduct, the circumstance, or the result.

3 (4) The term “United States person” means—

4 (A) a United States citizen or an alien law-
5 fully admitted for permanent residence to the
6 United States;

7 (B) an entity organized under the laws of
8 the United States or any jurisdiction within the
9 United States, including a foreign branch of
10 such an entity; or

11 (C) any person in the United States.

12 **SEC. 5850. SUPPORT FOR AFGHAN SPECIAL IMMIGRANT**
13 **VISA AND REFUGEE APPLICANTS.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the United States should increase support for
16 nationals of Afghanistan who aided the United States mis-
17 sion in Afghanistan during the past twenty years and are
18 now under threat from the Taliban, specifically special im-
19 migrant visa applicants who are nationals of Afghanistan
20 and referrals of nationals of Afghanistan to the United
21 States Refugee Admissions Program, including through
22 the Priority 2 Designation for nationals of Afghanistan,
23 who remain in Afghanistan or are in third countries.

24 (b) REQUIREMENTS.—The Secretary of State, in co-
25 ordination with the Secretary of Homeland Security and

1 the heads of other relevant Federal departments and agen-
2 cies, shall further surge capacity to better support special
3 immigrant visa applicants who are nationals of Afghani-
4 stan and referrals of nationals of Afghanistan to the
5 United States Refugee Admissions Program and who have
6 been approved by the chief of mission, including through
7 the Priority 2 Designation for nationals of Afghanistan,
8 and reduce their application processing times, while ensur-
9 ing strict and necessary security vetting, including, to the
10 extent practicable, enabling refugee referrals to initiate
11 application processes while still in Afghanistan.

12 (c) SURGE CAPACITY DESCRIBED.—The term “surge
13 capacity” includes increasing consular personnel to any
14 embassy or consulate in the region processing visa applica-
15 tions for nationals of Afghanistan.

16 **SEC. 5851. LIABILITY FOR FAILURE TO DISCLOSE OR UP-**
17 **DATE INFORMATION.**

18 Section 2313 of title 41, United States Code, is
19 amended—

20 (1) in subsection (d)(3), by striking “, to the
21 extent practicable,”;

22 (2) in subsection (f)(1), by striking “subsection
23 (c)” and inserting “subsections (c) and (d)”;

24 (3) by redesignating subsection (g) as sub-
25 section (i); and

1 (4) by inserting after subsection (f) the fol-
2 lowing new subsections:

3 “(g) LIABILITY.—A knowing and willful failure to
4 disclose or update information in accordance with sub-
5 sections (d)(3) and (f) can result in one or more of the
6 following:

7 “(1) Entry of the violation in the database de-
8 scribed by this section.

9 “(2) Liability pursuant to section 3729 of title
10 31.

11 “(3) Suspension or debarment.

12 “(h) ANNUAL REPORT ON AWARDEE BENEFICIAL
13 OWNERSHIP REPORTING AND COMPLIANCE.—

14 “(1) IN GENERAL.—Not later than October 31
15 of each year, the Administrator of General Services,
16 in coordination with the Secretary of Defense, shall
17 submit to the congressional defense committees (as
18 defined under section 101(a)(16) of title 10), the
19 Committee on Oversight and Reform of the House
20 of Representatives, and the Committee on Oversight
21 and Governmental Affairs of the Senate a report
22 that assesses the utility and risks of beneficial own-
23 ership disclosures by persons with Federal agency
24 contracts and grants.

1 “(2) CONTENT.—The report required under
2 paragraph (1) shall address and include information
3 about the number of beneficial ownership disclosures
4 that were made by persons with Federal agency con-
5 tracts and grants, gaps in the data caused by the di-
6 vergent reporting threshold for government and
7 awardee entries, the impact on small business con-
8 cerns (as defined under section 3 of the Small Busi-
9 ness Act (15 U.S.C. 632)), data on contractors
10 owned by entities outside of the United States, data
11 on violations of disclosure rules and any penalties
12 assessed for disclosure non-compliance, and rec-
13 ommendations for improving the Federal Awardee
14 Performance and Integrity Information System dis-
15 closures by a person with Federal agency contracts
16 and grants.”.

17 **SEC. 5852. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
18 **AND REPORT ON CONTRACTORS USING DIS-**
19 **TRIBUTORS TO AVOID SCRUTINY.**

20 (a) IN GENERAL.—The Comptroller General of the
21 United States shall conduct a study on Federal Govern-
22 ment contractors that supply goods to executive agencies
23 using distributors or other intermediaries.

24 (b) CONTENTS OF THE STUDY.—The study under
25 subsection (a) shall assess—

1 (1) advantages and disadvantages of the use of
2 distributors or other intermediaries by Federal Gov-
3 ernment contractors to supply goods to executive
4 agencies; and

5 (2) whether the use of distributors or other
6 intermediaries by Federal Government contractors
7 has an effect on the ability of the Federal Govern-
8 ment to acquire needed goods at reasonable prices.

9 (c) REPORT REQUIRED.—Not later than one year
10 after the date of enactment of this Act, the Comptroller
11 General shall submit a report containing the results of the
12 study required by this section to the—

13 (1) Committee on Armed Services and the Com-
14 mittee on Homeland Security and Government Af-
15 fairs of the Senate; and

16 (2) Committee on Armed Services and the Com-
17 mittee on Oversight and Reform of the House of
18 Representatives.

19 **SEC. 5853. SUPPLEMENT TO FEDERAL EMPLOYEE VIEW-**
20 **POINT SURVEY.**

21 (a) IN GENERAL.—Not later than one year after the
22 date of the enactment of this Act and every 2 years there-
23 after, the Office of Personnel and Management shall make
24 available through a secure and accessible online portal a
25 supplement to the Federal Employee Viewpoint Survey to

1 assess employee experiences with workplace harassment
2 and discrimination.

3 (b) DEVELOPMENT OF SUPPLEMENT.—In developing
4 the supplement, the Director shall—

5 (1) use best practices from peer-reviewed re-
6 search measuring harassment and discrimination;
7 and

8 (2) consult with the Equal Employment Oppor-
9 tunity Commission, experts in survey research re-
10 lated to harassment and discrimination, and organi-
11 zations engaged in the prevention of and response
12 to, and advocacy on behalf of victims of harassment
13 and discrimination regarding the development and
14 design of such supplement.

15 (c) SURVEY QUESTIONS.—Survey questions included
16 in the supplement developed pursuant to this section
17 shall—

18 (1) be designed to gather information on em-
19 ployee experiences with harassment and discrimina-
20 tion, including the experiences of victims of such in-
21 cidents;

22 (2) use trauma-informed language to prevent
23 retraumatization; and

24 (3) include—

1 (A) questions that give employees the op-
2 tion to report their demographic information;

3 (B) questions designed to determine the in-
4 cidence and prevalence of harassment and dis-
5 crimination;

6 (C) questions regarding whether employees
7 know about agency policies and procedures re-
8 lated to harassment and discrimination;

9 (D) questions designed to determine if the
10 employee reported perceived harassment or dis-
11 crimination, to whom the incident was reported
12 and what response the employee may have re-
13 ceived;

14 (E) questions to determine why the em-
15 ployee chose to report or not report an incident;

16 (F) questions to determine satisfaction
17 with the complaints process;

18 (G) questions to determine the impact of
19 harassment and discrimination on performance
20 and productivity;

21 (H) questions to determine the impact of
22 harassment and discrimination on mental and
23 physical health;

1 (I) questions to determine the impact and
2 effectiveness of prevention and awareness pro-
3 grams and complaints processes;

4 (J) questions to determine attitudes to-
5 ward harassment and discrimination, including
6 the willingness of individuals to intervene as a
7 bystander;

8 (K) questions to determine whether em-
9 ployees believe those who engage in harassment
10 or discrimination will face disciplinary action;

11 (L) questions to determine whether em-
12 ployees perceive prevention and accountability
13 for harassment and discrimination to be a pri-
14 ority for supervisors and agency leadership; and

15 (M) other questions, as determined by the
16 Director.

17 (d) RESPONSES.—The responses to the survey ques-
18 tions described in subsection (c) shall—

19 (1) be submitted confidentially;

20 (2) in the case of such responses being included
21 in a report, shall not include personally identifiable
22 information; and

23 (3) be disaggregated by agency and, to the ex-
24 tent practicable, operating division, department, or
25 bureau.

1 (e) PUBLICATION.—The Director shall publish the re-
2 sults of the supplemental survey in a report on its website.

3 **SEC. 5854. CERTAIN ACTIVITIES RELATING TO INTIMATE**
4 **VISUAL DEPICTIONS.**

5 (a) IN GENERAL.—Chapter 88 of title 18, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 1802. Certain activities relating to intimate visual**
9 **depictions**

10 “(a) DEFINITIONS.—In this section:

11 “(1) COMMUNICATIONS SERVICE.—The term
12 ‘communications service’ means—

13 “(A) a service provided by a person that is
14 a common carrier, as that term is defined in
15 section 3 of the Communications Act of 1934
16 (47 U.S.C. 153), insofar as the person is acting
17 as a common carrier;

18 “(B) an electronic communication service,
19 as that term is defined in section 2510;

20 “(C) an information service, as that term
21 is defined in section 3 of the Communications
22 Act of 1934 (47 U.S.C. 153); and

23 “(D) an interactive computer service, as
24 that term is defined in section 230(f) of the

1 Communications Act of 1934 (47 U.S.C.
2 230(f)).

3 “(2) INFORMATION CONTENT PROVIDER.—The
4 term ‘information content provider’ has the meaning
5 given that term in section 230(f) of the Communica-
6 tions Act of 1934 (47 U.S.C. 230(f)).

7 “(3) INTIMATE VISUAL DEPICTION.—The term
8 ‘intimate visual depiction’ means any visual depic-
9 tion (as that term is defined in section 2256(5)) of
10 an individual who is recognizable by an individual
11 other than the depicted individual from the intimate
12 image itself or information or text displayed in con-
13 nection with the intimate image itself or information
14 or text displayed in connection with the intimate
15 image who has attained 18 years of age at the time
16 the intimate visual depiction is created and—

17 “(A) who is depicted engaging in sexually
18 explicit conduct; or

19 “(B) whose genitals, anus, pubic area, or
20 female nipple are unclothed and visible.

21 “(4) VISUAL DEPICTION OF A NUDE MINOR.—
22 The term ‘visual depiction of a nude minor’ means
23 any visual depiction (as that term is defined in sec-
24 tion 2256(5)) of an individual who is recognizable by
25 an individual other than the depicted individual from

1 the intimate image itself or information or text dis-
2 played in connection with the intimate image who
3 was under the age of 18 at the time the visual depic-
4 tion was created in which the actual anus, genitals,
5 or pubic area, or post-pubescent female nipple, of
6 the minor are unclothed, visible, and displayed in a
7 manner that does not constitute sexually explicit
8 conduct.

9 “(4) SEXUALLY EXPLICIT CONDUCT.—The term
10 ‘sexually explicit conduct’ has the meaning given
11 that term in section 2256(2)(A).

12 “(b) OFFENSE.—

13 “(1) IN GENERAL.—Except as provided in sub-
14 section (d), it shall be unlawful to knowingly mail,
15 or to distribute using any means or facility of inter-
16 state or foreign commerce or affecting interstate or
17 foreign commerce, an intimate visual depiction of an
18 individual—

19 “(A) with knowledge of or reckless dis-
20 regard for the lack of consent of the individual
21 to the distribution; and

22 “(B) where what is depicted was not volun-
23 tarily exposed by the individual in a public or
24 commercial setting; and

1 “(C) where what is depicted is not a mat-
2 ter of public concern.

3 For purposes of this section, the fact that the sub-
4 ject of the depiction consented to the creation of the
5 depiction shall not establish that that person con-
6 sented to its distribution.

7 “(2) EXCEPTION.—Except as provided in sub-
8 section (d), it shall be unlawful to knowingly mail,
9 or to distribute using any means or facility of inter-
10 state or foreign commerce or affecting interstate or
11 foreign commerce, a visual depiction of a nude minor
12 with intent to abuse, humiliate, harass, or degrade
13 the minor, or to arouse or gratify the sexual desire
14 of any person.

15 “(c) PENALTY.—

16 “(1) IN GENERAL.—Any person who violates
17 subsection (b), or attempts or conspires to do so,
18 shall be fined under this title, imprisoned not more
19 than 5 years, or both.

20 “(2) FORFEITURE.—

21 “(A) The court, in imposing a sentence on
22 any person convicted of a violation involving in-
23 timate visual depictions or visual depictions of
24 a nude minor under this subchapter, or con-
25 victed of a conspiracy of a violation involving

1 intimate visual depictions or visual depictions of
2 a nude minor under this subchapter, shall
3 order, in addition to any other sentence im-
4 posed and irrespective of any provision of State
5 law, that such person forfeit to the United
6 States—

7 “(i) any material distributed in viola-
8 tion of this chapter;

9 “(ii) such person’s interest in prop-
10 erty, real or personal, constituting or de-
11 rived from any gross proceeds of such vio-
12 lation, or any property traceable to such
13 property, obtained or retained directly or
14 indirectly as a result of such violation; and

15 “(iii) any property, real or personal,
16 used or intended to be used to commit or
17 to facilitate the commission of such of-
18 fense.

19 “(B) Section 413 of the Controlled Sub-
20 stances Act (21 U.S.C. 853), with the exception
21 of subsections (a) and (d), applies to the crimi-
22 nal forfeiture of property pursuant to sub-
23 section (1).

1 “(3) RESTITUTION.—Restitution shall be avail-
2 able as provided in chapter 110A of title 18, United
3 States Code, section 2264.

4 “(d) EXCEPTIONS.—

5 “(1) LAW ENFORCEMENT, LAWFUL REPORTING,
6 AND OTHER LEGAL PROCEEDINGS.—This section—

7 “(A) does not prohibit any lawfully author-
8 ized investigative, protective, or intelligence ac-
9 tivity of a law enforcement agency of the
10 United States, a State, or a political subdivision
11 of a State, or of an intelligence agency of the
12 United States;

13 “(B) shall not apply in the case of an indi-
14 vidual acting in good faith to report unlawful
15 activity or in pursuance of a legal or profes-
16 sional or other lawful obligation; and

17 “(C) shall not apply in the case of a docu-
18 ment production or filing associated with a legal
19 proceeding.

20 “(2) SERVICE PROVIDERS.—This section shall
21 not apply to any provider of a communications serv-
22 ice with regard to content provided by another infor-
23 mation content provider unless the provider of the
24 communications service intentionally solicits, or

1 knowingly and predominantly distributes, such con-
2 tent.

3 “(e) THREATS.—Any person who threatens to com-
4 mit an offense under subsection (b) shall be punished as
5 provided in subsection (c).

6 “(f) EXTRATERRITORIALITY.—There is
7 extraterritorial Federal jurisdiction over an offense under
8 this section if the defendant or the depicted individual is
9 a citizen or permanent resident of the United States.

10 “(g) CIVIL FORFEITURE.—

11 “(1) The following shall be subject to forfeiture
12 to the United States in accordance with provisions
13 of chapter 46 and no property right shall exist in
14 them:

15 “(A) Any material distributed in violation
16 of this chapter.

17 “(B) Any property, real or personal, that
18 was used, in any manner, to commit or to facili-
19 tate the commission of a violation involving inti-
20 mate visual depictions or visual depictions of a
21 nude minor under this subchapter or a con-
22 spiracy of a violation involving intimate visual
23 depictions or visual depictions of a nude minor
24 under this subchapter.

1 “(C) Any property, real or personal, con-
2 stituting, or traceable to the gross proceeds ob-
3 tained or retained in connection with or as a re-
4 sult of a violation involving intimate visual de-
5 pictions or visual depictions of a nude minor
6 under this subchapter, a conspiracy of a viola-
7 tion involving intimate visual depictions or vis-
8 ual depictions of a nude minor under this sub-
9 chapter.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 of chapter 88 of title 18, United States Code, is amended
12 by inserting after the item relating to section 1801 the
13 following:

“1802. Certain activities relating to intimate visual depictions.”.

14 **SEC. 5855. WAIVER OF SPECIAL USE PERMIT APPLICATION**
15 **FEE FOR VETERANS’ SPECIAL EVENTS.**

16 (a) WAIVER.—The application fee for any special use
17 permit solely for a veterans’ special event at war memo-
18 rials on land administered by the National Park Service
19 in the District of Columbia and its environs shall be
20 waived.

21 (b) DEFINITIONS.—In this section:

22 (1) The term “the District of Columbia and its
23 environs” has the meaning given that term in sec-
24 tion 8902(a) of title 40, United States Code.

1 (2) The term “Gold Star Families” includes
2 any individual described in section 3.2 of Depart-
3 ment of Defense Instruction 1348.36.

4 (3) The term “special events” has the meaning
5 given that term in section 7.96 of title 36, Code of
6 Federal Regulations.

7 (4) The term “veteran” has the meaning given
8 that term in section 101(2) of title 38, United
9 States Code.

10 (5) The term “veterans’ special event” means a
11 special event of which the majority of attendees are
12 veterans or Gold Star Families.

13 (6) The term “war memorial” means any me-
14 morial or monument which has been erected or dedi-
15 cated to commemorate a military unit, military
16 group, war, conflict, victory, or peace.

17 (c) APPLICABILITY.—This section shall apply to any
18 special use permit application submitted after the date of
19 the enactment of this Act.

20 (d) APPLICABILITY OF EXISTING LAWS.—Permit ap-
21 plicants remain subject to all other laws, regulations, and
22 policies regarding the application, issuance and execution
23 of special use permits for a veterans’ special event at war
24 memorials on land administered by the National Park
25 Service in the District of Columbia and its environs.

1 **SEC. 5856. REGIONAL WATER PROGRAMS.**

2 (a) SAN FRANCISCO BAY RESTORATION GRANT PRO-
3 GRAM.—Title I of the Federal Water Pollution Control Act
4 (33 U.S.C. 1251 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 124. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
7 **GRAM.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ESTUARY PARTNERSHIP.—The term ‘Es-
10 tuary Partnership’ means the San Francisco Estu-
11 ary Partnership, designated as the management con-
12 ference for the San Francisco Bay under section
13 320.

14 “(2) SAN FRANCISCO BAY PLAN.—The term
15 ‘San Francisco Bay Plan’ means—

16 “(A) until the date of the completion of the
17 plan developed by the Director under subsection
18 (d), the comprehensive conservation and man-
19 agement plan approved under section 320 for
20 the San Francisco Bay estuary; and

21 “(B) on and after the date of the comple-
22 tion of the plan developed by the Director under
23 subsection (d), the plan developed by the Direc-
24 tor under subsection (d).

25 “(b) PROGRAM OFFICE.—

1 “(1) ESTABLISHMENT.—The Administrator
2 shall establish in the Environmental Protection
3 Agency a San Francisco Bay Program Office. The
4 Office shall be located at the headquarters of Region
5 9 of the Environmental Protection Agency.

6 “(2) APPOINTMENT OF DIRECTOR.—The Ad-
7 ministrator shall appoint a Director of the Office,
8 who shall have management experience and technical
9 expertise relating to the San Francisco Bay and be
10 highly qualified to direct the development and imple-
11 mentation of projects, activities, and studies nec-
12 essary to implement the San Francisco Bay Plan.

13 “(3) DELEGATION OF AUTHORITY; STAFFING.—
14 The Administrator shall delegate to the Director
15 such authority and provide such staff as may be nec-
16 essary to carry out this section.

17 “(c) ANNUAL PRIORITY LIST.—

18 “(1) IN GENERAL.—After providing public no-
19 tice, the Director shall annually compile a priority
20 list, consistent with the San Francisco Bay Plan,
21 identifying and prioritizing the projects, activities,
22 and studies to be carried out with amounts made
23 available under subsection (e).

1 “(2) INCLUSIONS.—The annual priority list
2 compiled under paragraph (1) shall include the fol-
3 lowing:

4 “(A) Projects, activities, and studies, in-
5 cluding restoration projects and habitat im-
6 provement for fish, waterfowl, and wildlife, that
7 advance the goals and objectives of the San
8 Francisco Bay Plan, for—

9 “(i) water quality improvement, in-
10 cluding the reduction of marine litter;

11 “(ii) wetland, riverine, and estuary
12 restoration and protection;

13 “(iii) nearshore and endangered spe-
14 cies recovery; and

15 “(iv) adaptation to climate change.

16 “(B) Information on the projects, activi-
17 ties, and studies specified under subparagraph
18 (A), including—

19 “(i) the identity of each entity receiv-
20 ing assistance pursuant to subsection (e);
21 and

22 “(ii) a description of the communities
23 to be served.

24 “(C) The criteria and methods established
25 by the Director for identification of projects, ac-

1 tivities, and studies to be included on the an-
2 nual priority list.

3 “(3) CONSULTATION.—In compiling the annual
4 priority list under paragraph (1), the Director shall
5 consult with, and consider the recommendations of—

6 “(A) the Estuary Partnership;

7 “(B) the State of California and affected
8 local governments in the San Francisco Bay es-
9 tuary watershed;

10 “(C) the San Francisco Bay Restoration
11 Authority; and

12 “(D) any other relevant stakeholder in-
13 volved with the protection and restoration of
14 the San Francisco Bay estuary that the Direc-
15 tor determines to be appropriate.

16 “(d) SAN FRANCISCO BAY PLAN.—

17 “(1) IN GENERAL.—Not later than 5 years
18 after the date of enactment of this section, the Di-
19 rector, in conjunction with the Estuary Partnership,
20 shall review and revise the comprehensive conserva-
21 tion and management plan approved under section
22 320 for the San Francisco Bay estuary to develop
23 a plan to guide the projects, activities, and studies
24 of the Office to address the restoration and protec-
25 tion of the San Francisco Bay.

1 “(2) REVISION OF SAN FRANCISCO BAY
2 PLAN.—Not less often than once every 5 years after
3 the date of the completion of the plan described in
4 paragraph (1), the Director shall review, and revise
5 as appropriate, the San Francisco Bay Plan.

6 “(3) OUTREACH.—In carrying out this sub-
7 section, the Director shall consult with the Estuary
8 Partnership and Indian tribes and solicit input from
9 other non-Federal stakeholders.

10 “(e) GRANT PROGRAM.—

11 “(1) IN GENERAL.—The Director may provide
12 funding through cooperative agreements, grants, or
13 other means to State and local agencies, special dis-
14 tricts, and public or nonprofit agencies, institutions,
15 and organizations, including the Estuary Partner-
16 ship, for projects, activities, and studies identified on
17 the annual priority list compiled under subsection
18 (c).

19 “(2) MAXIMUM AMOUNT OF GRANTS; NON-FED-
20 ERAL SHARE.—

21 “(A) MAXIMUM AMOUNT OF GRANTS.—

22 Amounts provided to any entity under this sec-
23 tion for a fiscal year shall not exceed an
24 amount equal to 75 percent of the total cost of

1 any projects, activities, and studies that are to
2 be carried out using those amounts.

3 “(B) NON-FEDERAL SHARE.—Not less
4 than 25 percent of the cost of any project, ac-
5 tivity, or study carried out using amounts pro-
6 vided under this section shall be provided from
7 non-Federal sources.

8 “(f) FUNDING.—

9 “(1) ADMINISTRATIVE EXPENSES.—Of the
10 amount made available to carry out this section for
11 a fiscal year, the Director may not use more than
12 5 percent to pay administrative expenses incurred in
13 carrying out this section.

14 “(2) PROHIBITION.—No amounts made avail-
15 able under this section may be used for the adminis-
16 tration of a management conference under section
17 320.”.

18 (b) PUGET SOUND COORDINATED RECOVERY.—Title
19 I of the Federal Water Pollution Control Act (33 U.S.C.
20 1251 et seq.) is amended by adding at the end the fol-
21 lowing:

22 **“SEC. 124. PUGET SOUND.**

23 “(a) DEFINITIONS.—In this section:

24 “(1) COASTAL NONPOINT POLLUTION CONTROL
25 PROGRAM.—The term ‘Coastal Nonpoint Pollution

1 Control Program’ means the State of Washington’s
2 Coastal Nonpoint Pollution Control Program ap-
3 proved under section 6217 of the Coastal Zone Act
4 Reauthorization Amendments of 1990.

5 “(2) DIRECTOR.—The term ‘Director’ means
6 the Director of the Program Office.

7 “(3) FEDERAL ACTION PLAN.—The term ‘Fed-
8 eral Action Plan’ means the plan developed under
9 subsection (c)(3)(B).

10 “(4) INTERNATIONAL JOINT COMMISSION.—The
11 term ‘International Joint Commission’ means the
12 International Joint Commission established by the
13 Treaty relating to the boundary waters and ques-
14 tions arising along the boundary between the United
15 States and Canada, signed at Washington January
16 11, 1909, and entered into force May 5, 1910 (36
17 Stat. 2448; TS 548; 12 Bevans 319).

18 “(5) PACIFIC SALMON COMMISSION.—The term
19 ‘Pacific Salmon Commission’ means the Pacific
20 Salmon Commission established by the United
21 States and Canada under the Treaty concerning Pa-
22 cific salmon, with annexes and memorandum of un-
23 derstanding, signed at Ottawa January 28, 1985,
24 and entered into force March 18, 1985 (TIAS

1 11091; 1469 UNTS 357) (commonly known as the
2 ‘Pacific Salmon Treaty’).

3 “(6) PROGRAM OFFICE.—The term ‘Program
4 Office’ means the Puget Sound Recovery National
5 Program Office established by subsection (b).

6 “(7) PUGET SOUND ACTION AGENDA; ACTION
7 AGENDA.—The term ‘Puget Sound Action Agenda’
8 or ‘Action Agenda’ means the most recent plan de-
9 veloped by the Puget Sound National Estuary Pro-
10 gram Management Conference, in consultation with
11 the Puget Sound Tribal Management Conference,
12 and approved by the Administrator as the com-
13 prehensive conservation and management plan for
14 the Puget Sound under section 320.

15 “(8) PUGET SOUND FEDERAL LEADERSHIP
16 TASK FORCE.—The term ‘Puget Sound Federal
17 Leadership Task Force’ means the Puget Sound
18 Federal Leadership Task Force established under
19 subsection (c).

20 “(9) PUGET SOUND FEDERAL TASK FORCE.—
21 The term ‘Puget Sound Federal Task Force’ means
22 the Puget Sound Federal Task Force established in
23 2016 under a memorandum of understanding among
24 9 Federal agencies.

1 “(10) PUGET SOUND NATIONAL ESTUARY PRO-
2 GRAM MANAGEMENT CONFERENCE.—The term
3 ‘Puget Sound National Estuary Program Manage-
4 ment Conference’ means the management conference
5 for the Puget Sound convened pursuant to section
6 320.

7 “(11) PUGET SOUND PARTNERSHIP.—The term
8 ‘Puget Sound Partnership’ means the State agency
9 created under the laws of the State of Washington
10 (section 90.71.210 of the Revised Code of Wash-
11 ington), or its successor agency that has been des-
12 ignated by the Administrator as the lead entity to
13 support the Puget Sound National Estuary Program
14 Management Conference.

15 “(12) PUGET SOUND REGION.—

16 “(A) IN GENERAL.—The term ‘Puget
17 Sound region’ means the land and waters in the
18 northwest corner of the State of Washington
19 from the Canadian border to the north to the
20 Pacific Ocean on the west, including Hood
21 Canal and the Strait of Juan de Fuca.

22 “(B) INCLUSION.—The term ‘Puget Sound
23 region’ includes all watersheds that drain into
24 the Puget Sound.

1 “(13) PUGET SOUND TRIBAL MANAGEMENT
2 CONFERENCE.—The term ‘Puget Sound Tribal Man-
3 agement Conference’ means the 20 treaty Indian
4 tribes of western Washington and the Northwest In-
5 dian Fisheries Commission.

6 “(14) SALISH SEA.—The term ‘Salish Sea’
7 means the network of coastal waterways on the west
8 coast of North America that includes the Puget
9 Sound, the Strait of Georgia, and the Strait of Juan
10 de Fuca.

11 “(15) SALMON RECOVERY PLANS.—The term
12 ‘Salmon Recovery Plans’ means the recovery plans
13 for salmon and steelhead species approved by the
14 Secretary of the Interior under section 4(f) of the
15 Endangered Species Act of 1973 that are applicable
16 to the Puget Sound region.

17 “(16) STATE ADVISORY COMMITTEE.—The
18 term ‘State Advisory Committee’ means the advisory
19 committee established by subsection (d).

20 “(17) TREATY RIGHTS AT RISK INITIATIVE.—
21 The term ‘Treaty Rights at Risk Initiative’ means
22 the report from the treaty Indian tribes of western
23 Washington entitled ‘Treaty Rights At Risk: Ongo-
24 ing Habitat Loss, the Decline of the Salmon Re-
25 source, and Recommendations for Change’ and

1 dated July 14, 2011, or its successor report that
2 outlines issues and offers solutions for the protection
3 of Tribal treaty rights, recovery of salmon habitat,
4 and management of sustainable treaty and nontreaty
5 salmon fisheries, including through Tribal salmon
6 hatchery programs.

7 “(b) PUGET SOUND RECOVERY NATIONAL PROGRAM
8 OFFICE.—

9 “(1) ESTABLISHMENT.—There is established in
10 the Environmental Protection Agency a Puget
11 Sound Recovery National Program Office, to be lo-
12 cated in the State of Washington.

13 “(2) DIRECTOR.—

14 “(A) IN GENERAL.—There shall be a Di-
15 rector of the Program Office, who shall have
16 leadership and project management experience
17 and shall be highly qualified to—

18 “(i) direct the integration of multiple
19 project planning efforts and programs
20 from different agencies and jurisdictions;
21 and

22 “(ii) align numerous, and possibly
23 competing, priorities to accomplish visible
24 and measurable outcomes under the Action
25 Agenda.

1 “(B) POSITION.—The position of Director
2 of the Program Office shall be a career reserved
3 position, as such term is defined in section
4 3132 of title 5, United States Code.

5 “(3) DELEGATION OF AUTHORITY; STAFFING.—
6 Using amounts made available to carry out this sec-
7 tion, the Administrator shall delegate to the Director
8 such authority and provide such staff as may be nec-
9 essary to carry out this section.

10 “(4) DUTIES.—The Director shall—

11 “(A) coordinate and manage the timely
12 execution of the requirements of this section,
13 including the formation and meetings of the
14 Puget Sound Federal Leadership Task Force;

15 “(B) coordinate activities related to the
16 restoration and protection of the Puget Sound
17 across the Environmental Protection Agency;

18 “(C) coordinate and align the activities of
19 the Administrator with the Action Agenda,
20 Salmon Recovery Plans, the Treaty Rights at
21 Risk Initiative, and the Coastal Nonpoint Pollu-
22 tion Control Program;

23 “(D) promote the efficient use of Environ-
24 mental Protection Agency resources in pursuit

1 of the restoration and protection of the Puget
2 Sound;

3 “(E) serve on the Puget Sound Federal
4 Leadership Task Force and collaborate with,
5 help coordinate, and implement activities with
6 other Federal agencies that have responsibilities
7 involving the restoration and protection of the
8 Puget Sound;

9 “(F) provide or procure such other advice,
10 technical assistance, research, assessments,
11 monitoring, or other support as is determined
12 by the Director to be necessary or prudent to
13 most efficiently and effectively fulfill the objec-
14 tives and priorities of the Action Agenda, the
15 Salmon Recovery Plans, the Treaty Rights at
16 Risk Initiative, and the Coastal Nonpoint Pollu-
17 tion Control Program, consistent with the best
18 available science, to ensure the health of the
19 Puget Sound ecosystem;

20 “(G) track the progress of the Environ-
21 mental Protection Agency towards meeting the
22 agency’s specified objectives and priorities with-
23 in the Action Agenda and the Federal Action
24 Plan;

1 “(H) implement the recommendations of
2 the Comptroller General set forth in the report
3 entitled ‘Puget Sound Restoration: Additional
4 Actions Could Improve Assessments of
5 Progress’ and dated July 19, 2018;

6 “(I) serve as liaison and coordinate activi-
7 ties for the restoration and protection of the
8 Salish Sea with Canadian authorities, the Pa-
9 cific Salmon Commission, and the International
10 Joint Commission; and

11 “(J) carry out such additional duties as
12 the Director determines necessary and appro-
13 priate.

14 “(c) PUGET SOUND FEDERAL LEADERSHIP TASK
15 FORCE.—

16 “(1) ESTABLISHMENT.—There is established a
17 Puget Sound Federal Leadership Task Force.

18 “(2) MEMBERSHIP.—

19 “(A) COMPOSITION.—The Puget Sound
20 Federal Leadership Task Force shall be com-
21 posed of the following members:

22 “(i) The following individuals ap-
23 pointed by the Secretary of Agriculture:

24 “(I) A representative of the Na-
25 tional Forest Service.

1 “(II) A representative of the
2 Natural Resources Conservation Serv-
3 ice.

4 “(ii) A representative of the National
5 Oceanic and Atmospheric Administration
6 appointed by the Secretary of Commerce.

7 “(iii) The following individuals ap-
8 pointed by the Secretary of Defense:

9 “(I) A representative of the
10 Corps of Engineers.

11 “(II) A representative of the
12 Joint Base Lewis-McChord.

13 “(III) A representative of the
14 Commander, Navy Region Northwest.

15 “(iv) The Director of the Program Of-
16 fice.

17 “(v) The following individuals ap-
18 pointed by the Secretary of Homeland Se-
19 curity:

20 “(I) A representative of the
21 Coast Guard.

22 “(II) A representative of the
23 Federal Emergency Management
24 Agency.

1 “(vi) The following individuals ap-
2 pointed by the Secretary of the Interior:

3 “(I) A representative of the Bu-
4 reau of Indian Affairs.

5 “(II) A representative of the
6 United States Fish and Wildlife Serv-
7 ice.

8 “(III) A representative of the
9 United States Geological Survey.

10 “(IV) A representative of the Na-
11 tional Park Service.

12 “(vii) The following individuals ap-
13 pointed by the Secretary of Transpor-
14 tation:

15 “(I) A representative of the Fed-
16 eral Highway Administration.

17 “(II) A representative of the
18 Federal Transit Administration.

19 “(viii) Representatives of such other
20 Federal agencies, programs, and initiatives
21 as the other members of the Puget Sound
22 Federal Leadership Task Force determines
23 necessary.

24 “(B) QUALIFICATIONS.—Members ap-
25 pointed under this paragraph shall have experi-

1 ence and expertise in matters of restoration and
2 protection of large watersheds and bodies of
3 water, or related experience that will benefit the
4 restoration and protection of the Puget Sound.

5 “(C) CO-CHAIRS.—

6 “(i) IN GENERAL.—The following
7 members of the Puget Sound Federal
8 Leadership Task Force shall serve as Co-
9 Chairs of the Puget Sound Federal Lead-
10 ership Task Force:

11 “(I) The representative of the
12 National Oceanic and Atmospheric
13 Administration.

14 “(II) The Director of the Pro-
15 gram Office.

16 “(III) The representative of the
17 Corps of Engineers.

18 “(ii) LEADERSHIP.—The Co-Chairs
19 shall ensure the Puget Sound Federal
20 Leadership Task Force completes its du-
21 ties through robust discussion of all rel-
22 evant issues. The Co-Chairs shall share
23 leadership responsibilities equally.

24 “(3) DUTIES.—

1 “(A) GENERAL DUTIES.—The Puget
2 Sound Federal Leadership Task Force shall—

3 “(i) uphold Federal trust responsibil-
4 ities to restore and protect resources cru-
5 cial to Tribal treaty rights, including by
6 carrying out government-to-government
7 consultation with Indian tribes when re-
8 quested by such tribes;

9 “(ii) provide a venue for dialogue and
10 coordination across all Federal agencies
11 represented by a member of the Puget
12 Sound Federal Leadership Task Force to
13 align Federal resources for the purposes of
14 carrying out the requirements of this sec-
15 tion and all other Federal laws that con-
16 tribute to the restoration and protection of
17 the Puget Sound, including by—

18 “(I) enabling and encouraging
19 such agencies to act consistently with
20 the objectives and priorities of the Ac-
21 tion Agenda, the Salmon Recovery
22 Plans, the Treaty Rights at Risk Ini-
23 tiative, and the Coastal Nonpoint Pol-
24 lution Control Program;

1 “(II) facilitating the coordination
2 of Federal activities that impact such
3 restoration and protection;

4 “(III) facilitating the delivery of
5 feedback given by such agencies to the
6 Puget Sound Partnership during the
7 development of the Action Agenda;

8 “(IV) facilitating the resolution
9 of interagency conflicts associated
10 with such restoration and protection
11 among such agencies;

12 “(V) providing a forum for ex-
13 changing information among such
14 agencies regarding activities being
15 conducted, including obstacles or effi-
16 ciencies found, during restoration and
17 protection activities; and

18 “(VI) promoting the efficient use
19 of government resources in pursuit of
20 such restoration and protection
21 through coordination and collabora-
22 tion, including by ensuring that the
23 Federal efforts relating to the science
24 necessary for such restoration and
25 protection are consistent, and not du-

1 plicative, across the Federal Govern-
2 ment;

3 “(iii) catalyze public leaders at all lev-
4 els to work together toward shared goals
5 by demonstrating interagency best prac-
6 tices coming from such agencies;

7 “(iv) provide advice and support on
8 scientific and technical issues and act as a
9 forum for the exchange of scientific infor-
10 mation about the Puget Sound;

11 “(v) identify and inventory Federal
12 environmental research and monitoring
13 programs related to the Puget Sound, and
14 provide such inventory to the Puget Sound
15 National Estuary Program Management
16 Conference;

17 “(vi) ensure that Puget Sound res-
18 toration and protection activities are as
19 consistent as practicable with ongoing res-
20 toration and protection and related efforts
21 in the Salish Sea that are being conducted
22 by Canadian authorities, the Pacific Salm-
23 on Commission, and the International
24 Joint Commission;

1 “(vii) ensure that Puget Sound res-
2 toration and protection activities are con-
3 sistent with national security interests;

4 “(viii) establish any working groups or
5 committees necessary to assist the Puget
6 Sound Federal Leadership Task Force in
7 its duties, including relating to public pol-
8 icy and scientific issues; and

9 “(ix) raise national awareness of the
10 significance of the Puget Sound.

11 “(B) PUGET SOUND FEDERAL ACTION
12 PLAN.—

13 “(i) IN GENERAL.—Not later than 5
14 years after the date of enactment of this
15 section, the Puget Sound Federal Leader-
16 ship Task Force shall develop and approve
17 a Federal Action Plan that leverages Fed-
18 eral programs across agencies and serves
19 to coordinate diverse programs and prior-
20 ities for the restoration and protection of
21 the Puget Sound.

22 “(ii) REVISION OF PUGET SOUND
23 FEDERAL ACTION PLAN.—Not less often
24 than once every 5 years after the date of
25 approval of the Federal Action Plan under

1 clause (i), the Puget Sound Federal Lead-
2 ership Task Force shall review, and revise
3 as appropriate, the Federal Action Plan.

4 “(C) FEEDBACK BY FEDERAL AGEN-
5 CIES.—In facilitating feedback under subpara-
6 graph (A)(ii)(III), the Puget Sound Federal
7 Leadership Task Force shall request Federal
8 agencies to consider, at a minimum, possible
9 Federal actions within the Puget Sound region
10 designed to—

11 “(i) further the goals, targets, and ac-
12 tions of the Action Agenda, the Salmon
13 Recovery Plans, the Treaty Rights at Risk
14 Initiative, and the Coastal Nonpoint Pollu-
15 tion Control Program;

16 “(ii) as applicable, implement and en-
17 force this Act, the Endangered Species Act
18 of 1973, and all other Federal laws that
19 contribute to the restoration and protection
20 of the Puget Sound, including those that
21 protect Tribal treaty rights;

22 “(iii) prevent the introduction and
23 spread of invasive species;

24 “(iv) protect marine and wildlife habi-
25 tats;

1 “(v) protect, restore, and conserve for-
2 ests, wetlands, riparian zones, and near-
3 shore waters;

4 “(vi) promote resilience to climate
5 change and ocean acidification effects;

6 “(vii) restore fisheries so that they are
7 sustainable and productive;

8 “(viii) preserve biodiversity;

9 “(ix) restore and protect ecosystem
10 services that provide clean water, filter
11 toxic chemicals, and increase ecosystem re-
12 silience; and

13 “(x) improve water quality, including
14 by preventing and managing stormwater
15 runoff, incorporating erosion control tech-
16 niques and trash capture devices, using
17 sustainable stormwater practices, and miti-
18 gating and minimizing nonpoint source
19 pollution, including marine litter.

20 “(4) PARTICIPATION OF STATE ADVISORY COM-
21 MITTEE AND PUGET SOUND TRIBAL MANAGEMENT
22 CONFERENCE.—The Puget Sound Federal Leader-
23 ship Task Force shall carry out its duties with input
24 from, and in collaboration with, the State Advisory
25 Committee and the Puget Sound Tribal Manage-

1 ment Conference, including by seeking advice and
2 recommendations on the actions, progress, and
3 issues pertaining to the restoration and protection of
4 the Puget Sound.

5 “(5) MEETINGS.—

6 “(A) INITIAL MEETING.—The Puget
7 Sound Federal Leadership Task Force shall
8 meet not later than 180 days after the date of
9 enactment of this section—

10 “(i) to determine if all Federal agen-
11 cies are properly represented;

12 “(ii) to establish the bylaws of the
13 Puget Sound Federal Leadership Task
14 Force;

15 “(iii) to establish necessary working
16 groups or committees; and

17 “(iv) to determine subsequent meeting
18 times, dates, and logistics.

19 “(B) SUBSEQUENT MEETINGS.—After the
20 initial meeting, the Puget Sound Federal Lead-
21 ership Task Force shall meet, at a minimum,
22 twice per year to carry out the duties of the
23 Puget Sound Federal Leadership Task Force.

24 “(C) WORKING GROUP MEETINGS.—A
25 meeting of any established working group or

1 committee of the Puget Sound Federal Leader-
2 ship Task Force shall not be considered a bian-
3 nual meeting for purposes of subparagraph (B).

4 “(D) JOINT MEETINGS.—The Puget Sound
5 Federal Leadership Task Force—

6 “(i) shall offer to meet jointly with
7 the Puget Sound National Estuary Pro-
8 gram Management Conference and the
9 Puget Sound Tribal Management Con-
10 ference, at a minimum, once per year; and

11 “(ii) may consider such a joint meet-
12 ing to be a biannual meeting of the Puget
13 Sound Federal Leadership Task Force for
14 purposes of subparagraph (B).

15 “(E) QUORUM.—A simple majority of the
16 members of the Puget Sound Federal Leader-
17 ship Task Force shall constitute a quorum.

18 “(F) VOTING.—For the Puget Sound Fed-
19 eral Leadership Task Force to take an official
20 action, a quorum shall be present, and at least
21 a two-thirds majority of the members present
22 shall vote in the affirmative.

23 “(6) PUGET SOUND FEDERAL LEADERSHIP
24 TASK FORCE PROCEDURES AND ADVICE.—

1 “(A) ADVISORS.—The Puget Sound Fed-
2 eral Leadership Task Force may seek advice
3 and input from any interested, knowledgeable,
4 or affected party as the Puget Sound Federal
5 Leadership Task Force determines necessary to
6 perform its duties.

7 “(B) COMPENSATION.—A member of the
8 Puget Sound Federal Leadership Task Force
9 shall receive no additional compensation for
10 service as a member on the Puget Sound Fed-
11 eral Leadership Task Force.

12 “(C) TRAVEL EXPENSES.—Travel expenses
13 incurred by a member of the Puget Sound Fed-
14 eral Leadership Task Force in the performance
15 of service on the Puget Sound Federal Leader-
16 ship Task Force may be paid by the agency
17 that the member represents.

18 “(7) PUGET SOUND FEDERAL TASK FORCE.—

19 “(A) IN GENERAL.—On the date of enact-
20 ment of this section, the 2016 memorandum of
21 understanding establishing the Puget Sound
22 Federal Task Force shall cease to be effective.

23 “(B) USE OF PREVIOUS WORK.—The
24 Puget Sound Federal Leadership Task Force
25 shall, to the extent practicable, use the work

1 product produced, relied upon, and analyzed by
2 the Puget Sound Federal Task Force in order
3 to avoid duplicating the efforts of the Puget
4 Sound Federal Task Force.

5 “(d) STATE ADVISORY COMMITTEE.—

6 “(1) ESTABLISHMENT.—There is established a
7 State Advisory Committee.

8 “(2) MEMBERSHIP.—The State Advisory Com-
9 mittee shall consist of up to seven members des-
10 ignated by the governing body of the Puget Sound
11 Partnership, in consultation with the Governor of
12 Washington, who will represent Washington State
13 agencies that have significant roles and responsibil-
14 ities related to the restoration and protection of the
15 Puget Sound.

16 “(e) FEDERAL ADVISORY COMMITTEE ACT.—The
17 Puget Sound Federal Leadership Task Force, State Advi-
18 sory Committee, and any working group or committee of
19 the Puget Sound Federal Leadership Task Force, shall
20 not be considered an advisory committee under the Fed-
21 eral Advisory Committee Act (5 U.S.C. App.).

22 “(f) PUGET SOUND FEDERAL LEADERSHIP TASK
23 FORCE BIENNIAL REPORT ON PUGET SOUND RESTORA-
24 TION AND PROTECTION ACTIVITIES.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this section, and biennially
3 thereafter, the Puget Sound Federal Leadership
4 Task Force, in collaboration with the Puget Sound
5 Tribal Management Conference and the State Advi-
6 sory Committee, shall submit to the President, Con-
7 gress, the Governor of Washington, and the gov-
8 erning body of the Puget Sound Partnership a re-
9 port that summarizes the progress, challenges, and
10 milestones of the Puget Sound Federal Leadership
11 Task Force relating to the restoration and protec-
12 tion of the Puget Sound.

13 “(2) CONTENTS.—The report submitted under
14 paragraph (1) shall include a description of the fol-
15 lowing:

16 “(A) The roles and progress of each State,
17 local government entity, and Federal agency
18 that has jurisdiction in the Puget Sound region
19 relating to meeting the identified objectives and
20 priorities of the Action Agenda, the Salmon Re-
21 covery Plans, the Treaty Rights at Risk Initia-
22 tive, and the Coastal Nonpoint Pollution Con-
23 trol Program.

24 “(B) If available, the roles and progress of
25 Tribal governments that have jurisdiction in the

1 Puget Sound region relating to meeting the
2 identified objectives and priorities of the Action
3 Agenda, the Salmon Recovery Plans, the Treaty
4 Rights at Risk Initiative, and the Coastal
5 Nonpoint Pollution Control Program.

6 “(C) A summary of specific recommenda-
7 tions concerning implementation of the Action
8 Agenda and the Federal Action Plan, including
9 challenges, barriers, and anticipated milestones,
10 targets, and timelines.

11 “(D) A summary of progress made by
12 Federal agencies toward the priorities identified
13 in the Federal Action Plan.

14 “(g) TRIBAL RIGHTS AND CONSULTATION.—

15 “(1) PRESERVATION OF TRIBAL TREATY
16 RIGHTS.—Nothing in this section affects, or is in-
17 tended to affect, any right reserved by treaty be-
18 tween the United States and one or more Indian
19 tribes.

20 “(2) CONSULTATION.—Nothing in this section
21 affects any authorization or obligation of a Federal
22 agency to consult with an Indian tribe under any
23 other provision of law.

24 “(h) CONSISTENCY.—

1 “(1) IN GENERAL.—Actions authorized or im-
2 plemented under this section shall be consistent
3 with—

4 “(A) the Salmon Recovery Plans;

5 “(B) the Coastal Nonpoint Pollution Con-
6 trol Program; and

7 “(C) the water quality standards of the
8 State of Washington approved by the Adminis-
9 trator under section 303.

10 “(2) FEDERAL ACTIONS.—All Federal agencies
11 represented on the Puget Sound Federal Leadership
12 Task Force shall act consistently with the protection
13 of Tribal, treaty-reserved rights and, to the greatest
14 extent practicable given such agencies’ existing obli-
15 gations under Federal law, act consistently with the
16 objectives and priorities of the Action Agenda, the
17 Salmon Recovery Plans, the Treaty Rights at Risk
18 Initiative, and the Coastal Nonpoint Pollution Con-
19 trol Program, when—

20 “(A) conducting Federal agency activities
21 within or outside the Puget Sound that affect
22 any land or water use or natural resources of
23 the Puget Sound region, including activities
24 performed by a contractor for the benefit of a
25 Federal agency;

1 “(B) interpreting and enforcing regulations
2 that impact the restoration and protection of
3 the Puget Sound;

4 “(C) issuing Federal licenses or permits
5 that impact the restoration and protection of
6 the Puget Sound; and

7 “(D) granting Federal assistance to State,
8 local, and Tribal governments for activities re-
9 lated to the restoration and protection of the
10 Puget Sound.”.

11 (c) LAKE PONTCHARTRAIN BASIN RESTORATION
12 PROGRAM.—

13 (1) REVIEW OF COMPREHENSIVE MANAGEMENT
14 PLAN.—Section 121 of the Federal Water Pollution
15 Control Act (33 U.S.C. 1273) is amended—

16 (A) in subsection (c)—

17 (i) in paragraph (5), by striking “;
18 and” and inserting a semicolon;

19 (ii) in paragraph (6), by striking the
20 period and inserting “; and”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(7) ensure that the comprehensive conserva-
24 tion and management plan approved for the Basin
25 under section 320 is reviewed and revised in accord-

1 ance with section 320 not less often than once every
2 5 years, beginning on the date of enactment of this
3 paragraph.”.

4 (B) in subsection (d), by striking “rec-
5 ommended by a management conference con-
6 vened for the Basin under section 320” and in-
7 serting “identified in the comprehensive con-
8 servation and management plan approved for
9 the Basin under section 320”.

10 (2) DEFINITIONS.—Section 121(e)(1) of the
11 Federal Water Pollution Control Act (33 U.S.C.
12 1273(e)(1)) is amended by striking “, a 5,000
13 square mile”.

14 (3) ADMINISTRATIVE COSTS.—Section 121(f) of
15 the Federal Water Pollution Control Act (33 U.S.C.
16 1273(f)) is amended by adding at the end the fol-
17 lowing:

18 “(3) ADMINISTRATIVE EXPENSES.—Not more
19 than 5 percent of the amounts appropriated to carry
20 out this section may be used for administrative ex-
21 penses.”.

22 (4) APPLICATION TO EXISTING APPROPRIA-
23 TIONS.—Amounts appropriated for Lake Pont-
24 chartrain by title VI of division J of the Infrastruc-
25 ture Investment and Jobs Act under the heading

1 “Environmental Protection Agency—Environmental
2 Programs and Management” (Public Law 117–58;
3 135 Stat. 1396) shall be considered to be appro-
4 priated pursuant to section 121 of the Federal
5 Water Pollution Control Act, as amended by this
6 subsection, including with respect to the use of such
7 funds for administrative expenses under subsection
8 (f)(3) of such section 121.

9 **SEC. 5857. LIMITATION ON LICENSES AND OTHER AUTHOR-**
10 **IZATIONS FOR EXPORT OF CERTAIN ITEMS**
11 **REMOVED FROM THE JURISDICTION OF THE**
12 **UNITED STATES MUNITIONS LIST AND MADE**
13 **SUBJECT TO THE JURISDICTION OF THE EX-**
14 **PORT ADMINISTRATION REGULATIONS.**

15 (a) IN GENERAL.—The Secretary of Commerce may
16 not grant a license or other authorization for the export
17 of covered items unless before granting the license or other
18 authorization the Secretary submits to the chairman and
19 ranking member of the Committee on Foreign Affairs of
20 the House of Representatives and the chairman and rank-
21 ing member of the Committee on Foreign Affairs of the
22 Senate a written certification with respect to such pro-
23 posed export license or other authorization containing—
24 (1) the name of the person applying for the li-
25 cense or other authorization;

1 (2) the name of the person who is the proposed
2 recipient of the export;

3 (3) the name of the country or international or-
4 ganization to which the export will be made;

5 (4) a description of the items proposed to be ex-
6 ported; and

7 (5) the value of the items proposed to be ex-
8 ported.

9 (b) FORM.—A certification required under subsection
10 (a) shall be submitted in unclassified form, except that
11 information regarding the dollar value and number of
12 items proposed to be exported may be restricted from pub-
13 lic disclosure if such disclosure would be detrimental to
14 the security of the United States.

15 (c) DEADLINES; WAIVER.—A certification required
16 under subsection (a) shall be submitted—

17 (1) at least 15 calendar days before a proposed
18 export license or other authorization is granted in
19 the case of a transfer of items to a country which
20 is a member of the North Atlantic Treaty Organiza-
21 tion or Australia, Japan, the Republic of Korea,
22 Israel, or New Zealand, and

23 (2) at least 30 calendar days before a proposed
24 export license or other authorization is issued in the
25 case of a transfer of items to any other country.

1 (d) CONGRESSIONAL RESOLUTION OF DIS-
2 APPROVAL.—A proposed export license or other authoriza-
3 tion described in paragraph (1) of subsection (c) shall be-
4 come effective after the end of the 15-day period described
5 in such paragraph, and a proposed export license or other
6 authorization described in paragraph (2) of subsection (c)
7 shall become effective after the end of the 30-day period
8 specified in such paragraph, only if the Congress does not
9 enact, within the applicable time period, a joint resolution
10 prohibiting the export of items with respect to the pro-
11 posed export license.

12 (e) DEFINITIONS.—In this section:

13 (1) COVERED ITEMS.—The term “covered
14 items” means items that—

15 (A) were included in category I of the
16 United States Munitions List (as in effect on
17 January 1, 2020);

18 (B) were removed from the United States
19 Munitions List and made subject to the juris-
20 diction of the Export Administration Regula-
21 tions through publication in the Federal Reg-
22 ister on January 23, 2020; and

23 (C) are valued at \$1,000,000 or more.

24 (2) EXPORT ADMINISTRATION REGULATIONS.—
25 The term “Export Administration Regulations”

1 means the regulations set forth in subchapter C of
2 chapter VII of title 15, Code of Federal Regulations,
3 or successor regulations.

4 (3) UNITED STATES MUNITIONS LIST.—The
5 term “United States Munitions List” means the list
6 maintained pursuant to part 121 of title 22, Code
7 of Federal Regulations.

8 **SEC. 5858. REVIEW OF STANDARD OCCUPATIONAL CLASSI-**
9 **FICATION SYSTEM.**

10 The Director of the Office of Management and Budg-
11 et shall, not later than 30 days after the date of the enact-
12 ment of this Act, categorize public safety telecommunica-
13 tors as a protective service occupation under the Standard
14 Occupational Classification System.

15 **SEC. 5859. UNITED STATES FIRE ADMINISTRATION ON-SITE**
16 **INVESTIGATIONS OF MAJOR FIRES.**

17 The Federal Fire Prevention and Control Act of 1974
18 (15 U.S.C. 2201 et seq.) is amended by adding at the end
19 the following:

20 **“SEC. 38. INVESTIGATION AUTHORITIES.**

21 “(a) IN GENERAL.—In the case of any major fire,
22 the Administrator may send incident investigators, which
23 may include safety specialists, fire protection engineers,
24 codes and standards experts, researchers, and fire training

1 specialists, to the site of the fire to conduct an investiga-
2 tion as described in subsection (b).

3 “(b) INVESTIGATION REQUIRED.—A fire investiga-
4 tion conducted under this section—

5 “(1) shall be conducted in coordination and co-
6 operation with appropriate Federal, State, and local
7 authorities, including Federal agencies that are au-
8 thorized to investigate a major fire or an incident of
9 which the major fire is a part; and

10 “(2) shall examine the determined cause and
11 origin of the fire and assess broader systematic mat-
12 ters to include use of codes and standards, demo-
13 graphics, structural characteristics, smoke and fire
14 dynamics (movement) during the event, and costs of
15 associated injuries and deaths.

16 “(c) REPORT.—Upon concluding any fire investiga-
17 tion under this section, the Administrator shall issue a
18 public report to local, State, and Federal authorities on
19 the findings of such investigation, or collaborate with an-
20 other investigating Federal agency on that agency’s re-
21 port, including recommendations on—

22 “(1) any other buildings with similar character-
23 istics that may bear similar fire risks;

24 “(2) improving tactical response to similar fires;

25 “(3) improving civilian safety practices;

1 “(4) assessing the costs and benefits to the
2 community of adding fire safety features; and

3 “(5) how to mitigate the causes of such fire.

4 “(d) DISCRETIONARY AUTHORITY.—In addition to
5 investigations conducted pursuant to subsection (a), the
6 Administrator may send fire investigators to conduct in-
7 vestigations at the site of any fire with unusual or remark-
8 able context that results in losses less severe than those
9 occurring as a result of a major fire, in coordination with
10 appropriate Federal, State, and local authorities, including
11 Federal agencies that are authorized to investigate a
12 major fire or an incident of which the major fire is a part.

13 “(e) MAJOR FIRE DEFINED.—For purposes of this
14 section, the term ‘major fire’ shall have the meaning given
15 such term under regulations to be issued by the Adminis-
16 trator.”.

17 **SEC. 5860. MULTILATERAL AGREEMENT TO ESTABLISH AN**
18 **INDEPENDENT INTERNATIONAL CENTER FOR**
19 **RESEARCH ON THE INFORMATION ENVIRON-**
20 **MENT.**

21 “(a) IN GENERAL.—Not later than 90 days after the
22 date of the enactment of this Act, the Secretary of State
23 shall take such action as may be necessary to seek to ini-
24 tiate negotiations to obtain an agreement on a multilateral
25 basis with countries that are allies or partners of the

1 United States, including countries that are members of
2 the Group of Seven (G7), to establish an independent
3 international center for research on the information envi-
4 ronment (in this section referred to as the “research cen-
5 ter”).

6 (b) CONSULTATION.—As part of the negotiations to
7 obtain an agreement described in subsection (a), the Sec-
8 retary of State should consult with—

9 (1) representatives from providers of prominent
10 online platforms;

11 (2) researchers from the fields of information
12 science, media studies, international data govern-
13 ance, and other similar fields;

14 (3) privacy and human and civil rights advo-
15 cates;

16 (4) technologists, including individuals with
17 training and expertise in the state of the art in the
18 fields of information technology, information secu-
19 rity, network security, software development, com-
20 puter science, computer engineering, and other re-
21 lated fields;

22 (5) representatives from international stand-
23 ards-setting organizations; and

1 (6) experts in mechanisms for enabling access
2 to online platform data which is compliant with data
3 protection frameworks.

4 (c) PURPOSES, FUNCTIONS, AND RELATED ADMINIS-
5 TRATIVE PROVISIONS OF RESEARCH CENTER.—An agree-
6 ment obtained under subsection (a) should include provi-
7 sions relating to the following:

8 (1) The purposes and functions of the research
9 center, including its mandate to ensure the widest
10 possible cooperation among member countries of the
11 research center to ensure such purposes are achieved
12 and such functions are carried out, including to—

13 (A) enable international collaboration to
14 gain understanding and measure the impacts of
15 foreign state and non-state propaganda and
16 disinformation efforts aimed at undermining or
17 influencing the policies, security, or stability of
18 the United States and countries that are allies
19 or partners of the United States;

20 (B) enable international collaboration to
21 gain understanding and measure the impacts of
22 the content moderation, product design deci-
23 sions, and algorithms of online platforms on so-
24 ciety, politics, the spread of hate, harassment,
25 and extremism, security, privacy, and physical

1 or mental health, including considerations for
2 youth development;

3 (C) conduct research projects with a focus
4 on the global information environment that re-
5 quire information from or about multiple online
6 platforms and multi-year time horizons;

7 (D) conduct research projects that explore
8 the impact of published media, such as tele-
9 vision, podcasts, radio, and newspapers, on so-
10 ciety, politics, the spread of hate, harassment,
11 and extremism, security, privacy, and physical
12 or mental health, including considerations for
13 youth development;

14 (E) facilitate secure information sharing
15 between online platforms and researchers affili-
16 ated with the research center;

17 (F) disseminate findings to the public; and

18 (G) offer recommendations to online plat-
19 forms and governments regarding ways to en-
20 sure a safe and resilient online information en-
21 vironment.

22 (2) The governance structure and process for
23 adding and removing member countries of the re-
24 search center.

1 (3) The process by which a researcher can be-
2 come affiliated with or join the research center, in-
3 cluding provisions to ensure the researcher is not
4 working on behalf of a business enterprise.

5 (4) A proposed budget and contributions to be
6 provided by member countries of the research center.

7 (d) PROPOSAL FOR SECURE INFORMATION SHARING
8 WITH RESEARCH CENTER.—

9 (1) IN GENERAL.—An agreement obtained
10 under subsection (a) should include provisions relat-
11 ing to the following:

12 (A) Best practices regarding what types of
13 information from an online platform should be
14 made available, and under what circumstances,
15 to the research center.

16 (B) A code of conduct for researchers
17 working with information made available as de-
18 scribed in subparagraph (A).

19 (2) MATTERS TO BE INCLUDED.—

20 (A) REVIEW BY RESEARCH CENTER PRIOR
21 TO PUBLICATION.—The provisions described in
22 paragraph (1) should include the circumstances
23 under which the research center will review a
24 publication based on information made available
25 to the research center prior to publication to

1 determine whether the publication violates the
2 privacy of a user of the online platform or other
3 information outlet that made available the in-
4 formation or would reveal trade secrets of the
5 provider of the online platform or other infor-
6 mation outlet.

7 (B) USER PRIVACY.—The provisions de-
8 scribed in paragraph (1) should—

9 (i) ensure that the making available of
10 information to the research center and the
11 provision of access to the information by
12 the research center do not infringe upon
13 reasonable expectations of personal privacy
14 of users of online platforms or of other in-
15 dividuals; and

16 (ii) ensure that information is made
17 available to the research center consistent
18 with any applicable privacy and data secu-
19 rity laws of member countries.

20 (C) CODE OF CONDUCT FOR RESEARCH-
21 ERS.—The code of conduct included under
22 paragraph (1)(B) in the provisions described in
23 paragraph (1) should require researchers de-
24 scribed in such paragraph to commit to the fol-
25 lowing:

1 (i) To use information made available
2 to the research center only for research
3 purposes specified in the agreement estab-
4 lishing the research center.

5 (ii) Not to re-identify, or to attempt
6 to re-identify, an individual to whom infor-
7 mation made available to the research cen-
8 ter relates.

9 (iii) Not to publish personal informa-
10 tion derived from information made avail-
11 able to the research center.

12 (iv) To comply with limits on commer-
13 cial use of information made available to
14 the research center or research conducted
15 using such information, as specified by the
16 research center.

17 (e) ONLINE PLATFORM DEFINED.—In this section,
18 the term “online platform” means a service provided over
19 the internet that enables two or more distinct but inter-
20 dependent sets of users (which may be firms or individ-
21 uals) to interact with each other.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary of State
24 to carry out this section \$10,000,000 for each of the fiscal
25 years 2023 and 2024.

1 **SEC. 5861. PRIORITIZATION OF EFFORTS OF THE DEPART-**
2 **MENT OF STATE TO COMBAT INTER-**
3 **NATIONAL TRAFFICKING IN COVERED SYN-**
4 **THETIC DRUGS.**

5 (a) IN GENERAL.—The Secretary of State shall
6 prioritize efforts of the Department of State to combat
7 international trafficking in covered synthetic drugs by car-
8 rying out programs and activities including the following:

9 (1) Supporting increased data collection by the
10 United States and foreign countries through in-
11 creased drug use surveys among populations, in-
12 creased use of wastewater testing where appropriate,
13 and multilateral sharing of that data.

14 (2) Engaging in increased consultation and
15 partnership with international drug agencies, includ-
16 ing the European Monitoring Centre for Drugs and
17 Drug Addiction, and regulatory agencies in foreign
18 countries.

19 (3) Carrying out the program to provide assist-
20 ance to build the capacity of foreign law enforcement
21 agencies with respect to covered synthetic drugs.

22 (4) Carrying out exchange programs for govern-
23 mental and nongovernmental personnel in the
24 United States and in foreign countries to provide
25 educational and professional development on demand

1 reduction matters relating to the illicit use of nar-
2 cotics and other drugs.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than one year
5 after the date of the enactment of this Act, the Sec-
6 retary of State shall submit to the appropriate con-
7 gressional committees a report on the implementa-
8 tion of this section.

9 (2) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES DEFINED.—In this subsection, the term “ap-
11 propriate congressional committees” means—

12 (A) the Committee on Foreign Affairs and
13 the Committee on Appropriations of the House
14 of Representatives; and

15 (B) the Committee on Foreign Relations
16 and the Committee on Appropriations of the
17 Senate.

18 (c) PROGRAM TO PROVIDE ASSISTANCE TO BUILD
19 THE CAPACITY OF FOREIGN LAW ENFORCEMENT AGEN-
20 CIES WITH RESPECT TO COVERED SYNTHETIC DRUGS.—

21 (1) IN GENERAL.—Notwithstanding section 660
22 of the Foreign Assistance Act of 1961 (22 U.S.C.
23 2420), the Secretary of State shall establish a pro-
24 gram to provide assistance to build the capacity of
25 law enforcement agencies of the countries described

1 in paragraph (3) to help such agencies to identify,
2 track, and improve their forensics detection capabili-
3 ties with respect to covered synthetic drugs.

4 (2) PRIORITY.—The Secretary of State shall
5 prioritize assistance under paragraph (1) among
6 those countries described in paragraph (3) in which
7 such assistance would have the most impact in re-
8 ducing illicit use of covered synthetic drugs in the
9 United States.

10 (3) COUNTRIES DESCRIBED.—The foreign
11 countries described in this paragraph are—

12 (A) countries that are producers of covered
13 synthetic drugs;

14 (B) countries whose pharmaceutical and
15 chemical industries are known to be exploited
16 for development or procurement of precursors
17 of covered synthetic drugs; or

18 (C) major drug-transit countries as defined
19 by the President.

20 (4) AUTHORIZATION OF ADDITIONAL APPRO-
21 PRIATIONS.—In addition to amounts otherwise au-
22 thorized for the purposes described in this sub-
23 section, there is authorized to be appropriated to the
24 Secretary \$4,000,000 for each of the fiscal years
25 2023 through 2027 to carry out this subsection.

1 (d) EXCHANGE PROGRAM FOR GOVERNMENTAL AND
2 NONGOVERNMENTAL PERSONNEL TO PROVIDE EDU-
3 CATIONAL AND PROFESSIONAL DEVELOPMENT ON DE-
4 MAND REDUCTION MATTERS RELATING TO ILLICIT USE
5 OF NARCOTICS AND OTHER DRUGS.—

6 (1) IN GENERAL.—The Secretary of State shall
7 establish or continue and strengthen, as appropriate,
8 an exchange program for governmental and non-
9 governmental personnel in the United States and in
10 foreign countries to provide educational and profes-
11 sional development on demand reduction matters re-
12 lating to the illicit use of narcotics and other drugs.

13 (2) PROGRAM REQUIREMENTS.—The program
14 required by paragraph (1)—

15 (A) shall be limited to individuals who have
16 expertise and experience in matters described in
17 paragraph (1);

18 (B) in the case of inbound exchanges, may
19 be carried out as part of exchange programs
20 and international visitor programs administered
21 by the Bureau of Educational and Cultural Af-
22 fairs of the Department of State, including the
23 International Visitor Leadership Program in
24 consultation or coordination with the Bureau of

1 International Narcotics and Law Enforcement
2 Affairs; and

3 (C) shall include outbound exchanges for
4 governmental or nongovernmental personnel in
5 the United States.

6 (3) AUTHORIZATION OF ADDITIONAL APPRO-
7 PRIATIONS.—In addition to amounts otherwise au-
8 thorized for the purposes described in this sub-
9 section, there is authorized to be appropriated to the
10 Secretary \$1,000,000 for each of the fiscal years
11 2023 through 2027 to carry out this subsection.

12 (e) AMENDMENTS TO INTERNATIONAL NARCOTICS
13 CONTROL PROGRAM.—

14 (1) INTERNATIONAL NARCOTICS CONTROL
15 STRATEGY REPORT.—Section 489(a) of the Foreign
16 Assistance Act of 1961 (22 U.S.C. 2291h(a)) is
17 amended—

18 (A) by redesignating the second paragraph
19 (10) (relating to an identification of the coun-
20 tries that are the most significant sources of il-
21 licit fentanyl and fentanyl analogues) as para-
22 graph (11); and

23 (B) by adding at the end the following:

24 “(12) Information that contains an assessment
25 of the countries significantly involved in the manu-

1 facture, production, or transshipment of synthetic
2 opioids, including fentanyl and fentanyl analogues,
3 including the following:

4 “(A) The scale of legal domestic produc-
5 tion and any available information on the num-
6 ber of manufacturers and producers of such
7 opioids in such countries.

8 “(B) Information on any law enforcement
9 assessments of the scale of illegal production,
10 including a description of the capacity of illegal
11 laboratories to produce such opioids.

12 “(C) The types of inputs used and a de-
13 scription of the primary methods of synthesis
14 employed by illegal producers of such opioids.

15 “(D) An assessment of the policies of such
16 countries to regulate licit manufacture and
17 interdict illicit manufacture, diversion, distribu-
18 tion, and shipment of such opioids and an as-
19 sessment of the effectiveness of the policies’ im-
20 plementation.

21 “(13) Information on, to the extent practicable,
22 any policies of responding to a substance described
23 in section [_____] (g)(2) of the National Defense Au-
24 thorization Act for Fiscal Year 2023, including the
25 following:

1 “(A) Which governments have articulated
2 policies on scheduling of such substances.

3 “(B) Any data on impacts of such policies
4 and other responses to such substances.

5 “(C) An assessment of any policies the
6 United States could adopt to improve its re-
7 sponse to such substances.”.

8 (2) MODIFICATIONS TO DEFINITIONS.—Section
9 481(e) of the Foreign Assistance Act of 1961 (22
10 U.S.C. 2291(e)) is amended—

11 (A) in paragraph (2)(D), by inserting “or
12 a significant direct source of illicit narcotic or
13 psychotropic drugs or other controlled sub-
14 stances” after “opioids”; and

15 (B) by amending paragraph (5) to read as
16 follows:

17 “(5) the term ‘major drug-transit country’
18 means a country through which are transported il-
19 licit narcotic or psychotropic drugs or other con-
20 trolled substances significantly affecting the United
21 States.”.

22 (f) COVERED SYNTHETIC DRUG.—In this section, the
23 term “covered synthetic drug” means—

24 (1) a synthetic controlled substance (as defined
25 in section 102(6) of the Controlled Substances Act

1 (21 U.S.C. 802(6))), including fentanyl or a fentanyl
2 analogue; or

3 (2) a substance of abuse, or any preparation
4 thereof, that—

5 (A) is not—

6 (i) included in any schedule as a con-
7 trolled substance under the Controlled
8 Substances Act (21 U.S.C. 801 et seq.); or

9 (ii) controlled by the Single Conven-
10 tion on Narcotic Drugs signed at New
11 York, New York, on March 30, 1961, or
12 the Convention on Psychotropic Substances
13 signed at Vienna, Austria, on February 21,
14 1971;

15 (B) is new or has reemerged on the illicit
16 market; and

17 (C) poses a threat to the public health and
18 safety.

19 **SEC. 5862. ISOLATE RUSSIAN GOVERNMENT OFFICIALS ACT**
20 **OF 2022.**

21 (a) STATEMENT OF POLICY.—It is the policy of the
22 United States to seek to exclude government officials of
23 the Russian Federation, to the maximum extent prac-
24 ticable, from participation in meetings, proceedings, and
25 other activities of the following organizations:

1 (1) Group of 20.

2 (2) Bank for International Settlements.

3 (3) Basel Committee for Banking Standards.

4 (4) Financial Stability Board.

5 (5) International Association of Insurance Su-
6 pervisors.

7 (6) International Organization of Securities
8 Commissions.

9 (b) IMPLEMENTATION.—The Secretary of the Treas-
10 ury, the Board of Governors of the Federal Reserve Sys-
11 tem, and the Securities and Exchange Commission, as the
12 case may be, shall take all necessary steps to advance the
13 policy set forth in subsection (a).

14 (c) TERMINATION.—This section shall have no force
15 or effect on the earlier of—

16 (1) the date that is 5 years after the date of the
17 enactment of this Act; or

18 (2) the date that is 30 days after the date on
19 which the President reports to Congress that the
20 Government of the Russian Federation has ceased
21 its destabilizing activities with respect to the sov-
22 ereignty and territorial integrity of Ukraine.

23 (d) WAIVER.—The President may waive the applica-
24 tion of this section if the President reports to the Congress

1 that the waiver is in the national interest of the United
2 States and includes an explanation of the reasons therefor.

3 **SEC. 5863. PROHIBITION ON CERTAIN ASSISTANCE TO THE**
4 **PHILIPPINES.**

5 (a) IN GENERAL.—No funds authorized to be appro-
6 priated or otherwise made available to the Department of
7 State are authorized to be made available to provide as-
8 sistance for the Philippine National Police, including as-
9 sistance in the form of equipment or training, until the
10 Secretary of State certifies to the Committee on Foreign
11 Affairs of the House of Representatives and the Com-
12 mittee on Foreign Relations of the Senate that the Gov-
13 ernment of the Philippines has—

14 (1) investigated and successfully prosecuted
15 members of the Philippine National Police who have
16 violated human rights, ensured that police personnel
17 cooperated with judicial authorities in such cases,
18 and affirmed that such violations have ceased;

19 (2) established that the Philippine National Po-
20 lice effectively protects the rights of trade unionists,
21 journalists, human rights defenders, critics of the
22 government, faith and religious leaders, and other
23 civil society activists to operate without interference;

24 (3) taken effective steps to guarantee a judicial
25 system that is capable of investigating, prosecuting,

(4) fully complied with domestic and United States audits and investigations regarding the improper use of prior security assistance.

16 SEC. 5864. GENDER ANALYSIS IN FOREIGN TRAINING PRO-
17 GRAMS.

HR 7900 PCS

1 (b) GENDER ANALYSIS OF INTERNATIONAL TRAIN-
2 ING PROGRAMS.—The Department of Defense, in coordi-
3 nation with the Department of State and other relevant
4 departments, shall conduct a gender analysis of Inter-
5 national Education and Training Programs offered to al-
6 lied and partner forces to ensure the programs are equi-
7 table and address issues experienced by all participants.

8 (c) GENDER ANALYSIS TRAINING.—The Department
9 of Defense, in coordination with the Department of State,
10 shall develop and include gender analysis training to be
11 included in the International Education and Training Pro-
12 grams at United States military schools and training insti-
13 tutions.

14 (d) BRIEFING REQUIRED.—No later than two years
15 after enactment of this act, the Secretary of Defense, in
16 coordination with the Secretary of State, shall brief the
17 appropriate congressional committees on the Department
18 of Defense and Department of State’s actions and
19 progress in implementing the requirements under sub-
20 section (b) and subsection (c).

21 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
22 FINED.—In this section, the term “appropriate congres-
23 sional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Foreign Affairs of the House of Rep-
3 resentatives; and

4 (2) the Committee on Armed Services and the
5 Committee on Foreign Relations of the Senate.

6 (f) GENDER ANALYSIS DEFINED.—In this section,
7 the term “gender analysis” has the meaning given such
8 term in section 3 of the Women’s Entrepreneurship and
9 Economic Empowerment Act (22 U.S.C. 2151–2).

10 **SEC. 5865. REPORT ON COLUMBIAN MILITARY FORCES.**

11 (a) IN GENERAL.—The Secretary of State shall sub-
12 mit to Congress a report—

13 (1) documenting knowledge and intelligence
14 from 1980–2010 regarding—

15 (A) Colombian military involvement in as-
16 sassinations and disappearances, and collabora-
17 tion in paramilitary offensives;

18 (B) military conduct in the false positives
19 initiative from 2002–2008; and

20 (C) any gross violations of human rights
21 resulting from the Colombian military’s part-
22 nerships with private companies for security;
23 and

24 (2) including an overview of the United
25 States—Colombia military partnership during 1980–

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(a) PURPOSE.—It is the policy of the Federal Govern-
ment not to conduct business with companies that under-
mine United States national security interests by con-
tinuing to operate in the Russian Federation during its
ongoing war of aggression against Ukraine.

(1) PROHIBITION.—The head of an executive agency may not enter into, extend, or renew a cov-

1 ered contract with a company that continues to con-
2 duct business operations in territory internationally
3 recognized as the Russian Federation during the
4 covered period.

5 (2) EXCEPTIONS.—

6 (A) GOOD FAITH EXEMPTION.—The Office
7 of Management and Budget, in consultation
8 with the General Services Administration, may
9 exempt a contractor from the prohibition in
10 paragraph (1) if the contractor has—

11 (i) pursued and continues to pursue
12 all reasonable steps in demonstrating a
13 good faith effort to comply with the re-
14 quirements of this Act; and

15 (ii) provided to the executive agency a
16 reasonable, written plan to achieve compli-
17 ance with such requirements.

18 (B) PERMISSIBLE OPERATIONS.—The pro-
19 hibition in paragraph (1) shall not apply to
20 business operations in Russia authorized by a
21 license issued by the Office of Foreign Assets
22 Control or the Bureau of Industry and Security
23 or is otherwise allowed to operate notwith-
24 standing the imposition of sanctions.

1 (C) AMERICAN DIPLOMATIC MISSION IN
2 RUSSIA.—The prohibition in paragraph (1)
3 shall not apply to contracts related to the oper-
4 ation and maintenance of the United States
5 Government’s consular offices and diplomatic
6 posts in Russia.

7 (D) INDIVIDUAL CONTRACTS.—The prohi-
8 bition under paragraph (1) shall not apply to
9 any contract that is any of the following:

10 (i) For the benefit, either directly or
11 through the efforts of regional allies, of the
12 country of Ukraine.

13 (ii) For humanitarian purposes to
14 meet basic human needs.

15 (3) NATIONAL SECURITY AND PUBLIC INTER-
16 EST WAIVERS.—

17 (A) IN GENERAL.—The head of an execu-
18 tive agency is authorized to waive the prohibi-
19 tion under paragraph (1) with respect to a cov-
20 ered contract if the head of the agency certifies
21 in writing to the President that such waiver is
22 for the national security of the United States or
23 in the public interest of the United States, and
24 includes in such certification a justification for
25 the waiver and description of the contract to

1 which the waiver applies. The authority in this
2 subparagraph may not be delegated below the
3 level of the senior procurement executive of the
4 agency.

5 (B) CONGRESSIONAL NOTIFICATION.—The
6 head of an executive agency shall, not later
7 than 7 days before issuing a waiver described in
8 subparagraph (A), submit to the appropriate
9 congressional committees the certification de-
10 scribed in such subparagraph.

11 (4) EMERGENCY RULEMAKING AUTHORITY.—
12 Not later than 60 days after the date of the enact-
13 ment of this Act, the Director of the Office of Man-
14 agement and Budget, in consultation with the Ad-
15 ministrator of General Services and the Secretary of
16 Defense, shall promulgate regulations for agency im-
17 plementation of this Act using emergency rule-
18 making procedures while considering public comment
19 to the greatest extent practicable, that includes the
20 following:

21 (A) A list of equipment, facilities, per-
22 sonnel, products, services, or other items or ac-
23 tivities, the engagement with which would be
24 considered business operations, subject to the
25 prohibition under paragraph (1).

1 (B) A requirement for a contractor or of-
2 feror to represent whether such contractor or
3 offeror uses any of the items on the list de-
4 scribed in subparagraph (A).

5 (C) A description of the process for deter-
6 mining a good faith exemption described under
7 paragraph (2).

8 (5) DEFINITIONS.—In this section:

9 (A) APPROPRIATE CONGRESSIONAL COM-
10 MITTEES.—The term “appropriate congres-
11 sional committees” means the Committee on
12 Homeland Security and Governmental Affairs
13 of the Senate and the Committee on Oversight
14 and Reform of the House of Representatives.

15 (B) BUSINESS OPERATIONS.—

16 (i) IN GENERAL.—Except as provided
17 in clauses (ii) and (iii), the term “business
18 operations” means engaging in commerce
19 in any form, including acquiring, devel-
20 oping, selling, leasing, or operating equip-
21 ment, facilities, personnel, products, serv-
22 ices, personal property, real property, or
23 any other apparatus of business or com-
24 merce.

1 (ii) EXCEPTIONS.—The term “busi-
2 ness operations” does not include any of
3 the following:

4 (I) Action taken for the benefit
5 of the country of Ukraine.

6 (II) Action serving humanitarian
7 purposes to meet basic human needs,
8 including through a hospital, school,
9 or non-profit organization.

10 (III) The provision of products or
11 services for compliance with legal, re-
12 porting, or other requirements of the
13 laws or standards of countries other
14 than the Russian Federation.

15 (IV) Journalistic and publishing
16 activities, news reporting, or the gath-
17 ering and dissemination of informa-
18 tion, informational materials, related
19 services, or transactions ordinarily in-
20 cident to journalistic and publishing
21 activities.

22 (iii) EXCEPTION FOR SUSPENSION OR
23 TERMINATION ACTIONS.—The term “busi-
24 ness operations” does not include action
25 taken to support the suspension or termi-

1 nation of business operations (as described
2 in clause (i)) for the duration of the cov-
3 ered period, including—

4 (I) an action to secure or divest
5 from facilities, property, or equip-
6 ment;

7 (II) the provision of products or
8 services provided to reduce or elimi-
9 nate operations in territory inter-
10 nationally recognized as the Russian
11 Federation or to comply with sanc-
12 tions relating to the Russian Federa-
13 tion; and

14 (III) activities that are incident
15 to liquidating, dissolving, or winding
16 down a subsidiary or legal entity in
17 Russia through which operations had
18 been conducted.

19 (C) COVERED CONTRACT.—The term “cov-
20 ered contract” means a prime contract entered
21 into by an executive agency with a company
22 conducting business operations in territory
23 internationally recognized as the Russian Fed-
24 eration during the covered period.

1 (D) COVERED PERIOD.—The term “cov-
2 ered period” means the period of time begin-
3 ning 90 days after the date of the enactment of
4 this Act and ending on a date that is deter-
5 mined by the Secretary of State based on steps
6 taken by the Russian Federation to restore the
7 safety, sovereignty, and condition of the country
8 of Ukraine, or 10 years after the date of the
9 enactment of this Act, whichever is sooner.

10 (E) EXECUTIVE AGENCY.—The term “ex-
11 ecutive agency” has the meaning given the term
12 in section 133 of title 41, United States Code.

13 **SEC. 5867. DEPARTMENT OF DEFENSE CYBER AND DIGITAL**
14 **SERVICE ACADEMY.**

15 (a) ESTABLISHMENT.—

16 (1) IN GENERAL.—The Secretary of Defense, in
17 consultation with the Secretary of Homeland Secu-
18 rity and the Director of the Office of Personnel
19 Management, shall establish a program to provide fi-
20 nancial support for pursuit of programs of education
21 at institutions of higher education that have been
22 designated as a Center of Academic Excellence in
23 Cyber Education as defined in section 2200e of title
24 10, United States Code, in covered disciplines.

1 (2) DESIGNATION.—The program established
2 under paragraph (1) shall be known as the “Depart-
3 ment of Defense Cyber and Digital Service Acad-
4 emy” (in this section the “Program”).

5 (3) COVERED DISCIPLINES.—For purposes of
6 the Program, a covered discipline is a discipline that
7 the Secretary of Defense determines is critically
8 needed and is cyber- or digital technology-related,
9 including the following:

10 (A) Cyber-related arts and sciences.

11 (B) Cyber-related engineering.

12 (C) Cyber-related law and policy.

13 (D) Applied analysts-related sciences, data
14 management, and digital engineering, including
15 artificial intelligence and machine learning.

16 (E) Such other disciplines relating to
17 cyber, cybersecurity, digital technology, or sup-
18 porting functions as the Secretary of Defense
19 considers appropriate.

20 (b) PROGRAM DESCRIPTION AND COMPONENTS.—
21 The Program shall—

22 (1) provide scholarships through institutions of
23 higher education described in subsection (a)(1) to
24 students who are enrolled in programs of education

1 at such institutions leading to degrees or specialized
2 program certifications in covered disciplines;

3 (2) prioritize the placement of scholarship re-
4 cipients fulfilling the post-award employment obliga-
5 tion under this section; and

6 (3) coordinate with the Cyber Scholarship Pro-
7 gram as authorized in chapter 112 of title 10,
8 United States Code.

9 (c) SCHOLARSHIP AMOUNTS.—

10 (1) AMOUNT OF ASSISTANCE.—Each scholar-
11 ship under the Program shall be in such amount as
12 the Secretary determines is necessary to pay all edu-
13 cational expenses incurred by that person, including
14 tuition, fees, cost of books, laboratory expenses, and
15 expenses of room and board, for the pursuit of the
16 program of education for which the assistance is
17 provided under the Program. The Secretary shall en-
18 sure that expenses paid are limited to those edu-
19 cational expenses normally incurred by students at
20 the institution of higher education involved.

21 (2) SUPPORT FOR INTERNSHIP ACTIVITIES.—

22 The financial assistance for a person under this sec-
23 tion may also be provided to support internship ac-
24 tivities of the person in the Department of Defense
25 in periods between the academic years leading to the

1 degree for which assistance is provided the person
2 under the Program.

3 (3) PERIOD OF SUPPORT.—Each scholarship
4 under the Program shall be for not more than 5
5 years.

6 (4) ADDITIONAL STIPEND.—Students dem-
7 onstrating financial need, as determined by the Sec-
8 retary, may be provided with an additional stipend
9 under the Program.

10 (d) POST-AWARD EMPLOYMENT OBLIGATIONS.—
11 Each scholarship recipient, as a condition of receiving a
12 scholarship under the Program, shall enter into an agree-
13 ment under which the recipient agrees to work for a period
14 equal to the length of the scholarship, following receipt
15 of the student's degree or specialized program certifi-
16 cation, in the cyber- and digital technology-related mis-
17 sions of the Department, in accordance with the terms and
18 conditions specified by the Secretary in regulations the
19 Secretary shall promulgate to carry out this subsection.

20 (e) HIRING AUTHORITY.—In carrying out this sec-
21 tion, specifically with respect to enforcing the obligations
22 and conditions of employment under subsection (d), the
23 Secretary may use an authority otherwise available to the
24 Secretary for the recruitment, employment, and retention
25 of civilian personnel within the Department, including au-

1 thority under section 1588f of title 10, United States
2 Code.

3 (f) ELIGIBILITY.—To be eligible to receive a scholar-
4 ship under this section, an individual shall—

5 (1) be a citizen or lawful permanent resident of
6 the United States;

7 (2) demonstrate a commitment to a career in
8 improving the security of information technology;

9 (3) have demonstrated a high level of com-
10 petency in relevant knowledge, skills, and abilities,
11 as defined by the national cybersecurity awareness
12 and education program under section 303 of the Cy-
13 bersecurity Enhancement Act of 2014 (15 U.S.C.
14 7443);

15 (4) be a full-time student, or have been accept-
16 ed as a full-time student, in a program leading to a
17 degree or specialized program certification in a cov-
18 ered discipline at an institution of higher education;

19 (5) enter into an agreement accepting and ac-
20 knowledging the post award employment obligations,
21 pursuant to section (d);

22 (6) accept and acknowledge the conditions of
23 support under section (g); and

24 (7) accept all terms and conditions of a scholar-
25 ship under this section and meet such other require-

1 ments for a scholarship as determined by the Sec-
2 retary.

3 (g) CONDITIONS OF SUPPORT.—

4 (1) IN GENERAL.—As a condition of receiving a
5 scholarship under this section, a recipient shall agree
6 to provide the Office of Personnel Management (in
7 coordination with the Department of Defense) and
8 the institutions of higher education described in sub-
9 section (a)(1) with annual verifiable documentation
10 of post-award employment and up-to-date contact in-
11 formation.

12 (2) TERMS.—A scholarship recipient under the
13 Program shall be liable to the United States as pro-
14 vided in subsection (i) if the individual—

15 (A) fails to maintain an acceptable level of
16 academic standing at the applicable institution
17 of higher education, as determined by the Sec-
18 retary;

19 (B) is dismissed from the applicable insti-
20 tution of higher education for disciplinary rea-
21 sons;

22 (C) withdraws from the eligible degree pro-
23 gram before completing the Program;

1 (D) declares that the individual does not
2 intend to fulfill the post-award employment ob-
3 ligation under this section;

4 (E) fails to maintain or fulfill any of the
5 post-graduation or post-award obligations or re-
6 quirements of the individual; or

7 (F) fails to fulfill the requirements of para-
8 graph (1).

9 (h) MONITORING COMPLIANCE.—As a condition of
10 participating in the Program, an institution of higher edu-
11 cation described in subsection (a)(1) shall—

12 (1) enter into an agreement with the Secretary
13 to monitor the compliance of scholarship recipients
14 with respect to their post-award employment obliga-
15 tions; and

16 (2) provide to the Secretary and the Director of
17 the Office of Personnel Management, on an annual
18 basis, the post-award employment documentation re-
19 quired under subsection (g)(1) for scholarship recipi-
20 ents through the completion of their post-award em-
21 ployment obligations.

22 (i) AMOUNT OF REPAYMENT.—

23 (1) LESS THAN 1 YEAR OF SERVICE.—If a cir-
24 cumstance described in subsection (g)(2) occurs be-
25 fore the completion of 1 year of a post-award em-

1 ployment obligation under the Program, the total
2 amount of scholarship awards received by the indi-
3 vidual under the Program shall be considered a debt
4 to the Government and repaid in its entirety.

5 (2) 1 OR MORE YEARS OF SERVICE.—If a cir-
6 cumstance described in subparagraph (D) or (E) of
7 subsection (g)(2) occurs after the completion of 1 or
8 more years of a post-award employment obligation
9 under the Program, the total amount of scholarship
10 awards received by the individual under the Pro-
11 gram, reduced by the ratio of the number of years
12 of service completed divided by the number of years
13 of service required, shall be considered a debt to the
14 Government and repaid in accordance with sub-
15 section (j).

16 (j) REPAYMENTS.—A debt described in subsection (i)
17 shall be subject to repayment, together with interest there-
18 on accruing from the date of the scholarship award, in
19 accordance with terms and conditions specified by the Sec-
20 retary in regulations promulgated to carry out this sub-
21 section.

22 (k) COLLECTION OF REPAYMENT.—

23 (1) IN GENERAL.—In the event that a scholar-
24 ship recipient is required to repay the scholarship

1 award under the Program, the institution of higher
2 education providing the scholarship shall—

3 (A) determine the repayment amounts and
4 notify the recipient, the Secretary, and the Di-
5 rector of the Office of Personnel Management
6 of the amounts owed; and

7 (B) collect the repayment amounts within
8 a period of time as determined by the Sec-
9 retary.

10 (2) RETURNED TO TREASURY.—Except as pro-
11 vided in paragraph (3), any repayment under this
12 subsection shall be returned to the Treasury of the
13 United States.

14 (3) RETAIN PERCENTAGE.—An institution of
15 higher education may retain a percentage of any re-
16 payment the institution collects under this sub-
17 section to defray administrative costs associated with
18 the collection. The Secretary shall establish a single,
19 fixed percentage that will apply to all eligible enti-
20 ties.

21 (l) PUBLIC INFORMATION.—

22 (1) EVALUATION.—The Secretary, in coordina-
23 tion with the Director of the Office of Personnel
24 Management, shall periodically evaluate and make
25 public, in a manner that protects the personally

1 identifiable information of scholarship recipients, in-
2 formation on the success of recruiting individuals for
3 scholarships under the Program and on hiring and
4 retaining those individuals in the Department of De-
5 fense workforce, including information on—

6 (A) placement rates;

7 (B) where students are placed, including
8 job titles and descriptions;

9 (C) salary ranges for students not released
10 from obligations under this section;

11 (D) how long after graduation students are
12 placed;

13 (E) how long students stay in the positions
14 they enter upon graduation;

15 (F) how many students are released from
16 obligations; and

17 (G) what, if any, remedial training is re-
18 quired.

19 (2) REPORTS.—The Secretary, in coordination
20 with the Office of Personnel Management, shall sub-
21 mit, not less frequently than once every two years,
22 to Congress a report, including—

23 (A) the results of the evaluation under
24 paragraph (1);

1 (B) the disparity in any reporting between
2 scholarship recipients and their respective insti-
3 tutions of higher education; and

4 (C) any recent statistics regarding the size,
5 composition, and educational requirements of
6 the relevant Department of Defense workforce.

7 (3) RESOURCES.—The Secretary, in coordina-
8 tion with the Director of the Office of Personnel
9 Management, shall provide consolidated and user-
10 friendly online resources for prospective scholarship
11 recipients, including, to the extent practicable—

12 (A) searchable, up-to-date, and accurate
13 information about participating institutions of
14 higher education and job opportunities related
15 to the field of cybersecurity; and

16 (B) a modernized description of cybersecu-
17 rity careers.

18 (m) ALLOCATION OF FUNDING.—

19 (1) IN GENERAL.—Not less than 50 percent of
20 the amount available for financial assistance under
21 this section for a fiscal year shall be available only
22 for providing financial assistance for the pursuit of
23 programs of education referred to in subsection
24 (b)(1) at institutions of higher education that have
25 established, improved, or are administering pro-

grams of education in cyber disciplines under the grant program established in section 2200b of title 10, United States Code, as determined by the Secretary of Defense.

(2) ASSOCIATES DEGREES.—Not less than five percent of the amount available for financial assistance under this section for a fiscal year shall be available for providing financial assistance for the pursuit of an associate degree at an institution described in paragraph (1).

(n) BOARD OF DIRECTORS.—In order to help identify workforce needs and trends relevant to the Program, the Secretary may establish a board of directors for the Program that consists of representatives of Federal departments and agencies.

(o) COMMENCEMENT OF PROGRAM.—The Secretary shall commence the Program as early as practicable, with the first scholarships awarded under the Program for the academic year beginning not later than the Fall semester of 2024.

**SEC. 5868. DEMOCRACY DISRUPTION IN THE MIDDLE EAST
AND AFRICA.**

(a) IN GENERAL.— Not later than 180 days after the date of the enactment of this Act, and every year thereafter for 5 fiscal years, the Secretary of State, in con-

1 sultation with the Secretary of Defense and Director of
2 National Intelligence, shall submit to the appropriate con-
3 gressional committees a report describing actions by rel-
4 evant foreign governments that act to undermine democ-
5 racy in the United States Central Command or United
6 States Africa Command area of responsibility, including
7 through the disruption of nascent democratic movements,
8 transnational repression, or bolstering authoritarian gov-
9 ernments in countries other than their own.

10 (b) MATTERS TO BE INCLUDED.—The report re-
11 quired by subsection (a) shall include the following:

12 (1) An assessment of whether and the extent to
13 which relevant governments provide financial or
14 other economic support, or technical assistance, to
15 authoritarian leaders with the purpose of sup-
16 porting—

17 (A) the short, medium, and long-term via-
18 bility of authoritarians as head of states; or

19 (B) heads of states who have—

20 (i) conducted a coup d’etat or other
21 seizure of power in which the military
22 played a decisive role;

23 (ii) undermined the independence of
24 the judiciary;

1 (iii) facilitated the unconstitutional re-
2 moval of a portion or entirety of a demo-
3 cratically elected government or legislature;
4 or

5 (iv) removed term limits or consoli-
6 dated executive authority through the uni-
7 lateral cancellation or revision of a coun-
8 try's constitution.

9 (2) A determination of whether relevant govern-
10 ments either directly or through third parties,
11 throughout the United States Central Command or
12 United States Africa Command area of responsi-
13 bility—

14 (A) undermine electoral systems or act to
15 discredit or overturn the results of democratic
16 elections in other countries;

17 (B) assist authoritarian governments in in-
18 timidating or harassing members of civil society
19 or in limiting the ability of members of civil so-
20 ciety to operate without fear of criminal charges
21 or detention; or

22 (C) violate international principles of
23 nonrefoulment and the rights of asylum seekers.

24 (3) A list of armed groups, including militias,
25 private military corporations, mercenaries, or

1 paramilitaries, that receive monetary, military, or
2 other material support from relevant foreign govern-
3 ments.

4 (4) An assessment of whether actors in the list
5 in paragraph (3) have committed gross violations of
6 international recognized human rights.

7 (5) A detailed analysis of relevant foreign gov-
8 ernments' diplomatic support, whether bilaterally or
9 in international organizations, for military or civilian
10 leaders who meet criteria in paragraph (1)(B).

11 (6) An assessment of whether relevant foreign
12 governments engage in a consistent pattern of acts
13 of transnational repression and intimidation or har-
14 assment directed against individuals in the United
15 States, including—

16 (A) funding, either directly or through
17 third parties, the use of inauthentic social
18 media accounts which target specific individuals
19 in an attempt to silence, intimidate, or harass
20 nonviolent critics or dissenters;

21 (B) targeted imprisonment of family mem-
22 bers on politically motivated charges; or

23 (C) any other form of intimidation or har-
24 assment.

1 (c) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form, but the portions
3 of the report described in section (b) may contain a classi-
4 fied annex, so long as such annex is provided separately
5 from the unclassified report.

6 (d) DEFINITIONS.—In this section—

7 (1) the term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Foreign Affairs, the
10 Committee on Armed Services, and the Perma-
11 nent Select Committee on Intelligence of the
12 House of Representatives; and

13 (B) the Committee on Foreign Relations,
14 the Committee on Armed Services, and the Se-
15 lect Committee on Intelligence of the Senate;
16 and

17 (2) the term “relevant foreign government”
18 means the government of a country in the United
19 States Central Command or United States Africa
20 Command area of responsibility that—

21 (A) received United States security assist-
22 ance, including under authorities of title 10,
23 United States Code, during the previous 10 fis-
24 cal years; or

1 (B) hosts United States military personnel
2 other than those permanently assigned to a
3 United States Embassy in their respective coun-
4 tries.

5 **SEC. 5869. FEASIBILITY STUDY ON UNITED STATES SUP-**
6 **PORT FOR AND PARTICIPATION IN THE**
7 **INTERNATIONAL COUNTERTERRORISM**
8 **ACADEMY IN COTE D'IVOIRE.**

9 (a) STATEMENT OF POLICY.—It is the policy of the
10 United States to partner with West African governments
11 where possible to mitigate and counter growing regional
12 insecurity resulting from the spread of armed conflict and
13 terrorism, including by providing assistance to train,
14 equip, and mentor West African security services to
15 counter threats to regional and national security through
16 a whole-of-government approach.

17 (b) FEASIBILITY STUDY.—Not later than 90 days
18 after the date of the enactment of this Act, the Secretary
19 of State, in consultation with the Secretary of Defense,
20 shall conduct a feasibility study regarding the provision
21 of U.S. assistance for infrastructure, training, equipment,
22 and other forms of support to institutionalize the Inter-
23 national Counterterrorism Academy (Académie Inter-
24 nationale de Lutte Contre le Terrorisme or AILCT) in
25 Jacqueville, Cote D'Ivoire that—

1 (1) Provides a legal analysis of existing authori-
2 ties to provide U.S. foreign assistance dedicated to
3 the development and establishment of AILCT pro-
4 grams, initiatives, and infrastructure for the pur-
5 poses of training, equipping, and mentoring eligible
6 West African security services bilaterally or in co-
7 ordination with partners and allies;

8 (2) Identifies opportunities for the United
9 States to leverage and support the AILCT facility to
10 pursue national security interests in West Africa,
11 the Sahel, Sub-Saharan Africa, and the strategic At-
12 lantic Ocean coastal and maritime environments, in-
13 cluding through training and research activities, in-
14 frastructure development, combatting transnational
15 terrorist and organized crime threats, and coun-
16 tering foreign malign influence throughout the re-
17 gion;

18 (3) Assesses any planned and pledged contribu-
19 tions from other countries to ensure appropriate
20 sustainment of the facilities and burden sharing.

21 (c) FORMS.—The feasibility study required under
22 subsection (b) shall be submitted in unclassified form, but
23 may contain a classified annex.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means—

4 (1) the Committee on Foreign Relations of the
5 Senate and the Committee on Foreign Affairs of the
6 House of Representatives;

7 (2) the Committees on Armed Services of the
8 Senate and of the House of Representatives; and

9 (3) the Committees on Appropriations of the
10 Senate and of the House of Representatives.

11 **SEC. 5870. MEMORIAL FOR THOSE WHO LOST THEIR LIVES**
12 **IN THE ATTACK ON HAMID KARZAI INTER-**
13 **NATIONAL AIRPORT ON AUGUST 26, 2021.**

14 Section 1087 of National Defense Authorization Act
15 for Fiscal Year 2022 (40 U.S.C. 8903 note) is amended
16 by striking “The Secretary of Defense may” and inserting
17 “The Secretary of Defense shall, not later than 1 year
18 after the date of enactment of the National Defense Au-
19 thorization Act for Fiscal Year 2023,”.

20 **SEC. 5871. REPORTS ON SUBSTANCE ABUSE IN THE ARMED**
21 **FORCES.**

22 (a) INSPECTOR GENERAL OF THE DEPARTMENT OF
23 DEFENSE.—Not later than 180 days after the date of the
24 enactment of this Act, the Secretary of the Army, the Sec-
25 retary of the Navy, the Secretary of the Air Force, and

1 the Commandant of the Marine Corp shall each submit
2 to the Committees on Armed Services of the Senate and
3 of the House of Representatives a report on substance
4 abuse disorder treatment concerns related to service mem-
5 bers and their dependents.

6 (b) COMPTROLLER GENERAL OF THE UNITED
7 STATES.—Not later than 180 days after the date of the
8 enactment of this Act, the Secretary of the Army, the Sec-
9 retary of the Navy, the Secretary of the Air Force, and
10 the Commandant of the Marine Corp shall submit to Con-
11 gress a report regarding the use of substance abuse dis-
12 order treatment programs located at or around each in-
13 stallation. The report shall detail the number of service
14 members and dependents that are referred to treatment
15 programs, either residential or outpatient, and either in-
16 ternal or contracted, the absence of treatment capabilities
17 within an installation or grouping of military installations,
18 and the costs associated with sending service members or
19 their dependents away from the immediate area for sub-
20 stance use disorder treatment. The report shall also set
21 forth how the individual branches of the Armed Forces
22 are incorporating substance abuse disorder treatment into
23 mental health services both internal and contracted.

1 **SEC. 5872. GAO REPORT ON CIVILIAN SUPPORT POSITIONS**
2 **AT REMOTE MILITARY INSTALLATIONS.**

3 (a) IN GENERAL.—Not later than 2 years after the
4 date of enactment of this Act, the Comptroller General
5 shall assess and submit a report to the Secretary of De-
6 fense on the following:

7 (1) The average number of vacancies for civil-
8 ian support services positions at remote or isolated
9 military installations in comparison to vacancies for
10 such positions at other military installations. In car-
11 rying out this paragraph, the Comptroller General
12 shall account for the differences in military popu-
13 lation size.

14 (2) The average number of days required to fill
15 such a vacancy at a remote and isolated military in-
16 stallation in comparison to filling a vacancy of a po-
17 sition with the same duties (to the greatest extent
18 practicable) at such other installations.

19 (3) Any recommendations on additional hiring
20 incentives for civilian support services positions de-
21 scribed in subsection (b)(1)(A) at a remote or iso-
22 lated installations, and any recommendations on
23 ways to ensure that such positions described in sub-
24 section (b)(1)(B) are able to effectively staff posi-
25 tions in order to meet the mission of their applicable
26 military installation.

1 (b) DEFINITIONS.—In this section—

2 (1) the term “civilian support services posi-
3 tions” means—

4 (A) any position within the civil service (as
5 that term is defined in section 2101 of title 5,
6 United States Code), including any non-
7 appropriated fund (NAF) position; and

8 (B) any Federal contractor (or subcon-
9 tractor at any tier); and

10 (2) the term “military installation” has the
11 meaning given that term in section 2801 of title 10,
12 United States Code.

13 **SEC. 5873. GAO STUDY ON FOREIGN SERVICE INSTITUTE’S**
14 **SCHOOL OF LANGUAGE STUDIES.**

15 (a) IN GENERAL.—The Comptroller General of the
16 United States shall conduct a study on whether the For-
17 eign Service Institute’s School of Language Studies cur-
18 riculum and instruction effectively prepares United States
19 Government employees to advance United States diplo-
20 matic and national security priorities abroad.

21 (b) MATTERS TO BE INCLUDED.—The report re-
22 quired by subsection (a) shall include—

23 (1) an analysis of the teaching methods used at
24 the Foreign Service Institute’s School of Language
25 Studies;

1 (2) a comparative analysis on the benefits of
2 language proficiency compared to practical job ori-
3 ented language learning;

4 (3) an analysis of whether the testing regiment
5 at the School of Language Studies is an effective
6 measure of ability to communicate and carry out an
7 employee's duties abroad; and

8 (4) an analysis of qualifications for training
9 specialists and language and culture instructors at
10 the School of Language Studies.

11 **SEC. 5874. REPORT ON WAIVERS UNDER SECTION 907 OF**
12 **THE FREEDOM FOR RUSSIA AND EMERGING**
13 **EURASIAN DEMOCRACIES AND OPEN MAR-**
14 **KETS SUPPORT ACT OF 1992.**

15 (a) REPORT REQUIRED.—Not later than 180 days
16 after the date of the enactment of this Act, the Secretary
17 of State, in coordination with the Secretary of Defense,
18 shall submit a report to the appropriate congressional
19 committees on United States security assistance provided
20 to the Government of Azerbaijan pursuant to a waiver
21 under section 907 of the FREEDOM Support Act (22
22 U.S.C. 5812 note).

23 (b) ELEMENTS.—The report under subsection (a)
24 shall address the following:

1 (1) Documentation of the Department of
2 State's consideration of all section 907 waiver re-
3 quirements during the 5-year period ending on the
4 date of the enactment of this Act.

5 (2) Further program-level detail and end-use
6 monitoring reports of security assistance provided to
7 the Government of Azerbaijan under a section 907
8 waiver during such 5-year period.

9 (3) The impact of United States security assist-
10 ance provided to Azerbaijan on the negotiation of a
11 peaceful settlement between Armenia and Azerbaijan
12 over all disputed regions during such 5-year period.

13 (4) The impact of United States security assist-
14 ance provided to Azerbaijan on the military balance
15 between Azerbaijan and Armenia during such 5-year
16 period.

17 (5) An assessment of Azerbaijan's use of offen-
18 sive force against Armenia or violations of Armenian
19 sovereign territory from November 11, 2020, to the
20 date of the enactment of this Act.

21 (c) BRIEFING.—The Secretary of State, in coordina-
22 tion with the Secretary of Defense, shall brief the appro-
23 priate congressional committees not later than 180 days
24 after the date of the enactment of this Act on the contents
25 of the report required under subsection (a).

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—

2 In this section, the term “appropriate congressional com-
3 mittees” means—

4 (1) the Committee on Armed Services and the
5 Committee on Foreign Affairs of the House of Rep-
6 resentatives; and

7 (2) the Committee on Armed Services and the
8 Committee on Foreign Relations of the Senate.

9 **SEC. 5875. AMENDMENTS TO THE UKRAINE FREEDOM SUP-**
10 **PORT ACT OF 2014.**

11 The Ukraine Freedom Support Act of 2014 (22
12 U.S.C. 8921 et seq.) is amended—

13 (1) by redesignating section 11 as section 13;
14 and

15 (2) by inserting after section 10 the following
16 new sections:

17 **“SEC. 11. WORKING GROUP ON SEMICONDUCTOR SUPPLY**
18 **DISRUPTIONS.**

19 “(a) IN GENERAL.—Not later than 30 days after the
20 date of the enactment of this section, the President shall
21 establish an interagency working group to address semi-
22 conductor supply chain issues caused by Russia’s illegal
23 and unprovoked attack on Ukraine.

24 “(b) MEMBERSHIP.—The interagency working group
25 established pursuant to subsection (a) shall be comprised

1 of the head, or designee of the head, of each of the fol-
 2 lowing:

3 “(1) The Department of State.

4 “(2) The Department of Defense.

5 “(3) The Department of Commerce.

6 “(4) The Department of the Treasury.

7 “(5) The Office of the United States Trade
 8 Representative.

9 “(6) The Department of Interior.

10 “(7) The Department of Energy.

11 “(8) The Department of Homeland Security.

12 “(9) The Department of Labor.

13 “(10) Any other Federal department or agency
 14 the President determines appropriate.

15 “(c) CHAIR.—The Secretary of State shall serve as
 16 the chair of the working group established pursuant to
 17 subsection (a).

18 **“SEC. 12. REPORTS ON SEMICONDUCTOR SUPPLY CHAIN**
 19 **DISRUPTIONS.**

20 “(a) REPORT ON IMPACT OF RUSSIA’S INVASION OF
 21 UKRAINE.—Not later than 60 days after the date of the
 22 enactment of this section, the Secretary of State shall sub-
 23 mit to the committees listed in subsection (b) a report of
 24 the interagency working group that—

25 “(1) reviews and analyzes—

1 “(A) the impact of Russia’s unprovoked at-
2 tack on Ukraine on the supply of palladium,
3 neon gas, helium, and hexafluorobutadiene
4 (C4F6); and

5 “(B) the impact, if any, on supply chains
6 and the global economy;

7 “(2) recounts diplomatic efforts by the United
8 States to work with other countries that mine, syn-
9 thesize, or purify palladium, neon gas, helium, or
10 hexafluorobutadiene (C4F6);

11 “(3) quantifies the actions resulting from these
12 efforts to diversify sources of supply of these items;

13 “(4) sets forth steps the United States has
14 taken to bolster its production or secure supply of
15 palladium or other compounds and elements listed in
16 paragraph (1)(A);

17 “(5) lists any other important elements, com-
18 pounds, or products in the semiconductor supply
19 chain that have been affected by Russia’s illegal at-
20 tack on Ukraine; and

21 “(6) recommends any potential legislative steps
22 that could be taken by Congress to further bolster
23 the supply of elements, compounds, or products for
24 the semiconductor supply chain that have been cur-
25 tailed as a result of Russia’s actions.

1 “(b) COMMITTEES LISTED.—The committees listed
2 in this subsection are—

3 “(1) the Committee on Foreign Affairs, the
4 Committee on Armed Services, and the Committee
5 on Energy and Commerce of the House of Rep-
6 resentatives; and

7 “(2) the Committee on Foreign Relations, the
8 Committee on Armed Services, and the Committee
9 on Commerce, Science, and Transportation of the
10 Senate.

11 “(c) ANNUAL REPORT ON POTENTIAL FUTURE
12 SHOCKS TO SEMICONDUCTOR SUPPLY CHAINS.—

13 “(1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this section, and
15 annually thereafter for 5 years, the Secretary of
16 State shall submit to the Committee on Foreign Af-
17 fairs of the House of Representatives and the Com-
18 mittee on Foreign Relations of the Senate a report
19 of the interagency working group that—

20 “(A) outlines and plans for the most likely
21 future geopolitical developments that could se-
22 verely disrupt global semiconductor supply
23 chains in ways that could harm the national se-
24 curity or economic interests of the United
25 States;

1 “(B) forecasts the various potential im-
2 pacts on the global supply chain for semi-
3 conductors, and products that use semiconduc-
4 tors, from the developments outlined pursuant
5 to subparagraph (A), as well as the following
6 contingencies—

7 “(i) an invasion of Taiwan or geo-
8 political instability or conflict in East Asia;

9 “(ii) a broader war or geopolitical in-
10 stability in Europe;

11 “(iii) strategic competitors dominating
12 parts of the supply chain and leveraging
13 that dominance coercively;

14 “(iv) a future international health cri-
15 sis; and

16 “(v) natural disasters or shortages of
17 natural resources and raw materials;

18 “(C) describes the kind of contingency plans
19 that would be needed for the safe evacuation of
20 individuals with deep scientific and technical
21 knowledge of semiconductors and their supply
22 chain from areas under risk from conflict or
23 natural disaster; and

24 “(D) evaluates the current technical and
25 supply chain work force expertise within the

1 Federal government to carry out these assess-
2 ments.”.

3 **SEC. 5876. GAO STUDY ON END USE MONITORING.**

4 Not later than 1 year after the date of the enactment
5 of this Act, the Comptroller General of the United States
6 shall submit the congressional defense committees, the
7 Committee on Foreign Affairs of the House of Representa-
8 tives, and the Committee on Foreign Relations of the Sen-
9 ate a review of the implementation by the Department of
10 Defense and the Department of State of end-use moni-
11 toring, including—

12 (1) how well end-use monitoring deters misuse
13 or unauthorized use of equipment;

14 (2) how the Departments identify persistent ge-
15 ographic areas of concern for closer monitoring; and

16 (3) how the Departments identify trends, learn
17 from those trends, and implement best practices.

18 **SEC. 5877. SENSE OF CONGRESS REGARDING THE LIFE AND**
19 **LEGACY OF SENATOR JOSEPH MAXWELL**
20 **CLELAND.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) Joseph Maxwell Cleland was born August
23 24, 1942, in Atlanta, Georgia, the child of Juanita
24 Kesler Cleland and Joseph Hughie Cleland, a World
25 War II veteran, and grew up in Lithonia, Georgia.

1 (2) Joseph Maxwell Cleland graduated from
2 Stetson University in Florida in 1964, and received
3 his Master's Degree in history from Emory Univer-
4 sity in Atlanta, Georgia.

5 (3) Following his graduation from Stetson Uni-
6 versity, Joseph Maxwell Cleland received a Second
7 Lieutenant's Commission in the Army through its
8 Reserve Officers' Training Corps program.

9 (4) Joseph Maxwell Cleland volunteered for
10 duty in the Vietnam War in 1967, serving with the
11 1st Cavalry Division.

12 (5) On April 8, 1968, during combat at the
13 mountain base at Khe Sanh, Joseph Maxwell
14 Cleland was gravely injured by the blast of a gre-
15 nade, eventually losing both his legs and right arm.

16 (6) Joseph Maxwell Cleland was awarded the
17 Bronze Star for meritorious service and the Silver
18 Star for gallantry in action.

19 (7) In 1970, Joseph Maxwell Cleland was elect-
20 ed to the Georgia Senate as the youngest member
21 and the only Vietnam veteran, where he served until
22 1975.

23 (8) As a Georgia State Senator, Joseph Max-
24 well Cleland authored and advanced legislation to

1 ensure access to public facilities in Georgia for elder-
2 ly and handicapped individuals.

3 (9) In 1976, Joseph Maxwell Cleland began
4 serving as a staffer on the Committee on Veterans
5 Affairs of the Senate.

6 (10) In 1977, Joseph Maxwell Cleland was ap-
7 pointed by President Jimmy Carter to lead the Vet-
8 erans Administration.

9 (11) He was the youngest Administrator of the
10 Veterans Administration ever and the first Vietnam
11 veteran to head the agency.

12 (12) He served as a champion for veterans and
13 led the Veterans Administration to recognize, and
14 begin to treat, post-traumatic stress disorder in vet-
15 erans suffering the invisible wounds of war.

16 (13) Joseph Maxwell Cleland was elected in
17 1982 as Georgia's Secretary of State, the youngest
18 individual to hold the office, and served in that posi-
19 tion for 14 years.

20 (14) in 1996, Joseph Maxwell Cleland was
21 elected to the United States Senate representing
22 Georgia.

23 (15) As a member of the Committee on Armed
24 Services, Joseph Maxwell Cleland advocated for
25 Georgia's military bases, servicemembers, and vet-

1 erans, including by championing key personnel
2 issues, playing a critical role in the effort to allow
3 servicemembers to pass their GI Bill education bene-
4 fits to their children, and establishing a new vet-
5 erans cemetery in Canton, Georgia.

6 (16) In 2002, Joseph Maxwell Cleland was ap-
7 pointed to the 9/11 Commission.

8 (17) In 2003, Joseph Maxwell Cleland was ap-
9 pointed by President George W. Bush to the Board
10 of Directors for the Export-Import Bank of the
11 United States, where he served until 2007.

12 (18) In 2009, Joseph Maxwell Cleland was ap-
13 pointed by President Barack Obama as Secretary of
14 the American Battle Monuments Commission over-
15 seeing United States military cemeteries and monu-
16 ments overseas, where he served until 2017.

17 (19) Joseph Maxwell Cleland authored 3 books:
18 Strong at the Broken Places, Going for the Max: 12
19 Principles for Living Life to the Fullest, and Heart
20 of a Patriot.

21 (20) Joseph Maxwell Cleland received numerous
22 honors and awards over the course of his long and
23 distinguished career.

24 (21) Joseph Maxwell Cleland was a patriot, vet-
25 eran, and lifelong civil servant who proudly served

1 Georgia, the United States, and all veterans and
2 servicemembers of the United States.

3 (22) On November 9, 2021, at the age of 79,
4 Joseph Maxwell Cleland died, leaving behind a leg-
5 acy of service, sacrifice, and joy.

6 (b) DEATH OF THE HONORABLE JOSEPH MAXWELL
7 CLELAND.—Congress has heard with profound sorrow of
8 the death of the Honorable Joseph Maxwell Cleland, who
9 served—

10 (1) with courage and sacrifice in combat in the
11 Vietnam War;

12 (2) with unwavering dedication to Georgia as a
13 State Senator, Secretary of State, and Senator; and

14 (3) with honorable service to the United States
15 and veterans of the United States through his life-
16 time of public service and tenure as Administrator
17 of the Veterans Administration.

18 **SEC. 5878. REPEAL OF 1991 AUTHORIZATION FOR USE OF**
19 **MILITARY FORCE AGAINST IRAQ RESOLU-**
20 **TION.**

21 The Authorization for Use of Military Force Against
22 Iraq Resolution (Public Law 102–1; 50 U.S.C. 1541 note)
23 is repealed.

1 **SEC. 5879. ONDCP SUPPLEMENTAL STRATEGIES.**

2 Section 706(h) of the Office of National Drug Con-
3 trol Policy Reauthorization Act of 1998 (21 U.S.C.
4 1705(h)) is amended—

5 (1) in paragraph (5), by striking “; and” and
6 inserting a semicolon;

7 (2) in paragraph (6), by striking the period at
8 the end and inserting “; and”; and

9 (3) by adding at the end the following new
10 paragraph:

11 “(7) develops performance measures and tar-
12 gets for the National Drug Control Strategy for sup-
13 plemental strategies (the Southwest Border, North-
14 ern Border, and Caribbean Border Counternarcotics
15 Strategies) to effectively evaluate region-specific
16 goals, to the extent the performance measurement
17 system does not adequately measure the effective-
18 ness of the strategies, as determined by the Direc-
19 tor, such strategies may evaluate interdiction efforts
20 at and between ports of entry, interdiction tech-
21 nology, intelligence sharing, diplomacy, and other
22 appropriate metrics, specific to each supplemental
23 strategies region, as determined by the Director.”.

1 **SEC. 5880. SUPPORT FOR AFGHANS APPLYING FOR STU-**
2 **DENT VISAS.**

3 (a) EXCEPTION WITH RESPECT TO RESIDENCE.—To
4 be eligible as a nonimmigrant described in section
5 101(a)(15)(F) of the Immigration and Nationality Act (8
6 U.S.C. 1101(a)(15)(F)), a national of Afghanistan or a
7 person with no nationality who last habitually resided in
8 Afghanistan shall meet all requirements for such non-
9 immigrant status except they shall not need to dem-
10 onstrate residence in Afghanistan or an intention not to
11 abandon such residence.

12 (b) APPLICABILITY.—

13 (1) IN GENERAL.—The exception under sub-
14 section (a) shall apply beginning on the date of the
15 enactment of this Act and ending on the date that
16 is two years after the date of the enactment of this
17 Act.

18 (2) EXTENSION.—The Secretary of Homeland
19 Security, in consultation with the Secretary of State,
20 shall periodically review the country conditions in
21 Afghanistan and may renew the exception under
22 subsection (a) in 18 month increments based on
23 such conditions.

24 **SEC. 5881. IMMIGRATION AGE-OUT PROTECTIONS.**

25 (a) AGE-OUT PROTECTIONS FOR IMMIGRANTS.—

1 (1) IN GENERAL.—Section 101(b) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1101(b)) is
3 amended by adding at the end the following:

4 “(6) A determination of whether an alien is a
5 child shall be made as follows:

6 “(A) For purposes of a petition under sec-
7 tion 204 and a subsequent application for an
8 immigrant visa or adjustment of status, such
9 determination shall be made using the age of
10 the alien on the date that is the priority date
11 for the principal beneficiary and all derivative
12 beneficiaries under section 203(h).

13 “(B) For purposes of a petition under sec-
14 tion 214(d) and a subsequent application for
15 adjustment of status under section 245(d), such
16 determination shall be made using the age of
17 the alien on the date on which the petition is
18 filed with the Secretary of Homeland Security.

19 “(C) In the case of a petition under section
20 204 filed for an alien’s classification as a mar-
21 ried son or daughter of a United States citizen
22 under section 203(a)(3), if the petition is later
23 converted, due to the legal termination of the
24 alien’s marriage, to a petition to classify the
25 alien as an immediate relative under section

1 201(b)(2)(A)(i) or as an unmarried son or
2 daughter of a United States citizen under sec-
3 tion 203(a)(1), the determination of the alien’s
4 age shall be made using the age of the alien on
5 the date of the termination of the marriage.

6 “(D) For an alien who was in status as a
7 dependent child of a nonimmigrant pursuant to
8 an approved employment-based petition under
9 section 214 or an approved application under
10 section 101(a)(15)(E) for an aggregate period
11 of eight years prior to the age of 21, notwith-
12 standing subparagraphs (A) through (C), the
13 alien’s age shall be based on the date that such
14 initial nonimmigrant employment-based petition
15 or application was filed.

16 “(E) For an alien who has not sought to
17 acquire status of an alien lawfully admitted for
18 permanent residence within two years of an im-
19 migrant visa number becoming available to such
20 alien, the alien’s age shall be their biological
21 age unless the failure to seek to acquire status
22 was due to extraordinary circumstances.

23 “(7) An alien who has reached 21 years of age
24 and has been admitted under section 203(d) as a
25 lawful permanent resident on a conditional basis as

1 the child of an alien lawfully admitted for permanent
2 residence under section 203(b)(5), whose lawful per-
3 manent resident status on a conditional basis is ter-
4 minated under section 216A or section
5 203(b)(5)(M), shall continue to be considered a child
6 of the principal alien for the purpose of a subse-
7 quent immigrant petition by such alien under section
8 203(b)(5) if the alien remains unmarried and the
9 subsequent petition is filed by the principal alien not
10 later than 1 year after the termination of conditional
11 lawful permanent resident status. No alien shall be
12 considered a child under this paragraph with respect
13 to more than 1 petition filed after the alien reaches
14 21 years of age.”.

15 (2) TECHNICAL AND CONFORMING AMEND-
16 MENT.—Section 201 of the Immigration and Nation-
17 ality Act (8 U.S.C. 1151) is amended by striking
18 subsection (f).

19 (3) EFFECTIVE DATE.—

20 (A) IN GENERAL.—The amendments made
21 by this section shall be effective as if included
22 in the Child Status Protection Act (Public Law
23 107–208).

24 (B) MOTION TO REOPEN OR RECON-
25 sider.—

1 (i) IN GENERAL.—A motion to reopen
2 or reconsider the denial of a petition or ap-
3 plication described in paragraph (6) of sec-
4 tion 101(b), as amended in paragraph (1),
5 may be granted if—

6 (I) such petition or application
7 would have been approved if the
8 amendments described in such para-
9 graph had been in effect at the time
10 of adjudication of the petition or ap-
11 plication;

12 (II) the individual seeking relief
13 pursuant to such motion was in the
14 United States at the time the under-
15 lying petition or application was filed;
16 and

17 (III) such motion is filed with the
18 Secretary of Homeland Security or
19 the Attorney General not later than
20 the date that is 2 years after the date
21 of the enactment of this Act.

22 (ii) NUMERICAL LIMITATIONS.—Not-
23 withstanding any other provision of law, an
24 individual granted relief pursuant to such
25 motion to reopen or reconsider shall be ex-

1 empt from numerical limitations in sec-
2 tions 201, 202, and 203 of the Immigra-
3 tion and Nationality Act (8 U.S.C. 1151,
4 1152, and 1153).

5 (b) AGE OUT PROTECTIONS FOR NONIMMIGRANT
6 DEPENDENT CHILDREN.—Section 214 of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1184) is amended by
8 adding at the end the following:

9 “(s)(1) Except as described in paragraph (2), the de-
10 termination of whether an alien who is the derivative bene-
11 ficiary of a properly filed pending or approved immigrant
12 petition under section 204 is eligible to be a dependent
13 child of a nonimmigrant admitted pursuant to an ap-
14 proved employer petition under this section or approved
15 application under section 101(a)(15)(E), shall be based on
16 whether the alien is determined to be a child under section
17 101(b)(6) of the Immigration and Nationality Act.

18 “(2) If otherwise eligible, an alien who is determined
19 to be a child pursuant to section 101(b)(6)(D) may change
20 status to or extend status as a dependent child of a non-
21 immigrant with an approved employment based petition
22 under this section or an approved application under sec-
23 tion 101(a)(15)(E), notwithstanding such alien’s marital
24 status.

1 “(3) An alien who is admitted to the United States
2 as a dependent child of a nonimmigrant who is described
3 in this section is authorized to engage in employment in
4 the United States incident to status.”.

5 (c) PRIORITY DATE RETENTION.—Section 203(h) of
6 the Immigration and Nationality Act (8 U.S.C. 1153(h))
7 is amended to read as follows:

8 “(h) RETENTION OF PRIORITY DATES.—

9 “(1) PRIORITY DATE.—The priority date for an
10 alien shall be the date that is the earliest of—

11 “(A) the date that a petition under section
12 204 is filed with the Secretary of Homeland Se-
13 curity (or the Secretary of State, if applicable);
14 or

15 “(B) the date on which a labor certifi-
16 cation is filed with the Secretary of Labor.

17 “(2) RETENTION.—The principal beneficiary
18 and all derivative beneficiaries shall retain the pri-
19 ority date associated with the earliest of any ap-
20 proved petition or labor certification and such pri-
21 ority date shall be applicable to any subsequently ap-
22 proved petition.”.

1 **SEC. 5882. MEDICARE IMPROVEMENT FUND.**

2 Section 1898(b)(1) of the Social Security Act (42
3 U.S.C. 1395iii(b)(1)) is amended by striking
4 “\$7,500,000,000” and inserting “\$7,279,000,000”.

5 **SEC. 5883. CLEAN WATER ACT EFFLUENT LIMITATIONS**
6 **GUIDELINES AND STANDARDS AND WATER**
7 **QUALITY CRITERIA FOR PFAS.**

8 (a) DEADLINES.—

9 (1) WATER QUALITY CRITERIA.—Not later than
10 the date that is 3 years after the date of enactment
11 of this Act, the Administrator shall publish in the
12 Federal Register human health water quality criteria
13 under section 304(a)(1) of the Federal Water Pollu-
14 tion Control Act (33 U.S.C. 1314(a)(1)) to address
15 each measurable perfluoroalkyl substance,
16 polyfluoroalkyl substance, and class of those sub-
17 stances.

18 (2) EFFLUENT LIMITATIONS GUIDELINES AND
19 STANDARDS FOR PRIORITY INDUSTRY CAT-
20 EGORIES.—Not later than the following dates, the
21 Administrator shall publish in the Federal Register
22 a final rule establishing effluent limitations guide-
23 lines and standards, in accordance with the Federal
24 Water Pollution Control Act (33 U.S.C. 1251 et
25 seq.), for each of the following industry categories
26 for the discharge (including a discharge into a pub-

1 licly owned treatment works) of each measurable
2 perfluoroalkyl substance, polyfluoroalkyl substance,
3 or class of those substances:

4 (A) DURING CALENDAR YEAR 2024.—Not
5 later than June 30, 2024, for the following
6 point source categories:

7 (i) Organic chemicals, plastics, and
8 synthetic fibers, as identified in part 414
9 of title 40, Code of Federal Regulations (or
10 successor regulations).

11 (ii) Electroplating, as identified in
12 part 413 of title 40, Code of Federal Regu-
13 lations (or successor regulations).

14 (iii) Metal finishing, as identified in
15 part 433 of title 40, Code of Federal Regu-
16 lations (or successor regulations).

17 (B) DURING CALENDAR YEAR 2025.—Not
18 later than June 30, 2025, for the following
19 point source categories:

20 (i) Textile mills, as identified in part
21 410 of title 40, Code of Federal Regula-
22 tions (or successor regulations).

23 (ii) Electrical and electronic compo-
24 nents, as identified in part 469 of title 40,

1 Code of Federal Regulations (or successor
2 regulations).

3 (iii) Landfills, as identified in part
4 445 of title 40, Code of Federal Regula-
5 tions (or successor regulations).

6 (C) DURING CALENDAR YEAR 2026.—Not
7 later than December 31, 2026, for the following
8 point source categories:

9 (i) Leather tanning and finishing, as
10 identified in part 425 of title 40, Code of
11 Federal Regulations (or successor regula-
12 tions).

13 (ii) Paint formulating, as identified in
14 part 446 of title 40, Code of Federal Regu-
15 lations (or successor regulations).

16 (iii) Plastics molding and forming, as
17 identified in part 463 of title 40, Code of
18 Federal Regulations (or successor regula-
19 tions).

20 (b) ADDITIONAL MONITORING REQUIREMENTS.—

21 (1) IN GENERAL.—Effective beginning on the
22 date of enactment of this Act, the Administrator
23 shall require monitoring of the discharges (including
24 discharges into a publicly owned treatment works) of
25 each measurable perfluoroalkyl substance,

1 polyfluoroalkyl substance, and class of those sub-
2 stances for the point source categories and entities
3 described in paragraph (2). The monitoring require-
4 ments under this paragraph shall be included in any
5 permits issued under section 402 of the Federal
6 Water Pollution Control Act (33 U.S.C. 1342) after
7 the date of enactment of this Act.

8 (2) CATEGORIES DESCRIBED.—The point
9 source categories and entities referred to in para-
10 graphs (1) and (3) are each of the following:

11 (A) Pulp, paper, and paperboard, as iden-
12 tified in part 430 of title 40, Code of Federal
13 Regulations (or successor regulations).

14 (B) Airports (as defined in section 47102
15 of title 49, United States Code).

16 (3) DETERMINATION.—

17 (A) IN GENERAL.—Not later than Decem-
18 ber 31, 2023, the Administrator shall make a
19 determination—

20 (i) to commence developing effluent
21 limitations and standards for the point
22 source categories and entities listed in
23 paragraph (2); or

24 (ii) that effluent limitations and
25 standards are not feasible for those point

1 source categories and entities, including an
2 explanation of the reasoning for this deter-
3 mination.

4 (B) REQUIREMENT.—Any effluent limita-
5 tions and standards for the point source cat-
6 egories and entities listed in paragraph (2) shall
7 be published in the Federal Register by not
8 later than December 31, 2027.

9 (c) NOTIFICATION.—The Administrator shall notify
10 the Committee on Transportation and Infrastructure of
11 the House of Representatives and the Committee on Envi-
12 ronment and Public Works of the Senate of each publica-
13 tion made under this section.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Administrator to
16 carry out this section \$12,000,000 for fiscal year 2023,
17 to remain available until expended.

18 (e) DEFINITIONS.—In this section:

19 (1) The term “Administrator” means the Ad-
20 ministrator of the Environmental Protection Agency.

21 (2) The term “effluent limitation” has the
22 meaning given the term in section 502 of the Fed-
23 eral Water Pollution Control Act (33 U.S.C. 1362).

24 (3) The term “measurable”, with respect to a
25 chemical substance or class of chemical substances,

1 means capable of being measured using test proce-
2 dures established under section 304(h) of the Fed-
3 eral Water Pollution Control Act (33 U.S.C.
4 1314(h)).

5 (4) The term “perfluoroalkyl substance” means
6 a chemical of which all of the carbon atoms are fully
7 fluorinated carbon atoms.

8 (5) The term “polyfluoroalkyl substance”
9 means a chemical containing at least 1 fully
10 fluorinated carbon atom and at least 1 carbon atom
11 that is not a fully fluorinated carbon atom.

12 (6) The term “treatment works” has the mean-
13 ing given the term in section 212 of the Federal
14 Water Pollution Control Act (33 U.S.C. 1292).

15 **SEC. 5884. AMENDMENTS TO THE MAINE INDIAN CLAIMS**
16 **SETTLEMENT ACT OF 1980.**

17 (a) APPLICATION OF STATE LAWS.—The Maine In-
18 dian Claims Settlement Act of 1980 (Public Law 96–420)
19 is amended—

20 (1) in section 3—

21 (A) in subsection (m), by striking “and” at
22 the end;

23 (B) in subsection (n), by striking the pe-
24 riod and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(o) ‘Mi’kmaq Nation’ means the sole successor to
2 the Micmac Nation as constituted in aboriginal times in
3 what is now the State of Maine, and all its predecessors
4 and successors in interest, and which is represented, as
5 of the date of enactment of this subsection, as to lands
6 within the United States, by the Mi’kmaq Council.”; and

7 (2) in section 6—

8 (A) in subsection (a), by striking “provided
9 in section 8(e) and section 5(d)(4)” and insert-
10 ing “otherwise provided in this Act”; and

11 (B) in subsection (h)—

12 (i) by striking “Except as other wise
13 provided in this Act, the” and inserting
14 “The”;

15 (ii) in the first sentence, by inserting
16 “or enacted for the benefit of” before “In-
17 dians, Indian nations”;

18 (iii) by inserting “that is in effect as
19 of the date of the enactment of the Ad-
20 vancing Equality for Wabanaki Nations
21 Act, (2)” after “United States (1)”;

22 (iv) by striking “also (2)” and insert-
23 ing “also (3)”;

24 (v) by striking “within the State” and
25 inserting “within the State, unless Federal

1 law or the State laws of Maine provide for
2 the application of such Federal law or reg-
3 ulation”.

4 (b) IMPLEMENTATION OF THE INDIAN CHILD WEL-
5 FARE ACT.—Section 8 of the Maine Indian Claims Settle-
6 ment Act of 1980 (Public Law 96–420) is amended—

7 (1) in subsection (a)—

8 (A) by striking “or” after “Passama-
9 quoddy Tribe” and inserting a comma;

10 (B) by inserting “, the Houlton Band of
11 Maliseet Indians, or the Mi’kmaq Nation” after
12 “Penobscot Nation”; and

13 (C) in the second sentence, by striking “re-
14 spective tribe or nation” each place it appears
15 and inserting “respective tribe, nation, or
16 band”;

17 (2) in subsection (b)—

18 (A) by striking “or” after “Passama-
19 quoddy Tribe” and inserting a comma; and

20 (B) by inserting “, the Houlton Band of
21 Maliseet Indians, or the Mi’kmaq Nation” after
22 “Penobscot Nation”;

23 (3) by striking subsection (e);

24 (4) by redesignating subsection (f) as sub-
25 section (e); and

1 (5) in subsection (e), as so redesignated—

2 (A) by striking “or” after “Passama-
3 quoddy Tribe” and inserting a comma;

4 (B) by inserting “, the Houlton Band of
5 Maliseet Indians, or the Mi’kmaq Nation” after
6 “Penobscot Nation”; and

7 (C) by striking “or nation” and inserting
8 “, nation, or band”.

9 (c) CONSTRUCTION.—Section 16 of the Maine Indian
10 Claims Settlement Act of 1980 (Public Law 96–420) is
11 amended—

12 (1) by striking “(a)” at the beginning; and

13 (2) by striking subsection (b).

14 (d) AROOSTOOK BAND OF MICMACS SETTLEMENT
15 ACT.—Section 8 of the Aroostook Band of Micmacs Set-
16 tlement Act (Public Law 102–171) is repealed.

17 **SEC. 5885. SENSE OF CONGRESS THAT THE DEPARTMENT**
18 **OF VETERANS AFFAIRS SHOULD BE PROHIB-**
19 **ITED FROM DENYING HOME LOANS FOR VET-**
20 **ERANS WHO LEGALLY WORK IN THE MARI-**
21 **JUANA INDUSTRY.**

22 It is the sense of Congress that—

23 (1) veterans who have served our country hon-
24 orably should not be denied access to Department of

Veterans Affairs home loans on the basis of income derived from State-legalized cannabis activities;

(2) while the Department of Veterans Affairs has clarified that no statute or regulation specifically prohibits a veteran whose income is derived from State-legalized cannabis activities from obtaining a certificate of eligibility for Department of Veterans Affairs home loan benefits, many veterans continue to be denied access to home loans on the basis of income derived from State-legalized cannabis activities; and

(3) the Department of Veterans Affairs should improve communication with eligible lending institutions to reduce confusion among lenders and borrowers on this matter.

SEC. 5886. HERMIT'S PEAK/CALF CANYON FIRE ASSISTANCE.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) on April 6, 2022, the Forest Service initiated the Las Dispensas-Gallinas prescribed burn on Federal land in the Santa Fe National Forest in San Miguel County, New Mexico, when erratic winds were prevalent in the area

1 that was also suffering from severe drought
2 after many years of insufficient precipitation;

3 (B) on April 6, 2022, the prescribed burn,
4 which became known as the “Hermit’s Peak
5 Fire”, exceeded the containment capabilities of
6 the Forest Service, was declared a wildfire, and
7 spread to other Federal and non-Federal land;

8 (C) on April 19, 2022, the Calf Canyon
9 Fire, also in San Miguel County, New Mexico,
10 began burning on Federal land and was later
11 identified as the result of a pile burn in Janu-
12 ary 2022 that remained dormant under the sur-
13 face before reemerging;

14 (D) on April 27, 2022, the Hermit’s Peak
15 Fire and the Calf Canyon Fire merged, and
16 both fires were reported as the Hermit’s Peak
17 Fire or the Hermit’s Peak/Calf Canyon Fire,
18 (referred hereafter in this subsection as the
19 “Hermit’s Peak/Calf Canyon Fire”);

20 (E) by May 2, 2022, the fire had grown in
21 size and caused evacuations in multiple villages
22 and communities in San Miguel County and
23 Mora County, including in the San Miguel
24 county jail, the State’s psychiatric hospital, the

1 United World College, and New Mexico High-
2 lands University;

3 (F) on May 4, 2022, the President issued
4 a major disaster declaration for the counties of
5 Colfax, Mora, and San Miguel, New Mexico;

6 (G) on May 20, 2022, U.S. Forest Service
7 Chief Randy Moore ordered a 90-day review of
8 prescribed burn policies to reduce the risk of
9 wildfires and ensure the safety of the commu-
10 nities involved;

11 (H) the U.S. Forest Service has assumed
12 responsibility for the Hermit's Peak/Calf Can-
13 yon Fire;

14 (I) the fire resulted in the loss of Federal,
15 State, local, Tribal, and private property; and

16 (J) the United States should compensate
17 the victims of the Hermit's Peak/Calf Canyon
18 Fire.

19 (2) PURPOSES.—The purposes of this section
20 are—

21 (A) to compensate victims of the Hermit's
22 Peak/Calf Canyon Fire, for injuries resulting
23 from the fire; and

1 (B) to provide for the expeditious consider-
2 ation and settlement of claims for those inju-
3 ries.

4 (b) DEFINITIONS.—In this section:

5 (1) ADMINISTRATOR.—The term “Adminis-
6 trator” means—

7 (A) the Administrator of the Federal
8 Emergency Management Agency; or

9 (B) if a Manager is appointed under sub-
10 section (c)(1)(C), the Manager.

11 (2) HERMIT’S PEAK/CALF CANYON FIRE.—The
12 term “Hermit’s Peak/Calf Canyon Fire” means—

13 (A) the fire resulting from the initiation by
14 the Forest Service of a prescribed burn in the
15 Santa Fe National Forest in San Miguel Coun-
16 ty, New Mexico, on April 6, 2022;

17 (B) the pile burn holdover resulting from
18 the prescribed burn by the Forest Service,
19 which reemerged on April 19, 2022; and

20 (C) the merger of the two fires described
21 in subparagraphs (A) and (B), reported as the
22 Hermit’s Peak Fire or the Hermit’s Peak Fire/
23 Calf Canyon Fire.

24 (3) INDIAN TRIBE.—The term “Indian Tribe”
25 means the recognized governing body of any Indian

1 or Alaska Native Tribe, band, nation, pueblo, village,
2 community, component band, or component reserva-
3 tion individually identified (including parenthetically)
4 in the list published most recently as of the date of
5 enactment of this Act pursuant to section 104 of the
6 Federally Recognized Indian Tribe List Act of 1994
7 (25 U.S.C. 5131).

8 (4) INJURED PERSON.—The term “injured per-
9 son” means—

10 (A) an individual, regardless of the citizen-
11 ship or alien status of the individual; or

12 (B) an Indian Tribe, corporation, Tribal
13 corporation, partnership, company, association,
14 county, township, city, State, school district, or
15 other non-Federal entity (including a legal rep-
16 resentative) that suffered injury resulting from
17 the Hermit’s Peak/Calf Canyon Fire.

18 (5) INJURY.—The term “injury” has the same
19 meaning as the term “injury or loss of property, or
20 personal injury or death” as used in section
21 1346(b)(1) of title 28, United States Code.

22 (6) MANAGER.—The term “Manager” means
23 an Independent Claims Manager appointed under
24 subsection (c)(1)(C).

1 (7) OFFICE.—The term “Office” means the Of-
2 fice of Hermit’s Peak/Calf Canyon Fire Claims es-
3 tablished by subsection (c)(1)(B).

4 (8) TRIBAL ENTITY.—The term “Tribal entity”
5 includes any Indian Tribe, tribal organization, In-
6 dian-controlled organization serving Indians, Native
7 Hawaiian organization, or Alaska Native entity, as
8 such terms are defined or used in section 166 of the
9 Workforce Innovation and Opportunity Act (25
10 U.S.C. 5304).

11 (c) COMPENSATION FOR VICTIMS OF HERMIT’S
12 PEAK/CALF CANYON FIRE.—

13 (1) IN GENERAL.—

14 (A) COMPENSATION.—Each injured person
15 shall be entitled to receive from the United
16 States compensation for injury suffered by the
17 injured person as a result of the Hermit’s Peak/
18 Calf Canyon Fire.

19 (B) OFFICE OF HERMIT’S PEAK/CALF CAN-
20 YON FIRE CLAIMS.—

21 (i) IN GENERAL.—There is established
22 within the Federal Emergency Manage-
23 ment Agency an Office of Hermit’s Peak/
24 Calf Canyon Fire Claims.

1 (ii) PURPOSE.—The Office shall re-
2 ceive, process, and pay claims in accord-
3 ance with this section.

4 (iii) FUNDING.—The Office—

5 (I) shall be funded from funds
6 made available to the Administrator
7 under this section;

8 (II) may appoint and fix the
9 compensation of such temporary per-
10 sonnel as may be necessary, without
11 regard to the provisions of title 5,
12 United States Code, governing ap-
13 pointments in competitive service; and

14 (III) may reimburse other Fed-
15 eral agencies for claims processing
16 support and assistance.

17 (C) OPTION TO APPOINT INDEPENDENT
18 CLAIMS MANAGER.—The Administrator may ap-
19 point an Independent Claims Manager to—

20 (i) head the Office; and

21 (ii) assume the duties of the Adminis-
22 trator under this section.

23 (2) SUBMISSION OF CLAIMS.—Not later than 2
24 years after the date on which regulations are first
25 promulgated under paragraph (6), an injured person

1 may submit to the Administrator a written claim for
2 1 or more injuries suffered by the injured person in
3 accordance with such requirements as the Adminis-
4 trator determines to be appropriate.

5 (3) INVESTIGATION OF CLAIMS.—

6 (A) IN GENERAL.—The Administrator
7 shall, on behalf of the United States, inves-
8 tigate, consider, ascertain, adjust, determine,
9 grant, deny, or settle any claim for money dam-
10 ages asserted under paragraph (2).

11 (B) APPLICABILITY OF STATE LAW.—Ex-
12 cept as otherwise provided in this section, the
13 laws of the State of New Mexico shall apply to
14 the calculation of damages under paragraph
15 (4)(D).

16 (C) EXTENT OF DAMAGES.—Any payment
17 under this section—

18 (i) shall be limited to actual compen-
19 satory damages measured by injuries suf-
20 fered; and

21 (ii) shall not include—

22 (I) interest before settlement or
23 payment of a claim; or

24 (II) punitive damages.

25 (4) PAYMENT OF CLAIMS.—

1 (A) DETERMINATION AND PAYMENT OF
2 AMOUNT.—

3 (i) IN GENERAL.—

4 (I) PAYMENT.—Not later than
5 180 days after the date on which a
6 claim is submitted under this section,
7 the Administrator shall determine and
8 fix the amount, if any, to be paid for
9 the claim.

10 (II) PRIORITY.—The Adminis-
11 trator, to the maximum extent prac-
12 ticable, shall pay subrogation claims
13 submitted under this section only
14 after paying claims submitted by in-
15 jured parties that are not insurance
16 companies seeking payment as
17 subrogees.

18 (ii) PARAMETERS OF DETERMINA-
19 TION.—In determining and settling a claim
20 under this section, the Administrator shall
21 determine only—

22 (I) whether the claimant is an in-
23 jured person;

1 (II) whether the injury that is
2 the subject of the claim resulted from
3 the fire;

4 (III) the amount, if any, to be al-
5 lowed and paid under this section; and

6 (IV) the person or persons enti-
7 tled to receive the amount.

8 (iii) INSURANCE AND OTHER BENE-
9 FITS.—

10 (I) IN GENERAL.—In deter-
11 mining the amount of, and paying, a
12 claim under this section, to prevent
13 recovery by a claimant in excess of ac-
14 tual compensatory damages, the Ad-
15 ministrator shall reduce the amount
16 to be paid for the claim by an amount
17 that is equal to the total of insurance
18 benefits (excluding life insurance ben-
19 efits) or other payments or settle-
20 ments of any nature that were paid,
21 or will be paid, with respect to the
22 claim.

23 (II) GOVERNMENT LOANS.—This
24 subparagraph shall not apply to the
25 receipt by a claimant of any govern-

1 ment loan that is required to be re-
2 paid by the claimant.

3 (B) PARTIAL PAYMENT.—

4 (i) IN GENERAL.—At the request of a
5 claimant, the Administrator may make 1
6 or more advance or partial payments be-
7 fore the final settlement of a claim, includ-
8 ing final settlement on any portion or as-
9 pect of a claim that is determined to be
10 severable.

11 (ii) JUDICIAL DECISION.—If a claim-
12 ant receives a partial payment on a claim
13 under this section, but further payment on
14 the claim is subsequently denied by the
15 Administrator, the claimant may—

16 (I) seek judicial review under
17 paragraph (9); and

18 (II) keep any partial payment
19 that the claimant received, unless the
20 Administrator determines that the
21 claimant—

22 (aa) was not eligible to re-
23 ceive the compensation; or

24 (bb) fraudulently procured
25 the compensation.

1 (C) RIGHTS OF INSURER OR OTHER THIRD
2 PARTY.—If an insurer or other third party pays
3 any amount to a claimant to compensate for an
4 injury described in paragraph (1), the insurer
5 or other third party shall be subrogated to any
6 right that the claimant has to receive any pay-
7 ment under this section or any other law.

8 (D) ALLOWABLE DAMAGES.—

9 (i) LOSS OF PROPERTY.—A claim that
10 is paid for loss of property under this sec-
11 tion may include otherwise uncompensated
12 damages resulting from the Hermit's Peak/
13 Calf Canyon Fire for—

14 (I) an uninsured or underinsured
15 property loss;

16 (II) a decrease in the value of
17 real property;

18 (III) damage to physical infra-
19 structure, including irrigation infra-
20 structure such as acequia systems;

21 (IV) a cost resulting from lost
22 subsistence from hunting, fishing,
23 firewood gathering, timbering, graz-
24 ing, or agricultural activities con-

1 ducted on land damaged by the Her-
2 mit's Peak/Calf Canyon Fire;

3 (V) a cost of reforestation or re-
4 vegetation on Tribal or non-Federal
5 land, to the extent that the cost of re-
6 forestation or revegetation is not cov-
7 ered by any other Federal program;
8 and

9 (VI) any other loss that the Ad-
10 ministrator determines to be appro-
11 priate for inclusion as loss of prop-
12 erty.

13 (ii) BUSINESS LOSS.—A claim that is
14 paid for injury under this section may in-
15 clude damages resulting from the Hermit's
16 Peak/Calf Canyon Fire for the following
17 types of otherwise uncompensated business
18 loss:

19 (I) Damage to tangible assets or
20 inventory.

21 (II) Business interruption losses.

22 (III) Overhead costs.

23 (IV) Employee wages for work
24 not performed.

1 (V) Any other loss that the Ad-
2 ministrator determines to be appro-
3 priate for inclusion as business loss.

4 (iii) FINANCIAL LOSS.—A claim that
5 is paid for injury under this section may
6 include damages resulting from the Her-
7 mit's Peak/Calf Canyon Fire for the fol-
8 lowing types of otherwise uncompensated
9 financial loss:

10 (I) Increased mortgage interest
11 costs.

12 (II) An insurance deductible.

13 (III) A temporary living or relo-
14 cation expense.

15 (IV) Lost wages or personal in-
16 come.

17 (V) Emergency staffing expenses.

18 (VI) Debris removal and other
19 cleanup costs.

20 (VII) Costs of reasonable efforts,
21 as determined by the Administrator,
22 to reduce the risk of wildfire, flood, or
23 other natural disaster in the counties
24 impacted by the Hermit's Peak/Calf
25 Canyon Fire to risk levels prevailing

1 in those counties before the Hermit's
2 Peak/Calf Canyon Fire, that are in-
3 curred not later than the date that is
4 3 years after the date on which the
5 regulations under paragraph (6) are
6 first promulgated.

7 (VIII) A premium for flood in-
8 surance that is required to be paid on
9 or before May 31, 2024, if, as a result
10 of the Hermit's Peak/Calf Canyon
11 Fire, a person that was not required
12 to purchase flood insurance before the
13 Hermit's Peak/Calf Canyon Fire is re-
14 quired to purchase flood insurance.

15 (IX) A disaster assistance loan
16 received from the Small Business Ad-
17 ministration.

18 (X) Any other loss that the Ad-
19 ministrator determines to be appro-
20 priate for inclusion as financial loss.

21 (5) ACCEPTANCE OF AWARD.—The acceptance
22 by a claimant of any payment under this section, ex-
23 cept an advance or partial payment made under
24 paragraph (4)(B), shall—

1 (A) be final and conclusive on the claim-
2 ant, with respect to all claims arising out of or
3 relating to the same subject matter; and

4 (B) constitute a complete release of all
5 claims against the United States (including any
6 agency or employee of the United States) under
7 chapter 171 of title 28, United States Code
8 (commonly known as the “Federal Tort Claims
9 Act”), or any other Federal or State law, arising
10 out of or relating to the same subject matter.
11

12 (6) REGULATIONS AND PUBLIC INFORMATION.—
13

14 (A) REGULATIONS.—Notwithstanding any
15 other provision of law, not later than 45 days
16 after the date of enactment of this section, the
17 Administrator shall promulgate and publish in
18 the Federal Register interim final regulations
19 for the processing and payment of claims under
20 this section.

21 (B) PUBLIC INFORMATION.—

22 (i) IN GENERAL.—At the time at
23 which the Administrator promulgates regulations
24 under subparagraph (A), the Administrator shall publish, online and in
25

1 print, in newspapers of general circulation
2 in the State of New Mexico, a clear, con-
3 cise, and easily understandable expla-
4 nation, in English and Spanish, of—

5 (I) the rights conferred under
6 this section; and

7 (II) the procedural and other re-
8 quirements of the regulations promul-
9 gated under subparagraph (A).

10 (ii) DISSEMINATION THROUGH OTHER
11 MEDIA.—The Administrator shall dissemi-
12 nate the explanation published under
13 clause (i) through websites, blogs, social
14 media, brochures, pamphlets, radio, tele-
15 vision, and other media that the Adminis-
16 trator determines are likely to reach pro-
17 spective claimants.

18 (7) CONSULTATION.—In administering this sec-
19 tion, the Administrator shall consult with the Sec-
20 retary of the Interior, the Secretary of Energy, the
21 Secretary of Agriculture, the Administrator of the
22 Small Business Administration, other Federal agen-
23 cies, and State, local, and Tribal authorities, as de-
24 termined to be necessary by the Administrator, to—

1 (A) ensure the efficient administration of
2 the claims process; and

3 (B) provide for local concerns.

4 (8) ELECTION OF REMEDY.—

5 (A) IN GENERAL.—An injured person may
6 elect to seek compensation from the United
7 States for 1 or more injuries resulting from the
8 Hermit’s Peak/Calf Canyon Fire by—

9 (i) submitting a claim under this sec-
10 tion;

11 (ii) filing a claim or bringing a civil
12 action under chapter 171 of title 28,
13 United States Code (commonly known as
14 the “Federal Tort Claims Act”); or

15 (iii) bringing an authorized civil action
16 under any other provision of law.

17 (B) EFFECT OF ELECTION.—An election
18 by an injured person to seek compensation in
19 any manner described in subparagraph (A)
20 shall be final and conclusive on the claimant
21 with respect to all injuries resulting from the
22 Hermit’s Peak/Calf Canyon Fire that are suf-
23 fered by the claimant.

24 (C) ARBITRATION.—

1 (i) IN GENERAL.—Not later than 45
2 days after the date of enactment of this
3 Act, the Administrator shall establish by
4 regulation procedures under which a dis-
5 pute regarding a claim submitted under
6 this section may be settled by arbitration.

7 (ii) ARBITRATION AS REMEDY.—On
8 establishment of arbitration procedures
9 under clause (i), an injured person that
10 submits a disputed claim under this section
11 may elect to settle the claim through arbi-
12 tration.

13 (iii) BINDING EFFECT.—An election
14 by an injured person to settle a claim
15 through arbitration under this subpara-
16 graph shall—

17 (I) be binding; and

18 (II) preclude any exercise by the
19 injured person of the right to judicial
20 review of a claim described in para-
21 graph (9).

22 (D) NO EFFECT ON ENTITLEMENTS.—
23 Nothing in this section affects any right of a
24 claimant to file a claim for benefits under any
25 Federal entitlement program.

1 (9) JUDICIAL REVIEW.—

2 (A) IN GENERAL.—Any claimant aggrieved
3 by a final decision of the Administrator under
4 this section may, not later than 60 days after
5 the date on which the decision is issued, bring
6 a civil action in the United States District
7 Court for the District of New Mexico, to modify
8 or set aside the decision, in whole or in part.

9 (B) RECORD.—The court shall hear a civil
10 action under subparagraph (A) on the record
11 made before the Administrator.

12 (C) STANDARD.—The decision of the Ad-
13 ministrator incorporating the findings of the
14 Administrator shall be upheld if the decision is
15 supported by substantial evidence on the record
16 considered as a whole.

17 (10) ATTORNEY'S AND AGENT'S FEES.—

18 (A) IN GENERAL.—No attorney or agent,
19 acting alone or in combination with any other
20 attorney or agent, shall charge, demand, re-
21 ceive, or collect, for services rendered in connec-
22 tion with a claim submitted under this section,
23 fees in excess of the limitations established
24 under section 2678 of title 28, United States
25 Code.

1 (B) VIOLATION.—An attorney or agent
2 who violates subparagraph (A) shall be fined
3 not more than \$10,000.

4 (11) WAIVER OF REQUIREMENT FOR MATCHING
5 FUNDS.—

6 (A) STATE AND LOCAL PROJECT.—

7 (i) IN GENERAL.—Notwithstanding
8 any other provision of law, a State or local
9 project that is determined by the Adminis-
10 trator to be carried out in response to the
11 Hermit's Peak/Calf Canyon Fire under any
12 Federal program that applies to an area
13 affected by the Hermit's Peak/Calf Canyon
14 Fire shall not be subject to any require-
15 ment for State or local matching funds to
16 pay the cost of the project under the Fed-
17 eral program.

18 (ii) FEDERAL SHARE.—The Federal
19 share of the costs of a project described in
20 clause (i) shall be 100 percent.

21 (B) OTHER NEEDS PROGRAM ASSIST-
22 ANCE.—Notwithstanding section 408(g)(2) of
23 the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C.
25 5174(g)(2)), for any emergency or major dis-

1 aster declared by the President under that Act
2 for the Hermit's Peak/Calf Canyon Fire, the
3 Federal share of assistance provided under that
4 section shall be 100 percent.

5 (12) APPLICABILITY OF DEBT COLLECTION RE-
6 QUIREMENTS.—Section 3711(a) of title 31, United
7 States Code, shall not apply to any payment under
8 this section, unless—

9 (A) there is evidence of civil or criminal
10 fraud, misrepresentation, presentation of a false
11 claim; or

12 (B) a claimant was not eligible under para-
13 graph (4)(B) of this section to any partial pay-
14 ment.

15 (13) INDIAN COMPENSATION.—Notwithstanding
16 any other provision of law, in the case of an Indian
17 Tribe, a Tribal entity, or a member of an Indian
18 Tribe that submits a claim under this section—

19 (A) the Bureau of Indian Affairs shall
20 have no authority over, or any trust obligation
21 regarding, any aspect of the submission of, or
22 any payment received for, the claim;

23 (B) the Indian Tribe, Tribal entity, or
24 member of an Indian Tribe shall be entitled to
25 proceed under this section in the same manner

1 and to the same extent as any other injured
2 person; and

3 (C) except with respect to land damaged
4 by the Hermit's Peak/Calf Canyon Fire that is
5 the subject of the claim, the Bureau of Indian
6 Affairs shall have no responsibility to restore
7 land damaged by the Hermit's Peak/Calf Can-
8 yon Fire.

9 (14) REPORT.—Not later than 1 year after the
10 date of promulgation of regulations under paragraph
11 (6)(A), and annually thereafter, the Administrator
12 shall submit to Congress a report that describes the
13 claims submitted under this section during the year
14 preceding the date of submission of the report, in-
15 cluding, for each claim—

16 (A) the amount claimed;

17 (B) a brief description of the nature of the
18 claim; and

19 (C) the status or disposition of the claim,
20 including the amount of any payment under
21 this section.

22 (15) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated such sums
24 as are necessary to carry out this section.

1 **SEC. 5887. OPEN TECHNOLOGY FUND GRANTS.**

2 (a) IN GENERAL.—In addition to grants made to the
3 Open Technology Fund of the United States Agency for
4 Global Media pursuant to section 305 of the United States
5 International Broadcasting Act of 1994 (22 U.S.C. 6204)
6 to make grants for the purposes specified in section 309A
7 of such Act (22 U.S.C. 6208a), the Open Technology
8 Fund may make grants to eligible entities to surge and
9 sustain support for internet freedom technologies to
10 counter acute escalations in censorship in closed countries.

11 (b) METHODOLOGY.—Grants under this section shall
12 be made competitively, and shall be subject to audits by
13 the Open Technology Fund to ensure that technologies de-
14 scribed in subsection (a) are secure and have not been
15 compromised in a manner detrimental to the interests of
16 the United States or to individuals or organizations bene-
17 fitting from programs supported by such grants.

18 (c) REPORTING.—The Open Technology Fund shall
19 annually submit to the Committee on Foreign Affairs, the
20 Committee on Appropriations, and the Permanent Select
21 Committee on Intelligence of the House of Representatives
22 and the Committee on Foreign Relations, the Committee
23 on Appropriations, and the Select Committee on Intel-
24 ligence of the Senate a report on grants made and activi-
25 ties carried out pursuant to such grants during the imme-
26 diately preceding fiscal year.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) IN GENERAL.—There is authorized to be
3 appropriated \$5,000,000 for each of fiscal years
4 2023 through 2027 to carry out this section.

5 (2) AVAILABILITY.—Amounts authorized to be
6 appropriated pursuant to this subsection are author-
7 ized to remain available until expended.

8 (e) DEFINITIONS.—In this section:

9 (1) CLOSED COUNTRIES.—The term “closed
10 countries” means countries in which democratic par-
11 ticipation, free expression, freedom of movement, or
12 access to information is suppressed or explicitly pro-
13 hibited through political, judicial, social, or technical
14 means, or as otherwise determined by the Secretary
15 of State, the Chief Executive Officer for the United
16 States Agency for Global Media, or the President of
17 the Open Technology Fund.

18 (2) ELIGIBLE ENTITIES.—The term “eligible
19 entities” means public or private sector entities with
20 proven and already-deployed technology relating to
21 surging and sustaining support for internet freedom
22 technologies to counter acute escalations in censor-
23 ship in closed countries.

1 **SEC. 5888. STRATEGIC TRANSFORMER RESERVE AND RE-**
2 **SILIENCE.**

3 (a) PLAN AND REPORT.—Not later than 18 months
4 after the date of enactment of this section, the Secretary
5 shall submit to the Committee on Energy and Commerce
6 of the House of Representatives and the Committee on
7 Energy and Natural Resources of the Senate a report con-
8 taining—

9 (1) a plan for reducing the vulnerability of the
10 electric grid to physical attack, cyber attack, electro-
11 magnetic pulse, geomagnetic disturbances, severe
12 weather, climate change, and seismic events, includ-
13 ing by—

14 (A) establishing a strategic transformer re-
15 serve that ensures that large power trans-
16 formers, generator step-up transformers, power
17 conversion equipment, and other critical electric
18 grid equipment are strategically located to en-
19 sure timely replacement of such equipment as
20 may be necessary to restore electric grid func-
21 tion rapidly in the event of severe damage to
22 the electric grid due to physical attack, cyber
23 attack, electromagnetic pulse, geomagnetic dis-
24 turbances, severe weather, climate change, or
25 seismic events; and

1 (B) establishing a coordinated plan to fa-
2 cilitate transportation of large power trans-
3 formers, generator step-up transformers, power
4 conversion equipment, and other critical electric
5 grid equipment; and

6 (2) an evaluation of the benefits of establishing
7 such a strategic transformer reserve, including the
8 benefits of purchasing critical electric grid equip-
9 ment that is made of iron and steel products pro-
10 duced in the United States.

11 (b) TRANSFORMER RESILIENCE.—The Secretary
12 shall—

13 (1) improve large power transformers, gener-
14 ator step-up transformers, power conversion equip-
15 ment, and other critical electric grid equipment by
16 reducing their vulnerabilities;

17 (2) develop, test, and deploy innovative equip-
18 ment designs that are more flexible and offer greater
19 resiliency of electric grid functions;

20 (3) coordinate with industry and manufacturers
21 to standardize large power transformers, generator
22 step-up transformers, power conversion equipment,
23 and other critical electric grid equipment;

24 (4) monitor and test large power transformers,
25 generator step-up transformers, power conversion

1 equipment, and other critical electric grid equipment
2 that the Secretary determines may pose a risk to the
3 bulk-power system or national security; and

4 (5) facilitate the domestic manufacturing of
5 large power transformers, generator step-up trans-
6 formers, power conversion equipment, and other crit-
7 ical electric grid equipment through the issuance of
8 grants and loans, and through the provision of tech-
9 nical support.

10 (c) CONSULTATION.—In carrying out this section, the
11 Secretary shall consult with the Federal Energy Regu-
12 latory Commission, the Electricity Subsector Coordinating
13 Council, the Electric Reliability Organization, manufac-
14 turers, and owners and operators of critical electric infra-
15 structure and defense and military installations.

16 (d) PREVAILING WAGES.—Any laborer or mechanic
17 employed by any contractor or subcontractor in the per-
18 formance of work funded directly, or assisted in whole or
19 in part, by the Federal Government pursuant to this sec-
20 tion shall be paid wages at rates not less than those pre-
21 vailing on work of a similar character in the locality, as
22 determined by the Secretary of Labor under subchapter
23 IV of chapter 31 of title 40, United States Code (com-
24 monly referred to as the Davis-Bacon Act). With respect
25 to the labor standards in this subsection, the Secretary

1 of Labor shall have the authority and functions set forth
2 in Reorganization Plan Numbered 14 of 1950 (64 Stat.
3 1267; 5 U.S.C. App.) and section 3145 of title 40, United
4 States Code.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$75,000,000 for each of fiscal years 2022 through 2026,
8 and such amounts shall remain available until expended.

9 (f) DEFINITIONS.—In this section:

10 (1) The terms “bulk-power system” and “Elec-
11 tric Reliability Organization” have the meaning
12 given such terms in section 215 of the Federal
13 Power Act (16 U.S.C. 824o).

14 (2) The term “critical electric infrastructure”
15 has the meaning given such term in section 215A of
16 the Federal Power Act (16 U.S.C. 824o–1).

17 (3) The term “iron and steel products” includes
18 electrical steel used in the manufacture of—

19 (A) transformers; and

20 (B) laminations, cores, and other trans-
21 former components.

22 (4) The term “produced in the United States”
23 means, with respect to iron and steel products, that
24 all manufacturing processes, from the initial melting

1 stage through the application of coatings, occurred
2 in the United States.

3 (1) The terms “Regional Transmission Organi-
4 zation”, “Independent System Operator”, and
5 “State regulatory authority” have the meaning given
6 such terms in section 3 of the Federal Power Act
7 (16 U.S.C. 796).

8 (2) The term “Secretary” means the Secretary
9 of Energy.

10 **SEC. 5889. AI IN COUNTERTERRORISM OVERSIGHT EN-**
11 **HANCEMENT.**

12 (a) **SHORT TITLE.**—This section may be cited as the
13 “AI in Counterterrorism Oversight Enhancement Act”.

14 (b) **OVERSIGHT OF USE OF ARTIFICIAL INTEL-**
15 **LIGENCE-ENABLED TECHNOLOGIES BY EXECUTIVE**
16 **BRANCH FOR COUNTERTERRORISM PURPOSES.**—

17 (1) **AMENDMENTS TO AUTHORITIES AND RE-**
18 **SPONSIBILITIES OF PRIVACY AND CIVIL LIBERTIES**
19 **OFFICERS.**—Section 1062 of the Intelligence Reform
20 and Terrorism Prevention Act of 2004 (42 U.S.C.
21 2000ee–1) is amended—

22 (A) in subsection (a)—

23 (i) by redesignating paragraphs (3)
24 and (4) as paragraphs (4) and (5);

1 (ii) by inserting after paragraph (2)
2 the following new paragraph:

3 “(3) provide to the Privacy and Civil Liberties
4 Oversight Board, with respect to covered artificial
5 intelligence-enabled technologies—

6 “(A) not later than 180 days after the date
7 on which this paragraph takes effect, and every
8 6 months thereafter, written notice of the use
9 of such technologies or the planned evaluation,
10 use, development, acquisition, retention of serv-
11 ices for, or repurposing of such technologies;

12 “(B) access to associated impact state-
13 ments, including system of record notices, pri-
14 vacy impact assessments, and civil liberties im-
15 pact assessments;

16 “(C) access to associated information and
17 materials documenting—

18 “(i) the processes for data collection
19 related to such technologies, for obtaining
20 consent related to the use of such tech-
21 nologies, or for the disclosure of the use of
22 such technologies;

23 “(ii) the algorithms and models of
24 such technologies;

1 “(iii) the data resources used, or to be
2 used, in the training of such technologies,
3 including a comprehensive listing of any
4 data assets or public data assets (or any
5 combination thereof) used, or to be used,
6 in the training of such technologies;

7 “(iv) data governance processes and
8 procedures, including acquisition, protec-
9 tion, retention, sharing, and access, related
10 to data resources associated with such
11 technologies; and

12 “(v) processes for training and test-
13 ing, evaluating, validating, and modifying
14 such technologies; and

15 “(D) access to all other associated infor-
16 mation and materials.”;

17 (B) in subsection (d)(1), by inserting “(in-
18 cluding as described under subsection (a)(3))”
19 after “officer”; and

20 (C) by adding at the end the following:

21 “(i) DEFINITIONS.—In this section:

22 “(1) ARTIFICIAL INTELLIGENCE.—The term
23 ‘artificial intelligence’ has the meaning given that
24 term in section 238(g) of the John S. McCain Na-

1 tional Defense Authorization Act for Fiscal Year
2 2019 (Public Law 115–232; 10 U.S.C. 2358 note).

3 “(2) COVERED ARTIFICIAL INTELLIGENCE-EN-
4 ABLED TECHNOLOGY.—The term ‘covered artificial
5 intelligence-enabled technology’ means an artificial
6 intelligence-enabled technology (including a classified
7 technology)—

8 “(A) in use by the applicable department,
9 agency, or element to protect the Nation from
10 terrorism; or

11 “(B) that the applicable department, agen-
12 cy, or element plans to evaluate, develop, ac-
13 quire, retain, or repurpose to protect the Nation
14 from terrorism.

15 “(3) DATA ASSET; PUBLIC DATA ASSET.—The
16 terms ‘data asset’ and ‘public data asset’ have the
17 meaning given those terms in section 3502 of title
18 44, United States Code.”.

19 (2) SELF-ASSESSMENT BY PRIVACY AND CIVIL
20 LIBERTIES OVERSIGHT BOARD.—Not later than one
21 year after the date of the enactment of this Act, the
22 Privacy and Civil Liberties Oversight Board under
23 section 1061 of the Intelligence Reform and Ter-
24 rorism Prevention Act of 2004 (42 U.S.C. 2000ee)
25 shall provide to the appropriate committees (as de-

scribed in subsection (e) of such section) a self-assessment of any change in authorities, resources, or organizational structure that may be necessary to carry out the functions described in subsection (d) of such section related to artificial intelligence-enabled technologies.

(3) DEFINITION.—In this section, 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).

(4) EFFECTIVE DATE.—Paragraphs (1) and (2), and the amendments made by such paragraphs, shall take effect on the date that is one year after the date of the enactment of this Act.

**SEC. 5890. ELIMINATION OF TERMINATION CLAUSE FOR
GLOBAL ENGAGEMENT CENTER.**

Section 1287 of Public Law 114–328 is amended by striking subsection (j).

**SEC. 5891. RESOLUTION OF 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 subsection:

1 “(d) WRITTEN CONSENT REQUIRED FOR ARBITRA-
2 TION.—Notwithstanding any other provision of law, when-
3 ever a contract with a servicemember, or a servicemember
4 and the servicemember’s spouse jointly, provides for the
5 use of arbitration to resolve a controversy subject to a pro-
6 vision of this Act and arising out of or relating to such
7 contract, arbitration may be used to settle such con-
8 troversy only if, after such controversy arises, all parties
9 to such controversy consent in writing to use arbitration
10 to settle such controversy.”.

11 (b) APPLICABILITY.—Subsection (d) of such section,
12 as added by subsection (a), shall apply with respect to con-
13 tracts entered into, amended, altered, modified, renewed,
14 or extended after the date of the enactment of this Act.

15 **SEC. 5892. LIMITATION ON WAIVER OF RIGHTS AND PRO-**
16 **TECTIONS UNDER SERVICEMEMBERS CIVIL**
17 **RELIEF ACT.**

18 (a) IN GENERAL.—Section 107(a) of the
19 Servicemembers Civil Relief Act (50 U.S.C. 3918(a)) is
20 amended—

21 (1) in the second sentence, by inserting “and if
22 it is made after a specific dispute has arisen and the
23 dispute is identified in the waiver” after “to which
24 it applies”; and

1 (2) in the third sentence, by inserting “and if
2 it is made after a specific dispute has arisen and the
3 dispute is identified in the waiver” after “period of
4 military service”.

5 (b) APPLICABILITY.—The amendment made by sub-
6 section (a) shall apply with respect to waivers made on
7 or after the date of the enactment of this Act.

8 **SEC. 5893. CLARIFICATION OF PRIVATE RIGHT OF ACTION**
9 **UNDER SERVICEMEMBERS CIVIL RELIEF**
10 **ACT.**

11 Section 802(a) of the Servicemembers Civil Relief Act
12 (50 U.S.C. 4042(a)) is amended—

13 (1) in the matter preceding paragraph (1), by
14 inserting “, notwithstanding any previous agreement
15 to the contrary,” after “may”; and

16 (2) in paragraph (3), by striking “, notwith-
17 standing any previous agreement to the contrary”.

18 **SEC. 5894. DEFINITION OF LAND USE REVENUE UNDER**
19 **WEST LOS ANGELES LEASING ACT OF 2016.**

20 Section 2(d)(2) of the West Los Angeles Leasing Act
21 of 2016 (Public Law 114–226) is amended—

22 (1) in subparagraph (A), by striking “; and”
23 and inserting a semicolon;

24 (2) by redesignating subparagraph (B) as sub-
25 paragraph (C); and

1 (3) by inserting after subparagraph (A) the fol-
2 lowing new subparagraph:

3 “(B) to the extent specified in advance in
4 an appropriations Act for a fiscal year, any
5 funds received as compensation for an easement
6 described in subsection (e); and”.

7 **SEC. 5895. REPORT ON THE USE OF DATA AND DATA**
8 **SCIENCE AT THE DEPARTMENT OF STATE**
9 **AND USAID.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, the Comptroller General shall submit
12 to the Committee on Foreign Affairs of the House of Rep-
13 resentatives and the Committee on Foreign Relations of
14 the Senate a report containing the results of a study re-
15 garding—

16 (1) the use of data in foreign policy, global
17 issues policy analysis, and decision-making at the
18 Department of State;

19 (2) the use of data in development, development
20 assistance policy, and development program design
21 and execution at the United States Agency for Inter-
22 national Development; and

23 (3) the use of data in recruitment, hiring, re-
24 tention, and personnel decisions at the Department
25 of State and the United States Agency for Inter-

1 national Development, including the accuracy and
2 use of data for comprehensive strategic workforce
3 planning across all career and non-career hiring
4 mechanisms.

5 **SEC. 5896. MODIFICATION OF REPORTS TO CONGRESS**
6 **UNDER GLOBAL MAGNITSKY HUMAN RIGHTS**
7 **ACCOUNTABILITY ACT.**

8 Section 1264(a) of the Global Magnitsky Human
9 Rights Accountability Act (subtitle F of title XII of Public
10 Law 114–328; 22 U.S.C. 24 2656 note) is amended—

11 (1) in paragraph (5), by striking “; and” and
12 inserting a semicolon;

13 (2) in paragraph (6), by striking the period at
14 the end and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(7) a description of additional steps taken by
17 the President through diplomacy, international en-
18 gagement, and assistance to foreign or security sec-
19 tors to address persistent underlying causes of con-
20 duct that is sanctionable under section 1263 in
21 countries where those sanctioned are located; and

22 “(8) a description of additional steps taken by
23 the President to ensure the pursuit of judicial ac-
24 countability in appropriate jurisdictions with respect

1 to those foreign persons subject to sanctions under
2 section 1263.”.

3 **SEC. 5897. DEPARTMENT OF STATE FELLOWSHIPS FOR**
4 **RULE OF LAW ACTIVITIES IN CENTRAL AMER-**
5 **ICA.**

6 (a) ESTABLISHMENT.—The Secretary of State shall
7 establish a fellowship program, to be known as the “Cen-
8 tral American Network for Democracy”, to support a re-
9 gional corps of civil society activists, lawyers (including
10 members of the judiciary and prosecutors’ offices), jour-
11 nalists, and investigators.

12 (b) ELEMENTS.—This fellowship program shall—

13 (1) provide a temporary respite for members of
14 the regional corps in a safe environment;

15 (2) allow the members to continue to work via
16 engagement with universities, think tanks, govern-
17 ment actors, and international organizations; and

18 (3) aid the members in leveraging lessons
19 learned in order to contribute to regional democracy
20 and rule of law activities in Central America, includ-
21 ing electoral and transition support, institutional re-
22 form, anti-corruption investigations, and local en-
23 gagement.

1 (c) REGIONAL AND INTERNATIONAL SUPPORT.—The
2 Secretary of State shall take such steps as may be nec-
3 essary—

4 (1) to obtain support for the fellowship program
5 from international foundations, regional and United
6 States governmental and nongovernmental organiza-
7 tions, and regional and United States universities;
8 and

9 (2) to ensure the fellowship program is well co-
10 ordinated with and complementary of existing mech-
11 anisms such as the Lifeline Embattled CSO Assist-
12 ance Fund.

13 (d) FOCUS; SAFETY.—Activities carried out under
14 the fellowship program—

15 (1) should focus on coordination and consulta-
16 tion with key agencies and international bodies to
17 continue their democracy efforts, including the De-
18 partment of State, the United States Agency for
19 International Development, the Organization of
20 American States, the Inter-American Court for
21 Human Rights, the United Nations, the Department
22 of Justice, and the Department of the Treasury; and

23 (2) may include strengthened protection for the
24 physical safety of individuals who must leave their
25 home country to participate in the program, includ-

1 ing assistance for temporary relocation, English lan-
2 guage learning, and mental health support.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$10,000,000 for fiscal year 2023.

6 **SEC. 5898. REPORT ON ALL COMPREHENSIVE SANCTIONS**
7 **IMPOSED ON FOREIGN GOVERNMENTS.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of the enactment of this Act, the Comptroller General
10 of the United States, in consultation with the Secretary
11 of State, the Secretary of the Treasury, and the head of
12 any other relevant Federal department or agency that the
13 Comptroller General determines necessary, shall submit to
14 the appropriate congressional committees a report on all
15 comprehensive sanctions imposed on de jure or de facto
16 governments of foreign countries, and all comprehensive
17 sanctions imposed on non-state actors that exercise signifi-
18 cant de facto governmental control over a foreign civilian
19 population, under any provision of law.

20 (b) MATTERS TO BE INCLUDED.—The report re-
21 quired by subsection (a) shall include—

22 (1) an assessment of the effect of sanctions im-
23 posed on the government of each foreign country
24 and each non-state actor that exercises significant de

1 facto governmental control over a foreign civilian
2 population described in subsection (a) on—

3 (A) the ability of civilian population of the
4 country to access water, food, sanitation, and
5 public health services, including all humani-
6 tarian aid and supplies related to the preven-
7 tion, diagnosis, and treatment of COVID-19;

8 (B) the changes to the general mortality
9 rate, maternal mortality rate, life expectancy,
10 and literacy;

11 (C) the extent to which there is an increase
12 in refugees or migration to or from the country
13 or an increase in internally displaced people in
14 the country;

15 (D) the degree of international compliance
16 and non-compliance of the country; and

17 (E) the licensing of transactions to allow
18 access to essential goods and services to vulner-
19 able populations, including the number of li-
20 censes applied for, approved, or denied and rea-
21 sons why such licenses were denied, and aver-
22 age time to receive a decision; and

23 (2) a description of the purpose of sanctions
24 imposed on the government of each foreign country
25 and each non-state actor that exercises significant de

1 facto governmental control over a foreign civilian
2 population described in subsection (a) and the re-
3 quired legal or political authority, including—

4 (A) an assessment of United States na-
5 tional security;

6 (B) an assessment of whether the stated
7 foreign policy goals of the sanctions are being
8 met;

9 (C) the degree of international support or
10 opposition to the sanctions; and

11 (D) an assessment of such sanctions on
12 United States businesses, consumers, and fi-
13 nancial institutions.

14 (c) FORM.—The report required by subsection (a)
15 shall be submitted in unclassified form, but may contain
16 a classified annex. The unclassified portion of the report
17 shall be published on a publicly-available website of the
18 Government of the United States.

19 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
20 DEFINED.—In this section, the term “appropriate con-
21 gressional committees” means—

22 (1) the Committee on Foreign Affairs, the
23 Committee on Financial Services, and the Com-
24 mittee on Ways and Means of the House of Rep-
25 resentatives; and

1 (2) the Committee on Foreign Relations, the
2 Committee on Banking, Housing, and Urban Af-
3 fairs, and the Committee on Finance of the Senate.

4 **SEC. 5899. WASTEWATER ASSISTANCE TO COLONIAS.**

5 Section 307 of the Safe Drinking Water Act Amend-
6 ments of 1996 (33 U.S.C. 1281 note) is amended—

7 (1) in subsection (a)—

8 (A) by redesignating paragraphs (2) and
9 (3) as paragraphs (3) and (4), respectively; and

10 (B) by inserting after paragraph (1) the
11 following:

12 “(2) COVERED ENTITY.—The term ‘covered en-
13 tity’ means each of the following:

14 “(A) A border State.

15 “(B) A local government with jurisdiction
16 over an eligible community.”;

17 (2) in subsection (b), by striking “border
18 State” and inserting “covered entity”;

19 (3) in subsection (d), by striking “shall not ex-
20 ceed 50 percent” and inserting “may not be less
21 than 80 percent”; and

22 (4) in subsection (e)—

23 (A) by striking “\$25,000,000” and insert-
24 ing “\$100,000,000”; and

1 (B) by striking “1997 through 1999” and
2 inserting “2023 through 2027”.

3 **SEC. 5900. CONTRACTS BY THE PRESIDENT, THE VICE**
4 **PRESIDENT, OR A CABINET MEMBER.**

5 (a) AMENDMENT.—Section 431 of title 18, United
6 States Code, is amended—

7 (1) in the section heading, by inserting “**the**
8 **President, the Vice President, a Cabinet**
9 **Member, or a**” after “**Contracts by**”; and

10 (2) in the first undesignated paragraph, by in-
11 serting “the President, the Vice President, or any
12 member of the Cabinet,” after “Whoever, being”.

13 (b) TABLE OF SECTIONS AMENDMENT.—The table of
14 sections for chapter 23 of title 18, United States Code,
15 is amended by striking the item relating to section 431
16 and inserting the following:

“431. Contracts by the President, the Vice President, a Cabinet Member, or a
Member of Congress.”.

17 **SEC. 5901. STATEMENT OF POLICY AND REPORT ON ENGAG-**
18 **ING WITH NIGER.**

19 (a) STATEMENT OF POLICY.—It is the policy of the
20 United States to—

21 (1) continue to support Niger’s efforts to ad-
22 vance democracy, good governance, human rights,
23 and regional security within its borders through bi-
24 lateral assistance and multilateral initiatives;

1 (2) enhance engagement and cooperation with
2 the Nigerien government at all levels as a key com-
3 ponent of stabilizing the Sahel, where frequent coups
4 and other anti-democratic movements, food insecu-
5 rity, violent extremism, and armed conflict threaten
6 to further weaken governments throughout the re-
7 gion; and

8 (3) work closely with partners and allies
9 throughout the international community to elevate
10 Niger, which experienced its first democratic transi-
11 tion of power in 2021, as an example of
12 transitioning from longstanding military governance
13 and a cycle of coups to a democratic, civilian-led
14 form of government.

15 (b) REPORT REQUIRED.—Not later than 180 days
16 after the date of the enactment of this Act, the Secretary
17 of State, in consultation with the heads of relevant depart-
18 ments and agencies, shall submit to the appropriate con-
19 gressional committees a report on interagency efforts to
20 enhance United States engagement with Niger as a key
21 component of the United States Strategy toward the
22 Sahel. Such report shall also include the following infor-
23 mation with respect to the 2 fiscal years preceding the
24 date of the submission of the report:

1 (1) A description of United States efforts to
2 promote democracy, political pluralism, fiscal trans-
3 parency and other good governance initiatives,
4 human rights and the rule of law, and a robust and
5 engaged civil society.

6 (2) A full, detailed breakdown of United States
7 assistance provided to help the Nigerien Government
8 develop a comprehensive national security strategy,
9 including to counter terrorism, regional and
10 transnational organized crime, intercommunal vio-
11 lence, and other forms of armed conflict, criminal
12 activity, and other threats to United States and
13 Nigerien national security.

14 (3) An analysis of relevant resources at United
15 States Embassy Niamey, including whether staff in
16 place by the end of the current fiscal year will be
17 sufficient to meet various country and regional stra-
18 tegic objectives.

19 (4) An overview of foreign partner support for
20 Niger's intelligence and security sector.

21 (5) A detailed description of United States and
22 international efforts to address food insecurity in
23 Niger, including that which is caused by deforest-
24 ation, desertification, and other climate change-re-
25 lated issues.

1 (6) A breakdown of United States funds obli-
2 gated for humanitarian assistance in Niger, and an
3 analysis of how the security situation in Niger has
4 affected humanitarian operations and diplomatic en-
5 gagement throughout the country.

6 (7) An assessment of foreign malign influence
7 in Niger, with a specific focus on the People’s Re-
8 public of China, the Russian Federation, and their
9 proxies.

10 (c) FORM.—The report required by section (b) shall
11 be submitted in unclassified form and may include a clas-
12 sified annex.

13 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
14 In this section, the term “appropriate congressional com-
15 mittees” means—

16 (1) the Committee on Foreign Affairs and the
17 Committee on Financial Services of the House of
18 Representatives; and

19 (2) the Committee on Foreign Relations and
20 the Committee on Banking, Housing, and Urban Af-
21 fairs of the Senate.

22 **SEC. 5902. INTERAGENCY TASK FORCE.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) the People’s Republic of China’s (PRC) in-
2 creasing use of economic coercion against foreign
3 governments, companies, organizations, other enti-
4 ties, and individuals requires that the United States
5 better understand these measures in order to devise
6 a comprehensive, effective, and multilateral response;

7 (2) the private sector is a crucial partner in
8 helping the United States Government understand
9 the PRC’s coercive economic measures and hold the
10 PRC accountable, and that additional business
11 transparency would help the United States Govern-
12 ment and private sector stakeholders conduct early
13 assessments of potential pressure points and
14 vulnerabilities; and

15 (3) PRC coercive economic measures creates
16 pressures for the private sector to behave in ways
17 antithetical to United States national interests and
18 competitiveness.

19 (b) ESTABLISHMENT.—Not later than 180 days after
20 the date of the enactment of this Act, the President shall
21 establish an interagency task force to be known as the
22 “Countering Economic Coercion Task Force” (referred to
23 in this section as the “Task Force”).

24 (c) DUTIES.—

25 (1) IN GENERAL.—The Task Force shall—

1 (A) oversee the development and imple-
2 mentation of an integrated United States Gov-
3 ernment strategy to respond to People's Repub-
4 lic of China (PRC) coercive economic measures,
5 which shall include—

6 (i) systematically monitoring and eval-
7 uating—

8 (I) the costs of such measures on
9 United States businesses and overall
10 United States economic performance;

11 (II) instances in which such
12 measures taken against a non-PRC
13 entity has benefitted other parties;
14 and

15 (III) the impacts such measures
16 have had on United States national
17 interests; and

18 (ii) facilitating coordination among
19 Federal departments and agencies when
20 responding to such measures as well as
21 proactively deterring such economic coer-
22 cion, including by clarifying the roles for
23 departments and agencies identified in
24 subsection (d) in implementing the strat-
25 egy;

1 (B) consult with United States allies and
2 partners on the feasibility and desirability of
3 collectively identifying, assessing, and respond-
4 ing to PRC coercive economic measures, as well
5 as actions that could be taken to expand coordi-
6 nation with the goal of ensuring a consistent,
7 coherent, and collective response to such meas-
8 ures and establishing long-term deterrence to
9 such measures;

10 (C) effectively engage the United States
11 private sector, particularly sectors, groups, or
12 other entities that are susceptible to such PRC
13 coercive economic measures, on concerns related
14 to such measures; and

15 (D) develop and implement a process for
16 regularly sharing relevant information, includ-
17 ing classified information to the extent appro-
18 priate and practicable, on such PRC coercive
19 economic measures with United States allies,
20 partners, and the private sector.

21 (2) CONSULTATION.—In carrying out its duties
22 under this subsection, the Task Force should regu-
23 larly consult, to the extent necessary and appro-
24 priate, with the following:

1 (A) Relevant stakeholders in the private
2 sector.

3 (B) Federal departments and agencies that
4 are not represented on the Task Force.

5 (C) United States allies and partners.

6 (d) MEMBERSHIP.—The President shall—

7 (1) appoint the chair of the Task Force from
8 among the staff of the National Security Council;

9 (2) appoint the vice chair of the Task Force
10 from among the staff of the National Economic
11 Council; and

12 (3) direct the head of each of the following Fed-
13 eral departments and agencies to appoint personnel
14 at the level of Assistant Secretary or above to par-
15 ticipate in the Task Force:

16 (A) The Department of State.

17 (B) The Department of Commerce.

18 (C) The Department of the Treasury.

19 (D) The Department of Justice.

20 (E) The Office of the United States Trade
21 Representative.

22 (F) The Department of Agriculture.

23 (G) The Office of the Director of National
24 Intelligence and other appropriate elements of
25 the intelligence community (as defined in sec-

1 tion 3 of the National Security Act of 1947 (50
2 U.S.C. 3003)).

3 (H) The Securities and Exchange Commis-
4 sion.

5 (I) The United States International Devel-
6 opment Finance Corporation.

7 (J) Any other department or agency des-
8 ignated by the President.

9 (e) REPORTS.—

10 (1) INITIAL REPORT.—Not later than one year
11 after the date of the enactment of this Act, the Task
12 Force shall submit to the appropriate congressional
13 committees a report that includes the following ele-
14 ments:

15 (A) A comprehensive review of the array of
16 economic tools the Government of the People's
17 Republic of China (PRC) employs or could em-
18 ploy in the future to coerce other governments,
19 non-PRC companies (including United States
20 companies), and multilateral institutions and
21 organizations, including the Government of the
22 PRC's continued efforts to codify informal
23 practices into its domestic law.

24 (B) The strategy required by subsection
25 (c)(1)(A).

1 (C) An interagency definition of PRC coer-
2 cive economic measures that captures both—

3 (i) the use of informal or extralegal
4 PRC coercive economic measures; and
5 (ii) the illegitimate use of formal eco-
6 nomic tools.

7 (D) A comprehensive review of the array of
8 economic and diplomatic tools the United
9 States Government employs or could employ to
10 respond to economic coercion against the
11 United States and United States allies and
12 partners.

13 (E) A list of unilateral or multilateral—

14 (i) proactive measures to defend or
15 deter against PRC coercive economic meas-
16 ures; and

17 (ii) actions taken in response to the
18 Government of the PRC's general use of
19 coercive economic measures, including the
20 imposition of reputational costs on the
21 PRC.

22 (F) An assessment of areas in which
23 United States allies and partners are vulnerable
24 to PRC coercive economic measures.

1 (G) A description of gaps in existing re-
2 sources or capabilities for United States Gov-
3 ernment departments and agencies to respond
4 effectively to PRC coercive economic measures
5 directed at United States entities and assist
6 United States allies and partners in their re-
7 sponses to PRC coercive economic measures.

8 (H) An analysis of the circumstances
9 under which the PRC employs different types of
10 economic coercion and against what kinds of
11 targets.

12 (I) An assessment, as appropriate, of inter-
13 national norms and regulations as well as any
14 treaty obligations the PRC has stretched, cir-
15 cumvented, or broken through its economically
16 coercive practices.

17 (2) INTERIM REPORTS.—

18 (A) FIRST INTERIM REPORT.—Not later
19 than one year after the date on which the re-
20 port required by paragraph (1) is submitted to
21 the appropriate congressional committees, the
22 Task Force shall submit to the appropriate con-
23 gressional committees a report that includes the
24 following elements:

1 (i) Updates to information required by
2 subparagraphs (A) through (G) of para-
3 graph (1).

4 (ii) A description of activities con-
5 ducted by the Task Force to implement
6 the strategy required by subsection
7 (c)(1)(A).

8 (iii) An assessment of the implemen-
9 tation and effectiveness of the strategy,
10 lessons learned from the past year, and
11 planned changes to the strategy.

12 (B) SECOND INTERIM REPORT.—Not later
13 than one year after the date on which the re-
14 port required by subparagraph (A) is submitted
15 to the appropriate congressional committees,
16 the Task Force shall submit to the appropriate
17 congressional committees a report that includes
18 an update to the elements required under the
19 report required by subparagraph (A).

20 (3) FINAL REPORT.—Not later than 30 days
21 after the date on which the report required by para-
22 graph (2)(B) is submitted to the appropriate con-
23 gressional committees, the Task Force shall submit
24 to the appropriate congressional committees and also
25 make available to the public on the website of the

1 Executive Office of the President a final report that
2 includes the following elements:

3 (A) An analysis of PRC coercive economic
4 measures and the cost of such coercive meas-
5 ures to United States businesses.

6 (B) A description of areas of possible vul-
7 nerability for United States businesses and
8 businesses of United States partners and allies.

9 (C) Recommendations on how to continue
10 the effort to counter PRC coercive economic
11 measures, including through further coordina-
12 tion with United States allies and partners.

13 (D) A list of cases made public under sub-
14 section (f).

15 (4) FORM.—

16 (A) INITIAL AND INTERIM REPORTS.—The
17 reports required by paragraphs (1), (2)(A), and
18 (2)(B) shall be submitted in unclassified form,
19 but may include a classified annex.

20 (B) FINAL REPORT.—The report required
21 by paragraph (3) shall be submitted in unclassi-
22 fied form, but may include a classified annex.

23 (f) PUBLICLY AVAILABLE LIST.—

24 (1) IN GENERAL.—Not later than 120 days
25 after the date of the enactment of this Act, the Task

1 Force shall to the extent practicable make available
2 to the public on the website of the Executive Office
3 of the President a list of cases in the past six
4 months in which open source reporting indicates
5 that the PRC has directed coercive economic meas-
6 ures against a non-PRC entity.

7 (2) UPDATES.—The list required by paragraph
8 (1) should be updated every 180 days, and shall be
9 managed by the Department of State after the ter-
10 mination of the Task Force under subsection (g).

11 (g) SUNSET.—

12 (1) IN GENERAL.—The Task Force shall termi-
13 nate at the end of the 60-day period beginning on
14 the date on which the final report required by sub-
15 section (e)(3) is submitted to the appropriate con-
16 gressional committees and made publicly available.

17 (2) ADDITIONAL ACTIONS.—The Task force
18 may use the 60-day period referred to in paragraph
19 (1) for the purposes of concluding its activities, in-
20 cluding providing testimony to Congress concerning
21 the final report required by subsection (e)(3).

22 (h) DEFINITIONS.—In this section:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means—

1 (A) the Committee on Foreign Affairs of
2 the House of Representatives; and

3 (B) the Committee on Foreign Relations of
4 the Senate.

5 (2) COERCIVE ECONOMIC MEASURES.—The
6 term “coercive economic measures” includes formal
7 or informal restrictions or conditions, such as on
8 trade, investment, development aid, and financial
9 flows, intended to impose economic costs on a non-
10 People’s Republic of China target in order to achieve
11 strategic political objectives, including influence over
12 the policy decisions of a foreign government, com-
13 pany, organization, or individual.

14 **SEC. 5903. MODIFICATION OF DUTIES OF UNITED STATES-**
15 **CHINA ECONOMIC AND SECURITY REVIEW**
16 **COMMISSION.**

17 Section 1238(c)(2)(H) of the Floyd D. Spence Na-
18 tional Defense Authorization Act for Fiscal Year 2001 (22
19 U.S.C. 7002(c)(2)(H)) is amended by adding at the end
20 before the period the following: “, and the People’s Repub-
21 lic of China’s use of such relations to economically or po-
22 litically coerce other countries, regions, and international
23 and regional entities, particularly treaty allies and major
24 partners, to achieve China’s objectives in the preceding
25 year”.

1 **SEC. 5904. TAIWAN FELLOWSHIP PROGRAM.**

2 (a) DEFINITIONS.—In this section:

3 (1) AGENCY HEAD.—The term “agency head”
4 means, in the case of the executive branch of United
5 States Government, or in the case of a legislative
6 branch agency specified in paragraph (2), the head
7 of the respective agency.

8 (2) AGENCY OF THE UNITED STATES GOVERN-
9 MENT.—The term “agency of the United States
10 Government” includes the Government Account-
11 ability Office, the Congressional Budget Office, the
12 Congressional Research Service, and the United
13 States-China Economic and Security Review Com-
14 mission of the legislative branch, as well as any
15 agency of the executive branch.

16 (3) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Appropriations of
20 the Senate;

21 (B) the Committee on Foreign Relations of
22 the Senate;

23 (C) the Committee on Appropriations of
24 the House of Representatives; and

25 (D) the Committee on Foreign Affairs of
26 the House of Representatives.

1 (4) DETAILEE.—The term “detailee” means an
2 employee of an agency of the United States Govern-
3 ment on loan to the American Institute in Taiwan,
4 without a change of position from the agency at
5 which such employee is employed.

6 (5) IMPLEMENTING PARTNER.—The term “im-
7 plementing partner” means any United States orga-
8 nization described in section 501(c)(3) of the Inter-
9 nal Revenue Code of 1986 and exempt from tax
10 under section 501(a) of such Code that—

11 (A) is selected through a competitive proc-
12 ess;

13 (B) performs logistical, administrative, and
14 other functions, as determined by the Depart-
15 ment of State and the American Institute of
16 Taiwan, in support of the Taiwan Fellowship
17 Program; and

18 (C) enters into a cooperative agreement
19 with the American Institute in Taiwan to ad-
20 minister the Taiwan Fellowship Program.

21 (b) ESTABLISHMENT OF TAIWAN FELLOWSHIP PRO-
22 GRAM.—

23 (1) ESTABLISHMENT.—The Secretary of State
24 shall establish the “Taiwan Fellowship Program”
25 (hereafter referred to in this section as the “Pro-

1 gram”) to provide a fellowship opportunity in Tai-
2 wan of up to two years for eligible United States
3 citizens through the cooperative agreement estab-
4 lished in paragraph (2). The Department of State,
5 in consultation with the American Institute in Tai-
6 wan and the implementing partner, may modify the
7 name of the Program.

8 (2) COOPERATIVE AGREEMENTS.—

9 (A) IN GENERAL.—The American Institute
10 in Taiwan shall use amounts authorized to be
11 appropriated pursuant to subsection (f)(1) to
12 enter into an annual or multi-year cooperative
13 agreement with an appropriate implementing
14 partner.

15 (B) FELLOWSHIPS.—The Department of
16 State, in consultation with the American Insti-
17 tute in Taiwan and, as appropriate, the imple-
18 menting partner, shall award to eligible United
19 States citizens, subject to available funding—

20 (i) not fewer than five fellowships dur-
21 ing the first two years of the Program; and

22 (ii) not fewer than ten fellowships
23 during each of the remaining years of the
24 Program.

1 (3) INTERNATIONAL AGREEMENT; IMPLE-
2 MENTING PARTNER.—Not later than 30 days after
3 the date of the enactment of this Act, the American
4 Institute in Taiwan, in consultation with the Depart-
5 ment of State, shall—

6 (A) begin negotiations with the Taipei
7 Economic and Cultural Representative Office,
8 or with another appropriate entity, for the pur-
9 pose of entering into an agreement to facilitate
10 the placement of fellows in an agency of the
11 governing authorities on Taiwan; and

12 (B) begin the process of selecting an im-
13 plementing partner, which—

14 (i) shall agree to meet all of the legal
15 requirements required to operate in Tai-
16 wan; and

17 (ii) shall be composed of staff who
18 demonstrate significant experience man-
19 aging exchange programs in the Indo-Pa-
20 cific region.

21 (4) CURRICULUM.—

22 (A) FIRST YEAR.—During the first year of
23 each fellowship under this subsection, each fel-
24 low should study—

25 (i) the Mandarin Chinese language;

1 (ii) the people, history, and political
2 climate on Taiwan; and

3 (iii) the issues affecting the relation-
4 ship between the United States and the
5 Indo-Pacific region.

6 (B) SECOND YEAR.—During the second
7 year of each fellowship under this section, each
8 fellow, subject to the approval of the Depart-
9 ment of State, the American Institute in Tai-
10 wan, and the implementing partner, and in ac-
11 cordance with the purposes of this Act, shall
12 work in—

13 (i) a parliamentary office, ministry, or
14 other agency of the governing authorities
15 on Taiwan; or

16 (ii) an organization outside of the gov-
17 erning authorities on Taiwan, whose inter-
18 ests are associated with the interests of the
19 fellow and the agency of the United States
20 Government from which the fellow had
21 been employed.

22 (5) FLEXIBLE FELLOWSHIP DURATION.—Not-
23 withstanding any requirement under this section, the
24 Secretary of State, in consultation with the Amer-
25 ican Institute in Taiwan and, as appropriate, the im-

1 plementing partner, may award fellowships that have
2 a duration of between nine months and two years,
3 and may alter the curriculum requirements under
4 paragraph (4) for such purposes.

5 (6) SUNSET.—The Program shall terminate ten
6 years after the date of the enactment of this Act.

7 (c) PROGRAM REQUIREMENTS.—

8 (1) ELIGIBILITY REQUIREMENTS.—A United
9 States citizen is eligible for a fellowship under this
10 section if he or she—

11 (A) is an employee of the United States
12 Government;

13 (B) has received at least one exemplary
14 performance review in his or her current United
15 States Government role within at least the last
16 three years prior to the beginning the fellow-
17 ship;

18 (C) has at least two years of experience in
19 any branch of the United States Government;

20 (D) has a demonstrated professional or
21 educational background in the relationship be-
22 tween the United States and countries in the
23 Indo-Pacific region; and

1 (E) has demonstrated his or her commit-
2 ment to further service in the United States
3 Government.

4 (2) RESPONSIBILITIES OF FELLOWS.—Each re-
5 cipient of a fellowship under this section shall agree,
6 as a condition of such fellowship—

7 (A) to maintain satisfactory progress in
8 language training and appropriate behavior in
9 Taiwan, as determined by the Department of
10 State, the American Institute in Taiwan and, as
11 appropriate, its implementing partner;

12 (B) to refrain from engaging in any intel-
13 ligence or intelligence-related activity on behalf
14 of the United States Government; and

15 (C) to continue Federal Government em-
16 ployment for a period of not less than four
17 years after the conclusion of the fellowship or
18 for not less than two years for a fellowship that
19 is one year or shorter.

20 (3) RESPONSIBILITIES OF IMPLEMENTING
21 PARTNER.—

22 (A) SELECTION OF FELLOWS.—The imple-
23 menting partner, in close coordination with the
24 Department of State and the American Insti-
25 tute in Taiwan, shall—

1 (i) make efforts to recruit fellowship
2 candidates who reflect the diversity of the
3 United States;

4 (ii) select fellows for the Program
5 based solely on merit, with appropriate su-
6 pervision from the Department of State
7 and the American Institute in Taiwan; and

8 (iii) prioritize the selection of can-
9 didates willing to serve a fellowship lasting
10 one year or longer.

11 (B) FIRST YEAR.—The implementing part-
12 ner should provide each fellow in the first year
13 (or shorter duration, as jointly determined by
14 the Department of State and the American In-
15 stitute in Taiwan for those who are not serving
16 a two-year fellowship) with—

17 (i) intensive Mandarin Chinese lan-
18 guage training; and

19 (ii) courses in the politic, culture, and
20 history of Taiwan, China, and the broader
21 Indo-Pacific.

22 (C) WAIVER OF REQUIRED TRAINING.—
23 The Department of State, in coordination with
24 the American Institute in Taiwan and, as ap-
25 propriate, the implementing partner, may waive

1 any of the training required under subpara-
2 graph (B) to the extent that a fellow has Man-
3 darin Chinese language skills, knowledge of the
4 topic described in subparagraph (B)(ii), or for
5 other related reasons approved by the Depart-
6 ment of State and the American Institute in
7 Taiwan. If any of the training requirements are
8 waived for a fellow serving a two-year fellow-
9 ship, the training portion of his or her fellow-
10 ship may be shortened to the extent appro-
11 priate.

12 (D) OFFICE; STAFFING.—The imple-
13 menting partner, in consultation with the De-
14 partment of State and the American Institute
15 in Taiwan, shall maintain an office and at least
16 one full-time staff member in Taiwan—

17 (i) to liaise with the American Insti-
18 tute in Taiwan and the governing authori-
19 ties on Taiwan; and

20 (ii) to serve as the primary in-country
21 point of contact for the recipients of fellow-
22 ships under this section and their depend-
23 ents.

24 (E) OTHER FUNCTIONS.—The imple-
25 menting partner should perform other functions

1 in association in support of the Program, in-
2 cluding logistical and administrative functions,
3 as prescribed by the Department of State and
4 the American Institute in Taiwan.

5 (4) NONCOMPLIANCE.—

6 (A) IN GENERAL.—Any fellow who fails to
7 comply with the requirements under this section
8 shall reimburse the American Institute in Tai-
9 wan for—

10 (i) the Federal funds expended for the
11 fellow's participation in the fellowship, as
12 set forth in subparagraphs (B) and (C);
13 and

14 (ii) interest accrued on such funds
15 (calculated at the prevailing rate).

16 (B) FULL REIMBURSEMENT.—Any fellow
17 who violates subparagraph (A) or (B) of para-
18 graph (2) shall reimburse the American Insti-
19 tute in Taiwan in an amount equal to the sum
20 of—

21 (i) all of the Federal funds expended
22 for the fellow's participation in the fellow-
23 ship; and

1 (ii) interest on the amount specified in
2 clause (i), which shall be calculated at the
3 prevailing rate.

4 (C) PRO RATA REIMBURSEMENT.—Any fel-
5 low who violates paragraph (2)(C) shall reim-
6 burse the American Institute in Taiwan in an
7 amount equal to the difference between—

8 (i) the amount specified in subpara-
9 graph (B); and

10 (ii) the product of—

11 (I) the amount the fellow re-
12 ceived in compensation during the
13 final year of the fellowship, including
14 the value of any allowances and bene-
15 fits received by the fellow; multiplied
16 by

17 (II) the percentage of the period
18 specified in paragraph (2)(C) during
19 which the fellow did not remain em-
20 ployed by the United States Govern-
21 ment.

22 (5) ANNUAL REPORT.—Not later than 90 days
23 after the selection of the first class of fellows under
24 this Act, and annually thereafter for ten years, the
25 Department of State shall offer to brief the appro-

1 appropriate congressional committees regarding the fol-
2 lowing issues:

3 (A) An assessment of the performance of
4 the implementing partner in fulfilling the pur-
5 poses of this section.

6 (B) The number of applicants each year,
7 the number of applicants willing to serve a fel-
8 lowship lasting one year or longer, and the
9 number of such applicants selected for the fel-
10 lowship.

11 (C) The names and sponsoring agencies of
12 the fellows selected by the implementing part-
13 ner and the extent to which such fellows rep-
14 resent the diversity of the United States.

15 (D) The names of the parliamentary of-
16 fices, ministries, other agencies of the governing
17 authorities on Taiwan, and nongovernmental in-
18 stitutions to which each fellow was assigned.

19 (E) Any recommendations, as appropriate,
20 to improve the implementation of the Program,
21 including added flexibilities in the administra-
22 tion of the program.

23 (F) An assessment of the Program's value
24 upon the relationship between the United States

1 and Taiwan or the United States and Asian
2 countries.

3 (6) ANNUAL FINANCIAL AUDIT.—

4 (A) IN GENERAL.—The financial records
5 of any implementing partner shall be audited
6 annually in accordance with generally accepted
7 auditing standards by independent certified
8 public accountants or independent licensed pub-
9 lic accountants who are certified or licensed by
10 a regulatory authority of a State or another po-
11 litical subdivision of the United States.

12 (B) LOCATION.—Each audit under sub-
13 paragraph (A) shall be conducted at the place
14 or places where the financial records of the im-
15 plementing partner are normally kept.

16 (C) ACCESS TO DOCUMENTS.—The imple-
17 menting partner shall make available to the ac-
18 countants conducting an audit under subpara-
19 graph (A)—

20 (i) all books, financial records, files,
21 other papers, things, and property belong-
22 ing to, or in use by, the implementing
23 partner that are necessary to facilitate the
24 audit; and

1 (ii) full facilities for verifying trans-
2 actions with the balances or securities held
3 by depositories, fiscal agents, and
4 custodians.

5 (D) REPORT.—

6 (i) IN GENERAL.—Not later than six
7 months after the end of each fiscal year,
8 the implementing partner shall provide a
9 report of the audit conducted for such fis-
10 cal year under subparagraph (A) to the
11 Department of State and the American In-
12 stitute in Taiwan.

13 (ii) CONTENTS.—Each audit report
14 shall—

15 (I) set forth the scope of the
16 audit;

17 (II) include such statements,
18 along with the auditor's opinion of
19 those statements, as may be necessary
20 to present fairly the implementing
21 partner's assets and liabilities, surplus
22 or deficit, with reasonable detail;

23 (III) include a statement of the
24 implementing partner's income and
25 expenses during the year; and

1 (IV) include a schedule of—

2 (aa) all contracts and coop-
3 erative agreements requiring pay-
4 ments greater than \$5,000; and

5 (bb) any payments of com-
6 pensation, salaries, or fees at a
7 rate greater than \$5,000 per
8 year.

9 (iii) COPIES.—Each audit report shall
10 be produced in sufficient copies for dis-
11 tribution to the public.

12 (d) TAIWAN FELLOWS ON DETAIL FROM GOVERN-
13 MENT SERVICE.—

14 (1) IN GENERAL.—

15 (A) DETAIL AUTHORIZED.—With the ap-
16 proval of the Secretary of State, an agency
17 head may detail, for a period of not more than
18 two years, an employee of the agency of the
19 United States Government who has been award-
20 ed a fellowship under this Act, to the American
21 Institute in Taiwan for the purpose of assign-
22 ment to the governing authorities on Taiwan or
23 an organization described in subsection
24 (b)(4)(B)(ii).

1 (B) AGREEMENT.—Each detailee shall
2 enter into a written agreement with the Federal
3 Government before receiving a fellowship, in
4 which the fellow shall agree—

5 (i) to continue in the service of the
6 sponsoring agency at the end of fellowship
7 for a period of at least four years (or at
8 least two years if the fellowship duration is
9 one year or shorter) unless such detailee is
10 involuntarily separated from the service of
11 such agency; and

12 (ii) to pay to the American Institute
13 in Taiwan any additional expenses incurred
14 by the United States Government in con-
15 nection with the fellowship if the detailee
16 voluntarily separates from service with the
17 sponsoring agency before the end of the
18 period for which the detailee has agreed to
19 continue in the service of such agency.

20 (C) EXCEPTION.—The payment agreed to
21 under subparagraph (B)(ii) may not be re-
22 quired of a detailee who leaves the service of
23 the sponsoring agency to enter into the service
24 of another agency of the United States Govern-
25 ment unless the head of the sponsoring agency

1 notifies the detailee before the effective date of
2 entry into the service of the other agency that
3 payment will be required under this subsection.

4 (2) STATUS AS GOVERNMENT EMPLOYEE.—A
5 detailee—

6 (A) is deemed, for the purpose of pre-
7 serving allowances, privileges, rights, seniority,
8 and other benefits, to be an employee of the
9 sponsoring agency;

10 (B) is entitled to pay, allowances, and ben-
11 efits from funds available to such agency, which
12 is deemed to comply with section 5536 of title
13 5, United States Code; and

14 (C) may be assigned to a position with an
15 entity described in subsection (b)(4)(B)(i) if ac-
16 ceptance of such position does not involve—

17 (i) the taking of an oath of allegiance
18 to another government; or

19 (ii) the acceptance of compensation or
20 other benefits from any foreign govern-
21 ment by such detailee.

22 (3) RESPONSIBILITIES OF SPONSORING AGEN-
23 CY.—

24 (A) IN GENERAL.—The agency of the
25 United States Government from which a

1 detailee is detailed should provide the fellow al-
2 lowances and benefits that are consistent with
3 Department of State Standardized Regulations
4 or other applicable rules and regulations, in-
5 cluding—

6 (i) a living quarters allowance to cover
7 the cost of housing in Taiwan;

8 (ii) a cost of living allowance to cover
9 any possible higher costs of living in Tai-
10 wan;

11 (iii) a temporary quarters subsistence
12 allowance for up to seven days if the fellow
13 is unable to find housing immediately upon
14 arriving in Taiwan;

15 (iv) an education allowance to assist
16 parents in providing the fellow's minor
17 children with educational services ordi-
18 narily provided without charge by public
19 schools in the United States;

20 (v) moving expenses to transport per-
21 sonal belongings of the fellow and his or
22 her family in their move to Taiwan, which
23 is comparable to the allowance given for
24 American Institute in Taiwan employees
25 assigned to Taiwan; and

1 (vi) an economy-class airline ticket to
2 and from Taiwan for each fellow and the
3 fellow's immediate family.

4 (B) MODIFICATION OF BENEFITS.—The
5 American Institute in Taiwan and its imple-
6 menting partner, with the approval of the De-
7 partment of State, may modify the benefits set
8 forth in subparagraph (A) if such modification
9 is warranted by fiscal circumstances.

10 (4) NO FINANCIAL LIABILITY.—The American
11 Institute in Taiwan, the implementing partner, and
12 any governing authorities on Taiwan or nongovern-
13 mental entities in Taiwan at which a fellow is de-
14 tailed during the second year of the fellowship may
15 not be held responsible for the pay, allowances, or
16 any other benefit normally provided to the detailee.

17 (5) REIMBURSEMENT.—Fellows may be de-
18 tailed under paragraph (1)(A) without reimburse-
19 ment to the United States by the American Institute
20 in Taiwan.

21 (6) ALLOWANCES AND BENEFITS.—Detailees
22 may be paid by the American Institute in Taiwan
23 for the allowances and benefits listed in paragraph
24 (3).

1 (e) GAO REPORT.—Not later than one year prior to
2 the sunset of the Program pursuant to subsection (b)(6),
3 the Comptroller General of the United States shall trans-
4 mit to the Committee on Foreign Relations of the Senate
5 and the Committee on Foreign Affairs of the House of
6 Representatives a report that includes the following:

7 (1) An analysis of United States Government
8 participants in the Program, including the number
9 of applicants and the number of fellowships under-
10 taken, the places of employment.

11 (2) An assessment of the costs and benefits for
12 participants in the Program and for the United
13 States Government of such fellowships.

14 (3) An analysis of the financial impact of the
15 fellowship on United States Government offices that
16 have detailed fellows to participate in the Program.

17 (4) Recommendations, if any, on how to im-
18 prove the Program.

19 (f) FUNDING.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—
21 There are authorized to be appropriated to the
22 American Institute in Taiwan—

23 (A) for fiscal year 2023, \$2,900,000, of
24 which \$500,000 should be used by an appro-

1 priate implementing partner to launch the Pro-
2 gram; and

3 (B) for fiscal year 2024, and each suc-
4 ceeding fiscal year, \$2,400,000.

5 (2) PRIVATE SOURCES.—Subject to appropria-
6 tion, the implementing partner selected to implement
7 the Program may accept, use, and dispose of gifts
8 or donations of services or property in carrying out
9 such program, subject to the review and approval of
10 the American Institute in Taiwan.

11 **SEC. 5905. TREATMENT OF PAYCHECK PROTECTION PRO-**
12 **GRAM LOAN FORGIVENESS OF PAYROLL**
13 **COSTS UNDER HIGHWAY AND PUBLIC TRANS-**
14 **PORTATION PROJECT COST-REIMBURSE-**
15 **MENT CONTRACTS.**

16 (a) IN GENERAL.—Notwithstanding section 31.201–
17 5 of title 48, Code of Federal Regulations (or successor
18 regulations), for the purposes of any cost-reimbursement
19 contract awarded in accordance with section 112 of title
20 23, United States Code, or section 5325 of title 49, United
21 States Code, or any subcontract under such a contract,
22 no cost reduction or cash refund (including through a re-
23 duced indirect cost rate) shall be due to the Department
24 of Transportation or to a State transportation depart-
25 ment, transit agency, or other recipient of assistance

1 under chapter 1 of title 23, United States Code, or chapter
2 53 of title 49, United States Code, on the basis of forgive-
3 ness of the payroll costs of a covered loan (as those terms
4 are defined in section 7A(a) of the Small Business Act
5 (15 U.S.C. 636m(a))) issued under the paycheck protec-
6 tion program under section 7(a)(36) of that Act (15
7 U.S.C. 636(a)(36)).

8 (b) SAVING PROVISION.—Nothing in this section
9 amends or exempts the prohibitions and liabilities under
10 section 3729 of title 31, United States Code.

11 (c) TERMINATION.—This section ceases to be effec-
12 tive on June 30, 2025.

13 **SEC. 5906. BILITERACY EDUCATION SEAL AND TEACHING**
14 **ACT.**

15 (a) DEPARTMENT OF EDUCATION GRANTS FOR
16 STATE SEAL OF BILITERACY PROGRAMS.—

17 (1) ESTABLISHMENT OF PROGRAM.—

18 (A) IN GENERAL.—From amounts made
19 available under paragraph (6), the Secretary of
20 Education shall award grants, on a competitive
21 basis, to States to enable the States to establish
22 or improve, and carry out, Seal of Biliteracy
23 programs to recognize student proficiency in
24 speaking, reading, and writing in both English
25 and a second language.

1 (B) INCLUSION OF NATIVE AMERICAN LAN-
2 GUAGES.—Notwithstanding subparagraph (A),
3 each Seal of Biliteracy program shall contain
4 provisions allowing the use of Native American
5 languages, including allowing speakers of any
6 Native American language recognized as official
7 by any American government, including any
8 Tribal government, to use equivalent proficiency
9 in speaking, reading, and writing in the Native
10 American language in lieu of proficiency in
11 speaking, reading, and writing in English.

12 (C) DURATION.—A grant awarded under
13 this subsection shall be for a period of 2 years,
14 and may be renewed at the discretion of the
15 Secretary.

16 (D) RENEWAL.—At the end of a grant
17 term, a State that receives a grant under this
18 subsection may reapply for a grant under this
19 subsection.

20 (E) LIMITATIONS.—A State shall not re-
21 ceive more than 1 grant under this subsection
22 at any time.

23 (F) RETURN OF UNSPENT GRANT
24 FUNDS.—Each State that receives a grant
25 under this subsection shall return any unspent

1 grant funds not later than 6 months after the
2 date on which the term for the grant ends.

3 (2) GRANT APPLICATION.—A State that desires
4 a grant under this subsection shall submit an appli-
5 cation to the Secretary at such time, in such man-
6 ner, and containing such information and assurances
7 as the Secretary may require, including—

8 (A) a description of the criteria a student
9 must meet to demonstrate the proficiency in
10 speaking, reading, and writing in both lan-
11 guages necessary for the State Seal of
12 Biliteracy program;

13 (B) a detailed description of the State's
14 plan—

15 (i) to ensure that English learners
16 and former English learners are included
17 in the State Seal of Biliteracy program;

18 (ii) to ensure that—

19 (I) all languages, including Na-
20 tive American languages, can be test-
21 ed for the State Seal of Biliteracy
22 program; and

23 (II) Native American language
24 speakers and learners are included in
25 the State Seal of Biliteracy program,

1 including students at tribally con-
2 trolled schools and at schools funded
3 by the Bureau of Indian Education;
4 and

5 (iii) to reach students, including eligi-
6 ble students described in paragraph (3)(B)
7 and English learners, their parents, and
8 schools with information regarding the
9 State Seal of Biliteracy program;

10 (C) an assurance that a student who meets
11 the requirements under subparagraph (A) and
12 paragraph (3) receives—

13 (i) a permanent seal or other marker
14 on the student's secondary school diploma
15 or its equivalent; and

16 (ii) documentation of proficiency on
17 the student's official academic transcript;
18 and

19 (D) an assurance that a student is not
20 charged a fee for providing information under
21 paragraph (3)(A).

22 (3) STUDENT PARTICIPATION IN A SEAL OF
23 BILITERACY PROGRAM.—

24 (A) IN GENERAL.—To participate in a Seal
25 of Biliteracy program, a student shall provide

1 information to the State that serves the student
2 at such time, in such manner, and including
3 such information and assurances as the State
4 may require, including an assurance that the
5 student has met the criteria established by the
6 State under paragraph (2)(A).

7 (B) STUDENT ELIGIBILITY FOR PARTICIPA-
8 TION.—A student who gained proficiency in a
9 second language outside of school may apply
10 under subparagraph (A) to participate in a Seal
11 of Biliteracy program.

12 (4) USE OF FUNDS.—Grant funds made avail-
13 able under this subsection shall be used for—

14 (A) the administrative costs of establishing
15 or improving, and carrying out, a Seal of
16 Biliteracy program that meets the requirements
17 of paragraph (2); and

18 (B) public outreach and education about
19 the Seal of Biliteracy program.

20 (5) REPORT.—Not later than 18 months after
21 receiving a grant under this subsection, a State shall
22 issue a report to the Secretary describing the imple-
23 mentation of the Seal of Biliteracy program for
24 which the State received the grant.

1 (6) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out
3 this subsection \$10,000,000 for each of fiscal years
4 2023 through 2027.

5 (b) DEFINITIONS.—In this section:

6 (1) The terms “English learner”, “secondary
7 school”, and “State” have the meanings given those
8 terms in section 8101 of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C. 7801).

10 (2) The term “Native American languages” has
11 the meaning given the term in section 103 of the
12 Native American Languages Act (25 U.S.C. 2902).

13 (3) The term “Seal of Biliteracy program”
14 means any program described in subsection (b)(1)
15 that is established or improved, and carried out,
16 with funds received under this section.

17 (4) The term “second language” means any
18 language other than English (or a Native American
19 language, pursuant to subsection (b)(1)(B)), includ-
20 ing Braille, American Sign Language, or a Classical
21 language.

22 (5) The term “Secretary” means the Secretary
23 of Education.

1 **SEC. 5907. PRESUMPTION OF CAUSE OF DISABILITY OR**
2 **DEATH DUE TO EMPLOYMENT IN FIRE PRO-**
3 **TECTION ACTIVITIES.**

4 (a) CERTAIN DISEASES PRESUMED TO BE WORK-RE-
5 LATED CAUSE OF DISABILITY OR DEATH FOR FEDERAL
6 EMPLOYEES IN FIRE PROTECTION ACTIVITIES.—

7 (1) PRESUMPTION RELATING TO EMPLOYEES IN
8 FIRE PROTECTION ACTIVITIES.—Subchapter I of
9 chapter 81 of title 5, United States Code, is amend-
10 ed by inserting after section 8143a the following:

11 **“§ 8143b. Employees in fire protection activities.**

12 “(a) CERTAIN DISEASES DEEMED TO BE PROXI-
13 MATELY CAUSED BY EMPLOYMENT IN FIRE PROTECTION
14 ACTIVITIES.—

15 “(1) IN GENERAL.—For a claim under this sub-
16 chapter of disability or death of an employee who
17 has been employed for a minimum of 5 years in ag-
18 gregate as an employee in fire protection activities,
19 a disease specified on the list established under
20 paragraph (2) shall be deemed to be proximately
21 caused by the employment of such employee.

22 “(2) ESTABLISHMENT OF INITIAL LIST.—There
23 is established under this section the following list of
24 diseases:

25 “(A) Bladder cancer.

26 “(B) Brain cancer.

1 “(C) Chronic obstructive pulmonary dis-
2 ease.

3 “(D) Colorectal cancer.

4 “(E) Esophageal cancer.

5 “(F) Kidney cancer.

6 “(G) Leukemias.

7 “(H) Lung cancer.

8 “(I) Mesothelioma.

9 “(J) Multiple myeloma.

10 “(K) Non-Hodgkin lymphoma.

11 “(L) Prostate cancer.

12 “(M) Skin cancer (melanoma).

13 “(N) A sudden cardiac event or stroke
14 while, or not later than 24 hours after, engag-
15 ing in the activities described in subsection
16 (b)(1)(C).

17 “(O) Testicular cancer.

18 “(P) Thyroid cancer.

19 “(3) ADDITIONS TO THE LIST.—

20 “(A) IN GENERAL.—The Secretary shall
21 periodically review the list established under
22 this section in consultation with the Director of
23 the National Institute on Occupational Safety
24 and Health and shall add a disease to the list
25 by rule, upon a showing by a petitioner or on

1 the Secretary's own determination, in accord-
2 ance with this paragraph.

3 “(B) BASIS FOR DETERMINATION.—The
4 Secretary shall add a disease to the list upon a
5 showing by a petitioner or the Secretary's own
6 determination, based on the weight of the best
7 available scientific evidence, that there is a sig-
8 nificant risk to employees in fire protection ac-
9 tivities of developing such disease.

10 “(C) AVAILABLE EXPERTISE.—In deter-
11 mining significant risk for purposes of subpara-
12 graph (B), the Secretary may accept as authori-
13 tative and may rely upon recommendations, risk
14 assessments, and scientific studies (including
15 analyses of National Firefighter Registry data
16 pertaining to Federal firefighters) by the Na-
17 tional Institute for Occupational Safety and
18 Health, the National Toxicology Program, the
19 National Academies of Sciences, Engineering,
20 and Medicine, and the International Agency for
21 Research on Cancer.

22 “(4) PETITIONS TO ADD TO THE LIST.—

23 “(A) IN GENERAL.—Any person may peti-
24 tion the Secretary to add a disease to the list
25 under this section.

1 “(B) CONTENT OF PETITION.—Such peti-
2 tion shall provide information to show that
3 there is sufficient evidence of a significant risk
4 to employees in fire protection activities of de-
5 veloping such illness or disease from their em-
6 ployment.

7 “(C) TIMELY AND SUBSTANTIVE DECI-
8 SIONS.—Not later than 18 months after receipt
9 of a petition, the Secretary shall either grant or
10 deny the petition by publishing in the Federal
11 Register a written explanation of the reasons
12 for the Secretary’s decision. The Secretary may
13 not deny a petition solely on the basis of com-
14 peting priorities, inadequate resources, or insuf-
15 ficient time for review.

16 “(D) NOTIFICATION TO CONGRESS.—Not
17 later than 30 days after making any decision to
18 approve or deny a petition under this para-
19 graph, the Secretary shall notify the Committee
20 on Education and Labor of the House of Rep-
21 resentatives and the Committee on Homeland
22 Security and Government Affairs of the Senate
23 of such decision.

24 “(b) DEFINITIONS.—In this section:

1 “(1) EMPLOYEE IN FIRE PROTECTION ACTIVI-
2 TIES.—The term ‘employee in fire protection activi-
3 ties’ means an employee employed as a firefighter,
4 paramedic, emergency medical technician, rescue
5 worker, ambulance personnel, or hazardous material
6 worker, who—

7 “(A) is trained in fire suppression;

8 “(B) has the legal authority and responsi-
9 bility to engage in fire suppression;

10 “(C) is engaged in the prevention, control,
11 and extinguishment of fires or response to
12 emergency situations where life, property, or
13 the environment is at risk, including the pre-
14 vention, control, suppression, or management of
15 wildland fires; and

16 “(D) performs such activities as a primary
17 responsibility of his or her job.

18 “(2) SECRETARY.—The term ‘Secretary’ means
19 Secretary of Labor.”.

20 (2) RESEARCH COOPERATION.—Not later than
21 120 days after the date of enactment of this Act, the
22 Secretary of Labor shall establish a process by which
23 a Federal employee in fire protection activities filing
24 a claim related to a disease on the list established
25 by section 8143b of title 5, United States Code, will

1 be informed about and offered the opportunity to
2 contribute to science by voluntarily enrolling in the
3 National Firefighter Registry or a similar research
4 or public health initiative conducted by the Centers
5 for Disease Control and Prevention.

6 (3) AGENDA FOR FURTHER REVIEW.—Not later
7 than 3 years after the date of enactment of this Act,
8 the Secretary shall—

9 (A) evaluate the best available scientific
10 evidence of the risk to an employee in fire pro-
11 tection activities of developing breast cancer,
12 gynecological cancer, and rhabdomyolysis;

13 (B) add breast cancer, gynecological can-
14 cer, and rhabdomyolysis to the list established
15 under section 8143b of title 5, United States
16 Code, by rule in accordance with subsection
17 (a)(3) of such section, if the Secretary deter-
18 mines that such evidence supports such addi-
19 tion; and

20 (C) submit a report of the Secretary's find-
21 ings under subparagraph (A) and the Sec-
22 retary's determination under subparagraph (B)
23 to the Committee on Education and Labor of
24 the House and the Committee on Homeland Se-
25 curity and Governmental Affairs of the Senate.

1 (4) REPORT ON FEDERAL WILDLAND FIRE-
2 FIGHTERS.—The Director of the National Institute
3 for Occupational Safety and Health shall conduct a
4 comprehensive study on long-term health effects that
5 Federal wildland firefighters who are eligible to re-
6 ceive workers' compensation under chapter 81 of
7 title 5, United States Code, experience after being
8 exposed to fires, smoke, and toxic fumes when in
9 service. Such study shall include—

10 (A) the race, ethnicity, age, gender, and
11 time of service of such Federal wildland fire-
12 fighters participating in the study; and

13 (B) recommendations to Congress on what
14 legislative actions are needed to support such
15 Federal wildland firefighters in preventing
16 health issues from this toxic exposure, similar
17 to veterans that are exposed to burn pits.

18 (5) APPLICATION.—The amendments made by
19 this section shall apply to claims for compensation
20 filed on or after the date of enactment of this Act.

21 (6) REPORT ON AFFECTED EMPLOYEES.—Be-
22 ginning 1 year after the date of enactment of this
23 Act, the Secretary shall include in each annual re-
24 port on implementation of the Federal Employees'
25 Compensation Act program and issues arising under

1 it that the Secretary makes pursuant to section
2 8152 of title 5, United States Code, the total num-
3 ber and demographics of employees with diseases
4 and conditions described in the amendments made
5 by this Act as of the date of such annual report,
6 disaggregated by the specific condition or conditions,
7 for the purposes of understanding the scope of the
8 problem. The Secretary may include any information
9 they deem necessary and, as appropriate, may make
10 recommendations for additional actions that could be
11 taken to minimize the risk of adverse health impacts
12 for Federal employees in fire protection activities.

13 (b) SUBROGATION OF CONTINUATION OF PAY.—

14 (1) SUBROGATION OF THE UNITED STATES.—

15 Section 8131 of title 5, United States Code, is
16 amended—

17 (A) in subsection (a), by inserting “con-
18 tinuation of pay or” before “compensation”;
19 and

20 (B) in subsection (c), by inserting “con-
21 tinuation of pay or” before “compensation al-
22 ready paid”.

23 (2) ADJUSTMENT AFTER RECOVERY FROM A

24 THIRD PERSON.—Section 8132 of title 5, United
25 States Code, is amended—

1 (A) by inserting “continuation of pay or”
2 before “compensation” the first and second
3 place it appears;

4 (B) by striking “in his behalf” and insert-
5 ing “on his behalf”;

6 (C) by inserting “continuation of pay and”
7 before “compensation” the third place it ap-
8 pears; and

9 (D) by striking the 4th sentence and in-
10 sserting the following: “If continuation of pay or
11 compensation has not been paid to the bene-
12 ficiary, the money or property shall be credited
13 against continuation of pay or compensation
14 payable to him by the United States for the
15 same injury.”.

16 (c) PROTECTION OF FIREFIGHTERS FROM TOXIC
17 CHEMICALS AND OTHER CONTAMINANTS.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of the enactment of this Act, the Comp-
20 troller General of the United States shall submit to
21 the Committee on Education and Labor of the
22 House of Representatives and the Committee on
23 Health, Education, Labor, and Pensions of the Sen-
24 ate a report that evaluates the health and safety im-
25 pacts on employees engaged in fire protection activi-

1 ties that result from the employees' exposure to toxic
2 chemicals and other contaminants that could cause
3 human health problems. The report may include in-
4 formation on—

5 (A) the degree to which such programs and
6 policies include consideration of the possibility
7 of toxic exposure of such employees who may
8 come into contact with residue from fibers,
9 combusted building materials such as asbestos,
10 household chemicals, polymers, flame-retardant
11 chemicals, and other potentially toxic contami-
12 nants;

13 (B) the availability and proper mainte-
14 nance of professional protective equipment and
15 secure storage of such equipment in employees'
16 homes and automotive vehicles;

17 (C) the availability of home instructions
18 for employees regarding toxins and contami-
19 nants, and the appropriate procedures to coun-
20 teract exposure to same;

21 (D) the employees' interests in protecting
22 the health and safety of family members from
23 exposure to toxic chemicals and other contami-
24 nants to which the employees may have been
25 exposed; and

1 (E) other related factors.

2 (2) CONTEXT.—In preparing the report re-
3 quired under paragraph (1), the Comptroller Gen-
4 eral of the United States may, as appropriate, pro-
5 vide information in a format that delineates high
6 risk urban areas from rural communities.

7 (3) DEPARTMENT OF LABOR CONSIDER-
8 ATION.—After issuance of the report required under
9 paragraph (1), the Secretary of Labor shall consider
10 such report’s findings and assess its applicability for
11 purposes of the amendments made by subsection (b).

12 (d) INCREASE IN TIME-PERIOD FOR FECA CLAIM-
13 ANT TO SUPPLY SUPPORTING DOCUMENTATION TO OF-
14 FICE OF WORKER’S COMPENSATION.—Not later than 60
15 days after the date of enactment of this Act, the Secretary
16 of Labor shall—

17 (1) amend section 10.121 of title 20, Code of
18 Federal Regulations, by striking “30 days” and in-
19 serting “60 days”; and

20 (2) modify the Federal Employees Compensa-
21 tion Act manual to reflect the changes to such sec-
22 tion made by the Secretary pursuant to paragraph
23 (1).

1 **SEC. 5908. DOCUMENTING AND RESPONDING TO DISCRIMI-**
2 **NATION AGAINST MIGRANTS ABROAD.**

3 (a) INFORMATION TO INCLUDE IN ANNUAL COUNTRY
4 REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign
5 Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amend-
6 ed—

7 (1) in section 116(d) (22 U.S.C. 2151n(d))—

8 (A) in paragraph (11)(C), by striking
9 “and” at the end;

10 (B) in paragraph (12)(C)(ii), by striking
11 the period at the end and inserting “; and”;
12 and

13 (C) by adding at the end the following:

14 “(13) wherever applicable, violence or discrimi-
15 nation that affects the fundamental freedoms or
16 human rights of migrants located in a foreign coun-
17 try.”; and

18 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
19 inserting after the ninth sentence the following:
20 “Wherever applicable, such report shall also include
21 information regarding violence or discrimination that
22 affects the fundamental freedoms or human rights of
23 migrants permanently or temporarily located in a
24 foreign country.”.

25 (b) REVIEW AT DIPLOMATIC AND CONSULAR
26 POSTS.—In preparing the annual country reports on

1 human rights practices required under section 116 or
2 502B of the Foreign Assistance Act of 1961 (22 U.S.C.
3 2151n and 2304), as amended by subsection (a), the Sec-
4 retary of State shall obtain information from each diplo-
5 matic and consular post with respect to—

6 (1) incidents of violence against migrants lo-
7 cated in the country in which such post is located;

8 (2) an analysis of the factors enabling or aggra-
9 vating such incidents, such as government policy, so-
10 cietal pressure, or the actions of external actors; and

11 (3) the response, whether public or private, of
12 the personnel of such post with respect to such inci-
13 dents.

14 (c) MIGRANT.—For the purposes of this section and
15 the amendments made by this section, the term “migrant”
16 includes economic migrants, guest workers, refugees, asy-
17 lum-seekers, stateless persons, trafficked persons, undocu-
18 mented migrants, and unaccompanied children, in addi-
19 tion to other individuals who change their country of usual
20 residence temporarily or permanently.

21 **SEC. 5909. EXTENDING THE STATUTE OF LIMITATIONS FOR**
22 **CERTAIN MONEY LAUNDERING OFFENSES.**

23 Section 1956 of title 18, United States Code, is
24 amended by adding at the end the following:

1 “(j) SEVEN-YEAR LIMITATION.—Notwithstanding
2 section 3282, no person shall be prosecuted, tried, or pun-
3 ished for a violation of this section or section 1957 if the
4 specified unlawful activity constituting the violation is the
5 activity defined in subsection (c)(7)(B) of this section, un-
6 less the indictment is found or the information is insti-
7 tuted not later than 7 years after the date on which the
8 offense was committed.”.

9 **SEC. 5910. FOREIGN CORRUPTION ACCOUNTABILITY SANC-**
10 **TIONS AND CRIMINAL ENFORCEMENT.**

11 (a) IN GENERAL.—

12 (1) FINDINGS.—Congress finds the following:

13 (A) When public officials and their allies
14 use the mechanisms of government to engage in
15 extortion or bribery, they impoverish their coun-
16 tries’ economic health and harm citizens.

17 (B) By empowering the United States Gov-
18 ernment to hold to account foreign public offi-
19 cials and their associates who engage in extor-
20 tion or bribery, the United States can deter
21 malfeasance and ultimately serve the citizens of
22 fragile countries suffocated by corrupt bureauc-
23 racies.

24 (C) The Special Inspector General for Af-
25 ghan Reconstruction’s 2016 report “Corruption

1 in Conflict: Lessons from the U.S. Experience
2 in Afghanistan” included the recommendation,
3 “Congress should consider enacting legislation
4 that authorizes sanctions against foreign gov-
5 ernment officials or their associates who engage
6 in corruption.”.

7 (2) AUTHORIZATION OF IMPOSITION OF SANC-
8 TIONS.—

9 (A) IN GENERAL.—The Secretary of State
10 may impose the sanctions described in subpara-
11 graph (B) with respect to any foreign person
12 who is an individual the Secretary of State de-
13 termines—

14 (i) engages in public corruption activi-
15 ties against a United States person, includ-
16 ing—

17 (I) soliciting or accepting bribes;

18 (II) using the authority of the
19 state to extort payments; or

20 (III) engaging in extortion; or

21 (ii) conspires to engage in, or know-
22 ingly and materially assists, sponsors, or
23 provides significant financial, material, or
24 technological support for any of the activi-
25 ties described in clause (i).

1 (B) SANCTIONS DESCRIBED.—

2 (i) INADMISSIBILITY TO UNITED
3 STATES.—A foreign person who is subject
4 to sanctions under this subsection shall
5 be—

6 (I) inadmissible to the United
7 States;

8 (II) ineligible to receive a visa or
9 other documentation to enter the
10 United States; and

11 (III) otherwise ineligible to be
12 admitted or paroled into the United
13 States or to receive any other benefit
14 under the Immigration and Nation-
15 ality Act (8 U.S.C. 1101 et seq.).

16 (ii) CURRENT VISAS REVOKED.—

17 (I) IN GENERAL.—The visa or
18 other entry documentation of a for-
19 eign person who is subject to sanc-
20 tions under this subsection shall be
21 revoked regardless of when such visa
22 or other entry documentation is
23 issued.

1 (II) EFFECT OF REVOCATION.—

2 A revocation under subclause (I)
3 shall—

4 (aa) take effect immediately;

5 and

6 (bb) automatically cancel
7 any other valid visa or entry doc-
8 umentation that is in the foreign
9 person's possession.

10 (C) EXCEPTION TO COMPLY WITH LAW EN-
11 FORCEMENT OBJECTIVES AND AGREEMENT RE-
12 GARDING HEADQUARTERS OF UNITED NA-
13 TIONS.—Sanctions described under subpara-
14 graph (B) shall not apply to a foreign person
15 if admitting the person into the United
16 States—

17 (i) would further important law en-
18 forcement objectives; or

19 (ii) is necessary to permit the United
20 States to comply with the Agreement re-
21 garding the Headquarters of the United
22 Nations, signed at Lake Success June 26,
23 1947, and entered into force November 21,
24 1947, between the United Nations and the

1 United States, or other applicable inter-
2 national obligations of the United States.

3 (D) TERMINATION OF SANCTIONS.—The
4 Secretary of State may terminate the applica-
5 tion of sanctions under this paragraph with re-
6 spect to a foreign person if the Secretary of
7 State determines and reports to the appropriate
8 congressional committees not later than 15 days
9 before the termination of the sanctions that—

10 (i) the person is no longer engaged in
11 the activity that was the basis for the sanc-
12 tions or has taken significant verifiable
13 steps toward stopping the activity;

14 (ii) the Secretary of State has re-
15 ceived reliable assurances that the person
16 will not knowingly engage in activity sub-
17 ject to sanctions under this part in the fu-
18 ture; or

19 (iii) the termination of the sanctions
20 is in the national security interests of the
21 United States.

22 (E) REGULATORY AUTHORITY.—The Sec-
23 retary of State shall issue such regulations, li-
24 censes, and orders as are necessary to carry out
25 this paragraph.

1 (F) APPROPRIATE CONGRESSIONAL COM-
2 MITTEES DEFINED.—In this paragraph, the
3 term “appropriate congressional committees”
4 means—

5 (i) the Committee on the Judiciary
6 and the Committee on Foreign Affairs of
7 the House of Representatives; and

8 (ii) the Committee on the Judiciary
9 and the Committee on Foreign Relations
10 of the Senate.

11 (3) REPORTS TO CONGRESS.—

12 (A) IN GENERAL.—The Secretary of State
13 shall submit to the appropriate congressional
14 committees, in accordance with subparagraph
15 (B), a report that includes—

16 (i) a list of each foreign person with
17 respect to whom the Secretary of State im-
18 posed sanctions pursuant to paragraph (2)
19 during the year preceding the submission
20 of the report;

21 (ii) the number of foreign persons
22 with respect to which the Secretary of
23 State—

1 (I) imposed sanctions under
2 paragraph (2)(A) during that year;
3 and

4 (II) terminated sanctions under
5 paragraph (2)(D) during that year;

6 (iii) the dates on which such sanctions
7 were imposed or terminated, as the case
8 may be;

9 (iv) the reasons for imposing or termi-
10 nating such sanctions;

11 (v) the total number of foreign per-
12 sons considered under paragraph (2)C) for
13 whom sanctions were not imposed; and

14 (vi) recommendations as to whether
15 the imposition of additional sanctions
16 would be an added deterrent in preventing
17 public corruption.

18 (B) DATES FOR SUBMISSION.—

19 (i) INITIAL REPORT.—The Secretary
20 of State shall submit the initial report
21 under subparagraph (A) not later than 120
22 days after the date of the enactment of
23 this Act.

24 (ii) SUBSEQUENT REPORTS.—The
25 Secretary of State shall submit a subse-

1 quent report under subparagraph (A) on
2 December 10, or the first day thereafter
3 on which both Houses of Congress are in
4 session, of—

5 (I) the calendar year in which the
6 initial report is submitted if the initial
7 report is submitted before December
8 10 of that calendar year; and

9 (II) each calendar year there-
10 after.

11 (C) FORM OF REPORT.—

12 (i) IN GENERAL.—Each report re-
13 quired by subparagraph (A) shall be sub-
14 mitted in unclassified form, but may in-
15 clude a classified annex.

16 (ii) EXCEPTION.—The name of a for-
17 eign person to be included in the list re-
18 quired by subparagraph (A)(i) may be sub-
19 mitted in the classified annex authorized
20 by clause (i) only if the Secretary of
21 State—

22 (I) determines that it is vital for
23 the national security interests of the
24 United States to do so; and

1 (II) uses the annex in a manner
2 consistent with congressional intent
3 and the purposes of this subsection.

4 (D) PUBLIC AVAILABILITY.—

5 (i) IN GENERAL.—The unclassified
6 portion of the report required by subpara-
7 graph (A) shall be made available to the
8 public, including through publication in the
9 Federal Register.

10 (ii) NONAPPLICABILITY OF CONFIDEN-
11 TIALITY REQUIREMENT WITH RESPECT TO
12 VISA RECORDS.—The Secretary of State
13 shall publish the list required by subpara-
14 graph (A)(i) without regard to the require-
15 ments of section 222(f) of the Immigration
16 and Nationality Act (8 U.S.C. 1202(f))
17 with respect to confidentiality of records
18 pertaining to the issuance or refusal of
19 visas or permits to enter the United
20 States.

21 (E) APPROPRIATE CONGRESSIONAL COM-
22 MITTEES DEFINED.—In this paragraph, the
23 term “appropriate congressional committees”
24 means—

1 (i) the Committee on Foreign Affairs,
2 and the Committee on the Judiciary of the
3 House of Representatives; and

4 (ii) the Committee on Foreign Rela-
5 tions, and the Committee on the Judiciary
6 of the Senate.

7 (4) SUNSET.—

8 (A) IN GENERAL.—The authority to im-
9 pose sanctions under paragraph (2) and the re-
10 quirements to submit reports under paragraph
11 (3) shall terminate on the date that is 6 years
12 after the date of enactment of this Act.

13 (B) CONTINUATION IN EFFECT OF SANC-
14 TIONS.—Sanctions imposed under paragraph
15 (2) on or before the date specified in subpara-
16 graph (A), and in effect as of such date, shall
17 remain in effect until terminated in accordance
18 with the requirements of paragraph (2)(D).

19 (5) DEFINITIONS.—In this subsection:

20 (A) ENTITY.—The term “entity” means a
21 partnership, association, trust, joint venture,
22 corporation, group, subgroup, or other organi-
23 zation.

1 (B) FOREIGN PERSON.—The term “foreign
2 person” means a person that is not a United
3 States person.

4 (C) UNITED STATES PERSON.—The term
5 “United States person” means a person that is
6 a United States citizen, permanent resident
7 alien, entity organized under the laws of the
8 United States or any jurisdiction within the
9 United States (including foreign branches), or
10 any person in the United States.

11 (D) PERSON.—The term “person” means
12 an individual or entity.

13 (E) PUBLIC CORRUPTION.—The term
14 “public corruption” means the unlawful exercise
15 of entrusted public power for private gain, in-
16 cluding by bribery, nepotism, fraud, or embez-
17 zlement.

18 (b) JUSTICE FOR VICTIMS OF KLEPTOCRACY.—

19 (1) FORFEITED PROPERTY.—

20 (A) IN GENERAL.—Chapter 46 of title 18,
21 United States Code, is amended by adding at
22 the end the following:

23 **“§ 988. Accounting of certain forfeited property**

24 “(a) ACCOUNTING.—The Attorney General shall
25 make available to the public an accounting of any property

1 relating to foreign government corruption that is forfeited
2 to the United States under section 981 or 982.

3 “(b) FORMAT.—The accounting described under sub-
4 section (a) shall be published on the website of the Depart-
5 ment of Justice in a format that includes the following:

6 “(1) A heading as follows: ‘Assets stolen from
7 the people of _____ and recovered by the
8 United States’, the blank space being filled with the
9 name of the foreign government that is the target of
10 corruption.

11 “(2) The total amount recovered by the United
12 States on behalf of the foreign people that is the tar-
13 get of corruption at the time when such recovered
14 funds are deposited into the Department of Justice
15 Asset Forfeiture Fund or the Department of the
16 Treasury Forfeiture Fund.

17 “(c) UPDATED WEBSITE.—The Attorney General
18 shall update the website of the Department of Justice to
19 include an accounting of any new property relating to for-
20 eign government corruption that has been forfeited to the
21 United States under section 981 or 982 not later than
22 14 days after such forfeiture, unless such update would
23 compromise an ongoing law enforcement investigation.”.

24 (B) CLERICAL AMENDMENT.—The table of
25 sections for chapter 46 of title 18, United

1 States Code, is amended by adding at the end
2 the following:

“988. Accounting of certain forfeited property.”.

3 (2) SENSE OF CONGRESS.—It is the sense of
4 Congress that recovered assets be returned for the
5 benefit of the people harmed by the corruption under
6 conditions that reasonably ensure the transparent
7 and effective use, administration and monitoring of
8 returned proceeds.

9 **SEC. 5911. FEDRAMP AUTHORIZATION ACT.**

10 (a) SHORT TITLE.—This section may be cited as the
11 “FedRAMP Authorization Act”.

12 (b) AMENDMENT.—Chapter 36 of title 44, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 **“§ 3607. Definitions**

16 “(a) IN GENERAL.—Except as provided under sub-
17 section (b), the definitions under sections 3502 and 3552
18 apply to this section through section 3616.

19 “(b) ADDITIONAL DEFINITIONS.—In this section
20 through section 3616:

21 “(1) ADMINISTRATOR.—The term ‘Adminis-
22 trator’ means the Administrator of General Services.

23 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term ‘appropriate congressional com-
25 mittees’ means the Committee on Homeland Secu-

1 rity and Governmental Affairs of the Senate and the
2 Committee on Oversight and Reform of the House
3 of Representatives.

4 “(3) AUTHORIZATION TO OPERATE; FEDERAL
5 INFORMATION.—The terms ‘authorization to oper-
6 ate’ and ‘Federal information’ have the meaning
7 given those term in Circular A–130 of the Office of
8 Management and Budget entitled ‘Managing Infor-
9 mation as a Strategic Resource’, or any successor
10 document.

11 “(4) CLOUD COMPUTING.—The term ‘cloud
12 computing’ has the meaning given the term in Spe-
13 cial Publication 800–145 of the National Institute of
14 Standards and Technology, or any successor docu-
15 ment.

16 “(5) CLOUD SERVICE PROVIDER.—The term
17 ‘cloud service provider’ means an entity offering
18 cloud computing products or services to agencies.

19 “(6) FEDRAMP.—The term ‘FedRAMP’
20 means the Federal Risk and Authorization Manage-
21 ment Program established under section 3608.

22 “(7) FEDRAMP AUTHORIZATION.—The term
23 ‘FedRAMP authorization’ means a certification that
24 a cloud computing product or service has—

1 “(A) completed a FedRAMP authorization
2 process, as determined by the Administrator; or

3 “(B) received a FedRAMP provisional au-
4 thorization to operate, as determined by the
5 FedRAMP Board.

6 “(8) FEDRAMP AUTHORIZATION PACKAGE.—
7 The term ‘FedRAMP authorization package’ means
8 the essential information that can be used by an
9 agency to determine whether to authorize the oper-
10 ation of an information system or the use of a des-
11 ignated set of common controls for all cloud com-
12 puting products and services authorized by
13 FedRAMP.

14 “(9) FEDRAMP BOARD.—The term ‘FedRAMP
15 Board’ means the board established under section
16 3610.

17 “(10) INDEPENDENT ASSESSMENT SERVICE.—
18 The term ‘independent assessment service’ means a
19 third-party organization accredited by the Adminis-
20 trator to undertake conformity assessments of cloud
21 service providers and the products or services of
22 cloud service providers.

23 “(11) SECRETARY.—The term ‘Secretary’
24 means the Secretary of Homeland Security.

1 **“§ 3608. Federal Risk and Authorization Management**
2 **Program**

3 “There is established within the General Services Ad-
4 ministration the Federal Risk and Authorization Manage-
5 ment Program. The Administrator, subject to section
6 3614, shall establish a Government-wide program that
7 provides a standardized, reusable approach to security as-
8 sessment and authorization for cloud computing products
9 and services that process unclassified information used by
10 agencies.

11 **“§ 3609. Roles and responsibilities of the General**
12 **Services Administration**

13 “(a) ROLES AND RESPONSIBILITIES.—The Adminis-
14 trator shall—

15 “(1) in consultation with the Secretary, develop,
16 coordinate, and implement a process to support
17 agency review, reuse, and standardization, where ap-
18 propriate, of security assessments of cloud com-
19 puting products and services, including, as appro-
20 priate, oversight of continuous monitoring of cloud
21 computing products and services, pursuant to guid-
22 ance issued by the Director pursuant to section
23 3614;

24 “(2) establish processes and identify criteria
25 consistent with guidance issued by the Director
26 under section 3614 to make a cloud computing prod-

1 uct or service eligible for a FedRAMP authorization
2 and validate whether a cloud computing product or
3 service has a FedRAMP authorization;

4 “(3) develop and publish templates, best prac-
5 tices, technical assistance, and other materials to
6 support the authorization of cloud computing prod-
7 ucts and services and increase the speed, effective-
8 ness, and transparency of the authorization process,
9 consistent with standards and guidelines established
10 by the Director of the National Institute of Stand-
11 ards and Technology and relevant statutes;

12 “(4) establish and update guidance on the
13 boundaries of FedRAMP authorization packages to
14 enhance the security and protection of Federal infor-
15 mation and promote transparency for agencies and
16 users as to which services are included in the scope
17 of a FedRAMP authorization;

18 “(5) grant FedRAMP authorizations to cloud
19 computing products and services consistent with the
20 guidance and direction of the FedRAMP Board;

21 “(6) establish and maintain a public comment
22 process for proposed guidance and other FedRAMP
23 directives that may have a direct impact on cloud
24 service providers and agencies before the issuance of
25 such guidance or other FedRAMP directives;

1 “(7) coordinate with the FedRAMP Board, the
2 Director of the Cybersecurity and Infrastructure Se-
3 curity Agency, and other entities identified by the
4 Administrator, with the concurrence of the Director
5 and the Secretary, to establish and regularly update
6 a framework for continuous monitoring under sec-
7 tion 3553;

8 “(8) provide a secure mechanism for storing
9 and sharing necessary data, including FedRAMP
10 authorization packages, to enable better reuse of
11 such packages across agencies, including making
12 available any information and data necessary for
13 agencies to fulfill the requirements of section 3613;

14 “(9) provide regular updates to applicant cloud
15 service providers on the status of any cloud com-
16 puting product or service during an assessment
17 process;

18 “(10) regularly review, in consultation with the
19 FedRAMP Board—

20 “(A) the costs associated with the inde-
21 pendent assessment services described in section
22 3611; and

23 “(B) the information relating to foreign in-
24 terests submitted pursuant to section 3612;

1 “(11) in coordination with the Director of the
2 National Institute of Standards and Technology, the
3 Director, the Secretary, and other stakeholders, as
4 appropriate, determine the sufficiency of underlying
5 standards and requirements to identify and assess
6 the provenance of the software in cloud services and
7 products;

8 “(12) support the Federal Secure Cloud Advi-
9 sory Committee established pursuant to section
10 3616; and

11 “(13) take such other actions as the Adminis-
12 trator may determine necessary to carry out
13 FedRAMP.

14 “(b) WEBSITE.—

15 “(1) IN GENERAL.—The Administrator shall
16 maintain a public website to serve as the authori-
17 tative repository for FedRAMP, including the timely
18 publication and updates for all relevant information,
19 guidance, determinations, and other materials re-
20 quired under subsection (a).

21 “(2) CRITERIA AND PROCESS FOR FEDRAMP
22 AUTHORIZATION PRIORITIES.—The Administrator
23 shall develop and make publicly available on the
24 website described in paragraph (1) the criteria and
25 process for prioritizing and selecting cloud com-

1 puting products and services that will receive a
2 FedRAMP authorization, in consultation with the
3 FedRAMP Board and the Chief Information Offi-
4 cers Council.

5 “(c) EVALUATION OF AUTOMATION PROCEDURES.—

6 “(1) IN GENERAL.—The Administrator, in co-
7 ordination with the Secretary, shall assess and
8 evaluate available automation capabilities and proce-
9 dures to improve the efficiency and effectiveness of
10 the issuance of FedRAMP authorizations, including
11 continuous monitoring of cloud computing products
12 and services.

13 “(2) MEANS FOR AUTOMATION.—Not later than
14 1 year after the date of enactment of this section,
15 and updated regularly thereafter, the Administrator
16 shall establish a means for the automation of secu-
17 rity assessments and reviews.

18 “(d) METRICS FOR AUTHORIZATION.—The Adminis-
19 trator shall establish annual metrics regarding the time
20 and quality of the assessments necessary for completion
21 of a FedRAMP authorization process in a manner that
22 can be consistently tracked over time in conjunction with
23 the periodic testing and evaluation process pursuant to
24 section 3554 in a manner that minimizes the agency re-
25 porting burden.

1 **“§ 3610. FedRAMP Board**

2 “(a) ESTABLISHMENT.—There is established a
3 FedRAMP Board to provide input and recommendations
4 to the Administrator regarding the requirements and
5 guidelines for, and the prioritization of, security assess-
6 ments of cloud computing products and services.

7 “(b) MEMBERSHIP.—The FedRAMP Board shall
8 consist of not more than 7 senior officials or experts from
9 agencies appointed by the Director, in consultation with
10 the Administrator, from each of the following:

11 “(1) The Department of Defense.

12 “(2) The Department of Homeland Security.

13 “(3) The General Services Administration.

14 “(4) Such other agencies as determined by the
15 Director, in consultation with the Administrator.

16 “(c) QUALIFICATIONS.—Members of the FedRAMP
17 Board appointed under subsection (b) shall have technical
18 expertise in domains relevant to FedRAMP, such as—

19 “(1) cloud computing;

20 “(2) cybersecurity;

21 “(3) privacy;

22 “(4) risk management; and

23 “(5) other competencies identified by the Direc-
24 tor to support the secure authorization of cloud serv-
25 ices and products.

26 “(d) DUTIES.—The FedRAMP Board shall—

1 “(1) in consultation with the Administrator,
2 serve as a resource for best practices to accelerate
3 the process for obtaining a FedRAMP authorization;

4 “(2) establish and regularly update require-
5 ments and guidelines for security authorizations of
6 cloud computing products and services, consistent
7 with standards and guidelines established by the Di-
8 rector of the National Institute of Standards and
9 Technology, to be used in the determination of
10 FedRAMP authorizations;

11 “(3) monitor and oversee, to the greatest extent
12 practicable, the processes and procedures by which
13 agencies determine and validate requirements for a
14 FedRAMP authorization, including periodic review
15 of the agency determinations described in section
16 3613(b);

17 “(4) ensure consistency and transparency be-
18 tween agencies and cloud service providers in a man-
19 ner that minimizes confusion and engenders trust;
20 and

21 “(5) perform such other roles and responsibil-
22 ities as the Director may assign, with concurrence
23 from the Administrator.

24 “(e) DETERMINATIONS OF DEMAND FOR CLOUD
25 COMPUTING PRODUCTS AND SERVICES.—The FedRAMP

1 Board may consult with the Chief Information Officers
2 Council to establish a process, which may be made avail-
3 able on the website maintained under section 3609(b), for
4 prioritizing and accepting the cloud computing products
5 and services to be granted a FedRAMP authorization.

6 **“§ 3611. Independent assessment**

7 “The Administrator may determine whether
8 FedRAMP may use an independent assessment service to
9 analyze, validate, and attest to the quality and compliance
10 of security assessment materials provided by cloud service
11 providers during the course of a determination of whether
12 to use a cloud computing product or service.

13 **“§ 3612. Declaration of foreign interests**

14 “(a) IN GENERAL.—An independent assessment serv-
15 ice that performs services described in section 3611 shall
16 annually submit to the Administrator information relating
17 to any foreign interest, foreign influence, or foreign con-
18 trol of the independent assessment service.

19 “(b) UPDATES.—Not later than 48 hours after there
20 is a change in foreign ownership or control of an inde-
21 pendent assessment service that performs services de-
22 scribed in section 3611, the independent assessment serv-
23 ice shall submit to the Administrator an update to the in-
24 formation submitted under subsection (a).

1 “(c) CERTIFICATION.—The Administrator may re-
2 quire a representative of an independent assessment serv-
3 ice to certify the accuracy and completeness of any infor-
4 mation submitted under this section.

5 **“§ 3613. Roles and responsibilities of agencies**

6 “(a) IN GENERAL.—In implementing the require-
7 ments of FedRAMP, the head of each agency shall, con-
8 sistent with guidance issued by the Director pursuant to
9 section 3614—

10 “(1) promote the use of cloud computing prod-
11 ucts and services that meet FedRAMP security re-
12 quirements and other risk-based performance re-
13 quirements as determined by the Director, in con-
14 sultation with the Secretary;

15 “(2) confirm whether there is a FedRAMP au-
16 thorization in the secure mechanism provided under
17 section 3609(a)(8) before beginning the process of
18 granting a FedRAMP authorization for a cloud com-
19 puting product or service;

20 “(3) to the extent practicable, for any cloud
21 computing product or service the agency seeks to au-
22 thorize that has received a FedRAMP authorization,
23 use the existing assessments of security controls and
24 materials within any FedRAMP authorization pack-
25 age for that cloud computing product or service; and

1 “(4) provide to the Director data and informa-
2 tion required by the Director pursuant to section
3 3614 to determine how agencies are meeting metrics
4 established by the Administrator.

5 “(b) ATTESTATION.—Upon completing an assess-
6 ment or authorization activity with respect to a particular
7 cloud computing product or service, if an agency deter-
8 mines that the information and data the agency has re-
9 viewed under paragraph (2) or (3) of subsection (a) is
10 wholly or substantially deficient for the purposes of per-
11 forming an authorization of the cloud computing product
12 or service, the head of the agency shall document as part
13 of the resulting FedRAMP authorization package the rea-
14 sons for this determination.

15 “(c) SUBMISSION OF AUTHORIZATIONS TO OPERATE
16 REQUIRED.—Upon issuance of an agency authorization to
17 operate based on a FedRAMP authorization, the head of
18 the agency shall provide a copy of its authorization to op-
19 erate letter and any supplementary information required
20 pursuant to section 3609(a) to the Administrator.

21 “(d) SUBMISSION OF POLICIES REQUIRED.—Not
22 later than 180 days after the date on which the Director
23 issues guidance in accordance with section 3614(1), the
24 head of each agency, acting through the chief information
25 officer of the agency, shall submit to the Director all agen-

1 cy policies relating to the authorization of cloud computing
2 products and services.

3 “(e) PRESUMPTION OF ADEQUACY.—

4 “(1) IN GENERAL.—The assessment of security
5 controls and materials within the authorization
6 package for a FedRAMP authorization shall be pre-
7 sumed adequate for use in an agency authorization
8 to operate cloud computing products and services.

9 “(2) INFORMATION SECURITY REQUIRE-
10 MENTS.—The presumption under paragraph (1)
11 does not modify or alter—

12 “(A) the responsibility of any agency to en-
13 sure compliance with subchapter II of chapter
14 35 for any cloud computing product or service
15 used by the agency; or

16 “(B) the authority of the head of any
17 agency to make a determination that there is a
18 demonstrable need for additional security re-
19 quirements beyond the security requirements
20 included in a FedRAMP authorization for a
21 particular control implementation.

22 **“§ 3614. Roles and responsibilities of the Office of**
23 **Management and Budget**

24 “The Director shall—

1 “(1) in consultation with the Administrator and
2 the Secretary, issue guidance that—

3 “(A) specifies the categories or characteris-
4 tics of cloud computing products and services
5 that are within the scope of FedRAMP;

6 “(B) includes requirements for agencies to
7 obtain a FedRAMP authorization when oper-
8 ating a cloud computing product or service de-
9 scribed in subparagraph (A) as a Federal infor-
10 mation system; and

11 “(C) encompasses, to the greatest extent
12 practicable, all necessary and appropriate cloud
13 computing products and services;

14 “(2) issue guidance describing additional re-
15 sponsibilities of FedRAMP and the FedRAMP
16 Board to accelerate the adoption of secure cloud
17 computing products and services by the Federal
18 Government;

19 “(3) in consultation with the Administrator, es-
20 tablish a process to periodically review FedRAMP
21 authorization packages to support the secure author-
22 ization and reuse of secure cloud products and serv-
23 ices;

24 “(4) oversee the effectiveness of FedRAMP and
25 the FedRAMP Board, including the compliance by

1 the FedRAMP Board with the duties described in
2 section 3610(d); and

3 “(5) to the greatest extent practicable, encour-
4 age and promote consistency of the assessment, au-
5 thorization, adoption, and use of secure cloud com-
6 puting products and services within and across agen-
7 cies.

8 **“§ 3615. Reports to Congress; GAO report**

9 “(a) REPORTS TO CONGRESS.—Not later than 1 year
10 after the date of enactment of this section, and annually
11 thereafter, the Director shall submit to the appropriate
12 congressional committees a report that includes the fol-
13 lowing:

14 “(1) During the preceding year, the status, effi-
15 ciency, and effectiveness of the General Services Ad-
16 ministration under section 3609 and agencies under
17 section 3613 and in supporting the speed, effective-
18 ness, sharing, reuse, and security of authorizations
19 to operate for secure cloud computing products and
20 services.

21 “(2) Progress towards meeting the metrics re-
22 quired under section 3609(d).

23 “(3) Data on FedRAMP authorizations.

24 “(4) The average length of time to issue
25 FedRAMP authorizations.

1 “(5) The number of FedRAMP authorizations
2 submitted, issued, and denied for the preceding year.

3 “(6) A review of progress made during the pre-
4 ceding year in advancing automation techniques to
5 securely automate FedRAMP processes and to accel-
6 erate reporting under this section.

7 “(7) The number and characteristics of author-
8 ized cloud computing products and services in use at
9 each agency consistent with guidance provided by
10 the Director under section 3614.

11 “(8) A review of FedRAMP measures to ensure
12 the security of data stored or processed by cloud
13 service providers, which may include—

14 “(A) geolocation restrictions for provided
15 products or services;

16 “(B) disclosures of foreign elements of
17 supply chains of acquired products or services;

18 “(C) continued disclosures of ownership of
19 cloud service providers by foreign entities; and

20 “(D) encryption for data processed, stored,
21 or transmitted by cloud service providers.

22 “(b) GAO REPORT.—Not later than 180 days after
23 the date of enactment of this section, the Comptroller
24 General of the United States shall report to the appro-

1 priate congressional committees an assessment of the fol-
2 lowing:

3 “(1) The costs incurred by agencies and cloud
4 service providers relating to the issuance of
5 FedRAMP authorizations.

6 “(2) The extent to which agencies have proc-
7 esses in place to continuously monitor the implemen-
8 tation of cloud computing products and services op-
9 erating as Federal information systems.

10 “(3) How often and for which categories of
11 products and services agencies use FedRAMP au-
12 thorizations.

13 “(4) The unique costs and potential burdens in-
14 curred by cloud computing companies that are small
15 business concerns (as defined in section 3(a) of the
16 Small Business Act (15 U.S.C. 632(a)) as a part of
17 the FedRAMP authorization process.

18 **“§ 3616. Federal Secure Cloud Advisory Committee**

19 “(a) ESTABLISHMENT, PURPOSES, AND DUTIES.—

20 “(1) ESTABLISHMENT.—There is established a
21 Federal Secure Cloud Advisory Committee (referred
22 to in this section as the ‘Committee’) to ensure ef-
23 fective and ongoing coordination of agency adoption,
24 use, authorization, monitoring, acquisition, and secu-

1 rity of cloud computing products and services to en-
2 able agency mission and administrative priorities.

3 “(2) PURPOSES.—The purposes of the Com-
4 mittee are the following:

5 “(A) To examine the operations of
6 FedRAMP and determine ways that authoriza-
7 tion processes can continuously be improved, in-
8 cluding the following:

9 “(i) Measures to increase agency
10 reuse of FedRAMP authorizations.

11 “(ii) Proposed actions that can be
12 adopted to reduce the burden, confusion,
13 and cost associated with FedRAMP au-
14 thorizations for cloud service providers.

15 “(iii) Measures to increase the num-
16 ber of FedRAMP authorizations for cloud
17 computing products and services offered by
18 small businesses concerns (as defined by
19 section 3(a) of the Small Business Act (15
20 U.S.C. 632(a)).

21 “(iv) Proposed actions that can be
22 adopted to reduce the burden and cost of
23 FedRAMP authorizations for agencies.

1 “(B) Collect information and feedback on
2 agency compliance with and implementation of
3 FedRAMP requirements.

4 “(C) Serve as a forum that facilitates com-
5 munication and collaboration among the
6 FedRAMP stakeholder community.

7 “(3) DUTIES.—The duties of the Committee in-
8 clude providing advice and recommendations to the
9 Administrator, the FedRAMP Board, and agencies
10 on technical, financial, programmatic, and oper-
11 ational matters regarding secure adoption of cloud
12 computing products and services.

13 “(b) MEMBERS.—

14 “(1) COMPOSITION.—The Committee shall be
15 comprised of not more than 15 members who are
16 qualified representatives from the public and private
17 sectors, appointed by the Administrator, in consulta-
18 tion with the Director, as follows:

19 “(A) The Administrator or the Administra-
20 tor’s designee, who shall be the Chair of the
21 Committee.

22 “(B) At least 1 representative each from
23 the Cybersecurity and Infrastructure Security
24 Agency and the National Institute of Standards
25 and Technology.

1 “(C) At least 2 officials who serve as the
2 Chief Information Security Officer within an
3 agency, who shall be required to maintain such
4 a position throughout the duration of their serv-
5 ice on the Committee.

6 “(D) At least 1 official serving as Chief
7 Procurement Officer (or equivalent) in an agen-
8 cy, who shall be required to maintain such a po-
9 sition throughout the duration of their service
10 on the Committee.

11 “(E) At least 1 individual representing an
12 independent assessment service.

13 “(F) At least 5 representatives from
14 unique businesses that primarily provide cloud
15 computing services or products, including at
16 least 2 representatives from a small business
17 concern (as defined by section 3(a) of the Small
18 Business Act (15 U.S.C. 632(a))).

19 “(G) At least 2 other representatives of the
20 Federal Government as the Administrator de-
21 termines necessary to provide sufficient balance,
22 insights, or expertise to the Committee.

23 “(2) DEADLINE FOR APPOINTMENT.—Each
24 member of the Committee shall be appointed not

1 later than 90 days after the date of enactment of
2 this section.

3 “(3) PERIOD OF APPOINTMENT; VACANCIES.—

4 “(A) IN GENERAL.—Each non-Federal
5 member of the Committee shall be appointed
6 for a term of 3 years, except that the initial
7 terms for members may be staggered 1-, 2-, or
8 3-year terms to establish a rotation in which
9 one-third of the members are selected each
10 year. Any such member may be appointed for
11 not more than 2 consecutive terms.

12 “(B) VACANCIES.—Any vacancy in the
13 Committee shall not affect its powers, but shall
14 be filled in the same manner in which the origi-
15 nal appointment was made. Any member ap-
16 pointed to fill a vacancy occurring before the
17 expiration of the term for which the member’s
18 predecessor was appointed shall be appointed
19 only for the remainder of that term. A member
20 may serve after the expiration of that member’s
21 term until a successor has taken office.

22 “(c) MEETINGS AND RULES OF PROCEDURES.—

23 “(1) MEETINGS.—The Committee shall hold
24 not fewer than 3 meetings in a calendar year, at
25 such time and place as determined by the Chair.

1 “(2) INITIAL MEETING.—Not later than 120
2 days after the date of enactment of this section, the
3 Committee shall meet and begin the operations of
4 the Committee.

5 “(3) RULES OF PROCEDURE.—The Committee
6 may establish rules for the conduct of the business
7 of the Committee if such rules are not inconsistent
8 with this section or other applicable law.

9 “(d) EMPLOYEE STATUS.—

10 “(1) IN GENERAL.—A member of the Com-
11 mittee (other than a member who is appointed to the
12 Committee in connection with another Federal ap-
13 pointment) shall not be considered an employee of
14 the Federal Government by reason of any service as
15 such a member, except for the purposes of section
16 5703 of title 5, relating to travel expenses.

17 “(2) PAY NOT PERMITTED.—A member of the
18 Committee covered by paragraph (1) may not receive
19 pay by reason of service on the Committee.

20 “(e) APPLICABILITY TO THE FEDERAL ADVISORY
21 COMMITTEE ACT.—Section 14 of the Federal Advisory
22 Committee Act (5 U.S.C. App.) shall not apply to the
23 Committee.

24 “(f) DETAIL OF EMPLOYEES.—Any Federal Govern-
25 ment employee may be detailed to the Committee without

1 reimbursement from the Committee, and such detailee
2 shall retain the rights, status, and privileges of his or her
3 regular employment without interruption.

4 “(g) POSTAL SERVICES.—The Committee may use
5 the United States mails in the same manner and under
6 the same conditions as agencies.

7 “(h) REPORTS.—

8 “(1) INTERIM REPORTS.—The Committee may
9 submit to the Administrator and Congress interim
10 reports containing such findings, conclusions, and
11 recommendations as have been agreed to by the
12 Committee.

13 “(2) ANNUAL REPORTS.—Not later than 540
14 days after the date of enactment of this section, and
15 annually thereafter, the Committee shall submit to
16 the Administrator and Congress a report containing
17 such findings, conclusions, and recommendations as
18 have been agreed to by the Committee.”.

19 (c) TECHNICAL AND CONFORMING AMENDMENT.—
20 The table of sections for chapter 36 of title 44, United
21 States Code, is amended by adding at the end the fol-
22 lowing new items:

“3607. Definitions.

“3608. Federal Risk and Authorization Management Program.

“3609. Roles and responsibilities of the General Services Administration.

“3610. FedRAMP Board.

“3611. Independent assessment.

“3612. Declaration of foreign interests.

“3613. Roles and responsibilities of agencies.

“3614. Roles and responsibilities of the Office of Management and Budget.

“3615. Reports to Congress; GAO report.

“3616. Federal Secure Cloud Advisory Committee.”.

1 (d) SUNSET.—

2 (1) IN GENERAL.—Effective on the date that is
3 5 years after the date of enactment of this Act,
4 chapter 36 of title 44, United States Code, is
5 amended by striking sections 3607 through 3616.

6 (2) CONFORMING AMENDMENT.—Effective on
7 the date that is 5 years after the date of enactment
8 of this Act, the table of sections for chapter 36 of
9 title 44, United States Code, is amended by striking
10 the items relating to sections 3607 through 3616.

11 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion or any amendment made by this section shall be con-
13 strued as altering or impairing the authorities of the Di-
14 rector of the Office of Management and Budget or the
15 Secretary of Homeland Security under subchapter II of
16 chapter 35 of title 44, United States Code.

17 **SEC. 5912. AMENDMENT.**

18 Section 1115 of title 31, United States Code, is
19 amended—

20 (1) by amending subsection (b)(5) to read as
21 follows:

22 “(5) provide a description of how the perform-
23 ance goals are to be achieved, including—

1 “(A) the human capital, training, data and
2 evidence, information technology, and skill sets
3 required to meet the performance goals;

4 “(B) the technology modernization invest-
5 ments, system upgrades, staff technology skills
6 and expertise, stakeholder input and feedback,
7 and other resources and strategies needed and
8 required to meet the performance goals;

9 “(C) clearly defined milestones;

10 “(D) an identification of the organizations,
11 program activities, regulations, policies, oper-
12 ational processes, and other activities that con-
13 tribute to each performance goal, both within
14 and external to the agency;

15 “(E) a description of how the agency is
16 working with other agencies and the organiza-
17 tions identified in subparagraph (D) to measure
18 and achieve its performance goals as well as rel-
19 evant Federal Government performance goals;
20 and

21 “(F) an identification of the agency offi-
22 cials responsible for the achievement of each
23 performance goal, who shall be known as goal
24 leaders;” and

1 (2) by amending subsection (g) to read as fol-
2 lows:

3 “(g) PREPARATION OF PERFORMANCE PLAN.—The
4 Performance Improvement Officer of each agency (or the
5 functional equivalent) shall collaborate with the Chief
6 Human Capital Officer (or the functional equivalent), the
7 Chief Information Officer (or the functional equivalent),
8 the Chief Data Officer (or the functional equivalent), and
9 the Chief Financial Officer (or the functional equivalent)
10 of that agency to prepare that portion of the annual per-
11 formance plan described under subsection (b)(5) for that
12 agency.”.

13 **SEC. 5913. IMPROVING INVESTIGATION AND PROSECUTION**
14 **OF CHILD ABUSE CASES.**

15 The Victims of Child Abuse Act of 1990 (34 U.S.C.
16 20301 et seq.) is amended—

17 (1) in section 211 (34 U.S.C. 20301)—

18 (A) in paragraph (1)—

19 (i) by striking “3,300,000” and in-
20 serting “3,400,000”; and

21 (ii) by striking “, and drug abuse is
22 associated with a significant portion of
23 these”;

1 (B) by redesignating paragraphs (3)
2 through (8) as paragraphs (4) through (9), re-
3 spectively;

4 (C) by inserting after paragraph (2) the fol-
5 lowing:

6 “(3) a key to a child victim healing from abuse
7 is access to supportive and healthy families and com-
8 munities;”; and

9 (D) in paragraph (9)(B), as so redesign-
10 nated, by inserting “, and operations of cen-
11 ters” before the period at the end;

12 (2) in section 212 (34 U.S.C. 20302)—

13 (A) in paragraph (5), by inserting “coordi-
14 nated team” before “response”; and

15 (B) in paragraph (8), by inserting “organi-
16 zational capacity” before “support”;

17 (3) in section 213 (34 U.S.C. 20303)—

18 (A) in subsection (a)—

19 (i) in the heading, by inserting “AND
20 MAINTENANCE” after “ESTABLISHMENT”;

21 (ii) in the matter preceding paragraph

22 (1)—

23 (I) by striking “, in coordination
24 with the Director of the Office of Vic-
25 tims of Crime,”; and

1 (II) by inserting “and maintain”
2 after “establish”;

3 (iii) in paragraph (3)—

4 (I) by striking “and victim advo-
5 cates” and inserting “victim advo-
6 cates, multidisciplinary team leader-
7 ship, and children’s advocacy center
8 staff”; and

9 (II) by striking “and” at the end;

10 (iv) by redesignating paragraph (4) as
11 paragraph (5);

12 (v) by inserting after paragraph (3)
13 the following:

14 “(4) provide technical assistance, training, co-
15 ordination, and organizational capacity support for
16 State chapters; and”; and

17 (vi) in paragraph (5), as so redesign-
18 nated, by striking “and oversight to” and
19 inserting “organizational capacity support,
20 and oversight of”;

21 (B) in subsection (b)—

22 (i) in paragraph (1)—

23 (I) in subparagraph (A), by in-
24 serting “and maintain” after “estab-
25 lish”; and

1 (II) in the matter following sub-
2 paragraph (B), by striking “and tech-
3 nical assistance to aid communities in
4 establishing” and inserting “training
5 and technical assistance to aid com-
6 munities in establishing and maintain-
7 ing”; and

8 (ii) in paragraph (2)—

9 (I) in subparagraph (A)—

10 (aa) in clause (ii), by insert-
11 ing “Center” after “Advocacy”;
12 and

13 (bb) in clause (iii), by strik-
14 ing “of, assessment of, and inter-
15 vention in” and inserting “and
16 intervention in child”; and

17 (II) in subparagraph (B), by
18 striking “centers and interested com-
19 munities” and inserting “centers, in-
20 terested communities, and chapters”;
21 and

22 (C) in subsection (c)—

23 (i) in paragraph (2)—

24 (I) in subparagraph (B), by
25 striking “evaluation, intervention, evi-

1 dence gathering, and counseling” and
2 inserting “investigation and interven-
3 tion in child abuse”; and

4 (II) in subparagraph (E), by
5 striking “judicial handling of child
6 abuse and neglect” and inserting
7 “multidisciplinary response to child
8 abuse”;

9 (ii) in paragraph (3)(A)(i), by striking
10 “so that communities can establish multi-
11 disciplinary programs that respond to child
12 abuse” and inserting “and chapters so that
13 communities can establish and maintain
14 multidisciplinary programs that respond to
15 child abuse and chapters can establish and
16 maintain children’s advocacy centers in
17 their State”;

18 (iii) in paragraph (4)(B)—

19 (I) in clause (iii), by striking
20 “and” at the end;

21 (II) in by redesignating clause
22 (iv) as clause (v); and

23 (III) by inserting after clause
24 (iii) the following:

1 “(iv) best result in supporting chap-
2 ters in each State; and”; and

3 (iv) in paragraph (6), by inserting
4 “under this Act” after “recipients”;

5 (4) in section 214 (34 U.S.C. 20304)—

6 (A) by striking subsection (a) and insert-
7 ing the following:

8 “(a) IN GENERAL.—The Administrator shall make
9 grants to—

10 “(1) establish and maintain a network of care
11 for child abuse victims where investigation, prosecu-
12 tions, and interventions are continually occurring
13 and coordinating activities within local children’s ad-
14 vocacy centers and multidisciplinary teams;

15 “(2) develop, enhance, and coordinate multi-
16 disciplinary child abuse investigations, intervention,
17 and prosecution activities;

18 “(3) promote the effective delivery of the evi-
19 dence-based, trauma-informed Children’s Advocacy
20 Center Model and the multidisciplinary response to
21 child abuse; and

22 “(4) develop and disseminate practice standards
23 for care and best practices in programmatic evalua-
24 tion, and support State chapter organizational ca-
25 pacity and local children’s advocacy center organiza-

1 tional capacity and operations in order to meet such
2 practice standards and best practices.”;

3 (B) in subsection (b), by striking “, in co-
4 ordination with the Director of the Office of
5 Victims of Crime,”;

6 (C) in subsection (c)(2)—

7 (i) in subparagraph (C), by inserting
8 “to the greatest extent practicable, but in
9 no case later than 72 hours,” after
10 “hours”; and

11 (ii) by striking subparagraphs (D)
12 through (I) and inserting the following:

13 “(D) Forensic interviews of child victims
14 by trained personnel that are used by law en-
15 forcement, health, and child protective service
16 agencies to interview suspected abuse victims
17 about allegations of abuse.

18 “(E) Provision of needed follow up services
19 such as medical care, mental healthcare, and
20 victims advocacy services.

21 “(F) A requirement that, to the extent
22 practicable, all interviews and meetings with a
23 child victim occur at the children’s advocacy
24 center or an agency with which there is a link-
25 age agreement regarding the delivery of multi-

1 disciplinary child abuse investigation, prosecu-
2 tion, and intervention services.

3 “(G) Coordination of each step of the in-
4 vestigation process to eliminate duplicative fo-
5 rensic interviews with a child victim.

6 “(H) Designation of a director for the chil-
7 dren’s advocacy center.

8 “(I) Designation of a multidisciplinary
9 team coordinator.

10 “(J) Assignment of a volunteer or staff ad-
11 vocate to each child in order to assist the child
12 and, when appropriate, the child’s family,
13 throughout each step of intervention and judi-
14 cial proceedings.

15 “(K) Coordination with State chapters to
16 assist and provide oversight, and organizational
17 capacity that supports local children’s advocacy
18 centers, multidisciplinary teams, and commu-
19 nities working to implement a multidisciplinary
20 response to child abuse in the provision of evi-
21 dence-informed initiatives, including mental
22 health counseling, forensic interviewing, multi-
23 disciplinary team coordination, and victim advoca-
24 cacy.

1 “(L) Such other criteria as the Adminis-
2 trator shall establish by regulation.”; and

3 (D) by striking subsection (f) and inserting
4 the following:

5 “(f) GRANTS TO STATE CHAPTERS FOR ASSISTANCE
6 TO LOCAL CHILDREN’S ADVOCACY CENTERS.—In award-
7 ing grants under this section, the Administrator shall en-
8 sure that a portion of the grants is distributed to State
9 chapters to enable State chapters to provide oversight,
10 training, and technical assistance to local centers on evi-
11 dence-informed initiatives including mental health, coun-
12 seling, forensic interviewing, multidisciplinary team co-
13 ordination, and victim advocacy.”;

14 (5) in section 214A (34 U.S.C. 20305)—

15 (A) in subsection (a)—

16 (i) in paragraph (1), by striking “at-
17 torneys and other allied” and inserting
18 “prosecutors and other attorneys and al-
19 lied”; and

20 (ii) in paragraph (2)(B), by inserting
21 “Center” after “Advocacy”; and

22 (B) in subsection (b)(1), by striking sub-
23 paragraph (A) and inserting the following:

24 “(A) a significant connection to prosecu-
25 tors who handle child abuse cases in State

1 courts, such as a membership organization or
2 support service providers; and”; and

3 (6) by striking section 214B (34 U.S.C. 20306)

4 and inserting the following:

5 **“SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.**

6 “There are authorized to be appropriated to carry out
7 sections 213, 214, and 214A, \$40,000,000 for each of fis-
8 cal years 2023 through 2029.”.

9 **SEC. 5914. REPORT ON HUMANITARIAN SITUATION AND**
10 **FOOD SECURITY IN LEBANON.**

11 (a) REPORT REQUIRED.—Not later than 90 days
12 after the date of the enactment of this Act, the President,
13 acting through the Secretary of State and the Secretary
14 of Defense and in coordination with the Administrator of
15 the United States Agency for International Development,
16 shall submit to the appropriate congressional committees
17 a report that contains an evaluation of the humanitarian
18 situation in Lebanon, as well as the impact of the deficit
19 of wheat imports due to Russia’s further invasion of
20 Ukraine, initiated on February 24, 2022.

21 (b) ELEMENTS.—The report required by subsection
22 (a) shall include the following elements:

23 (1) The projected increase in malnutrition in
24 Lebanon.

1 (2) The estimated increase in the number of
2 food insecure individuals in Lebanon.

3 (3) The estimated number of individuals who
4 will be faced with acute malnutrition due to food
5 price inflation in Lebanon.

6 (4) Actions the United States Government is
7 taking to address the aforementioned impacts.

8 (5) Any cooperation between the United States
9 Government with allies and partners to address the
10 aforementioned impacts.

11 (6) The potential impact of food insecurity on
12 Department of Defense goals and objectives in Leb-
13 anon.

14 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—
15 In this section, the term “appropriate congressional com-
16 mittees” means—

17 (1) the Committee on Armed Services, the
18 Committee on Foreign Relations, and the Committee
19 on Appropriations of the Senate; and

20 (2) the Committee on Armed Services, the
21 Committee on Foreign Affairs, and the Committee
22 on Appropriations of the House of Representatives.

1 **SEC. 5915. DESIGNATION OF EL PASO COMMUNITY HEAL-**
2 **ING GARDEN NATIONAL MEMORIAL.**

3 (a) DESIGNATION.—The Healing Garden located at
4 6900 Delta Drive, El Paso, Texas, is designated as the
5 “El Paso Community Healing Garden National Memo-
6 rial”.

7 (b) EFFECT OF DESIGNATION.—The national memo-
8 rial designated by this section is not a unit of the National
9 Park System and the designation of the El Paso Commu-
10 nity Healing Garden National Memorial shall not require
11 or authorize Federal funds to be expended for any purpose
12 related to that national memorial.

13 **SEC. 5916. ADMINISTRATOR OF GENERAL SERVICES STUDY**
14 **ON COUNTERFEIT ITEMS ON E-COMMERCE**
15 **PLATFORMS OF THE GENERAL SERVICES AD-**
16 **MINISTRATION.**

17 The Administrator of General Services shall—

18 (1) conduct a study that tracks the number of
19 counterfeit items on e-commerce platforms of the
20 General Services Administration annually to ensure
21 that the products being advertised are from legiti-
22 mate vendors; and

23 (2) submit an annual report on the findings of
24 such study to the Committees on Armed Services,
25 Oversight and Reform, Small Business, and Home-
26 land Security of the House of Representatives.

1 **SEC. 5917. REPORT ON REMOVAL OF SERVICE MEMBERS.**

2 (a) REPORT REQUIRED.—Not later than 120 days
3 after the date of the enactment of this Act and monthly
4 thereafter, the Secretary of Homeland Security, in coordi-
5 nation with the Secretary of Veteran Affairs, the Sec-
6 retary of Defense, and the Secretary of State shall submit
7 to the Committees on the Judiciary of the House of Rep-
8 resentatives and the Senate, the Committees on Veteran
9 Affairs of the House of Representatives and the Senate,
10 and the Committees on Appropriations of the House of
11 Representatives and the Senate a report detailing how
12 many noncitizen service members, veterans and immediate
13 family members of service members were removed during
14 the period beginning on January 1, 2010, and ending on
15 the date of the report.

16 (b) ELEMENTS.—The report required by subsection
17 (a) shall include the following for each person removed:

- 18 (1) the individual's name;
19 (2) the individual's address;
20 (3) the individual's contact information;
21 (4) any known U.S. citizen family members in
22 the U.S.;
23 (5) where the individual was removed to; and
24 (6) the reason for removal.

25 (c) GAO REPORT.—Not later than 120 days after the
26 date of enactment of this Act, the Comptroller General

1 of the United States shall update GAO report number-
2 19-416 to identify progress made and further actions
3 needed to better handle, identify, and track cases involving
4 veterans.

5 (d) CONFIDENTIALITY.—The report under subsection
6 (a) may not be published and shall be exempt from disclo-
7 sure under section 552(b)(3)(B) of title 5, United States
8 Code.

9 **SEC. 5918. LIMITATION ON AVAILABILITY OF FUNDS FOR**
10 **CERTAIN CONTRACTORS OR GRANTEES THAT**
11 **REQUIRE NONDISPARAGEMENT OR NON-**
12 **DISCLOSURE CLAUSE RELATED TO SEXUAL**
13 **HARASSMENT AND SEXUAL ASSAULT.**

14 None of the funds authorized to be appropriated by
15 this Act or otherwise made available for fiscal year 2023
16 for the Department of Defense or any other Federal agen-
17 cy may be obligated or expended for any Federal contract
18 or grant in excess of \$1,000,000, awarded after the date
19 of enactment of this Act, unless the contractor or grantee
20 agrees not to—

21 (1) enter into any agreement with any of its
22 employees or independent contractors that requires
23 the employee or contractor to agree to a nondispar-
24 agement or nondisclosure clause related to sexual

1 harassment and sexual assault, as defined under any
2 applicable Federal, State, or Tribal law—

3 (A) as a condition of employment, pro-
4 motion, compensation, benefits, or change in
5 employment status or contractual relationship;
6 or

7 (B) as a term, condition, or privilege of
8 employment; or

9 (2) take any action to enforce any predispute
10 nondisclosure or nondisparagement provision of an
11 existing agreement with an employee or independent
12 contractor that covers sexual harassment and sexual
13 assault, as defined under any applicable Federal,
14 State, or Tribal law.

15 **SEC. 5919. DEPARTMENT OF HOMELAND SECURITY OFFICE**
16 **FOR CIVIL RIGHTS AND CIVIL LIBERTIES AU-**
17 **THORIZATION.**

18 (a) OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-
19 ERTIES.—

20 (1) IN GENERAL.—Section 705 of the Home-
21 land Security Act of 2002 (6 U.S.C. 345) is amend-
22 ed—

23 (A) in the section heading, by striking
24 “**ESTABLISHMENT OF**”; and

1 (B) by striking subsections (a) and (b) and
2 inserting the following new subsections:

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—There is established within
5 the Department an Office for Civil Rights and Civil
6 Liberties (referred to in this section as the ‘Office’).
7 The head of the Office is the Officer for Civil Rights
8 and Civil Liberties (referred to in this section as the
9 ‘Officer’), who shall report directly to the Secretary.

10 “(2) DUTIES.—The Secretary and the head of
11 each component shall—

12 “(A) ensure that the Officer for Civil
13 Rights and Civil Liberties of the Department
14 and the Officer for Civil Rights and Civil Lib-
15 erties of such component—

16 “(i) have the information, materials,
17 and resources necessary to carry out the
18 functions of the Office;

19 “(ii) are consulted in advance of new
20 or proposed changes to policies, programs,
21 initiatives, and activities impacting civil
22 rights and civil liberties; and

23 “(iii) are given full and complete ac-
24 cess to all materials and personnel nec-

1 necessary to carry out the functions of the Of-
2 fice; and

3 “(B) consider advice and recommendations
4 from the Officer for Civil Rights and Civil Lib-
5 erties of the Department in the development
6 and implementation of policies, programs, ini-
7 tiatives, and activities impacting civil rights and
8 civil liberties.

9 “(b) RESPONSIBILITIES.—The Officer shall carry out
10 the following responsibilities:

11 “(1) Oversee compliance with constitutional,
12 statutory, regulatory, policy, and other requirements
13 relating to the civil rights and civil liberties of indi-
14 viduals affected by the policies, programs, initiatives,
15 and activities of the Department.

16 “(2) Review and assess information concerning
17 abuses of civil rights and civil liberties, and profiling
18 on the basis of race, ethnicity, or religion, by em-
19 ployees and officials of the Department.

20 “(3) Integrate civil rights and civil liberties pro-
21 tections into all policies, programs, initiatives, and
22 activities of the Department.

23 “(4) Conduct civil rights and civil liberties im-
24 pact assessments, as appropriate, including such as-
25 sessments prior to the implementation of new De-

1 department regulations, policies, programs, initiatives,
2 and activities.

3 “(5) Conduct periodic reviews and assessments
4 of policies, programs, initiatives, and activities of the
5 Department relating to civil rights and civil liberties,
6 including reviews and assessments initiated by the
7 Officer.

8 “(6) Provide policy advice, recommendations,
9 and other technical assistance relating to civil rights
10 and civil liberties to the Secretary, and the heads of
11 components, and other personnel within the Depart-
12 ment.

13 “(7) Review, assess, and investigate complaints,
14 including complaints filed by members of the public,
15 and information indicating possible abuses of civil
16 rights or civil liberties at the Department, unless the
17 Inspector General of the Department determines
18 that any such complaint should be investigated by
19 the Inspector General.

20 “(8) Initiate reviews, investigations, and assess-
21 ments of the administration of the policies, pro-
22 grams, initiatives, and activities of the Department
23 relating to civil rights and civil liberties.

24 “(9) Coordinate with the Privacy Officer to en-
25 sure that—

1 “(A) policies, programs, initiatives, and ac-
2 tivities involving civil rights, civil liberties, and
3 privacy considerations are addressed in an inte-
4 grated and comprehensive manner; and

5 “(B) Congress receives appropriate reports
6 regarding such policies, programs, initiatives,
7 and activities.

8 “(10) Lead the equal employment opportunity
9 programs of the Department, including complaint
10 management and adjudication, workforce diversity,
11 and promotion of the merit system principles.

12 “(11) Make publicly available through acces-
13 sible communications channels, including the website
14 of the Department—

15 “(A) information on the responsibilities
16 and functions of, and how to contact, the Of-
17 fice;

18 “(B) summaries of the investigations car-
19 ried out pursuant to paragraphs (7) and (8)
20 that result in recommendations; and

21 “(C) summaries of impact assessments and
22 periodic reviews and assessments carried out
23 pursuant to paragraphs (4) and (5), respec-
24 tively, that are issued by the Officer.

1 “(12) Engage with individuals, stakeholders,
2 and communities the civil rights and civil liberties of
3 which may be affected by the policies, programs, ini-
4 tiatives, and activities of the Department, including
5 by—

6 “(A) informing such individuals, stake-
7 holders, and communities concerning such poli-
8 cies, programs, initiatives, and activities;

9 “(B) providing information for how to re-
10 port and access redress processes; and

11 “(C) providing Department leadership and
12 other personnel within the Department feed-
13 back from such individuals, stakeholders, and
14 communities on the civil rights and civil lib-
15 erties impacts of such policies, programs, initia-
16 tives, and activities, and working with State,
17 local, Tribal, and territorial homeland security
18 partners to enhance the Department’s policy-
19 making and program implementation.

20 “(13) Lead a language access program for the
21 Department to ensure the Department effectively
22 communicates with all individuals impacted by pro-
23 grams and activities of the Department, including
24 those with limited English proficiency.

1 “(14) Participate in the hiring or designation of
2 a civil rights and civil liberties officer within each
3 component and participate in the performance re-
4 view process for such officer.

5 “(c) AUTHORITY TO INVESTIGATE.—

6 “(1) IN GENERAL.—For the purposes of sub-
7 section (b), the Officer shall—

8 “(A) have access to all materials and per-
9 sonnel necessary to carry out the functions of
10 the Office under this subsection;

11 “(B) make such investigations and reports
12 relating to the administration of the programs
13 and operations of the Department as are nec-
14 essary or appropriate; and

15 “(C) administer to or take from any per-
16 son an oath, affirmation, or affidavit, whenever
17 necessary to performance of the responsibilities
18 of the Officer under this section.

19 “(2) EFFECT OF OATHS.—Any oath, affirma-
20 tion, or affidavit administered or taken pursuant to
21 paragraph (1)(C) by or before an employee of the
22 Office designated for that purpose by the Officer
23 shall have the same force and effect as if adminis-
24 tered or taken by or before an officer having a seal
25 of office.

1 “(d) NOTIFICATION REQUIREMENT.—In the case of
2 a complaint made concerning allegations of abuses of civil
3 rights and civil liberties under paragraph (7) of subsection
4 (b), the Officer shall—

5 “(1) provide to the individual who made the
6 complaint notice of the receipt of such complaint
7 within 30 days of receiving the complaint; and

8 “(2) inform the complainant of the determina-
9 tion of the Office regarding—

10 “(A) the initiation of a review, assessment,
11 or investigation by the Office;

12 “(B) a referral to the Inspector General of
13 the Department; or

14 “(C) any other action taken.

15 “(e) COORDINATION WITH INSPECTOR GENERAL.—

16 “(1) IN GENERAL.—

17 “(A) REFERRAL.—Before initiating an in-
18 vestigation initiated by the Officer pursuant to
19 paragraph (7) or (8) of subsection (b), the Offi-
20 cer shall refer the matter at issue to the Inspec-
21 tor General of the Department.

22 “(B) DETERMINATIONS AND NOTIFICA-
23 TIONS BY INSPECTOR GENERAL.—Not later
24 than seven days after the receipt of a matter at

1 issue under subparagraph (A), the Inspector
2 General shall—

3 “(i) make a determination regarding
4 whether the Inspector General intends to
5 initiate an investigation of such matter;
6 and

7 “(ii) notify the Officer of such deter-
8 mination.

9 “(C) INVESTIGATIONS.—If the Secretary
10 determines that a complaint warrants both the
11 Officer and the Inspector General conducting
12 investigations concurrently, jointly, or in some
13 other manner, the Secretary may authorize the
14 Officer to conduct an investigation in such
15 manner as the Secretary directs.

16 “(D) NOTIFICATION BY THE OFFICER.—If
17 the Officer does not receive notification of a de-
18 termination pursuant to subparagraph (B)(ii),
19 the Officer shall notify the Inspector General of
20 whether the Officer intends to initiate an inves-
21 tigation into the matter at issue.

22 “(f) RECOMMENDATIONS; RESPONSE.—

23 “(1) IN GENERAL.—In the case of an investiga-
24 tion initiated by the Officer pursuant to paragraph
25 (7) or (8) of subsection (b), if such an investigation

1 results in the issuance of recommendations,the Offi-
2 cer shall produce a report that—

3 “(A) includes the final findings and rec-
4 ommendations of the Officer;

5 “(B) is made publicly available in sum-
6 mary form;

7 “(C) does not include any personally iden-
8 tifiable information; and

9 “(D) may include a classified annex.

10 “(2) TRANSMISSION.—The Officer shall trans-
11 mit to the Secretary and the head of the relevant
12 component a copy of each report under paragraph
13 (1).

14 “(3) RESPONSE.—

15 “(A) IN GENERAL.—Not later than 45
16 days after the date on which the Officer trans-
17 mits to the head of a component a copy of a re-
18 port pursuant to paragraph (2), such head shall
19 submit to the Secretary and the Officer a re-
20 sponse to such report.

21 “(B) RULE OF CONSTRUCTION.—In the re-
22 sponse submitted pursuant to subparagraph
23 (A), each recommendation contained in the re-
24 port transmitted pursuant to paragraph (2)
25 with which the head of the component at issue

1 concurs shall be deemed an accepted rec-
2 ommendation of the Department.

3 “(C) NONCONCURRENCE; APPEAL.—If the
4 head of a component does not concur with a
5 recommendation contained in the report trans-
6 mitted pursuant to paragraph (2), or if such
7 head does not respond to a recommendation
8 within 45 days in accordance with subpara-
9 graph (A), the Officer may appeal to the Sec-
10 retary.

11 “(D) RESULT.—If the Officer appeals to
12 the Secretary pursuant to subparagraph (C),
13 the Secretary shall, not later than 60 days after
14 the date on which the Officer appeals—

15 “(i) accept the Officer’s recommenda-
16 tion, which recommendation shall be
17 deemed the accepted recommendation of
18 the Department; or

19 “(ii) accept the nonconcurrence of the
20 head of the component at issue if trans-
21 mitted in accordance with subparagraph
22 (A).

23 “(g) REPORTING.—

24 “(1) IN GENERAL.—In the case of an investiga-
25 tion initiated by the Officer pursuant to paragraph

1 (7) or (8) of subsection (b), if such an investigation
2 resulted in the issuance of recommendations, the Of-
3 ficer shall, on an annual basis, make publicly avail-
4 able through accessible communications channels, in-
5 cluding the website of the Department—

6 “(A) a summary of investigations that are
7 completed, consistent with section 1062(f)(1) of
8 the Intelligence Reform and Terrorism Preven-
9 tion Act of 2004 (42 U.S.C. 2000ee–1(f)(2));

10 “(B) the accepted recommendations of the
11 Department, if any; and

12 “(C) a summary of investigations that re-
13 sult in final recommendations that are issued
14 by the Officer.

15 “(2) PROHIBITION.—Materials made publicly
16 available pursuant to paragraph (1) may not include
17 any personally identifiable information related to any
18 individual involved in the investigation at issue.

19 “(h) COMPONENT CIVIL RIGHTS AND CIVIL LIB-
20 RTIES OFFICERS.—

21 “(1) IN GENERAL.—Any component that has an
22 Officer for Civil Rights and Civil Liberties of such
23 component shall ensure that such Officer for Civil
24 Rights and Civil Liberties of such component shall
25 coordinate with and provide information to the Offi-

cer for Civil Rights and Civil Liberties of the Department on matters related to civil rights and civil liberties within each such component.

“(2) OFFICERS OF OPERATIONAL COMPONENTS.—The head of each operational component, in consultation with the Officer for Civil Rights and Civil Liberties of the Department, shall hire or designate a career appointee (as such term is defined in section 3132 of title 5, United States Code) from such component as the Officer for Civil Rights and Civil Liberties of such operational component.

“(3) RESPONSIBILITIES.—Each Officer for Civil Rights and Civil Liberties of each component—

“(A) shall have access in a timely manner to the information, materials, and information necessary to carry out the functions of such officer;

“(B) shall be consulted in advance of new or proposed changes to component policies, programs, initiatives, and activities impacting civil rights and civil liberties;

“(C) shall be given full and complete access to all component materials and component personnel necessary to carry out the functions of such officer;

1 “(D) may, to the extent the Officer for
2 Civil Rights and Civil Liberties of the Depart-
3 ment determines necessary, and subject to the
4 approval of the Secretary, administer to or take
5 from any person an oath, affirmation, or affi-
6 davit, whenever necessary in the performance of
7 the responsibilities of each such component Of-
8 ficer under this section; and

9 “(E) may administer any oath, affirma-
10 tion, or affidavit, and such oath, affirmation,
11 shall have the same force and effect as if ad-
12 ministered or taken by or before an officer hav-
13 ing a seal of office.

14 “(i) ANNUAL REPORT.—Not later than March 31 of
15 each year, the Officer shall submit to the Committee on
16 Homeland Security of the House of Representatives, the
17 Committee on Homeland Security and Governmental Af-
18 fairs of the Senate, and any other Committee of the House
19 of Representatives or the Senate, as the case may be, the
20 Officer determines relevant, a report on the implementa-
21 tion of this section during the immediately preceding fiscal
22 year. Each such annual report shall be prepared and sub-
23 mitted for supervisory review and appropriate comment or
24 amendment by the Secretary prior to submission to such
25 committees, and the Officer shall consider and incorporate

1 any comments or amendments as a result of such review.
2 Each such report shall include, for the year covered by
3 such report, the following:

4 “(1) A list of Department regulations, policies,
5 programs, initiatives, and activities for which civil
6 rights and civil liberties impact assessments were
7 conducted, or policy advice, recommendations, or
8 other technical assistance was provided.

9 “(2) An assessment of the efforts of the De-
10 partment to effectively communicate with all individ-
11 uals impacted by programs and activities of the De-
12 partment, including those with limited English pro-
13 ficiency through the language access program re-
14 ferred to in subsection (b)(13).

15 “(3) A summary of investigations under para-
16 graph (7) or (8) of subsection (b) resulting in rec-
17 ommendations issued pursuant to subsection (f), to-
18 gether with information on the status of the imple-
19 mentation of such recommendations by the compo-
20 nent at issue.

21 “(4) Information on the diversity and equal em-
22 ployment opportunity activities of the Department,
23 including information on complaint management and
24 adjudication of equal employment opportunity com-
25 plaints, and efforts to ensure compliance throughout

1 the Department with equal employment opportunity
2 requirements.

3 “(5) A description of any efforts, including pub-
4 lic meetings, to engage with individuals, stake-
5 holders, and communities the civil rights and civil
6 liberties of which may be affected by policies, pro-
7 grams, initiatives, and activities of the Department.

8 “(6) Information on total staffing for the Of-
9 fice, including—

10 “(A) the number of full-time, part-time,
11 and contract support personnel; and

12 “(B) information on the number of em-
13 ployees whose primary responsibilities include
14 supporting the Officer in carrying out para-
15 graph (10) of subsection (b).

16 “(7) If required, a classified annex.

17 “(j) DEFINITION.—In this section, the term ‘compo-
18 nent’ means any operational component, non-operational
19 component, directorate, or office of the Department.”.

20 (2) CLERICAL AMENDMENT.—The item relating
21 to section 705 in section 1(b) of the Homeland Secu-
22 rity Act of 2002 is amended to read as follows:

“Sec. 705. Officer for Civil Rights and Civil Liberties”.

23 (3) REPORTING TO CONGRESS.—Section
24 1062(f)(1)(A)(i) of the Intelligence Reform and Ter-
25 rorism Prevention Act of 2004 (42 U.S.C. 2000ee—

1 1(f)(1)(A)(i)) is amended by striking “the Com-
2 mittee on Oversight and Government Reform of the
3 House of Representatives” and inserting “the Com-
4 mittee on Homeland Security of the House of Rep-
5 resentatives, the Committee on Oversight and Re-
6 form of the House of Representatives”.

7 (b) COMPTROLLER GENERAL REVIEW.—Not later
8 than two years after the date of the enactment of this sec-
9 tion, the Comptroller General of the United States shall
10 submit to Congress a report on the implementation of sub-
11 section (b)(12) of section 705 of the Homeland Security
12 Act of 2002 (6 U.S.C. 345), as amended by subsection
13 (a).

14 **SEC. 5920. MODIFICATION TO PEACEKEEPING OPERATIONS**
15 **REPORT.**

16 Section 6502 of the National Defense Authorization
17 Act for Fiscal Year 2022 (135 Stat. 2422) is amended—

18 (1) in subsection (a)—

19 (A) by amendment paragraph (4) to read
20 as follows:

21 “(4) As applicable, description of specific train-
22 ing on monitoring and adhering to international
23 human rights and humanitarian law provided to the
24 foreign country or entity receiving the assistance.”;
25 and

1 (B) by striking paragraphs (7) and (8);

2 (2) in subsection (b)—

3 (A) by amending the heading to read as
4 follows: “REPORTS”; and

5 (B) in paragraph (1), in the matter pre-
6 ceding subparagraph (A)—

7 (i) by inserting “authorized under sec-
8 tion 551 of the Foreign Assistance Act of
9 1961 (22 U.S.C. 2348) and” after “secu-
10 rity assistance”; and

11 (ii) by striking “foreign countries”
12 and all that follows through the colon and
13 inserting “foreign countries for any of the
14 following purposes.”;

15 (3) by redesignating subsection (c) as sub-
16 section (d); and

17 (4) by inserting after subsection (b), as amend-
18 ed, the following:

19 “(c) COORDINATION OF SUBMISSION.—The Sec-
20 retary of State is authorized to integrate the elements of
21 the report required by subsection (b) into other reports
22 required to be submitted annually to the appropriate con-
23 gressional committees.”.

1 **SEC. 5921. REPORT TO CONGRESS BY SECRETARY OF**
2 **STATE ON GOVERNMENT-ORDERED INTER-**
3 **NET OR TELECOMMUNICATIONS SHUT-**
4 **DOWNS.**

5 Not later than 180 days after the date of the enact-
6 ment of this Act, the Secretary of State shall submit to
7 the Committee on Armed Services and the Committee on
8 Foreign Affairs of the House of Representatives and the
9 Committee on Armed Services and the Committee on For-
10 eign Relations of the Senate a report that—

11 (1) describes incidents, occurring during the 5-
12 year period preceding the date of the submission of
13 the report, of government-ordered internet or tele-
14 communications shutdowns in foreign countries;

15 (2) analyzes the impact of such shutdowns on
16 global security and the human rights of those af-
17 fected; and

18 (3) contains a strategy for engaging with the
19 international community to respond to such shut-
20 downs.

21 **SEC. 5922. SURVIVORS' BILL OF RIGHTS.**

22 (a) **DEFINITION OF COVERED FORMULA GRANT.—**

23 In this section, the term “covered formula grant” means
24 a grant under part T of title I of the Omnibus Crime Con-
25 trol and Safe Streets Act of 1968 (34 U.S.C. 10441 et

1 seq.) (commonly referred to as the “STOP Violence
2 Against Women Formula Grant Program”).

3 (b) GRANT INCREASE.—The Attorney General shall
4 increase the amount of the covered formula grant provided
5 to a State in accordance with this section if the State has
6 in effect a law that provides to sexual assault survivors
7 the rights, at a minimum, under section 3772 of title 18,
8 United States Code.

9 (c) APPLICATION.—A State seeking an increase to a
10 covered formula grant under this section shall submit an
11 application to the Attorney General at such time, in such
12 manner, and containing such information as the Attorney
13 General may reasonably require, including information
14 about the law described in subsection (b).

15 (d) PERIOD OF INCREASE.—The Attorney General
16 may not provide an increase in the amount of the covered
17 formula grant provided to a State under this section more
18 than 4 times.

19 **SEC. 5923. ADMISSION OF ESSENTIAL SCIENTISTS AND**
20 **TECHNICAL EXPERTS TO PROMOTE AND PRO-**
21 **TECT NATIONAL SECURITY INNOVATION**
22 **BASE.**

23 (a) SPECIAL IMMIGRANT STATUS.—In accordance
24 with the procedures established under subsection (f)(1),
25 and subject to subsection (c)(1), the Secretary of Home-

1 land Security may provide an alien described in subsection
2 (b) (and the spouse and each child of the alien if accom-
3 panying or following to join the alien) with the status of
4 a special immigrant under section 101(a)(27) of the Immi-
5 gration and Nationality Act (8 U.S.C. 1101(a)(27)), if the
6 alien—

7 (1) submits a classification petition under sec-
8 tion 204(a)(1)(G)(i) of such Act (8 U.S.C.
9 1154(a)(1)(G)(i)); and

10 (2) is otherwise eligible to receive an immigrant
11 visa and is otherwise admissible to the United States
12 for lawful permanent residence.

13 (b) ALIENS DESCRIBED.—An alien is described in
14 this subsection if—

15 (1) the alien—

16 (A) is employed by a United States em-
17 ployer and engaged in work to promote and
18 protect the National Security Innovation Base;

19 (B) is engaged in basic or applied re-
20 search, funded by the Department of Defense,
21 through a United States institution of higher
22 education (as defined in section 101 of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1001)); or

1 (C) possesses scientific or technical exper-
2 tise that will advance the development of crit-
3 ical technologies identified in the National De-
4 fense Strategy or the National Defense Science
5 and Technology Strategy, required by section
6 218 of the John S. McCain National Defense
7 Authorization Act for Fiscal Year 2019 (Public
8 Law 115–232; 132 Stat. 1679); and

9 (2) the Secretary of Defense issues a written
10 statement to the Secretary of Homeland Security
11 confirming that the admission of the alien is essen-
12 tial to advancing the research, development, testing,
13 or evaluation of critical technologies described in
14 paragraph (1)(C) or otherwise serves national secu-
15 rity interests.

16 (c) NUMERICAL LIMITATIONS.—

17 (1) IN GENERAL.—The total number of prin-
18 cipal aliens who may be provided special immigrant
19 status under this section may not exceed—

20 (A) 10 in each of fiscal years 2023
21 through 2032; and

22 (B) 100 in fiscal year 2033 and each fiscal
23 year thereafter.

24 (2) EXCLUSION FROM NUMERICAL LIMITA-
25 TION.—Aliens provided special immigrant status

1 under this section shall not be counted against the
2 numerical limitations under sections 201(d), 202(a),
3 and 203(b)(4) of the Immigration and Nationality
4 Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

5 (d) DEFENSE COMPETITION FOR SCIENTISTS AND
6 TECHNICAL EXPERTS.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall develop and implement a process to select, on a com-
9 petitive basis from among individuals described in sub-
10 section (b), individuals for recommendation to the Sec-
11 retary of Homeland Security for special immigrant status
12 described in subsection (a).

13 (e) AUTHORITIES.—In carrying out this section, the
14 Secretary of Defense shall authorize appropriate personnel
15 of the Department of Defense to use all personnel and
16 management authorities available to the Department, in-
17 cluding the personnel and management authorities pro-
18 vided to the science and technology reinvention labora-
19 tories, the Major Range and Test Facility Base (as de-
20 fined in 196(i) of title 10, United States Code), and the
21 Defense Advanced Research Projects Agency.

22 (f) PROCEDURES.—Not later than 360 days after the
23 date of the enactment of this Act, the Secretary of Home-
24 land Security and Secretary of Defense shall jointly estab-

lish 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—

(1) to 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 180 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

1 (2) identification of any additional authorities
2 that may be required to assist the Secretaries in
3 fully implementing section.

4 (i) PROGRAM EVALUATION AND REPORT.—

5 (1) EVALUATION.—The Comptroller General of
6 the United States shall conduct an evaluation of the
7 competitive program and special immigrant program
8 described in subsections (a) through (g).

9 (2) REPORT.—Not later than October 1, 2026,
10 the Comptroller General shall submit to the appro-
11 priate congressional committees a report on the re-
12 sults of the evaluation conducted under paragraph
13 (1).

14 (j) DEFINITIONS.—In this section:

15 (1) The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Armed Services and
18 the Committee on the Judiciary of the House of
19 Representatives; and

20 (B) the Committee on Armed Services and
21 the Committee on the Judiciary of the Senate.

22 (2) The term “National Security Innovation
23 Base” means the network of persons and organiza-
24 tions, including Federal agencies, institutions of
25 higher education, Federally funded research and de-

(a) COST SHARING.—Section 3504(c)(1) of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322; 130 Stat. 1775) is amended—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), the Federal share”; and

17 “(B) SMALL, RURAL, AND DISADVANTAGED
18 COMMUNITIES.—

HR 7900 PCS

“(ii) WAIVER.—The Secretary may increase the Federal share under clause (i) to 100 percent of the total cost of the project if the Secretary determines that the grant recipient is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.”.

(b) REPEAL OF PROHIBITION ON USE OF FUNDS FOR FEDERAL ACQUISITION OF INTERESTS IN LAND.—Section 3506 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322; 130 Stat. 1775) is repealed.

(c) SUNSET.—Section 3507 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322; 130 Stat. 1775) is amended by striking “2023” and inserting “2030”.

Subtitle B—Rights for the TSA Workforce Act of 2022

SEC. 5931. SHORT TITLE.

This subtitle may be cited as the “Rights for the Transportation Security Administration Workforce Act of 2022” or the “Rights for the TSA Workforce Act of 2022”.

SEC. 5932. DEFINITIONS.

For purposes of this subtitle—

1 (1) the term “adjusted basic pay” means—

2 (A) the rate of pay fixed by law or admin-
3 istrative action for the position held by a cov-
4 ered employee before any deductions; and

5 (B) any regular, fixed supplemental pay-
6 ment for non-overtime hours of work creditable
7 as basic pay for retirement purposes, including
8 any applicable locality payment and any special
9 rate supplement;

10 (2) the term “Administrator” means the Ad-
11 ministrator of the Transportation Security Adminis-
12 tration;

13 (3) the term “appropriate congressional com-
14 mittees” means the Committees on Homeland Secu-
15 rity and Oversight and Reform of the House of Rep-
16 resentatives and the Committees on Commerce,
17 Science, and Transportation and Homeland Security
18 and Governmental Affairs of the Senate;

19 (4) the term “at-risk employee” means a
20 Transportation Security Officer, Federal Air Mar-
21 shal, canine handler, or any other employee of the
22 Transportation Security Administration carrying out
23 duties that require substantial contact with the pub-
24 lic during the COVID–19 national emergency;

1 (5) the term “conversion date” means the date
2 as of which subparagraphs (A) through (F) of sec-
3 tion 5933(c)(1) take effect;

4 (6) the term “covered employee” means an em-
5 ployee who holds a covered position;

6 (7) the term “covered position” means a posi-
7 tion within the Transportation Security Administra-
8 tion;

9 (8) the term “COVID–19 national emergency”
10 means the national emergency declared by the Presi-
11 dent under the National Emergencies Act (50
12 U.S.C. 1601 et seq.) on March 13, 2020, with re-
13 spect to the coronavirus;

14 (9) the term “employee” has the meaning given
15 such term by section 2105 of title 5, United States
16 Code;

17 (10) the term “Secretary” means the Secretary
18 of Homeland Security;

19 (11) the term “TSA personnel management
20 system” means any personnel management system
21 established or modified under—

22 (A) section 111(d) of the Aviation and
23 Transportation Security Act (49 U.S.C. 44935
24 note); or

1 (B) section 114(n) of title 49, United
2 States Code;

3 (12) the term “TSA” means the Transportation
4 Security Administration; and

5 (13) the term “2019 Determination” means the
6 publication, entitled “Determination on Transpor-
7 tation Security Officers and Collective Bargaining”,
8 issued on July 13, 2019, by Administrator David P.
9 Pekoske, as modified, or any superseding subsequent
10 determination.

11 **SEC. 5933. CONVERSION OF TSA PERSONNEL.**

12 (a) RESTRICTIONS ON CERTAIN PERSONNEL AU-
13 THORITIES.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, and except as provided in para-
16 graph (2), effective as of the date of the enactment
17 of this Act—

18 (A) any TSA personnel management sys-
19 tem in use for covered employees and covered
20 positions on the day before such date of enact-
21 ment, and any TSA personnel management pol-
22 icy, letter, guideline, or directive in effect on
23 such day may not be modified;

24 (B) no TSA personnel management policy,
25 letter, guideline, or directive that was not estab-

1 lished before such date issued pursuant to sec-
2 tion 111(d) of the Aviation and Transportation
3 Security Act (49 U.S.C. 44935 note) or section
4 114(n) of title 49, United States Code, may be
5 established; and

6 (C) any authority to establish or adjust a
7 human resources management system under
8 chapter 97 of title 5, United States Code, shall
9 terminate with respect to covered employees
10 and covered positions.

11 (2) EXCEPTIONS.—

12 (A) PAY.—Notwithstanding paragraph
13 (1)(A), the limitation in that paragraph shall
14 not apply to any TSA personnel management
15 policy, letter, guideline, or directive related to
16 annual adjustments to pay schedules and local-
17 ity-based comparability payments in order to
18 maintain parity with such adjustments author-
19 ized under section 5303, 5304, 5304a, and
20 5318 of title 5, United States Code; and

21 (B) ADDITIONAL POLICY.—Notwith-
22 standing paragraph (1)(B), new TSA personnel
23 management policy may be issued if—

24 (i) such policy is needed to resolve a
25 matter not specifically addressed in policy

1 in effect on the date of enactment of this
2 Act; and

3 (ii) the Secretary provides such policy,
4 with an explanation of its necessity, to the
5 appropriate congressional committees not
6 later than 7 days of issuance.

7 (C) EMERGING THREATS TO TRANSPOR-
8 TATION SECURITY DURING TRANSITION PE-
9 RIOD.—Notwithstanding paragraph (1), any
10 TSA personnel management policy, letter,
11 guideline, or directive related to an emerging
12 threat to transportation security, including na-
13 tional emergencies or disasters and public
14 health threats to transportation security, may
15 be modified or established until the conversion
16 date. The Secretary shall provide to the appro-
17 priate congressional committees any modifica-
18 tion or establishment of such a TSA personnel
19 management policy, letter, guideline, or direc-
20 tive, with an explanation of its necessity, not
21 later than 7 days of such modification or estab-
22 lishment.

23 (b) PERSONNEL AUTHORITIES DURING TRANSITION
24 PERIOD.—Any TSA personnel management system in use
25 for covered employees and covered positions on the day

1 before the date of enactment of this Act and any TSA
2 personnel management policy, letter, guideline, or direc-
3 tive in effect on the day before the date of enactment of
4 this Act shall remain in effect until the conversion date.

5 (c) TRANSITION TO TITLE 5.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), effective as of the date determined by the
8 Secretary, but in no event later than December 31,
9 2022—

10 (A) the TSA personnel management sys-
11 tem shall cease to be in effect;

12 (B) section 114(n) of title 49, United
13 States Code, is repealed;

14 (C) section 111(d) of the Aviation and
15 Transportation Security Act (49 U.S.C. 44935
16 note) is repealed;

17 (D) any TSA personnel management pol-
18 icy, letter, guideline, and directive, including the
19 2019 Determination, shall cease to be effective;

20 (E) any human resources management sys-
21 tem established or adjusted under chapter 97 of
22 title 5, United States Code, with respect to cov-
23 ered employees or covered positions shall cease
24 to be effective; and

1 (F) covered employees and covered posi-
2 tions shall be subject to the provisions of title
3 5, United States Code.

4 (2) CHAPTERS 71 AND 77 OF TITLE 5.—Not
5 later than 90 days after the date of enactment of
6 this Act—

7 (A) chapter 71 and chapter 77 of title 5,
8 United States Code, shall apply to covered em-
9 ployees carrying out screening functions pursu-
10 ant to section 44901 of title 49, United States
11 Code; and

12 (B) any policy, letter, guideline, or direc-
13 tive issued under section 111(d) of the Aviation
14 and Transportation Security Act (49 U.S.C.
15 44935 note) related to matters otherwise cov-
16 ered by such chapter 71 or 77 shall cease to be
17 in effect.

18 (3) ASSISTANCE OF OTHER AGENCIES.—Not
19 later than 180 days after the date of enactment of
20 this Act or December 31, 2022, whichever is ear-
21 lier—

22 (A) the Office of Personnel Management
23 shall establish a position series and classifica-
24 tion standard for the positions of Transpor-
25 tation Security Officer, Federal Air Marshal,

1 Transportation Security Inspector, and other
2 positions requested by the Administrator; and

3 (B) the Department of Agriculture's Na-
4 tional Finance Center shall make necessary
5 changes to its Financial Management Services
6 and Human Resources Management Services to
7 ensure payroll, leave, and other personnel proc-
8 essing systems for TSA personnel are commen-
9 surate with chapter 53 of title 5, United States
10 Code, and provide functions as needed to imple-
11 ment this subtitle.

12 (d) SAFEGUARDS ON GRIEVANCES AND APPEALS.—

13 (1) IN GENERAL.—Each covered employee with
14 a grievance or appeal pending within TSA on the
15 date of the enactment of this Act or initiated during
16 the transition period described in subsection (c) shall
17 have the right to have such grievance or appeal re-
18 moved to proceedings pursuant to title 5, United
19 States Code, or continued within the TSA.

20 (2) AUTHORITY.—With respect to any griev-
21 ance or appeal continued within the TSA pursuant
22 to paragraph (1), the Administrator may consider
23 and finally adjudicate such grievance or appeal not-
24 withstanding any other provision of this subtitle.

1 (3) PRESERVATION OF RIGHTS.—Notwith-
2 standing any other provision of law, any appeal or
3 grievance continued pursuant to this section that is
4 not finally adjudicated pursuant to paragraph (2)
5 shall be preserved and all timelines tolled until the
6 rights afforded by application of chapters 71 and 77
7 of title 5, United States Code, are made available
8 pursuant to section 5933(c)(2) of this subtitle.

9 **SEC. 5934. TRANSITION RULES.**

10 (a) NONREDUCTION IN PAY AND COMPENSATION.—
11 Under pay conversion rules as the Secretary may prescribe
12 to carry out this subtitle, a covered employee converted
13 from a TSA personnel management system to the provi-
14 sions of title 5, United States Code, pursuant to section
15 5933(c)(1)(F)—

16 (1) shall not be subject to any reduction in ei-
17 ther the rate of adjusted basic pay payable or law
18 enforcement availability pay payable to such covered
19 employee; and

20 (2) shall be credited for years of service in a
21 specific pay band under a TSA personnel manage-
22 ment system as if the employee had served in an
23 equivalent General Schedule position at the same
24 grade, for purposes of determining the appropriate

1 step within a grade at which to establish the employ-
2 ee's converted rate of pay.

3 (b) RETIREMENT PAY.—Not later than 90 days after
4 the date of enactment of this Act, the Secretary shall sub-
5 mit to the appropriate congressional committees a pro-
6 posal, including proposed legislative changes if needed, for
7 determining a covered employee's average pay for pur-
8 poses of calculating the employee's retirement annuity,
9 consistent with title 5, United States Code, for any cov-
10 ered employee who retires within three years of the conver-
11 sion date, in a manner that appropriately accounts for
12 time in service and annual rate of basic pay following the
13 conversion date.

14 (c) LIMITATION ON PREMIUM PAY.—Notwith-
15 standing section 5547 of title 5, United States Code, or
16 any other provision of law, a Federal Air Marshal or crimi-
17 nal investigator hired prior to the date of enactment of
18 this Act may be eligible for premium pay up to the max-
19 imum level allowed by the Administrator prior to the date
20 of enactment of this Act. The Office of Personnel Manage-
21 ment shall recognize such premium pay as fully creditable
22 for the purposes of calculating pay and retirement bene-
23 fits.

1 (d) PRESERVATION OF LAW ENFORCEMENT AVAIL-
2 ABILITY PAY AND OVERTIME PAY RATES FOR FEDERAL
3 AIR MARSHALS.—

4 (1) LEAP.—Section 5545a of title 5, United
5 States Code, is amended by adding at the end the
6 following:

7 “(l) The provisions of subsections (a)–(h) providing
8 for availability pay shall apply to any Federal Air Marshal
9 who is an employee of the Transportation Security Admin-
10 istration.”.

11 (2) OVERTIME.—Section 5542 of such title is
12 amended by adding at the end the following:

13 “(i) Notwithstanding any other provi-
14 sion of law, a Federal Air Marshal who is
15 an employee of the Transportation Secu-
16 rity Administration shall receive overtime
17 pay under this section, at such a rate and
18 in such a manner, so that such Federal Air
19 Marshal does not receive less overtime pay
20 than such Federal Air Marshal would re-
21 ceive were that Federal Air Marshal sub-
22 ject to the overtime pay provisions of sec-
23 tion 7 of the Fair Labor Standards Act of
24 1938.”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by paragraphs (1) and (2) shall begin to apply on
3 the conversion date (as that term is defined in sec-
4 tion 5932 of the Rights for the TSA Workforce Act
5 of 2022).

6 (e) COLLECTIVE BARGAINING UNIT.—Notwith-
7 standing section 7112 of title 5, United States Code, fol-
8 lowing the application of chapter 71 pursuant to section
9 5933(c)(2) of this subtitle, full- and part-time non-super-
10 visory Transportation Security Administration personnel
11 carrying out screening functions under section 44901 of
12 title 49, United States Code, shall remain eligible to form
13 a collective bargaining unit.

14 (f) PRESERVATION OF OTHER RIGHTS.—The Sec-
15 retary shall take any actions necessary to ensure that the
16 following rights are preserved and available for each cov-
17 ered employee as of the conversion date and any covered
18 employee appointed after the conversion date, and con-
19 tinue to remain available to covered employees after the
20 conversion date:

21 (1) Any annual leave, sick leave, or other paid
22 leave accrued, accumulated, or otherwise available to
23 a covered employee immediately before the conver-
24 sion date shall remain available to the employee
25 until used, subject to any limitation on accumulated

1 leave under chapter 63 of title 5, United States
2 Code.

3 (2) Part-time personnel carrying out screening
4 functions under section 44901 of title 49, United
5 States Code, pay Federal Employees Health Bene-
6 fits premiums on the same basis as full-time TSA
7 employees.

8 (3) Covered employees are provided appropriate
9 leave during national emergencies to assist the cov-
10 ered employees and ensure TSA meets mission re-
11 quirements, notwithstanding section 6329a of title 5,
12 United States Code.

13 (4) Eligible covered employees carrying out
14 screening functions under section 44901 of title 49,
15 United States Code, receive a split-shift differential
16 for regularly scheduled split-shift work as well as
17 regularly scheduled overtime and irregular and occa-
18 sional split-shift work.

19 (5) Eligible covered employees receive group re-
20 tention incentives, as appropriate, notwithstanding
21 sections 5754(c), (e), and (f) of title 5, United
22 States Code.

23 **SEC. 5935. CONSULTATION REQUIREMENT.**

24 (a) **EXCLUSIVE REPRESENTATIVE.—**

25 (1) **IN GENERAL.—**

1 (A) Beginning on the date chapter 71 of
2 title 5, United States Code, begins to apply to
3 covered employees pursuant to section
4 5933(c)(2), the labor organization certified by
5 the Federal Labor Relations Authority on June
6 29, 2011, or any successor labor organization,
7 shall be treated as the exclusive representative
8 of full- and part-time non-supervisory TSA per-
9 sonnel carrying out screening functions under
10 section 44901 of title 49, United States Code,
11 and shall be the exclusive representative for
12 such personnel under chapter 71 of title 5,
13 United States Code, with full rights under such
14 chapter.

15 (B) Nothing in this subsection shall be
16 construed to prevent covered employees from
17 selecting an exclusive representative other than
18 the labor organization described under para-
19 graph (1) for purposes of collective bargaining
20 under such chapter 71.

21 (2) NATIONAL LEVEL.—Notwithstanding any
22 provision of such chapter 71, collective bargaining
23 for any unit of covered employees shall occur at the
24 national level, but may be supplemented by local
25 level bargaining and local level agreements in fur-

1 therance of elements of a national agreement or on
2 local unit employee issues not otherwise covered by
3 a national agreement. Such local-level bargaining
4 and local-level agreements shall occur only by mu-
5 tual consent of the exclusive representative of full
6 and part-time non-supervisory TSA personnel car-
7 rying out screening functions under section 44901 of
8 title 49, United States Code, and a TSA Federal Se-
9 curity Director or their designee.

10 (3) CURRENT AGREEMENT.—Any collective bar-
11 gaining agreement covering such personnel in effect
12 on the date of enactment of this Act shall remain in
13 effect until a collective bargaining agreement is en-
14 tered into under such chapter 71, unless the Admin-
15 istrator and exclusive representative mutually agree
16 to revisions to such agreement.

17 (b) CONSULTATION PROCESS.—Not later than seven
18 days after the date of the enactment of this Act, the Sec-
19 retary shall consult with the exclusive representative for
20 the personnel described in subsection (a) under chapter
21 71 of title 5, United States Code, on the formulation of
22 plans and deadlines to carry out the conversion of full-
23 and part-time non-supervisory TSA personnel carrying out
24 screening functions under section 44901 of title 49,
25 United States Code, under this subtitle. Prior to the date

1 such chapter 71 begins to apply pursuant to section
2 5933(c)(2), the Secretary shall provide (in writing) to
3 such exclusive representative the plans for how the Sec-
4 retary intends to carry out the conversion of such per-
5 sonnel under this subtitle, including with respect to such
6 matters as—

- 7 (1) the anticipated conversion date; and
- 8 (2) measures to ensure compliance with sections
9 5933 and 5934.

10 (c) **REQUIRED AGENCY RESPONSE.**—If any views or
11 recommendations are presented under subsection (b) by
12 the exclusive representative, the Secretary shall consider
13 the views or recommendations before taking final action
14 on any matter with respect to which the views or rec-
15 ommendations are presented and provide the exclusive
16 representative a written statement of the reasons for the
17 final actions to be taken.

18 **SEC. 5936. NO RIGHT TO STRIKE.**

19 Nothing in this subtitle may be considered—

- 20 (1) to repeal or otherwise affect—

- 21 (A) section 1918 of title 18, United States
22 Code (relating to disloyalty and asserting the
23 right to strike against the Government); or

- 24 (B) section 7311 of title 5, United States
25 Code (relating to loyalty and striking); or

1 (2) to otherwise authorize any activity which is
2 not permitted under either provision of law cited in
3 paragraph (1).

4 **SEC. 5937. PROPOSAL ON HIRING AND CONTRACTING**
5 **BACKGROUND CHECK REQUIREMENTS.**

6 Not later than one year after the date of enactment
7 of this Act, the Secretary shall submit a plan to the appro-
8 priate congressional committees on a proposal to har-
9 monize and update, for the purposes of hiring and for au-
10 thorizing or entering into any contract for service, the re-
11 strictions in section 70105(c) of title 46, United States
12 Code, (relating to the issuance of transportation security
13 cards) and section 44936 of title 49, United States Code,
14 (relating to security screener employment investigations
15 and restrictions).

16 **SEC. 5938. COMPTROLLER GENERAL REVIEWS.**

17 (a) REVIEW OF RECRUITMENT.—Not later than one
18 year after the date of the enactment of this Act, the Comp-
19 troller General shall submit to Congress a report on the
20 efforts of the TSA regarding recruitment, including re-
21 cruitment efforts relating to veterans and the dependents
22 of veterans and members of the Armed Forces and the
23 dependents of such members. Such report shall also in-
24 clude recommendations regarding how the TSA may im-
25 prove such recruitment efforts.

1 (b) REVIEW OF IMPLEMENTATION.—Not later than
2 60 days after the conversion date, the Comptroller General
3 shall commence a review of the implementation of this
4 subtitle. The Comptroller General shall submit to Con-
5 gress a report on its review no later than one year after
6 such conversion date.

7 (c) REVIEW OF PROMOTION POLICIES AND LEADER-
8 SHIP DIVERSITY.—Not later than one year after the date
9 of the enactment of this Act, the Comptroller General shall
10 submit to Congress a report on the efforts of the TSA
11 to ensure that recruitment, hiring, promotion, and ad-
12 vancement opportunities are equitable and provide for de-
13 mographics among senior leadership that are reflective of
14 the United States' workforce demographics writ large.
15 Such report shall, to the extent possible, include an over-
16 view and analysis of the current demographics of TSA
17 leadership and, as appropriate, recommendations to im-
18 prove hiring and promotion procedures and diversity in
19 leadership roles that may include recommendations for
20 how TSA can better promote from within and retain and
21 advance its workers.

22 (d) REVIEW OF HARASSMENT AND ASSAULT POLI-
23 CIES AND PROTECTIONS.—Not later than one year after
24 the date of the enactment of this Act, the Comptroller
25 General shall submit to Congress a report on the efforts

1 of the TSA to ensure the safety of its staff with regards
2 to harassment and assault in the workplace, such as inci-
3 dents of sexual harassment and violence and harassment
4 and violence motivated by an individual's perceived race,
5 ethnicity, religion, gender identity or sexuality, and includ-
6 ing incidents where the alleged perpetrator or perpetrators
7 are members of the general public. Such report shall in-
8 clude an overview and analysis of the current TSA policies
9 and response procedures, a detailed description of if,
10 when, and how these policies fail to adequately protect
11 TSA personnel, and, as appropriate, recommendations for
12 steps the TSA can take to better protect its employees
13 from harassment and violence in their workplace. In con-
14 ducting its review, the Comptroller General shall provide
15 opportunities for TSA employees of all levels and posi-
16 tions, and unions and associations representing such em-
17 ployees, to submit comments, including in an anonymous
18 form, and take those comments into account in its final
19 recommendations.

20 **SEC. 5939. SENSE OF CONGRESS.**

21 It is the sense of Congress that—

22 (1) the TSA's personnel system provides insuf-
23 ficient benefits and workplace protections to the
24 workforce that secures the nation's transportation
25 systems and that the TSA's workforce should be

1 provided protections and benefits under title 5,
2 United States Code; and

3 (2) the provision of these title 5 protections and
4 benefits should not result in a reduction of pay or
5 benefits to current TSA employees.

6 **SEC. 5940. ASSISTANCE FOR FEDERAL AIR MARSHAL SERV-**
7 **ICE.**

8 The Administrator may communicate with organiza-
9 tions representing a significant number of Federal Air
10 Marshals, to the extent provided by law, to address con-
11 cerns regarding Federal Air Marshals related to the fol-
12 lowing:

13 (1) Mental health.

14 (2) Suicide rates.

15 (3) Morale and recruitment.

16 (4) Equipment and training.

17 (5) Work schedules and shifts, including man-
18 dated periods of rest.

19 (6) Any other personnel issues the Adminis-
20 trator determines appropriate.

21 **SEC. 5941. PREVENTION AND PROTECTION AGAINST CER-**
22 **TAIN ILLNESS.**

23 The Administrator, in coordination with the Director
24 of the Centers for Disease Control and Prevention and the
25 Director of the National Institute of Allergy and Infec-

1 tious Diseases, shall ensure that covered employees are
2 provided proper guidance regarding prevention and protec-
3 tions against the COVID–19 National Emergency, includ-
4 ing appropriate resources.

5 **SEC. 5942. HAZARDOUS DUTY PAYMENTS.**

6 Subject to the availability of appropriations, and not
7 later than 90 days after receiving such appropriations, the
8 Administrator shall provide a one-time bonus payment of
9 \$3,000 to each at-risk employee.

10 **SEC. 5943. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated such sums as
12 may be necessary, to remain available until expended, to
13 carry out this subtitle.

14 **SEC. 5944. STUDY ON FEASIBILITY OF COMMUTING BENE-**
15 **FITS.**

16 Not later than 270 days after the enactment of this
17 Act, the Administrator shall submit to the appropriate
18 congressional committees a feasibility study on allowing
19 covered employees carrying out screening functions under
20 section 44901 of title 49, United States Code, to treat as
21 hours of employment time spent by such employees regu-
22 larly traveling between airport parking lots and bus and
23 transit stops and screening checkpoints before and after
24 the regular work day. In conducting such study, the Ad-
25 ministrator shall consider—

1 (1) the amount of time needed to travel to and
2 from airport parking lots and bus and transit stops
3 at representative airports of various sizes;

4 (2) the feasibility of using mobile phones and
5 location data to allow employees to report their ar-
6 rival to and departure from airport parking lots and
7 bus and transit stops; and

8 (3) the estimated costs of providing such bene-
9 fits.

10 **SEC. 5945. BRIEFING ON ASSAULTS AND THREATS ON TSA**
11 **EMPLOYEES.**

12 Not later than 90 days after the date of the enact-
13 ment of this Act, the Administrator shall brief the appro-
14 priate congressional committees regarding the following:

15 (1) Reports to the Administrator of instances of
16 physical or verbal assault or threat made by a mem-
17 ber of the general public against a covered employee
18 engaged in carrying out screening functions under
19 section 44901 of title 49, United States Code, since
20 January 1, 2019.

21 (2) Procedures for reporting such assaults and
22 threats, including information on how the Adminis-
23 trator communicates the availability of such proce-
24 dures.

1 (3) Any steps taken by TSA to prevent and re-
2 spond to such assaults and threats.

3 (4) Any related civil actions and criminal refer-
4 rals made annually since January 1, 2019.

5 (5) Any additional authorities needed by the
6 Administrator to better prevent or respond to such
7 assaults and threats.

8 **SEC. 5946. ANNUAL REPORTS ON TSA WORKFORCE.**

9 Not later than one year after the date of the enact-
10 ment of this Act and annually thereafter, the Adminis-
11 trator shall submit to the appropriate congressional com-
12 mittees a report that contains the following:

13 (1) An analysis of the Office of Personnel Man-
14 agement's Federal Employee Viewpoint Survey
15 (FEVS) to determine job satisfaction rates of cov-
16 ered employees.

17 (2) Information relating to retention rates of
18 covered employees at each airport, including trans-
19 fers, in addition to aggregate retention rates of cov-
20 ered employees across the TSA workforce.

21 (3) Information relating to actions taken by the
22 TSA intended to improve workforce morale and re-
23 tention.

1 **DIVISION F—OTHER MATTERS**
2 **TITLE LX—TAIWAN PEACE AND**
3 **STABILITY ACT**

4 **SEC. 6001. SHORT TITLE.**

5 This title may be cited as the “Taiwan Peace and
6 Stability Act”.

7 **SEC. 6002. FINDINGS AND STATEMENT OF POLICY.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) The United States has consistently sought
11 to advance peace and stability in East Asia as a cen-
12 tral element of U.S. foreign policy toward the region.

13 (2) The Government of the People’s Republic of
14 China (PRC), especially since the election of Tsai
15 Ing-Wen in 2016, has conducted a coordinated cam-
16 paign to weaken Taiwan diplomatically, economi-
17 cally, and militarily in a manner that threatens to
18 erode U.S. policy and create a fait accompli on ques-
19 tions surrounding Taiwan’s future.

20 (3) In order to ensure the longevity of U.S. pol-
21 icy and preserve the ability of the people of Taiwan
22 to determine their future independently, it is nec-
23 essary to reinforce Taiwan’s diplomatic, economic,
24 and physical space.

1 (b) STATEMENT OF POLICY.—It is the policy of the
2 United States to—

3 (1) maintain the position that peace and sta-
4 bility in the Western Pacific are in the political, se-
5 curity, and economic interests of the United States,
6 and are matters of international concern; and

7 (2) work with allies and partners to promote
8 peace and stability in the Indo-Pacific and deter
9 military acts or other forms of coercive behavior that
10 would undermine regional stability.

11 **SEC. 6003. DEFINITIONS.**

12 In this title—

13 (1) the term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Foreign Affairs of
16 the House of Representatives; and

17 (B) the Committee on Foreign Relations of
18 the Senate;

19 (2) the term “international organization” in-
20 cludes United Nations funds, programs, specialized
21 agencies, entities, and bodies, and other organiza-
22 tions outside of the United Nations system, as the
23 Secretary of State or the Secretary’s designee deems
24 appropriate, and in consultation with other Federal
25 departments and agencies;

1 (3) the term ‘One-China Principle’ means the
2 PRC’s policy toward Taiwan;

3 (4) the term “civil society organizations” means
4 international civil society organizations that are crit-
5 ical to maintaining Taiwan’s international space and
6 enabling Taiwan to play a positive and constructive
7 role in the global community; and

8 (5) the term “potential PLA campaigns”
9 means—

10 (A) a naval blockade of Taiwan;

11 (B) an amphibious assault and ground in-
12 vasion of Taiwan, especially such invasion de-
13 signed to accomplish a fiat accompli before
14 intervention is possible; and

15 (C) a seizure of one or more of Taiwan’s
16 outlying islands.

17 **Subtitle A—Supporting Taiwan’s**
18 **Meaningful Participation in the**
19 **International Community**

20 **SEC. 6011. FINDINGS.**

21 Congress makes the following findings:

22 (1) Taiwan has provided monetary, humani-
23 tarian, and medical assistance to combat diseases
24 such as AIDS, tuberculosis, Ebola, and dengue fever
25 in countries around the world. During the COVID—

1 19 pandemic, Taiwan donated millions of pieces of
2 personal protective equipment and COVID–19 tests
3 to countries in need.

4 (2) Since 2016, the Gambia, Sao Tome and
5 Principe, Panama, the Dominican Republic, Burkina
6 Faso, El Salvador, the Solomon Islands, and
7 Kiribati have severed diplomatic relations with Tai-
8 wan in favor of diplomatic relations with China.

9 (3) Taiwan was invited to participate in the
10 World Health Assembly, the decision-making body of
11 the World Health Organization (WHO), as an ob-
12 server annually between 2009 and 2016. Since the
13 2016 election of President Tsai, the PRC has in-
14 creasingly resisted Taiwan’s participation in the
15 WHA. Taiwan was not invited to attend the WHA
16 in 2017, 2018, 2019, 2020, or 2021.

17 (4) The Taipei Flight Information Region re-
18 portedly served 1.75 million flights and 68.9 million
19 passengers in 2018 and is home to Taiwan Taoyuan
20 International airport, the eleventh busiest airport in
21 the world. Taiwan has been excluded from partici-
22 pating at the International Civil Aviation Organiza-
23 tion (ICAO) since 2013.

24 (5) United Nations (UN) General Assembly
25 Resolution 2758 does not address the issue of rep-

1 resentation of Taiwan and its people at the United
2 Nations, nor does it give the PRC the right to rep-
3 resent the people of Taiwan.

4 **SEC. 6012. SENSE OF CONGRESS ON TAIWAN’S MEANINGFUL**
5 **PARTICIPATION IN THE INTERNATIONAL**
6 **COMMUNITY.**

7 It is the sense of Congress that—

8 (1) Taiwan is free, democratic, and prosperous,
9 and is home to 23.5 million people. It is an impor-
10 tant contributor to the global community, as a model
11 for democracy, and by providing expertise in global
12 health, international aviation security, emerging
13 technology development, and with forward looking
14 environmental policies;

15 (2) multiple United States Government admin-
16 istrations of both political parties have taken impor-
17 tant steps to advance Taiwan’s meaningful partici-
18 pation in international organizations;

19 (3) existing efforts to enhance U.S. cooperation
20 with Taiwan to provide global public goods, includ-
21 ing through development assistance, humanitarian
22 assistance, and disaster relief in trilateral and multi-
23 lateral fora is laudable and should continue;

24 (4) nonetheless, significant structural, policy,
25 and legal barriers remain to advancing Taiwan’s

1 meaningful participation in the international com-
2 munity; and

3 (5) efforts to share Taiwan’s expertise with
4 other parts of the global community could be further
5 enhanced through a systematic approach, along with
6 greater attention from Congress and the American
7 public to such efforts.

8 **SEC. 6013. STRATEGY TO SUPPORT TAIWAN’S MEANINGFUL**
9 **PARTICIPATION IN INTERNATIONAL ORGANI-**
10 **ZATIONS.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of the enactment of this Act, the Secretary of State,
13 in consultation with other Federal departments and agen-
14 cies as appropriate, shall submit to the appropriate con-
15 gressional committees a strategy—

16 (1) to advance Taiwan’s meaningful participa-
17 tion in a prioritized set of international organiza-
18 tions (IOs); and

19 (2) that responds to growing pressure from the
20 PRC on foreign governments, IOs, commercial ac-
21 tors, and civil society organizations to comply with
22 its “One-China Principle”, with respect to Taiwan.

23 (b) MATTERS TO BE INCLUDED.—

24 (1) IN GENERAL.—The strategy required in
25 paragraph (a) shall include:

1 (A) An assessment of the methods the
2 PRC uses to coerce actors to into adhering to
3 its “One-China Principle.” The methods shall
4 include those employed against governments,
5 IOs, and civil society organizations. The assess-
6 ment shall also include pressure on commercial
7 actors, to the extent it is relevant in the context
8 of Taiwan’s meaningful participation in IOs.

9 (B) An assessment of the policies of for-
10 eign governments toward the PRC and Taiwan,
11 to identify likeminded allies and partners who
12 might become public or private partners in the
13 strategy.

14 (C) A systematic analysis of all IOs, as
15 practicable, to identify IOs that best lend them-
16 selves to advancing Taiwan’s participation. The
17 analysis shall include, but is not limited to the
18 IOs’—

19 (i) policy on the requirements to ob-
20 tain membership and observer status, as
21 well as the foundational documents defin-
22 ing membership requirements and observer
23 status within the IO;

24 (ii) participation rules;

- 1 (iii) processes for developing member-
2 ship requirements and participation rules;
3 (iv) policies of current members re-
4 garding Taiwan's political status; and
5 (v) relative reliance on contributions
6 from the PRC and how it may affect inter-
7 nal decision making.

8 (D) An evaluation of the feasibility and ad-
9 visability of expanding economic, security, and
10 diplomatic engagement with nations that have
11 demonstrably strengthened, enhanced, or up-
12 graded relations with Taiwan, where it aligns
13 with U.S. interests.

14 (E) A survey of IOs that have allowed Tai-
15 wan's meaningful participation, including an as-
16 sessment of whether any erosion in Taiwan's
17 engagement has occurred within those organiza-
18 tions and how Taiwan's participation has posi-
19 tively strengthened the capacity and activity of
20 these organizations, thereby providing positive
21 models for Taiwan's inclusion in other similar
22 forums.

23 (F) A list of no more than 20 IOs at which
24 the U.S. Government will prioritize for using its
25 voice, vote, and influence to advance Taiwan's

1 meaningful participation over the three-year pe-
2 riod following the date of enactment of this Act.
3 The list shall be derived from the IOs identified
4 in paragraph (1)(C).

5 (G) A description of the diplomatic strate-
6 gies and the coalitions the U.S. Government
7 plans to develop to implement paragraph
8 (b)(1)(F).

9 (c) FORM OF REPORT.—The strategy required in
10 subsection (a) shall be classified, but it may include an
11 unclassified summary, if the Secretary of State determines
12 it appropriate.

13 (d) CONSULTATION.—The Secretary of State or his
14 or her designee, shall consult with the appropriate con-
15 gressional committees—

16 (1) no later than 90 days after the date of en-
17 actment of this Act, on the list of IOs identified in
18 subsection (b)(1)(C); and

19 (2) 180 days after submitting the strategy re-
20 quired in subsection (a), and 180 days thereafter for
21 two years, regarding the development and implemen-
22 tation of the strategy.

1 **SEC. 6014. EXPANDING UNITED STATES-TAIWAN DEVELOP-**
2 **MENT COOPERATION.**

3 (a) IN GENERAL.—No later than 120 days following
4 the date of enactment of this Act, the Administrator of
5 the United States Agency for International Development
6 (USAID), in consultation with the U.S. International De-
7 velopment Finance Corporation (DFC), shall submit to
8 the appropriate congressional committees a report on co-
9 operation with Taiwan on trilateral and multilateral devel-
10 opment initiatives through the American Institute in Tai-
11 wan as appropriate.

12 (b) MATTERS TO BE INCLUDED.—The report re-
13 quired by subsection (a) shall include:

14 (1) A comprehensive review of existing coopera-
15 tion mechanisms and initiatives between USAID or
16 DFC, and relevant departments and agencies in Tai-
17 wan, including, but not limited to Taiwan's Inter-
18 national Cooperation and Development Fund
19 (ICDF).

20 (2) An assessment of how USAID and DFC de-
21 velopment cooperation with relevant departments
22 and agencies in Taiwan compares to comparable co-
23 operation with partners of similar economic size and
24 foreign assistance capacity.

25 (3) An analysis of the opportunities and chal-
26 lenges the cooperation reviewed in paragraph (1) has

1 offered to date. The analysis shall include, but is not
2 limited to—

3 (A) opportunities collaboration has offered
4 to expand USAID's and DFC's ability to de-
5 liver assistance into a wider range communities;

6 (B) sectors where USAID, DFC, ICDF,
7 other relevant agencies and departments in Tai-
8 wan, or the organizations' implementing part-
9 ners have a comparative advantage in providing
10 assistance;

11 (C) opportunities to transition virtual ca-
12 pacity building events with relevant depart-
13 ments and agencies in Taiwan, through the
14 Global Cooperation and Training Framework
15 (GCTF) as well as other forums, into in-person,
16 enduring forms of development cooperation.

17 (4) An assessment of any legal, policy,
18 logistical, financial, or administrative barriers to ex-
19 panding cooperation in trilateral or multilateral de-
20 velopment. The analysis shall include, but is not lim-
21 ited to—

22 (A) availability of personnel at the Amer-
23 ican Institute in Taiwan (AIT) responsible for
24 coordinating development assistance coopera-
25 tion;

1 (B) volume of current cooperation initia-
2 tives and barriers to expanding it;

3 (C) diplomatic, policy, or legal barriers fac-
4 ing the United States or other partners to in-
5 cluding Taiwan in formal and informal multilat-
6 eral development cooperation mechanisms;

7 (D) resource or capacity barriers to ex-
8 panding cooperation facing the United States or
9 Taiwan; and

10 (E) geopolitical barriers that complicate
11 U.S.-Taiwan cooperation in third countries.

12 (5) Recommendations to address the challenges
13 identified in paragraph (b)(4).

14 (6) A description of any additional resources or
15 authorities that expanding cooperation might re-
16 quire.

17 (c) FORM OF REPORT.—The strategy required in
18 subsection (a) shall be unclassified, but it may include a
19 classified annex if the Administrator of USAID deter-
20 mines it appropriate.

21 **Subtitle B—Advancing Taiwan’s**
22 **Economic Space**

23 **SEC. 6021. SENSE OF CONGRESS ON EXPANDING U.S. ECO-**
24 **NOMIC RELATIONS WITH TAIWAN.**

25 It is the sense of the Congress that—

1 (1) expanding U.S. economic relations with Tai-
2 wan has benefited the people of both the United
3 States and Taiwan. Taiwan is now the United States
4 10th largest goods trading partner, 13th largest ex-
5 port market, 13th largest source of imports, and a
6 key destination for U.S. agricultural exports;

7 (2) further integration, consistent with robust
8 environmental standard and labor rights, would ben-
9 efit both peoples and is in the strategic and diplo-
10 matic interests of the United States; and

11 (3) the United States should explore opportuni-
12 ties to expand economic agreements between Taiwan
13 and the United States, through dialogue, and by de-
14 veloping the legal templates required to support po-
15 tential future agreements.

16 **Subtitle C—Enhancing Deterrence** 17 **Over Taiwan**

18 **SEC. 6031. SENSE OF CONGRESS ON PEACE AND STABILITY** 19 **IN THE TAIWAN STRAIT.**

20 It is the sense of Congress that—

21 (1) PRC attempts to intimidate Taiwan, includ-
22 ing through high rates of PRC sorties into air space
23 near Taiwan, and PRC amphibious assault exercises
24 near Taiwan, jeopardizes the long-standing U.S. po-

1 sition that differences in cross-Strait relations must
2 be resolved peacefully;

3 (2) given the potential for a cross-Strait conflict
4 to be highly destructive and destabilizing, any in-
5 crease in the risk of conflict demands attention and
6 obligates leaders to reinforce deterrence, as the most
7 viable means to prevent war;

8 (3) Taiwan should continue to implement its
9 asymmetric defense strategy, including investing in
10 cost-effective and resilient capabilities, while also
11 strengthening recruitment and training of its reserve
12 and civil defense forces, and those capabilities in-
13 clude coastal defense cruise missiles; and

14 (4) while enhancing deterrence, it is also essen-
15 tial to maintain open and effective crisis communica-
16 tion and risk reduction mechanisms, as a means to
17 reduce the risk of misunderstanding and ultimately,
18 conflict.

19 **SEC. 6032. STRATEGY TO ENHANCE DETERRENCE OVER A**
20 **CROSS-STRAIT CONFLICT.**

21 (a) IN GENERAL.—No later than 90 days after the
22 date of enactment of this Act, the President shall submit
23 to the appropriate congressional committees a whole-of-
24 government strategy to enhance deterrence over a cross-
25 Strait military conflict between the PRC and Taiwan.

1 (b) MATTERS TO BE INCLUDED.—The strategy shall
2 include:

3 (1) A comprehensive review of existing diplo-
4 matic, economic, and military tools to establish de-
5 terrence over a cross-Strait conflict and an assess-
6 ment of their efficacy.

7 (2) An examination of the present and future
8 capabilities of the United States and Taiwan to re-
9 spond to the potential PLA campaigns against Tai-
10 wan in 5, 10, and 15 years. The analysis shall in-
11 clude an assessment of the progress Taiwan has
12 made in developing the cost-effective and resilient
13 capabilities needed to respond to its strategic envi-
14 ronment, as well as any additional personnel, pro-
15 curement, or training reforms required.

16 (3) An evaluation of the feasibility of expanding
17 coordination with U.S. allies and partners to en-
18 hance deterrence over a cross-Strait conflict. The re-
19 view shall include, but is not limited to, a review of
20 the following matters:

21 (A) Expanding coordination of public or
22 private messaging on deterrence vis-à-vis Tai-
23 wan.

1 (B) Coordinating use of economic tools to
2 raise the costs of PRC military action that
3 could precipitate a cross-Strait conflict.

4 (C) Enhancing co-development and co-de-
5 ployment of military capabilities related to de-
6 terrence over a cross-Strait conflict, or enhanc-
7 ing coordinated training of Taiwan's military
8 forces.

9 (4) Recommendations on significant additional
10 diplomatic, economic, and military steps available to
11 the U.S. Government, unilaterally and in concert
12 with U.S. allies and partners, to enhance the clarity
13 and credibility of deterrence over a cross-Strait con-
14 flict.

15 (5) A description of any additional resources or
16 authorities needed to implement the recommenda-
17 tions identified in paragraph (5).

18 (c) FORM OF REPORT.—The strategy required in
19 subsection (b) shall be classified, but it may include an
20 unclassified annex, if determined appropriate by the Presi-
21 dent.

22 (d) CONSULTATION.—No later than 90 days after the
23 date of enactment of this Act, and not less frequently than
24 every 180 days thereafter for seven years, the President
25 or his or her designee, as well as representatives from the

1 agencies and departments involved in developing the strat-
2 egy required in paragraph (a) shall consult with the appro-
3 priate congressional committees regarding the develop-
4 ment and implementation of the strategy required in this
5 section. The representatives shall be at the Undersecretary
6 level or above.

7 **SEC. 6033. STRENGTHENING TAIWAN'S CIVILIAN DEFENSE**
8 **PROFESSIONALS.**

9 (a) IN GENERAL.—No later than 180 days following
10 enactment of this Act, the Secretary of State, in consulta-
11 tion with the Secretary of Defense, shall present to the
12 appropriate congressional committees a plan for strength-
13 ening the community of civilian defense professionals in
14 Taiwan, facilitated through the American Institute in Tai-
15 wan as appropriate.

16 (b) MATTERS TO BE INCLUDED.—The report shall
17 include the following:

18 (1) A comprehensive review of existing U.S.
19 Government and non-U.S. Government program-
20 matic and funding modalities to support Taiwan's
21 civilian defense professionals in pursuing profes-
22 sional development, educational, and cultural ex-
23 changes in the United States. The review shall in-
24 clude, but is not limited to—

1 (A) opportunities through U.S. Depart-
2 ment of State-supported programs, such as the
3 International Visitor Leaders Program; and

4 (B) opportunities offered through non-gov-
5 ernmental institutions, such as think tanks, to
6 the extent the review can practicably make such
7 an assessment.

8 (2) A description of the frequency that civilian
9 defense professionals from Taiwan pursue or are se-
10 lected for the programs reviewed in paragraph (1).

11 (3) An analysis of any funding, policy, adminis-
12 trative, or other barriers preventing greater partici-
13 pation from Taiwan's civilian defense professionals
14 in the opportunities identified in paragraph (1).

15 (4) An evaluation of the value expanding the
16 opportunities reviewed in paragraph (1) would offer
17 for strengthening Taiwan's existing civilian defense
18 community, and for increasing the perceived value of
19 the field for young professionals in Taiwan.

20 (5) An assessment of options the United States
21 Government could take individually, with partners in
22 Taiwan, or with foreign governments or non-govern-
23 mental partners, to expand the opportunities re-
24 viewed in paragraph (1).

1 (6) A description of additional resources and
2 authorities that may be required to execute the op-
3 tions in paragraph (5).

4 (c) FORM OF REPORT.—The report required in sub-
5 section (a) shall be unclassified, but it may include a clas-
6 sified annex, if determined appropriate.

7 **TITLE LXI—LIBYA** 8 **STABILIZATION ACT**

9 **SEC. 6101. SHORT TITLE.**

10 This title may be cited as the “Libya Stabilization
11 Act”.

12 **SEC. 6102. STATEMENT OF POLICY.**

13 It is the policy of the United States—

14 (1) to advance a peaceful resolution to the con-
15 flict in Libya through a United Nations-facilitated
16 Libyan-led and Libyan-owned political process as the
17 best way to secure United States interests and to
18 ensure the sovereignty, independence, territorial in-
19 tegrity, and national unity of Libya;

20 (2) to engage regularly at the senior-most levels
21 in support of the continued observance of the
22 ceasefire in Libya, the fair and transparent alloca-
23 tion of Libya’s resources, the reunification of secu-
24 rity and economic institutions, and agreement
25 among Libyans on a consensual constitutional basis

1 that would lead to credible presidential and par-
2 liamentary elections as soon as possible;

3 (3) to support the implementation of United
4 Nations Security Council Resolutions 1970 (2011)
5 and 1973 (2011), which established an arms embar-
6 go on Libya, and subsequent resolutions modifying
7 and extending the embargo;

8 (4) to enforce Executive Order 13726 (81 Fed.
9 Reg. 23559; relating to blocking property and sus-
10 pending entry into the United States of persons con-
11 tributing to the situation in Libya (April 19, 2016)),
12 designed to target individuals or entities who
13 “threaten the peace, security, and stability of
14 Libya”;

15 (5) to oppose attacks on civilians, medical work-
16 ers, and critical infrastructure, including water sup-
17 plies, in Libya, and to support accountability for
18 those engaged in such heinous actions;

19 (6) to support Libya’s sovereignty, independ-
20 ence, territorial integrity, and national unity con-
21 sistent with United Nations Security Council Resolu-
22 tion 2510 (2020) and all predecessor resolutions
23 with respect to Libya, including by—

24 (A) taking action to end the violence and

25 flow of arms;

1 (B) rejecting attempts by any party to il-
2 licitly export Libya's oil; and

3 (C) urging the withdrawal of foreign mili-
4 tary and mercenary forces;

5 (7) to engage in diplomacy to convince parties
6 to conflict and political dispute in Libya to support
7 the continuity of the October 2020 ceasefire and
8 persuade foreign powers to withdraw personnel, in-
9 cluding mercenaries, weapons, and financing that
10 may reignite or exacerbate conflict;

11 (8) to support political dialogue among Libyans
12 and advance an inclusive Libyan-led and Libyan-
13 owned political process;

14 (9) to support the nearly 2.8 million Libyans
15 who registered to vote;

16 (10) to help protect Libya's civilian population
17 and implementing humanitarian and international
18 organizations from the risk of harm resulting from
19 explosive hazards such as landmines, improvised ex-
20 plosive devices (IEDs), and unexploded ordnance
21 (UXO);

22 (11) to support constant, unimpeded, and reli-
23 able humanitarian access to those in need and to
24 hold accountable those who impede or threaten the
25 delivery of humanitarian assistance;

1 (12) to seek to bring an end to severe forms of
2 trafficking in persons such as slavery, forced labor,
3 and sexual exploitation, including with respect to mi-
4 grants;

5 (13) to advocate for the immediate release and
6 safe evacuations of detained refugees and migrants
7 trapped by the fighting in Libya;

8 (14) to encourage implementation of
9 UNSMIL's plan for the organized and gradual clo-
10 sure of migrant detention centers in Libya;

11 (15) to support greater defense institutional ca-
12 pacity building after a comprehensive political settle-
13 ment;

14 (16) to discourage all parties from heightening
15 tensions in Libya and its environs, through
16 unhelpful and provocative actions.

17 (17) to support current and future democratic
18 development and economic recovery of Libya both
19 during and after a negotiated peaceful political solu-
20 tion, pursuant to Libya's status as a Global Fra-
21 gility Act partner state; and

22 (18) to partner with various U.S. government
23 agencies, multilateral organizations, and local part-
24 ners to strengthen security, prosperity, and stability

1 in Libya, pursuant to Libya's status as a Global
2 Fragility Act partner state.

3 **Subtitle A—Identifying Challenges**
4 **to Stability in Libya**

5 **SEC. 6111. REPORT ON ACTIVITIES OF CERTAIN FOREIGN**
6 **GOVERNMENTS AND ACTORS IN LIBYA.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of the enactment of this Act, the Secretary of State,
9 in consultation with the Secretary of the Treasury and the
10 Director of National Intelligence, should submit to the ap-
11 propriate congressional committees a report that in-
12 cludes—

13 (1) a description of the full extent of involve-
14 ment in Libya by foreign governments, including the
15 Governments of Russia, Turkey, the United Arab
16 Emirates, Egypt, Sudan, Chad, China, Saudi Ara-
17 bia, and Qatar, including—

18 (A) a description of which governments
19 have conducted or facilitated drone and aircraft
20 strikes in Libya since April 2019 not related to
21 efforts to combat Al Qaeda, the Islamic State,
22 or affiliated entities;

23 (B) a list of the types and estimated
24 amounts of equipment transferred since April
25 2019 by each government described in this

1 paragraph to the parties to conflict in Libya,
2 including foreign military contractors, merce-
3 naries, or paramilitary forces operating in
4 Libya;

5 (C) an estimate of the financial support
6 provided since April 2019 by each government
7 described in this paragraph to the parties to
8 conflict in Libya, including foreign military con-
9 tractors, mercenaries, or paramilitary forces op-
10 erating in Libya; and

11 (D) a description of the activities of any
12 regular, irregular, or paramilitary forces, in-
13 cluding foreign military contractors, mercenary
14 groups, and militias operating inside Libya, at
15 the direction or with the consent of the govern-
16 ments described in this paragraph;

17 (2) an analysis of whether the actions by the
18 governments described in paragraph (1)—

19 (A) violate the arms embargo on Libya es-
20 tablished under United Nations Security Coun-
21 cil Resolution 1970 (2011) as reaffirmed by
22 subsequent Security Council resolutions;

23 (B) may contribute to violations of inter-
24 national humanitarian law; or

1 (C) involve weapons of United States ori-
2 gin or were in violation of United States end
3 user agreements;

4 (3) a description of United States diplomatic
5 engagement with any governments found to be in
6 violation of the arms embargo regarding strength-
7 ened implementation of the embargo;

8 (4) a list of the specific offending materiel,
9 training, or financial support transfers provided by
10 a government described in paragraph (1) that violate
11 the arms embargo on Libya under United Nations
12 Security Council Resolution 2571 (2021) and prede-
13 cessor Security Council resolutions;

14 (5) an analysis of the activities of foreign
15 armed groups, including the Russian Wagner Group,
16 military contractors and mercenaries employed or
17 engaged by the governments of Turkey and the
18 United Arab Emirates, affiliates of the Islamic State
19 (ISIS), al-Qaida in the Islamic Maghreb (AQIM),
20 and other extremist groups, in Libya;

21 (6) a discussion of whether and to what extent
22 conflict or instability in Libya is enabling the re-
23 cruitment and training efforts of armed groups, in-
24 cluding affiliates of ISIS, AQIM, and other extrem-
25 ist groups;

1 (7) a description of efforts by the European
2 Union, North Atlantic Treaty Organization (NATO),
3 and the Arab League, and their respective member
4 states, to implement and enforce the arms embargo
5 and maintain a sustainable ceasefire;

6 (8) a description of any violations of the arms
7 embargo by European Union member states; and

8 (9) a description of United States diplomatic
9 engagement with the European Union, NATO, and
10 the Arab League regarding implementation and en-
11 forcement of the United Nations arms embargo,
12 ceasefire monitoring, and election support.

13 (b) FORM.—The report required by subsection (a)
14 shall be submitted in unclassified form, but may contain
15 a classified annex.

16 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
17 FINED.—In this section, the term “appropriate congres-
18 sional committees” means—

19 (1) the Committee on Foreign Affairs and the
20 Permanent Select Committee on Intelligence of the
21 House of Representatives; and

22 (2) the Committee on Foreign Relations and
23 the Select Committee on Intelligence of the Senate.

1 **SEC. 6112. REPORT OF RUSSIAN ACTIVITIES AND OBJEC-**
2 **TIVES IN LIBYA.**

3 (a) REPORT.—Not later than 90 days after the date
4 of the enactment of this Act, the Secretary of State, in
5 consultation with the Secretary of the Treasury and the
6 Secretary of Defense, shall submit to the Committee on
7 Foreign Affairs of the House of Representatives and the
8 Committee on Foreign Relations of the Senate a report
9 that contains an assessment of Russian activities and ob-
10 jectives in Libya, including—

11 (1) an assessment of Russian influence and ob-
12 jectives in Libya;

13 (2) the potential threat such activities pose to
14 the United States, southern Europe, NATO, and
15 partners in the Mediterranean Sea and North Afri-
16 can region;

17 (3) the direct role of Russia in Libyan financial
18 affairs, to include issuing and printing currency;

19 (4) Russia's use of mercenaries, military con-
20 tractors, equipment, and paramilitary forces in
21 Libya;

22 (5) an assessment of sanctions and other poli-
23 cies adopted by United States partners and allies
24 against the Wagner Group and its destabilizing ac-
25 tivities in Libya, including sanctions on Yevgeny
26 Prigozhin; and

1 (6) an identification of foreign companies and
2 persons that have provided transportation, logistical,
3 administrative, air transit, border crossing, or money
4 transfer services to Russian mercenaries or armed
5 forces operating on behalf of the Russian Govern-
6 ment in Libya, and an analysis of whether such enti-
7 ties meet the criteria for imposition of sanctions
8 under section 1(a) of Executive Order 13726 (81
9 Fed. Reg. 23559; relating to blocking property and
10 suspending entry into the United States of persons
11 contributing to the situation in Libya).

12 (b) FORM.—The report required by subsection (a)
13 shall be submitted in unclassified form, but may contain
14 a classified annex.

15 **SEC. 6113. DETERMINATION OF SANCTIONABLE ACTIVITIES**
16 **OF THE LIBYAN NATIONAL ARMY WITH RE-**
17 **SPECT TO SYRIA.**

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the President shall submit to the Com-
20 mittee on Foreign Affairs of the House of Representatives
21 and the Committee on Foreign Relations of the Senate
22 a list of any members of the Libyan National Army
23 (LNA), and details of their activities, which the President
24 has determined are knowingly responsible for sanctionable
25 offenses pursuant to—

1 (1) section 7412 of the Caesar Syria Civilian
2 Protection Act of 2019 (22 U.S.C. 8791 note; 133
3 Stat. 2292); or

4 (2) Executive Order 13582 (76 Fed. Reg.
5 52209; relating to blocking property of the Govern-
6 ment of Syria and prohibiting certain transactions
7 with respect to Syria (August 17, 2011)).

8 **Subtitle B—Actions to Address**
9 **Foreign Intervention in Libya**

10 **SEC. 6121. SANCTIONS WITH RESPECT TO FOREIGN PER-**
11 **SONS LEADING, DIRECTING, OR SUPPORTING**
12 **CERTAIN FOREIGN GOVERNMENT INVOLVE-**
13 **MENT IN LIBYA.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, the President shall im-
16 pose each of the sanctions described in section 6124 with
17 respect to each foreign person who the President deter-
18 mines knowingly engages in an activity described in sub-
19 section (b).

20 (b) ACTIVITIES DESCRIBED.—A foreign person en-
21 gages in an activity described in this subsection if the per-
22 son leads, directs, or provides significant financial, mate-
23 rial, or technological support to, or knowingly engages in
24 a significant transaction with, a non-Libyan foreign per-
25 son who is—

1 (1) in Libya in a military or commercial capac-
2 ity as a military contractor, mercenary, or part of a
3 paramilitary force; and

4 (2) engaged in significant actions that threaten
5 the peace, security, or stability of Libya.

6 **SEC. 6122. SANCTIONS WITH RESPECT TO FOREIGN PER-**
7 **SONS THREATENING THE PEACE OR STA-**
8 **BILITY OF LIBYA.**

9 (a) IMPOSITION OF SANCTIONS.—The President shall
10 impose each of the sanctions described in section 6124
11 with respect to each foreign person on the list required
12 by subsection (b).

13 (b) LIST.—Not later than 180 days after the date
14 of the enactment of this Act, the President shall submit
15 to the appropriate congressional committees a list of—

16 (1) foreign persons, including senior govern-
17 ment officials, militia leaders, paramilitary leaders,
18 and other persons who provide significant support to
19 militia or paramilitary groups in Libya, that the
20 President determines are knowingly—

21 (A) engaged in significant actions or poli-
22 cies that threaten the peace, security, or sta-
23 bility of Libya, including any supply of signifi-
24 cant arms or related materiel in violation of a

1 United Nations Security Council resolution on
2 Libya;

3 (B) engaged in significant actions or poli-
4 cies that obstruct, undermine, delay, or impede,
5 or pose a significant risk of obstructing, under-
6 mining, delaying, or impeding the United Na-
7 tions-mediated political processes that seek a
8 negotiated and peaceful solution to the Libyan
9 crisis, including a consensual constitutional
10 basis that would lead to credible presidential
11 and parliamentary elections as soon as possible
12 and ongoing maintenance of the October 2020
13 ceasefire;

14 (C) engaged in significant actions that may
15 lead to or result in the misappropriation of sig-
16 nificant state assets of Libya;

17 (D) involved in the significant illicit exploi-
18 tation of crude oil or any other natural re-
19 sources in Libya, including the significant illicit
20 production, disruption of production, refining,
21 brokering, sale, purchase, or export of Libyan
22 oil;

23 (E) significantly threatening or coercing
24 Libyan state financial institutions or disrupting

1 the operations of the Libyan National Oil Com-
2 pany; or

3 (F) significantly responsible for actions or
4 policies that are intended to undermine efforts
5 to maintain peace and promote stabilization and
6 economic recovery in Libya;

7 (2) foreign persons who the President deter-
8 mines are successor entities to persons designated
9 for engaging in activities described in subparagraphs
10 (A) through (F) of paragraph (1); and

11 (c) UPDATES OF LIST.—The President shall submit
12 to the appropriate congressional committees an updated
13 list under subsection (b)—

14 (1) not later than 180 days after the date of
15 the enactment of this Act and annually thereafter
16 for a period of 5 years; or

17 (2) as new information becomes available.

18 (d) FORM.—The list required by subsection (b) shall
19 be submitted in unclassified form, but may include a clas-
20 sified annex.

21 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
22 FINED.—In this section, the term “appropriate congres-
23 sional committees” means—

1 (1) the Committee on Foreign Affairs and the
2 Committee on Financial Services of the House of
3 Representatives; and

4 (2) the Committee on Foreign Relations and
5 the Committee on Banking, Housing, and Urban Af-
6 fairs of the Senate.

7 **SEC. 6123. SANCTIONS WITH RESPECT TO FOREIGN PER-**
8 **SONS WHO ARE RESPONSIBLE FOR OR**
9 **COMPLICIT IN GROSS VIOLATIONS OF INTER-**
10 **NATIONALLY RECOGNIZED HUMAN RIGHTS**
11 **COMMITTED IN LIBYA.**

12 (a) IMPOSITION OF SANCTIONS.—The President may
13 impose 5 out of the 12 sanctions described in section 235
14 of Countering America’s Adversaries Through Sanctions
15 Act (Public Law 115–44) with respect to each foreign per-
16 son on the list required by subsection (b).

17 (b) LIST OF PERSONS.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the
20 President shall submit to the appropriate congres-
21 sional committees a list of senior foreign persons, in-
22 cluding senior government officials, militia leaders,
23 para-military leaders, and other persons who provide
24 significant support to militia or paramilitary groups
25 in Libya, that the President determines are each

1 knowingly responsible for or complicit in, or have di-
2 rectly or in- directly engaged in, on or after the date
3 of enactment gross violations of internationally rec-
4 ognized human rights committed in Libya.

5 (2) UPDATES OF LIST.—The President shall
6 submit to the appropriate congressional committees
7 an updated list under paragraph (1)—

8 (A) not later than 180 days after the date
9 of the enactment of this Act and annually
10 thereafter for a period of 5 years; or

11 (B) as new information becomes available.

12 (3) FORM.—The list required by paragraph (1)
13 shall be submitted in unclassified form, but may in-
14 clude a classified annex.

15 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
16 FINED.—In this section, the term “appropriate congres-
17 sional committees” means—

18 (1) the Committee on Foreign Affairs and the
19 Committee on Financial Services of the House of
20 Representatives; and

21 (2) the Committee on Foreign Relations and
22 the Committee on Banking, Housing, and Urban Af-
23 fairs of the Senate.

1 **SEC. 6124. SANCTIONS DESCRIBED.**

2 (a) SANCTIONS DESCRIBED.—The sanctions de-
3 scribed in this section are the following:

4 (1) BLOCKING OF PROPERTY.—The President
5 may exercise all of the powers granted to the Presi-
6 dent by the International Emergency Economic
7 Powers Act (50 U.S.C. 1701 et seq.) (except that
8 the requirements of section 202 of such Act (50
9 U.S.C. 1701) shall not apply) to the extent nec-
10 essary to block and prohibit all transactions in prop-
11 erty and interests in property of the person if such
12 property and interests in property are in the United
13 States, come within the United States, or are or
14 come within the possession or control of a United
15 States person.

16 (2) INADMISSIBILITY OF CERTAIN INDIVID-
17 UALS.—

18 (A) INELIGIBILITY FOR VISAS, ADMIS-
19 SION,OR PAROLE.—A foreign person who is an
20 individual and who meets any of the criteria de-
21 scribed section 6121 or 6122 may be deter-
22 mined by the Secretary of State to be—

23 (i) inadmissible to the United States;
24 (ii) ineligible to receive a visa or other
25 documentation to enter the United States;
26 and

1 (iii) otherwise ineligible to be admitted
2 or paroled into the United States or to re-
3 ceive any other benefit under the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101 et
5 seq.).

6 (B) CURRENT VISAS REVOKED.—A foreign
7 person who is an individual and who meets any
8 of the criteria described section 6121 or 6122
9 may be subject to the following:

10 (i) Revocation of any visa or other
11 entry documentation by the Secretary of
12 State regardless of when the visa or other
13 entry documentation is or was issued.

14 (ii) A revocation under clause (i)
15 shall—

16 (I) take effect immediately in ac-
17 cordance with section 221(i) of the
18 Immigration and Nationality Act, (8
19 U.S.C. 1201(i)); and

20 (II) cancel any other valid visa or
21 entry documentation that is in the
22 foreign person's possession.

23 (b) PENALTIES.—The penalties provided for in sub-
24 sections (b) and (c) of section 206 of the International
25 Emergency Economic Powers Act (50 U.S.C. 1705) shall

1 apply to a person who violates, attempts to violate, con-
2 spires to violate, or causes a violation of regulations issued
3 under section 6126(2) of this title to carry out subsection
4 (a)(1) to the same extent that such penalties apply to a
5 person who commits an unlawful act described in section
6 206(a) of the International Emergency Economic Powers
7 Act.

8 (c) EXCEPTION.—Sanctions under subsection (a)(2)
9 shall not apply to an alien if admitting or paroling the
10 alien into the United States is necessary to permit the
11 United States to comply with the Agreement regarding the
12 Headquarters of the United Nations, signed at Lake Suc-
13 cess June 26, 1947, and entered into force November 21,
14 1947, between the United Nations and the United States,
15 or other applicable international obligations of the United
16 States.

17 (d) EXCEPTION TO COMPLY WITH NATIONAL SECU-
18 RITY.—The following activities shall be exempt from sanc-
19 tions under this section:

20 (1) Activities subject to the reporting require-
21 ments under title V of the National Security Act of
22 1947 (50 U.S.C. 3091 et seq.).

23 (2) Any authorized intelligence or law enforce-
24 ment activities of the United States.

1 **SEC. 6125. WAIVER.**

2 (a) IN GENERAL.—The Secretary of State may
3 waive, for one or more periods not to exceed 90 days, the
4 application of sanctions imposed on a foreign person under
5 this subtitle if the President—

6 (1) determines and reports to Congress that
7 such a waiver is in the national security interest of
8 the United States; and

9 (2) thereafter submits to the appropriate con-
10 gressional committees a justification for such waiver.

11 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
12 DEFINED.—In this section, the term “appropriate con-
13 gressional committees” means—

14 (1) the Committee on Foreign Affairs and the
15 Committee on Financial Services of the House of
16 Representatives; and

17 (2) the Committee on Foreign Relations and
18 the Committee on Banking, Housing, and Urban Af-
19 fairs of the Senate.

20 **SEC. 6126. IMPLEMENTATION AND REGULATORY AUTHOR-**
21 **ITY.**

22 The President—

23 (1) is authorized to exercise all authorities pro-
24 vided to the President under sections 203 and 205
25 of the International Emergency Economic Powers

1 Act (50 U.S.C. 1702 and 1704) to carry out this
2 title; and

3 (2) shall issue such regulations, licenses, and
4 orders as are necessary to carry out this title.

5 **SEC. 6127. EXCEPTION RELATING TO IMPORTATION OF**
6 **GOODS.**

7 (a) IN GENERAL.—The authorities and requirements
8 to impose sanctions under this subtitle shall not include
9 the authority or requirement to impose sanctions on the
10 importation of goods.

11 (b) GOOD DEFINED.—In this section, the term
12 “good” means any article, natural or man-made sub-
13 stance, material, supply or manufactured product, includ-
14 ing inspection and test equipment and excluding technical
15 data.

16 **SEC. 6128. DEFINITIONS.**

17 In this subtitle:

18 (1) ADMITTED; ALIEN.—The terms “admitted”
19 and “alien” have the meanings given those terms in
20 section 101 of the Immigration and Nationality Act
21 (8 U.S.C. 1101).

22 (2) FOREIGN PERSON.—The term “foreign per-
23 son” means an individual or entity who is not a
24 United States person.

1 (3) FOREIGN GOVERNMENT.—The term “for-
2 eign government” means any government of a coun-
3 try other than the United States.

4 (4) KNOWINGLY.—The term “knowingly” with
5 respect to conduct, a circumstance, or a result,
6 means that a person has actual knowledge, or should
7 have known, of the conduct, the circumstance, or the
8 result.

9 (5) UNITED STATES PERSON.—The term
10 “United States person” means—

11 (A) an individual who is a United States
12 citizen or an alien lawfully admitted for perma-
13 nent residence to the United States;

14 (B) an entity organized under the laws of
15 the United States or any jurisdiction within the
16 United States, including a foreign branch of
17 such an entity; or

18 (C) any person in the United States.

19 (6) GROSS VIOLATIONS OF INTERNATIONALLY
20 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
21 lations of internationally recognized human rights”
22 has the meaning given such term in section
23 502B(d)(1) of the Foreign Assistance Act of 1961
24 (22 U.S.C. 2304(d)(1)).

1 **SEC. 6129. SUSPENSION OF SANCTIONS.**

2 (a) IN GENERAL.—The President may suspend in
3 whole or in part the imposition of sanctions otherwise re-
4 quired under this subtitle for periods not to exceed 90
5 days if the President determines that the parties to the
6 conflict in Libya have agreed to and are upholding a sus-
7 tainable, good-faith ceasefire in support of a lasting polit-
8 ical solution in Libya.

9 (b) NOTIFICATION REQUIRED.—Not later than 30
10 days after the date on which the President makes a deter-
11 mination to suspend the imposition of sanctions as de-
12 scribed in subsection (a), the President shall submit to the
13 appropriate congressional committees a notification of the
14 determination.

15 (c) REIMPOSITION OF SANCTIONS.—Any sanctions
16 suspended under subsection (a) shall be reimposed if the
17 President determines that the criteria described in that
18 subsection are no longer being met.

19 **SEC. 6130. SUNSET.**

20 The requirement to impose sanctions under this sub-
21 title shall cease to be effective on December 31, 2026.

1 **Subtitle C—Assistance for Libya**

2 **SEC. 6131. HUMANITARIAN RELIEF FOR THE PEOPLE OF**
3 **LIBYA AND INTERNATIONAL REFUGEES AND**
4 **MIGRANTS IN LIBYA.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) the United States Government should, in-
8 cluding in alignment with Libya’s status inclusion in
9 the U.S. Global Fragility Act Strategy—

10 (A) continue senior-level efforts to address
11 humanitarian needs in Libya, which has been
12 exacerbated by conflict and the COVID-19 pan-
13 demic;

14 (B) engage diplomatically with Libyan en-
15 tities to guarantee constant, reliable humani-
16 tarian access by frontline providers in Libya;

17 (C) engage diplomatically with the Libyan
18 entities, the United Nations, and the European
19 Union to encourage the voluntary safe passage
20 of detained vulnerable migrants and refugees
21 from the conflict zones in Libya; and

22 (D) support efforts to document and pub-
23 licize gross violations of internationally recog-
24 nized human rights and international humani-
25 tarian law, including efforts related to severe

1 forms of trafficking in persons such as slavery,
2 forced labor, and sexual exploitation, and hold
3 perpetrators accountable; and

4 (2) deliver humanitarian assistance targeted to-
5 ward those most in need and delivered through part-
6 ners that uphold internationally recognized humani-
7 tarian principles, with robust monitoring to ensure
8 assistance is reaching intended beneficiaries.

9 (b) ASSISTANCE AUTHORIZED.—The Administrator
10 of the United States Agency for International Develop-
11 ment, in coordination with the Secretary of State, should
12 continue to support humanitarian assistance to individuals
13 and communities in Libya, including—

14 (1) health assistance, including logistical and
15 technical assistance to hospitals, ambulances, and
16 health clinics in affected communities, including mi-
17 grant communities, and provision of basic public
18 health commodities, including support for an effec-
19 tive response to the COVID-19 pandemic;

20 (2) services, such as medicines and medical sup-
21 plies and equipment;

22 (3) assistance to provide—

23 (A) protection, food, and shelter, including
24 to migrant communities;

1 (B) water, sanitation, and hygiene (com-
2 monly referred to as “WASH”); and

3 (C) resources and training to increase com-
4 munications and education to help communities
5 slow the spread of COVID-19 and to increase
6 vaccine acceptance; and

7 (4) technical assistance to ensure health, food,
8 and commodities are appropriately selected, pro-
9 cured, targeted, monitored, and distributed.

10 (c) STRATEGY.—Not later than 180 days after the
11 date of the enactment of this Act, the Secretary of State,
12 in coordination with the Administrator of the United
13 States Agency for International Development, shall submit
14 to the appropriate congressional committees a strategy on
15 the following:

16 (1) How the United States, working with rel-
17 evant foreign governments and multilateral organiza-
18 tions, plans to address the humanitarian situation in
19 Libya.

20 (2) Diplomatic efforts by the United States to
21 encourage strategic burden-sharing and the coordi-
22 nation of donations with international donors, in-
23 cluding foreign governments and multilateral organi-
24 zations to advance the provision of humanitarian as-

1 sistance to the people of Libya and international mi-
2 grants and refugees in Libya.

3 (3) How to address humanitarian access chal-
4 lenges and ensure protection for vulnerable refugees
5 and migrants, including protection from severe
6 forms of trafficking in persons such as slavery,
7 forced labor, and sexual exploitation.

8 (4) How the United States is mitigating risk,
9 utilizing third party monitors, and ensuring effective
10 delivery of assistance.

11 (5) How to address the tragic and persistent
12 deaths of migrants and refugees at sea and human
13 trafficking.

14 (d) INTEGRATION OF DEPARTMENT OF STATE-LED
15 STABILIZATION EFFORTS.—

16 (1) SENSE OF CONGRESS.—It is the sense of
17 Congress that the Secretary of State, working with
18 United States allies, international organizations, and
19 implementing partners, including local implementing
20 partners, to the extent practicable, should continue
21 coordinated international stabilization efforts in
22 Libya to—

23 (A) build up the capacity of implementers
24 and national mine action authorities engaged in

1 conventional weapons destruction efforts and
2 mine risk education training and programs; and

3 (B) conduct operational clearance of explo-
4 sive remnants of war resulting from the 2011
5 revolution and current military conflict in
6 Libya, including in territory previously occupied
7 by ISIS-Libya, and particularly in areas where
8 unexploded ordnance, booby traps, and anti-per-
9 sonnel and anti-vehicle mines contaminate areas
10 of critical infrastructure and large housing dis-
11 tricts posing a risk of civilian casualties.

12 (2) IN GENERAL.—To the maximum extent
13 practicable, humanitarian assistance authorized
14 under subsection (b) and the strategy required by
15 subsection (c) shall take into account and integrate
16 Department of State-led stabilization efforts—

17 (A) to address—

18 (i) contamination from landmines and
19 other explosive remnants of war left from
20 the 2011 revolution and current military
21 conflict in Libya, including in territory pre-
22 viously occupied by ISIS-Libya; and

23 (ii) proliferation of illicit small arms
24 and light weapons resulting from such con-
25 flict and the destabilizing impact the pro-

1 liferation of such weapons has in Libya
2 and neighboring countries; and

3 (B) to mitigate the threat that destruction
4 of conventional weapons poses to development,
5 the delivery of humanitarian assistance, and the
6 safe and secure return of internally displaced
7 persons.

8 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
9 FINED.—In this section, the term “appropriate congres-
10 sional committees” means—

11 (1) the Committee on Foreign Affairs and the
12 Committee on Appropriations of the House of Rep-
13 resentatives; and

14 (2) the Committee on Foreign Relations and
15 the Committee on Appropriations of the Senate.

16 **SEC. 6132. SUPPORT FOR DEMOCRATIC GOVERNANCE,**
17 **ELECTIONS, AND CIVIL SOCIETY.**

18 (a) IN GENERAL.—The Secretary of State should co-
19 ordinate United States Government efforts to—

20 (1) work with the United Nations Support Mis-
21 sion in Libya and transitional authorities in Libya to
22 prepare for national elections, as called for by the
23 Libyan Political Dialogue, and a subsequent political
24 transition;

1 (2) support efforts to resolve the current civil
2 conflict in Libya;

3 (3) work to help the people of Libya and a fu-
4 ture Libyan government develop functioning, unified
5 Libyan economic, security, and governing institu-
6 tions;

7 (4) work to ensure free, fair, inclusive, and
8 credible elections organized by an independent and
9 effective High National Elections Commission in
10 Libya, including through supporting electoral secu-
11 rity and international election observation and by
12 providing training and technical assistance to insti-
13 tutions with election-related responsibilities, as ap-
14 propriate;

15 (5) work with the people of Libya, nongovern-
16 mental organizations, and Libya institutions to
17 strengthen democratic governance, reinforce civilian
18 institutions and support decentralization, in line
19 with relevant Libyan laws and regulations, in order
20 to address community grievances, promote social co-
21 hesion, mitigate drivers of violent extremism, and
22 help communities recover from Islamic State occupa-
23 tion;

24 (6) defend against gross violations of inter-
25 nationally recognized human rights in Libya, includ-

1 ing by supporting efforts to document such viola-
2 tions;

3 (7) to combat corruption and improve the
4 transparency and accountability of Libyan govern-
5 ment institutions; and

6 (8) to support the efforts of independent media
7 outlets to broadcast, distribute, and share informa-
8 tion with the Libyan people.

9 (b) RISK MITIGATION AND ASSISTANCE MONI-
10 TORING.—The Secretary of State and Administrator of
11 the United States Agency for International Development
12 should ensure that appropriate steps are taken to mitigate
13 risk of diversion of assistance for Libya and ensure reli-
14 able third-party monitoring is utilized for projects in Libya
15 that United States Government personnel are unable to
16 access and monitor.

17 (c) REPORT.—

18 (1) IN GENERAL.—Not later than 180 days
19 after enactment of this Act, the Secretary of State,
20 in coordination with the Administrator of the United
21 States Agency for International Development, should
22 submit to the appropriate congressional committees
23 a report on the activities carried out under sub-
24 section (a).

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES DEFINED.—In this subsection, the term “ap-
3 propriate congressional committees” means—

4 (A) the Committee on Foreign Affairs, the
5 Committee on Financial Services, and the Com-
6 mittee on Appropriations of the House of Rep-
7 resentatives; and

8 (B) the Committee on Foreign Relations
9 and the Committee on Appropriations of the
10 Senate.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There are authorized to be
13 appropriated \$30,000,000 for fiscal year 2022 to
14 carry out subsection (a).

15 (2) NOTIFICATION REQUIREMENTS.—Any ex-
16 penditure of amounts made available to carry out
17 subsection (a) shall be subject to the notification re-
18 quirements applicable to—

19 (A) expenditures from the Economic Sup-
20 port Fund under section 531(c) of the Foreign
21 Assistance Act of 1961 (22 U.S.C. 2346(c));
22 and

23 (B) expenditures from the Development
24 Assistance Fund under section 653(a) of the

1 Foreign Assistance Act of 1961 (22 U.S.C. 16
2 2413(a)).

3 **SEC. 6133. ENGAGING INTERNATIONAL FINANCIAL INSTI-**
4 **TUTIONS TO ADVANCE LIBYAN ECONOMIC**
5 **RECOVERY AND IMPROVE PUBLIC SECTOR**
6 **FINANCIAL MANAGEMENT.**

7 (a) IN GENERAL.—The Secretary of the Treasury
8 should instruct the United States Executive Director at
9 each international financial institution to use the voice,
10 vote, and influence of the United States to support, in a
11 way that is consistent with broader United States national
12 interests, a Libyan-led process to develop a framework for
13 the economic recovery of Libya and improved public sector
14 financial management, complementary to United Nations-
15 led peace efforts and in support of democratic institutions
16 and the rule of law in Libya.

17 (b) ADDITIONAL ELEMENTS.—To the extent con-
18 sistent with broader United States national interests, the
19 framework described in subsection (a) should include the
20 following policy proposals:

21 (1) To restore, respect, and safeguard the in-
22 tegrity, unity, and lawful governance of Libya’s key
23 economic ministries and institutions, in particular
24 the Central Bank of Libya, the Libya Investment

1 Authority, the National Oil Corporation, and the
2 Audit Bureau (AB).

3 (2) To improve the accountability and effective-
4 ness of Libyan authorities, including sovereign eco-
5 nomic institutions, in providing services and oppor-
6 tunity to the Libyan people.

7 (3) To assist in improving public financial man-
8 agement and reconciling the public accounts of na-
9 tional financial institutions and letters of credit
10 issued by private Libyan financial institutions as
11 needed pursuant to a political process.

12 (4) To restore the production, efficient manage-
13 ment, and development of Libya's oil and gas indus-
14 tries so such industries are resilient against disrup-
15 tion, including malign foreign influence, and can
16 generate prosperity on behalf of the Libyan people.

17 (5) To promote the development of private sec-
18 tor enterprise.

19 (6) To improve the transparency and account-
20 ability of public sector employment and wage dis-
21 tribution.

22 (7) To strengthen supervision of and reform of
23 Libyan financial institutions.

1 (8) To eliminate exploitation of price controls
2 and market distorting subsidies in the Libyan econ-
3 omy.

4 (9) To support opportunities for United States
5 businesses.

6 (c) CONSULTATION.—In supporting the framework
7 described in subsection (a), the Secretary of the Treasury
8 should instruct the United States Executive Director at
9 each international financial institution to encourage the
10 institution to consult with relevant stakeholders in the fi-
11 nancial, governance, and energy sectors.

12 (d) DEFINITION OF INTERNATIONAL FINANCIAL IN-
13 STITUTION.—In this section, the term “international fi-
14 nancial institution” means the International Monetary
15 Fund, International Bank for Reconstruction and Devel-
16 opment, European Bank for Reconstruction and Develop-
17 ment, International Development Association, Inter-
18 national Finance Corporation, Multilateral Investment
19 Guarantee Agency, African Development Bank, African
20 Development Fund, Asian Development Bank, Inter-
21 American Development Bank, Bank for Economic Co-
22 operation and Development in the Middle East and North
23 Africa, and Inter-American Investment Corporation.

24 (e) TERMINATION.—The requirements of this section
25 shall cease to be effective on December 31, 2026.

1 **SEC. 6134. RECOVERING ASSETS STOLEN FROM THE LIBY-**
2 **AN PEOPLE.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the Secretary of State, the Secretary of the
5 Treasury, and the Attorney General should, to the extent
6 practicable, advance a coordinated international effort—

7 (1) to carry out special financial investigations
8 to identify and track assets taken from the people
9 and institutions of Libya through theft, corruption,
10 money laundering, or other illicit means; and

11 (2) to work with foreign governments—

12 (A) to share financial investigations intel-
13 ligence, as appropriate;

14 (B) to oversee the assets identified pursu-
15 ant to paragraph (1); and

16 (C) to provide technical assistance to help
17 governments establish the necessary legal
18 framework to carry out asset forfeitures.

19 (b) ADDITIONAL ELEMENTS.—The coordinated inter-
20 national effort described in subsection (a) should include
21 input from—

22 (1) the Office of Terrorist Financing and Fi-
23 nancial Crimes of the Department of the Treasury;

24 (2) the Financial Crimes Enforcement Network
25 of the Department of the Treasury; and

1 (3) the Money Laundering and Asset Recovery
2 Section of the Department of Justice.

3 **SEC. 6135. AUTHORITY TO EXPAND EDUCATIONAL AND**
4 **CULTURAL EXCHANGE PROGRAMS WITH**
5 **LIBYA.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the United States should expand educational
8 and cultural exchange programs with Libya to promote
9 mutual understanding and people-to-people linkages be-
10 tween the United States and Libya.

11 (b) AUTHORITY.—The President is authorized to ex-
12 pand educational and cultural exchange programs with
13 Libya, including programs carried out under the following:

14 (1) The J. William Fulbright Educational Ex-
15 change Program referred to in paragraph (1) of sec-
16 tion 112(a) of the Mutual Educational and Cultural
17 Exchange Act of 1961 (22 U.S.C. 2460(a)).

18 (2) The International Visitors Program referred
19 to in paragraph (3) of such section.

20 (3) The U.S.–Middle East Partnership Initia-
21 tive (MEPI) Student Leaders Program.

22 (4) The Youth Exchange and Study Program.

23 (5) Other related programs administered by the
24 Department of State.

1 **TITLE LXII—DISTRICT OF CO-**
2 **LUMBIA NATIONAL GUARD**
3 **HOME RULE**

4 **SEC. 6251. SHORT TITLE.**

5 This title may be cited as the “District of Columbia
6 National Guard Home Rule Act”.

7 **SEC. 6252. EXTENSION OF NATIONAL GUARD AUTHORITIES**
8 **TO MAYOR OF THE DISTRICT OF COLUMBIA.**

9 (a) MAYOR AS COMMANDER-IN-CHIEF.—Section 6 of
10 the Act entitled “An Act to provide for the organization
11 of the militia of the District of Columbia, and for other
12 purposes”, approved March 1, 1889 (sec. 49–409, D.C.
13 Official Code), is amended by striking “President of the
14 United States” and inserting “Mayor of the District of
15 Columbia”.

16 (b) RESERVE CORPS.—Section 72 of such Act (sec.
17 49–407, D.C. Official Code) is amended by striking
18 “President of the United States” each place it appears
19 and inserting “Mayor of the District of Columbia”.

20 (c) APPOINTMENT OF COMMISSIONED OFFICERS.—
21 (1) Section 7(a) of such Act (sec. 49–301(a), D.C. Official
22 Code) is amended—

23 (A) by striking “President of the United
24 States” and inserting “Mayor of the District of Co-
25 lumbia”; and

1 (B) by striking “President.” and inserting
2 “Mayor.”.

3 (2) Section 9 of such Act (sec. 49–304, D.C. Official
4 Code) is amended by striking “President” and inserting
5 “Mayor of the District of Columbia”.

6 (3) Section 13 of such Act (sec. 49–305, D.C. Official
7 Code) is amended by striking “President of the United
8 States” and inserting “Mayor of the District of Colum-
9 bia”.

10 (4) Section 19 of such Act (sec. 49–311, D.C. Official
11 Code) is amended—

12 (A) in subsection (a), by striking “to the Sec-
13 retary of the Army” and all that follows through
14 “which board” and inserting “to a board of exam-
15 ination appointed by the Commanding General,
16 which”; and

17 (B) in subsection (b), by striking “the Sec-
18 retary of the Army” and all that follows through the
19 period and inserting “the Mayor of the District of
20 Columbia, together with any recommendations of the
21 Commanding General.”.

22 (5) Section 20 of such Act (sec. 49–312, D.C. Official
23 Code) is amended—

1 (A) by striking “President of the United
2 States” each place it appears and inserting “Mayor
3 of the District of Columbia”; and

4 (B) by striking “the President may retire” and
5 inserting “the Mayor may retire”.

6 (d) CALL FOR DUTY.—(1) Section 45 of such Act
7 (sec. 49–103, D.C. Official Code) is amended by striking
8 “, or for the United States Marshal” and all that follows
9 through “shall thereupon order” and inserting “to order”.

10 (2) Section 46 of such Act (sec. 49–104, D.C. Official
11 Code) is amended by striking “the President” and insert-
12 ing “the Mayor of the District of Columbia”.

13 (e) GENERAL COURTS MARTIAL.—Section 51 of such
14 Act (sec. 49–503, D.C. Official Code) is amended by strik-
15 ing “the President of the United States” and inserting
16 “the Mayor of the District of Columbia”.

17 **SEC. 6253. CONFORMING AMENDMENTS TO TITLE 10,**
18 **UNITED STATES CODE.**

19 (a) FAILURE TO SATISFACTORILY PERFORM PRE-
20 SCRIBED TRAINING.—Section 10148(b) of title 10, United
21 States Code, is amended by striking “the commanding
22 general of the District of Columbia National Guard” and
23 inserting “the Mayor of the District of Columbia”.

24 (b) APPOINTMENT OF CHIEF OF NATIONAL GUARD
25 BUREAU.—Section 10502(a)(1) of such title is amended

1 by striking “the commanding general of the District of
2 Columbia National Guard” and inserting “the Mayor of
3 the District of Columbia”.

4 (c) VICE CHIEF OF NATIONAL GUARD BUREAU.—
5 Section 10505(a)(1)(A) of such title is amended by strik-
6 ing “the commanding general of the District of Columbia
7 National Guard” and inserting “the Mayor of the District
8 of Columbia”.

9 (d) OTHER SENIOR NATIONAL GUARD BUREAU OF-
10 FICERS.—Section 10506(a)(1) of such title is amended by
11 striking “the commanding general of the District of Co-
12 lumbia National Guard” both places it appears and insert-
13 ing “the Mayor of the District of Columbia”.

14 (e) CONSENT FOR ACTIVE DUTY OR RELOCATION.—
15 (1) Section 12301 of such title is amended—

16 (A) in subsection (b), by striking “commanding
17 general of the District of Columbia National Guard”
18 in the second sentence and inserting “Mayor of the
19 District of Columbia”; and

20 (B) in subsection (d), by striking the period at
21 the end and inserting the following: “, or, in the
22 case of the District of Columbia National Guard, the
23 Mayor of the District of Columbia.”.

24 (2) Section 12406 of such title is amended by striking
25 “the commanding general of the National Guard of the

1 District of Columbia” and inserting “the Mayor of the
2 District of Columbia”.

3 (f) CONSENT FOR RELOCATION OF UNITS.—Section
4 18238 of such title is amended by striking “the com-
5 manding general of the National Guard of the District of
6 Columbia” and inserting “the Mayor of the District of Co-
7 lumbia”.

8 **SEC. 6254. CONFORMING AMENDMENTS TO TITLE 32,**
9 **UNITED STATES CODE.**

10 (a) MAINTENANCE OF OTHER TROOPS.—Section
11 109(c) of title 32, United States Code, is amended by
12 striking “(or commanding general in the case of the Dis-
13 trict of Columbia)”.

14 (b) DRUG INTERDICTION AND COUNTER-DRUG AC-
15 TIVITIES.—Section 112(h)(2) of such title is amended by
16 striking “the Commanding General of the National Guard
17 of the District of Columbia” and inserting “the Mayor of
18 the District of Columbia”.

19 (c) ADDITIONAL ASSISTANCE.—Section 113 of such
20 title is amended by adding at the end the following new
21 subsection:

22 “(e) INCLUSION OF DISTRICT OF COLUMBIA.—In
23 this section, the term ‘State’ includes the District of Co-
24 lumbia.”.

1 (d) APPOINTMENT OF ADJUTANT GENERAL.—Sec-
2 tion 314 of such title is amended—

3 (1) by striking subsection (b);

4 (2) by redesignating subsections (c) and (d) as
5 subsections (b) and (c), respectively; and

6 (3) in subsection (b) (as so redesignated), by
7 striking “the commanding general of the District of
8 Columbia National Guard” and inserting “the
9 Mayor of the District of Columbia,”.

10 (e) RELIEF FROM NATIONAL GUARD DUTY.—Sec-
11 tion 325(a)(2)(B) of such title is amended by striking
12 “commanding general of the District of Columbia Na-
13 tional Guard” and inserting “the Mayor of the District
14 of Columbia”.

15 (f) AUTHORITY TO ORDER TO PERFORM ACTIVE
16 GUARD AND RESERVE DUTY.—

17 (1) AUTHORITY.—Subsection (a) of section 328
18 of such title is amended by striking “the com-
19 manding general of the District of Columbia Na-
20 tional Guard” and inserting “the Mayor of the Dis-
21 trict of Columbia”.

22 (2) CLERICAL AMENDMENTS.—

23 (A) SECTION HEADING.—The heading of
24 such section is amended to read as follows:

1 **“§ 328. Active Guard and Reserve duty: authority of**
2 **chief executive”.**

3 (B) TABLE OF SECTIONS.—The table of
4 sections at the beginning of chapter 3 of such
5 title is amended by striking the item relating to
6 section 328 and inserting the following new
7 item:

“328. Active Guard and Reserve duty: authority of chief executive.”.

8 (g) PERSONNEL MATTERS.—Section 505 of such title
9 is amended by striking “commanding general of the Na-
10 tional Guard of the District of Columbia” in the first sen-
11 tence and inserting “Mayor of the District of Columbia”.

12 (h) NATIONAL GUARD CHALLENGE PROGRAM.—Sec-
13 tion 509 of such title is amended—

14 (1) in subsection (c)(1), by striking “the com-
15 manding general of the District of Columbia Na-
16 tional Guard, under which the Governor or the com-
17 manding general” and inserting “the Mayor of the
18 District of Columbia, under which the Governor or
19 the Mayor”;

20 (2) in subsection (g)(2), by striking “the com-
21 manding general of the District of Columbia Na-
22 tional Guard” and inserting “the Mayor of the Dis-
23 trict of Columbia”;

24 (3) in subsection (j), by striking “the com-
25 manding general of the District of Columbia Na-

3 (4) in subsection (k), by striking “the com-
4 manding general of the District of Columbia Na-
5 tional Guard” and inserting “the Mayor of the Dis-
6 trict of Columbia”.

(i) ISSUANCE OF SUPPLIES.—Section 702(a) of such title is amended by striking “commanding general of the National Guard of the District of Columbia” and inserting “Mayor of the District of Columbia”.

(j) APPOINTMENT OF FISCAL OFFICER.—Section 708(a) of such title is amended by striking “commanding general of the National Guard of the District of Columbia” and inserting “Mayor of the District of Columbia”.

15 SEC. 6255. CONFORMING AMENDMENT TO THE DISTRICT
16 OF COLUMBIA HOME RULE ACT.

Section 602(b) of the District of Columbia Home Rule Act (sec. 1–206.02(b), D.C. Official Code) is amended by striking “the National Guard of the District of Columbia,”.

21 **TITLE LXIII—PREVENTING**
22 **FUTURE PANDEMICS**

23 **SEC. 6301. DEFINITIONS.**

24 In this title:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Relations of
5 the Senate;

6 (B) the Committee on Appropriations of
7 the Senate;

8 (C) the Committee on Foreign Affairs of
9 the House of Representatives; and

10 (D) the Committee on Appropriations of
11 the House of Representatives.

12 (2) COMMERCIAL TRADE IN LIVE WILDLIFE.—
13 The term “commercial trade in live wildlife”—

14 (A) means commercial trade in live wildlife
15 for human consumption as food or medicine,
16 whether the animals originated in the wild or in
17 a captive environment; and

18 (B) does not include—

19 (i) fish;

20 (ii) invertebrates;

21 (iii) amphibians and reptiles; and

22 (iv) the meat of ruminant game spe-
23 cies—

24 (I) traded in markets in coun-
25 tries with effective implementation

1 and enforcement of scientifically
2 based, nationally implemented policies
3 and legislation for processing, trans-
4 port, trade, and marketing; and

5 (II) sold after being slaughtered
6 and processed under sanitary condi-
7 tions.

8 (3) ONE HEALTH.—The term “One Health”
9 means a collaborative, multi-sectoral, and
10 transdisciplinary approach working at the local, re-
11 gional, national, and global levels with the goal of
12 achieving optimal health outcomes that recognizes
13 the interconnection between—

14 (A) people, animals, both wild and domes-
15 tic, and plants; and

16 (B) the environment shared by such peo-
17 ple, animals, and plants.

18 (4) WILDLIFE MARKET.—The term “wildlife
19 market”—

20 (A) means a commercial market or sub-
21 section of a commercial market—

22 (i) where live mammalian or avian
23 wildlife is held, slaughtered, or sold for
24 human consumption as food or medicine

whether the animals originated in the wild
or in a captive environment; and

(ii) that delivers a product in communities where alternative nutritional or protein sources are readily available and affordable; and

(B) does not include—

(i) markets in areas where no other practical alternative sources of protein or meat exists, such as wildlife markets in rural areas on which indigenous people and rural local communities rely to feed themselves and their families; and

(ii) processors of dead wild game and fish.

SEC. 6302. COUNTRY-DRIVEN APPROACH TO END THE COMMERCIAL TRADE IN LIVE WILDLIFE AND ASSOCIATED WILDLIFE MARKETS.

(a) IN GENERAL.—Not later than 120 days after the completion of the first report required under section 6305, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the heads of other relevant Federal departments and agencies, including the Centers for Disease Control and Prevention, the Secretary of Agriculture, and

1 the Secretary of the Interior, and after consideration of
2 the results of best available scientific findings of practices
3 and behaviors occurring at the source of zoonoses spillover
4 and spread, shall publicly release a list of countries the
5 governments of which express willingness to end the do-
6 mestic and international commercial trade in live wildlife
7 and associated wildlife markets for human consumption,
8 as defined for purposes of this title—

9 (1) immediately;

10 (2) after a transitional period; and

11 (3) aspirationally, over a long-term period.

12 (b) GLOBAL HEALTH SECURITY ZONOSIS PLANS.—

13 The Secretary of State and the Administrator of the
14 United States Agency for International Development shall
15 work bilaterally with the governments of the countries list-
16 ed pursuant to subsection (a) to establish Global Health
17 Security Zoonoses Plans that—

18 (1) outline actions to address novel pathogens
19 of zoonotic origin that have the potential to become
20 epidemics or pandemics;

21 (2) identify incentives and strengthened poli-
22 cies; and

23 (3) provide technical support to communities,
24 policy makers, civil society, law enforcement, and
25 other stakeholders to—

1 (A) end the domestic and international
2 commercial trade in live wildlife and associated
3 wildlife markets for human consumption imme-
4 diately, during a transitional period, or
5 aspirationally; and

6 (B) improve the biosecurity and sanitation
7 conditions in markets.

8 (c) UPDATES.—The list of countries required by sub-
9 section (a), the corresponding Global Health Security Zo-
10 onosis plans established pursuant to subsection (b), and
11 any actions taken under such plans to end the commercial
12 trade in live wildlife and associated wildlife markets for
13 human consumption immediately, during a transitional pe-
14 riod, or aspirationally, shall be reviewed, updated, and
15 publicly released annually by the Secretary and Adminis-
16 trator, following review of the most recent scientific data.

17 **SEC. 6303. SENSE OF CONGRESS.**

18 It is the sense of Congress that global institutions,
19 including the Food and Agriculture Organization of the
20 United Nations, the World Organisation for Animal
21 Health, the World Health Organization, and the United
22 Nations Environment Programme, together with leading
23 intergovernmental and nongovernmental organizations,
24 veterinary and medical colleges, the Department of State,

1 and the United States Agency for International Develop-
2 ment, should—

3 (1) promote the paradigm of One Health as an
4 effective and integrated way to address the com-
5 plexity of emerging disease threats; and

6 (2) support improved community health, bio-
7 diversity conservation, forest conservation and man-
8 agement, sustainable agriculture, and the safety of
9 livestock, domestic animals, and wildlife in devel-
10 oping countries, particularly in tropical landscapes
11 where there is an elevated risk of zoonotic disease
12 spill over.

13 **SEC. 6304. STATEMENT OF POLICY.**

14 It is the policy of the United States to—

15 (1) support the availability of scalable and sus-
16 tainable alternative sources of protein and nutrition
17 for local communities, where appropriate, in order to
18 minimize human reliance on the commercial trade in
19 live wildlife for human consumption;

20 (2) support foreign governments to—

21 (A) reduce commercial trade in live wildlife
22 for human consumption;

23 (B) transition from the commercial trade
24 in live wildlife for human consumption to

1 sustainably produced alternate protein and nu-
2 tritional sources;

3 (C) establish and effectively manage and
4 protect natural habitat, including protected and
5 conserved areas and the lands of Indigenous
6 peoples and local communities, particularly in
7 countries with tropical forest hotspots for
8 emerging diseases;

9 (D) strengthen veterinary and agricultural
10 extension capacity to improve sanitation along
11 the value chain and biosecurity of live animal
12 markets; and

13 (E) strengthen public health capacity, par-
14 ticularly in countries where there is a high risk
15 of emerging zoonotic viruses and other infec-
16 tious diseases;

17 (3) respect the rights and needs of indigenous
18 peoples and local communities dependent on such
19 wildlife for nutritional needs and food security; and

20 (4) facilitate international cooperation by work-
21 ing with international partners through intergovern-
22 mental, international, and nongovernmental organi-
23 zations such as the United Nations to—

24 (A) lead a resolution at the United Nations
25 Security Council or General Assembly and

1 World Health Assembly outlining the danger to
2 human and animal health from emerging
3 zoonotic infectious diseases, with recommenda-
4 tions for implementing the closure of wildlife
5 markets and prevention of the commercial trade
6 in live wildlife for human consumption, except
7 where the consumption of wildlife is necessary
8 for local food security or where such actions
9 would significantly disrupt a readily available
10 and irreplaceable food supply;

11 (B) raise awareness and build stakeholder
12 engagement networks, including civil society,
13 the private sector, and local and regional gov-
14 ernments on the dangerous potential of wildlife
15 markets as a source of zoonotic diseases and re-
16 duce demand for the consumption of wildlife
17 through evidence-based behavior change pro-
18 grams, while ensuring that existing wildlife
19 habitat is not encroached upon or destroyed as
20 part of this process;

21 (C) encourage and support alternative
22 forms of sustainable food production, farming,
23 and shifts to sustainable sources of protein and
24 nutrition instead of terrestrial wildlife, where
25 able and appropriate, and reduce consumer de-

1 mand for terrestrial and freshwater wildlife
2 through enhanced local and national food sys-
3 tems, especially in areas where wildlife markets
4 play a significant role in meeting subsistence
5 needs while ensuring that existing wildlife habi-
6 tat is not encroached upon or destroyed as part
7 of this process; and

8 (D) strive to increase biosecurity and hygi-
9 enic standards implemented in farms, gathering
10 centers, transport, and market systems around
11 the globe, especially those specializing in the
12 provision of products intended for human con-
13 sumption.

14 **SEC. 6305. PREVENTION OF FUTURE ZOONOTIC SPILLOVER**
15 **EVENT.**

16 (a) IN GENERAL.—The Secretary of State and the
17 Administrator of the United States Agency for Inter-
18 national Development, in consultation with the Director
19 of the United States Fish and Wildlife Service, the Sec-
20 retary of Agriculture, the Director of the Centers for Dis-
21 ease Control and Prevention, and the heads of other rel-
22 evant departments and agencies, shall work with foreign
23 governments, multilateral entities, intergovernmental or-
24 ganizations, international partners, private sector part-
25 ners, and nongovernmental organizations to carry out ac-

1 tivities supporting the following objectives, recognizing
2 that multiple interventions will likely be necessary to make
3 an impact, and that interventions will need to be tailored
4 to the situation to—

5 (1) pursuant to section 6302, close wildlife mar-
6 kets and prevent associated commercial trade in live
7 wildlife, placing a priority focus on countries with
8 significant markets for live wildlife for human con-
9 sumption, high-volume commercial trade and associ-
10 ated markets, trade in and across urban centers,
11 and trade for luxury consumption or where there is
12 no dietary necessity—

13 (A) through existing treaties, conventions,
14 and agreements;

15 (B) by amending existing protocols or
16 agreements;

17 (C) by pursuing new protocols; or

18 (D) by other means of international coordi-
19 nation;

20 (2) improve regulatory oversight and reduce
21 commercial trade in live wildlife and eliminate prac-
22 tices identified to contribute to zoonotic spillover and
23 emerging pathogens;

1 (3) prevent commercial trade in live wildlife
2 through programs that combat wildlife trafficking
3 and poaching, including—

4 (A) providing assistance to improve law en-
5 forcement;

6 (B) detecting and deterring the illegal im-
7 port, transit, sale, and export of wildlife;

8 (C) strengthening such programs to assist
9 countries through legal reform;

10 (D) improving information sharing and en-
11 hancing capabilities of participating foreign
12 governments;

13 (E) supporting efforts to change behavior
14 and reduce demand for such wildlife products;

15 (F) leveraging United States private sector
16 technologies and expertise to scale and enhance
17 enforcement responses to detect and prevent
18 such trade; and

19 (G) strengthening collaboration with key
20 private sector entities in the transportation in-
21 dustry to prevent and report the transport of
22 such wildlife and wildlife products;

23 (4) leverage strong United States bilateral rela-
24 tionships to support new and existing inter-Ministe-

1 rial collaborations or Task Forces that can serve as
2 regional One Health models;

3 (5) build local agricultural and food safety ca-
4 pacity by leveraging expertise from the United
5 States Department of Agriculture (USDA) and in-
6 stitutions of higher education with agricultural or
7 natural resource expertise;

8 (6) work through international organizations to
9 help develop a set of objective risk-based metrics
10 that provide a cross-country comparable measure of
11 the level of risk posed by wildlife trade and mar-
12 keting and can be used to track progress nations
13 make in reducing risks, identify where resources
14 should be focused, and potentially leverage a peer in-
15 fluence effect;

16 (7) increase efforts to prevent the degradation
17 and fragmentation of forests and other intact eco-
18 systems to minimize interactions between wildlife
19 and human and livestock populations that could con-
20 tribute to spillover events and zoonotic disease trans-
21 mission, including by providing assistance or sup-
22 porting policies to, for example—

23 (A) conserve, protect, and restore the in-
24 tegrity of such ecosystems;

1 (B) support the rights and needs of Indige-
2 nous People and local communities and their
3 ability to continue their effective stewardship of
4 their traditional lands and territories;

5 (C) support the establishment and effective
6 management of protected areas, prioritizing
7 highly intact areas; and

8 (D) prevent activities that result in the de-
9 struction, degradation, fragmentation, or con-
10 version of intact forests and other intact eco-
11 systems and biodiversity strongholds, including
12 by governments, private sector entities, and
13 multilateral development financial institutions;

14 (8) offer appropriate alternative livelihood and
15 worker training programs and enterprise develop-
16 ment to wildlife traders, wildlife breeders, and local
17 communities whose members are engaged in the
18 commercial trade in live wildlife for human con-
19 sumption;

20 (9) ensure that the rights of indigenous peoples
21 and local communities are respected and their au-
22 thority to exercise these rights is protected;

23 (10) strengthen global capacity for prevention,
24 prediction, and detection of novel and existing
25 zoonoses with pandemic potential, including the sup-

1 port of innovative technologies in coordination with
2 the United States Agency for International Develop-
3 ment, the Centers for Disease Control and Preven-
4 tion, and other relevant departments and agencies;
5 and

6 (11) support the development of One Health
7 systems at the local, regional, national, and global
8 levels in coordination with the United States Agency
9 for International Development, the Centers for Dis-
10 ease Control and Prevention, and other relevant de-
11 partments and agencies, particularly in emerging in-
12 fectionous disease hotspots, through a collaborative,
13 multisectoral, and transdisciplinary approach that
14 recognizes the interconnections among people, ani-
15 mals, plants, and their shared environment to
16 achieve equitable and sustainable health outcomes.

17 (b) ACTIVITIES MAY INCLUDE.—

18 (1) GLOBAL COOPERATION.—The United States
19 Government, working through the United Nations
20 and its components, as well as international organi-
21 zation such as Interpol, the Food and Agriculture
22 Organization of the United Nations, and the World
23 Organisation for Animal Health, and in furtherance
24 of the policies described in section 6304, shall—

1 (A) collaborate with other member States,
2 issue declarations, statements, and commu-
3 niques urging countries to close wildlife mar-
4 kets, and prevent commercial trade in live wild-
5 life for human consumption; and

6 (B) urge increased enforcement of existing
7 laws to end wildlife trafficking.

8 (2) INTERNATIONAL COALITIONS.—The Sec-
9 retary of State shall seek to build new, and support
10 existing, international coalitions focused on closing
11 wildlife markets and preventing commercial trade in
12 live wildlife for human consumption, with a focus on
13 the following efforts:

14 (A) Providing assistance and advice to
15 other governments in the adoption of legislation
16 and regulations to close wildlife markets and
17 associated trade over such timeframe and in
18 such manner as to minimize the increase of
19 wildlife trafficking and poaching.

20 (B) Creating economic and enforcement
21 pressure for the immediate shut down of uncon-
22 trolled, unsanitary, or illicit wildlife markets
23 and their supply chains to prevent their oper-
24 ation.

1 (C) Providing assistance and guidance to
2 other governments on measures to prohibit the
3 import, export, and domestic commercial trade
4 in live wildlife for the purpose of human con-
5 sumption.

6 (D) Implementing risk reduction interven-
7 tions and control options to address zoonotic
8 spillover along the supply chain for the wildlife
9 market system.

10 (E) Engaging and receiving guidance from
11 key stakeholders at the ministerial, local gov-
12 ernment, and civil society level, including Indig-
13 enous Peoples, in countries that will be im-
14 pacted by this title and where wildlife markets
15 and associated wildlife trade are the predomi-
16 nant source of meat or protein, in order to miti-
17 gate the impact of any international efforts on
18 food security, nutrition, local customs, conserva-
19 tion methods, or cultural norms.

20 (c) UNITED STATES AGENCY FOR INTERNATIONAL
21 DEVELOPMENT.—

22 (1) SUSTAINABLE FOOD SYSTEMS FUNDING.—

23 (A) AUTHORIZATION OF APPROPRIA-
24 TIONS.—In addition to any other amounts pro-
25 vided for such purposes, there is authorized to

1 be appropriated such sums as necessary for
2 each of fiscal years 2023 through 2032 to the
3 United States Agency for International Devel-
4 opment to reduce demand for consumption of
5 wildlife from wildlife markets and support shifts
6 to diversified alternative and sustainably pro-
7 duced sources of nutritious food and protein in
8 communities that rely upon the consumption of
9 wildlife for food security, while ensuring that
10 existing wildlife habitat is not encroached upon
11 or destroyed as part of this process, using a
12 multisectoral approach and including support
13 for demonstration programs.

14 (B) ACTIVITIES.—The Bureau for Devel-
15 opment, Democracy and Innovation (DDI), the
16 Bureau for Resilience and Food Security
17 (RFS), and the Bureau for Global Health (GH)
18 of the United States Agency for International
19 Development shall, in partnership with United
20 States and international institutions of higher
21 education and nongovernmental organizations,
22 co-develop approaches focused on safe, sustain-
23 able food systems that support and incentivize
24 the replacement of terrestrial wildlife in diets,
25 while ensuring that existing wildlife habitat is

1 not encroached upon or destroyed as part of
2 this process.

3 (2) ADDRESSING THREATS AND CAUSES OF
4 ZOONOTIC DISEASE OUTBREAKS.—The Adminis-
5 trator of the United States Agency for International
6 Development, in consultation with the Secretary of
7 the Interior, shall increase activities in United States
8 Agency for International Development programs re-
9 lated to conserving biodiversity, combating wildlife
10 trafficking, sustainable landscapes, global health,
11 food security, and resilience in order to address the
12 threats and causes of zoonotic disease outbreaks, in-
13 cluding through—

14 (A) education;

15 (B) capacity building;

16 (C) strengthening human, livestock, and
17 wildlife health monitoring systems of pathogens
18 of zoonotic origin to support early detection and
19 reporting of novel and known pathogens for
20 emergence of zoonotic disease and strength-
21 ening cross-sectoral collaboration to align risk
22 reduction approaches in consultation with the
23 Director of the Centers for Disease Control and
24 the Secretary of Health and Human Services;

1 (D) improved domestic and wild animal
2 disease monitoring and control at production
3 and market levels;

4 (E) development of alternative livelihood
5 opportunities where possible;

6 (F) preventing degradation and fragmenta-
7 tion of forests and other intact ecosystems and
8 restoring the integrity of such ecosystems, par-
9 ticularly in tropical countries, to prevent the
10 creation of new pathways for zoonotic pathogen
11 transmission that arise from interactions among
12 wildlife, humans, and livestock populations;

13 (G) minimizing interactions between do-
14 mestic livestock and wild animals in markets
15 and captive production;

16 (H) supporting shifts from wildlife markets
17 to diversified, safe, affordable, and accessible al-
18 ternative sources of protein and nutrition
19 through enhanced local and national food sys-
20 tems while ensuring that existing wildlife habi-
21 tat is not encroached upon or destroyed as part
22 of this process;

23 (I) improving community health, forest
24 management practices, and safety of livestock
25 production in tropical landscapes, particularly

1 in hotspots for zoonotic spillover and emerging
2 infectious diseases;

3 (J) preventing degradation and fragmenta-
4 tion of forests and other intact ecosystems, par-
5 ticularly in tropical countries, to minimize inter-
6 actions between wildlife, human, and livestock
7 populations that could contribute to spillover
8 events and zoonotic disease transmission, in-
9 cluding by providing assistance or supporting
10 policies to—

11 (i) conserve, protect, and restore the
12 integrity of such ecosystems; and

13 (ii) support the rights of Indigenous
14 People and local communities and their
15 ability to continue their effective steward
16 ship of their intact traditional lands and
17 territories;

18 (K) supporting development and use of
19 multi-data sourced predictive models and deci-
20 sionmaking tools to identify areas of highest
21 probability of zoonotic spillover and to deter-
22 mine cost-effective monitoring and mitigation
23 approaches; and

24 (L) other relevant activities described in
25 this section that are within the mandate of the

1 United States Agency for International Devel-
2 opment.

3 (d) STAFFING REQUIREMENTS.—The Administrator
4 of the United States Agency for International Develop-
5 ment, in collaboration with the United States Fish and
6 Wildlife Service, the United States Department of Agri-
7 culture Animal and Plant Health Inspection Service, the
8 Centers for Disease Control and Prevention, and other
9 Federal entities as appropriate, is authorized to hire addi-
10 tional personnel—

11 (1) to undertake programs aimed at reducing
12 the risks of endemic and emerging infectious dis-
13 eases and exposure to antimicrobial resistant patho-
14 gens;

15 (2) to provide administrative support and re-
16 sources to ensure effective and efficient coordination
17 of funding opportunities and sharing of expertise
18 from relevant United States Agency for Inter-
19 national Development bureaus and programs, includ-
20 ing emerging pandemic threats;

21 (3) to award funding to on-the-ground projects;

22 (4) to provide project oversight to ensure ac-
23 countability and transparency in all phases of the
24 award process; and

1 (5) to undertake additional activities under this
2 title.

3 (e) REPORTING REQUIREMENTS.—

4 (1) DEPARTMENT OF STATE AND UNITED
5 STATES AGENCY FOR INTERNATIONAL DEVELOP-
6 MENT.—

7 (A) IN GENERAL.—Not later than 1 year
8 after the date of the enactment of this Act, and
9 annually thereafter until 2030, the Secretary of
10 State and the Administrator of the United
11 States Agency for International Development
12 shall submit to the appropriate congressional
13 committees a report—

14 (i) describing—

15 (I) the actions taken pursuant to
16 this title and the provision of United
17 States technical assistance;

18 (II) the impact and effectiveness
19 of international cooperation on shut-
20 ting down wildlife markets;

21 (III) partnerships developed with
22 other institutions of higher learning
23 and nongovernmental organizations;
24 and

1 (IV) the impact and effectiveness
2 of international cooperation on pre-
3 venting the import, export, and do-
4 mestic commercial trade in live wild-
5 life for the purpose of human use as
6 food or medicine, while accounting for
7 the differentiated needs of vulnerable
8 populations who depend upon such
9 wildlife as a predominant source of
10 meat or protein;

11 (ii) identifying—

12 (I) foreign countries that con-
13 tinue to enable the operation of wild-
14 life markets as defined by this title
15 and the associated trade of wildlife
16 products for human use as food or
17 medicine that feeds such markets;

18 (II) recommendations for
19 incentivizing or enforcing compliance
20 with laws and policies to close wildlife
21 markets pursuant to section 6302 and
22 uncontrolled, unsanitary, or illicit
23 wildlife markets and end the associ-
24 ated commercial trade in live wildlife
25 for human use as food or medicine,

1 which may include visa restrictions
2 and other diplomatic or economic
3 tools; and

4 (III) summarizing additional per-
5 sonnel hired with funding authorized
6 under this title, including the number
7 hired in each bureau.

8 (B) INITIAL REPORT.—The first report
9 submitted under subparagraph (A) shall in-
10 clude, in addition to the elements described in
11 such subparagraph, a summary of existing re-
12 search and findings related to the risk live wild-
13 life markets pose to human health through the
14 emergence or reemergence of pathogens and ac-
15 tivities to reduce the risk of zoonotic spillover.

16 (C) FORM.—The report required under
17 this paragraph shall be submitted in unclassi-
18 fied form, but may include a classified annex.

19 **SEC. 6306. LAW ENFORCEMENT ATTACHE DEPLOYMENT.**

20 (a) IN GENERAL.—The Secretary of the Interior, act-
21 ing through the Director of the United States Fish and
22 Wildlife Service, and in consultation with the Secretary
23 of State, shall require the Chief of Law Enforcement of
24 the United States Fish and Wildlife Service to hire, train,
25 and deploy not fewer than 50 new United States Fish and

1 Wildlife Service law enforcement attaches, and appro-
2 priate additional support staff, at 1 or more United States
3 embassies, consulates, commands, or other facilities—

4 (1) in 1 or more countries designated as a focus
5 country or a country of concern in the most recent
6 report submitted under section 201 of the Eliminate,
7 Neutralize, and Disrupt Wildlife Trafficking Act of
8 2016 (16 U.S.C. 7621); and

9 (2) in such additional countries or regions, as
10 determined by the Secretary of the Interior, that are
11 known or suspected to be a source of illegal trade of
12 species listed—

13 (A) as a threatened species or an endan-
14 gered species under the Endangered Species
15 Act of 1973 (16 U.S.C. 1531 et seq.); or

16 (B) under appendix I of the Convention on
17 International Trade in Endangered Species of
18 Wild Fauna and Flora, done at Washington
19 March 3, 1973 (27 UST 1087; TIAS 8249).

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$150,000,000 for each of fiscal years 2023 through 2032.

23 **SEC. 6307. RESERVATION OF RIGHTS.**

24 Nothing in this title shall restrict or otherwise pro-
25 hibit—

1 (1) legal and regulated hunting, fishing, or
2 trapping activities for subsistence, sport, or recre-
3 ation; or

4 (2) the lawful domestic and international trans-
5 port of legally harvested fish or wildlife trophies.

6 **TITLE LXIV—PROHIBITION OF**
7 **ARMS SALES TO COUNTRIES**
8 **COMMITTING GENOCIDE OR**
9 **WAR CRIMES AND RELATED**
10 **MATTERS**

11 **SEC. 6401. PROHIBITION OF ARMS SALES TO COUNTRIES**
12 **COMMITTING GENOCIDE OR WAR CRIMES.**

13 (a) IN GENERAL.—No sale, export, or transfer of de-
14 fense articles or defense services may occur to any country
15 if the Secretary of State has credible information that the
16 government of such country has committed or is commit-
17 ting genocide or violations of international humanitarian
18 law after the date of the enactment of this Act.

19 (b) EXCEPTION.—The restriction under subsection
20 (a) shall not apply if the Secretary of State certifies to
21 the appropriate congressional committees that—

22 (1) the government has adequately punished the
23 persons directly or indirectly responsible for such
24 acts through a credible, transparent, and effective
25 judicial process;

1 (2) appropriate measures have been instituted
2 to ensure that such acts will not recur; and

3 (3) other appropriate compensation or appro-
4 prium compensatory measures have been or are
5 being provided to the persons harmed by such acts.

6 **SEC. 6402. CONSIDERATION OF HUMAN RIGHTS AND DE-**
7 **MOCRATIZATION IN ARMS EXPORTS.**

8 (a) IN GENERAL.—In considering the sale, export, or
9 transfer of defense articles and defense services to foreign
10 countries, the Secretary of State shall—

11 (1) also consider the extent to which the gov-
12 ernment of the foreign country protects human
13 rights and supports democratic institutions, includ-
14 ing an independent judiciary; and

15 (2) ensure that the views and expertise of the
16 Bureau of Democracy, Human Rights, and Labor of
17 the Department of State in connection with any sale,
18 export, or transfer are fully taken into account.

19 (b) INSPECTOR GENERAL OVERSIGHT.—Not later
20 than one year after the date of the enactment of this Act,
21 and annually thereafter for four years, the Inspector Gen-
22 eral of the Department of State shall submit to the appro-
23 prium congressional committees a report on the implemen-
24 tation of the requirement under subsection (a) during the
25 preceding year.

1 **SEC. 6403. ENHANCEMENT OF CONGRESSIONAL OVER-**
2 **SIGHT OF HUMAN RIGHTS IN ARMS EXPORTS.**

3 (a) IN GENERAL.—It is the sense of Congress that
4 any letter of offer to sell, or any application for a license
5 to export or transfer, defense articles or defense services
6 controlled for export, regardless of monetary value, should
7 take into account as part of its evaluation whether the
8 Secretary of State has credible information, with respect
9 to a country to which the defense articles or defense serv-
10 ices are proposed to be sold, exported, or transferred,
11 that—

12 (1) the government of such country on or after
13 the date of enactment of this Act has been deposed
14 by a coup d’etat or decree in which the military
15 played a decisive role, and a democratically elected
16 government has not taken office subsequent to the
17 coup or decree; or

18 (2) a unit of the security forces of the govern-
19 ment of such country—

20 (A) has violated international humani-
21 tarian law and has not been credibly inves-
22 tigated and subjected to a credible and trans-
23 parent judicial process addressing such allega-
24 tion; or

25 (B) has committed a gross violation of
26 human rights, and has not been credibly inves-

1 tigated and subjected to a credible and trans-
2 parent judicial process addressing such allega-
3 tion, including, inter alia—

4 (i) torture;

5 (ii) rape or sexual assault;

6 (iii) ethnic cleansing of civilians;

7 (iv) recruitment or use of child sol-
8 diers;

9 (v) unjust or wrongful detention;

10 (vi) the operation of, or effective con-
11 trol or direction over, secret detention fa-
12 cilities; or

13 (vii) extrajudicial killings or enforced
14 disappearances, whether by military, police,
15 or other security forces.

16 (b) INCLUSION OF INFORMATION IN HUMAN RIGHTS

17 REPORT.—The Secretary of State shall also provide to the
18 appropriate congressional committees the report described
19 in section 502B(c) of the Foreign Assistance Act (22
20 U.S.C. 2304(c)) biannually for the period of time specified
21 in subsection (c) of this section regarding any country cov-
22 ered under subsection (a).

23 (c) MODIFICATION OF PRIOR NOTIFICATION OF

24 SHIPMENT OF ARMS.—Section 36(i) of the Arms Export
25 Control Act (22 U.S.C. 2776(i)) is amended by striking

1 “subject to the requirements of subsection (b) at the joint
2 request of the Chairman and Ranking Member” and in-
3 serting “subject to the requirements of this section at the
4 request of the Chairman or Ranking Member”.

5 **SEC. 6404. END USE MONITORING OF MISUSE OF ARMS IN**
6 **HUMAN RIGHTS ABUSES.**

7 (a) END USE MONITORING.—Section 40A(a)(2)(B)
8 of the Arms Export Control Act (22 U.S.C. 2785) is
9 amended—

10 (1) in clause (i), by striking “; and” and insert-
11 ing a semicolon;

12 (2) in clause (ii), by striking the period at the
13 end and inserting “and;”; and

14 (3) by adding at the end the following new
15 clause:

16 “(iii) such articles and services are
17 not being used to violate international hu-
18 manitarian law or internationally recog-
19 nized human rights.”.

20 (b) REPORT.—The Secretary shall report to the ap-
21 propriate congressional committees on the measures that
22 will be taken, including any additional resources needed,
23 to conduct an effective end-use monitoring program to ful-
24 fill the requirement of clause (iii) of section 40A(a)(2)(B)

1 of the Arms Export Control Act, as added by subsection
2 (a)(3).

3 **SEC. 6405. DEFINITIONS.**

4 In this title:

5 (1) The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Foreign Relations
8 and the Committee on Appropriations of the
9 Senate; and

10 (B) the Committee on Foreign Affairs and
11 the Committee on Appropriations of the House
12 of Representatives.

13 (2) The terms “defense article” and “defense
14 service” have the same meanings given the terms in
15 section 47 of the Arms Export Control Act (22
16 U.S.C. 2794).

17 **TITLE LXV—BURMA ACT OF 2022**

18 **SEC. 6501. SHORT TITLE.**

19 This title may be cited as the “Burma Unified
20 through Rigorous Military Accountability Act of 2022” or
21 the “BURMA Act of 2022”.

22 **SEC. 6502. DEFINITIONS.**

23 In this title:

24 (1) **BURMESE MILITARY.**—The term “Burmese
25 military”—

1 (A) means the Armed Forces of Burma,
2 including the army, navy, and air force; and

3 (B) includes security services under the
4 control of the Armed Forces of Burma such as
5 the police and border guards.

6 (2) CRIMES AGAINST HUMANITY.—The term
7 “crimes against humanity” includes the following,
8 when committed as part of a widespread or system-
9 atic attack directed against any civilian population,
10 with knowledge of the attack:

11 (A) Murder.

12 (B) Forced transfer of population.

13 (C) Torture.

14 (D) Extermination.

15 (E) Enslavement.

16 (F) Rape, sexual slavery, or any other
17 form of sexual violence of comparable severity.

18 (G) Enforced disappearance of persons.

19 (H) Persecution against any identifiable
20 group or collectivity on political, racial, na-
21 tional, ethnic, cultural, religious, gender, or
22 other grounds that are universally recognized as
23 impermissible under international law.

1 (I) Imprisonment or other severe depriva-
2 tion of physical liberty in violation of funda-
3 mental rules of international law.

4 (3) EXECUTIVE ORDER 14014.—The term “Ex-
5 ecutive Order 14014” means Executive Order 14014
6 (86 Fed. Reg. 9429; relating to blocking property
7 with respect to the situation in Burma).

8 (4) GENOCIDE.—The term “genocide” means
9 any offense described in section 1091(a) of title 18,
10 United States Code.

11 (5) TRANSITIONAL JUSTICE.—The term “tran-
12 sitional justice” means the range of judicial, non-
13 judicial, formal, informal, retributive, and restorative
14 measures employed by countries transitioning out of
15 armed conflict or repressive regimes, or employed by
16 the international community through international
17 justice mechanisms, to redress past or ongoing
18 atrocities and to promote long-term, sustainable
19 peace.

20 (6) WAR CRIME.—The term “war crime” has
21 the meaning given the term in section 2441(c) of
22 title 18, United States Code.

1 **Subtitle A—Matters Relating to the**
2 **Conflict in Burma**

3 **SEC. 6511. FINDINGS.**

4 Congress makes the following findings:

5 (1) Since 1988, the United States policy of
6 principled engagement has fostered positive demo-
7 cratic reforms in Burma, with elections in 2010,
8 2015, and 2020, helping to bring about the partial
9 transition to civilian rule and with the latter 2 elec-
10 tions resulting in resounding electoral victories for
11 the National League for Democracy.

12 (2) That democratic transition remained incom-
13 plete, with the military retaining significant power
14 and independence from civilian control following the
15 2015 elections, including through control of 25 per-
16 cent of parliamentary seats, a de facto veto over con-
17 stitutional reform, authority over multiple govern-
18 ment ministries, and the ability to operate with im-
19 punity and no civilian oversight.

20 (3) Despite some improvements with respect for
21 human rights and fundamental freedoms beginning
22 in 2010, and the establishment of a quasi-civilian
23 government following credible elections in 2015,
24 Burma's military leaders have, since 2016, overseen
25 an increase in restrictions to freedom of expression

1 (including for members of the press), freedom of
2 peaceful assembly, freedom of association, and free-
3 dom of religion or belief.

4 (4) On August 25, 2017, Burmese military and
5 security forces launched a genocidal military cam-
6 paign against Rohingya, resulting in a mass exodus
7 of some 750,000 Rohingya from Burma's Rakhine
8 State into Bangladesh, where they remain. The mili-
9 tary has since taken no steps to improve conditions
10 for Rohingya still in Rakhine State, who remain at
11 high risk of genocide and other atrocities, or to cre-
12 ate conditions conducive to the voluntary return of
13 Rohingya refugees and other internally displaced
14 persons (IDPs).

15 (5) The Burmese military has also engaged in
16 renewed violence with other ethnic minority groups
17 across the country. The military has continued to
18 commit atrocities in Chin, Kachin, Kayah, and
19 Shan. Fighting in northern Burma has forced more
20 than 100,000 people from their homes and into
21 camps for internally displaced persons. The Burmese
22 military continues to heavily proscribe humanitarian
23 and media access to conflict-affected populations
24 across the country.

1 (6) With more nearly \$470,000,000 in humani-
2 tarian assistance in response to the crisis in fiscal
3 year 2021, the United States is the largest humani-
4 tarian donor to populations in need as a result of
5 conflicts in Burma. In May 2021, the United States
6 announced nearly \$155,000,000 in additional hu-
7 manitarian assistance to meet the urgent needs of
8 Rohingya refugees and host communities in Ban-
9 gladesh and people affected by ongoing violence in
10 Burma’s Rakhine, Kachin, Shan, and Chin states.
11 In September 2021, the United States provided
12 nearly \$180,000,000 in additional critical humani-
13 tarian assistance to the people of Burma, bringing
14 the total fiscal year 2021 to more than
15 \$434,000,000.

16 (7) Both government- and military-initiated in-
17 vestigations into human rights abuses in Burma in-
18 volving violence between ethnic minorities and Bur-
19 mese security forces have failed to yield credible re-
20 sults or hold perpetrators accountable.

21 (8) In its report dated September 17, 2018, the
22 United Nations Independent International Fact-
23 Finding Mission on Myanmar concluded, on reason-
24 able grounds, that the factors allowing inference of
25 “genocidal intent” are present with respect to the

1 attacks against Rohingya in Rakhine State, and acts
2 by Burmese security forces against Rohingya in
3 Rakhine State and other ethnic minorities in Kachin
4 and Shan States amount to “crimes against human-
5 ity” and “war crimes”. The Independent Inter-
6 national Fact-Finding Mission on Myanmar estab-
7 lished by the United Nations Human Rights Council
8 recommended that the United Nations Security
9 Council “should ensure accountability for crimes
10 under international law committed in Myanmar,
11 preferably by referring the situation to the Inter-
12 national Criminal Court or alternatively by creating
13 an ad hoc international criminal tribunal”. The Mis-
14 sion also recommended the imposition of targeted
15 economic sanctions, including an arms embargo on
16 Burma.

17 (9) On December 13, 2018, the United States
18 House of Representatives passed House Resolution
19 1091 (115th Congress), which expressed the sense of
20 the House that “the atrocities committed against the
21 Rohingya by the Burmese military and security
22 forces since August 2017 constitute crimes against
23 humanity and genocide” and called upon the Sec-
24 retary of State to review the available evidence and
25 make a similar determination.

1 (10) In a subsequent report dated August 5,
2 2019, the United Nations Independent International
3 Fact-Finding Mission on Myanmar found that the
4 Burmese military’s economic interests “enable its
5 conduct” and that it benefits from and supports ex-
6 tractive industry businesses operating in conflict-af-
7 fected areas in northern Burma, including natural
8 resources, particularly oil and gas, minerals and
9 gems and argued that “through controlling its own
10 business empire, the Tatmadaw can evade the ac-
11 countability and oversight that normally arise from
12 civilian oversight of military budgets”. The report
13 called for the United Nations and individual govern-
14 ments to place targeted sanctions on all senior offi-
15 cials in the Burmese military as well as their eco-
16 nomic interests, especially Myanma Economic Hold-
17 ings Limited and Myanmar Economic Corporation.

18 (11) Burma’s November 2020 election resulted
19 in a landslide victory for the National League of De-
20 mocracy, with the National League for Democracy
21 winning a large majority of seats in Burma’s na-
22 tional parliament. The elections were judged to be
23 credible, and marked an important step in the coun-
24 try’s democratic transition.

1 (12) On February 1, 2021, the Burmese mili-
2 tary conducted a coup d'état, declaring a year-long
3 state of emergency and detaining State Counsellor
4 Aung San Suu Kyi, President Win Myint, and doz-
5 ens of other government officials and elected mem-
6 bers of parliament, thus derailing Burma's transi-
7 tion to democracy and disregarding the will of the
8 people of Burma as expressed in the November 2020
9 general elections, which were determined to be cred-
10 ible by international and national observers.

11 (13) Following the coup, some ousted members
12 of parliament established the Committee Rep-
13 resenting the Pyidaungsu Hluttaw (CRPH), which
14 subsequently established the National Unity Consult-
15 ative Council in March of 2021. The National Unity
16 Consultative Council includes representatives from a
17 broad spectrum of stakeholders in Burma opposed to
18 the military and the coup: elected representatives
19 from the CRPH, representatives from the ethnic
20 armed organizations, members of Burma's civil dis-
21 obedience movement, and other anti-coup forces.

22 (14) The CRPH subsequently released the Fed-
23 eral Democracy Charter in March 2021 and estab-
24 lished the National Unity Government in April 2021.
25 The National Unity Government includes represent-

1 atives from ethnic minority groups, civil society or-
2 ganizations, women's groups, leaders of the civil dis-
3 obedience movement, and others.

4 (15) Since the coup on February 1, 2021, the
5 Burmese military has—

6 (A) used lethal force on peaceful protestors
7 on multiple occasions, killing more than 2,000
8 people, including more than 142 children;

9 (B) detained more than 10,000 peaceful
10 protestors, participants in the Civil Disobe-
11 dience Movement, labor leaders, government of-
12 ficials and elected members of parliament,
13 members of the media, and others, according to
14 the Assistance Association for Political Pris-
15 oners;

16 (C) issued laws and directives used to fur-
17 ther impede fundamental freedoms, including
18 freedom of expression (including for members
19 of the press), freedom of peaceful assembly, and
20 freedom of association; and

21 (D) imposed restrictions on the internet
22 and telecommunications.

23 (16) According to the UNHCR, more than
24 758,000 people have been internally displaced since
25 the coup, while an estimated 40,000 have sought ref-

1 uge in neighboring countries. Nevertheless, the Bur-
2 mese military continues to block humanitarian as-
3 sistance to populations in need. According to the
4 World Health Organization, the military has carried
5 out more than 286 attacks on health care entities
6 since the coup and killed at least 30 health workers.
7 Dozens more have been arbitrarily detained, and
8 hundreds have warrants out for their arrest. The
9 military continued such attacks even as they inhib-
10 ited efforts to combat a devastating third wave of
11 COVID–19. The brutality of the Burmese military
12 was on full display on March 27, 2021, Armed
13 Forces Day, when, after threatening on state tele-
14 vision to shoot protesters in the head, security forces
15 killed more than 150 people.

16 (17) The coup represents a continuation of a
17 long pattern of violent and anti-democratic behavior
18 by the military that stretches back decades, with the
19 military having previously taken over Burma in
20 coups d'état in 1962 and 1988, and having ignored
21 the results of the 1990 elections, and a long history
22 of violently repressing protest movements, including
23 killing and imprisoning thousands of peaceful
24 protestors during pro-democracy demonstrations in
25 1988 and 2007.

1 (18) On February 11, 2021, President Biden
2 issued Executive Order 14014 in response to the
3 coup d'état, authorizing sanctions against the Bur-
4 mese military, its economic interests, and other per-
5 petrators of the coup.

6 (19) Since the issuance of Executive Order
7 14014, President Biden has taken several steps to
8 impose costs on the Burmese military and its leader-
9 ship, including by designating or otherwise imposing
10 targeted sanctions with respect to—

11 (A) multiple high-ranking individuals and
12 their family members, including the Com-
13 mander-in-Chief of the Burmese military, Min
14 Aung Hlaing, Burma's Chief of Police, Than
15 Hlaing, and the Bureau of Special Operations
16 commander, Lieutenant General Aung Soe, and
17 over 35 other individuals;

18 (B) state-owned and military controlled
19 companies, including Myanma Economic Hold-
20 ings Public Company, Ltd., Myanmar Economic
21 Corporation, Ltd., Myanmar Economic Hold-
22 ings Ltd., Myanmar Ruby Enterprise, Myanmar
23 Imperial Jade Co., Ltd., and Myanma Gems
24 Enterprise; and

1 (C) other corporate entities, Burmese mili-
2 tary units, and Burmese military entities, in-
3 cluding the military regime’s State Administra-
4 tive Council.

5 (20) The United States has also implemented
6 new restrictions on exports and reexports to Burma
7 pursuant to Executive Order 14014; and

8 (21) On April 24, 2021, the Association of
9 Southeast Asian Nations (ASEAN) agreed to a five-
10 point consensus which called for an “immediate ces-
11 sation of violence”, “constructive dialogue among all
12 parties”, the appointment of an ASEAN special
13 envoy, the provision of humanitarian assistance
14 through ASEAN’s AHA Centre, and a visit by the
15 ASEAN special envoy to Burma. Except for the ap-
16 pointment of the Special Envoy in August 2021, the
17 other elements of the ASEAN consensus remain
18 unimplemented due to obstruction by the Burmese
19 military.

20 (22) In June 2021, the National Unity Govern-
21 ment included ethnic minorities and women among
22 its cabinet and released a policy paper outlining
23 pledges to Rohingya and calling for “justice and rep-
24 arations” for the community. The statement affirms
25 the Rohingya right to citizenship in Burma, a sig-

1 nificant break from past Burmese government poli-
2 cies.

3 (23) On March 21, 2022, Secretary of State
4 Antony Blinken announced that the United States
5 had concluded that “members of the Burmese mili-
6 tary committed genocide and crimes against human-
7 ity against Rohingya”.

8 **SEC. 6512. STATEMENT OF POLICY.**

9 It is the policy of the United States—

10 (1) to support genuine democracy, peace, and
11 national reconciliation in Burma;

12 (2) to pursue a strategy of calibrated engage-
13 ment, which is essential to support the establishment
14 of a peaceful, prosperous, and democratic Burma
15 that includes respect for the human rights of all in-
16 dividuals regardless of ethnicity and religion;

17 (3) to seek the restoration to power of a civilian
18 government that reflects the will of the people of
19 Burma;

20 (4) to support constitutional reforms that en-
21 sure civilian governance and oversight over the mili-
22 tary;

23 (5) to assist in the establishment of a fully
24 democratic, civilian-led, inclusive, and representative
25 political system that includes free, fair, credible, and

1 democratic elections in which all people of Burma,
2 including all ethnic and religious minorities, can par-
3 ticipate in the political process at all levels including
4 the right to vote and to run for elected office;

5 (6) to support legal reforms that ensure protec-
6 tion for the civil and political rights of all individuals
7 in Burma, including reforms to laws that criminalize
8 the exercise of human rights and fundamental free-
9 doms, and strengthening respect for and protection
10 of human rights, including freedom of religion or be-
11 lief;

12 (7) to seek the unconditional release of all pris-
13 oners of conscience and political prisoners in Burma;

14 (8) to strengthen Burma's civilian governmental
15 institutions, including support for greater trans-
16 parency and accountability once the military is no
17 longer in power;

18 (9) to empower and resource local communities,
19 civil society organizations, and independent media;

20 (10) to promote national reconciliation and the
21 conclusion and credible implementation of a nation-
22 wide cease-fire agreement, followed by a peace proc-
23 ess that is inclusive of ethnic Rohingya, Shan,
24 Rakhine, Kachin, Chin, Karenni, and Karen, and
25 other ethnic groups and leads to the development of

1 a political system that effectively addresses natural
2 resource governance, revenue-sharing, land rights,
3 and constitutional change enabling inclusive peace;

4 (11) to ensure the protection and non-
5 refoulement of refugees fleeing Burma to neigh-
6 boring countries and prioritize efforts to create a
7 conducive environment and meaningfully address
8 long-standing structural challenges that undermine
9 the safety and rights of Rohingya in Rakhine State
10 as well as members of other ethnic and religious mi-
11 norities in Burma, including by promoting the cre-
12 ation of conditions for the dignified, safe, sustain-
13 able, and voluntary return of refugees in Ban-
14 gladesh, Thailand, and in the surrounding region
15 when conditions allow;

16 (12) to support an immediate end to restric-
17 tions that hinder the freedom of movement of mem-
18 bers of ethnic minorities throughout the country, in-
19 cluding Rohingya, and an end to any and all policies
20 and practices designed to forcibly segregate
21 Rohingya, and providing humanitarian support for
22 all internally displaced persons in Burma;

23 (13) to support unfettered access for humani-
24 tarian actors, media, and human rights mechanisms,
25 including those established by the United Nations

1 Human Rights Council and the United Nations Gen-
2 eral Assembly, to all relevant areas of Burma, in-
3 cluding Rakhine, Chin, Kachin, Shan, and Kayin
4 States, as well as Sagaing and Magway regions;

5 (14) to call for accountability through inde-
6 pendent, credible investigations and prosecutions for
7 any potential genocide, war crimes, and crimes
8 against humanity, including those involving sexual
9 and gender-based violence and violence against chil-
10 dren, perpetrated against ethnic or religious minori-
11 ties, including Rohingya, by members of the military
12 and security forces of Burma, and other armed
13 groups;

14 (15) to encourage reforms toward the military,
15 security, and police forces operating under civilian
16 control and being held accountable in civilian courts
17 for human rights abuses, corruption, and other
18 abuses of power;

19 (16) to promote broad-based, inclusive economic
20 development and fostering healthy and resilient com-
21 munities;

22 (17) to combat corruption and illegal economic
23 activity, including that which involves the military
24 and its close allies; and

1 (18) to promote responsible international and
2 regional engagement;

3 (19) to support and advance the strategy of
4 calibrated engagement, impose targeted sanctions
5 with respect to the Burmese military's economic in-
6 terests and major sources of income for the Burmese
7 military, including with respect to—

8 (A) officials in Burma, including the Com-
9 mander in Chief of the Armed Forces of
10 Burma, Min Aung Hlaing, and all individuals
11 described in paragraphs (1), (2), and (3) of sec-
12 tion 202(a), under the authorities provided by
13 title II, Executive Order 14014, and the Global
14 Magnitsky Human Rights Accountability Act
15 (subtitle F of title XII of Public Law 114–328;
16 22 U.S.C. 2656 note);

17 (B) enterprises owned or controlled by the
18 Burmese military, including the Myanmar Eco-
19 nomic Corporation, Union of Myanmar Eco-
20 nomic Holding, Ltd., and all other entities de-
21 scribed in section 202(a)(4), under the authori-
22 ties provided by title II, the Burmese Freedom
23 and Democracy Act of 2003 (Public Law 108–
24 61; 50 U.S.C. 1701 note), the Tom Lantos
25 Block Burmese JADE (Junta's Anti-Demo-

1 cratic Efforts) Act of 2008 (Public Law 110–
2 286; 50 U.S.C. 1701 note), other relevant stat-
3 utory authorities, and Executive Order 14014;
4 and

5 (C) state-owned economic enterprises if—

6 (i) there is a substantial risk of the
7 Burmese military accessing the accounts of
8 such an enterprise; and

9 (ii) the imposition of sanctions would
10 not cause disproportionate harm to the
11 people of Burma, the restoration of a civil-
12 ian government in Burma, or the national
13 interest of the United States; and

14 (20) to ensure that any sanctions imposed with
15 respect to entities or individuals are carefully tar-
16 geted to maximize impact on the military and secu-
17 rity forces of Burma and its economic interests while
18 minimizing impact on the people of Burma, recog-
19 nizing the calls from the people of Burma for the
20 United States to take action against the sources of
21 income for the military and security forces of
22 Burma.

1 **Subtitle B—Sanctions and Policy**
2 **Coordination With Respect to**
3 **Burma**

4 **SEC. 6521. DEFINITIONS.**

5 In this title:

6 (1) ADMITTED; ALIEN.—The terms “admitted”
7 and “alien” have the meanings given those terms in
8 section 101 of the Immigration and Nationality Act
9 (8 U.S.C. 1101).

10 (2) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means—

13 (A) the Committee on Foreign Relations
14 and the Committee on Banking, Housing, and
15 Urban Affairs of the Senate; and

16 (B) the Committee on Foreign Affairs and
17 the Committee on Financial Services of the
18 House of Representatives.

19 (3) CORRESPONDENT ACCOUNT; PAYABLE-
20 THROUGH ACCOUNT.—The terms “correspondent ac-
21 count” and “payable-through account” have the
22 meanings given those terms in section 5318A of title
23 31, United States Code.

24 (4) FOREIGN FINANCIAL INSTITUTION.—The
25 term “foreign financial institution” has the meaning

1 of that term as determined by the Secretary of the
2 Treasury by regulation.

3 (5) FOREIGN PERSON.—The term “foreign per-
4 son” means a person that is not a United States
5 person.

6 (6) KNOWINGLY.—The term “knowingly”, with
7 respect to conduct, a circumstance, or a result,
8 means that a person has actual knowledge, or should
9 have known, of the conduct, the circumstance, or the
10 result.

11 (7) PERSON.—The term “person” means an in-
12 dividual or entity.

13 (8) SUPPORT.—The term “support”, with re-
14 spect to the Burmese military, means to knowingly
15 have materially assisted, sponsored, or provided fi-
16 nancial, material, or technological support for, or
17 goods or services to or in support of the Burmese
18 military.

19 (9) UNITED STATES PERSON.—The term
20 “United States person” means—

21 (A) a United States citizen or an alien law-
22 fully admitted to the United States for perma-
23 nent residence;

24 (B) an entity organized under the laws of
25 the United States or any jurisdiction within the

1 United States, including a foreign branch of
2 such an entity; or

3 (C) any person in the United States.

4 **SEC. 6522. IMPOSITION OF SANCTIONS WITH RESPECT TO**
5 **HUMAN RIGHTS ABUSES AND PERPETRATION**
6 **OF A COUP IN BURMA.**

7 (a) MANDATORY SANCTIONS.—Not later than 60
8 days after the enactment of this Act, the President shall
9 impose the sanctions described in subsection (d) with re-
10 spect to any foreign person that the President deter-
11 mines—

12 (1) knowingly operates as a senior official or in
13 a significant capacity in the defense sector of the
14 Burmese economy;

15 (2) leading up to, during, and since the Feb-
16 ruary 2021 coup is responsible for or has directly
17 and knowingly engaged in—

18 (A) actions or policies that undermine
19 democratic processes or institutions in Burma;

20 (B) actions or policies that threaten the
21 peace, security, or stability of Burma;

22 (C) actions or policies that prohibit, limit,
23 or penalize the exercise of freedom of expression
24 or assembly by people in Burma, or that limit

1 access to print, online, or broadcast media in
2 Burma; or

3 (D) the arbitrary detention or torture of
4 any person in Burma or other serious human
5 rights abuse in Burma;

6 (3) is a senior leader of—

7 (A) the Burmese military or security forces
8 of Burma, or any successor entity to any of
9 such forces;

10 (B) the State Administration Council, the
11 military-appointed cabinet at the level of Dep-
12 uty Minister or higher, or a military-appointed
13 minister of a Burmese state or region; or

14 (C) an entity that has engaged in any ac-
15 tivity described in paragraph (2) leading up to,
16 during, and after the February 2021 coup;

17 (4) knowingly operates—

18 (A) any entity that is a state-owned eco-
19 nomic enterprise under Burmese law (other
20 than the entity specified in subsection (c)) that
21 benefits the Burmese military, including the
22 Myanma Gems Enterprise; or

23 (B) any entity controlled in whole or in
24 part by an entity described in subparagraph

1 (A), or a successor to such an entity, that bene-
2 fits the Burmese military;

3 (5) knowingly and materially violates, attempts
4 to violate, conspires to violate, or has caused or at-
5 tempted to cause a violation of any license, order,
6 regulation, or prohibition contained in or issued pur-
7 suant to Executive Order 14014 or this Act;

8 (6) to be a spouse or adult child of any person
9 described in any of paragraphs (1) through (5); or

10 (7) to be owned or controlled by, and to act for
11 or on behalf of, directly or indirectly, a person that
12 has engaged in the activity described, as the case
13 may be, in any of paragraphs (1) through (6).

14 (b) ADDITIONAL MEASURE RELATING TO FACILITA-
15 TION OF TRANSACTIONS.—The Secretary of the Treasury
16 shall, in consultation with the Secretary of State, prohibit
17 or impose strict conditions on the opening or maintaining
18 in the United States of a correspondent account or pay-
19 able-through account by a foreign financial institution
20 that the President determines has, on or after the date
21 of the enactment of this Act, knowingly conducted or fa-
22 cilitated a significant transaction or transactions on behalf
23 of a foreign person sanctioned based on subsection (a).

24 (c) ADDITIONAL SANCTIONS.—Beginning on the date
25 that is 180 days after the date of the enactment of this

1 Act, the President shall impose the sanctions described in
2 subsection (d) with respect to the Myanmar Oil and Gas
3 Enterprise.

4 (d) SANCTIONS DESCRIBED.—The sanctions that
5 may be imposed with respect to a foreign person described
6 in subsection (a) are the following:

7 (1) PROPERTY BLOCKING.—Notwithstanding
8 the requirements of section 202 of the International
9 Emergency Economic Powers Act (50 U.S.C. 1701),
10 the President may exercise of all powers granted to
11 the President by that Act to the extent necessary to
12 block and prohibit all transactions in all property
13 and interests in property of the foreign person if
14 such property and interests in property are in the
15 United States, come within the United States, or are
16 or come within the possession or control of a United
17 States person.

18 (2) FOREIGN EXCHANGE.—The President may,
19 pursuant to such regulations as the President may
20 prescribe, prohibit any transactions in foreign ex-
21 change that are subject to the jurisdiction of the
22 United States and in which the foreign person has
23 any interest.

24 (3) VISAS, ADMISSION, OR PAROLE.—

1 (A) IN GENERAL.—An alien who the Sec-
2 retary of State or the Secretary of Homeland
3 Security (or a designee of one of such Secre-
4 taries) knows, or has reason to believe, is de-
5 scribed in subsection (a) is—

6 (i) inadmissible to the United States;

7 (ii) ineligible for a visa or other docu-
8 mentation to enter the United States; and

9 (iii) otherwise ineligible to be admitted
10 or paroled into the United States or to re-
11 ceive any other benefit under the Immigra-
12 tion and Nationality Act (8 U.S.C. 1101 et
13 seq.).

14 (B) CURRENT VISAS REVOKED.—

15 (i) IN GENERAL.—The issuing con-
16 sular officer, the Secretary of State, or the
17 Secretary of Homeland Security (or a des-
18 ignee of one of such Secretaries) shall, in
19 accordance with section 221(i) of the Im-
20 migration and Nationality Act (8 U.S.C.
21 1201(i)), revoke any visa or other entry
22 documentation issued to an alien described
23 in clause (i) regardless of when the visa or
24 other entry documentation is issued.

1 (ii) EFFECT OF REVOCATION.—A rev-
2 ocation under subclause (i)—

3 (I) shall take effect immediately;
4 and

5 (II) shall automatically cancel
6 any other valid visa or entry docu-
7 mentation that is in the alien's pos-
8 session.

9 (e) EXCEPTIONS.—

10 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
11 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
12 TIES.—Sanctions under this section shall not apply
13 to any authorized intelligence, law enforcement, or
14 national security activities of the United States.

15 (2) EXCEPTION TO COMPLY WITH INTER-
16 NATIONAL OBLIGATIONS.—Sanctions under sub-
17 section (d)(3) shall not apply with respect to the ad-
18 mission of an alien if admitting or paroling the alien
19 into the United States is necessary to permit the
20 United States to comply with the Agreement regard-
21 ing the Headquarters of the United Nations, signed
22 at Lake Success June 26, 1947, and entered into
23 force November 21, 1947, between the United Na-
24 tions and the United States, or other applicable
25 international obligations.

1 (3) EXCEPTION RELATING TO THE PROVISION
2 OF HUMANITARIAN ASSISTANCE.—Sanctions under
3 this section may not be imposed with respect to
4 transactions or the facilitation of transactions for—

5 (A) the sale of agricultural commodities,
6 food, medicine, or medical devices to Burma;

7 (B) the provision of humanitarian assist-
8 ance to the people of Burma;

9 (C) financial transactions relating to hu-
10 manitarian assistance or for humanitarian pur-
11 poses in Burma; or

12 (D) transporting goods or services that are
13 necessary to carry out operations relating to
14 humanitarian assistance or humanitarian pur-
15 poses in Burma.

16 (f) WAIVER.—The President may, on a case-by-case
17 basis and for periods not to exceed 180 days each, waive
18 the application of sanctions or restrictions imposed with
19 respect to a foreign person under this section if the Presi-
20 dent certifies to the appropriate congressional committees
21 not later than 15 days before such waiver is to take effect
22 that the waiver is vital to the national security interests
23 of the United States.

24 (g) IMPLEMENTATION; PENALTIES.—

1 (1) IMPLEMENTATION.—The President may ex-
2 ercise all authorities provided to the President under
3 sections 203 and 205 of the International Emer-
4 gency Economic Powers Act (50 U.S.C. 1702 and
5 1704) to carry out this section.

6 (2) PENALTIES.—The penalties provided for in
7 subsections (b) and (c) of section 206 of the Inter-
8 national Emergency Economic Powers Act (50
9 U.S.C. 1705) shall apply to a person that violates,
10 attempts to violate, conspires to violate, or causes a
11 violation of regulations promulgated under section
12 403(b) to carry out paragraph (1)(A) to the same
13 extent that such penalties apply to a person that
14 commits an unlawful act described in section 206(a)
15 of that Act.

16 (h) REPORT.—Not later than 60 days after the date
17 of the enactment of this Act and annually thereafter for
18 8 years, the Secretary of the Treasury, in consultation
19 with the Secretary of State and the heads of other United
20 States Government agencies, as appropriate, shall submit
21 to the appropriate congressional committees a report
22 that—

23 (1) sets forth the plan of the Department of the
24 Treasury for ensuring that property blocked pursu-

1 ant to subsection (a) or Executive Order 14014 re-
2 mains blocked;

3 (2) describes the primary sources of income to
4 which the Burmese military has access and that the
5 United States has been unable to reach using sanc-
6 tions authorities;

7 (3) makes recommendations for how the sources
8 of income described in paragraph (2) can be reduced
9 or blocked;

10 (4) evaluates the implications of imposing sanc-
11 tions on the Burmese-government owned Myanmar
12 Oil and Gas Enterprise, including a determination
13 with respect to the extent to which sanctions on
14 Myanmar Oil and Gas Enterprise would advance the
15 interests of the United States in Burma; and

16 (5) assesses the impact of the sanctions im-
17 posed pursuant to the authorities under this Act on
18 the Burmese people and the Burmese military.

19 **SEC. 6523. CERTIFICATION REQUIREMENT FOR REMOVAL**
20 **OF CERTAIN PERSONS FROM THE LIST OF**
21 **SPECIALLY DESIGNATED NATIONALS AND**
22 **BLOCKED PERSONS.**

23 (a) IN GENERAL.—On or after the date of the enact-
24 ment of this Act, the President may not remove a person
25 described in subsection (b) from the list of specially des-

1 ignated nationals and blocked persons maintained by the
2 Office of Foreign Assets Control of the Department of the
3 Treasury (commonly referred to as the “SDN list”) until
4 the President submits to the appropriate congressional
5 committees a certification described in subsection (c) with
6 respect to the person.

7 (b) PERSONS DESCRIBED.—A person described in
8 this subsection is a foreign person included in the SDN
9 list for violations of part 525 of title 31, Code of Federal
10 Regulations, or any other regulations imposing sanctions
11 on or related to Burma.

12 (c) CERTIFICATION DESCRIBED.—A certification de-
13 scribed in this subsection, with respect to a person de-
14 scribed in subsection (b), is a certification that the person
15 has not knowingly assisted in, sponsored, or provided fi-
16 nancial, material, or technological support for, or financial
17 or other services to or in support of—

18 (1) terrorism or a terrorist organization;

19 (2) a significant foreign narcotics trafficker (as
20 defined in section 808 of the Foreign Narcotics
21 Kingpin Designation Act (21 U.S.C. 1907));

22 (3) a significant transnational criminal organi-
23 zation under Executive Order 13581 (50 U.S.C.
24 note; relating to blocking property of transnational
25 criminal organizations); or

1 (4) any other person on the SDN list.

2 (d) FORM.—A certification described in subsection
3 (c) shall be submitted in unclassified form but may include
4 a classified annex.

5 **SEC. 6524. SANCTIONS AND POLICY COORDINATION FOR**
6 **BURMA.**

7 (a) IN GENERAL.—The Secretary of State may des-
8 ignate an official of the Department of State to serve as
9 the United States Special Coordinator for Burmese De-
10 mocracy (in this section referred to as the “Special Coordi-
11 nator”).

12 (b) CENTRAL OBJECTIVE.—The Special Coordinator
13 should develop a comprehensive strategy for the implemen-
14 tation of the full range of United States diplomatic capa-
15 bilities, including the provisions of this Act, to promote
16 human rights and the restoration of civilian government
17 in Burma.

18 (c) DUTIES AND RESPONSIBILITIES.—The Special
19 Coordinator should, as appropriate, assist in—

20 (1) coordinating the sanctions policies of the
21 United States under section 6522 with relevant bu-
22 reaus and offices within the Department of State
23 and other relevant United States Government agen-
24 cies;

1 (2) conducting relevant research and vetting of
2 entities and individuals that may be subject to sanc-
3 tions under section 6522 and coordinate with other
4 United States Government agencies and inter-
5 national financial intelligence units to assist in ef-
6 forts to enforce anti-money laundering and anti-cor-
7 ruption laws and regulations;

8 (3) promoting a comprehensive international ef-
9 fort to impose and enforce multilateral sanctions
10 with respect to Burma;

11 (4) coordinating with and supporting inter-
12 agency United States Government efforts, including
13 efforts of the United States Ambassador to Burma,
14 the United States Ambassador to ASEAN, and the
15 United States Permanent Representative to the
16 United Nations, relating to—

17 (A) identifying opportunities to coordinate
18 with and exert pressure on the governments of
19 the People’s Republic of China and the Russian
20 Federation to support multilateral action
21 against the Burmese military;

22 (B) working with like-minded partners to
23 impose a coordinated arms embargo on the
24 Burmese military and targeted sanctions on the
25 economic interests of the Burmese military, in-

cluding through the introduction and adoption of a United Nations Security Council resolution;

(C) engaging in direct dialogue with Burmese civil society, democracy advocates, ethnic minority representative groups, and organizations or groups representing the protest movement and the officials elected in 2020, such as the Committee Representing the Pyidaungsu Hluttaw, the National Unity Government, the National Unity Consultative Council, and their designated representatives;

(D) encouraging the National Unity Government to incorporate accountability mechanisms in relation to the atrocities against Rohingya and other ethnic groups, to take further steps to make its leadership and membership ethnically diverse, and to incorporate measures to enhance ethnic reconciliation and national unity into its policy agenda;

(E) assisting efforts by the relevant United Nations Special Envoys and Special Rapporteurs to secure the release of all political prisoners in Burma, promote respect for human rights, and encourage dialogue; and

1 (F) supporting nongovernmental organiza-
2 tions operating in Burma and neighboring
3 countries working to restore civilian democratic
4 rule to Burma and to address the urgent hu-
5 manitarian needs of the people of Burma; and
6 (5) providing timely input for reporting on the
7 impacts of the implementation of section 6522 on
8 the Burmese military and the people of Burma.

9 (d) DEADLINE.—If the Secretary of State has not
10 designated the Special Coordinator by the date that is 180
11 days after the date of the enactment of this Act, the Sec-
12 retary shall submit to the Committee on Foreign Affairs
13 of the House of Representatives and the Committee on
14 Foreign Relations of the Senate a report detailing the rea-
15 sons for not doing so.

16 **SEC. 6525. SUPPORT FOR GREATER UNITED NATIONS AC-**
17 **TION WITH RESPECT TO BURMA.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) the United Nations Security Council has
21 not taken adequate steps to condemn the February
22 1, 2021, coup in Burma, pressure the Burmese mili-
23 tary to cease its violence against civilians, or secure
24 the release of those unjustly detained;

1 (2) countries, such as the People’s Republic of
2 China and the Russian Federation, that are directly
3 or indirectly shielding the Burmese military from
4 international scrutiny and action, should be obliged
5 to endure the reputational damage of doing so by
6 taking public votes on resolutions related to Burma
7 that apply greater pressure on the Burmese military
8 to restore Burma to its democratic path; and

9 (3) The United Nations Secretariat and the
10 United Nations Security Council should take con-
11 crete steps to address the coup and ongoing crisis in
12 Burma consistent with the UN General Assembly
13 resolution 75/287, “The situation in Myanmar,”
14 which was adopted on June 18, 2021.

15 (b) SUPPORT FOR GREATER ACTION.—The President
16 shall direct the United States Permanent Representative
17 to the United Nations to use the voice, vote, and influence
18 of the United States to spur greater action by the United
19 Nations and the United Nations Security Council with re-
20 spect to Burma by—

21 (1) pushing the United Nations Security Coun-
22 cil to consider a resolution condemning the February
23 1, 2021, coup and calling on the Burmese military
24 to cease its violence against the people of Burma
25 and release without preconditions the journalists,

1 pro-democracy activists, and political officials that it
2 has unjustly detained;

3 (2) pushing the United Nations Security Coun-
4 cil to consider a resolution that immediately imposes
5 a global arms embargo against Burma to ensure
6 that the Burmese military is not able to obtain
7 weapons and munitions from other nations to fur-
8 ther harm, murder, and oppress the people of
9 Burma;

10 (3) pushing the United Nations and other
11 United Nations authorities to cut off assistance to
12 the Government of Burma while providing humani-
13 tarian assistance directly to the people of Burma
14 through UN bodies and civil society organizations,
15 particularly such organizations working with ethnic
16 minorities that have been adversely affected by the
17 coup and the Burmese military's violent crackdown;

18 (4) objecting to the appointment of representa-
19 tives to the United Nations and United Nations bod-
20 ies such as the Human Rights Council that are
21 sanctioned by the Burmese military;

22 (5) working to ensure the Burmese military is
23 not recognized as the legitimate government of
24 Burma in any United Nations body; and

1 (6) spurring the United Nations Security Coun-
2 cil to consider multilateral sanctions against the
3 Burmese military for its atrocities against Rohingya
4 and individuals of other ethnic and religious minori-
5 ties, its coup, and the crimes against humanity it
6 has and continues to commit in the coup's after-
7 math.

8 **SEC. 6526. SUNSET.**

9 (a) IN GENERAL.—The authority to impose sanctions
10 and the sanctions imposed under this title shall terminate
11 on the date that is 8 years after the date of the enactment
12 of this Act.

13 (b) CERTIFICATION FOR EARLY SUNSET OF SANC-
14 TIONS.—Sanctions imposed under this title may be re-
15 moved before the date specified in subsection (a), if the
16 President submits to the appropriate congressional com-
17 mittees a certification that—

18 (1) the Burmese military has released all polit-
19 ical prisoners taken into custody on or after Feb-
20 ruary 1, 2021, or is providing legal recourse to those
21 that remain in custody;

22 (2) the elected government has been reinstated
23 or new free and fair elections have been held;

24 (3) all legal charges against those winning elec-
25 tion in November 2020 are dropped; and

1 (4) the 2008 constitution of Burma has been
2 amended or replaced to place the Burmese military
3 under civilian oversight and ensure that the Bur-
4 mese military no longer automatically receives 25
5 percent of seats in Burma's state, regional, and na-
6 tional Hluttaws.

7 **Subtitle C—Humanitarian Assist-**
8 **ance and Civil Society Support**
9 **With Respect to Burma**

10 **SEC. 6531. SUPPORT TO CIVIL SOCIETY AND INDEPENDENT**
11 **MEDIA.**

12 (a) AUTHORIZATION TO PROVIDE SUPPORT.—The
13 Secretary of State and the Administrator of the United
14 States Agency for International Development are author-
15 ized to provide support to civil society in Burma, Ban-
16 gladesh, Thailand, and the surrounding region, including
17 by—

18 (1) ensuring the safety of democracy activists,
19 civil society leaders, independent media, participants
20 in the Civil Disobedience Movement, and government
21 defectors exercising their fundamental rights by—

22 (A) supporting safe houses for those under
23 threat of arbitrary arrest or detention;

24 (B) providing access to secure channels for
25 communication;

1 (C) assisting individuals forced to flee from
2 Burma and take shelter in neighboring coun-
3 tries, including in ensuring protection assist-
4 ance and non-refoulement; and

5 (D) providing funding to organizations
6 that equip activists, civil society organizations,
7 and independent media with consistent, long-
8 term technical support on physical and digital
9 security in local languages;

10 (2) supporting democracy activists in their ef-
11 forts to promote freedom, democracy, and human
12 rights in Burma, by—

13 (A) providing aid and training to democ-
14 racy activists in Burma;

15 (B) providing aid to individuals and groups
16 conducting democracy programming outside of
17 Burma targeted at a peaceful transition to con-
18 stitutional democracy inside Burma;

19 (C) providing aid and assistance to inde-
20 pendent media outlets and journalists and
21 groups working to protect internet freedom and
22 maintain independent media;

23 (D) expanding radio and television broad-
24 casting into Burma; and

1 (E) providing financial support to civil so-
2 ciety organizations and nongovernmental orga-
3 nizations led by members of ethnic and religious
4 minority groups within Burma and its cross-
5 border regions;

6 (3) assisting ethnic minority groups and civil
7 society in Burma to further prospects for justice,
8 reconciliation, and sustainable peace; and

9 (4) promoting ethnic minority inclusion and
10 participation in political processes in Burma.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated \$50,000,000 to carry
13 out the provisions of this section for each of fiscal years
14 2023 through 2027.

15 **SEC. 6532. HUMANITARIAN ASSISTANCE AND RECONCILI-**
16 **ATION.**

17 (a) AUTHORIZATION TO PROVIDE HUMANITARIAN
18 ASSISTANCE.—The Secretary of State and the Adminis-
19 trator of the United States Agency for International De-
20 velopment are authorized to provide humanitarian assist-
21 ance and reconciliation activities for ethnic groups and
22 civil society organizations in Burma, Bangladesh, Thai-
23 land, and the surrounding region, including—

24 (1) assistance for victims of violence by the
25 Burmese military, including Rohingya and individ-

1 uals from other ethnic minorities displaced or other-
2 wise affected by conflict, in Burma, Bangladesh,
3 Thailand, and the surrounding region;

4 (2) support for voluntary resettlement or repa-
5 triation of displaced individuals in Burma, upon the
6 conclusion of genuine agreements developed and ne-
7 gotiated with the involvement and consultation of
8 the displaced individuals and if resettlement or repa-
9 triation is safe, voluntary, and dignified;

10 (3) support for the promotion of ethnic and re-
11 ligious tolerance, improving social cohesion, com-
12 bating gender-based violence, increasing the engage-
13 ment of women in peacebuilding, and mitigating
14 human rights violations and abuses against children;

15 (4) support for—

16 (A) primary, secondary, and tertiary edu-
17 cation for displaced children living in areas of
18 Burma affected by conflict; and

19 (B) refugee camps in the surrounding re-
20 gion and opportunities to access to higher edu-
21 cation in Bangladesh and Thailand;

22 (5) capacity-building support—

23 (A) to ensure that displaced individuals are
24 consulted and participate in decision-making

1 processes affecting the displaced individuals;
2 and

3 (B) for the creation of mechanisms to fa-
4 cilitate the participation of displaced individuals
5 in such processes; and

6 (6) increased humanitarian aid to Burma to ad-
7 dress the dire humanitarian situation that has up-
8 rooted 170,000 people through—

9 (A) international aid partners;

10 (B) the International Committee of the
11 Red Cross; and

12 (C) cross-border aid.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated \$220,500,000 to carry
15 out the provisions of this section for fiscal year 2023.

16 **SEC. 6533. AUTHORIZATION OF ASSISTANCE FOR BURMA**
17 **POLITICAL PRISONERS.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) the freedom of expression, including for
21 members of the press, is an inalienable right and
22 should be upheld and protected in Burma and every-
23 where;

24 (2) the Burmese military must immediately
25 cease the arbitrary arrest, detention, imprisonment,

1 and physical attacks of journalists, which have cre-
2 ated a climate of fear and self-censorship among
3 local journalists;

4 (3) the Government of Burma should repeal or
5 amend all laws that violate the right to freedom of
6 expression, peaceful assembly, or association, and
7 ensure that laws such as the Telecommunications
8 Law of 2013 and the Unlawful Associations Act of
9 1908, and laws relating to the right to peaceful as-
10 sembly all comply with Burma's human rights obli-
11 gations;

12 (4) all prisoners of conscience and political pris-
13 oners in Burma should be unconditionally and im-
14 mediately released;

15 (5) the Burmese military should immediately
16 and unconditionally release Danny Fenster and
17 other journalists unjustly detained for their work;

18 (6) the Government of Burma must imme-
19 diately drop defamation charges against all individ-
20 uals unjustly detained, including the three Kachin
21 activists, Lum Zawng, Nang Pu, and Zau Jet, who
22 led a peaceful rally in Myittha, the capital of
23 Kachin State in April 2018, and that the prosecu-
24 tion of Lum Zawng, Nang Pu, and Zau Jet is an
25 attempt by Burmese authorities to intimidate, har-

1 ass, and silence community leaders and human
2 rights defenders who speak out about military
3 abuses and their impact on civilian populations; and

4 (7) the United States Government should use
5 all diplomatic tools to seek the unconditional and im-
6 mediate release of all prisoners of conscience and po-
7 litical prisoners in Burma.

8 (b) POLITICAL PRISONERS ASSISTANCE.—The Sec-
9 retary of State is authorized to continue to provide assist-
10 ance to civil society organizations in Burma that work to
11 secure the release of and support prisoners of conscience
12 and political prisoners in Burma, including—

13 (1) support for the documentation of human
14 rights violations with respect to prisoners of con-
15 science and political prisoners;

16 (2) support for advocacy in Burma to raise
17 awareness of issues relating to prisoners of con-
18 science and political prisoners;

19 (3) support for efforts to repeal or amend laws
20 that are used to imprison individuals as prisoners of
21 conscience or political prisoners;

22 (4) support for health, including mental health,
23 and post-incarceration assistance in gaining access
24 to education and employment opportunities or other
25 forms of reparation to enable former prisoners of

1 conscience and political prisoners to resume normal
2 lives; and

3 (5) the creation, in consultation with former po-
4 litical prisoners and prisoners of conscience, their
5 families, and their representatives, of an inde-
6 pendent prisoner review mechanism in Burma—

7 (A) to review the cases of individuals who
8 may have been charged or deprived of their lib-
9 erty for peacefully exercising their human
10 rights;

11 (B) to review all laws used to arrest, pros-
12 ecute, and punish individuals as political pris-
13 oners and prisoners of conscience; and

14 (C) to provide recommendations to the
15 Government of Burma for the repeal or amend-
16 ment of all such laws.

17 (c) TERMINATION.—The authority to provide assist-
18 ance under this section shall terminate on the date that
19 is 8 years after the date of the enactment of this Act.

**Subtitle D—Accountability for
Human Rights Abuses**

**SEC. 6541. REPORT ON ACCOUNTABILITY FOR WAR CRIMES,
CRIMES AGAINST HUMANITY, AND GENOCIDE
IN BURMA.**

(a) STATEMENT OF POLICY.—It is the policy of the
United States—

(1) to continue the support of ongoing mechanisms and special procedures of the United Nations Human Rights Council, including the United Nations Independent Investigative Mechanism for Myanmar and the Special Rapporteur on the situation of human rights in Myanmar; and

(2) to refute the credibility and impartiality of efforts sponsored by the Government of Burma, such as the Independent Commission of Enquiry, unless the United States Ambassador at Large for Global Criminal Justice determines the efforts to be credible and impartial and notifies the appropriate congressional committees in writing and in unclassified form regarding that determination.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, after consultation with the heads of other United States Government agencies and representatives of human

1 rights organizations, as appropriate, shall submit to the
2 appropriate congressional committees a report that—

3 (1) evaluates the persecution of Rohingya in
4 Burma by the Burmese military;

5 (2) after consulting with the Atrocity Early
6 Warning Task Force, or any successor entity or of-
7 fice, provides a detailed description of any proposed
8 atrocity prevention response recommended by the
9 Task Force as it relates to Burma;

10 (3) summarizes any atrocity crimes committed
11 against Rohingya or members of other ethnic minor-
12 ity groups in Burma between 2012 and the date of
13 the submission of the report;

14 (4) describes any potential transitional justice
15 mechanisms for Burma;

16 (5) provides an analysis of whether the reports
17 summarized under paragraph (3) amount to war
18 crimes, crimes against humanity, or genocide;

19 (6) includes an assessment on which events that
20 took place in the state of Rakhine in Burma, start-
21 ing on August 25, 2017, constitute war crimes,
22 crimes against humanity, or genocide; and

23 (7) includes a determination with respect to
24 whether events that took place during or after the

1 coup of February 1, 2021, in any state in Burma
2 constitute war crimes or crimes against humanity.

3 (c) ELEMENTS.—The report required by subsection
4 (b) shall include the following:

5 (1) A description of—

6 (A) credible evidence of events that may
7 constitute war crimes, crimes against humanity,
8 or genocide committed by the Burmese military
9 against Rohingya and members of other ethnic
10 minority groups, including the identities of any
11 other actors involved in the events;

12 (B) the role of the civilian government in
13 the commission of any events described in sub-
14 paragraph (A);

15 (C) credible evidence of events of war
16 crimes, crimes against humanity, or genocide
17 committed by other armed groups in Burma;

18 (D) attacks on health workers, health fa-
19 cilities, health transport, or patients and, to the
20 extent possible, the identities of any individuals
21 who engaged in or organized such attacks in
22 Burma; and

23 (E) to the extent possible, the conventional
24 and unconventional weapons used for any

1 events or attacks described in this paragraph
2 and the sources of such weapons.

3 (2) In consultation with the Administrator of
4 the United States Agency for International Develop-
5 ment, the Attorney General, and heads of any other
6 appropriate United States Government agencies, as
7 appropriate, a description and assessment of the ef-
8 fectiveness of any efforts undertaken by the United
9 States to promote accountability for war crimes,
10 crimes against humanity, and genocide perpetrated
11 against Rohingya by the Burmese military, the gov-
12 ernment of the Rakhine State, pro-government mili-
13 tias, or other armed groups operating in the
14 Rakhine State, including efforts—

15 (A) to train civilian investigators, within
16 and outside of Burma and Bangladesh, to docu-
17 ment, investigate, develop findings of, identify,
18 and locate alleged perpetrators of war crimes,
19 crimes against humanity, or genocide in Burma;

20 (B) to promote and prepare for a transi-
21 tional justice mechanism for the perpetrators of
22 war crimes, crimes against humanity, and geno-
23 cide occurring in the Rakhine State in 2017;
24 and

1 (C) to document, collect, preserve, and pro-
2 tect evidence of war crimes, crimes against hu-
3 manity, and genocide in Burma, including by—

4 (i) providing support for ethnic
5 Rohingya, Shan, Rakhine, Kachin, Chin,
6 and Kayin and other ethnic minorities;

7 (ii) Burmese, Bangladeshi, foreign,
8 and international nongovernmental organi-
9 zations;

10 (iii) the Independent Investigative
11 Mechanism for Myanmar; and

12 (iv) other entities engaged in inves-
13 tigative activities with respect to war
14 crimes, crimes against humanity, and
15 genocide in Burma.

16 (3) A detailed study of the feasibility and desir-
17 ability of a transitional justice mechanism for
18 Burma, such as an international tribunal, a hybrid
19 tribunal, or other options, that includes—

20 (A) a discussion of the use of universal ju-
21 risdiction or of legal cases brought against
22 Burma by other countries at the International
23 Court of Justice regarding any atrocity crimes
24 perpetrated in Burma;

1 (B) recommendations for any transitional
2 justice mechanism the United States should
3 support, the reason the mechanism should be
4 supported, and the type of support that should
5 be offered; and

6 (C) consultation regarding transitional jus-
7 tice mechanisms with representatives of
8 Rohingya and individuals from other ethnic mi-
9 nority groups who have suffered human rights
10 violations and abuses.

11 (d) PROTECTION OF WITNESSES AND EVIDENCE.—
12 The Secretary of State shall seek to ensure that the identi-
13 fication of witnesses and physical evidence used for the
14 report required by this section are not publicly disclosed
15 in a manner that might place witnesses at risk of harm
16 or encourage the destruction of evidence by the military
17 or government of Burma.

18 (e) FORM OF REPORT; PUBLIC AVAILABILITY.—

19 (1) FORM.—The report required by subsection
20 (b) shall be submitted in unclassified form but may
21 include a classified annex.

22 (2) PUBLIC AVAILABILITY.—The unclassified
23 portion of the report required by subsection (b) shall
24 be posted on a publicly available internet website.

1 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committees” means—

4 (1) the Committee on Foreign Relations and
5 the Committee on Armed Services of the Senate; and

6 (2) the Committee on Foreign Affairs and the
7 Committee on Armed Services of the House of Rep-
8 resentatives.

9 **SEC. 6542. AUTHORIZATION TO PROVIDE TECHNICAL AS-**
10 **SISTANCE FOR EFFORTS AGAINST HUMAN**
11 **RIGHTS ABUSES.**

12 (a) IN GENERAL.—The Secretary of State is author-
13 ized to provide assistance to support appropriate civilian
14 or international entities that—

15 (1) identify suspected perpetrators of war
16 crimes, crimes against humanity, and genocide;

17 (2) collect, document, and protect evidence of
18 crimes and preserving the chain of custody for such
19 evidence;

20 (3) conduct criminal investigations of such
21 crimes; and

22 (4) support investigations conducted by other
23 countries, and by entities mandated by the United
24 Nations, such as the Independent Investigative
25 Mechanism for Myanmar.

1 (b) AUTHORIZATION FOR TRANSITIONAL JUSTICE
2 MECHANISMS.—The Secretary of State, taking into ac-
3 count any relevant findings in the report submitted under
4 section 6542, is authorized to provide support for the es-
5 tablishment and operation of transitional justice mecha-
6 nisms, including a hybrid tribunal, to prosecute individuals
7 suspected of committing war crimes, crimes against hu-
8 manity, or genocide in Burma.

9 **Subtitle E—Sanctions Exception**
10 **Relating to Importation of Goods**

11 **SEC. 6551. SANCTIONS EXCEPTION RELATING TO IMPORTA-**
12 **TION OF GOODS.**

13 (a) IN GENERAL.—The authorities and requirements
14 to impose sanctions under this title shall not include the
15 authority or requirement to impose sanctions on the im-
16 portation of goods.

17 (b) GOOD DEFINED.—In this section, the term
18 “good” means any article, natural or man-made sub-
19 stance, material, supply, or manufactured product, includ-
20 ing inspection and test equipment, and excluding technical
21 data.

1 **TITLE LXVI—PROMOTING AND**
2 **ADVANCING COMMUNITIES**
3 **OF COLOR THROUGH INCLU-**
4 **SIVE LENDING ACT**

5 **SEC. 6601. SHORT TITLE.**

6 This title may be cited as the “Promoting and Ad-
7 vancing Communities of Color Through Inclusive Lending
8 Act”.

9 **Subtitle A—Promoting and Advanc-**
10 **ing Communities of Color**
11 **Through Inclusive Lending**

12 **SEC. 6611. STRENGTHENING DIVERSE AND MISSION-DRIV-**
13 **EN COMMUNITY FINANCIAL INSTITUTIONS.**

14 (a) MINORITY LENDING INSTITUTION SET-ASIDE IN
15 PROVIDING ASSISTANCE.—

16 (1) IN GENERAL.—Section 108 of the Riegle
17 Community Development and Regulatory Improve-
18 ment Act of 1994 (12 U.S.C. 4707) is amended by
19 adding at the end the following:

20 “(i) SUPPORTING MINORITY INSTITUTIONS.—Not-
21 withstanding any other provision of law, in providing any
22 assistance to community development financial institu-
23 tions, the Fund shall reserve 40 percent of such assistance
24 for minority lending institutions.”.

1 (2) DEFINITIONS.—Section 103 of the Riegle
2 Community Development and Regulatory Improve-
3 ment Act of 1994 (12 U.S.C. 4702) is amended by
4 adding at the end the following:

5 “(22) MINORITY LENDING INSTITUTION.—The
6 term ‘minority lending institution’ has the meaning
7 given that term under section 523(c) of division N
8 of the Consolidated Appropriations Act, 2021.”.

9 (b) OFFICE OF MINORITY LENDING INSTITU-
10 TIONS.—Section 104 of the Riegle Community Develop-
11 ment and Regulatory Improvement Act of 1994 (12
12 U.S.C. 4703) is amended by adding at the end the fol-
13 lowing:

14 “(1) CDFI OFFICE OF MINORITY LENDING INSTITU-
15 TIONS.—There is established within the Fund an Office
16 of Minority Lending Institutions, which shall oversee as-
17 sistance provided by the Fund to minority lending institu-
18 tions.”.

19 (c) REPORTING ON MINORITY LENDING INSTITU-
20 TIONS.—Section 117 of the Riegle Community Develop-
21 ment and Regulatory Improvement Act of 1994 (12
22 U.S.C. 4716) is amended by adding at the end the fol-
23 lowing:

24 “(g) REPORTING ON MINORITY LENDING INSTITU-
25 TIONS.—Each report required under subsection (a) shall

1 include a description of the extent to which assistance
2 from the Fund are provided to minority lending institu-
3 tions.”.

4 (d) SUBMISSION OF DEMOGRAPHIC DATA RELATING
5 TO DIVERSITY BY COMMUNITY DEVELOPMENT FINAN-
6 CIAL INSTITUTIONS.—Section 104 of the Riegle Commu-
7 nity Development and Regulatory Improvement Act of
8 1994 (12 U.S.C. 4703), as amended by subsection (b),
9 is further amended by adding at the end the following:
10 “(m) SUBMISSION OF DEMOGRAPHIC DATA RELAT-
11 ING TO DIVERSITY.—

12 “(1) DEFINITIONS.—In this subsection—

13 “(A) the term ‘executive officer’ has the
14 meaning given the term in section 230.501(f) of
15 title 17, Code of Federal Regulations, as in ef-
16 fect on the date of enactment of this subsection;

17 “(B) the term ‘gender identity’ means the
18 gender-related identity, appearance, manner-
19 isms, or other gender-related characteristics of
20 an individual, regardless of the individual’s des-
21 ignated sex at birth;

22 “(C) the term ‘sexual orientation’ means
23 homosexuality, heterosexuality, or bisexuality;
24 and

1 “(D) the term ‘veteran’ has the meaning
2 given the term in section 101 of title 38, United
3 States Code.

4 “(2) SUBMISSION OF DISCLOSURE.—Each Fund
5 applicant and recipient shall provide data regarding
6 such factors as may be determined by the Fund,
7 which may include the following:

8 “(A) Demographic data, based on vol-
9 untary self-identification, on the racial, ethnic,
10 gender identity, and sexual orientation composi-
11 tion of—

12 “(i) the board of directors of the insti-
13 tution; and

14 “(ii) the executive officers of the insti-
15 tution.

16 “(B) The status of any member of the
17 board of directors of the institution, any nomi-
18 nee for the board of directors of the institution,
19 or any executive officer of the institution, based
20 on voluntary self-identification, as a veteran.

21 “(C) Whether the board of directors of the
22 institution, or any committee of that board of
23 directors, has, as of the date on which the insti-
24 tution makes a disclosure under this paragraph,

1 adopted any policy, plan, or strategy to promote
2 racial, ethnic, and gender diversity among—

3 “(i) the board of directors of the insti-
4 tution;

5 “(ii) nominees for the board of direc-
6 tors of the institution; or

7 “(iii) the executive officers of the in-
8 stitution.

9 “(3) REPORT TO CONGRESS.—Not later than
10 24 months after the date of enactment of this sub-
11 section, and every other year thereafter, the Fund
12 shall submit to the Committee on Banking, Housing,
13 and Urban Affairs of the Senate and the Committee
14 on Financial Services of the House of Representa-
15 tives, and make publicly available on the website of
16 the Fund, a report—

17 “(A) on the demographic data and trends
18 of the diversity information made available pur-
19 suant to paragraph (2), including breakdowns
20 by each State (including the District of Colum-
21 bia and each territory of the United States) and
22 Tribal government entity; and

23 “(B) containing any administrative or leg-
24 islative recommendations of the Fund to en-
25 hance the implementation of this title or to pro-

1 mote diversity and inclusion within community
2 development financial institutions.”.

3 (e) OFFICE OF DIVERSE AND MISSION-DRIVEN COM-
4 MUNITY FINANCIAL INSTITUTIONS.—

5 (1) ESTABLISHMENT.—There is established
6 within the Department of the Treasury the Office of
7 Diverse and Mission-Driven Community Financial
8 Institutions.

9 (2) LEADERSHIP.—The Office of Diverse and
10 Mission-Driven Community Financial Institutions
11 shall be led by a Deputy Assistant Secretary for Di-
12 verse and Mission-Driven Community Financial In-
13 stitutions, who shall be appointed by the Secretary
14 of the Treasury, in consultation with the Depart-
15 ment of the Treasury’s Director of Office of Minor-
16 ity and Women Inclusion.

17 (3) FUNCTIONS.—The Office of Diverse and
18 Mission-Driven Community Financial Institutions,
19 pursuant to the direction of the Secretary, shall seek
20 to provide support for diverse and mission-driven
21 community financial institutions and have the au-
22 thority—

23 (A) to monitor and issue reports regard-
24 ing—

1 (i) community development financial
2 institutions, minority depository institu-
3 tions, and minority lending institutions;
4 and

5 (ii) the role such institutions play in
6 the financial system of the United States,
7 including the impact they have on pro-
8 viding financial access to low- and mod-
9 erate-income communities, communities of
10 color, and other underserved communities;

11 (B) to serve as a resource and Federal liai-
12 son for current and prospective community de-
13 velopment financial institutions, minority depos-
14 itory institutions, and minority lending institu-
15 tions seeking to engage with the Department of
16 the Treasury, the Community Development Fi-
17 nancial Institutions Fund (“CDFI Fund”),
18 other Federal government agencies, including
19 by providing contact information for other of-
20 fices of the Department of the Treasury or
21 other Federal Government agencies, resources,
22 technical assistance, or other support for enti-
23 ties wishing—

1 (i) to become certified as a community
2 development financial institution, and
3 maintain the certification;

4 (ii) to obtain a banking charter, de-
5 posit insurance, or otherwise carry on
6 banking activities in a safe, sound, and re-
7 sponsible manner;

8 (iii) to obtain financial support
9 through private sector deposits, invest-
10 ments, partnerships, and other means;

11 (iv) to expand their operations
12 through internal growth and acquisitions;

13 (v) to develop and upgrade their tech-
14 nology, cybersecurity resilience, compliance
15 systems, data reporting systems, and their
16 capacity to support their communities, in-
17 cluding through partnerships with third-
18 party companies;

19 (vi) to obtain grants, awards, invest-
20 ments and other financial support made
21 available through the CDFI Fund, the
22 Board of Governors of the Federal Reserve
23 System, the Central Liquidity Facility, the
24 Federal Home Loan Banks, and other
25 Federal programs;

1 (vii) to participate as a financial inter-
2 mediary with respect to various Federal
3 and State programs and agencies, includ-
4 ing the State Small Business Credit Initia-
5 tive and programs of the Small Business
6 Administration; and

7 (viii) to participate in Financial Agent
8 Mentor-Protégé Program of the Depart-
9 ment of the Treasury and other Federal
10 programs designed to support private sec-
11 tor partnerships;

12 (C) to provide resources to the public wish-
13 ing to learn more about minority depository in-
14 stitutions, community development financial in-
15 stitutions, and minority lending institutions, in-
16 cluding helping the Secretary implement the re-
17 quirements under section 334, publishing re-
18 ports issued by the Office on the website of the
19 Department of the Treasury and providing
20 hyperlinks to other relevant reports and mate-
21 rials from other Federal agencies;

22 (D) to provide policy recommendations to
23 other relevant Federal agencies and Congress
24 on ways to further strengthen Federal support
25 for community development financial institu-

1 tions, minority depository institutions, and mi-
2 nority lending institutions;

3 (E) to assist the Secretary in carrying out
4 the Secretary's responsibilities under section
5 308 of the Financial Institutions Reform, Re-
6 covery, and Enforcement Act of 1989 (12
7 U.S.C. 1463 note) to preserve and promote mi-
8 nority depository institutions in consultation
9 with the Chairman of the Board of Governors
10 of the Federal Reserve System, the Comptroller
11 of the Currency, the Chairman of the National
12 Credit Union Administration, and the Chair-
13 person of the Board of Directors of the Federal
14 Deposit Insurance Corporation;

15 (F) to carry out other duties of the Sec-
16 retary of the Treasury required by this subtitle
17 and the amendments made by this subtitle, and
18 to perform such other duties and authorities as
19 may be assigned by the Secretary.

20 (f) STRENGTHENING FEDERAL EFFORTS AND
21 INTERAGENCY COORDINATION TO PROMOTE DIVERSE
22 AND MISSION-DRIVEN COMMUNITY FINANCIAL INSTITU-
23 TIONS.—

24 (1) SENIOR OFFICIALS DESIGNATED.—The
25 Chairman of the Board of Governors of the Federal

1 Reserve System, the Comptroller of the Currency,
2 the Chairman of the National Credit Union Admin-
3 istration, the Chairperson of the Board of Directors
4 of the Federal Deposit Insurance Corporation, and
5 the Director of the Bureau of Consumer Financial
6 Protection shall each, in consultation with their re-
7 spective Director of Office of Minority and Women
8 Inclusion, designate a senior official to be their re-
9 spective agency's officer responsible for promoting
10 minority depository institutions, community develop-
11 ment financial institutions, and minority lending in-
12 stitutions, including to fulfill obligations under sec-
13 tion 308 of the Financial Institutions Reform, Re-
14 covery, and Enforcement Act of 1989 (12 U.S.C.
15 1463 note) to preserve and promote minority deposi-
16 tory institutions.

17 (2) INTERAGENCY WORKING GROUP.—The De-
18 partment of the Treasury shall regularly convene
19 meetings, no less than once a quarter, of an inter-
20 agency working group to be known as the “Inter-
21 agency Working Group to Promote Diverse and Mis-
22 sion-Driven Community Financial Institutions”,
23 which shall consist of the senior officials designated
24 by their respective agencies under paragraph (1),
25 along with the Deputy Assistant Secretary for Di-

1 verse and Mission-Driven Community Financial In-
2 stitutions, the Director of the Community Develop-
3 ment Financial Institutions Fund, and such other
4 government officials as the Secretary of the Treas-
5 ury may choose to invite, to examine and discuss the
6 state of minority depository institutions, community
7 development financial institutions, and minority
8 lending institutions, and actions the relevant agen-
9 cies can take to preserve, promote, and strengthen
10 these institutions.

11 (3) PROMOTING FAIR HOUSING AND COLLEC-
12 TIVE OWNERSHIP OPPORTUNITIES.—

13 (A) INITIAL REPORT.—Not later than 18
14 months after the date of the enactment of this
15 subsection, the Secretary of Treasury, jointly
16 with the Secretary of Housing and Urban De-
17 velopment, shall issue a report to the covered
18 agencies and the Congress examining different
19 ways financial institutions, including community
20 development financial institutions, can affirma-
21 tively further fair housing and be encouraged
22 and incentivized to carry out activities that ex-
23 pand long-term wealth-building opportunities
24 within low-income and minority communities
25 that support collective ownership opportunities,

1 including through investments in worker co-
2 operatives, consumer cooperatives, community
3 land trusts, not-for-profit-led shared equity
4 homeownership, and limited-equity cooperatives,
5 and to provide recommendations to the covered
6 agencies and the Congress in the furtherance of
7 these objectives.

8 (B) PROGRESS UPDATES.—Beginning not
9 later than three years after the date of the en-
10 actment of this subsection, and every five years
11 thereafter, the Secretary of the Treasury and
12 the Secretary of Housing and Urban Develop-
13 ment shall, after receiving the necessary up-
14 dates from the covered agencies, issue a report
15 examining the progress made on implementing
16 relevant recommendations, and providing any
17 additional recommendations to the covered
18 agencies and the Congress in furtherance of the
19 objectives under subparagraph (A).

20 (C) COVERED AGENCIES.—For purposes of
21 this subsection, the term “covered agencies”
22 means the Community Development Financial
23 Institutions Fund, the Department of Housing
24 and Urban Development, the Board of Gov-
25 ernors of the Federal Reserve System, the Fed-

1 eral Deposit Insurance Corporation, the Office
2 of the Comptroller of the Currency, the Na-
3 tional Credit Union Administration, and the
4 Federal Housing Finance Agency.

5 (4) ANNUAL REPORT TO CONGRESS.—Not later
6 than 1 year after the date of the enactment of this
7 subsection, and annually thereafter, the Secretary of
8 the Treasury, the Chairman of the Board of Gov-
9 ernors of the Federal Reserve System, the Comp-
10 troller of the Currency, the Chairman of the Na-
11 tional Credit Union Administration, the Chairperson
12 of the Board of Directors of the Federal Deposit In-
13 surance Corporation, and the Director of the Bureau
14 of Consumer Financial Protection shall submit a
15 joint report to the Committee on Financial Services
16 of the House of Representatives and the Committee
17 on Banking, Housing, and Urban Affairs of the Sen-
18 ate regarding the work that has been done the prior
19 year to preserve, promote, and strengthen commu-
20 nity development financial institutions, minority de-
21 pository institutions, and minority lending institu-
22 tions, along with any policy recommendations on ac-
23 tions various government agencies and Congress
24 should take to preserve, promote, and strengthen
25 community development financial institutions, mi-

3 SEC. 6612. CAPITAL INVESTMENTS, GRANTS, AND TECH-
4 NOLOGY SUPPORT FOR MDIS AND CDFIS.

(a) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Emergency Capital Investment Fund \$4,000,000,000. Such funds may be used for administrative expenses of the Department of the Treasury.

(b) CONFORMING AMENDMENTS TO ALLOW FOR ADDITIONAL PURCHASES OF CAPITAL.—Section 104A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703a) is amended—

14 (1) in subsection (c), by striking paragraph (2);
15 and

16 (2) in subsection (e), by striking paragraph (2).

(c) USE OF FUNDS FOR CDFI FINANCIAL AND TECHNICAL ASSISTANCE.—Section 104A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703a) is amended by adding at the end the following:

“(p) USE OF FUNDS FOR CDFI FINANCIAL AND
TECHNICAL ASSISTANCE.—The Secretary shall transfer
no less than \$1,000,000,000 in the Emergency Capital In-
vestment Fund to the Fund for the purpose of providing

1 financial and technical assistance grants to community de-
2 velopment financial institutions certified by the Secretary.
3 The Fund shall provide such grants using a formula that
4 takes into account criteria such as certification status, fi-
5 nancial and compliance performance, portfolio and balance
6 sheet strength, diversity of CDFI business model types,
7 and program capacity.”.

8 (d) TECHNOLOGY GRANTS FOR MDIS AND CDFIs.—

9 (1) STUDY AND REPORT ON CERTAIN TECH-
10 NOLOGY CHALLENGES.—

11 (A) STUDY.—The Secretary of the Treas-
12 ury shall carry out a study on the technology
13 challenges impacting minority depository insti-
14 tutions and community development financial
15 institutions with respect to—

16 (i) internal technology capabilities and
17 capacity of the institutions to process loan
18 applications and otherwise serve current
19 and potential customers through the inter-
20 net, mobile phone applications, and other
21 tools;

22 (ii) technology capabilities and capac-
23 ity of the institutions, provided in partner-
24 ship with third party companies, to process
25 loan applications and otherwise serve cur-

1 rent and potential customers through the
2 internet, mobile phone applications, and
3 other tools;

4 (iii) cybersecurity; and

5 (iv) challenges and solutions related to
6 algorithmic bias in the deployment of tech-
7 nology.

8 (B) REPORT.—Not later than 18 months
9 after the date of the enactment of this sub-
10 section, the Secretary shall submit a report to
11 the Committee on Financial Services of the
12 House of Representatives and the Committee
13 on Banking, Housing, and Urban Affairs of the
14 Senate that includes the results of the study re-
15 quired under subparagraph (A).

16 (2) TECHNOLOGY GRANT PROGRAM.—

17 (A) PROGRAM AUTHORIZED.—The Sec-
18 retary shall carry out a technology grant pro-
19 gram to make grants to minority depository in-
20 stitutions and community development financial
21 institutions to address technology challenges
22 impacting such institutions.

23 (B) APPLICATION.—To be eligible to be
24 awarded a grant under this paragraph, a mi-
25 nority depository institution or community de-

1 velopment financial institution shall submit an
2 application to the Secretary at such time, in
3 such manner, and containing such information
4 as the Secretary may require.

5 (C) USE OF FUNDS.—A minority deposi-
6 tory institution or community development fi-
7 nancial institution that is awarded a grant
8 under this paragraph may use the grant funds
9 to—

10 (i) enhance or adopt technologies
11 that—

12 (I) shorten loan approval proc-
13 esses;

14 (II) improve customer experience;

15 (III) provide additional services
16 to customers;

17 (IV) facilitate compliance with
18 applicable laws, regulations, and pro-
19 gram requirements, including testing
20 to ensure that the use of technology
21 does not result in discrimination, and
22 helping to satisfy data reporting re-
23 quirements;

1 (V) help ensure privacy of cus-
2 tomer records and cybersecurity resil-
3 ience; and

4 (VI) reduce the unbanked and
5 underbanked population; or

6 (ii) carry out such other activities as
7 the Secretary determines appropriate.

8 (3) FUNDING.—The Secretary may use
9 amounts in the Emergency Capital Investment Fund
10 to implement and make grants under paragraph (2),
11 but not to exceed \$250,000,000 in the aggregate.

12 (4) DEFINITIONS.—In this subsection, the
13 terms “community development financial institu-
14 tion” and “minority depository institution” have the
15 meaning given those terms, respectively, under sec-
16 tion 103 of the Riegle Community Development and
17 Regulatory Improvement Act of 1994 (12 U.S.C.
18 4702).

19 (e) PILOT PROGRAM FOR ESTABLISHING DE NOVO
20 CDFIs AND MDIs.—

21 (1) IN GENERAL.—The Secretary of the Treas-
22 ury, in consultation with the Fund and the appro-
23 priate Federal banking agencies, shall establish a
24 pilot program to provide competitive grants to a per-
25 son for the purpose of providing capital for such per-

1 son to establish a minority depository institution or
2 a community development financial institution.

3 (2) APPLICATION.—A person desiring a grant
4 under this subsection shall submit to the Secretary
5 an application in such form and containing such in-
6 formation as the Secretary determines appropriate.

7 (3) DISBURSEMENT.—Before disbursing grant
8 amounts to a person selected to receive a grant
9 under this subsection, the Secretary shall ensure
10 that such person has received approval from the ap-
11 propriate Federal banking agency (or such other
12 Federal or State agency from whom approval is re-
13 quired) to establish a minority depository institution
14 or a community development financial institution, as
15 applicable.

16 (4) FUNDING.—The Secretary may use
17 amounts in the Emergency Capital Investment Fund
18 to implement and make grants under paragraph (2),
19 but not to exceed \$100,000,000 in the aggregate.

20 (5) DEFINITIONS.—In this subsection, the
21 terms “appropriate Federal banking agency”, “com-
22 munity development financial institution”, “Fund”,
23 and “minority depository institution” have the
24 meaning given those terms, respectively, under sec-
25 tion 103 of the Riegle Community Development and

1 Regulatory Improvement Act of 1994 (12 U.S.C.
2 4702).

3 (f) GUIDANCE FOR SUBCHAPTER S AND MUTUAL
4 BANKS.—Not later than 30 days after the date of enact-
5 ment of this Act, the Board of Governors of the Federal
6 Reserve System and the Secretary shall issue guidance re-
7 garding how Emergency Capital Investment Program in-
8 vestments (whether made before or after the date of enact-
9 ment of this Act) are considered for purposes of various
10 prudential requirements, including debt to equity, leverage
11 ratio, and double leverage ratio requirements with respect
12 to subchapter S and mutual bank recipients of such invest-
13 ments.

14 (g) COLLECTION OF DATA.—Section 111 of the Rie-
15 gle Community Development and Regulatory Improve-
16 ment Act of 1994 (12 U.S.C. 4710) is amended—

17 (1) by striking “The Fund” and inserting the
18 following:

19 “(a) IN GENERAL.—The Fund”; and

20 (2) by adding at the end the following:

21 “(b) COLLECTION OF CERTAIN DATA BY CDFIs.—
22 Notwithstanding the Equal Credit Opportunity Act (15
23 U.S.C. 1691 et seq.)—

24 “(1) a community development financial institu-
25 tion may collect data described in section 701(a)(1)

1 of that Act (15 U.S.C. 1691(a)(1)) from borrowers
2 and applicants for credit for the sole purpose and
3 exclusive use to ensure that targeted populations
4 and low-income residents of investment areas are
5 adequately served and to report the level of service
6 provided to such populations and areas to the Fund;
7 and

8 “(2) a community development financial institu-
9 tion that collects the data described in paragraph
10 (1) shall not be subject to adverse action related to
11 that collection by the Bureau of Consumer Financial
12 Protection or any other Federal agency.”.

13 **SEC. 6613. SUPPORTING YOUNG ENTREPRENEURS PRO-**
14 **GRAM.**

15 Section 108 of the Riegle Community Development
16 and Regulatory Improvement Act of 1994 (12 U.S.C.
17 4707), as amended by section 331(a)(1), is further amend-
18 ed by adding at the end the following:

19 “(j) SUPPORTING YOUNG ENTREPRENEURS PRO-
20 GRAM.—

21 “(1) IN GENERAL.—The Fund shall establish a
22 Supporting Young Entrepreneurs Program under
23 which the Fund may provide financial awards to the
24 community development financial institutions that
25 the Fund determines have the best programs to help

1 young entrepreneurs get the start up capital needed
2 to start a small business, with a focus on supporting
3 young women entrepreneurs, entrepreneurs who are
4 Black, Hispanic, Asian or Pacific Islander, and Na-
5 tive American or Native Alaskan and other histori-
6 cally underrepresented groups or first time business
7 owners.

8 “(2) NO MATCHING REQUIREMENT.—The
9 matching requirement under subsection (e) shall not
10 apply to awards made under this subsection.

11 “(3) FUNDING.—In carrying out this sub-
12 section, the Fund may use—

13 “(A) amounts in the Emergency Capital
14 Investment Fund, but not to exceed
15 \$100,000,000 in the aggregate; and

16 “(B) such other funds as may be appro-
17 priated by Congress to the Fund to carry out
18 the Supporting Young Entrepreneurs Pro-
19 gram.”.

20 **SEC. 6614. MAP OF MINORITY DEPOSITORY INSTITUTIONS**
21 **AND COMMUNITY DEVELOPMENT FINANCIAL**
22 **INSTITUTIONS.**

23 (a) IN GENERAL.—The Secretary of the Treasury, in
24 consultation with the CDFI Fund and the Federal bank-
25 ing agencies, shall establish an interactive, searchable map

1 showing the geographic locations of the headquarters and
2 branch locations of minority depository institutions, which
3 shall be provided by the Federal banking agencies, and
4 community development financial institutions that have
5 been certified by the Secretary, including breakdowns by
6 each State (including the District of Columbia and each
7 territory of the United States), Tribal government entity,
8 and congressional district. Such map shall also provide a
9 link to the website of each such minority depository insti-
10 tution and community development financial institution.

11 (b) DEFINITIONS.—In this section:

12 (1) CDFI FUND.—The term “CDFI Fund”
13 means the Community Development Financial Insti-
14 tutions Fund established under section 104(a) of the
15 Riegle Community Development and Regulatory Im-
16 provement Act of 1994.

17 (2) COMMUNITY DEVELOPMENT FINANCIAL IN-
18 STITUTION.—The term “community development fi-
19 nancial institution” has the meaning given in section
20 103 of the Riegle Community Development and Reg-
21 ulatory Improvement Act of 1994.

22 (3) FEDERAL BANKING AGENCY.—The term
23 “Federal banking agency”—

24 (A) has the meaning given in section 3 of
25 the Federal Deposit Insurance Act; and

1 (B) means the National Credit Union Ad-
2 ministration.

3 (4) MINORITY DEPOSITORY INSTITUTION.—The
4 term “minority depository institution” has the
5 meaning given in section 308(b) of the Financial In-
6 stitutions Reform, Recovery, and Enforcement Act
7 of 1989.

8 **SEC. 6615. REPORT ON CERTIFIED COMMUNITY DEVELOP-**
9 **MENT FINANCIAL INSTITUTIONS.**

10 Section 117(a) of the Riegle Community Develop-
11 ment and Regulatory Improvement Act of 1994 (12
12 U.S.C. 4716(a)) is amended—

13 (1) by striking “The Fund” and inserting the
14 following:

15 “(1) IN GENERAL.—The Fund”;

16 (2) by striking “and the Congress” and insert-
17 ing “, the Congress, and the public”; and

18 (3) by adding at the end the following:

19 “(2) REPORT ON CERTIFIED COMMUNITY DE-
20 VELOPMENT FINANCIAL INSTITUTIONS.—The annual
21 report required under paragraph (1) shall include a
22 report on community development financial institu-
23 tions (‘CDFIs’) that have been certified by the Sec-
24 retary of the Treasury, including a summary with

1 aggregate data and analysis, to the fullest extent
2 practicable, regarding—

3 “(A) a list of the types of organizations
4 that are certified as CDFIs, and the number of
5 each type of organization;

6 “(B) the geographic location and capacity
7 of different types of certified CDFIs, including
8 overall impact breakdowns by each State (in-
9 cluding the District of Columbia and each terri-
10 tory of the United States) and Tribal govern-
11 ment entity;

12 “(C) the lines of business for different
13 types of certified CDFIs;

14 “(D) human resources and staffing infor-
15 mation for different types of certified CDFIs,
16 including—

17 “(E) the types of development services pro-
18 vided by different types of certified CDFIs;

19 “(F) the target markets of different types
20 of certified CDFIs and the amount of products
21 and services offered by CDFIs to those target
22 markets, including—

23 “(i) the number and amount of loans
24 and loan guarantees made in those target
25 markets;

1 “(ii) the number and amount of other
2 investments made in those target markets;
3 and

4 “(iii) the number and amount of de-
5 velopment services offered in those target
6 markets; and

7 “(G) such other information as the Direc-
8 tor of the Fund may determine necessary to
9 promote transparency of the impact of different
10 types of CDFIs, while carrying out this report
11 in a manner that seeks to minimize data report-
12 ing requirements from certified CDFIs when
13 feasible, including utilizing information gath-
14 ered from other regulators under section
15 104(l).”.

16 **SEC. 6616. CONSULTATION AND MINIMIZATION OF DATA**
17 **REQUESTS.**

18 Section 104 of the Riegle Community Development
19 and Regulatory Improvement Act of 1994 (12 U.S.C.
20 4703) is amended by adding at the end the following:

21 “(l) CONSULTATION AND MINIMIZATION OF DATA
22 REQUESTS.—

23 “(1) IN GENERAL.—In carrying out its duties,
24 the Fund shall—

1 “(A) periodically, and no less frequent
2 than once a year, consult with the applicable
3 Federal regulator of certified CDFIs and appli-
4 cants to be a certified CDFI (‘applicants’);

5 “(B) seek to gather any information nec-
6 essary related to Fund certification and award
7 decisions on certified CDFIs and applicants
8 from the applicable Federal regulator, and such
9 regulators shall use reasonable efforts to pro-
10 vide such information to the Fund, to minimize
11 duplicative data collection requests made by the
12 Fund of certified CDFIs and applicants and to
13 expedite certification, award, or other relevant
14 processes administered by the Fund.

15 “(2) APPLICABLE FEDERAL REGULATOR DE-
16 FINED.—In this subsection, the term ‘applicable
17 Federal regulator’ means—

18 “(A) with respect to a certified CDFI or
19 an applicant that is regulated by both an appro-
20 priate Federal banking agency and the Bureau
21 of Consumer Financial Protection, the Bureau
22 of Consumer Financial Protection;

23 “(B) with respect to a certified CDFI or
24 an applicant that is not regulated by the Bu-
25 reau of Consumer Financial Protection, the ap-

1 appropriate Federal banking agency for such ap-
2 plicant; or

3 “(C) the Bureau of Consumer Financial
4 Protection, with respect to a certified CDFI or
5 an applicant—

6 “(i) that is not regulated by an appro-
7 priate Federal banking agency; and

8 “(ii) that offers or provides consumer
9 financial products or services (as defined in
10 section 1002 of the Consumer Financial
11 Protection Act of 2010 (12 U.S.C.
12 5481)).”.

13 **SEC. 6617. ACCESS TO THE DISCOUNT WINDOW OF THE**
14 **FEDERAL RESERVE SYSTEM FOR MDIS AND**
15 **CDFIS.**

16 Within 1 year after the date of enactment of this Act,
17 the Board of Governors of the Federal Reserve System
18 shall establish a process under which minority depository
19 institutions and community development financial institu-
20 tions may have access to the discount window, at the sea-
21 sonal credit interest rate most recently published on the
22 Federal Reserve Statistical Release on selected interest
23 rates (daily or weekly).

1 **SEC. 6618. STUDY ON SECURITIZATION BY CDFIS.**

2 (a) IN GENERAL.—The Secretary of the Treasury, in
3 consultation with the Community Development Financial
4 Institutions Fund and such other Federal agencies as the
5 Secretary determines appropriate, shall carry out a study
6 on—

7 (1) the use of securitization by CDFIs;

8 (2) any barriers to the use of securitization as
9 a source of liquidity by CDFIs; and

10 (3) any authorities available to the Government
11 to support the use of securitization by CDFIs to the
12 extent it helps serve underserved communities.

13 (b) REPORT.—Not later than the end of the 1-year
14 period beginning on the date of enactment of this Act, the
15 Secretary shall issue a report to the Committee on Finan-
16 cial Services of the House of Representatives and the
17 Committee on Banking, Housing, and Urban Affairs of
18 the Senate containing—

19 (1) all findings and determinations made in car-
20 rying out the study required under subsection (a);
21 and

22 (2) any legislative or administrative rec-
23 ommendations of the Secretary that would promote
24 the responsible use of securitization to help CDFIs
25 in reaching more underserved communities.

1 (c) CDFI DEFINED.—The term “CDFI” has the
2 meaning given the term “community development finan-
3 cial institution” under section 103 of the Riegle Commu-
4 nity Development and Regulatory Improvement Act of
5 1994.

6 **Subtitle B—Promoting New and**
7 **Diverse Depository Institutions**

8 **SEC. 6621. STUDY AND STRATEGIC PLAN.**

9 (a) IN GENERAL.—The Federal banking regulators
10 shall jointly—

11 (1) conduct a study about the challenges faced
12 by proposed depository institutions, including pro-
13 posed minority depository institutions, seeking de
14 novo depository institution charters; and

15 (2) submit to the Committee on Financial Serv-
16 ices of the House of Representatives and the Com-
17 mittee on Banking, Housing, and Urban Affairs of
18 the Senate and publish publically, not later than 18
19 months after the date of the enactment of this sec-
20 tion—

21 (A) an analysis based on the study con-
22 ducted pursuant to paragraph (1);

23 (B) any findings from the study conducted
24 pursuant to paragraph (1); and

1 (C) any legislative recommendations that
2 the Federal banking regulators developed based
3 on the study conducted pursuant to paragraph
4 (1).

5 (b) STRATEGIC PLAN.—

6 (1) IN GENERAL.—Not later than 18 months
7 after the date of the enactment of this section, the
8 Federal banking regulators shall jointly submit to
9 the Committee on Financial Services of the House of
10 Representatives and the Committee on Banking,
11 Housing, and Urban Affairs of the Senate and pub-
12 lish publically a strategic plan based on the study
13 conducted pursuant to subsection (a) and designed
14 to help proposed depository institutions (including
15 proposed minority depository institutions) success-
16 fully apply for de novo depository institution char-
17 ters in a manner that promotes increased availability
18 of banking and financial services, safety and sound-
19 ness, consumer protection, community reinvestment,
20 financial stability, and a level playing field.

21 (2) CONTENTS OF STRATEGIC PLAN.—The stra-
22 tegic plan described in paragraph (1) shall—

23 (A) promote the chartering of de novo de-
24 pository institutions, including—

1 (i) proposed minority depository insti-
2 tutions; and

3 (ii) proposed depository institutions
4 that could be certified as community devel-
5 opment financial institutions; and

6 (B) describe actions the Federal banking
7 regulators may take that would increase the
8 number of depository institutions located in ge-
9 ographic areas where consumers lack access to
10 a branch of a depository institution.

11 (c) PUBLIC INVOLVEMENT.—When conducting the
12 study and developing the strategic plan required by this
13 section, the Federal banking regulators shall invite com-
14 ments and other feedback from the public to inform the
15 study and strategic plan.

16 (d) DEFINITIONS.—In this section:

17 (1) DEPOSITORY INSTITUTION.—The term “de-
18 pository institution” has the meaning given in sec-
19 tion 3 of the Federal Deposit Insurance Act, and in-
20 cludes a “Federal credit union” and a “State credit
21 union” as such terms are defined, respectively,
22 under section 101 of the Federal Credit Union Act.

23 (2) COMMUNITY DEVELOPMENT FINANCIAL IN-
24 STITUTION.—The term “community development fi-
25 nancial institution” has the meaning given in section

1 103 of the Riegle Community Development and Reg-
2 ulatory Improvement Act of 1994.

3 (3) FEDERAL BANKING REGULATORS.—The
4 term “Federal banking regulators” means the Board
5 of Governors of the Federal Reserve System, the
6 Comptroller of the Currency, the Federal Deposit
7 Insurance Corporation, the National Credit Union
8 Administration, and the Director of the Bureau of
9 Consumer Financial Protection.

10 (4) MINORITY DEPOSITORY INSTITUTION.—The
11 term “minority depository institution” has the
12 meaning given in section 308(b) of the Financial In-
13 stitutions Reform, Recovery, and Enforcement Act
14 of 1989.

15 **Subtitle C—Ensuring Diversity in** 16 **Community Banking**

17 **SEC. 6631. SHORT TITLE.**

18 This subtitle may be cited as the “Ensuring Diversity
19 in Community Banking Act”.

20 **SEC. 6632. SENSE OF CONGRESS ON FUNDING THE LOAN-** 21 **LOSS RESERVE FUND FOR SMALL DOLLAR** 22 **LOANS.**

23 The sense of Congress is the following:

24 (1) The Community Development Financial In-
25 stitutions Fund (the “CDFI Fund”) is an agency of

1 the Department of the Treasury, and was estab-
2 lished by the Riegle Community Development and
3 Regulatory Improvement Act of 1994. The mission
4 of the CDFI Fund is “to expand economic oppor-
5 tunity for underserved people and communities by
6 supporting the growth and capacity of a national
7 network of community development lenders, inves-
8 tors, and financial service providers”. A community
9 development financial institution (a “CDFI”) is a
10 specialized financial institution serving low-income
11 communities and a Community Development Entity
12 (a “CDE”) is a domestic corporation or partnership
13 that is an intermediary vehicle for the provision of
14 loans, investments, or financial counseling in low-in-
15 come communities. The CDFI Fund certifies CDFIs
16 and CDEs. Becoming a certified CDFI or CDE al-
17 lows organizations to participate in various CDFI
18 Fund programs as follows:

19 (A) The Bank Enterprise Award Program,
20 which provides FDIC-insured depository institu-
21 tions awards for a demonstrated increase in
22 lending and investments in distressed commu-
23 nities and CDFIs.

24 (B) The CDFI Program, which provides
25 Financial and Technical Assistance awards to

1 CDFIs to reinvest in the CDFI, and to build
2 the capacity of the CDFI, including financing
3 product development and loan loss reserves.

4 (C) The Native American CDFI Assistance
5 Program, which provides CDFIs and spon-
6 soring entities Financial and Technical Assist-
7 ance awards to increase lending and grow the
8 number of CDFIs owned by Native Americans
9 to help build capacity of such CDFIs.

10 (D) The New Market Tax Credit Program,
11 which provides tax credits for making equity in-
12 vestments in CDEs that stimulate capital in-
13 vestments in low-income communities.

14 (E) The Capital Magnet Fund, which pro-
15 vides awards to CDFIs and nonprofit affordable
16 housing organizations to finance affordable
17 housing solutions and related economic develop-
18 ment activities.

19 (F) The Bond Guarantee Program, a
20 source of long-term, patient capital for CDFIs
21 to expand lending and investment capacity for
22 community and economic development purposes.

23 (2) The Department of the Treasury is author-
24 ized to create multi-year grant programs designed to
25 encourage low-to-moderate income individuals to es-

1 tablish accounts at federally insured banks, and to
2 improve low-to-moderate income individuals' access
3 to such accounts on reasonable terms.

4 (3) Under this authority, grants to participants
5 in CDFI Fund programs may be used for loan-loss
6 reserves and to establish small-dollar loan programs
7 by subsidizing related losses. These grants also allow
8 for the providing recipients with the financial coun-
9 seling and education necessary to conduct trans-
10 actions and manage their accounts. These loans pro-
11 vide low-cost alternatives to payday loans and other
12 nontraditional forms of financing that often impose
13 excessive interest rates and fees on borrowers, and
14 lead millions of Americans to fall into debt traps.
15 Small-dollar loans can only be made pursuant to
16 terms, conditions, and practices that are reasonable
17 for the individual consumer obtaining the loan.

18 (4) Program participation is restricted to eligi-
19 ble institutions, which are limited to organizations
20 listed in section 501(c)(3) of the Internal Revenue
21 Code and exempt from tax under 501(a) of such
22 Code, federally insured depository institutions, com-
23 munity development financial institutions and State,
24 local, or Tribal government entities.

1 (5) According to the CDFI Fund, some pro-
2 grams attract as much as \$10 in private capital for
3 every \$1 invested by the CDFI Fund. The Adminis-
4 tration and the Congress should prioritize appropria-
5 tion of funds for the loan loss reserve fund and tech-
6 nical assistance programs administered by the Com-
7 munity Development Financial Institution Fund.

8 **SEC. 6633. DEFINITIONS.**

9 In this subtitle:

10 (1) COMMUNITY DEVELOPMENT FINANCIAL IN-
11 STITUTION.—The term “community development fi-
12 nancial institution” has the meaning given under
13 section 103 of the Riegle Community Development
14 and Regulatory Improvement Act of 1994 (12
15 U.S.C. 4702).

16 (2) MINORITY DEPOSITORY INSTITUTION.—The
17 term “minority depository institution” has the
18 meaning given under section 308 of the Financial
19 Institutions Reform, Recovery, and Enforcement Act
20 of 1989 (12 U.S.C. 1463 note), as amended by this
21 Act.

1 **SEC. 6634. INCLUSION OF WOMEN'S BANKS IN THE DEFINI-**
2 **TION OF MINORITY DEPOSITORY INSTITU-**
3 **TION.**

4 Section 308(b)(1) of the Financial Institutions Re-
5 form, Recovery, and Enforcement Act of 1989 (12 U.S.C.
6 1463 note) is amended—

7 (1) by redesignating subparagraphs (A), (B),
8 and (C) as clauses (i), (ii), and (iii), respectively;

9 (2) by striking “means any” and inserting the
10 following: “means—

11 “(A) any”; and

12 (3) in clause (iii) (as so redesignated), by strik-
13 ing the period at the end and inserting “; or”; and

14 (4) by inserting at the end the following new
15 subparagraph:

16 “(B) any bank described in clause (i), (ii),
17 or (iii) of section 19(b)(1)(A) of the Federal
18 Reserve Act—

19 “(i) more than 50 percent of the out-
20 standing shares of which are held by 1 or
21 more women; and

22 “(ii) the majority of the directors on
23 the board of directors of which are
24 women.”.

1 **SEC. 6635. ESTABLISHMENT OF IMPACT BANK DESIGNA-**
2 **TION.**

3 (a) IN GENERAL.—Each Federal banking agency
4 shall establish a program under which a depository institu-
5 tion with total consolidated assets of less than
6 \$10,000,000,000 may elect to be designated as an impact
7 bank if the total dollar value of the loans extended by such
8 depository institution to low-income borrowers is greater
9 than or equal to 50 percent of the assets of such bank.

10 (b) NOTIFICATION OF ELIGIBILITY.—Based on data
11 obtained through examinations of depository institutions,
12 the appropriate Federal banking agency shall notify a de-
13 pository institution if the institution is eligible to be des-
14 ignated as an impact bank.

15 (c) APPLICATION.—Regardless of whether or not it
16 has received a notice of eligibility under subsection (b),
17 a depository institution may submit an application to the
18 appropriate Federal banking agency—

19 (1) requesting to be designated as an impact
20 bank; and

21 (2) demonstrating that the depository institu-
22 tion meets the applicable qualifications.

23 (d) LIMITATION ON ADDITIONAL DATA REQUIRE-
24 MENTS.—The Federal banking agencies may only impose
25 additional data collection requirements on a depository in-
26 stitution under this section if such data is—

1 (1) necessary to process an application sub-
2 mitted by the depository institution to be designated
3 an impact bank; or

4 (2) with respect to a depository institution that
5 is designated as an impact bank, necessary to ensure
6 the depository institution's ongoing qualifications to
7 maintain such designation.

8 (e) REMOVAL OF DESIGNATION.—If the appropriate
9 Federal banking agency determines that a depository in-
10 stitution designated as an impact bank no longer meets
11 the criteria for such designation, the appropriate Federal
12 banking agency shall rescind the designation and notify
13 the depository institution of such rescission.

14 (f) RECONSIDERATION OF DESIGNATION; AP-
15 PEALS.—Under such procedures as the Federal banking
16 agencies may establish, a depository institution may—

17 (1) submit to the appropriate Federal banking
18 agency a request to reconsider a determination that
19 such depository institution no longer meets the cri-
20 teria for the designation; or

21 (2) file an appeal of such determination.

22 (g) RULEMAKING.—Not later than 1 year after the
23 date of the enactment of this Act, the Federal banking
24 agencies shall jointly issue rules to carry out the require-

1 ments of this section, including by providing a definition
2 of a low-income borrower.

3 (h) REPORTS.—Each Federal banking agency shall
4 submit an annual report to the Congress containing a de-
5 scription of actions taken to carry out this section.

6 (i) FEDERAL DEPOSIT INSURANCE ACT DEFINI-
7 TIONS.—In this section, the terms “depository institu-
8 tion”, “appropriate Federal banking agency”, and “Fed-
9 eral banking agency” have the meanings given such terms,
10 respectively, in section 3 of the Federal Deposit Insurance
11 Act (12 U.S.C. 1813).

12 **SEC. 6636. MINORITY DEPOSITORIES ADVISORY COMMIT-**
13 **TEES.**

14 (a) ESTABLISHMENT.—Each covered regulator shall
15 establish an advisory committee to be called the “Minority
16 Depositories Advisory Committee”.

17 (b) DUTIES.—Each Minority Depositories Advisory
18 Committee shall provide advice to the respective covered
19 regulator on meeting the goals established by section 308
20 of the Financial Institutions Reform, Recovery, and En-
21 forcement Act of 1989 (12 U.S.C. 1463 note) to preserve
22 the present number of covered minority institutions, pre-
23 serve the minority character of minority-owned institu-
24 tions in cases involving mergers or acquisitions, provide
25 technical assistance, and encourage the creation of new

1 covered minority institutions. The scope of the work of
2 each such Minority Depositories Advisory Committee shall
3 include an assessment of the current condition of covered
4 minority institutions, what regulatory changes or other
5 steps the respective agencies may be able to take to fulfill
6 the requirements of such section 308, and other issues of
7 concern to covered minority institutions.

8 (c) MEMBERSHIP.—

9 (1) IN GENERAL.—Each Minority Depositories
10 Advisory Committee shall consist of no more than
11 10 members, who—

12 (A) shall serve for one two-year term;

13 (B) shall serve as a representative of a de-
14 pository institution or an insured credit union
15 with respect to which the respective covered
16 regulator is the covered regulator of such de-
17 pository institution or insured credit union; and

18 (C) shall not receive pay by reason of their
19 service on the advisory committee, but may re-
20 ceive travel or transportation expenses in ac-
21 cordance with section 5703 of title 5, United
22 States Code.

23 (2) DIVERSITY.—To the extent practicable,
24 each covered regulator shall ensure that the mem-
25 bers of the Minority Depositories Advisory Com-

1 mittee of such agency reflect the diversity of covered
2 minority institutions.

3 (d) MEETINGS.—

4 (1) IN GENERAL.—Each Minority Depositories
5 Advisory Committee shall meet not less frequently
6 than twice each year.

7 (2) NOTICE AND INVITATIONS.—Each Minority
8 Depositories Advisory Committee shall—

9 (A) notify the Committee on Financial
10 Services of the House of Representatives and
11 the Committee on Banking, Housing, and
12 Urban Affairs of the Senate in advance of each
13 meeting of the Minority Depositories Advisory
14 Committee; and

15 (B) invite the attendance at each meeting
16 of the Minority Depositories Advisory Com-
17 mittee of—

18 (i) one member of the majority party
19 and one member of the minority party of
20 the Committee on Financial Services of the
21 House of Representatives and the Com-
22 mittee on Banking, Housing, and Urban
23 Affairs of the Senate; and

24 (ii) one member of the majority party
25 and one member of the minority party of

1 any relevant subcommittees of such com-
2 mittees.

3 (e) NO TERMINATION OF ADVISORY COMMITTEES.—
4 The termination requirements under section 14 of the
5 Federal Advisory Committee Act (5 U.S.C. app.) shall not
6 apply to a Minority Depositories Advisory Committee es-
7 tablished pursuant to this section.

8 (f) DEFINITIONS.—In this section:

9 (1) COVERED REGULATOR.—The term “covered
10 regulator” means the Comptroller of the Currency,
11 the Board of Governors of the Federal Reserve Sys-
12 tem, the Federal Deposit Insurance Corporation,
13 and the National Credit Union Administration.

14 (2) COVERED MINORITY INSTITUTION.—The
15 term “covered minority institution” means a minor-
16 ity depository institution (as defined in section
17 308(b) of the Financial Institutions Reform, Recov-
18 ery, and Enforcement Act of 1989 (12 U.S.C. 1463
19 note)).

20 (3) DEPOSITORY INSTITUTION.—The term “de-
21 pository institution” has the meaning given under
22 section 3 of the Federal Deposit Insurance Act (12
23 U.S.C. 1813).

24 (4) INSURED CREDIT UNION.—The term “in-
25 sured credit union” has the meaning given in section

1 101 of the Federal Credit Union Act (12 U.S.C.
2 1752).

3 (g) TECHNICAL AMENDMENT.—Section 308(b) of the
4 Financial Institutions Reform, Recovery, and Enforce-
5 ment Act of 1989 (12 U.S.C. 1463 note) is amended by
6 adding at the end the following new paragraph:

7 “(3) DEPOSITORY INSTITUTION.—The term ‘de-
8 pository institution’ means an ‘insured depository in-
9 stitution’ (as defined in section 3 of the Federal De-
10 posit Insurance Act (12 U.S.C. 1813)) and an in-
11 sured credit union (as defined in section 101 of the
12 Federal Credit Union Act (12 U.S.C. 1752)).”.

13 **SEC. 6637. FEDERAL DEPOSITS IN MINORITY DEPOSITORY**
14 **INSTITUTIONS.**

15 (a) IN GENERAL.—Section 308 of the Financial In-
16 stitutions Reform, Recovery, and Enforcement Act of
17 1989 (12 U.S.C. 1463 note) is amended—

18 (1) by adding at the end the following new sub-
19 section:

20 “(d) FEDERAL DEPOSITS.—The Secretary of the
21 Treasury shall ensure that deposits made by Federal agen-
22 cies in minority depository institutions and impact banks
23 are collateralized or insured, as determined by the Sec-
24 retary. Such deposits shall include reciprocal deposits as

1 defined in section 337.6(e)(2)(v) of title 12, Code of Fed-
 2 eral Regulations (as in effect on March 6, 2019).”; and

3 (2) in subsection (b), as amended by section
 4 6(g), by adding at the end the following new para-
 5 graph:

6 “(4) IMPACT BANK.—The term ‘impact bank’
 7 means a depository institution designated by the ap-
 8 propriate Federal banking agency pursuant to sec-
 9 tion 6635 of the Ensuring Diversity in Community
 10 Banking Act.”.

11 (b) TECHNICAL AMENDMENTS.—Section 308 of the
 12 Financial Institutions Reform, Recovery, and Enforce-
 13 ment Act of 1989 (12 U.S.C. 1463 note) is amended—

14 (1) in the matter preceding paragraph (1), by
 15 striking “section—” and inserting “section:”; and

16 (2) in the paragraph heading for paragraph (1),
 17 by striking “FINANCIAL” and inserting “DEPOSI-
 18 TORY”.

19 **SEC. 6638. MINORITY BANK DEPOSIT PROGRAM.**

20 (a) IN GENERAL.—Section 1204 of the Financial In-
 21 stitutions Reform, Recovery, and Enforcement Act of
 22 1989 (12 U.S.C. 1811 note) is amended to read as follows:

23 **“SEC. 1204. EXPANSION OF USE OF MINORITY DEPOSITORY**
 24 **INSTITUTIONS.**

25 **“(a) MINORITY BANK DEPOSIT PROGRAM.—**

1 “(1) ESTABLISHMENT.—There is established a
2 program to be known as the ‘Minority Bank Deposit
3 Program’ to expand the use of minority depository
4 institutions.

5 “(2) ADMINISTRATION.—The Secretary of the
6 Treasury, acting through the Fiscal Service, shall—

7 “(A) on application by a depository institu-
8 tion or credit union, certify whether such depos-
9 itory institution or credit union is a minority
10 depository institution;

11 “(B) maintain and publish a list of all de-
12 pository institutions and credit unions that have
13 been certified pursuant to subparagraph (A);
14 and

15 “(C) periodically distribute the list de-
16 scribed in subparagraph (B) to—

17 “(i) all Federal departments and
18 agencies;

19 “(ii) interested State and local govern-
20 ments; and

21 “(iii) interested private sector compa-
22 nies.

23 “(3) INCLUSION OF CERTAIN ENTITIES ON
24 LIST.—A depository institution or credit union that,
25 on the date of the enactment of this section, has a

1 current certification from the Secretary of the
2 Treasury stating that such depository institution or
3 credit union is a minority depository institution shall
4 be included on the list described under paragraph
5 (2)(B).

6 “(b) EXPANDED USE AMONG FEDERAL DEPART-
7 MENTS AND AGENCIES.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the establishment of the program described in sub-
10 section (a), the head of each Federal department or
11 agency shall develop and implement standards and
12 procedures to prioritize, to the maximum extent pos-
13 sible as permitted by law and consistent with prin-
14 ciples of sound financial management, the use of mi-
15 nority depository institutions to hold the deposits of
16 each such department or agency.

17 “(2) REPORT TO CONGRESS.—Not later than 2
18 years after the establishment of the program de-
19 scribed in subsection (a), and annually thereafter,
20 the head of each Federal department or agency shall
21 submit to Congress a report on the actions taken to
22 increase the use of minority depository institutions
23 to hold the deposits of each such department or
24 agency.

25 “(c) DEFINITIONS.—For purposes of this section:

1 “(1) CREDIT UNION.—The term ‘credit union’
2 has the meaning given the term ‘insured credit
3 union’ in section 101 of the Federal Credit Union
4 Act (12 U.S.C. 1752).

5 “(2) DEPOSITORY INSTITUTION.—The term ‘de-
6 pository institution’ has the meaning given in section
7 3 of the Federal Deposit Insurance Act (12 U.S.C.
8 1813).

9 “(3) MINORITY DEPOSITORY INSTITUTION.—
10 The term ‘minority depository institution’ has the
11 meaning given that term under section 308 of this
12 Act.”.

13 (b) CONFORMING AMENDMENTS.—The following pro-
14 visions are amended by striking “1204(c)(3)” and insert-
15 ing “1204(c)”:

16 (1) Section 808(b)(3) of the Community Rein-
17 vestment Act of 1977 (12 U.S.C. 2907(b)(3)).

18 (2) Section 40(g)(1)(B) of the Federal Deposit
19 Insurance Act (12 U.S.C. 1831q(g)(1)(B)).

20 (3) Section 704B(h)(4) of the Equal Credit Op-
21 portunity Act (15 U.S.C. 1691c–2(h)(4)).

22 **SEC. 6639. DIVERSITY REPORT AND BEST PRACTICES.**

23 (a) ANNUAL REPORT.—Each covered regulator shall
24 submit to Congress an annual report on diversity includ-
25 ing the following:

1 (1) Data, based on voluntary self-identification,
2 on the racial, ethnic, and gender composition of the
3 examiners of each covered regulator, disaggregated
4 by length of time served as an examiner.

5 (2) The status of any examiners of covered reg-
6 ulators, based on voluntary self-identification, as a
7 veteran.

8 (3) Whether any covered regulator, as of the
9 date on which the report required under this section
10 is submitted, has adopted a policy, plan, or strategy
11 to promote racial, ethnic, and gender diversity
12 among examiners of the covered regulator.

13 (4) Whether any special training is developed
14 and provided for examiners related specifically to
15 working with depository institutions and credit
16 unions that serve communities that are predomi-
17 nantly minorities, low income, or rural, and the key
18 focus of such training.

19 (b) BEST PRACTICES.—Each Office of Minority and
20 Women Inclusion of a covered regulator shall develop, pro-
21 vide to the head of the covered regulator, and make pub-
22 licly available best practices—

23 (1) for increasing the diversity of candidates
24 applying for examiner positions, including through

1 outreach efforts to recruit diverse candidate to apply
 2 for entry-level examiner positions; and

3 (2) for retaining and providing fair consider-
 4 ation for promotions within the examiner staff for
 5 purposes of achieving diversity among examiners.

6 (c) COVERED REGULATOR DEFINED.—In this sec-
 7 tion, the term “covered regulator” means the Comptroller
 8 of the Currency, the Board of Governors of the Federal
 9 Reserve System, the Federal Deposit Insurance Corpora-
 10 tion, and the National Credit Union Administration.

11 **SEC. 6640. INVESTMENTS IN MINORITY DEPOSITORY INSTI-**
 12 **TUTIONS AND IMPACT BANKS.**

13 (a) CONTROL FOR CERTAIN INSTITUTIONS.—Section
 14 7(j)(8)(B) of the Federal Deposit Insurance Act (12
 15 U.S.C. 1817(j)(8)(B)) is amended to read as follows:

16 “(B) ‘control’ means the power, directly or indi-
 17 rectly—

18 “(i) to direct the management or policies
 19 of an insured depository institution; or

20 “(ii)(I) with respect to an insured deposi-
 21 tory institution, of a person to vote 25 per cen-
 22 tum or more of any class of voting securities of
 23 such institution; or

24 “(II) with respect to an insured depository
 25 institution that is an impact bank (as des-

1 ignated pursuant to section 6635 of the Ensuring Diversity in Community Banking Act) or a
2 minority depository institution (as defined in
3 section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989),
4 of an individual to vote 30 percent or more of
5 any class of voting securities of such an impact
6 bank or a minority depository institution.”.

7 (b) RULEMAKING.—The Federal banking agencies
8 (as defined in section 3 of the Federal Deposit Insurance
9 Act (12 U.S.C. 1813)) shall jointly issue rules for de novo
10 minority depository institutions and de novo impact banks
11 (as designated pursuant to section 6635) to allow 3 years
12 to meet the capital requirements otherwise applicable to
13 minority depository institutions and impact banks.

14 (c) REPORT.—Not later than 1 year after the date
15 of the enactment of this Act, the Federal banking agencies
16 shall jointly submit to Congress a report on—

17 (1) the principal causes for the low number of
18 de novo minority depository institutions during the
19 10-year period preceding the date of the report;

20 (2) the main challenges to the creation of de
21 novo minority depository institutions and de novo
22 impact banks; and
23
24

1 (3) regulatory and legislative considerations to
2 promote the establishment of de novo minority de-
3 pository institutions and de novo impact banks.

4 **SEC. 6641. REPORT ON COVERED MENTOR-PROTEGE PRO-**
5 **GRAMS.**

6 (a) REPORT.—Not later than 6 months after the date
7 of the enactment of this Act and annually thereafter, the
8 Secretary of the Treasury shall submit to Congress a re-
9 port on participants in a covered mentor-protege program,
10 including—

11 (1) an analysis of outcomes of such program;

12 (2) the number of minority depository institu-
13 tions that are eligible to participate in such program
14 but do not have large financial institution mentors;
15 and

16 (3) recommendations for how to match such mi-
17 nority depository institutions with large financial in-
18 stitution mentors.

19 (b) DEFINITIONS.—In this section:

20 (1) COVERED MENTOR-PROTEGE PROGRAM.—

21 The term “covered mentor-protege program” means
22 a mentor-protege program established by the Sec-
23 retary of the Treasury pursuant to section 45 of the
24 Small Business Act (15 U.S.C. 657r).

1 (2) LARGE FINANCIAL INSTITUTION.—The term
2 “large financial institution” means any entity—

3 (A) regulated by the Comptroller of the
4 Currency, the Board of Governors of the Fed-
5 eral Reserve System, the Federal Deposit In-
6 surance Corporation, or the National Credit
7 Union Administration; and

8 (B) that has total consolidated assets
9 greater than or equal to \$50,000,000,000.

10 **SEC. 6642. CUSTODIAL DEPOSIT PROGRAM FOR COVERED**
11 **MINORITY DEPOSITORY INSTITUTIONS AND**
12 **IMPACT BANKS.**

13 (a) IN GENERAL.—Not later than one year after the
14 date of the enactment of this Act, the Secretary of the
15 Treasury shall issue rules establishing a custodial deposit
16 program under which a covered bank may receive deposits
17 from a qualifying account.

18 (b) REQUIREMENTS.—In issuing rules under sub-
19 section (a), the Secretary of the Treasury shall—

20 (1) consult with the Federal banking agencies;

21 (2) ensure each covered bank participating in
22 the program established under this section—

23 (A) has appropriate policies relating to
24 management of assets, including measures to

1 ensure the safety and soundness of each such
2 covered bank; and

3 (B) is compliant with applicable law; and

4 (3) ensure, to the extent practicable that the
5 rules do not conflict with goals described in section
6 308(a) of the Financial Institutions Reform, Recov-
7 ery, and Enforcement Act of 1989 (12 U.S.C. 1463
8 note).

9 (c) LIMITATIONS.—

10 (1) DEPOSITS.—With respect to the funds of an
11 individual qualifying account, an entity may not de-
12 posit an amount greater than the insured amount in
13 a single covered bank.

14 (2) TOTAL DEPOSITS.—The total amount of
15 funds deposited in a covered bank under the custo-
16 dial deposit program described under this section
17 may not exceed the lesser of—

18 (A) 10 percent of the average amount of
19 deposits held by such covered bank in the pre-
20 vious quarter; or

21 (B) \$100,000,000 (as adjusted for infla-
22 tion).

23 (d) REPORT.—Each quarter, the Secretary of the
24 Treasury shall submit to Congress a report on the imple-
25 mentation of the program established under this section

1 including information identifying participating covered
2 banks and the total amount of deposits received by covered
3 banks under the program, including breakdowns by each
4 State (including the District of Columbia and each terri-
5 tory of the United States) and Tribal government entity.

6 (e) DEFINITIONS.—In this section:

7 (1) COVERED BANK.—The term “covered bank”
8 means—

9 (A) a minority depository institution that
10 is well capitalized, as defined by the appropriate
11 Federal banking agency; or

12 (B) a depository institution designated
13 pursuant to section 4935 that is well capital-
14 ized, as defined by the appropriate Federal
15 banking agency.

16 (2) INSURED AMOUNT.—The term “insured
17 amount” means the amount that is the greater of—

18 (A) the standard maximum deposit insur-
19 ance amount (as defined in section 11(a)(1)(E)
20 of the Federal Deposit Insurance Act (12
21 U.S.C. 1821(a)(1)(E))); or

22 (B) such higher amount negotiated be-
23 tween the Secretary of the Treasury and the
24 Federal Deposit Insurance Corporation under

1 which the Corporation will insure all deposits of
2 such higher amount.

3 (3) FEDERAL BANKING AGENCIES.—The terms
4 “appropriate Federal banking agency” and “Federal
5 banking agencies” have the meaning given those
6 terms, respectively, under section 3 of the Federal
7 Deposit Insurance Act.

8 (4) QUALIFYING ACCOUNT.—The term “quali-
9 fying account” means any account established in the
10 Department of the Treasury that—

11 (A) is controlled by the Secretary; and

12 (B) is expected to maintain a balance
13 greater than \$200,000,000 for the following 24-
14 month period.

15 **SEC. 6643. STREAMLINED COMMUNITY DEVELOPMENT FI-**
16 **NANCIAL INSTITUTION APPLICATIONS AND**
17 **REPORTING.**

18 (a) APPLICATION PROCESSES.—Not later than 12
19 months after the date of the enactment of this Act and
20 with respect to any person having assets under
21 \$3,000,000,000 that submits an application for deposit in-
22 surance with the Federal Deposit Insurance Corporation
23 that could also become a community development financial
24 institution, the Federal Deposit Insurance Corporation, in

1 consultation with the Administrator of the Community
2 Development Financial Institutions Fund, shall—

3 (1) develop systems and procedures to record
4 necessary information to allow the Administrator to
5 conduct preliminary analysis for such person to also
6 become a community development financial institu-
7 tion; and

8 (2) develop procedures to streamline the appli-
9 cation and annual certification processes and to re-
10 duce costs for such person to become, and maintain
11 certification as, a community development financial
12 institution.

13 (b) IMPLEMENTATION REPORT.—Not later than 18
14 months after the date of the enactment of this Act, the
15 Federal Deposit Insurance Corporation shall submit to
16 Congress a report describing the systems and procedures
17 required under subsection (a).

18 (c) ANNUAL REPORT.—

19 (1) IN GENERAL.—Section 17(a)(1) of the Fed-
20 eral Deposit Insurance Act (12 U.S.C. 1827(a)(1))
21 is amended—

22 (A) in subparagraph (E), by striking
23 “and” at the end;

24 (B) by redesignating subparagraph (F) as
25 subparagraph (G);

1 (C) by inserting after subparagraph (E)
2 the following new subparagraph:

3 “(F) applicants for deposit insurance that
4 could also become a community development fi-
5 nancial institution (as defined in section 103 of
6 the Riegle Community Development and Regu-
7 latory Improvement Act of 1994), a minority
8 depository institution (as defined in section 308
9 of the Financial Institutions Reform, Recovery,
10 and Enforcement Act of 1989), or an impact
11 bank (as designated pursuant to section 6635
12 of the Ensuring Diversity in Community Bank-
13 ing Act); and”.

14 (2) APPLICATION.—The amendment made by
15 this subsection shall apply with respect to the first
16 report to be submitted after the date that is 2 years
17 after the date of the enactment of this Act.

18 **SEC. 6644. TASK FORCE ON LENDING TO SMALL BUSINESS**

19 **CONCERNS.**

20 (a) IN GENERAL.—Not later than 6 months after the
21 date of the enactment of this Act, the Administrator of
22 the Small Business Administration shall establish a task
23 force to examine methods for improving relationships be-
24 tween the Small Business Administration and community
25 development financial institutions, minority depository in-

stitutions, and impact banks (as designated pursuant to section 6635) to increase the volume of loans provided by such institutions to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)).

(b) REPORT TO CONGRESS.—Not later than 18 months after the establishment of the task force described in subsection (a), the Administrator of the Small Business Administration shall submit to Congress a report on the findings of such task force.

SEC. 6645. DISCRETIONARY SURPLUS FUND.

(a) IN GENERAL.—Subparagraph (A) of section 7(a)(3) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by reducing the dollar figure described in such subparagraph by \$1,920,000,000.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 2022.

Subtitle D—Expanding Opportunity for Minority Depository Institutions

SEC. 6651. ESTABLISHMENT OF FINANCIAL AGENT MENTOR-PROTÉGÉ PROGRAM.

(a) IN GENERAL.—Section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of

1 1989 (12 U.S.C. 1463 note) is amended by adding at the
2 end the following new subsection:

3 “(d) FINANCIAL AGENT MENTOR-PROTÉGÉ PRO-
4 GRAM.—

5 “(1) IN GENERAL.—The Secretary of the
6 Treasury shall establish a program to be known as
7 the ‘Financial Agent Mentor-Protégé Program’ (in
8 this subsection referred to as the ‘Program’) under
9 which a financial agent designated by the Secretary
10 or a large financial institution may serve as a men-
11 tor, under guidance or regulations prescribed by the
12 Secretary, to a small financial institution to allow
13 such small financial institution—

14 “(A) to be prepared to perform as a finan-
15 cial agent; or

16 “(B) to improve capacity to provide serv-
17 ices to the customers of the small financial in-
18 stitution.

19 “(2) OUTREACH.—The Secretary shall hold
20 outreach events to promote the participation of fi-
21 nancial agents, large financial institutions, and small
22 financial institutions in the Program at least once a
23 year.

24 “(3) EXCLUSION.—The Secretary shall issue
25 guidance or regulations to establish a process under

1 which a financial agent, large financial institution,
2 or small financial institution may be excluded from
3 participation in the Program.

4 “(4) REPORT.—The Office of Minority and
5 Women Inclusion of the Department of the Treasury
6 shall include in the report submitted to Congress
7 under section 342(e) of the Dodd-Frank Wall Street
8 Reform and Consumer Protection Act information
9 pertaining to the Program, including—

10 “(A) the number of financial agents, large
11 financial institutions, and small financial insti-
12 tutions participating in such Program, includ-
13 ing breakdowns by each State (including the
14 District of Columbia and each territory of the
15 United States), Tribal government entity, and
16 congressional district; and

17 “(B) the number of outreach events de-
18 scribed in paragraph (2) held during the year
19 covered by such report.

20 “(5) DEFINITIONS.—In this subsection:

21 “(A) FINANCIAL AGENT.—The term ‘fi-
22 nancial agent’ means any national banking as-
23 sociation designated by the Secretary of the
24 Treasury to be employed as a financial agent of
25 the Government.

1 “(B) LARGE FINANCIAL INSTITUTION.—

2 The term ‘large financial institution’ means any
3 entity regulated by the Comptroller of the Cur-
4 rency, the Board of Governors of the Federal
5 Reserve System, the Federal Deposit Insurance
6 Corporation, or the National Credit Union Ad-
7 ministration that has total consolidated assets
8 greater than or equal to \$50,000,000,000.

9 “(C) SMALL FINANCIAL INSTITUTION.—

10 The term ‘small financial institution’ means—

11 “(i) any entity regulated by the
12 Comptroller of the Currency, the Board of
13 Governors of the Federal Reserve System,
14 the Federal Deposit Insurance Corpora-
15 tion, or the National Credit Union Admin-
16 istration that has total consolidated assets
17 lesser than or equal to \$2,000,000,000; or

18 “(ii) a minority depository institu-
19 tion.”.

20 (b) EFFECTIVE DATE.—This section and the amend-
21 ments made by this section shall take effect 90 days after
22 the date of the enactment of this Act.

1 **Subtitle E—CDFI Bond Guarantee**
2 **Program Improvement**

3 **SEC. 6661. SENSE OF CONGRESS.**

4 It is the sense of Congress that the authority to guar-
5 antee bonds under section 114A of the Community Devel-
6 opment Banking and Financial Institutions Act of 1994
7 (12 U.S.C. 4713a) (commonly referred to as the “CDFI
8 Bond Guarantee Program”) provides community develop-
9 ment financial institutions with a sustainable source of
10 long-term capital and furthers the mission of the Commu-
11 nity Development Financial Institutions Fund (established
12 under section 104(a) of such Act (12 U.S.C. 4703(a)) to
13 increase economic opportunity and promote community
14 development investments for underserved populations and
15 distressed communities in the United States.

16 **SEC. 6662. GUARANTEES FOR BONDS AND NOTES ISSUED**
17 **FOR COMMUNITY OR ECONOMIC DEVELOP-**
18 **MENT PURPOSES.**

19 Section 114A of the Community Development Bank-
20 ing and Financial Institutions Act of 1994 (12 U.S.C.
21 4713a) is amended—

22 (1) in subsection (c)(2), by striking “, multi-
23 plied by an amount equal to the outstanding prin-
24 cipal balance of issued notes or bonds”;

1 (2) in subsection (e)(2)(B), by striking
2 “\$100,000,000” and inserting “\$25,000,000”; and
3 (3) in subsection (k), by striking “September
4 30, 2014” and inserting “the date that is 4 years
5 after the date of enactment of the Promoting and
6 Advancing Communities of Color Through Inclusive
7 Lending Act”.

8 **SEC. 6663. REPORT ON THE CDFI BOND GUARANTEE PRO-**
9 **GRAM.**

10 Not later than 1 year after the date of enactment
11 of this Act, and not later than 3 years after such date
12 of enactment, the Secretary of the Treasury shall issue
13 a report to the Committee on Financial Services of the
14 House of Representatives and the Committee on Banking,
15 Housing, and Urban Affairs of the Senate on the effective-
16 ness of the CDFI bond guarantee program established
17 under section 114A of the Community Development Bank-
18 ing and Financial Institutions Act of 1994 (12 U.S.C.
19 4713a).

1 **TITLE LXVII—HOMELAND**
2 **SECURITY PROVISIONS**
3 **Subtitle A—Strengthening Security**
4 **of Our Communities**

5 **SEC. 6701. NONPROFIT SECURITY GRANT PROGRAM IM-**
6 **PROVEMENT.**

7 (a) IN GENERAL.—Section 2009 of the Homeland
8 Security Act of 2002 (6 U.S.C. 609a) is amended—

9 (1) in subsection (a), by inserting “and
10 threats” before the period at the end;

11 (2) in subsection (b)—

12 (A) in the matter preceding paragraph (1),
13 by striking “this subsection (a)” and inserting
14 “this subsection”; and

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

17 “(2) determined by the Secretary to be at risk
18 of terrorist attacks and threats.”;

19 (3) in subsection (c)—

20 (A) by redesignating paragraphs (1), (2),
21 and (3) as subparagraphs (A), (B), and (E), re-
22 spectively, and moving such subparagraphs, as
23 so redesignated, two ems to the right;

1 (B) in the matter preceding subparagraph
2 (A), as so redesignated, by striking “The recipi-
3 ent” and inserting the following:

4 “(1) IN GENERAL.—The recipient”;

5 (C) in subparagraph (A), as so redesign-
6 nated, by striking “equipment and inspection
7 and screening systems” and inserting “equip-
8 ment, inspection and screening systems, and al-
9 teration or remodeling of existing buildings or
10 physical facilities”;

11 (D) by inserting after subparagraph (B),
12 as so redesignated, the following new subpara-
13 graphs:

14 “(C) Facility security personnel costs, in-
15 cluding costs associated with contracted secu-
16 rity.

17 “(D) Expenses directly related to the ad-
18 ministration of the grant, except that such ex-
19 penses may not exceed five percent of the
20 amount of the grant.”; and

21 (E) by adding at the end the following new
22 paragraph:

23 “(2) RETENTION.—Each State through which a
24 recipient receives a grant under this section may re-

1 tain up to five percent of each grant for expenses di-
2 rectly related to the administration of the grant.”;

3 (4) in subsection (e)—

4 (A) by striking “2020 through 2024” and
5 inserting “2022 through 2028”; and

6 (B) by adding at the end the following new
7 sentence: “Each such report shall also include
8 information on the number of applications sub-
9 mitted by eligible nonprofit organizations to
10 each State, the number of applications sub-
11 mitted by each State to the Administrator, and
12 the operations of the Nonprofit Security Grant
13 Program Office, including staffing resources
14 and efforts with respect to subparagraphs (A)
15 through (E) of subsection (c)(1).”;

16 (5) by redesignating subsection (f) as sub-
17 section (j);

18 (6) by inserting after subsection (e) the fol-
19 lowing new subsections:

20 “(f) ADMINISTRATION.—Not later than 120 days
21 after the date of the enactment of this subsection, the Ad-
22 ministrator shall establish within the Federal Emergency
23 Management Agency a program office for the Program (in
24 this section referred to as the ‘program office’). The pro-
25 gram office shall be headed by a senior official of the

1 Agency. The Administrator shall administer the Program
2 (including, where appropriate, in coordination with
3 States), including relating to the following:

4 “(1) Outreach, engagement, education, and
5 technical assistance and support to eligible nonprofit
6 organizations described in subsection (b), with par-
7 ticular attention to such organizations in under-
8 served communities, prior to, during, and after the
9 awarding of grants, including web-based training
10 videos for eligible nonprofit organizations that pro-
11 vide guidance on preparing an application and the
12 environmental planning and historic preservation
13 process.

14 “(2) Establishment of mechanisms to ensure
15 program office processes are conducted in accord-
16 ance with constitutional, statutory, regulatory, and
17 other legal and agency policy requirements that pro-
18 tect civil rights and civil liberties and, to the max-
19 imum extent practicable, advance equity for mem-
20 bers of underserved communities.

21 “(3) Establishment of mechanisms for the Ad-
22 ministrator to provide feedback to eligible nonprofit
23 organizations that do not receive grants.

1 “(4) Establishment of mechanisms to collect
2 data to measure the effectiveness of grants under
3 the Program.

4 “(5) Establishment and enforcement of stand-
5 ardized baseline operational requirements for States,
6 including requirements for States to eliminate or
7 prevent any administrative or operational obstacles
8 that may impact eligible nonprofit organizations de-
9 scribed in subsection (b) from receiving grants under
10 the Program.

11 “(6) Carrying out efforts to prevent waste,
12 fraud, and abuse, including through audits of grant-
13 ees.

14 “(g) GRANT GUIDELINES.—For each fiscal year,
15 prior to awarding grants under this section, the Adminis-
16 trator—

17 “(1) shall publish guidelines, including a notice
18 of funding opportunity or similar announcement, as
19 the Administrator determines appropriate; and

20 “(2) may prohibit States from closing applica-
21 tion processes prior to the publication of such guide-
22 lines.

23 “(h) ALLOCATION REQUIREMENTS.—

24 “(1) IN GENERAL.—In awarding grants under
25 this section, the Administrator shall ensure that—

1 “(A) 50 percent of amounts appropriated
2 pursuant to the authorization of appropriations
3 under subsection (k) is provided to eligible re-
4 cipients located in high-risk urban areas that
5 receive funding under section 2003 in the cur-
6 rent fiscal year or received such funding in any
7 of the preceding ten fiscal years, inclusive of
8 any amounts States may retain pursuant to
9 paragraph (2) of subsection (c); and

10 “(B) 50 percent of amounts appropriated
11 pursuant to the authorizations of appropria-
12 tions under subsection (k) is provided to eligible
13 recipients located in jurisdictions not receiving
14 funding under section 2003 in the current fiscal
15 year or have not received such funding in any
16 of the preceding ten fiscal years, inclusive of
17 any amounts States may retain pursuant to
18 paragraph (2) of subsection (c).

19 “(2) EXCEPTION.—Notwithstanding paragraph
20 (1), the Administrator may allocate a different per-
21 centage if the Administrator does not receive a suffi-
22 cient number of applications from eligible recipients
23 to meet the allocation percentages described in ei-
24 ther subparagraph (A) or (B) of such paragraph. If
25 the Administrator exercises the authorization under

1 this paragraph, the Administrator shall, not later
2 than 30 days after such exercise, report to the Com-
3 mittee on Homeland Security of the House of Rep-
4 resentatives and the Committee on Homeland Secu-
5 rity and Governmental Affairs of the Senate regard-
6 ing such exercise.

7 “(i) PAPERWORK REDUCTION ACT.—Chapter 35 of
8 title 44, United States Code (commonly known as the ‘Pa-
9 perwork Reduction Act’), shall not apply to any changes
10 to the application materials, Program forms, or other core
11 Program documentation intended to enhance participation
12 by eligible nonprofit organizations in the Program.”;

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

14 (A) in paragraph (1), by striking “\$75 mil-
15 lion for each of fiscal years 2020 through
16 2024” and inserting “\$75,000,000 for fiscal
17 year 2023 and \$500,000,000 for each of fiscal
18 years 2024 through 2028”; and

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

21 “(2) OPERATIONS AND MAINTENANCE.—Of the
22 amounts authorized to be appropriated pursuant to
23 paragraph (1), not more than five percent is author-
24 ized—

25 “(A) to operate the program office; and

1 “(B) for other costs associated with the
2 management, administration, and evaluation of
3 the Program.”; and

4 (8) by adding at the end the following new sub-
5 section:

6 “(k) TREATMENT.—Nonprofit organizations deter-
7 mined by the Secretary to be at risk of extremist attacks
8 other than terrorist attacks and threats under subsection
9 (a) are deemed to satisfy the conditions specified in sub-
10 section (b) if protecting such organizations against such
11 other extremist attacks would help protect such organiza-
12 tions against such terrorist attacks and threats.”.

13 (b) PLAN.—Not later than 90 days after the date of
14 the enactment of this Act, the Administrator of the Fed-
15 eral Emergency Management Agency shall submit to the
16 Committee on Homeland Security of the House of Rep-
17 resentatives and the Committee on Homeland Security
18 and Governmental Affairs of the Senate a plan for the
19 administration of the program office for the Nonprofit Se-
20 curity Grant Program established under subsection (f) of
21 section 2009 of the Homeland Security Act 2002 (6
22 U.S.C. 609a), as amended by subsection (a), including a
23 staffing plan for such program office.

1 (c) CONFORMING AMENDMENT.—Section 2008 of the
2 Homeland Security Act of 2002 (6 U.S.C. 609) is amend-
3 ed—

4 (1) in subsection (c) by striking “sections 2003
5 and 2004” and inserting “sections 2003, 2004, and
6 2009”; and

7 (2) in subsection (e), by striking “section 2003
8 or 2004” and inserting “sections 2003, 2004, or
9 2009”.

10 **SEC. 6702. NATIONAL COMPUTER FORENSICS INSTITUTE**
11 **REAUTHORIZATION.**

12 (a) IN GENERAL.—Section 822 of the Homeland Se-
13 curity Act of 2002 (6 U.S.C. 383) is amended—

14 (1) in subsection (a)—

15 (A) in the subsection heading, by striking
16 “IN GENERAL” and inserting “IN GENERAL;
17 MISSION”;

18 (B) by striking “2022” and inserting
19 “2032”; and

20 (C) by striking the second sentence and in-
21 serting “The Institute’s mission shall be to edu-
22 cate, train, and equip State, local, territorial,
23 and Tribal law enforcement officers, prosecu-
24 tors, judges, participants in the United States
25 Secret Service’s network of cyber fraud task

1 forces, and other appropriate individuals re-
2 garding the investigation and prevention of cy-
3 bersecurity incidents, electronic crimes, and re-
4 lated cybersecurity threats, including through
5 the dissemination of homeland security informa-
6 tion, in accordance with relevant Department
7 guidance regarding privacy, civil rights, and
8 civil liberties protections.”;

9 (2) by redesignating subsections (c) through (f)
10 as subsections (d) through (g), respectively;

11 (3) by striking subsection (b) and inserting the
12 following new subsections:

13 “(b) CURRICULUM.—In furtherance of subsection
14 (a), all education and training of the Institute shall be
15 conducted in accordance with relevant Federal law and
16 policy regarding privacy, civil rights, and civil liberties pro-
17 tections, including best practices for safeguarding data
18 privacy and fair information practice principles. Education
19 and training provided pursuant to subsection (a) shall re-
20 late to the following:

21 “(1) Investigating and preventing cybersecurity
22 incidents, electronic crimes, and related cybersecu-
23 rity threats, including relating to instances involving
24 illicit use of digital assets and emerging trends in cy-
25 bersecurity and electronic crime.

1 “(2) Conducting forensic examinations of com-
2 puters, mobile devices, and other information sys-
3 tems.

4 “(3) Prosecutorial and judicial considerations
5 related to cybersecurity incidents, electronic crimes,
6 related cybersecurity threats, and forensic examina-
7 tions of computers, mobile devices, and other infor-
8 mation systems.

9 “(4) Methods to obtain, process, store, and
10 admit digital evidence in court.

11 “(c) RESEARCH AND DEVELOPMENT.—In further-
12 ance of subsection (a), the Institute shall research, de-
13 velop, and share information relating to investigating cy-
14 bersecurity incidents, electronic crimes, and related cyber-
15 security threats that prioritize best practices for forensic
16 examinations of computers, mobile devices, and other in-
17 formation systems. Such information may include training
18 on methods to investigate ransomware and other threats
19 involving the use of digital assets.”;

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

21 (A) by striking “cyber and electronic crime
22 and related threats is shared with State, local,
23 tribal, and territorial law enforcement officers
24 and prosecutors” and inserting “cybersecurity
25 incidents, electronic crimes, and related cyberse-

1 security threats is shared with recipients of edu-
2 cation and training provided pursuant to sub-
3 section (a)”; and

4 (B) by adding at the end the following new
5 sentence: “The Institute shall prioritize pro-
6 viding education and training to individuals
7 from geographically-diverse jurisdictions
8 throughout the United States.”;

9 (5) in subsection (e), as so redesignated—

10 (A) by striking “State, local, tribal, and
11 territorial law enforcement officers” and insert-
12 ing “recipients of education and training pro-
13 vided pursuant to subsection (a)”; and

14 (B) by striking “necessary to conduct
15 cyber and electronic crime and related threat
16 investigations and computer and mobile device
17 forensic examinations” and inserting “for inves-
18 tigating and preventing cybersecurity incidents,
19 electronic crimes, related cybersecurity threats,
20 and for forensic examinations of computers,
21 mobile devices, and other information systems”;

22 (6) in subsection (f), as so redesignated—

23 (A) by amending the heading to read as
24 follows: “CYBER FRAUD TASK FORCES”;

1 (B) by striking “Electronic Crime” and in-
2 serting “Cyber Fraud”;

3 (C) by striking “State, local, tribal, and
4 territorial law enforcement officers” and insert-
5 ing “recipients of education and training pro-
6 vided pursuant to subsection (a)”;

7 (D) by striking “at” and inserting “by”;

8 (7) by redesignating subsection (g), as redesign-
9 nated pursuant to paragraph (2), as subsection (j);
10 and

11 (8) by inserting after subsection (f), as so re-
12 designated, the following new subsections:

13 “(g) EXPENSES.—The Director of the United States
14 Secret Service may pay for all or a part of the education,
15 training, or equipment provided by the Institute, including
16 relating to the travel, transportation, and subsistence ex-
17 penses of recipients of education and training provided
18 pursuant to subsection (a).

19 “(h) ANNUAL REPORTS TO CONGRESS.—The Sec-
20 retary shall include in the annual report required pursuant
21 to section 1116 of title 31, United States Code, informa-
22 tion regarding the activities of the Institute, including re-
23 lating to the following:

24 “(1) Activities of the Institute, including, where
25 possible, an identification of jurisdictions with recipi-

1 ents of education and training provided pursuant to
2 subsection (a) of this section during such year and
3 information relating to the costs associated with
4 such education and training.

5 “(2) Any information regarding projected fu-
6 ture demand for such education and training.

7 “(3) Impacts of the Institute’s activities on ju-
8 risdictions’ capability to investigate and prevent cy-
9 bersecurity incidents, electronic crimes, and related
10 cybersecurity threats.

11 “(4) A description of the nomination process
12 for State, local, territorial, and Tribal law enforce-
13 ment officers, prosecutors, judges, participants in
14 the United States Secret Service’s network of cyber
15 fraud task forces, and other appropriate individuals
16 to receive the education and training provided pursu-
17 ant to subsection (a).

18 “(5) Any other issues determined relevant by
19 the Secretary.

20 “(i) DEFINITIONS.—In this section—

21 “(1) CYBERSECURITY THREAT.—The term ‘cy-
22 bersecurity threat’ has the meaning given such term
23 in section 102 of the Cybersecurity Act of 2015 (en-
24 acted as division N of the Consolidated Appropria-

1 tions Act, 2016 (Public Law 114–113; 6 U.S.C.
2 1501)).

3 “(2) INCIDENT.—The term ‘incident’ has the
4 meaning given such term in section 2209(a).

5 “(3) INFORMATION SYSTEM.—The term ‘infor-
6 mation system’ has the meaning given such term in
7 section 102 of the Cybersecurity Act of 2015 (en-
8 acted as division N of the Consolidated Appropria-
9 tions Act, 2016 (Public Law 114–113; 6 U.S.C.
10 1501(9))).”.

11 (b) GUIDANCE FROM THE PRIVACY OFFICER AND
12 CIVIL RIGHTS AND CIVIL LIBERTIES OFFICER.—The Pri-
13 vacy Officer and the Officer for Civil Rights and Civil Lib-
14 erties of the Department of Homeland Security shall pro-
15 vide guidance, upon the request of the Director of the
16 United States Secret Service, regarding the functions
17 specified in subsection (b) of section 822 of the Homeland
18 Security Act of 2002 (6 U.S.C. 383), as amended by sub-
19 section (a).

20 (c) TEMPLATE FOR INFORMATION COLLECTION
21 FROM PARTICIPATING JURISDICTIONS.—Not later than
22 180 days after the date of the enactment of this Act, the
23 Director of the United States Secret Service shall develop
24 and disseminate to jurisdictions that are recipients of edu-
25 cation and training provided by the National Computer

1 Forensics Institute pursuant to subsection (a) of section
2 822 of the Homeland Security Act of 2002 (6 U.S.C.
3 383), as amended by subsection (a), a template to permit
4 each such jurisdiction to submit to the Director reports
5 on the impacts on such jurisdiction of such education and
6 training, including information on the number of digital
7 forensics exams conducted annually. The Director shall,
8 as appropriate, revise such template and disseminate to
9 jurisdictions described in this subsection any such revised
10 templates.

11 (d) REQUIREMENTS ANALYSIS.—

12 (1) IN GENERAL.—Not later than one year
13 after the date of the enactment of this Act, the Di-
14 rector of the United States Secret Service shall carry
15 out a requirements analysis of approaches to expand
16 capacity of the National Computer Forensics Insti-
17 tute to carry out the Institute’s mission as set forth
18 in subsection (a) of section 822 of the Homeland Se-
19 curity Act of 2002 (6 U.S.C. 383), as amended by
20 subsection (a).

21 (2) SUBMISSION.—Not later than 90 days after
22 completing the requirements analysis under para-
23 graph (1), the Director of the United States Secret
24 Service shall submit to Congress such analysis, to-
25 gether with a plan to expand the capacity of the Na-

1 tional Computer Forensics Institute to provide edu-
2 cation and training described in such subsection.

3 Such analysis and plan shall consider the following:

4 (A) Expanding the physical operations of
5 the Institute.

6 (B) Expanding the availability of virtual
7 education and training to all or a subset of po-
8 tential recipients of education and training from
9 the Institute.

10 (C) Some combination of the consider-
11 ations set forth in subparagraphs (A) and (B).

12 (e) RESEARCH AND DEVELOPMENT.—The Director
13 of the United States Secret Service may coordinate with
14 the Under Secretary for Science and Technology of the
15 Department of Homeland Security to carry out research
16 and development of systems and procedures to enhance
17 the National Computer Forensics Institute’s capabilities
18 and capacity to carry out the Institute’s mission as set
19 forth in subsection (a) of section 822 of the Homeland
20 Security Act of 2002 (6 U.S.C. 383), as amended by sub-
21 section (a).

22 **SEC. 6703. HOMELAND SECURITY CAPABILITIES PRESERVA-**
23 **TION.**

24 (a) PLAN.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the Sec-
3 retary of Homeland Security, acting through the Ad-
4 ministrator of the Federal Emergency Management
5 Agency, shall submit to the Committee on Homeland
6 Security of the House of Representatives and the
7 Committee on Homeland Security and Governmental
8 Affairs of the Senate a plan, informed by the survey
9 information collected pursuant to subsection (b), to
10 make Federal assistance available for at least three
11 consecutive fiscal years to certain urban areas that
12 in the current fiscal year did not receive grant fund-
13 ing under the Urban Area Security Initiative under
14 section 2003 of the Homeland Security Act of 2002
15 (6 U.S.C. 604) and require continued Federal assist-
16 ance for the purpose of preserving a homeland secu-
17 rity capability related to preventing, preparing for,
18 protecting against, and responding to acts of ter-
19 rorism that had been developed or otherwise sup-
20 ported through prior grant funding under such Ini-
21 tiative and allow for such urban areas to transition
22 to such urban areas costs of preserving such home-
23 land security capabilities.

24 (2) ADDITIONAL REQUIREMENT.—The plan re-
25 quired under paragraph (1) shall also contain a pro-

1 hibition on an urban area that in a fiscal year is eli-
2 gible to receive Federal assistance described in such
3 paragraph from also receiving grant funding under
4 the Urban Area Security Initiative under section
5 2003 of the Homeland Security Act of 2002. In such
6 a case, such plan shall require such an urban area
7 to promptly notify the Administrator of the Federal
8 Emergency Management Agency regarding the pref-
9 erence of such urban area to retain either—

10 (A) such eligibility for such Federal assist-
11 ance; or

12 (B) such receipt of such grant funding.

13 (b) SURVEY.—In developing the plan required under
14 subsection (a), the Administrator of the Federal Emer-
15 gency Management Agency, shall, to ascertain the scope
16 of Federal assistance required, survey urban areas that—

17 (1) did not receive grant funding under the
18 Urban Area Security Initiative under section 2003
19 of the Homeland Security Act of 2002 in the current
20 fiscal year concerning homeland security capabilities
21 related to preventing, preparing for, protecting
22 against, and responding to acts of terrorism that
23 had been developed or otherwise supported through
24 funding under such Initiative that are at risk of

1 being reduced or eliminated without such Federal
2 assistance;

3 (2) received such funding in the current fiscal
4 year, but did not receive such funding in at least one
5 fiscal year in the six fiscal years immediately pre-
6 ceding the current fiscal year; and

7 (3) any other urban areas the Secretary deter-
8 mines appropriate.

9 (c) EXEMPTION.—The Secretary of Homeland Secu-
10 rity may exempt the Federal Emergency Management
11 Agency from the requirements of subchapter I of chapter
12 35 of title 44, United States Code (commonly referred to
13 as the “Paperwork Reduction Act”), for purposes of car-
14 rying out subsection (b) if the Secretary determines that
15 complying with such requirements would delay the devel-
16 opment of the plan required under subsection (a).

17 (d) CONTENTS.—The plan required under subsection
18 (a) shall—

19 (1) establish eligibility criteria for urban areas
20 to receive Federal assistance pursuant to such plan
21 to provide assistance for the purpose described in
22 such subsection;

23 (2) identify annual funding levels for such Fed-
24 eral assistance in accordance with the survey re-
25 quired under subsection (b); and

1 (3) consider a range of approaches to make
2 such Federal assistance available to such urban
3 areas, including—

4 (A) modifications to the Urban Area Secu-
5 rity Initiative under section 2003 of the Home-
6 land Security Act of 2002 in a manner that
7 would not affect the availability of funding to
8 urban areas under such Initiative;

9 (B) the establishment of a competitive
10 grant program;

11 (C) the establishment of a formula grant
12 program; and

13 (D) a timeline for the implementation of
14 any such approach and, if necessary, a legisla-
15 tive proposal to authorize any such approach.

16 **SEC. 6704. SCHOOL AND DAYCARE PROTECTION.**

17 (a) IN GENERAL.—Title VII of the Homeland Secu-
18 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
19 adding at the end the following new section:

20 **“SEC. 714. SCHOOL SECURITY COORDINATING COUNCIL.**

21 “(a) ESTABLISHMENT.—There is established in the
22 Department a coordinating council to ensure that, to the
23 maximum extent practicable, activities, plans, and policies
24 to enhance the security of early childhood education pro-
25 grams, elementary schools, high schools, and secondary

1 schools against acts of terrorism and other homeland secu-
2 rity threats are coordinated.

3 “(b) COMPOSITION.—The members of the council es-
4 tablished pursuant to subsection (a) shall include the fol-
5 lowing:

6 “(1) The Under Secretary for Strategy, Policy,
7 and Plans.

8 “(2) The Director of the Cybersecurity and In-
9 frastructure Security.

10 “(3) The Administrator of the Federal Emer-
11 gency Management Agency.

12 “(4) The Director of the Secret Service.

13 “(5) The Executive Director of the Office of
14 Academic Engagement.

15 “(6) The Assistant Secretary for Public Affairs.

16 “(7) Any other official of the Department the
17 Secretary determines appropriate.

18 “(c) LEADERSHIP.—The Secretary shall designate a
19 member of the council to serve as chair of the council.

20 “(d) RESOURCES.—The Secretary shall participate in
21 Federal efforts to maintain and publicize a clearinghouse
22 of resources available to early childhood education pro-
23 grams, elementary schools, high schools, and secondary
24 schools to enhance security against acts of terrorism and
25 other homeland security threats.

1 “(e) REPORTS.—Not later than January 30, 2023,
2 and annually thereafter, the Secretary shall submit to the
3 Committee on Homeland Security of the House of Rep-
4 resentatives and the Committee on Homeland Security
5 and Governmental Affairs of the Senate a report regard-
6 ing the following:

7 “(1) The Department’s activities, plans, and
8 policies aimed at enhancing the security of early
9 childhood education programs, elementary schools,
10 high schools, and secondary schools against acts of
11 terrorism and other homeland security threats.

12 “(2) With respect to the immediately preceding
13 year, information on the following:

14 “(A) The council’s activities during such
15 year.

16 “(B) The Department’s contributions to
17 Federal efforts to maintain and publicize the
18 clearinghouse of resources referred to in sub-
19 section (d) during such year.

20 “(3) Any metrics regarding the efficacy of such
21 activities and contributions, and any engagement
22 with stakeholders outside of the Federal Govern-
23 ment.

24 “(f) DEFINITIONS.—In this section, the terms ‘early
25 childhood education program’, ‘elementary school’, ‘high

1 school’, and ‘secondary school’ have the meanings given
 2 such terms in section 8101 of the Elementary and Sec-
 3 ondary Education Act of 1965 (20 U.S.C. 7801).’.

4 (b) CLERICAL AMENDMENT.—The table of contents
 5 in section 1(b) of the Homeland Security Act of 2002 is
 6 amended by inserting after the item relating to section
 7 713 the following new item:

“Sec. 714. School security coordinating council.”.

8 **SEC. 6705. REPORTING EFFICIENTLY TO PROPER OFFI-**
 9 **CIALS IN RESPONSE TO TERRORISM.**

10 (a) IN GENERAL.—Whenever an act of terrorism oc-
 11 curs in the United States, the Secretary of Homeland Se-
 12 curity, the Attorney General, the Director of the Federal
 13 Bureau of Investigation, and, as appropriate, the head of
 14 the National Counterterrorism Center, shall submit to the
 15 appropriate congressional committees, by not later than
 16 one year after the completion of the investigation con-
 17 cerning such act by the primary Government agency con-
 18 ducting such investigation, an unclassified report (which
 19 may be accompanied by a classified annex) concerning
 20 such act.

21 (b) CONTENT OF REPORTS.—A report under this sec-
 22 tion shall—

23 (1) include a statement of the facts of the act
 24 of terrorism referred to in subsection (a), as known
 25 at the time of the report;

1 (2) identify any gaps in homeland or national
2 security that could be addressed to prevent future
3 acts of terrorism; and

4 (3) include any recommendations for additional
5 measures that could be taken to improve homeland
6 or national security, including recommendations re-
7 lating to potential changes in law enforcement prac-
8 tices or changes in law, with particular attention to
9 changes that could help prevent future acts of ter-
10 rorism.

11 (c) EXCEPTION.—

12 (1) IN GENERAL.—If the Secretary of Home-
13 land Security, the Attorney General, the Director of
14 the Federal Bureau of Investigation, or, as appro-
15 priate, the head of the National Counterterrorism
16 Center determines any information described in sub-
17 section (b) required to be reported in accordance
18 with subsection (a) could jeopardize an ongoing in-
19 vestigation or prosecution, the Secretary, Attorney
20 General, Director, or head, as the case may be—

21 (A) may withhold from reporting such in-
22 formation; and

23 (B) shall notify the appropriate congres-
24 sional committees of such determination.

1 (2) SAVING PROVISION.—Withholding of infor-
2 mation pursuant to a determination under para-
3 graph (1) shall not affect in any manner the respon-
4 sibility to submit a report required under subsection
5 (a) containing other information described in sub-
6 section (b) not subject to such determination.

7 (d) DEFINITIONS.—In this section:

8 (1) ACT OF TERRORISM.—The term “act of ter-
9 rorism” has the meaning given such term in section
10 3077 of title 18, United States Code.

11 (2) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) in the House of Representatives—

15 (i) the Committee on Homeland Secu-
16 rity;

17 (ii) the Committee on the Judiciary;

18 and

19 (iii) the Permanent Select Committee
20 on Intelligence; and

21 (B) in the Senate—

22 (i) the Committee on Homeland Secu-
23 rity and Governmental Affairs;

24 (ii) the Committee on the Judiciary;

25 and

1 (iii) the Select Committee on Intel-
2 ligence.

3 **SEC. 6706. CYBERSECURITY GRANTS FOR SCHOOLS.**

4 (a) IN GENERAL.—Section 2220 of the Homeland
5 Security Act of 2002 (6 U.S.C. 665f) is amended by add-
6 ing at the end the following new subsection:

7 “(e) GRANTS AND COOPERATIVE AGREEMENTS.—
8 The Director may award financial assistance in the form
9 of grants or cooperative agreements to States, local gov-
10 ernments, institutions of higher education (as such term
11 is defined in section 101 of the Higher Education Act of
12 1965 (20 U.S.C. 1001)), nonprofit organizations, and
13 other non-Federal entities as determined appropriate by
14 the Director for the purpose of funding cybersecurity and
15 infrastructure security education and training programs
16 and initiatives to—

17 “(1) carry out the purposes of CETAP; and

18 “(2) enhance CETAP to address the national
19 shortfall of cybersecurity professionals.”.

20 (b) BRIEFINGS.—Paragraph (2) of subsection (c) of
21 section 2220 of the Homeland Security Act of 2002 (6
22 U.S.C. 665f) is amended—

23 (1) by redesignating subparagraphs (C) and
24 (D) as subparagraphs (D) and (E) respectively; and

1 (2) by inserting after subparagraph (B) the fol-
 2 lowing new subparagraph:

3 “(C) information on any grants or coopera-
 4 tive agreements made pursuant to subsection
 5 (e), including how any such grants or coopera-
 6 tive agreements are being used to enhance cy-
 7 bersecurity education for underserved popu-
 8 lations or communities;”.

9 **Subtitle B—Enhancing DHS**
 10 **Acquisitions and Supply Chain**

11 **SEC. 6721. HOMELAND PROCUREMENT REFORM.**

12 (a) IN GENERAL.—Subtitle D of title VIII of the
 13 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
 14 is amended by adding at the end the following new section:

15 **“SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RE-**
 16 **LATED TO NATIONAL SECURITY INTERESTS.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) COVERED ITEM.—The term ‘covered item’
 19 means any of the following:

20 “(A) Footwear provided as part of a uni-
 21 form.

22 “(B) Uniforms.

23 “(C) Holsters and tactical pouches.

24 “(D) Patches, insignia, and embellish-
 25 ments.

1 “(E) Chemical, biological, radiological, and
2 nuclear protective gear.

3 “(F) Body armor components intended to
4 provide ballistic protection for an individual,
5 consisting of 1 or more of the following:

6 “(i) Soft ballistic panels.

7 “(ii) Hard ballistic plates.

8 “(iii) Concealed armor carriers worn
9 under a uniform.

10 “(iv) External armor carriers worn
11 over a uniform.

12 “(G) Any other item of clothing or protec-
13 tive equipment as determined appropriate by
14 the Secretary.

15 “(2) FRONTLINE OPERATIONAL COMPONENT.—
16 The term ‘frontline operational component’ means
17 any of the following organizations of the Depart-
18 ment:

19 “(A) U.S. Customs and Border Protection.

20 “(B) U.S. Immigration and Customs En-
21 forcement.

22 “(C) The United States Secret Service.

23 “(D) The Transportation Security Admin-
24 istration.

25 “(E) The Coast Guard.

1 “(F) The Federal Protective Service.

2 “(G) The Federal Emergency Management
3 Agency.

4 “(H) The Federal Law Enforcement
5 Training Centers.

6 “(I) The Cybersecurity and Infrastructure
7 Security Agency.

8 “(b) REQUIREMENTS.—

9 “(1) IN GENERAL.—The Secretary shall ensure
10 that any procurement of a covered item for a front-
11 line operational component meets the following cri-
12 teria:

13 “(A)(i) To the maximum extent possible,
14 not less than one-third of funds obligated in a
15 specific fiscal year for the procurement of such
16 covered items shall be covered items that are
17 manufactured or supplied in the United States
18 by entities that qualify as small business con-
19 cerns, as such term is described under section
20 3 of the Small Business Act (15 U.S.C. 632).

21 “(ii) Covered items may only be supplied
22 pursuant to subparagraph (A) to the extent
23 that United States entities that qualify as small
24 business concerns—

1 “(I) are unable to manufacture cov-
2 ered items in the United States; and

3 “(II) meet the criteria identified in
4 subparagraph (B).

5 “(B) Each contractor with respect to the
6 procurement of such a covered item, including
7 the end-item manufacturer of such a covered
8 item—

9 “(i) is an entity registered with the
10 System for Award Management (or suc-
11 cessor system) administered by the General
12 Services Administration; and

13 “(ii) is in compliance with ISO
14 9001:2015 of the International Organiza-
15 tion for Standardization (or successor
16 standard) or a standard determined appro-
17 priate by the Secretary to ensure the qual-
18 ity of products and adherence to applicable
19 statutory and regulatory requirements.

20 “(C) Each supplier of such a covered item
21 with an insignia (such as any patch, badge, or
22 emblem) and each supplier of such an insignia,
23 if such covered item with such insignia or such
24 insignia, as the case may be, is not produced,

1 applied, or assembled in the United States,
2 shall—

3 “(i) store such covered item with such
4 insignia or such insignia in a locked area;

5 “(ii) report any pilferage or theft of
6 such covered item with such insignia or
7 such insignia occurring at any stage before
8 delivery of such covered item with such in-
9 signia or such insignia; and

10 “(iii) destroy any such defective or
11 unusable covered item with insignia or in-
12 signia in a manner established by the Sec-
13 retary, and maintain records, for three
14 years after the creation of such records, of
15 such destruction that include the date of
16 such destruction, a description of the cov-
17 ered item with insignia or insignia de-
18 stroyed, the quantity of the covered item
19 with insignia or insignia destroyed, and the
20 method of destruction.

21 “(2) WAIVER.—

22 “(A) IN GENERAL.—In the case of a na-
23 tional emergency declared by the President
24 under the National Emergencies Act (50 U.S.C.
25 1601 et seq.) or a major disaster declared by

1 the President under section 401 of the Robert
2 T. Stafford Disaster Relief and Emergency As-
3 sistance Act (42 U.S.C. 5170), the Secretary
4 may waive a requirement in subparagraph (A),
5 (B) or (C) of paragraph (1) if the Secretary de-
6 termines there is an insufficient supply of a
7 covered item that meets the requirement.

8 “(B) NOTICE.—Not later than 60 days
9 after the date on which the Secretary deter-
10 mines a waiver under subparagraph (A) is nec-
11 essary, the Secretary shall provide to the Com-
12 mittee on Homeland Security and Govern-
13 mental Affairs and the Committee on Appro-
14 priations of the Senate and the Committee on
15 Homeland Security, the Committee on Over-
16 sight and Reform, and the Committee on Ap-
17 propriations of the House of Representatives
18 notice of such determination, which shall in-
19 clude—

20 “(i) identification of the national
21 emergency or major disaster declared by
22 the President;

23 “(ii) identification of the covered item
24 for which the Secretary intends to issue
25 the waiver; and

1 “(iii) a description of the demand for
2 the covered item and corresponding lack of
3 supply from contractors able to meet the
4 criteria described in subparagraph (B) or
5 (C) of paragraph (1).

6 “(c) PRICING.—The Secretary shall ensure that cov-
7 ered items are purchased at a fair and reasonable price,
8 consistent with the procedures and guidelines specified in
9 the Federal Acquisition Regulation.

10 “(d) REPORT.—Not later than 1 year after the date
11 of enactment of this section and annually thereafter, the
12 Secretary shall provide to the Committee on Homeland Se-
13 curity, the Committee on Oversight and Reform, and the
14 Committee on Appropriations of the House of Representa-
15 tives, and the Committee on Homeland Security and Gov-
16 ernmental Affairs and the Committee on Appropriations
17 of the Senate a briefing on instances in which vendors
18 have failed to meet deadlines for delivery of covered items
19 and corrective actions taken by the Department in re-
20 sponse to such instances.

21 “(e) EFFECTIVE DATE.—This section applies with
22 respect to a contract entered into by the Department or
23 any frontline operational component on or after the date
24 that is 180 days after the date of enactment of this sec-
25 tion.”.

1 (b) STUDY.—

2 (1) IN GENERAL.—Not later than 18 months
3 after the date of enactment of this Act, the Sec-
4 retary of Homeland Security shall submit to the
5 Committee on Homeland Security and Governmental
6 Affairs of the Senate and the Committee on Home-
7 land Security of the House of Representatives a
8 study of the adequacy of uniform allowances pro-
9 vided to employees of frontline operational compo-
10 nents (as defined in section 836 of the Homeland
11 Security Act of 2002, as added by subsection (a)).

12 (2) REQUIREMENTS.—The study conducted
13 under paragraph (1) shall—

14 (A) be informed by a Department-wide
15 survey of employees from across the Depart-
16 ment of Homeland Security who receive uni-
17 form allowances that seeks to ascertain what, if
18 any, improvements could be made to the cur-
19 rent uniform allowances and what, if any, im-
20 pacts current allowances have had on employee
21 morale and retention;

22 (B) assess the adequacy of the most recent
23 increase made to the uniform allowance for first
24 year employees; and

1 (C) consider increasing by 50 percent, at
2 minimum, the annual allowance for all other
3 employees.

4 (c) ADDITIONAL REPORT.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Sec-
7 retary of Homeland Security shall provide a report
8 with recommendations on how the Department of
9 Homeland Security could procure additional items
10 from domestic sources and bolster the domestic sup-
11 ply chain for items related to national security to—

12 (A) the Committee on Homeland Security
13 and Governmental Affairs and the Committee
14 on Appropriations of the Senate; and

15 (B) the Committee on Homeland Security,
16 the Committee on Oversight and Reform, and
17 the Committee on Appropriations of the House
18 of Representatives.

19 (2) CONTENTS.—The report required under
20 paragraph (1) shall include the following:

21 (A) A review of the compliance of the De-
22 partment of Homeland Security with the re-
23 quirements under section 604 of title VI of divi-
24 sion A of the American Recovery and Reinvest-
25 ment Act of 2009 (6 U.S.C. 453b) to buy cer-

1 tain items related to national security interests
2 from sources in the United States.

3 (B) An assessment of the capacity of the
4 Department of Homeland Security to procure
5 the following items from domestic sources:

6 (i) Personal protective equipment and
7 other items necessary to respond to a pan-
8 demic such as that caused by COVID–19.

9 (ii) Helmets that provide ballistic pro-
10 tection and other head protection and com-
11 ponents.

12 (iii) Rain gear, cold weather gear, and
13 other environmental and flame resistant
14 clothing.

15 (d) CLERICAL AMENDMENT.—The table of contents
16 in section 1(b) of the Homeland Security Act of 2002
17 (Public Law 107–296; 116 Stat. 2135) is amended by in-
18 serting after the item relating to section 835 the following:

“Sec. 836. Requirements to buy certain items related to national security inter-
ests.”.

19 **SEC. 6722. DHS SOFTWARE SUPPLY CHAIN RISK MANAGE-**
20 **MENT.**

21 (a) GUIDANCE.—The Secretary of Homeland Secu-
22 rity, acting through the Under Secretary, shall issue guid-
23 ance with respect to new and existing covered contracts.

1 (b) NEW COVERED CONTRACTS.—In developing
2 guidance under subsection (a), with respect to each new
3 covered contract, as a condition on the award of such a
4 contract, each contractor responding to a solicitation for
5 such a contract shall submit to the covered officer—

6 (1) a planned bill of materials when submitting
7 a bid proposal; and

8 (2) the certification and notifications described
9 in subsection (e).

10 (c) EXISTING COVERED CONTRACTS.—In developing
11 guidance under subsection (a), with respect to each exist-
12 ing covered contract, each contractor with an existing cov-
13 ered contract shall submit to the covered officer—

14 (1) the bill of materials used for such contract,
15 upon the request of such officer; and

16 (2) the certification and notifications described
17 in subsection (e).

18 (d) UPDATING BILL OF MATERIALS.—With respect
19 to a covered contract, in the case of a change to the infor-
20 mation included in a bill of materials submitted pursuant
21 to subsections (b)(1) and (c)(1), each contractor shall sub-
22 mit to the covered officer the update to such bill of mate-
23 rials, in a timely manner.

24 (e) CERTIFICATION AND NOTIFICATIONS.—The cer-
25 tification and notifications referred to in subsections

1 (b)(2) and (c)(2), with respect to a covered contract, are
2 the following:

3 (1) A certification that each item listed on the
4 submitted bill of materials is free from all known
5 vulnerabilities or defects affecting the security of the
6 end product or service identified in—

7 (A) the National Institute of Standards
8 and Technology National Vulnerability Data-
9 base; and

10 (B) any database designated by the Under
11 Secretary, in coordination with the Director of
12 the Cybersecurity and Infrastructure Security
13 Agency, that tracks security vulnerabilities and
14 defects in open source or third-party developed
15 software.

16 (2) A notification of each vulnerability or defect
17 affecting the security of the end product or service,
18 if identified, through—

19 (A) the certification of such submitted bill
20 of materials required under paragraph (1); or

21 (B) any other manner of identification.

22 (3) A notification relating to the plan to miti-
23 gate, repair, or resolve each security vulnerability or
24 defect listed in the notification required under para-
25 graph (2).

1 (f) ENFORCEMENT.—In developing guidance under
2 subsection (a), the Secretary shall instruct covered officers
3 with respect to—

4 (1) the processes available to such officers en-
5 forcing subsections (b) and (c); and

6 (2) when such processes should be used.

7 (g) EFFECTIVE DATE.—The guidance required under
8 subsection (a) shall take effect on the date that is 180
9 days after the date of the enactment of this section.

10 (h) GAO REPORT.—Not later than 1 year after the
11 date of the enactment of this Act, the Comptroller General
12 of the United States shall submit to the Secretary, the
13 Committee on Homeland Security of the House of Rep-
14 resentatives, and the Committee on Homeland Security
15 and Governmental Affairs of the Senate a report that in-
16 cludes—

17 (1) a review of the implementation of this sec-
18 tion;

19 (2) information relating to the engagement of
20 the Department of Homeland Security with indus-
21 try;

22 (3) an assessment of how the guidance issued
23 pursuant to subsection (a) complies with Executive
24 Order 14208 (86 Fed. Reg. 26633; relating to im-
25 proving the nation’s cybersecurity); and

1 (4) any recommendations relating to improving
2 the supply chain with respect to covered contracts.

3 (i) DEFINITIONS.—In this section:

4 (1) BILL OF MATERIALS.—The term “bill of
5 materials” means a list of the parts and components
6 (whether new or reused) of an end product or serv-
7 ice, including, with respect to each part and compo-
8 nent, information relating to the origin, composition,
9 integrity, and any other information as determined
10 appropriate by the Under Secretary.

11 (2) COVERED CONTRACT.—The term “covered
12 contract” means a contract relating to the procure-
13 ment of covered information and communications
14 technology or services for the Department of Home-
15 land Security.

16 (3) COVERED INFORMATION AND COMMUNICA-
17 TIONS TECHNOLOGY OR SERVICES.—The term “cov-
18 ered information and communications technology or
19 services” means the terms—

20 (A) “information technology” (as such
21 term is defined in section 11101(6) of title 40,
22 United States Code);

23 (B) “information system” (as such term is
24 defined in section 3502(8) of title 44, United
25 States Code);

1 (C) “telecommunications equipment” (as
 2 such term is defined in section 3(52) of the
 3 Communications Act of 1934 (47 U.S.C.
 4 153(52))); and

5 (D) “telecommunications service” (as such
 6 term is defined in section 3(53) of the Commu-
 7 nications Act of 1934 (47 U.S.C. 153(53))).

8 (4) COVERED OFFICER.—The term “covered of-
 9 ficer” means—

10 (A) a contracting officer of the Depart-
 11 ment; and

12 (B) any other official of the Department as
 13 determined appropriate by the Under Secretary.

14 (5) SOFTWARE.—The term “software” means
 15 computer programs and associated data that may be
 16 dynamically written or modified during execution.

17 (6) UNDER SECRETARY.—The term “Under
 18 Secretary” means the Under Secretary for Manage-
 19 ment of the Department of Homeland Security.

20 **SEC. 6723. DEPARTMENT OF HOMELAND SECURITY MEN-**
 21 **TOR-PROTÉGÉ PROGRAM.**

22 (a) IN GENERAL.—Subtitle H of title VIII of the
 23 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
 24 is amended by adding at the end the following new section:

1 **“SEC. 890C. MENTOR-PROTÉGÉ PROGRAM.**

2 “(a) ESTABLISHMENT.—There is established in the
3 Department a mentor-protégé program (in this section re-
4 ferred to as the ‘Program’) under which a mentor firm
5 enters into an agreement with a protégé firm for the pur-
6 pose of assisting the protégé firm to compete for prime
7 contracts and subcontracts of the Department.

8 “(b) ELIGIBILITY.—The Secretary shall establish cri-
9 teria for mentor firms and protégé firms to be eligible to
10 participate in the Program, including a requirement that
11 a firm is not included on any list maintained by the Fed-
12 eral Government of contractors that have been suspended
13 or debarred.

14 “(c) PROGRAM APPLICATION AND APPROVAL.—

15 “(1) APPLICATION.—The Secretary, acting
16 through the Office of Small and Disadvantaged
17 Business Utilization of the Department, shall estab-
18 lish a process for submission of an application joint-
19 ly by a mentor firm and the protégé firm selected by
20 the mentor firm. The application shall include each
21 of the following:

22 “(A) A description of the assistance to be
23 provided by the mentor firm, including, to the
24 extent available, the number and a brief de-
25 scription of each anticipated subcontract to be
26 awarded to the protégé firm.

1 “(B) A schedule with milestones for
2 achieving the assistance to be provided over the
3 period of participation in the Program.

4 “(C) An estimate of the costs to be in-
5 curred by the mentor firm for providing assist-
6 ance under the Program.

7 “(D) Attestations that Program partici-
8 pants will submit to the Secretary reports at
9 times specified by the Secretary to assist the
10 Secretary in evaluating the protégé firm’s devel-
11 opmental progress.

12 “(E) Attestations that Program partici-
13 pants will inform the Secretary in the event of
14 a change in eligibility or voluntary withdrawal
15 from the Program.

16 “(2) APPROVAL.—Not later than 60 days after
17 receipt of an application pursuant to paragraph (1),
18 the head of the Office of Small and Disadvantaged
19 Business Utilization shall notify applicants of ap-
20 proval or, in the case of disapproval, the process for
21 resubmitting an application for reconsideration.

22 “(3) RESCISSION.—The head of the Office of
23 Small and Disadvantaged Business Utilization may
24 rescind the approval of an application under this

1 subsection if it determines that such action is in the
2 best interest of the Department.

3 “(d) PROGRAM DURATION.—A mentor firm and
4 protégé firm approved under subsection (c) shall enter into
5 an agreement to participate in the Program for a period
6 of not less than 36 months.

7 “(e) PROGRAM BENEFITS.—A mentor firm and
8 protégé firm that enter into an agreement under sub-
9 section (d) may receive the following Program benefits:

10 “(1) With respect to an award of a contract
11 that requires a subcontracting plan, a mentor firm
12 may receive evaluation credit for participating in the
13 Program.

14 “(2) With respect to an award of a contract
15 that requires a subcontracting plan, a mentor firm
16 may receive credit for a protégé firm performing as
17 a first tier subcontractor or a subcontractor at any
18 tier in an amount equal to the total dollar value of
19 any subcontracts awarded to such protégé firm.

20 “(3) A protégé firm may receive technical, man-
21 agerial, financial, or any other mutually agreed upon
22 benefit from a mentor firm, including a subcontract
23 award.

24 “(f) REPORTING.—Not later than one year after the
25 date of the enactment of this Act, and annually thereafter,

1 the head of the Office of Small and Disadvantaged Busi-
2 ness Utilization shall submit to the Committee on Home-
3 land Security and Governmental Affairs and the Com-
4 mittee on Small Business and Entrepreneurship of the
5 Senate and the Committee on Homeland Security and the
6 Committee on Small Business of the House of Representa-
7 tives a report that—

8 “(1) identifies each agreement between a men-
9 tor firm and a protégé firm entered into under this
10 section, including the number of protégé firm par-
11 ticipants that are—

12 “(A) small business concerns;

13 “(B) small business concerns owned and
14 controlled by veterans;

15 “(C) small business concerns owned and
16 controlled by service-disabled veterans;

17 “(D) qualified HUBZone small business
18 concerns;

19 “(E) small business concerns owned and
20 controlled by socially and economically dis-
21 advantaged individuals;

22 “(F) small business concerns owned and
23 controlled by women;

24 “(G) historically Black colleges and univer-
25 sities; and

1 “(H) minority-serving institutions;

2 “(2) describes the type of assistance provided
3 by mentor firms to protégé firms;

4 “(3) identifies contracts within the Department
5 in which a mentor firm serving as the prime con-
6 tractor provided subcontracts to a protégé firm
7 under the Program; and

8 “(4) assesses the degree to which there has
9 been—

10 “(A) an increase in the technical capabili-
11 ties of protégé firms; and

12 “(B) an increase in the quantity and esti-
13 mated value of prime contract and subcontract
14 awards to protégé firms for the period covered
15 by the report.

16 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to limit, diminish, impair, or other-
18 wise affect the authority of the Department to participate
19 in any program carried out by or requiring approval of
20 the Small Business Administration or adopt or follow any
21 regulation or policy that the Administrator of the Small
22 Business Administration may promulgate, except that, to
23 the extent that any provision of this section (including
24 subsection (h)) conflicts with any other provision of law,
25 regulation, or policy, this section shall control.

1 “(h) DEFINITIONS.—In this section:

2 “(1) HISTORICALLY BLACK COLLEGE OR UNI-
3 VERSITY.—The term ‘historically Black college or
4 university’ has the meaning given the term ‘part B
5 institution’ in section 322 of the Higher Education
6 Act of 1965 (20 U.S.C. 1061).

7 “(2) MENTOR FIRM.—The term ‘mentor firm’
8 means a for-profit business concern that is not a
9 small business concern that—

10 “(A) has the ability to assist and commits
11 to assisting a protégé to compete for Federal
12 prime contracts and subcontracts; and

13 “(B) satisfies any other requirements im-
14 posed by the Secretary.

15 “(3) MINORITY-SERVING INSTITUTION.—The
16 term ‘minority-serving institution’ means an institu-
17 tion of higher education described in section 317 of
18 the Higher Education Act of 1965 (20 U.S.C.
19 1067q(a)).

20 “(4) PROTÉGÉ FIRM.—The term ‘protégé firm’
21 means a small business concern, a historically Black
22 college or university, or a minority-serving institu-
23 tion that—

24 “(A) is eligible to enter into a prime con-
25 tract or subcontract with the Department; and

1 “(B) satisfies any other requirements im-
2 posed by the Secretary.

3 “(5) SMALL BUSINESS ACT DEFINITIONS.—The
4 terms ‘small business concern’, ‘small business con-
5 cern owned and controlled by veterans’, ‘small busi-
6 ness concern owned and controlled by service-dis-
7 abled veterans’, ‘qualified HUBZone small business
8 concern’, ‘and small business concern owned and
9 controlled by women’ have the meanings given such
10 terms, respectively, under section 3 of the Small
11 Business Act (15 U.S.C. 632). The term ‘small busi-
12 ness concern owned and controlled by socially and
13 economically disadvantaged individuals’ has the
14 meaning given such term in section 8(d)(3)(C) of
15 the Small Business Act (15 U.S.C. 637(d)(3)(C)).”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 in section 1(b) of the Homeland Security Act of 2002 is
18 amended by inserting after the item relating to section
19 890B the following new item:

 “Sec. 890C. Mentor-protégé program.”.

20 **SEC. 6724. DHS TRADE AND ECONOMIC SECURITY COUNCIL.**

21 (a) DHS TRADE AND ECONOMIC SECURITY COUN-
22 CIL.—

23 (1) IN GENERAL.—Subtitle H of title VIII of
24 the Homeland Security Act of 2002 (6 U.S.C. 451

1 et seq.) is further amended by adding at the end the
2 following new section:

3 **“SEC. 890D. DHS TRADE AND ECONOMIC SECURITY COUN-**
4 **CIL.**

5 “(a) ESTABLISHMENT.—There is established in the
6 Department the DHS Trade and Economic Security
7 Council (referred to in this section as the ‘Council’).

8 “(b) DUTIES OF THE COUNCIL.—The Council shall
9 provide to the Secretary advice and recommendations on
10 matters of trade and economic security, including—

11 “(1) identifying concentrated risks for trade
12 and economic security;

13 “(2) setting priorities for securing the Nation’s
14 trade and economic security;

15 “(3) coordinating Department-wide activity on
16 trade and economic security matters;

17 “(4) with respect to the President’s continuity
18 of the economy plan under section 9603 of the Wil-
19 liam M. (Mac) Thornberry National Defense Author-
20 ization Act of Fiscal Year 2021;

21 “(5) proposing statutory and regulatory
22 changes impacting trade and economic security; and

23 “(6) any other matters the Secretary considers
24 appropriate.

25 “(c) MEMBERSHIP.—

1 “(1) IN GENERAL.—The Council shall be com-
2 posed of the following members:

3 “(A) The Assistant Secretary for Trade
4 and Economic Security of the Office of Strat-
5 egy, Policy, and Plans of the Department.

6 “(B) An officer or an employee, selected by
7 the Secretary, from each of the following com-
8 ponents and offices of the Department:

9 “(i) The Cybersecurity and Infra-
10 structure Security Agency.

11 “(ii) The Federal Emergency Manage-
12 ment Agency.

13 “(iii) The Office of Intelligence and
14 Analysis.

15 “(iv) The Science and Technology Di-
16 rectorate.

17 “(v) United States Citizenship and
18 Immigration Services.

19 “(vi) The Coast Guard.

20 “(vii) U.S. Customs and Border Pro-
21 tection.

22 “(viii) U.S. Immigration and Customs
23 Enforcement.

24 “(ix) The Transportation Security Ad-
25 ministration.

1 “(2) CHAIR AND VICE CHAIR.—The Assistant
2 Secretary for Trade and Economic Security shall
3 serve as Chair of the Council. The Assistant Sec-
4 retary for Trade and Economic Security may des-
5 ignate a Council member as a Vice Chair.

6 “(d) MEETINGS.—The Council shall meet not less
7 frequently than quarterly, as well as—

8 “(1) at the call of the Chair; or

9 “(2) at the direction of the Secretary.

10 “(e) BRIEFINGS.—Not later than 180 days after the
11 date of the enactment of this section and every six months
12 thereafter for four years, the Council shall brief the Com-
13 mittee on Homeland Security of the House of Representa-
14 tives and the Committee on Homeland Security and Gov-
15 ernmental Affairs of the Senate on the actions and activi-
16 ties of the Council.

17 “(f) DEFINITION.—In this section, the term ‘eco-
18 nomic security’ means the condition of having secure and
19 resilient domestic production capacity combined with reli-
20 able access to the global resources necessary to maintain
21 an acceptable standard of living and protect core national
22 values.”.

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents in section 1(b) of the Homeland Security Act

1 of 2002 is amended by inserting after the item relat-
2 ing to section 890C the following new item:

“Sec. 890D. DHS Trade and Economic Security Council.”.

3 (b) ASSISTANT SECRETARY FOR TRADE AND ECO-
4 NOMIC SECURITY.—Section 709 of the Homeland Security
5 Act of 2002 (6 U.S.C. 349) is amended—

6 (1) by redesignating subsection (g) as sub-
7 section (h); and

8 (2) by inserting after subsection (f) the fol-
9 lowing new subsection:

10 “(g) ASSISTANT SECRETARY FOR TRADE AND ECO-
11 NOMIC SECURITY.—

12 “(1) IN GENERAL.—There is within the Office
13 of Strategy, Policy, and Plans an Assistant Sec-
14 retary for Trade and Economic Security.

15 “(2) DUTIES.—The Assistant Secretary for
16 Trade and Economic Security shall be responsible
17 for policy formulation regarding matters relating to
18 economic security and trade, as such matters relate
19 to the mission and the operations of the Depart-
20 ment.

21 “(3) ADDITIONAL RESPONSIBILITIES.—In addi-
22 tion to the duties specified in paragraph (2), the As-
23 sistant Secretary for Trade and Economic Security
24 shall—

25 “(A) oversee—

1 “(i) the activities and enhancements
2 of requirements for supply chain mapping
3 not otherwise assigned by law or by the
4 Secretary to another officer; and

5 “(ii) assessments and reports to Con-
6 gress related to critical economic security
7 domains;

8 “(B) serve as the executive for the Depart-
9 ment on the Committee on Foreign Investment
10 in the United States (CFIUS), the Committee
11 for the Assessment of Foreign Participation in
12 the United States Telecommunications Services
13 Sector, and the Federal Acquisition Security
14 Council (in addition to any position on such
15 Council occupied by a representative of the Cy-
16 bersecurity and Infrastructure Security Agency
17 of the Department);

18 “(C) coordinate with stakeholders in other
19 Federal departments and agencies and non-gov-
20 ernmental entities with trade and economic se-
21 curity interests, authorities, and responsibilities;
22 and

23 “(D) perform such additional duties as the
24 Secretary or the Under Secretary of Strategy,
25 Policy, and Plans may prescribe.

1 “(4) DEFINITIONS.—In this subsection:

2 “(A) CRITICAL ECONOMIC SECURITY DO-
3 MAIN.—The term ‘critical economic security do-
4 main’ means any infrastructure, industry, tech-
5 nology, or intellectual property (or combination
6 thereof) that is essential for the economic secu-
7 rity of the United States.

8 “(B) ECONOMIC SECURITY.—The term
9 ‘economic security’ has the meaning given such
10 term in section 890B.”.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary of
13 Homeland Security \$3,000,000 for each of fiscal years
14 2023 through 2027 to carry out section 890B and sub-
15 section (g) of section 709 of the Homeland Security Act
16 of 2002, as added and inserted, respectively, by sub-
17 sections (a) and (b) of this Act.

18 **SEC. 6725. DHS ACQUISITION REFORM.**

19 (a) ACQUISITION AUTHORITIES FOR THE UNDER
20 SECRETARY OF MANAGEMENT OF THE DEPARTMENT OF
21 HOMELAND SECURITY.—Section 701 of the Homeland
22 Security Act of 2002 (6 U.S.C. 341) is amended—

23 (1) in subsection (a)—

1 (A) in paragraph (2), by inserting “and ac-
2 quisition management” after “Procurement”;
3 and

4 (B) in paragraph (6), by inserting “(in-
5 cluding firearms and other sensitive assets)”
6 after “equipment”;

7 (2) by redesignating subsections (d), the first
8 subsection (e) (relating to the system for award
9 management consultation), and the second sub-
10 section (e) (relating to the definition of interoperable
11 communications) as subsections (e), (f), and (g), re-
12 spectively; and

13 (3) by inserting after subsection (c) the fol-
14 lowing new subsection:

15 “(d) ACQUISITION AND RELATED RESPONSIBIL-
16 ITIES.—

17 “(1) IN GENERAL.—Notwithstanding section
18 1702(a) of title 41, United States Code, the Under
19 Secretary for Management is the Chief Acquisition
20 Officer of the Department. As Chief Acquisition Of-
21 ficer, the Under Secretary shall have the authorities
22 and perform the functions specified in section
23 1702(b) of such title, and perform all other func-
24 tions and responsibilities delegated by the Secretary
25 or described in this subsection.

1 “(2) FUNCTIONS AND RESPONSIBILITIES.—In
2 addition to the authorities and functions specified in
3 section 1702(b) of title 41, United States Code, the
4 functions and responsibilities of the Under Secretary
5 for Management related to acquisition (as such term
6 is defined in section 131 of such title) include the
7 following:

8 “(A) Advising the Secretary regarding ac-
9 quisition management activities, considering
10 risks of failure to achieve cost, schedule, or per-
11 formance parameters, to ensure that the De-
12 partment achieves its mission through the adop-
13 tion of widely accepted program management
14 best practices (as such term is defined in sec-
15 tion 837) and standards and, where appro-
16 priate, acquisition innovation best practices.

17 “(B) Leading the Department’s acquisition
18 oversight body, the Acquisition Review Board.

19 “(C) Synchronizing interagency coordina-
20 tion relating to acquisition programs and acqui-
21 sition management efforts of the Department.

22 “(D) Exercising the acquisition decision
23 authority (as such term is defined in section
24 837) to approve, pause, modify (including the
25 rescission of approvals of program milestones),

1 or cancel major acquisition programs (as such
2 term is defined in section 837), unless the
3 Under Secretary delegates such authority to a
4 Component Acquisition Executive (as such term
5 is defined in section 837) pursuant to para-
6 graph (3).

7 “(E) Providing additional scrutiny and
8 oversight for an acquisition that is not a major
9 acquisition if—

10 “(i) the acquisition is for a program
11 that is important to the strategic and per-
12 formance plans of the Department;

13 “(ii) the acquisition is for a program
14 with significant program or policy implica-
15 tions; and

16 “(iii) the Secretary determines that
17 such scrutiny and oversight for the acquisi-
18 tion is proper and necessary.

19 “(F) Establishing policies for managing
20 acquisitions across the Department that pro-
21 mote best practices (as such term is defined in
22 section 837).

23 “(G) Establishing policies for acquisition
24 that implement an approach that considers
25 risks of failure to achieve cost, schedule, or per-

1 formance parameters that all components of the
2 Department shall comply with, including out-
3 lining relevant authorities for program man-
4 agers to effectively manage acquisition pro-
5 grams (as such term is defined in section 837).

6 “(H) Ensuring that each major acquisition
7 program has a Department-approved acquisi-
8 tion program baseline (as such term is defined
9 in section 837), pursuant to the Department’s
10 acquisition management policy that is traceable
11 to the life-cycle cost estimate of the program,
12 integrated master schedule, and operational re-
13 quirements.

14 “(I) Assisting the heads of components
15 and Component Acquisition Executives in ef-
16 forts to comply with Federal law, the Federal
17 Acquisition Regulation, and Department acqui-
18 sition management directives.

19 “(J) Ensuring that grants and financial
20 assistance are provided only to individuals and
21 organizations that are not suspended or
22 debarred.

23 “(K) Distributing guidance throughout the
24 Department to ensure that contractors involved
25 in acquisitions, particularly contractors that ac-

1 cess the Department’s information systems and
2 technologies, adhere to relevant Department
3 policies related to physical and information se-
4 curity as identified by the Under Secretary.

5 “(L) Overseeing the Component Acquisi-
6 tion Executive organizational structure to en-
7 sure Component Acquisition Executives have
8 sufficient capabilities and comply with Depart-
9 ment acquisition policies.

10 “(M) Developing and managing a profes-
11 sional acquisition workforce to ensure the goods
12 and services acquired by the Department meet
13 the needs of the mission and are at the best
14 value for the expenditure of public resources.

15 “(3) DELEGATION OF CERTAIN ACQUISITION
16 DECISION AUTHORITY.—The Under Secretary for
17 Management may delegate acquisition decision au-
18 thority, in writing, to the relevant Component Acqui-
19 sition Executive for a major capital asset, service, or
20 hybrid acquisition program that has a life-cycle cost
21 estimate of at least \$300,000,000 but not more than
22 \$1,000,000,000, based on fiscal year 2022 constant
23 dollars, if—

24 “(A) the component concerned possesses
25 working policies, processes, and procedures that

1 are consistent with Department acquisition pol-
2 icy;

3 “(B) the Component Acquisition Executive
4 concerned has adequate, experienced, and dedi-
5 cated professional employees with program
6 management training; and

7 “(C) each major acquisition program has a
8 Department-approved acquisition program base-
9 line, and it is meeting agreed-upon cost, sched-
10 ule, and performance thresholds.”.

11 (b) OFFICE OF TEST AND EVALUATION OF THE DE-
12 PARTMENT OF HOMELAND SECURITY.—

13 (1) IN GENERAL.—Title III of the Homeland
14 Security Act of 2002 (6 U.S.C. 181 et seq.) is
15 amended by adding at the end the following new sec-
16 tion:

17 **“SEC. 323. OFFICE OF TEST AND EVALUATION.**

18 “(a) ESTABLISHMENT OF OFFICE.—There is estab-
19 lished in the Directorate of Science and Technology of the
20 Department an Office of Test and Evaluation (in this sec-
21 tion referred to as the ‘Office’). The Office shall—

22 “(1) serve as the principal advisory office for
23 test and evaluation support across the Department;
24 and

1 “(2) serve as the test and evaluation liaison
2 with—

3 “(A) Federal agencies and foreign, State,
4 local, Tribal, and territorial governments;

5 “(B) the private sector;

6 “(C) institutions of higher education; and

7 “(D) other relevant entities.

8 “(b) DIRECTOR.—The Office shall be led by a Direc-
9 tor. The Director shall oversee the duties specified in sub-
10 section (a) and carry out the following responsibilities:

11 “(1) Serve as a member of the Department’s
12 Acquisition Review Board.

13 “(2) Establish and update, as necessary, test
14 and evaluation policies, procedures, and guidance for
15 the Department.

16 “(3) Ensure, in coordination with the Chief Ac-
17 quisition Officer, the Joint Requirements Council,
18 the Under Secretary for Science and Technology,
19 and relevant component heads, that acquisition pro-
20 grams (as such term is defined in section 837)—

21 “(A) complete reviews of operational re-
22 quirements to ensure such requirements—

23 “(i) are informed by threats, including
24 physical and cybersecurity threats;

25 “(ii) are operationally relevant; and

1 “(iii) are measurable, testable, and
2 achievable within the constraints of cost
3 and schedule;

4 “(B) complete independent testing and
5 evaluation of a system or service throughout de-
6 velopment of such system or service;

7 “(C) complete operational testing and eval-
8 uation that includes all system components and
9 incorporates operators into such testing and
10 evaluation to ensure that a system or service
11 satisfies the mission requirements in the oper-
12 ational environment of such system or service
13 as intended in the acquisition program baseline;

14 “(D) use independent verification and vali-
15 dation of test and evaluation implementation
16 and results, as appropriate; and

17 “(E) document whether such programs
18 meet all operational requirements.

19 “(4) Provide oversight of test and evaluation
20 activities for major acquisition programs throughout
21 the acquisition life cycle by—

22 “(A) approving program test and evalua-
23 tion master plans, plans for individual test and
24 evaluation events, and other related documenta-
25 tion, determined appropriate by the Director;

1 “(B) approving which independent test and
2 evaluation agent or third-party tester is selected
3 for each program; and

4 “(C) providing an independent assessment
5 to the acquisition decision authority (as such
6 term is defined in section 837) that assesses a
7 program’s progress in meeting operational re-
8 quirements and operational effectiveness, suit-
9 ability, and resilience to inform production and
10 deployment decisions.

11 “(5) Determine if testing of a system or service
12 conducted by other Federal agencies, entities, or in-
13 stitutions of higher education are relevant and suffi-
14 cient in determining whether such system or service
15 performs as intended.

16 “(c) ANNUAL REPORT.—

17 “(1) IN GENERAL.—Not later than one year
18 after the date of the enactment of this section and
19 annually thereafter, the Director of the Office shall
20 submit to the Secretary, the Under Secretary for
21 Management, component heads, and the Committee
22 on Homeland Security of the House of Representa-
23 tives and the Committee on Homeland Security and
24 Governmental Affairs a report relating to the test
25 and evaluation activities of the major acquisition

1 programs of the Department for the previous fiscal
2 year.

3 “(2) ELEMENTS.—Each report required under
4 paragraph (1) shall include the following:

5 “(A) An assessment of—

6 “(i) test and evaluation activities con-
7 ducted for each major acquisition program
8 with respect to demonstrating operational
9 requirements and operational effectiveness,
10 suitability, and resilience for each such
11 program;

12 “(ii) any waivers of, or deviations
13 from, approved program test and evalua-
14 tion master plans referred to in subsection
15 (b)(3)(A);

16 “(iii) any concerns raised by the inde-
17 pendent test and evaluation agent or third-
18 party tester selected and approved under
19 subsection (b)(3)(B) relating to such waiv-
20 ers or deviations; and

21 “(iv) any actions that have been taken
22 or are planned to be taken to address such
23 concerns.

24 “(B) Recommendations with respect to re-
25 sources, facilities, and levels of funding made

1 available for test and evaluation activities re-
2 ferred to in subparagraph (A).

3 “(3) FORM.—Each report required under para-
4 graph (1) shall be submitted in unclassified form but
5 may include a classified annex.

6 “(d) RELATIONSHIP TO UNDER SECRETARY FOR
7 SCIENCE AND TECHNOLOGY.—

8 “(1) IN GENERAL.—The Under Secretary for
9 Management and the Under Secretary for Science
10 and Technology shall coordinate in matters related
11 to Department-wide acquisitions so that investments
12 of the Directorate of Science and Technology are
13 able to support current and future requirements of
14 the components of the Department.

15 “(2) RULE OF CONSTRUCTION.—Nothing in
16 this subsection may be construed as affecting or di-
17 minishing the authority of the Under Secretary for
18 Science and Technology.”.

19 (2) CLERICAL AMENDMENT.—The table of con-
20 tents in section 1(b) of the Homeland Security Act
21 of 2002 is amended by inserting after the item relat-
22 ing to section 322 the following new item:

“Sec. 323. Office of Test and Evaluation.”.

23 (c) ACQUISITION AUTHORITIES FOR CHIEF FINAN-
24 CIAL OFFICER OF THE DEPARTMENT OF HOMELAND SE-
25 CURITY.—Paragraph (2) of section 702(b) of the Home-

1 land Security Act of 2002 (6 U.S.C. 342(b)) is amended
2 by—

3 (1) redesignating subparagraph (I) as subpara-
4 graph (J); and

5 (2) inserting after subparagraph (H) the fol-
6 lowing new subparagraph:

7 “(I) Oversee the costs of acquisition pro-
8 grams (as such term is defined in section 837)
9 and related activities to ensure that actual and
10 planned costs are in accordance with budget es-
11 timates and are affordable, or can be ade-
12 quately funded, over the life cycle of such pro-
13 grams and activities.”.

14 (d) ACQUISITION AUTHORITIES FOR CHIEF INFOR-
15 MATION OFFICER OF THE DEPARTMENT OF HOMELAND
16 SECURITY.—Section 703 of the Homeland Security Act
17 of 2002 (6 U.S.C. 343) is amended—

18 (1) by redesignating subsection (b) as sub-
19 section (c); and

20 (2) by inserting after subsection (a) the fol-
21 lowing new subsection:

22 “(b) ACQUISITION RESPONSIBILITIES.—In addition
23 to the responsibilities specified in section 11315 of title
24 40, United States Code, the acquisition responsibilities of
25 the Chief Information Officer, in consultation with the

1 Under Secretary for Management, shall include the fol-
2 lowing:

3 “(1) Overseeing the management of the Home-
4 land Security Enterprise Architecture and ensuring
5 that, before each acquisition decision event (as such
6 term is defined in section 837), approved informa-
7 tion technology acquisitions comply with any depart-
8 mental information technology management require-
9 ments, security protocols, and the Homeland Secu-
10 rity Enterprise Architecture, and in any case in
11 which information technology acquisitions do not so
12 comply, making recommendations to the Depart-
13 ment’s Acquisition Review Board regarding such
14 noncompliance.

15 “(2) Providing recommendations to the Acquisi-
16 tion Review Board regarding information technology
17 programs and developing information technology ac-
18 quisition strategic guidance.”.

19 (e) ACQUISITION AUTHORITIES FOR UNDER SEC-
20 RETARY OF STRATEGY, POLICY, AND PLANS OF THE DE-
21 PARTMENT OF HOMELAND SECURITY.—Subsection (c) of
22 section 709 of the Homeland Security Act of 2002 (6
23 U.S.C. 349) is amended by—

24 (1) redesignating paragraphs (4) through (7) as
25 (5) through (8), respectively; and

1 (2) inserting after paragraph (3) the following
2 new paragraph:

3 “(4) ensure acquisition programs (as such term
4 is defined in section 837) support the DHS Quad-
5 rennial Homeland Security Review Report, the DHS
6 Strategic Plan, the DHS Strategic Priorities, and
7 other appropriate successor documents;”.

8 (f) ACQUISITION AUTHORITIES FOR PROGRAM AC-
9 COUNTABILITY AND RISK MANAGEMENT (PARM) OF THE
10 DEPARTMENT OF HOMELAND SECURITY.—

11 (1) IN GENERAL.—Title VII of the Homeland
12 Security Act of 2002 (6 U.S.C. 341 et seq.), as
13 amended by this Act, is further amended by adding
14 at the end the following new section:

15 **“SEC. 715. PROGRAM ACCOUNTABILITY AND RISK MANAGE-**
16 **MENT OFFICE.**

17 “(a) ESTABLISHMENT OF OFFICE.—There is estab-
18 lished in the Management Directorate of the Department
19 a Program Accountability and Risk Management office.
20 Such office shall—

21 “(1) provide consistent accountability, stand-
22 ardization, and transparency of major acquisition
23 programs of the Department;

24 “(2) serve as the central oversight function for
25 all Department major acquisition programs; and

1 “(3) provide review and analysis of Department
2 acquisition programs, as appropriate.

3 “(b) EXECUTIVE DIRECTOR.—The Program Ac-
4 countability and Risk Management office shall be led by
5 an Executive Director. The Executive Director shall over-
6 see the duties specified in subsection (a), report directly
7 to the Under Secretary for Management, and carry out
8 the following responsibilities:

9 “(1) Regularly monitor the performance of De-
10 partment major acquisition programs between acqui-
11 sition decision events to identify problems with cost,
12 performance, or schedule that components may need
13 to address to prevent cost overruns, performance
14 issues, or schedule delays.

15 “(2) Assist the Under Secretary for Manage-
16 ment in managing the Department’s acquisition pro-
17 grams, acquisition workforce, and related activities
18 of the Department.

19 “(3) Conduct oversight of individual acquisition
20 programs to implement Department acquisition pro-
21 gram policy, procedures, and guidance, with a pri-
22 ority on ensuring the data the office collects and
23 maintains from Department components is accurate
24 and reliable.

1 “(4) Serve as the focal point and coordinator
2 for the acquisition life-cycle review process and as
3 the executive secretariat for the Department’s Ac-
4 quisition Review Board.

5 “(5) Advise the persons having acquisition deci-
6 sion authority to—

7 “(A) make acquisition decisions consistent
8 with all applicable laws; and

9 “(B) establish clear lines of authority, ac-
10 countability, and responsibility for acquisition
11 decision-making within the Department.

12 “(6) Develop standardized certification stand-
13 ards, in consultation with the Component Acquisi-
14 tion Executives, for all acquisition program man-
15 agers.

16 “(7) Assess the results of major acquisition pro-
17 grams’ post-implementation reviews, and identify op-
18 portunities to improve performance throughout the
19 acquisition process.

20 “(8) Provide technical support and assistance
21 to Department acquisition programs and acquisition
22 personnel, and coordinate with the Chief Procure-
23 ment Officer regarding workforce training and devel-
24 opment activities.

1 “(9) Assist, as appropriate, with the prepara-
2 tion of the Future Years Homeland Security Pro-
3 gram, and make such information available to the
4 congressional homeland security committees.

5 “(10) In coordination with the Component Ac-
6 quisition Executives, maintain the Master Acquisi-
7 tion Oversight List, updated quarterly, that shall
8 serve as an inventory of all major acquisition pro-
9 grams and non-major acquisition programs within
10 the Department, including for each such program—

11 “(A) the component sponsoring the acqui-
12 sition;

13 “(B) the name of the acquisition;

14 “(C) the acquisition level as determined by
15 the anticipated life-cycle cost of the program
16 and other criteria pursuant to the Department-
17 level acquisition policy;

18 “(D) the acquisition decision authority for
19 the acquisition; and

20 “(E) the current acquisition phase.

21 “(c) RESPONSIBILITIES OF COMPONENTS.—Each
22 head of a component shall comply with Federal law, the
23 Federal Acquisition Regulation, and Department acquisi-
24 tion management directives established by the Under Sec-

1 retary for Management. For each major acquisition pro-
2 gram, each head of a component shall—

3 “(1) establish an organizational structure for
4 conducting acquisitions within the component, to be
5 managed by a Component Acquisition Executive;

6 “(2) obtain the resources necessary to operate
7 such an organizational structure that are aligned
8 with the number, type, size, and complexity of the
9 acquisition programs of the component; and

10 “(3) oversee sustainment of capabilities de-
11 ployed by major acquisition programs and non-major
12 acquisition programs after all planned deployments
13 are completed until such capabilities are retired or
14 replaced.

15 “(d) RESPONSIBILITIES OF COMPONENT ACQUISI-
16 TION EXECUTIVES.—Each Component Acquisition Execu-
17 tive shall—

18 “(1) establish and implement policies and guid-
19 ance for managing and conducting oversight for
20 major acquisition programs and non-major acquisi-
21 tion programs within the component at issue that
22 comply with Federal law, the Federal Acquisition
23 Regulation, and Department acquisition manage-
24 ment directives established by the Under Secretary
25 for Management;

1 “(2) for each major acquisition program—

2 “(A) define baseline requirements and doc-
3 ument changes to such requirements, as appro-
4 priate;

5 “(B) establish a complete life cycle cost es-
6 timate with supporting documentation that is
7 consistent with cost estimating best practices as
8 identified by the Comptroller General of the
9 United States;

10 “(C) verify each life cycle cost estimate
11 against independent cost estimates or assess-
12 ments, as appropriate, and reconcile any dif-
13 ferences;

14 “(D) complete a cost-benefit analysis with
15 supporting documentation; and

16 “(E) develop and maintain a schedule that
17 is consistent with scheduling best practices as
18 identified by the Comptroller General of the
19 United States, including, in appropriate cases,
20 an integrated master schedule;

21 “(3) ensure that all acquisition program docu-
22 mentation provided by the component demonstrates
23 the knowledge required for successful program exe-
24 cution prior to final approval and is complete, accu-
25 rate, timely, and valid;

1 “(4) in such cases where it is appropriate, exer-
2 cise the acquisition decision authority to approve,
3 pause, modify (including the rescission of approvals
4 of program milestones), or cancel major acquisition
5 programs or non-major acquisition programs when
6 delegated by the Under Secretary for Management
7 pursuant to section 701(d)(3); and

8 “(5) review, oversee, and direct activities be-
9 tween acquisition decision events for major acquisi-
10 tion programs within the component for which the
11 Under Secretary for Management is the acquisition
12 decision authority.

13 “(e) DEFINITIONS.—In this section:

14 “(1) ACQUISITION.—The term ‘acquisition’ has
15 the meaning given such term in section 131 of title
16 41, United States Code.

17 “(2) ACQUISITION DECISION AUTHORITY.—The
18 term ‘acquisition decision authority’ means the au-
19 thority, in addition to the authorities and functions
20 specified in subsection (b) of section 1702 of title
21 41, United States Code, held by the Secretary acting
22 through the Under Secretary for Management to—

23 “(A) ensure compliance with Federal law,
24 the Federal Acquisition Regulation, and De-
25 partment acquisition management directives;

1 “(B) review (including approving, pausing,
2 modifying, or canceling) an acquisition program
3 throughout the life cycle of such program;

4 “(C) ensure that acquisition program man-
5 agers have the resources necessary to success-
6 fully execute an approved acquisition program;

7 “(D) ensure appropriate acquisition pro-
8 gram management of cost, schedule, risk, and
9 system or service performance of the acquisition
10 program at issue, including assessing acquisi-
11 tion program baseline breaches and directing
12 any corrective action for such breaches;

13 “(E) ensure that acquisition program man-
14 agers, on an ongoing basis, monitor cost, sched-
15 ule, and performance against established base-
16 lines and use tools to assess risks to an acquisi-
17 tion program at all phases of the life-cycle of
18 such program; and

19 “(F) establish policies and procedures for
20 major acquisition programs of the Department.

21 “(3) ACQUISITION DECISION EVENT.—The term
22 ‘acquisition decision event’, with respect to an acqui-
23 sition program, means a predetermined point within
24 the acquisition life-cycle at which the acquisition de-

1 cision authority determines whether such acquisition
2 program shall proceed to the next acquisition phase.

3 “(4) ACQUISITION PROGRAM.—The term ‘acqui-
4 sition program’ means the conceptualization, initi-
5 ation, design, development, test, contracting, produc-
6 tion, deployment, logistics support, modification, or
7 disposal of systems, supplies, or services (including
8 construction) to satisfy the Department’s needs.

9 “(5) ACQUISITION PROGRAM BASELINE.—The
10 term ‘acquisition program baseline’, with respect to
11 an acquisition program, means the cost, schedule,
12 and performance parameters, expressed in standard,
13 measurable, quantitative terms, which must be met
14 to accomplish the goals of such program.

15 “(6) BEST PRACTICES.—The term ‘best prac-
16 tices’, with respect to acquisition, means a knowl-
17 edge-based approach to capability development, pro-
18 curement, and support that includes the following:

19 “(A) Identifying and validating needs.

20 “(B) Assessing alternatives to select the
21 most appropriate solution.

22 “(C) Establishing well-defined require-
23 ments.

1 “(D) Developing realistic cost assessments
2 and schedules that account for the entire life-
3 cycle of an acquisition.

4 “(E) Demonstrating technology, design,
5 and manufacturing maturity before initiating
6 production.

7 “(F) Using milestones and exit criteria or
8 specific accomplishments that demonstrate the
9 attainment of knowledge to support progress
10 throughout the acquisition phases.

11 “(G) Regularly assessing and managing
12 risks to achieve requirements and cost and
13 schedule goals.

14 “(H) To the maximum extent possible,
15 adopting and executing standardized processes.

16 “(I) Establishing a workforce that is quali-
17 fied to perform necessary acquisition roles.

18 “(J) Integrating into the Department’s
19 mission and business operations the capabilities
20 described in subparagraphs (A) through (I).

21 “(7) BREACH.—The term ‘breach’, with respect
22 to a major acquisition program, means a failure to
23 meet any cost, schedule, or performance threshold
24 specified in the most recently approved acquisition
25 program baseline.

1 “(8) CONGRESSIONAL HOMELAND SECURITY
2 COMMITTEES.—The term ‘congressional homeland
3 security committees’ means—

4 “(A) the Committee on Homeland Security
5 of the House of Representatives and the Com-
6 mittee on Homeland Security and Govern-
7 mental Affairs of the Senate; and

8 “(B) the Committee on Appropriations of
9 the House of Representatives and the Com-
10 mittee on Appropriations of the Senate.

11 “(9) COMPONENT ACQUISITION EXECUTIVE.—
12 The term ‘Component Acquisition Executive’ means
13 the senior acquisition official within a component
14 who is designated in writing by the Under Secretary
15 for Management, in consultation with the component
16 head, with authority and responsibility for leading a
17 process and staff to provide acquisition and program
18 management oversight, policy, and guidance to en-
19 sure that statutory, regulatory, and higher level pol-
20 icy requirements are fulfilled, including compliance
21 with Federal law, the Federal Acquisition Regula-
22 tion, and Department acquisition management direc-
23 tives established by the Under Secretary.

24 “(10) LIFE-CYCLE COST.—The term ‘life-cycle
25 cost’ means the total cost to the Government of ac-

1 quiring, operating, supporting, and (if applicable)
 2 disposing of the items being acquired.

3 “(11) MAJOR ACQUISITION PROGRAM.—The
 4 term ‘major acquisition program’ means a Depart-
 5 ment capital asset, services, or hybrid acquisition
 6 program that is estimated by the Secretary to re-
 7 quire an eventual total expenditure of at least
 8 \$300,000,000 (based on fiscal year 2022 constant
 9 dollars) over its life cycle or a program identified by
 10 the Chief Acquisition Officer as a program of special
 11 interest.”.

12 (2) CLERICAL AMENDMENT.—The table of con-
 13 tents in section 1(b) of the Homeland Security Act
 14 of 2002 is amended by inserting after the item relat-
 15 ing to section 714 the following new item:

“Sec. 715. Program Accountability and Risk Management office.”.

16 (g) ACQUISITION DOCUMENTATION.—

17 (1) IN GENERAL.—Subtitle D of title VIII of
 18 the Homeland Security Act of 2002 (6 U.S.C. 391
 19 et seq.), as amended by this Act, is further amended
 20 by adding at the end the following new section:

21 **“SEC. 837. ACQUISITION DOCUMENTATION.**

22 “For each major acquisition program (as such term
 23 is defined in section 714), the Secretary, acting through
 24 the Under Secretary for Management, shall require the

1 head of each relevant component or office of the Depart-
2 ment to—

3 “(1) maintain acquisition documentation that is
4 complete, accurate, timely, and valid, and that in-
5 cludes—

6 “(A) operational requirements that are
7 validated consistent with departmental policy;

8 “(B) a complete life-cycle cost estimate
9 with supporting documentation;

10 “(C) verification of such life-cycle cost esti-
11 mate against independent cost estimates, and
12 reconciliation of any differences;

13 “(D) a cost-benefit analysis with sup-
14 porting documentation;

15 “(E) an integrated master schedule with
16 supporting documentation;

17 “(F) plans for conducting systems engi-
18 neering reviews and test and evaluation activi-
19 ties throughout development to support produc-
20 tion and deployment decisions;

21 “(G) an acquisition plan that outlines the
22 procurement approach, including planned con-
23 tracting vehicles;

24 “(H) a logistics and support plan for oper-
25 ating and maintaining deployed capabilities

1 until such capabilities are disposed of or retired;
2 and

3 “(I) an acquisition program baseline that
4 is traceable to the operational requirements of
5 the program required under subparagraphs (A),
6 (B), and (E);

7 “(2) prepare cost estimates and schedules for
8 major acquisition programs pursuant to subpara-
9 graphs (B) and (E) of paragraph (1) in a manner
10 consistent with best practices as identified by the
11 Comptroller General of the United States; and

12 “(3) ensure any revisions to the acquisition doc-
13 umentation maintained pursuant to paragraph (1)
14 are reviewed and approved in accordance with de-
15 partmental policy.”.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents in section 1(b) of the Homeland Security Act
18 of 2002 is amended by adding after the item relat-
19 ing to section 836 the following new item:

 “Sec. 837. Acquisition documentation.”.

20 **SEC. 6726. DHS ACQUISITION REVIEW BOARD.**

21 (a) IN GENERAL.—Subtitle D of title VIII of the
22 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
23 is further amended by adding at the end the following new
24 section:

1 **“SEC. 838. ACQUISITION REVIEW BOARD.**

2 “(a) IN GENERAL.—There is established in the De-
3 partment an Acquisition Review Board (in this section re-
4 ferred to as the ‘Board’) to support the Under Secretary
5 for Management in managing the Department’s acquisi-
6 tions.

7 “(b) COMPOSITION.—

8 “(1) CHAIR.—The Under Secretary for Man-
9 agement shall serve as chair of the Board.

10 “(2) OVERSIGHT.—The Under Secretary for
11 Management may designate an employee of the De-
12 partment to oversee the operations of the Board.

13 “(3) PARTICIPATION.— The Under Secretary
14 for Management shall ensure participation by other
15 relevant Department officials with responsibilities re-
16 lated to acquisitions as permanent members of the
17 Board, including the following:

18 “(A) The Chair of the Joint Requirements
19 Council.

20 “(B) The Chief Financial Officer.

21 “(C) The Chief Human Capital Officer.

22 “(D) The Chief Information Officer.

23 “(E) The Chief Procurement Officer.

24 “(F) The Chief Readiness Support Officer.

25 “(G) The Chief Security Officer.

1 “(H) The Director of the Office of Test
2 and Evaluation.

3 “(I) Other relevant senior Department offi-
4 cials, as designated by the Under Secretary for
5 Management.

6 “(c) MEETINGS.—The Board shall meet regularly for
7 purposes of evaluating the progress and status of an ac-
8 quisition program. The Board shall convene at the Under
9 Secretary for Management’s discretion, and at such time
10 as—

11 “(1) a new acquisition program is initiated;

12 “(2) a major acquisition program—

13 “(A) requires authorization to proceed
14 from one acquisition decision event to another
15 throughout the acquisition life-cycle;

16 “(B) is in breach of its approved acquisi-
17 tion program baseline; or

18 “(C) requires additional review, as deter-
19 mined by the Under Secretary for Management;
20 or

21 “(3) a non-major acquisition program requires
22 review, as determined by the Under Secretary for
23 Management.

24 “(d) RESPONSIBILITIES.—The responsibilities of the
25 Board are as follows:

1 “(1) Determine the appropriate acquisition level
2 and acquisition decision authority for new acquisi-
3 tion programs based on the estimated eventual total
4 expenditure of each such program to satisfy the mis-
5 sion need of the Department over the life-cycle of
6 such acquisition regardless of funding source.

7 “(2) Determine whether a proposed acquisition
8 has met the requirements of key phases of the acqui-
9 sition life-cycle framework and is able to proceed to
10 the next phase and eventual full production and de-
11 ployment.

12 “(3) Oversee whether a proposed acquisition’s
13 business strategy, resources, management, and ac-
14 countability is executable and is aligned with the
15 mission and strategic goals of the Department.

16 “(4) Support the person with acquisition deci-
17 sion authority for an acquisition in determining the
18 appropriate direction for such acquisition at key ac-
19 quisition decision events.

20 “(5) Conduct systematic reviews of acquisitions
21 to ensure that such acquisitions are progressing in
22 accordance with best practices and in compliance
23 with the most recently approved documents for such
24 acquisitions’ current acquisition phases.

1 “(6) Review the acquisition documents of each
2 major acquisition program, including the acquisition
3 program baseline and documentation reflecting con-
4 sideration of tradeoffs among cost, schedule, and
5 performance objectives, to ensure the reliability of
6 underlying data.

7 “(7) Ensure that practices are adopted and im-
8 plemented to require consideration of trade-offs
9 among cost, schedule, and performance objectives as
10 part of the process for developing requirements for
11 major acquisition programs prior to the initiation of
12 the second acquisition decision event, including, at a
13 minimum, the following practices:

14 “(A) Department officials responsible for
15 acquisition, budget, and cost estimating func-
16 tions are provided with the appropriate oppor-
17 tunity to develop estimates and raise cost and
18 schedule concerns before performance objectives
19 are established for capabilities when feasible.

20 “(B) Full consideration is given to possible
21 trade-offs among cost, schedule, and perform-
22 ance objectives for each alternative.

23 “(e) DOCUMENTATION.—

24 “(1) IN GENERAL.—The chair of the Board
25 shall ensure that all actions and decisions made pur-

1 suant to the responsibilities of the Board under sub-
2 section (d) are documented in an acquisition decision
3 memorandum that includes—

4 “(A) a summary of the action at issue or
5 purpose for convening a meeting under sub-
6 section (c);

7 “(B) the decision with respect to actions
8 discussed during such meeting;

9 “(C) the rationale for such a decision, in-
10 cluding justifications for any such decision
11 made to allow acquisition programs to deviate
12 from the acquisition management policy of the
13 Department;

14 “(D) any assigned items for further action;
15 and

16 “(E) the signature of the chair verifying
17 the contents of such memorandum.

18 “(2) SUBMISSION OF MEMORANDUM.—Not later
19 than seven days after the date on which the acquisi-
20 tion decision memorandum is signed by the chair
21 pursuant to paragraph (1)(E), the chair shall submit
22 to the Secretary, the Committee on Homeland Secu-
23 rity of the House of Representatives, and the Com-
24 mittee on Homeland Security and Governmental Af-
25 fairs of the Senate a copy of such memorandum.

1 “(f) DEFINITIONS.—In this section:

2 “(1) ACQUISITION.—The term ‘acquisition’ has
3 the meaning given such term in section 131 of title
4 41, United States Code.

5 “(2) ACQUISITION DECISION AUTHORITY.—The
6 term ‘acquisition decision authority’ means the au-
7 thority, held by the Secretary to—

8 “(A) ensure acquisition programs are in
9 compliance with Federal law, the Federal Ac-
10 quisition Regulation, and Department acquisi-
11 tion management directives;

12 “(B) review (including approving, pausing,
13 modifying, or cancelling) an acquisition pro-
14 gram through the life-cycle of such program;

15 “(C) ensure that acquisition program man-
16 agers have the resources necessary to success-
17 fully execute an approved acquisition program;

18 “(D) ensure appropriate acquisition pro-
19 gram management of cost, schedule, risk, and
20 system performance of the acquisition program
21 at issue, including assessing acquisition pro-
22 gram baseline breaches and directing any cor-
23 rective action for such breaches; and

24 “(E) ensure that acquisition program man-
25 agers, on an ongoing basis, monitor cost, sched-

1 ule, and performance against established base-
2 lines and use tools to assess risks to an acquisi-
3 tion program at all phases of the life-cycle of
4 such program to avoid and mitigate acquisition
5 program baseline breaches.

6 “(3) ACQUISITION DECISION EVENT.—The term
7 ‘acquisition decision event’, with respect to an acqui-
8 sition program, means a predetermined point within
9 each of the acquisition phases at which the acquisi-
10 tion decision authority determines whether such ac-
11 quisition program shall proceed to the next acquisi-
12 tion phase.

13 “(4) ACQUISITION DECISION MEMORANDUM.—
14 The term ‘acquisition decision memorandum’ means
15 the official documented record of decisions, including
16 the rationale for such decisions and any assigned ac-
17 tions, for the acquisition at issue, as determined by
18 the person exercising acquisition decision authority
19 for such acquisition.

20 “(5) ACQUISITION PROGRAM BASELINE.—The
21 term ‘acquisition program baseline’, with respect to
22 an acquisition program, means a summary of the
23 cost, schedule, and performance parameters, ex-
24 pressed in standard, measurable, quantitative terms,

1 which must be satisfied to accomplish the goals of
2 such program.

3 “(6) BEST PRACTICES.—The term ‘best prac-
4 tices’, with respect to acquisition, means a knowl-
5 edge-based approach to capability development that
6 includes—

7 “(A) identifying and validating needs;

8 “(B) assessing alternatives to select the
9 most appropriate solution;

10 “(C) clearly establishing well-defined re-
11 quirements;

12 “(D) developing realistic cost estimates
13 and schedules that account for the entire life-
14 cycle of such an acquisition;

15 “(E) securing stable funding that matches
16 resources to requirements before initiating such
17 development;

18 “(F) demonstrating technology, design,
19 and manufacturing maturity before initiating
20 production of the item that is the subject of
21 such acquisition;

22 “(G) using milestones and exit criteria or
23 specific accomplishments that demonstrate the
24 attainment of knowledge to support progress;

1 “(H) regularly assessing and managing
2 risks to achieving requirements and cost and
3 schedule goals;

4 “(I) adopting and executing standardized
5 processes with known success across programs;

6 “(J) establishing an adequate workforce
7 that is qualified and sufficient to perform nec-
8 essary functions; and

9 “(K) integrating the capabilities described
10 in subparagraphs (A) through (J).

11 “(7) MAJOR ACQUISITION PROGRAM.—The term
12 ‘major acquisition program’ means—

13 “(A) a Department capital asset, service,
14 or hybrid acquisition program that is estimated
15 by the Secretary to require an eventual total ex-
16 penditure of at least \$300 million (based on fis-
17 cal year 2022 constant dollars) over its life-
18 cycle cost; or

19 “(B) a program identified by the Under
20 Secretary for Management as a program of spe-
21 cial interest.

22 “(8) NON-MAJOR ACQUISITION PROGRAM.—The
23 term ‘non-major acquisition program’ means a De-
24 partment capital asset, service, or hybrid acquisition
25 program that is estimated by the Secretary to re-

1 quire an eventual total expenditure of less than
2 \$300,000,000 (based on fiscal year 2022 constant
3 dollars) over its life-cycle.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of the Homeland Security Act of 2002 (6
6 U.S.C. 101 et seq.) is amended by inserting after the item
7 relating to section 837 the following new item:

 “Sec. 838. Acquisition Review Board.”.

8 **SEC. 6727. DHS CONTRACT REPORTING.**

9 (a) DAILY PUBLIC REPORT OF COVERED CONTRACT
10 AWARDS.—

11 (1) IN GENERAL.—The Secretary shall post,
12 maintain, and update in accordance with paragraph
13 (2), on a publicly available website of the Depart-
14 ment, a daily report of all covered contract awards.
15 Each reported covered contract award shall include
16 information relating to—

17 (A) the contract number, modification
18 number, or delivery order number;

19 (B) the contract type;

20 (C) the amount obligated for such award;

21 (D) the total contract value for such
22 award, including all options;

23 (E) the description of the purpose for such
24 award;

1 (F) the number of proposals or bids re-
2 ceived;

3 (G) the name and address of the vendor,
4 and whether such vendor is considered a small
5 business;

6 (H) the period and each place of perform-
7 ance for such award;

8 (I) whether such award is multiyear;

9 (J) whether such award requires a small
10 business subcontracting plan; and

11 (K) the contracting office and the point of
12 contact for such office.

13 (2) UPDATE.—Updates referred to in para-
14 graph (1) shall occur not later than two business
15 days after the date on which the covered contract is
16 authorized or modified.

17 (3) SUBSCRIBING TO ALERTS.—The website re-
18 ferred to in paragraph (1) shall provide the option
19 to subscribe to an automatic notification of the pub-
20 lication of each report required under such para-
21 graph.

22 (4) EFFECTIVE DATE.—Paragraph (1) shall
23 take effect on the date that is 180 days after the
24 date of the enactment of this section.

1 (b) UNDEFINITIZED CONTRACT ACTION OR DEFINI-
2 TIZED AMOUNT.—If a covered contract award reported
3 pursuant to subsection (a) includes an undefinitized con-
4 tract action, the Secretary shall—

5 (1) report the estimated total contract value for
6 such award and the amount obligated upon award;
7 and

8 (2) once such award is definitized, update the
9 total contract value and amount obligated.

10 (c) EXEMPTION.—Each report required under sub-
11 section (a) shall not include covered contract awards relat-
12 ing to classified products, programs, or services.

13 (d) DEFINITIONS.—In this section:

14 (1) COVERED CONTRACT AWARD.—The term
15 “covered contract award”—

16 (A) means a contract action of the Depart-
17 ment with the total authorized dollar amount of
18 \$4,000,000 or greater, including unexercised
19 options; and

20 (B) includes—

21 (i) contract awards governed by the
22 Federal Acquisition Regulation;

23 (ii) modifications to a contract award
24 that increase the total value, expand the

1 scope of work, or extend the period of per-
2 formance;

3 (iii) orders placed on a multiple award
4 or multiple-agency contract that includes
5 delivery or quantity terms that are indefi-
6 nite;

7 (iv) other transaction authority agree-
8 ments; and

9 (v) contract awards made with other
10 than full and open competition.

11 (2) DEFINITIZED AMOUNT.—The term “defini-
12 tized amount” means the final amount of a covered
13 contract award after agreement between the Depart-
14 ment and the contractor at issue.

15 (3) DEPARTMENT.—The term “Department”
16 means the Department of Homeland Security.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Homeland Security.

19 (5) SMALL BUSINESS.—The term “small busi-
20 ness” means an entity that qualifies as a small busi-
21 ness concern, as such term is described under sec-
22 tion 3 of the Small Business Act (15 U.S.C. 632).

23 (6) TOTAL CONTRACT VALUE.—The term “total
24 contract value” means the total amount of funds ex-
25 pected to be provided to the contractor at issue

1 under the terms of the contract through the full pe-
2 riod of performance.

3 (7) UNDEFINITIZED CONTRACT ACTION.—The
4 term “undefinitized contract action” means any con-
5 tract action for which the contract terms, specifica-
6 tions, or price is not established prior to the start
7 of the performance of a covered contract award.

8 **SEC. 6728. UNMANNED AERIAL SECURITY.**

9 (a) PROHIBITION ON AGENCY OPERATION OR PRO-
10 CUREMENT.—Except as provided in subsection (b) and
11 subsection (c)(3), the Secretary of Homeland Security
12 may not operate, provide financial assistance for, or enter
13 into or renew a contract for the procurement of—

14 (1) an unmanned aircraft system (UAS) that—

15 (A) is manufactured in a covered foreign
16 country or by a corporation domiciled in a cov-
17 ered foreign country;

18 (B) uses flight controllers, radios, data
19 transmission devices, cameras, or gimbals man-
20 ufactured in a covered foreign country or by a
21 corporation domiciled in a covered foreign coun-
22 try;

23 (C) uses a ground control system or oper-
24 ating software developed in a covered foreign

1 country or by a corporation domiciled in a cov-
2 ered foreign country; or

3 (D) uses network connectivity or data stor-
4 age located in a covered foreign country or ad-
5 ministered by a corporation domiciled in a cov-
6 ered foreign country;

7 (2) a software operating system associated with
8 a UAS that uses network connectivity or data stor-
9 age located in a covered foreign country or adminis-
10 tered by a corporation domiciled in a covered foreign
11 country; or

12 (3) a system for the detection or identification
13 of a UAS, which system is manufactured in a cov-
14 ered foreign country or by a corporation domiciled in
15 a covered foreign country.

16 (b) WAIVER.—

17 (1) IN GENERAL.—The Secretary of Homeland
18 Security is authorized to waive the prohibition under
19 subsection (a) if the Secretary certifies in writing to
20 the Committee on Homeland Security of the House
21 of Representatives and the Committee on Homeland
22 Security and Governmental Affairs of the Senate
23 that a UAS, a software operating system associated
24 with a UAS, or a system for the detection or identi-
25 fication of a UAS referred to in any of subpara-

1 graphs (A) through (C) of such subsection that is
2 the subject of such a waiver is required—

3 (A) in the national interest of the United
4 States;

5 (B) for counter-UAS surrogate research,
6 testing, development, evaluation, or training; or

7 (C) for intelligence, electronic warfare, or
8 information warfare operations, testing, anal-
9 ysis, and or training.

10 (2) NOTICE.—The certification described in
11 paragraph (1) shall be submitted to the Committees
12 specified in such paragraph by not later than the
13 date that is 14 days after the date on which a waiv-
14 er is issued under such paragraph.

15 (c) EFFECTIVE DATES.—

16 (1) IN GENERAL.—This Act shall take effect on
17 the date that is 120 days after the date of the enact-
18 ment of this Act.

19 (2) WAIVER PROCESS.—Not later than 60 days
20 after the date of the enactment of this Act, the Sec-
21 retary of Homeland Security shall establish a proc-
22 ess by which the head of an office or component of
23 the Department of Homeland Security may request
24 a waiver under subsection (b).

1 (3) EXCEPTION.—Notwithstanding the prohibi-
2 tion under subsection (a), the head of an office or
3 component of the Department of Homeland Security
4 may continue to operate a UAS, a software oper-
5 ating system associated with a UAS, or a system for
6 the detection or identification of a UAS described in
7 any of subparagraphs (1) through (3) of such sub-
8 section that was in the inventory of such office or
9 component on the day before the effective date of
10 this Act until—

11 (A) such time as the Secretary of Home-
12 land Security has—

13 (i) granted a waiver relating thereto
14 under subsection (b); or

15 (ii) declined to grant such a waiver; or

16 (B) one year after the date of the enact-
17 ment of this Act,

18 whichever is later.

19 (d) DRONE ORIGIN SECURITY REPORT TO CON-
20 GRESS.—Not later than 180 days after the date of the
21 enactment of this Act, the Secretary of Homeland Security
22 shall submit to the Committee on Homeland Security of
23 the House of Representatives and the Committee on
24 Homeland Security and Governmental Affairs of the Sen-

1 ate a terrorism threat assessment and report that contains
2 information relating to the following:

3 (1) The extent to which the Department of
4 Homeland Security has previously analyzed the
5 threat that a UAS, a software operating system as-
6 sociated with a UAS, or a system for the detection
7 or identification of a UAS from a covered foreign
8 country operating in the United States poses, and
9 the results of such analysis.

10 (2) The number of UAS, software operating
11 systems associated with a UAS, or systems for the
12 detection or identification of a UAS from a covered
13 foreign country in operation by the Department, in-
14 cluding an identification of the component or office
15 of the Department at issue, as of such date.

16 (3) The extent to which information gathered
17 by such a UAS, a software operating system associ-
18 ated with a UAS, or a system for the detection or
19 identification of a UAS from a covered foreign coun-
20 try could be employed to harm the national or eco-
21 nomic security of the United States.

22 (e) DEFINITIONS.—In this section:

23 (1) COVERED FOREIGN COUNTRY.—The term
24 “covered foreign country” means a country that—

1 (A) the intelligence community has identi-
 2 fied as a foreign adversary in its most recent
 3 Annual Threat Assessment; or

4 (B) the Secretary of Homeland Security,
 5 in coordination with the Director of National
 6 Intelligence, has identified as a foreign adver-
 7 sary that is not included in such Annual Threat
 8 Assessment.

9 (2) INTELLIGENCE COMMUNITY.—The term
 10 “intelligence community” has the meaning given
 11 such term in section 3(4) of the National Security
 12 Act of 1947 (50 U.S.C. 3003(4)).

13 (3) UNMANNED AIRCRAFT SYSTEM; UAS.—The
 14 terms “unmanned aircraft system” and “UAS” have
 15 the meaning given the term “unmanned aircraft sys-
 16 tem” in section 44801 of title 49, United States
 17 Code.

18 **Subtitle C—Enhancing DHS** 19 **Operations**

20 **SEC. 6731. QUADRENNIAL HOMELAND SECURITY REVIEW** 21 **TECHNICAL CORRECTIONS.**

22 (a) IN GENERAL.—Section 707 of the Homeland Se-
 23 curity Act of 2002 (6 U.S.C. 347) is amended—

24 (1) in subsection (a)(3)—

1 (A) in subparagraph (B), by striking
2 “and” after the semicolon at the end;

3 (B) by redesignating subparagraph (C) as
4 subparagraph (D); and

5 (C) by inserting after subparagraph (B)
6 the following new subparagraph:

7 “(C) representatives from appropriate ad-
8 visory committees established pursuant to sec-
9 tion 871, including the Homeland Security Ad-
10 visory Council and the Homeland Security
11 Science and Technology Advisory Committee, or
12 otherwise established, including the Aviation
13 Security Advisory Committee established pursu-
14 ant to section 44946 of title 49, United States
15 Code; and”;

16 (2) in subsection (b)—

17 (A) in paragraph (2), by inserting before
18 the semicolon at the end the following: “based
19 on the risk assessment required pursuant to
20 subsection (c)(2)(B)”;

21 (B) in paragraph (3)—

22 (i) by inserting “, to the extent prac-
23 ticable,” after “describe”; and

24 (ii) by striking “budget plan” and in-
25 serting “resources required”;

1 (C) in paragraph (4)—

2 (i) by inserting “, to the extent prac-
3 ticable,” after “identify”;

4 (ii) by striking “budget plan required
5 to provide sufficient resources to success-
6 fully” and inserting “resources required
7 to”; and

8 (iii) by striking the semicolon at the
9 end and inserting the following: “, includ-
10 ing any resources identified from redun-
11 dant, wasteful, or unnecessary capabilities
12 or capacities that may be redirected to bet-
13 ter support other existing capabilities or
14 capacities, as the case may be; and”;

15 (D) in paragraph (5), by striking “; and”
16 and inserting a period; and

17 (E) by striking paragraph (6);

18 (3) in subsection (c)—

19 (A) in paragraph (1), by striking “Decem-
20 ber 31 of the year” and inserting “60 days
21 after the date of the submission of the Presi-
22 dent’s budget for the fiscal year after the fiscal
23 year”;

24 (B) in paragraph (2)—

1 (i) in subparagraph (B), by striking
2 “description of the threats to” and insert-
3 ing “risk assessment of”;

4 (ii) in subparagraph (C), by inserting
5 “, as required under subsection (b)(2)” be-
6 fore the semicolon at the end;

7 (iii) in subparagraph (D)—

8 (I) by inserting “to the extent
9 practicable,” before “a description”;
10 and

11 (II) by striking “budget plan”
12 and inserting “resources required”;

13 (iv) in subparagraph (F)—

14 (I) by inserting “to the extent
15 practicable,” before “a discussion”;
16 and

17 (II) by striking “the status of”;

18 (v) in subparagraph (G)—

19 (I) by inserting “to the extent
20 practicable,” before “a discussion”;

21 (II) by striking “the status of”;

22 (III) by inserting “and risks” be-
23 fore “to national homeland”; and

24 (IV) by inserting “and” after the
25 semicolon at the end;

1 (vi) by striking subparagraph (H);

2 and

3 (vii) by redesignating subparagraph

4 (I) as subparagraph (H);

5 (C) by redesignating paragraph (3) as

6 paragraph (4); and

7 (D) by inserting after paragraph (2) the

8 following new paragraph:

9 “(3) DOCUMENTATION.—The Secretary shall
10 retain and, upon request, provide to Congress the
11 following documentation regarding each quadrennial
12 homeland security review:

13 “(A) Records regarding the consultation
14 carried out pursuant to subsection (a)(3), in-
15 cluding the following:

16 “(i) All written communications, in-
17 cluding communications sent out by the
18 Secretary and feedback submitted to the
19 Secretary through technology, online com-
20 munications tools, in-person discussions,
21 and the interagency process.

22 “(ii) Information on how feedback re-
23 ceived by the Secretary informed each such
24 quadrennial homeland security review.

1 “(B) Information regarding the risk as-
2 sessment required pursuant to subsection
3 (c)(2)(B), including the following:

4 “(i) The risk model utilized to gen-
5 erate such risk assessment.

6 “(ii) Information, including data used
7 in the risk model, utilized to generate such
8 risk assessment.

9 “(iii) Sources of information, includ-
10 ing other risk assessments, utilized to gen-
11 erate such risk assessment.

12 “(iv) Information on assumptions,
13 weighing factors, and subjective judgments
14 utilized to generate such risk assessment,
15 together with information on the rationale
16 or basis thereof.”;

17 (4) by redesignating subsection (d) as sub-
18 section (e); and

19 (5) by inserting after subsection (c) the fol-
20 lowing new subsection:

21 “(d) REVIEW.—Not later than 90 days after the sub-
22 mission of each report required under subsection (c)(1),
23 the Secretary shall provide to the Committee on Homeland
24 Security of the House of Representatives and the Com-
25 mittee on Homeland Security and Governmental Affairs

1 of the Senate information on the degree to which the find-
2 ings and recommendations developed in the quadrennial
3 homeland security review that is the subject of such report
4 were integrated into the acquisition strategy and expendi-
5 ture plans for the Department.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this Act shall apply with respect to a quadrennial home-
8 land security review conducted after December 31, 2021.

9 **SEC. 6732. BOMBING PREVENTION.**

10 (a) OFFICE FOR BOMBING PREVENTION.—

11 (1) IN GENERAL.—Title XXII of the Homeland
12 Security Act of 2002 (6 U.S.C. 651 et seq.) is
13 amended by adding at the end the following new
14 subtitle:

15 **“Subtitle E—Bombing Prevention**

16 **“SEC. 2251. OFFICE FOR BOMBING PREVENTION.**

17 “(a) ESTABLISHMENT.—There is established within
18 the Department an Office for Bombing Prevention (in this
19 section referred to as the ‘Office’).

20 “(b) ACTIVITIES.—The Office shall have the primary
21 responsibility within the Department for enhancing the
22 ability and coordinating the efforts of the United States
23 to deter, detect, prevent, protect against, mitigate, and re-
24 spond to terrorist explosive threats and attacks in the
25 United States, including by carrying out the following:

1 “(1) Advising the Secretary on matters related
2 to terrorist explosive threats and attacks in the
3 United States.

4 “(2) Coordinating the efforts of the Depart-
5 ment to counter terrorist explosive threats and at-
6 tacks in the United States, including by carrying out
7 the following:

8 “(A) Developing, in coordination with the
9 Under Secretary for Strategy, Policy, and
10 Plans, the Department’s strategy against ter-
11 rorist explosives threats and attacks, including
12 efforts to support the security and preparedness
13 of critical infrastructure and the public sector
14 and private sector.

15 “(B) Leading the prioritization of the De-
16 partment’s efforts against terrorist explosive
17 threats and attacks, including preparedness and
18 operational requirements.

19 “(C) Ensuring, in coordination with the
20 Under Secretary for Science and Technology
21 and the Administrator of the Federal Emer-
22 gency Management Agency, the identification,
23 evaluation, and availability of effective tech-
24 nology applications through field pilot testing
25 and acquisition of such technology applications

1 by the public sector to deter, detect, prevent,
2 protect against, mitigate, and respond to ter-
3 rorist explosive threats and attacks in the
4 United States.

5 “(D) Providing advice and recommenda-
6 tions to the Administrator of the Federal Emer-
7 gency Management Agency regarding the effec-
8 tive use of grants authorized under section
9 2002.

10 “(E) In coordination with the Assistant
11 Secretary for Countering Weapons of Mass De-
12 struction, aligning Department efforts related
13 to terrorist explosive threats and attacks in the
14 United States and weapons of mass destruction.

15 “(3) Engaging other Federal departments and
16 agencies, including Sector Risk Management Agen-
17 cies, regarding terrorist explosive threats and at-
18 tacks in the United States.

19 “(4) Facilitating information sharing and deci-
20 sion support of the public and private sector involved
21 in deterrence, detection, prevention, protection
22 against, mitigation of, and response to terrorist ex-
23 plosive threats and attacks in the United States.
24 Such sharing and support may include the following:

1 “(A) Operating and maintaining a secure
2 information sharing system that allows the
3 sharing of critical information and data relating
4 to terrorist explosive attack tactics, techniques,
5 procedures, and security capabilities, including
6 information and data described in paragraph
7 (6) and section 2242.

8 “(B) Working with international partners,
9 in coordination with the Office for International
10 Affairs of the Department, to develop and share
11 effective practices to deter, prevent, detect, pro-
12 tect against, mitigate, and respond to terrorist
13 explosive threats and attacks in the United
14 States.

15 “(5) Promoting security awareness among the
16 public and private sector and the general public re-
17 garding the risks posed by the misuse of explosive
18 precursor chemicals and other bomb-making mate-
19 rials.

20 “(6) Providing training, guidance, assessments,
21 and planning assistance to the public and private
22 sector, as appropriate, to help counter the risk of
23 terrorist explosive threats and attacks in the United
24 States.

1 “(7) Conducting analysis and planning for the
2 capabilities and requirements necessary for the pub-
3 lic and private sector, as appropriate, to deter, de-
4 tect, prevent, protect against, mitigate, and respond
5 to terrorist explosive threats and attacks in the
6 United States by carrying out the following:

7 “(A) Maintaining a database on capabili-
8 ties and requirements, including capabilities
9 and requirements of public safety bomb squads,
10 explosive detection canine teams, special tactics
11 teams, public safety dive teams, and recipients
12 of services described in section 2242.

13 “(B) Applying the analysis derived from
14 the database described in subparagraph (A)
15 with respect to the following:

16 “(i) Evaluating progress toward clos-
17 ing identified gaps relating to national
18 strategic goals and standards related to de-
19 terring, detecting, preventing, protecting
20 against, mitigating, and responding to ter-
21 rorist explosive threats and attacks in the
22 United States.

23 “(ii) Informing decisions relating to
24 homeland security policy, assistance, train-
25 ing, research, development efforts, testing

1 and evaluation, and related requirements
2 regarding deterring, detecting, preventing,
3 protecting against, mitigating, and re-
4 sponding to terrorist explosive threats and
5 attacks in the United States.

6 “(8) Promoting secure information sharing of
7 sensitive material and promoting security awareness,
8 including by carrying out the following:

9 “(A) Operating and maintaining a secure
10 information sharing system that allows the
11 sharing among and between the public and pri-
12 vate sector of critical information relating to ex-
13 plosive attack tactics, techniques, and proce-
14 dures.

15 “(B) Educating the public and private sec-
16 tors about explosive precursor chemicals.

17 “(C) Working with international partners,
18 in coordination with the Office for International
19 Affairs of the Department, to develop and share
20 effective practices to deter, detect, prevent, pro-
21 tect against, mitigate, and respond to terrorist
22 explosive threats and attacks in the United
23 States.

24 “(D) Executing national public awareness
25 and vigilance campaigns relating to terrorist ex-

1 plosive threats and attacks in the United
2 States, preventing explosive attacks, and activi-
3 ties and measures underway to safeguard the
4 United States.

5 “(E) Working with relevant stakeholder or-
6 ganizations.

7 “(9) Providing any other assistance the Sec-
8 retary determines necessary.

9 **“SEC. 2252. COUNTERING EXPLOSIVE DEVICES TECHNICAL**
10 **ASSISTANCE.**

11 “(a) ESTABLISHMENT.—Upon request, the Secretary
12 shall, to the extent practicable, provide to the public and
13 private sector technical assistance services to support the
14 security and preparedness of such sectors, as appropriate,
15 to counter terrorist explosive threats and attacks that pose
16 a risk in certain jurisdictions, including vulnerable and
17 disadvantaged communities, to critical infrastructure fa-
18 cilities, or to special events, as appropriate.

19 “(b) ELEMENTS.—Technical assistance services pro-
20 vided pursuant to subsection (a) shall—

21 “(1) support the planning and implementation
22 of effective measures to deter, detect, prevent, pro-
23 tect against, mitigate, and respond to terrorist ex-
24 plosive threats and attacks in the United States, in-

1 including effective strategic risk management and
2 emergency operations plans;

3 “(2) support the security of explosive precursor
4 chemicals and other bomb-making materials outside
5 of regulatory control;

6 “(3) support efforts to prepare for and respond
7 to bomb threats or other acts involving the malicious
8 conveyance of false information concerning terrorist
9 explosive threats and attacks in the United States;

10 “(4) make available resources to enhance deter-
11 rence, prevention, detection, protection, mitigation,
12 and response capabilities for terrorist explosive
13 threats and attacks in the United States, including
14 coordination and communication, to better integrate
15 State, local, Tribal, and territorial and private sector
16 capabilities and assets, as appropriate, with Federal
17 operations;

18 “(5) make available augmenting resources, as
19 appropriate, to enable State, local, Tribal, and terri-
20 torial governments to sustain and refresh their capa-
21 bilities;

22 “(6) track performance in meeting the goals
23 and associated plans of the provision of such tech-
24 nical assistance; and

1 “(7) include any other assistance the Secretary
2 determines necessary.

3 **“SEC. 2253. RELATIONSHIP TO OTHER DEPARTMENT COM-**
4 **PONENTS AND FEDERAL AGENCIES.**

5 “(a) IN GENERAL.—The authority of the Secretary
6 under this subtitle shall not affect or diminish the author-
7 ity or the responsibility of any officer of any other Federal
8 agency with respect to the command, control, or direction
9 of the functions, personnel, funds, assets, or liabilities of
10 any other such Federal agency.

11 “(b) DEPARTMENT COMPONENTS.—Nothing in this
12 subtitle or any other provision of law may be construed
13 to affect or reduce the responsibilities of—

14 “(1) the Countering Weapons of Mass Destruction
15 Office or the Assistant Secretary of the Office,
16 including with respect to any asset, function, or mis-
17 sion of the Office or the Assistant Secretary, as the
18 case may be;

19 “(2) the Federal Emergency Management
20 Agency or the Administrator of the Agency, includ-
21 ing the diversion of any asset, function, or mission
22 of the Agency or the Administrator as the case may
23 be; or

24 “(3) the Transportation Security Administra-
25 tion or the Administrator of the Administration, in-

1 including the diversion of any asset, function, or mis-
2 sion of the Administration or the Administrator, as
3 the case may be.”.

4 (2) STRATEGY AND REPORTS.—

5 (A) STRATEGY.—Not later than one year
6 after the date of the enactment of this section,
7 the head of the Office for Bombing Prevention
8 of the Department of Homeland Security (es-
9 tablished pursuant to section 2241 of the
10 Homeland Security Act of 2002, as added by
11 paragraph (1)), in consultation with the heads
12 of other components of the Department and the
13 heads of other Federal agencies, as appropriate,
14 shall develop a strategy to align the Office’s ac-
15 tivities with the threat environment and stake-
16 holder needs, and make the public and private
17 sector aware of the Office’s capabilities. Such
18 strategy shall include the following elements:

19 (i) Information on terrorist explosive
20 threats, tactics, and attacks in the United
21 States.

22 (ii) Information, by region of the
23 United States, regarding public and pri-
24 vate sector entities likely to be targeted by
25 terrorist explosive threats and attacks in

1 the United States, including historically
2 black colleges and universities and minor-
3 ity serving institutions, places of worship,
4 health care facilities, transportation sys-
5 tems, commercial facilities, and govern-
6 ment facilities.

7 (iii) Guidance on how outreach to
8 owners and operators of critical infrastruc-
9 ture (as such term is defined in section
10 1016(e) of Public Law 107–56 (42 U.S.C.
11 5195c(e))) in a region should be
12 prioritized.

13 (iv) A catalogue of the services and
14 training currently offered by the Office,
15 and a description of how such services and
16 trainings assist the public and private sec-
17 tor to deter, detect, prevent, protect
18 against, mitigate, and respond to terrorist
19 explosive threats and attacks in the United
20 States.

21 (v) Long-term objectives of the Office,
22 including future service and training offer-
23 ings.

1 (vi) Metrics for measuring the effec-
2 tiveness of services and trainings offered
3 by the Office.

4 (vii) An assessment of resource re-
5 quirements necessary to implement such
6 strategy.

7 (viii) A description of how the Office
8 partners with other components of the De-
9 partment and other Federal agencies to
10 carry out its mission.

11 (B) REPORTS.—Not later than one year
12 after the date of the enactment of this section
13 and annually thereafter, the Secretary of
14 Homeland Security shall submit to the Com-
15 mittee on Homeland Security of the House of
16 Representatives and the Committee on Home-
17 land Security and Governmental Affairs of the
18 Senate a report describing the activities of the
19 Office for Bombing Prevention of the Depart-
20 ment of Homeland Security (established pursu-
21 ant to section 2241 of the Homeland Security
22 Act of 2002, as added by paragraph (1)). Each
23 such report shall include information on the fol-
24 lowing:

1 (i) Changes to terrorist explosive
2 threats, tactics, and attacks in the United
3 States.

4 (ii) Changes to the types of public and
5 private sector entities likely to be targeted
6 by terrorist explosive threats and attacks
7 in the United States.

8 (iii) The number of trainings, assess-
9 ments, and other engagements carried out
10 by the Office within each region of the
11 United States, including a description of
12 the critical infrastructure sector or stake-
13 holder served.

14 (iv) The number of trainings, assess-
15 ments, or other engagements the Office
16 was asked to conduct but did not, and an
17 explanation relating thereto.

18 (v) The effectiveness of the trainings,
19 assessments, or other engagements pro-
20 vided by the Office based on the metrics
21 described in subparagraph (A)(vi).

22 (vi) Any changes or anticipated
23 changes in the trainings, assessments, and
24 other engagements, or any other services,

1 offered by the Office, and an explanation
2 relating thereto.

3 (3) CLERICAL AMENDMENT.—The table of con-
4 tents in section 1(b) of the Homeland Security Act
5 of 2002 is amended by inserting after the item relat-
6 ing to section 2246 the following new items:

 “Subtitle E—Bombing Prevention

 “Sec. 2251. Office for Bombing Prevention.

 “Sec. 2252. Countering explosive devices technical assistance.

 “Sec. 2253. Relationship to other Department components and Federal agen-
 cies.”.

7 (b) EXPLOSIVES TECHNOLOGY DEVELOPMENT.—

8 (1) IN GENERAL.—Title III of the Homeland
9 Security Act of 2002 (6 U.S.C. 181 et seq.) is fur-
10 ther amended by adding at the end the following
11 new section:

12 **“SEC. 324. EXPLOSIVES RESEARCH AND DEVELOPMENT.**

13 “(a) IN GENERAL.—The Secretary, acting through
14 the Under Secretary for Science and Technology, and in
15 coordination with the head of the Office for Bombing Pre-
16 vention and the Assistant Secretary for the Countering
17 Weapons of Mass Destruction Office, and in consultation
18 with the Attorney General, the Secretary of Defense, and
19 the head of any other relevant Federal department or
20 agency, including Sector Risk Management Agencies, shall
21 ensure coordination and information sharing regarding
22 nonmilitary research, development, testing, and evaluation

1 activities of the Federal Government relating to the deter-
2 rence, detection, prevention, protection against, mitigation
3 of, and response to terrorist explosive threats and attacks
4 in the United States.

5 “(b) LEVERAGING MILITARY RESEARCH.—The Sec-
6 retary, acting through the Under Secretary for Science
7 and Technology, and in coordination with the head of the
8 Office for Bombing Prevention and the Assistant Sec-
9 retary for the Countering of Weapons of Mass Destruction
10 Office, shall consult with the Secretary of Defense and the
11 head of any other relevant Federal department or agency,
12 including Sector Risk Management Agencies, to ensure
13 that, to the maximum extent possible, military policies and
14 procedures, and research, development, testing, and eval-
15 uation activities relating to the deterrence, detection, pre-
16 vention, protection against, mitigation of, and response to
17 terrorist explosive threats and attacks in the United
18 States are adapted to nonmilitary uses.”.

19 (2) CLERICAL AMENDMENT.—The table of con-
20 tents in section 1(b) of the Homeland Security Act
21 of 2002 is amended by inserting after the item relat-
22 ing to section 323 the following new item:

“Sec. 324. Explosives research and development.”.

1 **SEC. 6733. DHS BASIC TRAINING ACCREDITATION IM-**
2 **PROVEMENT.**

3 (a) REPORTING ON BASIC TRAINING PROGRAMS OF
4 THE DEPARTMENT OF HOMELAND SECURITY.—

5 (1) ANNUAL REPORTING.—

6 (A) IN GENERAL.—Not later than 90 days
7 after the date of the enactment of this Act and
8 annually thereafter, the Secretary of Homeland
9 Security shall report to the relevant congres-
10 sional committees on the accreditation status
11 for each basic training program within the De-
12 partment of Homeland Security, including in-
13 formation relating to the following:

14 (i) The date on which each such pro-
15 gram achieved initial accreditation, or in
16 the case of a program that is not currently
17 accredited, the reasons for not obtaining or
18 maintaining accreditation, the activities, if
19 any, taken to achieve accreditation, and an
20 anticipated timeline for accreditation of
21 such program.

22 (ii) The date each such program most
23 recently received accreditation or reaccredi-
24 tation, if applicable.

25 (iii) Each such program's anticipated
26 accreditation or next reaccreditation date.

1 (iv) The name of the accreditation
2 manager for each such program.

3 (B) TERMINATION OF REPORTING RE-
4 QUIREMENT.—Annual reports under subpara-
5 graph (A) shall terminate when all basic train-
6 ing programs of the Department of Homeland
7 Security are accredited.

8 (2) LAPSE IN ACCREDITATION.—

9 (A) IN GENERAL.—If a basic training pro-
10 gram of the Department of Homeland Security
11 loses accreditation, the head of the relevant
12 component of the Department shall notify the
13 Secretary of Homeland Security not later than
14 30 days after such loss.

15 (B) NOTICE TO CONGRESS.—Not later
16 than 30 days after receiving a notification pur-
17 suant to subparagraph (A), the Secretary of
18 Homeland Security shall notify the relevant
19 congressional committees of the lapse in accred-
20 itation at issue, the reason for such lapse, and
21 the activities underway and planned to regain
22 accreditation.

23 (3) DEFINITIONS.—In this section:

24 (A) ACCREDITATION.—The term “accredi-
25 tation” means the recognition by a board that

1 a basic training program is administered, devel-
2 oped, and delivered according to an applicable
3 set of standards.

4 (B) ACCREDITATION MANAGER.—The term
5 “accreditation manager” means the individual
6 assigned by the component of the Department
7 of Homeland Security to manage accreditation
8 activities for a basic training program.

9 (C) BASIC TRAINING PROGRAM.—The term
10 “basic training program” means an entry level
11 program of the Department of Homeland Secu-
12 rity that is transitional to law enforcement serv-
13 ice, provides training on critical competencies
14 and responsibilities, and is typically a require-
15 ment for appointment to a law enforcement
16 service job or job series.

17 (D) REACCREDITATION.—The term “re-
18 accreditation” means the assessment of a basic
19 training program after initial accreditation to
20 ensure the continued compliance with an appli-
21 cable set of standards.

22 (E) RELEVANT CONGRESSIONAL COMMIT-
23 TEES.—The term “relevant congressional com-
24 mittees” means the Committee on Homeland
25 Security and the Committee on the Judiciary of

1 the House of Representatives and the Com-
2 mittee on Homeland Security and Govern-
3 mental Affairs and the Committee of the Judi-
4 ciary of the Senate.

5 (b) RESEARCH AND DEVELOPMENT.—The Under
6 Secretary for Science and Technology of the Department
7 of Homeland Security shall carry out research and devel-
8 opment of systems and technologies to enhance access to
9 training offered by the Federal Law Enforcement Train-
10 ing Centers to State, local, Tribal, and territorial law en-
11 forcement, with particular attention to law enforcement in
12 rural and remote communities, for the purpose of enhanc-
13 ing domestic preparedness for and collective response to
14 terrorism and other homeland security threats.

15 **SEC. 6734. DEPARTMENT OF HOMELAND SECURITY INSPEC-**
16 **TOR GENERAL TRANSPARENCY.**

17 (a) IN GENERAL.—Subtitle B of title VIII of the
18 Homeland Security Act of 2002 is amended by inserting
19 before section 812 the following new section:

20 **“SEC. 811. OFFICE OF INSPECTOR GENERAL.**

21 **“(a) PUBLICATION OF REPORTS.—**

22 **“(1) IN GENERAL.—Beginning not later than**
23 **30 days after the date of the enactment of this sec-**
24 **tion, the Inspector General of the Department shall**
25 **submit to the appropriate congressional committees**

1 any report finalized on and after such date that sub-
2 stantiates—

3 “(A) a violation of paragraph (8) or (9) of
4 section 2302(b) of title 5, United States Code,
5 section 1034 of title 10, United States Code, or
6 Presidential Personnel Directive-19; or

7 “(B) an allegation of misconduct, waste,
8 fraud, abuse, or violation of policy within the
9 Department involving a member of the Senior
10 Executive Service or politically appointed offi-
11 cial of the Department.

12 “(2) PUBLIC AVAILABILITY.—

13 “(A) IN GENERAL.—Concurrent with the
14 submission to the appropriate congressional
15 committees of reports pursuant to paragraph
16 (1), the Inspector General shall, consistent with
17 privacy, civil rights, and civil liberties protec-
18 tions, publish on a publicly available website of
19 the Inspector General each such report.

20 “(B) EXCEPTION.—The requirement pur-
21 suant to subparagraph (A) to publish reports
22 does not apply if section (5)(e)(1) of the Inspec-
23 tor General Act of 1978 applies to any such re-
24 port.

25 “(3) REQUIREMENT.—

1 “(A) IN GENERAL.—The Inspector General
2 of the Department may not redact any portion
3 of a report submitted pursuant to paragraph
4 (1).

5 “(B) EXCEPTION.—The requirement under
6 subparagraph (A) shall not apply with respect
7 to the name or any other identifying informa-
8 tion, including any contextual details not rel-
9 evant to the audit, inspection, or evaluation at
10 issue that may be used by other employees or
11 officers of the Department to determine the
12 identity of a whistleblower complainant, of a
13 whistleblower complainant who does not consent
14 to the inclusion of such in a report of the In-
15 specter General.

16 “(b) SEMIANNUAL REPORTING.—Beginning with the
17 first semiannual report transmitted to the appropriate
18 committees or subcommittees of the Congress pursuant to
19 section 5(b) of the Inspector General Act of 1978 that
20 is transmitted after the date of the enactment of this sec-
21 tion, each such report shall be accompanied by a list of
22 ongoing audits, inspections, and evaluations of the De-
23 partment, together with a narrative description relating
24 to each such audit, inspection, or evaluation that identifies
25 the scope of such audit, inspection, or evaluation, as the

1 case may be, as well as the subject office, component, or
2 directorate of the Department. For each such ongoing
3 audit, inspection, or evaluation such narrative description
4 shall include the following:

5 “(1) Information relating to the source of each
6 such audit, inspection, or evaluation.

7 “(2) Information regarding whether each such
8 audit, inspection, or evaluation is being conducted
9 independently, jointly, concurrently, or in some other
10 manner.

11 “(3) In the event each such audit, inspection, or
12 evaluation was initiated due to a referral, the date
13 on which the Inspector General notified the origi-
14 nator of a referral of the Inspector General’s inten-
15 tion to carry out such audit, inspection, or evalua-
16 tion.

17 “(4) Information relating to the dates on
18 which—

19 “(A) each such audit, inspection, or eval-
20 uation was initiated;

21 “(B) a draft report relating to each such
22 audit, inspection, or evaluation is scheduled to
23 be submitted to the Secretary for review; and

24 “(C) a final report relating to each such
25 audit, inspection, or evaluation is scheduled to

1 be submitted to the appropriate congressional
2 committees and published on the website of the
3 Inspector General in accordance with para-
4 graphs (1) and (2), respectively, of subsection
5 (a).

6 “(5) An explanation for—

7 “(A) any significant changes to the nar-
8 rative description of each such audit, inspection,
9 or evaluation, including the identification of the
10 subject office, component, or directorate of the
11 Department; or

12 “(B) a delay of more than 30 days in the
13 scheduled date for submitting to the Secretary
14 a draft report for review or publishing on the
15 website of the Inspector General of the Depart-
16 ment the final report relating to each such
17 audit, inspection, or evaluation.

18 “(6) Data regarding tips and complaints made
19 to the Inspector General Hotline of the Department
20 or otherwise referred to the Department, including—

21 “(A) the number and type of tips and com-
22 plaints regarding fraud, waste, abuse, corrup-
23 tion, financial crimes, civil rights and civil lib-
24 erty abuse, or other complaints regarding crimi-

1 nal or non-criminal activity associated with
2 fraud, waste, or abuse;

3 “(B) actions taken by the Department to
4 address or resolve each substantiated tip or
5 complaint;

6 “(C) the total amount of time it took the
7 Department to so address or resolve each such
8 substantiated tip or complaint;

9 “(D) the total number of tips and com-
10 plaints that are substantiated compared with
11 the number of tips and complaints that are un-
12 substantiated; and

13 “(E) the percentage of audits, inspections,
14 and evaluations that are initiated as a result of
15 tips and complaints made to the Inspector Gen-
16 eral Hotline.

17 “(c) NOTIFICATION TO CONGRESS.—The Inspector
18 General of the Department shall notify the Committee on
19 Homeland Security of the House of Representatives and
20 the Committee on Homeland Security and Governmental
21 Affairs of the Senate if the head of an office or component
22 of the Department does not provide in a timely manner
23 to the Inspector General information or assistance that
24 is requested by the Inspector General to conduct an audit,
25 inspection, or evaluation.

1 “(d) DEFINITION.—In this section, the term ‘appro-
2 priate congressional committees’ means the Committee on
3 Homeland Security of the House of Representatives, the
4 Committee on Homeland Security and Governmental Af-
5 fairs of the Senate, and any committee of the House of
6 Representatives or the Senate, respectively, having legisla-
7 tive or oversight jurisdiction under the Rules of the House
8 of Representatives or the Senate, respectively, over the
9 matter concerned.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 in section 1(b) of the Homeland Security Act of 2002 is
12 amended by amending the item relating to section 811 to
13 read as follows:

“Sec. 811. Office of Inspector General.”.

14 (c) REPORTS.—

15 (1) INSPECTOR GENERAL OF DHS.—Not later
16 than one year after the date of the enactment of this
17 Act, the Inspector General of the Department of
18 Homeland Security shall submit to the Committee
19 on Homeland Security of the House of Representa-
20 tives, the Committee on Homeland Security and
21 Governmental Affairs of the Senate, and the Comp-
22 troller General of the United States a report on the
23 policies, procedures, and internal controls established
24 that ensure compliance with the Quality Standards
25 for Federal Offices of Inspector General from the

1 Council of Inspectors General on Integrity and Effi-
2 ciency.

3 (2) COMPTROLLER GENERAL.—Not later than
4 one year after receipt of the report required under
5 paragraph (1), the Comptroller General of the
6 United States shall submit to the Committee on
7 Homeland Security of the House of Representatives
8 and the Committee on Homeland Security and Gov-
9 ernmental Affairs of the Senate an evaluation of
10 such report.

11 **SEC. 6735. PRESIDENT'S CUP CYBERSECURITY COMPETI-**
12 **TION.**

13 (a) IN GENERAL.—The Director of the Cybersecurity
14 and Infrastructure Security Agency (in this section re-
15 ferred to as the “Director”) of the Department of Home-
16 land Security is authorized to hold an annual cybersecu-
17 rity competition to be known as the “Department of
18 Homeland Security Cybersecurity and Infrastructure Se-
19 curity Agency’s President’s Cup Cybersecurity Competi-
20 tion” (in this section referred to as the “competition”) for
21 the purpose of identifying, challenging, and competitively
22 awarding prizes, including cash prizes, to the United
23 States Government’s best cybersecurity practitioners and
24 teams across offensive and defensive cybersecurity dis-
25 ciplines.

1 (b) COMPETITION DESIGN.—

2 (1) IN GENERAL.—Notwithstanding section
3 1342 of title 31, United States Code, the Director,
4 in carrying out the competition, may consult with,
5 and consider advice from, any person who has expe-
6 rience or expertise in the development, design, or
7 execution of cybersecurity competitions.

8 (2) LIMITATION.—The Federal Advisory Com-
9 mittee Act (5 U.S.C. App.) shall not apply to con-
10 sultations pursuant to this section.

11 (3) PROHIBITION.—A person with whom the
12 Director consults under paragraph (1) may not—

13 (A) receive pay by reason of being so con-
14 sulted; or

15 (B) be considered an employee of the Fed-
16 eral Government by reason of so consulting.

17 (c) ELIGIBILITY.—To be eligible to participate in the
18 competition, an individual shall be a Federal civilian em-
19 ployee or member of the uniformed services (as such term
20 is defined in section 2101(3) of title 5, United States
21 Code) and shall comply with any rules promulgated by the
22 Director regarding the competition.

23 (d) COMPETITION ADMINISTRATION.—The Director
24 may enter into a grant, contract, cooperative agreement,
25 or other agreement with a private sector for-profit or non-

1 profit entity or State or local government agency to ad-
2 minister the competition.

3 (e) COMPETITION PARAMETERS.—Each competition
4 shall incorporate the following elements:

5 (1) Cybersecurity skills outlined in the National
6 Initiative for Cybersecurity Education Framework,
7 or any successor framework.

8 (2) Individual and team events.

9 (3) Categories demonstrating offensive and de-
10 fensive cyber operations, such as software reverse
11 engineering and exploitation, network operations,
12 forensics, big data analysis, cyber analysis, cyber de-
13 fense, cyber exploitation, secure programming, ob-
14 fuscated coding, or cyber-physical systems.

15 (4) Any other elements related to paragraphs
16 (1), (2), or (3) as determined necessary by the Di-
17 rector.

18 (f) USE OF FUNDS.—

19 (1) IN GENERAL.—Notwithstanding any other
20 provision of law, the Director may use amounts
21 made available to the Director for the competition
22 for the following:

23 (A) Advertising, marketing, and promoting
24 the competition.

1 (B) Meals for participants and organizers
2 of the competition if attendance at the meal
3 during the competition is necessary to maintain
4 the integrity of the competition.

5 (C) Promotional items, including merchan-
6 dise and apparel.

7 (D) Monetary and nonmonetary awards for
8 competition participants, including members of
9 the uniformed services.

10 (E) Necessary expenses for the honorary
11 recognition of competition participants, includ-
12 ing members of the uniformed services.

13 (F) Any other appropriate activity nec-
14 essary to carry out the competition, as deter-
15 mined by the Director.

16 (2) APPLICATION.—This subsection shall apply
17 to amounts appropriated on or after the date of the
18 enactment of this Act.

19 (g) PRIZE LIMITATION.—The Director may make one
20 or more awards per competition, except that the amount
21 or value of each shall not exceed \$10,000. The Secretary
22 of Homeland Security may make one or more awards per
23 competition, except the amount or the value of each shall
24 not to exceed \$25,000. A monetary award under this sec-
25 tion shall be in addition to the regular pay of the recipient.

1 (h) REPORTING REQUIREMENTS.—The Director shall
2 annually provide to the Committee on Homeland Security
3 of the House of Representatives and the Committee on
4 Homeland Security and Governmental Affairs of the Sen-
5 ate a report that includes the following:

6 (1) A description of available funds under sub-
7 section (f) for each competition conducted in the
8 preceding year.

9 (2) A description of expenditures authorized in
10 subsection (g) for each competition.

11 (3) Information relating to the participation of
12 each competition.

13 (4) Information relating to lessons learned from
14 each competition and how such lessons may be ap-
15 plied to improve cybersecurity operations and re-
16 cruitment of the Cybersecurity and Infrastructure
17 Security Agency of the Department of Homeland Se-
18 curity.

19 **SEC. 6736. INDUSTRIAL CONTROL SYSTEMS CYBERSECU-**
20 **RITY TRAINING.**

21 (a) IN GENERAL.—Subtitle A of title XXII of the
22 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
23 is amended by adding at the end the following new section:

1 **“SEC. 2220E. INDUSTRIAL CONTROL SYSTEMS CYBERSECU-**
2 **RITY TRAINING INITIATIVE.**

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—The Industrial Control Sys-
5 tems Cybersecurity Training Initiative (in this sec-
6 tion referred to as the ‘Initiative’) is established
7 within the Agency.

8 “(2) PURPOSE.—The purpose of the Initiative
9 is to develop and strengthen the skills of the cyber-
10 security workforce related to securing industrial con-
11 trol systems.

12 “(b) REQUIREMENTS.—In carrying out the Initiative,
13 the Director shall—

14 “(1) ensure the Initiative includes—

15 “(A) virtual and in-person trainings and
16 courses provided at no cost to participants;

17 “(B) trainings and courses available at dif-
18 ferent skill levels, including introductory level
19 courses;

20 “(C) trainings and courses that cover
21 cyber defense strategies for industrial control
22 systems, including an understanding of the
23 unique cyber threats facing industrial control
24 systems and the mitigation of security
25 vulnerabilities in industrial control systems
26 technology; and

1 “(D) appropriate consideration regarding
2 the availability of trainings and courses in dif-
3 ferent regions of the United States; and

4 “(2) engage in—

5 “(A) collaboration with the National Lab-
6 oratories of the Department of Energy in ac-
7 cordance with section 309;

8 “(B) consultation with Sector Risk Man-
9 agement Agencies; and

10 “(C) as appropriate, consultation with pri-
11 vate sector entities with relevant expertise, such
12 as vendors of industrial control systems tech-
13 nologies.

14 “(c) REPORTS.—

15 “(1) IN GENERAL.—Not later than one year
16 after the date of the enactment of this section and
17 annually thereafter, the Director shall submit to the
18 Committee on Homeland Security of the House of
19 Representatives and the Committee on Homeland
20 Security and Governmental Affairs of the Senate a
21 report on the Initiative.

22 “(2) CONTENTS.—Each report under para-
23 graph (1) shall include the following:

24 “(A) A description of the courses provided
25 under the Initiative.

1 “(B) A description of outreach efforts to
2 raise awareness of the availability of such
3 courses.

4 “(C) Information on the number and de-
5 mographics of participants in such courses, in-
6 cluding by gender, race, and place of residence.

7 “(D) Information on the participation in
8 such courses of workers from each critical in-
9 frastructure sector.

10 “(E) Plans for expanding access to indus-
11 trial control systems education and training, in-
12 cluding expanding access to women and under-
13 represented populations, and expanding access
14 to different regions of the United States.

15 “(F) Recommendations on how to
16 strengthen the state of industrial control sys-
17 tems cybersecurity education and training.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 in section 1(b) of the Homeland Security Act of 2002 is
20 amended by inserting after the item relating to section
21 2220D the following new item:

 “Sec. 2220E. Industrial Control Systems Cybersecurity Training Initiative.”.

1 **SEC. 6737. TSA REACHING ACROSS NATIONALITIES, SOCI-**
2 **ETIES, AND LANGUAGES TO ADVANCE TRAV-**
3 **ELER EDUCATION.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Administrator of
6 the Transportation Security Administration (TSA) shall
7 submit to the Committee on Homeland Security of the
8 House of Representatives and the Committee on Com-
9 merce, Science, and Transportation of the Senate a plan
10 to ensure that TSA material disseminated in major air-
11 ports can be better understood by more people accessing
12 such airports.

13 (b) CONTENTS.—The plan required under subsection
14 (a) shall include the following:

15 (1) An identification of the most common lan-
16 guages other than English that are the primary lan-
17 guages of individuals that travel through or work in
18 each major airport.

19 (2) A plan to improve—

20 (A) TSA materials to communicate infor-
21 mation in languages identified pursuant to
22 paragraph (1); and

23 (B) the communication of TSA material to
24 individuals with vision or hearing impairments
25 or other possible barriers to understanding such
26 material.

1 (c) CONSIDERATIONS.—In developing the plan re-
2 quired under subsection (a), the Administrator of the
3 TSA, acting through the Office of Civil Rights and Lib-
4 erties, Ombudsman, and Traveler Engagement of the
5 TSA, shall take into consideration data regarding the fol-
6 lowing:

7 (1) International enplanements.

8 (2) Local populations surrounding major air-
9 ports.

10 (3) Languages spoken by members of Indian
11 Tribes within each service area population in which
12 a major airport is located.

13 (d) IMPLEMENTATION.—Not later than 180 days
14 after the submission of the plan required under subsection
15 (a), the Administrator of the TSA, in consultation with
16 the owner or operator of each major airport, shall imple-
17 ment such plan.

18 (e) GAO REVIEW.—Not later than one year after the
19 implementation pursuant to subsection (d) of the plan re-
20 quired under subsection (a), the Comptroller General of
21 the United States shall submit to the Committee on
22 Homeland Security of the House of Representatives and
23 the Committee on Commerce, Science, and Transportation
24 of the Senate a review of such implementation.

25 (f) DEFINITIONS.—In this section:

1 (1) AIRPORT.—The term “airport” has the
2 meaning given such term in section 40102 of title
3 49, United States Code.

4 (2) INDIAN TRIBE.—The term “Indian Tribe”
5 means an Indian Tribe, as such term is defined in
6 section 102 of the Federally Recognized Indian
7 Tribe List Act of 1994 (25 U.S.C. 5130), individ-
8 ually identified (including parenthetically) in the list
9 published most recently as of the date of the enact-
10 ment of this Act pursuant to section 104 of that Act
11 (25 U.S.C. 5131).

12 (3) MAJOR AIRPORTS.—The term “major air-
13 ports” means Category X and Category I airports.

14 (4) NON-TRAVELING INDIVIDUAL.—The term
15 “non-traveling individual” has the meaning given
16 such term in section 1560.3 of title 49, Code of Fed-
17 eral Regulations.

18 (5) TSA MATERIAL.—The term “TSA mate-
19 rial” means signs, videos, audio messages, websites,
20 press releases, social media postings, and other com-
21 munications published and disseminated by the Ad-
22 ministrator of the TSA in Category X and Category
23 I airports for use by both traveling and non-trav-
24 eling individuals.

1 **SEC. 6738. BEST PRACTICES RELATED TO CERTAIN INFOR-**
2 **MATION COLLECTED BY RENTAL COMPANIES**
3 **AND DEALERS (DARREN DRAKE).**

4 (a) DEVELOPMENT AND DISSEMINATION.—

5 (1) IN GENERAL.—Not later than one year
6 after the date of the enactment of this Act, the Sec-
7 retary of Homeland Security shall develop and dis-
8 seminate best practices for rental companies and
9 dealers to report suspicious behavior to law enforce-
10 ment agencies at the point of sale of a covered rental
11 vehicle.

12 (2) CONSULTATION; UPDATES.—The Secretary
13 shall develop and, as necessary, update the best
14 practices described in paragraph (1) after consulta-
15 tion with Federal, State, local, and Tribal law en-
16 forcement agencies and relevant transportation secu-
17 rity stakeholders.

18 (3) GUIDANCE ON SUSPICIOUS BEHAVIOR.—The
19 Secretary shall include, in the best practices devel-
20 oped under paragraph (1), guidance on defining and
21 identifying suspicious behavior in a manner that pro-
22 tects civil rights and civil liberties.

23 (b) REPORT TO CONGRESS.—Not later than one year
24 after the date of the enactment of this Act, the Secretary
25 of Homeland Security shall submit to Congress a report

1 on the implementation of this section, including an assess-
2 ment of—

3 (1) the impact of the best practices described in
4 subsection (a) on efforts to protect the United
5 States against terrorist attacks; and

6 (2) ways to improve and expand cooperation
7 and engagement between—

8 (A) the Department of Homeland Security;

9 (B) Federal, State, local, and Tribal law
10 enforcement agencies; and

11 (C) rental companies, dealers, and other
12 relevant rental industry stakeholders.

13 (c) DEFINITIONS.—In this section:

14 (1) The terms “dealer” and “rental company”
15 have the meanings given those terms in section
16 30102 of title 49, United States Code.

17 (2) The term “covered rental vehicle” means a
18 motor vehicle that—

19 (A) is rented without a driver for an initial
20 term of less than 4 months; and

21 (B) is part of a motor vehicle fleet of 35
22 or more motor vehicles that are used for rental
23 purposes by a rental company.

24 **SEC. 6739. ONE-STOP PILOT PROGRAM.**

25 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Transpor-
3 tation Security Administration.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Homeland Security
8 of the House of Representatives; and

9 (B) the Committee on Homeland Security
10 and Governmental Affairs and the Committee
11 on Commerce, Science, and Transportation of
12 the Senate.

13 (3) TSA.—The term “TSA” means the Trans-
14 portation Security Administration of the Depart-
15 ment of Homeland Security.

16 (b) ESTABLISHMENT.—Notwithstanding 44901(a) of
17 title 49, United States Code, the Administrator, in coordi-
18 nation with the Commissioner of U.S. Customs and Bor-
19 der Protection, may establish a pilot program at not more
20 than six foreign last point of departure airports to permit
21 passengers and their accessible property arriving on direct
22 flights or flight segments originating at such participating
23 foreign airports to continue on additional flights or flight
24 segments originating in the United States without addi-
25 tional security re-screening if—

1 (1) the initial screening was conducted in ac-
2 cordance with an aviation security screening agree-
3 ment described in subsection (e);

4 (2) passengers arriving from participating for-
5 eign airports are unable to access their checked bag-
6 gage until the arrival at their final destination; and

7 (3) upon arrival in the United States, pas-
8 sengers arriving from participating foreign airports
9 do not come into contact with other arriving inter-
10 national passengers, those passengers' property, or
11 other persons who have not been screened or sub-
12 jected to other appropriate security controls required
13 for entry into the airport's sterile area.

14 (c) REQUIREMENTS FOR PILOT PROGRAM.—In car-
15 rying out this section, the Administrator shall ensure that
16 there is no reduction in the level of security or specific
17 TSA aviation security standards or requirements for
18 screening passengers and their property prior to boarding
19 an international flight bound for the United States, in-
20 cluding specific aviation security standards and require-
21 ments regarding—

22 (1) high risk passengers and their property;

23 (2) weapons, explosives, and incendiaries;

24 (3) screening passengers and property transfer-
25 ring at a foreign last point of departure airport from

1 another airport and bound for the United States,
2 and addressing any commingling of such passengers
3 and property with passengers and property screened
4 under the pilot program described in subsection (b);
5 and

6 (4) insider risk at foreign last point of depar-
7 ture airports.

8 (d) RE-SCREENING OF CHECKED BAGGAGE.—Sub-
9 ject to subsection (f), the Administrator may determine
10 whether checked baggage arriving from participating for-
11 eign airports referenced in subsection (b) that screen
12 using an explosives detection system must be re-screened
13 in the United States by an explosives detection system be-
14 fore such baggage continues on any additional flight or
15 flight segment.

16 (e) AVIATION SECURITY SCREENING AGREEMENT.—
17 An aviation security screening agreement described in this
18 subsection is a treaty, executive agreement, or other inter-
19 national arrangement that—

20 (1)(A) in the case of a treaty or executive
21 agreement, is signed by the President; and

22 (B) in the case of an international agreement,
23 is signed by only the President, Secretary of Home-
24 land Security, or Administrator, without delegating
25 such authority; and

1 (2) is entered into with a foreign country that
2 delineates and implements security standards and
3 protocols utilized at a foreign last point of departure
4 airport that are determined by the Administrator—

5 (A) to be comparable to those of the
6 United States; and

7 (B) sufficiently effective to enable pas-
8 sengers and their accessible property to deplane
9 into sterile areas of airports in the United
10 States without the need for re-screening.

11 (f) RE-SCREENING REQUIREMENT.—

12 (1) IN GENERAL.—If the Administrator deter-
13 mines that a foreign country participating in the
14 aviation security screening agreement has not main-
15 tained and implemented security standards and pro-
16 tocols comparable to those of the United States at
17 foreign last point of departure airports at which a
18 pilot program has been established in accordance
19 with this section, the Administrator shall ensure that
20 passengers and their property arriving from such
21 airports are re-screened in the United States, includ-
22 ing by using explosives detection systems in accord-
23 ance with section 44901(d)(1) of title 49, United
24 States Code, and implementing regulations and di-
25 rectives, before such passengers and their property

1 are permitted into sterile areas of airports in the
2 United States.

3 (2) CONSULTATION.—If the Administrator has
4 reasonable grounds to believe that the other party to
5 an aviation security screening agreement has not
6 complied with such agreement, the Administrator
7 shall request immediate consultation with such
8 party.

9 (3) SUSPENSION OR TERMINATION OF AGREE-
10 MENT.—If a satisfactory resolution between TSA
11 and a foreign country is not reached within 45 days
12 after a consultation request under paragraph (2) or
13 in the case of the foreign country's continued or
14 egregious failure to maintain the security standards
15 and protocols described in paragraph (1), the Presi-
16 dent, Secretary of Homeland Security, or Adminis-
17 trator, as appropriate, shall suspend or terminate
18 the aviation security screening agreement with such
19 country, as determined appropriate by the President,
20 Secretary of Homeland Security, or Administrator.
21 The Administrator shall notify the appropriate con-
22 gressional committees of such consultation and sus-
23 pension or termination, as the case may be, not later
24 than seven days after such consultation and suspen-
25 sion or termination.

1 (g) BRIEFINGS TO CONGRESS.—Not later than 45
2 days before an aviation security screening agreement de-
3 scribed in subsection (e) enters into force, the Adminis-
4 trator shall submit to the appropriate congressional com-
5 mittees—

6 (1) an aviation security threat assessment for
7 the country in which such foreign last point of de-
8 parture airport is located;

9 (2) information regarding any corresponding
10 mitigation efforts to address any security issues
11 identified in such threat assessment, including any
12 plans for joint covert testing;

13 (3) information on potential security
14 vulnerabilities associated with commencing a pilot
15 program at such foreign last point of departure air-
16 port pursuant to subsection (b) and mitigation plans
17 to address such potential security vulnerabilities;

18 (4) an assessment of the impacts such pilot pro-
19 gram will have on aviation security;

20 (5) an assessment of the screening performed
21 at such foreign last point of departure airport, in-
22 cluding the feasibility of TSA personnel monitoring
23 screening, security protocols, and standards;

24 (6) information regarding identifying the entity
25 or entities responsible for screening passengers and

1 property at such foreign last point of departure air-
2 port;

3 (7) the name of the entity or local authority
4 and any contractor or subcontractor;

5 (8) information regarding the screening require-
6 ments relating to such aviation security screening
7 agreement;

8 (9) details regarding information sharing mech-
9 anisms between the TSA and such foreign last point
10 of departure airport, screening authority, or entity
11 responsible for screening provided for under such
12 aviation security screening agreement; and

13 (10) a copy of the aviation security screening
14 agreement, which shall identify the foreign last point
15 of departure airport or airports at which a pilot pro-
16 gram under this section is to be established.

17 (h) CERTIFICATIONS RELATING TO THE PILOT PRO-
18 GRAM FOR ONE-STOP SECURITY.—For each aviation secu-
19 rity screening agreement described in subsection (e), the
20 Administrator shall submit to the appropriate congres-
21 sional committees—

22 (1)(A) a certification that such agreement satis-
23 fies all of the requirements specified in subsection
24 (c); or

1 (B) in the event that one or more of such re-
2 quirements are not so satisfied, a description of the
3 unsatisfied requirement and information on what ac-
4 tions the Administrator will take to ensure that such
5 remaining requirements are satisfied before such
6 agreement enters into force;

7 (2) a certification that TSA and U.S. Customs
8 and Border Protection have ensured that any nec-
9 essary physical modifications or appropriate mitiga-
10 tions exist in the domestic one-stop security pilot
11 program airport prior to receiving international pas-
12 sengers from a last point of departure airport under
13 the aviation security screening agreement;

14 (3) a certification that a foreign last point of
15 departure airport covered by an aviation security
16 screening agreement has an operation to screen all
17 checked bags as required by law, regulation, or
18 international agreement, including the full utilization
19 of explosives detection systems to the extent applica-
20 ble; and

21 (4) a certification that the Administrator con-
22 sulted with stakeholders, including air carriers, avia-
23 tion nonprofit labor organizations, airport operators,
24 relevant interagency partners, and other stake-

1 holders that the Administrator determines appro-
2 priate.

3 (i) REPORT TO CONGRESS.—Not later than five years
4 after the date of the enactment of this Act, the Secretary
5 of Homeland Security, in coordination with the Adminis-
6 trator, shall submit a report to the appropriate congres-
7 sional committees regarding the implementation of the
8 pilot program authorized under this section, including in-
9 formation relating to—

10 (1) the impact of such program on homeland
11 security and international aviation security, includ-
12 ing any benefits and challenges of such program;

13 (2) the impact of such program on passengers,
14 airports, and air carriers, including any benefits and
15 challenges of such program; and

16 (3) the impact and feasibility of continuing
17 such program or expanding it into a more perma-
18 nent program, including any benefits and challenges
19 of such continuation or expansion.

20 (j) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion may be construed as limiting the authority of U.S.
22 Customs and Border Protection to inspect persons and
23 baggage arriving in the United States in accordance with
24 applicable law.

1 (k) SUNSET.—The pilot program authorized under
2 this section shall terminate on the date that is six years
3 after the date of the enactment of this Act.

4 **SEC. 6740. DHS ILLICIT CROSS-BORDER TUNNEL DEFENSE.**

5 (a) COUNTER ILLICIT CROSS-BORDER TUNNEL OP-
6 ERATIONS STRATEGIC PLAN.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the
9 Commissioner of U.S. Customs and Border Protec-
10 tion, in coordination with the Under Secretary for
11 Science and Technology, and, as appropriate, other
12 officials of the Department of Homeland Security,
13 shall develop a counter illicit cross-border tunnel op-
14 erations strategic plan (in this section referred to as
15 the “strategic plan”) to address the following:

16 (A) Risk-based criteria to be used to
17 prioritize the identification, breach, assessment,
18 and remediation of illicit cross-border tunnels.

19 (B) Promote the use of innovative tech-
20 nologies to identify, breach, assess, and reme-
21 diate illicit cross-border tunnels in a manner
22 that, among other considerations, reduces the
23 impact of such activities on surrounding com-
24 munities.

1 (C) Processes to share relevant illicit cross-
2 border tunnel location, operations, and technical
3 information.

4 (D) Indicators of specific types of illicit
5 cross-border tunnels found in each U.S. Border
6 Patrol sector identified through operations to be
7 periodically disseminated to U.S. Border Patrol
8 sector chiefs to educate field personnel.

9 (E) A counter illicit cross-border tunnel
10 operations resource needs assessment that in-
11 cludes consideration of the following:

12 (i) Technology needs.

13 (ii) Staffing needs, including the fol-
14 lowing:

15 (I) A position description for
16 counter illicit cross-border tunnel op-
17 erations personnel.

18 (II) Any specialized skills re-
19 quired of such personnel.

20 (III) The number of such full
21 time personnel, disaggregated by U.S.
22 Border Patrol sector.

23 (2) REPORT TO CONGRESS ON STRATEGIC
24 PLAN.—Not later than one year after the develop-
25 ment of the strategic plan, the Commissioner of U.S.

1 Customs and Border Protection shall submit to the
2 Committee on Homeland Security of the House of
3 Representatives and the Committee on Homeland
4 Security and Governmental Affairs of the Senate a
5 report on the implementation of the strategic plan.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Commissioner of U.S.
8 Customs and Border Protection \$1,000,000 for each of
9 fiscal years 2023 and 2024 to carry out—

10 (1) the development of the strategic plan; and

11 (2) remediation operations of illicit cross-border
12 tunnels in accordance with the strategic plan to the
13 maximum extent practicable.

14 **SEC. 6741. PREVENT EXPOSURE TO NARCOTICS AND**
15 **TOXICS.**

16 (a) TRAINING FOR U.S. CUSTOMS AND BORDER PRO-
17 TECTION PERSONNEL ON THE USE OF CONTAINMENT
18 DEVICES TO PREVENT SECONDARY EXPOSURE TO
19 FENTANYL AND OTHER POTENTIALLY LETHAL SUB-
20 STANCES.—Paragraph (1) of section 416(b) of the Home-
21 land Security Act of 2002 (6 U.S.C. 216(b)) is amended
22 by adding at the end the following new subparagraph:

23 “(C) How to use containment devices to
24 prevent secondary exposure to fentanyl and
25 other potentially lethal substances.”.

1 (b) AVAILABILITY OF CONTAINMENT DEVICES.—Sec-
2 tion 416(c) of the Homeland Security Act of 2002 (6
3 U.S.C. 216(c)) is amended—

4 (1) by striking “and” after “equipment” and
5 inserting a comma; and

6 (2) by inserting “and containment devices”
7 after “naloxone,”.

8 **Subtitle D—Technical, Conforming,**
9 **and Clerical Amendments**

10 **SEC. 6751. TECHNICAL, CONFORMING, AND CLERICAL**
11 **AMENDMENTS.**

12 The table of contents in section 1(b) of the Homeland
13 Security Act of 2002 is amended by—

14 (1) amending the items relating to sections 435
15 and 436 to read as follows:

“Sec. 435. Maritime operations coordination plan.
“Sec. 436. Maritime security capabilities assessments.”;

16 (2) amending the item relating to section 1617
17 to read as follows:

“Sec. 1617. Diversified security technology industry marketplace.”;

18 (3) amending the item relating to section 1621
19 to read as follows:

“Sec. 1621. Maintenance validation and oversight.”; and

20 (4) amending the item relating to section 2103
21 to read as follows:

“Sec. 2103. Protection and sharing of information.”.

1 **TITLE LXVIII—FEDERAL EMER-**
2 **GENCY MANAGEMENT AD-**
3 **VANCEMENT OF EQUITY**

4 **SEC. 6801. DEFINITIONS.**

5 In this title:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Federal
8 Emergency Management Agency.

9 (2) AGENCY.—The term “Agency” means the
10 Federal Emergency Management Agency.

11 (3) EMERGENCY.—The term “emergency”
12 means an emergency declared by the President
13 under section 501 of the Robert T. Stafford Disaster
14 Relief and Emergency Assistance Act (42 U.S.C.
15 5191).

16 (4) EQUITY.—The term “equity” means the
17 guarantee of fair treatment, advancement, equal op-
18 portunity, and access for underserved communities
19 and others, the elimination of barriers that have pre-
20 vented full participation for underserved commu-
21 nities, and the reduction of disparate outcomes.

22 (5) EQUITABLE.—The term “equitable” means
23 having or exhibiting equity.

24 (6) FEDERAL ASSISTANCE.—The term “Federal
25 assistance” means assistance provided pursuant to—

1 (A) a declaration of a major disaster or
2 emergency under the Robert T. Stafford Dis-
3 aster Relief and Emergency Assistance Act;

4 (B) sections 203 and 205 of the Robert T.
5 Stafford Disaster Relief and Emergency Assist-
6 ance Act; and

7 (C) section 1366 of the National Flood In-
8 surance Act of 1968 (42 U.S.C. 4104c).

9 (7) MAJOR DISASTER.—The term “major dis-
10 aster” means a major disaster declared by the Presi-
11 dent under section 401 of the Robert T. Stafford
12 Disaster Relief and Emergency Assistance Act (42
13 U.S.C. 5170).

14 (8) UNDERSERVED COMMUNITY.—The term
15 “underserved community” means—

16 (A) the Native-American and Alaskan-Na-
17 tive community;

18 (B) the African-American community;

19 (C) the Asian community;

20 (D) the Hispanic community (including in-
21 dividuals of Mexican, Puerto Rican, Cuban, and
22 Central or South American origin);

23 (E) the Pacific Islander community;

24 (F) the Middle Eastern and North African
25 community;

- 1 (G) a rural community;
2 (H) a low-income community;
3 (I) individuals with disabilities;
4 (J) a limited English proficiency commu-
5 nity;
6 (K) other individuals or communities oth-
7 erwise adversely affected by persistent poverty
8 or inequality; and
9 (L) any other disadvantaged community,
10 as determined by the Administrator.

11 **Subtitle A—Ensuring Equity in**
12 **Federal Disaster Management**

13 **SEC. 6811. DATA COLLECTION, ANALYSIS, AND CRITERIA.**

14 (a) IN GENERAL.—Not later than one year after the
15 date of enactment of this Act, the Administrator shall, in
16 consultation with the Secretary of Housing and Urban De-
17 velopment and the Administrator of the Small Business
18 Administration, develop and implement a process to en-
19 sure equity in the provision of Federal assistance and
20 throughout all programs and policies of the Agency.

21 (b) SPECIFIC AREAS FOR CONSULTATION.—In car-
22 rying out subsection (a), the Administrator shall identify
23 requirements for ensuring the quality, consistency, acces-
24 sibility, and availability of information needed to identify

1 programs and policies of the Agency that may not support
2 the provision of equitable Federal assistance, including—

3 (1) information requirements;

4 (2) data sources and collection methods; and

5 (3) strategies for overcoming data or other in-
6 formation challenges.

7 (c) MODIFICATION OF DATA COLLECTION SYS-
8 TEMS.—The Administrator shall modify the data collec-
9 tion systems of the Agency based on the process developed
10 under subsection (a) to ensure the quality, consistency, ac-
11 cessibility, and availability of information needed to iden-
12 tify any programs and policies of the Agency that may
13 not support the provision of equitable Federal assistance.

14 **SEC. 6812. CRITERIA FOR ENSURING EQUITY IN POLICIES**
15 **AND PROGRAMS.**

16 (a) IN GENERAL.—Not later than one year after the
17 date of enactment of this Act, the Administrator shall de-
18 velop, disseminate, and update, as appropriate, criteria to
19 apply to policies and programs of the Agency to ensure
20 equity in the provision of Federal assistance and through-
21 out all programs and policies of the Agency.

22 (b) CONSULTATION.—In developing and dissemi-
23 nating the criteria required under subsection (a), the Ad-
24 ministrator shall consult with—

1 (1) the Office for Civil Rights and Civil Lib-
2 erties of the Department of Homeland Security;

3 (2) the United States Department of Housing
4 and Urban Development; and

5 (3) the Small Business Administration.

6 (c) INTEGRATION OF CRITERIA.—

7 (1) IN GENERAL.—The Administrator shall, to
8 the maximum extent possible, integrate the criteria
9 developed under subsection (a) into existing and fu-
10 ture processes related to the provision of Federal as-
11 sistance.

12 (2) PRIORITY.—The Administrator shall
13 prioritize integrating the criteria under paragraph
14 (1) into processes related to the provision of—

15 (A) assistance under sections 402, 403,
16 406, 407, 428, and 502 of the Robert T. Staf-
17 ford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5170a et seq.);

19 (B) Federal assistance to individuals and
20 households under section 408 of such Act (42
21 U.S.C. 5174);

22 (C) hazard mitigation assistance under
23 section 404 of such Act (42 U.S.C. 5170e); and

1 (D) predisaster hazard mitigation assist-
2 ance under section 203 of such Act (42 U.S.C.
3 5133).

4 **SEC. 6813. METRICS; REPORT.**

5 (a) METRICS.—In carrying out this subtitle, the Ad-
6 ministrator shall—

7 (1) establish metrics to measure the efficacy of
8 the process developed under section 6811 and the
9 criteria developed under section 6812; and

10 (2) seek input from relevant representatives of
11 State, regional, local, territorial, and Tribal govern-
12 ments, representatives of community-based organiza-
13 tions, subject matter experts, and individuals from
14 underserved communities impacted by disasters.

15 (b) REPORT.—Not later than one year after the dis-
16 semination of the criteria under section 6812(a), and an-
17 nually thereafter, the Administrator shall submit to Con-
18 gress a report describing how the criteria and processes
19 developed under this subtitle have impacted efforts to en-
20 sure equity in the provision of Federal assistance and
21 throughout all programs and policies of the Agency, in-
22 cluding—

23 (1) any obstacles identified or areas for im-
24 provement with respect to implementation of such

1 criteria and processes, including any recommended
2 legislative changes;

3 (2) the effectiveness of such criteria and proc-
4 esses, as measured by the metrics established under
5 subsection (a); and

6 (3) any impacts of such criteria and processes
7 on the provision of Federal assistance, with specific
8 attention to impacts related to efforts within the
9 Agency to address barriers to access and reducing
10 disparate outcomes.

11 **Subtitle B—Operational Enhance-**
12 **ment to Improve Equity in Fed-**
13 **eral Disaster Management**

14 **SEC. 6821. EQUITY ADVISOR.**

15 (a) IN GENERAL.—The Administrator shall designate
16 a senior official within the Agency as an equity advisor
17 to the Administrator to be responsible for advising the Ad-
18 ministrator on Agency efforts to ensure equity in the pro-
19 vision of Federal assistance and throughout all programs
20 and policies of the Agency.

21 (b) QUALIFICATIONS.—In designating an equity advi-
22 sor under subsection (a), the Administrator shall select an
23 individual who is a qualified expert with significant experi-
24 ence with respect to equity policy, civil rights policy, or
25 programmatic reforms.

1 (c) DUTIES.—In addition to advising the Adminis-
2 trator, the equity advisor designated under subsection (a)
3 shall—

4 (1) participate in the implementation of sec-
5 tions 6811 and 6812;

6 (2) monitor equity the implementation of equity
7 efforts within the Agency and within Federal Emer-
8 gency Management Agency Regions to ensure con-
9 sistency in the implementation of policy or pro-
10 grammatic changes intended to ensure equity in the
11 provision of Federal assistance and throughout all
12 programs and policies of the Agency;

13 (3) identify ways to improve the policies and
14 programs of the Agency to ensure that such policies
15 and programs are equitable, including enhancing op-
16 portunities to support underserved populations in
17 preparedness, mitigation, protection, response, and
18 recovery; and

19 (4) any other activities the Administrator con-
20 siders appropriate.

21 (d) CONSULTATION.—In carrying out the duties
22 under this section, the equity advisor shall, on an ongoing
23 basis, consult with representatives of underserved commu-
24 nities, including communities directly impacted by disas-
25 ters, to evaluate opportunities and develop approaches to

1 advancing equity within the Agency, including by increas-
2 ing coordination, communication, and engagement with—

3 (1) community-based organizations;

4 (2) civil rights organizations;

5 (3) institutions of higher education;

6 (4) research institutions;

7 (5) academic organizations specializing in diver-
8 sity, equity, and inclusion issues; and

9 (6) religious and faith-based organizations.

10 **SEC. 6822. EQUITY ENTERPRISE STEERING GROUP.**

11 (a) ESTABLISHMENT.—There is established in the
12 Agency a steering group to advise the Administrator on
13 how to ensure equity in the provision of Federal assistance
14 and throughout all programs and policies of the Agency.

15 (b) RESPONSIBILITIES.—In carrying out subsection
16 (a), the steering group established under this section
17 shall—

18 (1) review and, as appropriate, recommend
19 changes to Agency-wide policies, procedures, plans,
20 and guidance;

21 (2) support the development and implementa-
22 tion of the processes and criteria developed under
23 subtitle A; and

24 (3) monitor the integration and establishment
25 of metrics developed under section 6813.

1 (c) COMPOSITION.—The Administrator shall appoint
2 the following individuals as members of the steering group
3 established under subsection (a):

4 (1) Representatives from each of the following
5 offices of the Agency:

6 (A) The Office of Equal Rights.

7 (B) The Office of Response and Recovery.

8 (C) FEMA Resilience.

9 (D) The Office of Disability Integration
10 and Coordination.

11 (E) The United States Fire Administra-
12 tion.

13 (F) The mission support office of the
14 Agency.

15 (G) The Office of Chief Counsel.

16 (H) The Office of the Chief Financial Offi-
17 cer.

18 (I) The Office of Policy and Program
19 Analysis.

20 (J) The Office of External Affairs.

21 (2) The administrator of each Regional Office,
22 or his or her designee.

23 (3) The equity advisor, as designated by the
24 Administrator under section 6821.

1 (4) A representative from the Office for Civil
2 Rights and Civil Liberties of the Department of
3 Homeland Security.

4 (5) The Superintendent of the Emergency Man-
5 agement Institute.

6 (6) The National Tribal Affairs Advisor of the
7 Federal Emergency Management Agency.

8 (7) Any other official of the Agency the Admin-
9 istrator determines appropriate.

10 (d) LEADERSHIP.—The Administrator shall des-
11 ignate one or more members of the steering group estab-
12 lished under subsection (a) to serve as chair of the steering
13 group.

14 **SEC. 6823. GAO REVIEW OF EQUITY REFORMS.**

15 Not later than three years after the date of enact-
16 ment of this Act, the Comptroller General of the United
17 States shall issue a report to evaluate the implementation
18 of this subtitle and subtitle A.

19 **Subtitle C—GAO Review of Factors**
20 **to Determine Assistance**

21 **SEC. 6831. GAO REVIEW OF FACTORS TO DETERMINE AS-**
22 **SISTANCE.**

23 (a) IN GENERAL.—Not later than one year after the
24 date of enactment of this Act, the Comptroller General
25 of the United States shall issue a report describing the

1 factors the Agency considers when evaluating a request
2 from a Governor to declare that a major disaster or emer-
3 gency exists and to authorize assistance under sections
4 402, 403, 406, 407, 408, 428, and 502 of the Robert T.
5 Stafford Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5170a et seq.).

7 (b) CONTENTS.—The report issued under subsection
8 (a) shall include—

9 (1) an assessment of—

10 (A) the degree to which the factors the
11 Agency considers when evaluating a request for
12 a major disaster or emergency declaration—

13 (i) affect equity for underserved com-
14 munities, particularly with respect to
15 major disaster and emergency declaration
16 requests, approvals of such requests, and
17 the authorization of assistance described in
18 subsection (a); and

19 (ii) are designed to deliver equitable
20 outcomes;

21 (B) how the Agency utilizes such factors or
22 monitors whether such factors result in equi-
23 table outcomes;

24 (C) the extent to which major disaster and
25 emergency declaration requests, approvals of

1 such requests, and the authorization of assist-
2 ance described in subsection (a), are more high-
3 ly correlated with high-income counties com-
4 pared to lower-income counties;

5 (D) whether the process and administra-
6 tive steps for conducting preliminary damage
7 assessments are equitable; and

8 (E) to the extent practicable, whether such
9 factors may deter a Governor from seeking a
10 major disaster or emergency declaration for po-
11 tentially eligible counties; and

12 (2) a consideration of the extent to which such
13 factors affect underserved communities—

14 (A) of varying size;

15 (B) with varying population density and
16 demographic characteristics;

17 (C) with limited emergency management
18 staff and resources; and

19 (D) located in urban or rural areas.

20 (c) RECOMMENDATIONS.—The Comptroller General
21 shall include in the report issued under subsection (a) any
22 recommendations for changes to the factors the Agency
23 considers when evaluating a request for a major disaster
24 or emergency declaration to account for underserved com-
25 munities.

1 **TITLE LXIX—GLOBAL HEALTH**
2 **SECURITY ACT OF 2022**

3 **SEC. 6901. SHORT TITLE.**

4 This title may be cited as the “Global Health Security
5 Act of 2022”.

6 **SEC. 6902. FINDINGS.**

7 Congress finds the following:

8 (1) In December 2009, President Obama re-
9 leased the National Strategy for Countering Biologi-
10 cal Threats, which listed as one of seven objectives
11 “Promote global health security: Increase the avail-
12 ability of and access to knowledge and products of
13 the life sciences that can help reduce the impact
14 from outbreaks of infectious disease whether of nat-
15 ural, accidental, or deliberate origin”.

16 (2) In February 2014, the United States and
17 nearly 30 other nations launched the Global Health
18 Security Agenda (GHSA) to address several high-
19 priority, global infectious disease threats. The
20 GHSA is a multi-faceted, multi-country initiative in-
21 tended to accelerate partner countries’ measurable
22 capabilities to achieve specific targets to prevent, de-
23 tect, and respond to infectious disease threats,
24 whether naturally occurring, deliberate, or acci-
25 dental.

1 (3) In 2015, the United Nations adopted the
2 Sustainable Development Goals (SDGs), which in-
3 clude specific reference to the importance of global
4 health security as part of SDG 3 “ensure healthy
5 lives and promote well-being for all at all ages” as
6 follows: “strengthen the capacity of all countries, in
7 particular developing countries, for early warning,
8 risk reduction and management of national and
9 global health risks”.

10 (4) On November 4, 2016, President Obama
11 signed Executive Order No. 13747, “Advancing the
12 Global Health Security Agenda to Achieve a World
13 Safe and Secure from Infectious Disease Threats”.

14 (5) In October 2017 at the GHSA Ministerial
15 Meeting in Uganda, the United States and more
16 than 40 GHSA member countries supported the
17 “Kampala Declaration” to extend the GHSA for an
18 additional 5 years to 2024.

19 (6) In December 2017, President Trump re-
20 leased the National Security Strategy, which in-
21 cludes the priority action: “Detect and contain bio-
22 threats at their source: We will work with other
23 countries to detect and mitigate outbreaks early to
24 prevent the spread of disease. We will encourage
25 other countries to invest in basic health care systems

1 and to strengthen global health security across the
2 intersection of human and animal health to prevent
3 infectious disease outbreaks”.

4 (7) In September 2018, President Trump re-
5 leased the National Biodefense Strategy, which in-
6 cludes objectives to “strengthen global health secu-
7 rity capacities to prevent local bioincidents from be-
8 coming epidemics”, and “strengthen international
9 preparedness to support international response and
10 recovery capabilities”.

11 (8) In January 2021, President Biden issued
12 Executive Order 13987 (86 Fed. Reg. 7019; relating
13 to Organizing and Mobilizing the United States Gov-
14 ernment to Provide a Unified and Effective Re-
15 sponse to Combat COVID–19 and to Provide United
16 States Leadership on Global Health and Security),
17 as well as National Security Memorandum on
18 United States Global Leadership to Strengthen the
19 International COVID–19 Response and to Advance
20 Global Health Security and Biological Preparedness,
21 which include objectives to strengthen and reform
22 the World Health Organization, increase United
23 States leadership in the global response to COVID–
24 19, and to finance and advance global health secu-
25 rity and pandemic preparedness.

1 **SEC. 6903. STATEMENT OF POLICY.**

2 It is the policy of the United States to—

3 (1) promote and invest in global health security
4 and pandemic preparedness as a core national secu-
5 rity interest;

6 (2) advance the aims of the Global Health Se-
7 curity Agenda;

8 (3) collaborate with other countries to detect
9 and mitigate outbreaks early to prevent the spread
10 of disease;

11 (4) encourage and support other countries to
12 advance pandemic preparedness by investing in basic
13 resilient and sustainable health care systems; and

14 (5) strengthen global health security across the
15 intersection of human and animal health to prepare
16 for and prevent infectious disease outbreaks and
17 combat the growing threat of antimicrobial resist-
18 ance.

19 **SEC. 6904. GLOBAL HEALTH SECURITY AGENDA INTER-**
20 **AGENCY REVIEW COUNCIL.**

21 (a) ESTABLISHMENT.—The President shall establish
22 a Global Health Security Agenda Interagency Review
23 Council (in this section referred to as the “Council”) to
24 perform the general responsibilities described in sub-
25 section (c) and the specific roles and responsibilities de-
26 scribed in subsection (e).

1 (b) MEETINGS.—The Council shall meet not less than
2 four times per year to advance its mission and fulfill its
3 responsibilities.

4 (c) GENERAL RESPONSIBILITIES.—The Council shall
5 be responsible for the following activities:

6 (1) Provide policy-level recommendations to
7 participating agencies on Global Health Security
8 Agenda (GHSA) goals, objectives, and implementa-
9 tion, and other international efforts to strengthen
10 pandemic preparedness and response.

11 (2) Facilitate interagency, multi-sectoral en-
12 gagement to carry out GHSA implementation.

13 (3) Provide a forum for raising and working to
14 resolve interagency disagreements concerning the
15 GHSA, and other international efforts to strengthen
16 pandemic preparedness and response.

17 (4)(A) Review the progress toward and work to
18 resolve challenges in achieving United States com-
19 mitments under the GHSA, including commitments
20 to assist other countries in achieving the GHSA tar-
21 gets.

22 (B) The Council shall consider, among other
23 issues, the following:

24 (i) The status of United States financial
25 commitments to the GHSA in the context of

1 commitments by other donors, and the con-
2 tributions of partner countries to achieve the
3 GHSA targets.

4 (ii) The progress toward the milestones
5 outlined in GHSA national plans for those
6 countries where the United States Government
7 has committed to assist in implementing the
8 GHSA and in annual work-plans outlining
9 agency priorities for implementing the GHSA.

10 (iii) The external evaluations of United
11 States and partner country capabilities to ad-
12 dress infectious disease threats, including the
13 ability to achieve the targets outlined within the
14 WHO Joint External Evaluation tool, as well as
15 gaps identified by such external evaluations.

16 (d) PARTICIPATION.—The Council shall be headed by
17 the Assistant to the President for National Security Af-
18 fairs, in coordination with the heads of relevant Federal
19 agencies. The Council shall consist of representatives from
20 the following agencies:

- 21 (1) The Department of State.
22 (2) The Department of Defense.
23 (3) The Department of Justice.
24 (4) The Department of Agriculture.

1 (5) The Department of Health and Human
2 Services.

3 (6) The Department of the Treasury.

4 (7) The Department of Labor.

5 (8) The Department of Homeland Security.

6 (9) The Office of Management and Budget.

7 (10) The Office of the Director of National In-
8 telligence.

9 (11) The United States Agency for Inter-
10 national Development.

11 (12) The Environmental Protection Agency.

12 (13) The Centers for Disease Control and Pre-
13 vention.

14 (14) The Office of Science and Technology Pol-
15 icy.

16 (15) The National Institutes of Health.

17 (16) The National Institute of Allergy and In-
18 fectious Diseases.

19 (17) Such other agencies as the Council deter-
20 mines to be appropriate.

21 (e) SPECIFIC ROLES AND RESPONSIBILITIES.—

22 (1) IN GENERAL.—The heads of agencies de-
23 scribed in subsection (d) shall—

24 (A) make the GHSA and its implementa-
25 tion and global pandemic preparedness a high

1 priority within their respective agencies, and in-
2 clude GHSA- and global pandemic prepared-
3 ness-related activities within their respective
4 agencies' strategic planning and budget proc-
5 esses;

6 (B) designate a senior-level official to be
7 responsible for the implementation of this title;

8 (C) designate, in accordance with sub-
9 section (d), an appropriate representative at the
10 Assistant Secretary level or higher to partici-
11 pate on the Council;

12 (D) keep the Council apprised of GHSA-
13 related activities undertaken within their re-
14 spective agencies;

15 (E) maintain responsibility for agency-re-
16 lated programmatic functions in coordination
17 with host governments, country teams, and
18 GHSA in-country teams, and in conjunction
19 with other relevant agencies;

20 (F) coordinate with other agencies that are
21 identified in this section to satisfy pro-
22 grammatic goals, and further facilitate coordi-
23 nation of country teams, implementers, and do-
24 nors in host countries; and

1 (G) coordinate across national health secu-
2 rity action plans and with GHSA and other
3 partners, as appropriate, to which the United
4 States is providing assistance.

5 (2) ADDITIONAL ROLES AND RESPONSIBIL-
6 ITIES.—In addition to the roles and responsibilities
7 described in paragraph (1), the heads of agencies de-
8 scribed in subsection (d) shall carry out their respec-
9 tive roles and responsibilities described in sub-
10 sections (b) through (i) of section 3 of Executive
11 Order 13747 (81 Fed. Reg. 78701; relating to Ad-
12 vancing the Global Health Security Agenda to
13 Achieve a World Safe and Secure from Infectious
14 Disease Threats), as in effect on the day before the
15 date of the enactment of this Act.

16 **SEC. 6905. UNITED STATES COORDINATOR FOR GLOBAL**
17 **HEALTH SECURITY.**

18 (a) IN GENERAL.—The President shall appoint an in-
19 dividual to the position of United States Coordinator for
20 Global Health Security, who shall be responsible for the
21 coordination of the interagency process for responding to
22 global health security emergencies. As appropriate, the
23 designee shall coordinate with the President's Special Co-
24 ordinator for International Disaster Assistance.

1 (b) CONGRESSIONAL BRIEFING.—Not less frequently
2 than twice each year, the employee designated under this
3 section shall provide to the appropriate congressional com-
4 mittees a briefing on the responsibilities and activities of
5 the individual under this section.

6 **SEC. 6906. SENSE OF CONGRESS.**

7 It is the sense of the Congress that, given the complex
8 and multisectoral nature of global health threats to the
9 United States, the President—

10 (1) should consider appointing an individual
11 with significant background and expertise in public
12 health or emergency response management to the
13 position of United States Coordinator for Global
14 Health Security, as required by section 6905(a), who
15 is an employee of the National Security Council at
16 the level of Deputy Assistant to the President or
17 higher; and

18 (2) in providing assistance to implement the
19 strategy required under section 6907(a), should—

20 (A) coordinate, through a whole-of-govern-
21 ment approach, the efforts of relevant Federal
22 departments and agencies to implement the
23 strategy;

24 (B) seek to fully utilize the unique capa-
25 bilities of each relevant Federal department and

1 agency while collaborating with and leveraging
2 the contributions of other key stakeholders; and
3 (C) utilize open and streamlined solicita-
4 tions to allow for the participation of a wide
5 range of implementing partners through the
6 most appropriate procurement mechanisms,
7 which may include grants, contracts, coopera-
8 tive agreements, and other instruments as nec-
9 essary and appropriate.

10 **SEC. 6907. STRATEGY AND REPORTS.**

11 (a) STRATEGY.—The President shall coordinate the
12 development and implementation of a strategy to imple-
13 ment the policy aims described in section 6903, which
14 shall—

15 (1) seek to strengthen United States diplomatic
16 leadership and improve the effectiveness of United
17 States foreign assistance for global health security to
18 prevent, detect, and respond to infectious disease
19 threats, including through advancement of the Glob-
20 al Health Security Agenda (GHSa), the Inter-
21 national Health Regulations (2005), and other rel-
22 evant frameworks that contribute to global health
23 security and pandemic preparedness;

24 (2) establish specific and measurable goals,
25 benchmarks, timetables, performance metrics, and

1 monitoring and evaluation plans for United States
2 foreign assistance for global health security that pro-
3 mote learning and reflect international best practices
4 relating to global health security, transparency, and
5 accountability;

6 (3) establish mechanisms to improve coordina-
7 tion and avoid duplication of effort between the
8 United States Government and partner countries,
9 donor countries, the private sector, multilateral orga-
10 nizations, and other key stakeholders;

11 (4) prioritize working with partner countries
12 with demonstrated—

13 (A) need, as identified through the Joint
14 External Evaluation process, the Global Health
15 Security Index classification of health systems,
16 national action plans for health security, GHSA
17 Action Packages, and other complementary or
18 successor indicators of global health security
19 and pandemic preparedness; and

20 (B) commitment to transparency, including
21 budget and global health data transparency,
22 complying with the International Health Regu-
23 lations (2005), investing in domestic health sys-
24 tems, and achieving measurable results;

1 (5) reduce long-term reliance upon United
2 States foreign assistance for global health security
3 by promoting partner country ownership, improved
4 domestic resource mobilization, co-financing, and ap-
5 propriate national budget allocations for global
6 health security and pandemic preparedness and re-
7 sponse;

8 (6) assist partner countries in building the tech-
9 nical capacity of relevant ministries, systems, and
10 networks to prepare, execute, monitor, and evaluate
11 effective national action plans for health security, in-
12 cluding mechanisms to enhance budget and global
13 health data transparency, as necessary and appro-
14 priate;

15 (7) support and be aligned with country-owned
16 global health security policy and investment plans
17 developed with input from key stakeholders, as ap-
18 propriate;

19 (8) facilitate communication and collaboration,
20 as appropriate, among local stakeholders in support
21 of a multi-sectoral approach to global health secu-
22 rity;

23 (9) support the long-term success of programs
24 by building the capacity of local organizations and
25 institutions in target countries and communities;

1 (10) develop community resilience to infectious
2 disease threats and emergencies;

3 (11) support global health budget and work-
4 force planning in partner countries, including train-
5 ing in financial management and budget and global
6 health data transparency;

7 (12) align United States foreign assistance for
8 global health security with national action plans for
9 health security in partner countries, developed with
10 input from key stakeholders, including the private
11 sector, to the greatest extent practicable and appro-
12 priate;

13 (13) strengthen linkages between complemen-
14 tary bilateral and multilateral foreign assistance pro-
15 grams, including efforts of the World Bank, the
16 World Health Organization, the Global Fund to
17 Fight AIDS, Tuberculosis, and Malaria, and Gavi,
18 the Vaccine Alliance, that contribute to the develop-
19 ment of more resilient health systems and supply
20 chains in partner countries with the capacity, re-
21 sources, and personnel required to prevent, detect,
22 and respond to infectious disease threats;

23 (14) support innovation and public-private part-
24 nerships to improve pandemic preparedness and re-
25 sponse, including for the development and deploy-

1 ment of effective, accessible, and affordable infec-
2 tious disease tracking tools, diagnostics, thera-
3 peutics, and vaccines;

4 (15) support collaboration with and among rel-
5 evant public and private research entities engaged in
6 global health security; and

7 (16) support collaboration between United
8 States universities and public and private institu-
9 tions in partner countries that promote global health
10 security and innovation.

11 (b) STRATEGY SUBMISSION.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the
14 President, in consultation with the head of each rel-
15 evant Federal department and agency, shall submit
16 to the appropriate congressional committees the
17 strategy required under subsection (a) that provides
18 a detailed description of how the United States in-
19 tends to advance the policy set forth in section 6903
20 and the agency-specific plans described in paragraph
21 (2).

22 (2) AGENCY-SPECIFIC PLANS.—The strategy re-
23 quired under subsection (a) shall include specific im-
24 plementation plans from each relevant Federal de-
25 partment and agency that describe—

1 (A) the anticipated contributions of the de-
2 partment or agency, including technical, finan-
3 cial, and in-kind contributions, to implement
4 the strategy; and

5 (B) the efforts of the department or agen-
6 cy to ensure that the activities and programs
7 carried out pursuant to the strategy are de-
8 signed to achieve maximum impact and long-
9 term sustainability.

10 (c) REPORT.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date on which the strategy required under sub-
13 section (a) is submitted to the appropriate congres-
14 sional committees under subsection (b), and not
15 later than October 1 of each year thereafter, the
16 President shall submit to the appropriate congres-
17 sional committees a report that describes the status
18 of the implementation of the strategy.

19 (2) CONTENTS.—The report required under
20 paragraph (1) shall—

21 (A) identify any substantial changes made
22 in the strategy during the preceding calendar
23 year;

24 (B) describe the progress made in imple-
25 menting the strategy;

1 (C) identify the indicators used to establish
2 benchmarks and measure results over time, as
3 well as the mechanisms for reporting such re-
4 sults in an open and transparent manner;

5 (D) contain a transparent, open, and de-
6 tailed accounting of expenditures by relevant
7 Federal departments and agencies to implement
8 the strategy, including, to the extent prac-
9 ticable, for each Federal department and agen-
10 cy, the statutory source of expenditures,
11 amounts expended, partners, targeted popu-
12 lations, and types of activities supported;

13 (E) describe how the strategy leverages
14 other United States global health and develop-
15 ment assistance programs and bilateral and
16 multilateral institutions;

17 (F) assess efforts to coordinate United
18 States global health security programs, activi-
19 ties, and initiatives with key stakeholders;

20 (G) incorporate a plan for regularly review-
21 ing and updating strategies, partnerships, and
22 programs and sharing lessons learned with a
23 wide range of stakeholders, including key stake-
24 holders, in an open, transparent manner; and

1 (H) describe the progress achieved and
2 challenges concerning the United States Gov-
3 ernment's ability to advance GHSA and pan-
4 demic preparedness, including data
5 disaggregated by priority country using indica-
6 tors that are consistent on a year-to-year basis
7 and recommendations to resolve, mitigate, or
8 otherwise address the challenges identified
9 therein.

10 (d) FORM.—The strategy required under subsection
11 (a) and the report required under subsection (c) shall be
12 submitted in unclassified form but may contain a classi-
13 fied annex.

14 **SEC. 6908. ESTABLISHMENT OF FUND FOR GLOBAL HEALTH**
15 **SECURITY AND PANDEMIC PREPAREDNESS.**

16 (a) NEGOTIATIONS FOR ESTABLISHMENT OF A FUND
17 FOR GLOBAL HEALTH SECURITY AND PANDEMIC PRE-
18 PAREDNESS.—The Secretary of State, in coordination
19 with the Secretary of the Treasury, the Administrator of
20 the United States Agency for International Development,
21 the Secretary of Health and Human Services, and the
22 heads of other relevant Federal departments and agencies
23 as necessary and appropriate, should seek to enter into
24 negotiations with donors, relevant United Nations agen-

1 cies, including the World Health Organization, and other
2 key multilateral stakeholders, for the establishment of—

3 (1) a multilateral, catalytic financing mecha-
4 nism for global health security and pandemic pre-
5 paredness, which may be known as the Fund for
6 Global Health Security and Pandemic Preparedness
7 (in this title referred to as “the Fund”), in accord-
8 ance with the provisions of this section; and

9 (2) an Advisory Board to the Fund in accord-
10 ance with section 6909.

11 (b) PURPOSE.—The purpose of the Fund should be
12 to close critical gaps in global health security and pan-
13 demic preparedness and build capacity in eligible partner
14 countries in the areas of global health security, infectious
15 disease control, and pandemic preparedness, such that
16 it—

17 (1) prioritizes capacity building and financing
18 availability in eligible partner countries;

19 (2) incentivizes countries to prioritize the use of
20 domestic resources for global health security and
21 pandemic preparedness;

22 (3) leverages government, nongovernment, and
23 private sector investments;

24 (4) regularly responds to and evaluates progress
25 based on clear metrics and benchmarks, such as the

1 Joint External Evaluation and Global Health Secu-
2 rity Index;

3 (5) aligns with and complements ongoing bilat-
4 eral and multilateral efforts and financing, including
5 through the World Bank, the World Health Organi-
6 zation, the Global Fund to Fight AIDS, Tuber-
7 culosis, and Malaria, and Gavi, the Vaccine Alliance;
8 and

9 (6) accelerates country compliance with the
10 International Health Regulations (2005) and fulfill-
11 ment of the Global Health Security Agenda 2024
12 Framework, in coordination with the ongoing Joint
13 External Evaluation national action planning proc-
14 ess.

15 (c) EXECUTIVE BOARD.—

16 (1) IN GENERAL.—The Fund should be gov-
17 erned by an Executive Board, which should be com-
18 posed of not more than 20 representatives of donor
19 governments, foundations, academic institutions,
20 civil society, and the private sector that meet a min-
21 imum threshold in annual contributions and agree to
22 uphold transparency measures.

23 (2) DUTIES.—The Executive Board should be
24 charged with approving strategies, operations, and
25 grant-making authorities, such that it is able to con-

1 duct effective fiduciary, monitoring, and evaluation
2 efforts, and other oversight functions. In addition,
3 the Executive Board should—

4 (A) be comprised only of contributors to
5 the Fund at not less than the minimum thresh-
6 old to be established pursuant to paragraph (1);

7 (B) determine operational procedures such
8 that the Fund is able to effectively fulfill its
9 mission; and

10 (C) provide oversight and accountability
11 for the Fund in collaboration with the Inspector
12 General to be established pursuant to section
13 6910(e)(1)(A).

14 (3) COMPOSITION.—The Executive Board
15 should include—

16 (A) representatives of the governments of
17 founding permanent member countries who, in
18 addition to the requirements in paragraph (1),
19 qualify based upon meeting an established ini-
20 tial contribution threshold, which should be not
21 less than 10 percent of total initial contribu-
22 tions, and a demonstrated commitment to sup-
23 porting the International Health Regulations
24 (2005);

1 (B) term members, who are from academic
2 institutions, civil society, and the private sector
3 and are selected by the permanent members on
4 the basis of their experience and commitment to
5 innovation, best practices, and the advancement
6 of global health security objectives; and

7 (C) representatives of the World Health
8 Organization, and the chair of the Global
9 Health Security Steering Group.

10 (4) QUALIFICATIONS.—Individuals appointed to
11 the Executive Board should have demonstrated
12 knowledge and experience across a variety of sectors,
13 including human and animal health, agriculture, de-
14 velopment, defense, finance, research, and academia.

15 (5) CONFLICTS OF INTEREST.—

16 (A) TECHNICAL EXPERTS.—The Executive
17 Board may include independent technical ex-
18 perts, provided they are not affiliated with or
19 employed by a recipient country or organiza-
20 tion.

21 (B) MULTILATERAL BODIES AND INSTITU-
22 TIONS.—Executive Board members appointed
23 under paragraph (3)(C) should recuse them-
24 selves from matters presenting conflicts of in-

1 terest, including financing decisions relating to
2 such bodies and institutions.

3 (6) UNITED STATES REPRESENTATION.—

4 (A) IN GENERAL.—

5 (i) FOUNDED PERMANENT MEM-
6 BER.—The Secretary of State shall seek to
7 establish the United States as a founding
8 permanent member of the Fund.

9 (ii) UNITED STATES REPRESENTA-
10 TION.—The United States shall be rep-
11 resented on the Executive Board by an of-
12 ficer or employee of the United States ap-
13 pointed by the President.

14 (B) EFFECTIVE AND TERMINATION
15 DATES.—

16 (i) EFFECTIVE DATE.—This para-
17 graph shall take effect upon the date the
18 Secretary of State certifies and transmits
19 to Congress an agreement establishing the
20 Fund.

21 (ii) TERMINATION DATE.—The mem-
22 bership established pursuant to subpara-
23 graph (A) shall terminate upon the date of
24 termination of the Fund.

1 (7) REMOVAL PROCEDURES.—The Fund should
2 establish procedures for the removal of members of
3 the Executive Board who engage in a consistent pat-
4 tern of human rights abuses, fail to uphold global
5 health data transparency requirements, or otherwise
6 violate the established standards of the Fund, in-
7 cluding in relation to corruption.

8 (8) ENFORCEABILITY.—Any agreement con-
9 cluded under the authorities provided by this section
10 shall be legally effective and binding upon the
11 United States, as may be provided in the agreement,
12 upon—

13 (A) the enactment of appropriate imple-
14 menting legislation which provides for the ap-
15 proval of the specific agreement or agreements,
16 including attachments, annexes, and supporting
17 documentation, as appropriate; or

18 (B) if concluded and submitted as a treaty,
19 receiving the necessary consent of the Senate.

20 (9) ELIGIBLE PARTNER COUNTRY DEFINED.—
21 In this section, the term “eligible partner country”
22 means a country with demonstrated—

23 (A) need, as identified through the Joint
24 External Evaluation process, the Global Health
25 Security Index classification of health systems,

1 national action plans for health security, and
2 other complementary or successor indicators of
3 global health security and pandemic prepared-
4 ness; and

5 (B) commitment to transparency, including
6 budget and global health data transparency,
7 complying with the International Health Regu-
8 lations (2005), investing in domestic health sys-
9 tems, and achieving measurable results, and in
10 which the Fund for Global Health Security and
11 Pandemic Preparedness established under this
12 section may finance global health security and
13 pandemic preparedness assistance programs
14 under this title.

15 **SEC. 6909. FUND AUTHORITIES.**

16 (a) PROGRAM OBJECTIVES.—

17 (1) IN GENERAL.—In carrying out the purpose
18 set forth in section 6908, the Fund, acting through
19 the Executive Board, should provide grants, includ-
20 ing challenge grants, technical assistance,
21 concessional lending, catalytic investment funds, and
22 other innovative funding mechanisms, as appro-
23 priate, to—

24 (A) help eligible partner countries close
25 critical gaps in health security, as identified

1 through the Joint External Evaluation process,
2 the Global Health Security Index classification
3 of health systems, and national action plans for
4 health security and other complementary or
5 successor indicators of global health security
6 and pandemic preparedness; and

7 (B) support measures that enable such
8 countries, at both national and sub-national lev-
9 els, and in partnership with civil society and the
10 private sector, to strengthen and sustain resil-
11 ient health systems and supply chains with the
12 resources, capacity, and personnel required to
13 prevent, detect, mitigate, and respond to infec-
14 tious disease threats before they become
15 pandemics.

16 (2) ACTIVITIES SUPPORTED.—The activities to
17 be supported by the Fund should include efforts
18 to—

19 (A) enable eligible partner countries to for-
20 mulate and implement national health security
21 and pandemic preparedness action plans, ad-
22 vance action packages under the Global Health
23 Security Agenda, and adopt and uphold com-
24 mitments under the International Health Regu-

1 lations (2005) and other related international
2 health agreements, as appropriate;

3 (B) support global health security budget
4 planning in eligible partner countries, including
5 training in financial management and budget
6 and global health data transparency;

7 (C) strengthen the health security work-
8 force, including hiring, training, and deploying
9 experts to improve frontline preparedness for
10 emerging epidemic and pandemic threats;

11 (D) improve infection control and the pro-
12 tection of healthcare workers within healthcare
13 settings;

14 (E) combat the threat of antimicrobial re-
15 sistance;

16 (F) strengthen laboratory capacity and
17 promote biosafety and biosecurity through the
18 provision of material and technical assistance;

19 (G) reduce the risk of bioterrorism,
20 zoonotic disease spillover, and accidental bio-
21 logical release;

22 (H) build technical capacity to manage
23 global health security related supply chains, in-
24 cluding for personal protective equipment, oxy-
25 gen, testing reagents, and other lifesaving sup-

1 plies, through effective forecasting, procure-
2 ment, warehousing, and delivery from central
3 warehouses to points of service in both the pub-
4 lic and private sectors;

5 (I) enable bilateral, regional, and inter-
6 national partnerships and cooperation, includ-
7 ing through pandemic early warning systems
8 and emergency operations centers, to identify
9 and address transnational infectious disease
10 threats exacerbated by natural and man-made
11 disasters, human displacement, and zoonotic in-
12 fection;

13 (J) establish partnerships for the sharing
14 of best practices and enabling eligible countries
15 to meet targets and indicators under the Joint
16 External Evaluation process, the Global Health
17 Security Index classification of health systems,
18 and national action plans for health security re-
19 lating to the detection, treatment, and preven-
20 tion of neglected tropical diseases;

21 (K) build the technical capacity of eligible
22 partner countries to prepare for and respond to
23 second order development impacts of infectious
24 disease outbreaks, while accounting for the dif-

1 ferentiated needs and vulnerabilities of
2 marginalized populations;

3 (L) develop and utilize metrics to monitor
4 and evaluate programmatic performance and
5 identify best practices, including in accordance
6 with Joint External Evaluation benchmarks,
7 Global Health Security Agenda targets, and
8 Global Health Security Index indicators;

9 (M) develop and deploy mechanisms to en-
10 hance the transparency and accountability of
11 global health security and pandemic prepared-
12 ness programs and data, in compliance with the
13 International Health Regulations (2005), in-
14 cluding through the sharing of trends, risks,
15 and lessons learned; and

16 (N) develop and implement simulation ex-
17 ercises, produce and release after action re-
18 ports, and address related gaps.

19 (3) IMPLEMENTATION OF PROGRAM OBJEC-
20 TIVES.—In carrying out the objectives of paragraph
21 (1), the Fund should work to eliminate duplication
22 and waste by upholding strict transparency and ac-
23 countability standards and coordinating its programs
24 and activities with key partners working to advance

1 global health security and pandemic preparedness,
2 including—

3 (A) governments, civil society, faith-based,
4 and nongovernmental organizations, research
5 and academic institutions, and private sector
6 entities in eligible partner countries;

7 (B) the pandemic early warning systems
8 and emergency operations centers to be estab-
9 lished under section 6909;

10 (C) the World Health Organization;

11 (D) the Global Health Security Agenda;

12 (E) the Global Health Security Initiative;

13 (F) the Global Fund to Fight AIDS, Tu-
14 berculosis, and Malaria;

15 (G) the United Nations Office for the Co-
16 ordination of Humanitarian Affairs, UNICEF,
17 and other relevant funds, programs, and spe-
18 cialized agencies of the United Nations;

19 (H) Gavi, the Vaccine Alliance;

20 (I) the Coalition for Epidemic Prepared-
21 ness Innovations (CEPI);

22 (J) the Global Polio Eradication Initiative;

23 and

1 (K) the United States Coordinator for
2 Global Health Security and Diplomacy estab-
3 lished under section 5.

4 (b) PRIORITY.—In providing assistance under this
5 section, the Fund should give priority to low-and lower-
6 middle income countries with—

7 (1) low scores on the Global Health Security
8 Index classification of health systems;

9 (2) measurable gaps in global health security
10 and pandemic preparedness identified under Joint
11 External Evaluations and national action plans for
12 health security;

13 (3) demonstrated political and financial com-
14 mitment to pandemic preparedness; and

15 (4) demonstrated commitment to upholding
16 global health budget and data transparency and ac-
17 countability standards, complying with the Inter-
18 national Health Regulations (2005), investing in do-
19 mestic health systems, and achieving measurable re-
20 sults.

21 (c) ELIGIBLE GRANT RECIPIENTS.—Governments
22 and nongovernmental organizations should be eligible to
23 receive grants as described in this section.

1 **SEC. 6910. FUND ADMINISTRATION.**

2 (a) APPOINTMENT OF AN ADMINISTRATOR.—The Ex-
3 ecutive Board of the Fund should appoint an Adminis-
4 trator who should be responsible for managing the day-
5 to-day operations of the Fund.

6 (b) AUTHORITY TO SOLICIT AND ACCEPT CONTRIBU-
7 TIONS.—The Fund should be authorized to solicit and ac-
8 cept contributions from governments, the private sector,
9 foundations, individuals, and nongovernmental entities of
10 all kinds.

11 (c) ACCOUNTABILITY OF FUNDS AND CRITERIA FOR
12 PROGRAMS.—As part of the negotiations described in sec-
13 tion 6908(a), the Secretary of the State, shall, consistent
14 with subsection (d)—

15 (1) take such actions as are necessary to ensure
16 that the Fund will have in effect adequate proce-
17 dures and standards to account for and monitor the
18 use of funds contributed to the Fund, including the
19 cost of administering the Fund; and

20 (2) seek agreement on the criteria that should
21 be used to determine the programs and activities
22 that should be assisted by the Fund.

23 (d) SELECTION OF PARTNER COUNTRIES, PROJECTS,
24 AND RECIPIENTS.—The Executive Board should estab-
25 lish—

1 (1) eligible partner country selection criteria, to
2 include transparent metrics to measure and assess
3 global health security and pandemic preparedness
4 strengths and vulnerabilities in countries seeking as-
5 sistance;

6 (2) minimum standards for ensuring eligible
7 partner country ownership and commitment to long-
8 term results, including requirements for domestic
9 budgeting, resource mobilization, and co-investment;

10 (3) criteria for the selection of projects to re-
11 ceive support from the Fund;

12 (4) standards and criteria regarding qualifica-
13 tions of recipients of such support;

14 (5) such rules and procedures as may be nec-
15 essary for cost-effective management of the Fund;
16 and

17 (6) such rules and procedures as may be nec-
18 essary to ensure transparency and accountability in
19 the grant-making process.

20 (e) ADDITIONAL TRANSPARENCY AND ACCOUNT-
21 ABILITY REQUIREMENTS.—

22 (1) INSPECTOR GENERAL.—

23 (A) IN GENERAL.—The Secretary of State
24 shall seek to ensure that the Fund maintains
25 an independent Office of the Inspector General

1 and ensure that the office has the requisite re-
2 sources and capacity to regularly conduct and
3 publish, on a publicly accessible website, rig-
4 orous financial, programmatic, and reporting
5 audits and investigations of the Fund and its
6 grantees.

7 (B) SENSE OF CONGRESS ON CORRUP-
8 TION.—It is the sense of Congress that—

9 (i) corruption within global health
10 programs contribute directly to the loss of
11 human life and cannot be tolerated; and

12 (ii) in making financial recoveries re-
13 lating to a corrupt act or criminal conduct
14 under a grant, as determined by the In-
15 spector General, the responsible grant re-
16 cipient should be assessed at a recovery
17 rate of up to 150 percent of such loss.

18 (2) ADMINISTRATIVE EXPENSES.—The Sec-
19 retary of State shall seek to ensure the Fund estab-
20 lishes, maintains, and makes publicly available a sys-
21 tem to track the administrative and management
22 costs of the Fund on a quarterly basis.

23 (3) FINANCIAL TRACKING SYSTEMS.—The Sec-
24 retary of State shall ensure that the Fund estab-
25 lishes, maintains, and makes publicly available a sys-

1 tem to track the amount of funds disbursed to each
2 grant recipient and sub-recipient during a grant's
3 fiscal cycle.

4 **SEC. 6911. FUND ADVISORY BOARD.**

5 (a) IN GENERAL.—There should be an Advisory
6 Board to the Fund.

7 (b) APPOINTMENTS.—The members of the Advisory
8 Board should be composed of—

9 (1) individuals with experience and leadership
10 in the fields of development, global health, epidemi-
11 ology, medicine, biomedical research, and social
12 sciences; and

13 (2) representatives of relevant United Nations
14 agencies, including the World Health Organization,
15 and nongovernmental organizations with on-the-
16 ground experience in implementing global health
17 programs in low and lower-middle income countries.

18 (c) RESPONSIBILITIES.—The Advisory Board should
19 provide advice and guidance to the Executive Board of the
20 Fund on the development and implementation of programs
21 and projects to be assisted by the Fund and on leveraging
22 donations to the Fund.

23 (d) PROHIBITION ON PAYMENT OF COMPENSA-
24 TION.—

1 (1) IN GENERAL.—Except for travel expenses
2 (including per diem in lieu of subsistence), no mem-
3 ber of the Advisory Board should receive compensa-
4 tion for services performed as a member of the
5 Board.

6 (2) UNITED STATES REPRESENTATIVE.—Not-
7 withstanding any other provision of law (including
8 an international agreement), a representative of the
9 United States on the Advisory Board may not accept
10 compensation for services performed as a member of
11 the Board, except that such representative may ac-
12 cept travel expenses, including per diem in lieu of
13 subsistence, while away from the representative's
14 home or regular place of business in the perform-
15 ance of services for the Board.

16 (e) CONFLICTS OF INTEREST.—Members of the Advi-
17 sory Board should be required to disclose any potential
18 conflicts of interest prior to serving on the Advisory
19 Board.

20 **SEC. 6912. REPORTS TO CONGRESS ON THE FUND.**

21 (a) STATUS REPORT.—Not later than 6 months after
22 the date of enactment of this Act, the Secretary of State,
23 in coordination with the Administrator of the United
24 States Agency for International Development, and the
25 heads of other relevant Federal departments and agencies,

1 shall submit to the appropriate congressional committees
2 a report detailing the progress of international negotia-
3 tions to establish the Fund.

4 (b) ANNUAL REPORT.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of the establishment of the Fund, and an-
7 nually thereafter for the duration of the Fund, the
8 Secretary of State, shall submit to the appropriate
9 congressional committees a report on the Fund.

10 (2) REPORT ELEMENTS.—The report shall in-
11 clude a description of—

12 (A) the goals of the Fund;

13 (B) the programs, projects, and activities
14 supported by the Fund;

15 (C) private and governmental contributions
16 to the Fund; and

17 (D) the criteria utilized to determine the
18 programs and activities that should be assisted
19 by the Fund.

20 (c) GAO REPORT ON EFFECTIVENESS.—Not later
21 than 2 years after the date that the Fund comes into ef-
22 fect, the Comptroller General of the United States shall
23 submit to the appropriate congressional committees a re-
24 port evaluating the effectiveness of the Fund, including—

1 (1) the effectiveness of the programs, projects,
2 and activities supported by the Fund; and

3 (2) an assessment of the merits of continued
4 United States participation in the Fund.

5 **SEC. 6913. UNITED STATES CONTRIBUTIONS.**

6 (a) IN GENERAL.—Subject to submission of the cer-
7 tification under this section, the President is authorized
8 to make available for United States contributions to the
9 Fund such funds as may be authorized to be made avail-
10 able for such purpose.

11 (b) NOTIFICATION.—The Secretary of State shall no-
12 tify the appropriate congressional committees not later
13 than 15 days in advance of making a contribution to the
14 Fund, including—

15 (1) the amount of the proposed contribution;

16 (2) the total of funds contributed by other do-
17 nors; and

18 (3) the national interests served by United
19 States participation in the Fund.

20 (c) LIMITATION.—At no point during the five years
21 after enactment of this Act shall a United States contribu-
22 tion to the Fund cause the cumulative total of United
23 States contributions to the Fund to exceed 33 percent of
24 the total contributions to the Fund from all sources.

25 (d) WITHHOLDINGS.—

1 (1) SUPPORT FOR ACTS OF INTERNATIONAL
2 TERRORISM.—If at any time the Secretary of State
3 determines that the Fund has provided assistance to
4 a country, the government of which the Secretary of
5 State has determined, for purposes of section 620A
6 of the Foreign Assistance Act of 1961 (22 U.S.C.
7 2371) has repeatedly provided support for acts of
8 international terrorism, the United States shall with-
9 hold from its contribution to the Fund for the next
10 fiscal year an amount equal to the amount expended
11 by the Fund to the government of such country.

12 (2) EXCESSIVE SALARIES.—If at any time dur-
13 ing the five years after enactment of this Act, the
14 Secretary of State determines that the salary of any
15 individual employed by the Fund exceeds the salary
16 of the Vice President of the United States for that
17 fiscal year, then the United States should withhold
18 from its contribution for the next fiscal year an
19 amount equal to the aggregate amount by which the
20 salary of each such individual exceeds the salary of
21 the Vice President of the United States.

22 (3) ACCOUNTABILITY CERTIFICATION REQUIRE-
23 MENT.—The Secretary of State may withhold not
24 more than 20 percent of planned United States con-
25 tributions to the Fund until the Secretary certifies

1 to the appropriate congressional committees that the
2 Fund has established procedures to provide access
3 by the Office of Inspector General of the Depart-
4 ment of State, as cognizant Inspector General, the
5 Inspector General of the Department of Health and
6 Human Services, the Inspector General of the
7 United States Agency for International Develop-
8 ment, and the Comptroller General of the United
9 States to the Fund’s financial data and other infor-
10 mation relevant to United States contributions to
11 the Fund (as determined by the Inspector General
12 of the Department of State, in consultation with the
13 Secretary of State).

14 **SEC. 6914. COMPLIANCE WITH THE FOREIGN AID TRANS-**
15 **PARENCY AND ACCOUNTABILITY ACT OF**
16 **2016.**

17 Section 2(3) of the Foreign Aid Transparency and
18 Accountability Act of 2016 (Public Law 114–191; 22
19 U.S.C. 2394c note) is amended—

20 (1) in subparagraph (D), by striking “and” at
21 the end;

22 (2) in subparagraph (E), by striking the period
23 at the end and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(F) the Global Health Security Act of
2 2022.”.

3 **SEC. 6915. DEFINITIONS.**

4 In this title:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional Com-
7 mittees” means—

8 (A) the Committee on Foreign Affairs and
9 the Committee on Appropriations of the House
10 of Representatives; and

11 (B) the Committee on Foreign Relations
12 and the Committee on Appropriations of the
13 Senate.

14 (2) GLOBAL HEALTH SECURITY.—The term
15 “global health security” means activities supporting
16 epidemic and pandemic preparedness and capabili-
17 ties at the country and global levels in order to mini-
18 mize vulnerability to acute public health events that
19 can endanger the health of populations across geo-
20 graphical regions and international boundaries.

21 **SEC. 6916. SUNSET.**

22 This title, and the amendments made by this title
23 shall cease to be effective 5 fiscal years after the enact-
24 ment of this Act.

**TITLE LXX—PROTECTION OF
SAUDI DISSIDENTS**

SEC. 7001. RESTRICTIONS ON TRANSFERS OF DEFENSE ARTICLES AND SERVICES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT TO SAUDI ARABIA.

(a) INITIAL PERIOD.—During the 120-day period beginning on the date of the enactment of this Act, the President may not sell, authorize a license for the export of, or otherwise transfer any defense articles or defense services, design and construction services, or major defense equipment under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to an intelligence, internal security, or law enforcement agency or instrumentality of the Government of Saudi Arabia, or to any person acting as an agent of or on behalf of such agency or instrumentality.

(b) SUBSEQUENT PERIODS.—

(1) IN GENERAL.—During the 120-day period beginning after the end of the 120-day period described in subsection (a), and each 120-day period thereafter, the President may not sell, authorize a license for the export of, or otherwise transfer any defense articles or services, design and construction services, or major defense equipment under the Arms Export Control Act (22 U.S.C. 2751 et seq.),

1 regardless of the amount of such articles, services,
2 or equipment, to an intelligence, internal security, or
3 law enforcement agency or instrumentality of the
4 Government of Saudi Arabia, or to any person act-
5 ing as an agent of or on behalf of such agency or
6 instrumentality, unless the President has submitted
7 to the chairman and ranking member of the appro-
8 priate congressional committees a certification de-
9 scribed in paragraph (2).

10 (2) CERTIFICATION.—A certification described
11 in this paragraph is a certification that contains a
12 determination of the President that, during the 120-
13 day period preceding the date of submission of the
14 certification, the United States Government has not
15 determined that the Government of Saudi Arabia
16 has conducted any of the following activities:

17 (A) Forced repatriation, intimidation, or
18 killing of dissidents in other countries.

19 (B) The unjust imprisonment in Saudi
20 Arabia of United States citizens or aliens law-
21 fully admitted for permanent residence or the
22 prohibition on these individuals and their family
23 members from exiting Saudi Arabia.

24 (C) Torture of detainees in the custody of
25 the Government of Saudi Arabia.

1 (c) EXCEPTION.—The restrictions in this section
2 shall not apply with respect to the sale, authorization of
3 a license for export, or transfer of any defense articles or
4 services, design and construction services, or major de-
5 fense equipment under the Arms Export Control Act (22
6 U.S.C. 2751 et seq.) for use in—

7 (1) the defense of the territory of Saudi Arabia
8 from external threats; or

9 (2) the defense of United States military or dip-
10 lomatic personnel or United States facilities located
11 in Saudi Arabia.

12 (d) WAIVER.—

13 (1) IN GENERAL.—The President may waive
14 the restrictions in this section if the President sub-
15 mits to the appropriate congressional committees a
16 report not later than 15 days before the granting of
17 such waiver that contains—

18 (A) a determination of the President that
19 such a waiver is in the vital national security
20 interests of the United States; and

21 (B) a detailed justification for the use of
22 such waiver and the reasons why the restric-
23 tions in this section cannot be met.

1 (2) FORM.—The report required by this sub-
2 section shall be submitted in unclassified form but
3 may contain a classified annex.

4 (e) SUNSET.—This section shall terminate on the
5 date that is 3 years after the date of the enactment of
6 this Act.

7 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
8 FINED.—In this section, the term “appropriate congres-
9 sional committees” means—

10 (1) the Committee on Foreign Affairs, the Per-
11 manent Select Committee on Intelligence, and the
12 Committee on Armed Services of the House of Rep-
13 resentatives; and

14 (2) the Committee on Foreign Relations, the
15 Select Committee on Intelligence, and the Com-
16 mittee on Armed Services of the Senate.

17 **SEC. 7002. REPORT ON CONSISTENT PATTERN OF ACTS OF**
18 **INTIMIDATION OR HARASSMENT DIRECTED**
19 **AGAINST INDIVIDUALS IN THE UNITED**
20 **STATES.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) Section 6 of the Arms Export Control Act
23 (22 U.S.C. 2756) states the following: “No letters of
24 offer may be issued, no credits or guarantees may be
25 extended, and no export licenses may be issued

1 under this Act with respect to any country deter-
2 mined by the President to be engaged in a consistent
3 pattern of acts of intimidation or harassment di-
4 rected against individuals in the United States”.

5 (2) Section 6 of the Arms Export Control Act
6 further requires the President to report any such de-
7 termination promptly to the Speaker of the House of
8 Representatives, the Committee on Foreign Affairs
9 of the House of Representatives, and to the chair-
10 man of the Committee on Foreign Relations of the
11 Senate.

12 (b) REPORT ON ACTS OF INTIMIDATION OR HARASS-
13 MENT AGAINST INDIVIDUALS IN THE UNITED STATES.—
14 Not later than 60 days after the date of the enactment
15 of this Act, the President shall submit to the appropriate
16 congressional committees a report on—

17 (1) whether any official of the Government of
18 Saudi Arabia engaged in a consistent pattern of acts
19 of intimidation or harassment directed against
20 Jamal Khashoggi or any individual in the United
21 States; and

22 (2) whether any United States-origin defense
23 articles were used in the activities described in para-
24 graph (1).

1 (c) FORM.—The report required by subsection (b)
2 shall be submitted in unclassified form but may contain
3 a classified annex.

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means—

7 (1) the Committee on Foreign Affairs and the
8 Permanent Select Committee on Intelligence of the
9 House of Representatives; and

10 (2) the Committee on Foreign Relations and
11 the Select Committee on Intelligence of the Senate.

12 **SEC. 7003. REPORT AND CERTIFICATION WITH RESPECT TO**
13 **SAUDI DIPLOMATS AND DIPLOMATIC FACILI-**
14 **TIES IN THE UNITED STATES.**

15 (a) REPORT ON SAUDI DIPLOMATS AND DIPLOMATIC
16 FACILITIES IN UNITED STATES.—Not later than 120
17 days after the date of the enactment of this Act, the Presi-
18 dent shall submit to the appropriate congressional com-
19 mittees a report covering the three-year period preceding
20 such date of enactment regarding whether and to what
21 extent covered persons used diplomatic credentials, visas,
22 or covered facilities to facilitate monitoring, tracking, sur-
23 veillance, or harassment of, or harm to, other nationals
24 of Saudi Arabia living in the United States.

25 (b) CERTIFICATION.—

1 (1) IN GENERAL.—Not later than 120 days
2 after the date of the enactment of this Act, and each
3 120-day period thereafter, the President shall, if the
4 President determines that such is the case, submit
5 to the appropriate congressional committees a cer-
6 tification that the United States Government has
7 not determined covered persons to be using diplo-
8 matic credentials, visas, or covered facilities to facili-
9 tate serious harassment of, or harm to, other nation-
10 als of Saudi Arabia living in the United States dur-
11 ing the time period covered by each such certifi-
12 cation.

13 (2) FAILURE TO SUBMIT CERTIFICATION.—If
14 the President does not submit a certification under
15 paragraph (1), the President shall—

16 (A) close one or more covered facilities for
17 such period of time until the President does
18 submit such a certification; and

19 (B) submit to the appropriate congres-
20 sional committee a report that contains—

21 (i) a detailed explanation of why the
22 President is unable to make such a certifi-
23 cation;

24 (ii) a list and summary of engage-
25 ments of the United States Government

1 with the Government of Saudi Arabia re-
2 garding the use of diplomatic credentials,
3 visas, or covered facilities described in
4 paragraph (1); and

5 (iii) a description of actions the
6 United States Government has taken or in-
7 tends to take in response to the use of dip-
8 lomatic credentials, visas, or covered facili-
9 ties described in paragraph (1).

10 (c) FORM.—The report required by subsection (a)
11 and the certification and report required by subsection (b)
12 shall be submitted in unclassified form but may contain
13 a classified annex.

14 (d) WAIVER.—

15 (1) IN GENERAL.—The President may waive
16 the restrictions in this section if the President sub-
17 mits to the appropriate congressional committees a
18 report not later than 15 days before the granting of
19 such waiver that contains—

20 (A) a determination of the President that
21 such a waiver is in the vital national security
22 interests of the United States; and

23 (B) a detailed justification for the use of
24 such waiver and the reasons why the restric-
25 tions in this section cannot be met.

1 (2) FORM.—The report required by this sub-
2 section shall be submitted in unclassified form but
3 may contain a classified annex.

4 (e) SUNSET.—This section shall terminate on the
5 date that is 3 years after the date of the enactment of
6 this Act.

7 (f) DEFINITIONS.—In this section:

8 (1) The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Foreign Affairs and
11 the Permanent Select Committee on Intelligence
12 of the House of Representatives; and

13 (B) the Committee on Foreign Relations
14 and the Select Committee on Intelligence of the
15 Senate.

16 (2) The term “covered facility” means a diplo-
17 matic or consular facility of Saudi Arabia in the
18 United States.

19 (3) The term “covered person” means a na-
20 tional of Saudi Arabia credentialed to a covered fa-
21 cility.

22 **SEC. 7004. REPORT ON THE DUTY TO WARN OBLIGATION OF**
23 **THE GOVERNMENT OF THE UNITED STATES.**

24 (a) FINDINGS.—Congress finds that Intelligence
25 Community Directive 191 provides that—

1 (1) when an element of the intelligence commu-
2 nity of the United States collects or acquires credible
3 and specific information indicating an impending
4 threat of intentional killing, serious bodily injury, or
5 kidnapping directed at a person, the agency must
6 “warn the intended victim or those responsible for
7 protecting the intended victim, as appropriate” un-
8 less an applicable waiver of the duty is granted by
9 the appropriate official within the element; and

10 (2) when issues arise with respect to whether
11 the threat information rises to the threshold of
12 “duty to warn”, the directive calls for resolution in
13 favor of warning the intended victim.

14 (b) REPORT ON DUTY TO WARN.—Not later than 90
15 days after the date of the enactment of this Act, the Direc-
16 tor of National Intelligence, in coordination with the heads
17 of other relevant United States intelligence agencies, shall
18 submit to the appropriate congressional committees a re-
19 port with respect to—

20 (1) whether and how the intelligence community
21 fulfilled its duty to warn Jamal Khashoggi of threats
22 to his life and liberty pursuant to Intelligence Com-
23 munity Directive 191; and

24 (2) in the case of the intelligence community
25 not fulfilling its duty to warn as described in para-

1 graph (1), why the intelligence community did not
2 fulfill this duty.

3 (c) FORM.—The report required by subsection (b)
4 shall be submitted in unclassified form but may contain
5 a classified annex.

6 (d) DEFINITIONS.—In this section:

7 (1) The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Foreign Affairs and
10 the Permanent Select Committee on Intelligence
11 of the House of Representatives; and

12 (B) the Committee on Foreign Relations
13 and the Select Committee on Intelligence of the
14 Senate.

15 (2) The term “duty to warn” has the meaning
16 given that term in Intelligence Community Directive
17 191, as in effect on July 21, 2015.

18 (3) The term “intelligence community” has the
19 meaning given such term in section 3(4) of the Na-
20 tional Security Act of 1947 (50 U.S.C. 3003(4)).

21 (4) The term “relevant United States intel-
22 ligence agency” means any element of the intel-
23 ligence community that may have possessed intel-
24 ligence reporting regarding threats to Jamal
25 Khashoggi.

1 **TITLE LXXI—COLORADO AND**
2 **GRAND CANYON PUBLIC LANDS**

3 **SEC. 7101. DEFINITION OF STATE.**

4 In subtitles A through D, the term “State” means
5 the State of Colorado.

6 **Subtitle A—Continental Divide**

7 **SEC. 7111. DEFINITIONS.**

8 In this subtitle:

9 (1) COVERED AREA.—The term “covered area”
10 means any area designated as wilderness by the
11 amendments to section 2(a) of the Colorado Wilder-
12 ness Act of 1993 (16 U.S.C. 1132 note; Public Law
13 103–77) made by section 7112(a).

14 (2) HISTORIC LANDSCAPE.—The term “His-
15 toric Landscape” means the Camp Hale National
16 Historic Landscape designated by section 7118(a).

17 (3) RECREATION MANAGEMENT AREA.—The
18 term “Recreation Management Area” means the
19 Tenmile Recreation Management Area designated by
20 section 7114(a).

21 (4) SECRETARY.—The term “Secretary” means
22 the Secretary of Agriculture.

23 (5) WILDLIFE CONSERVATION AREA.—The
24 term “Wildlife Conservation Area” means, as appli-
25 cable—

1 (A) the Porcupine Gulch Wildlife Con-
2 servation Area designated by section 7115(a);

3 (B) the Williams Fork Mountains Wildlife
4 Conservation Area designated by section
5 7116(a); and

6 (C) the Spraddle Creek Wildlife Conserva-
7 tion Area designated by section 7117(a).

8 **SEC. 7112. COLORADO WILDERNESS ADDITIONS.**

9 (a) DESIGNATION.—Section 2(a) of the Colorado Wil-
10 derness Act of 1993 (16 U.S.C. 1132 note; Public Law
11 103–77) is amended—

12 (1) in paragraph (18), by striking “1993,” and
13 inserting “1993, and certain Federal land within the
14 White River National Forest that comprises approxi-
15 mately 6,896 acres, as generally depicted as ‘Pro-
16 posed Ptarmigan Peak Wilderness Additions’ on the
17 map entitled ‘Proposed Ptarmigan Peak Wilderness
18 Additions’ and dated June 24, 2019,”; and

19 (2) by adding at the end the following:

20 “(23) HOLY CROSS WILDERNESS ADDITION.—
21 Certain Federal land within the White River Na-
22 tional Forest that comprises approximately 3,866
23 acres, as generally depicted as ‘Proposed Megan
24 Dickie Wilderness Addition’ on the map entitled
25 ‘Holy Cross Wilderness Addition Proposal’ and

1 dated June 24, 2019, which shall be incorporated
2 into, and managed as part of, the Holy Cross Wil-
3 derness designated by section 102(a)(5) of Public
4 Law 96–560 (94 Stat. 3266).

5 “(24) HOOSIER RIDGE WILDERNESS.—Certain
6 Federal land within the White River National Forest
7 that comprises approximately 5,235 acres, as gen-
8 erally depicted as ‘Proposed Hoosier Ridge Wilder-
9 ness’ on the map entitled ‘Tenmile Proposal’ and
10 dated April 22, 2022, which shall be known as the
11 ‘Hoosier Ridge Wilderness’.

12 “(25) TENMILE WILDERNESS.—Certain Federal
13 land within the White River National Forest that
14 comprises approximately 7,624 acres, as generally
15 depicted as ‘Proposed Tenmile Wilderness’ on the
16 map entitled ‘Tenmile Proposal’ and dated April 22,
17 2022, which shall be known as the ‘Tenmile Wilder-
18 ness’.

19 “(26) EAGLES NEST WILDERNESS ADDI-
20 TIONS.—Certain Federal land within the White
21 River National Forest that comprises approximately
22 7,634 acres, as generally depicted as ‘Proposed
23 Freeman Creek Wilderness Addition’ and ‘Proposed
24 Spraddle Creek Wilderness Addition’ on the map en-
25 titled ‘Eagles Nest Wilderness Additions Proposal’

1 and dated April 26, 2022, which shall be incor-
2 porated into, and managed as part of, the Eagles
3 Nest Wilderness designated by Public Law 94–352
4 (90 Stat. 870).”.

5 (b) APPLICABLE LAW.—Any reference in the Wilder-
6 ness Act (16 U.S.C. 1131 et seq.) to the effective date
7 of that Act shall be considered to be a reference to the
8 date of enactment of this Act for purposes of admin-
9 istering a covered area.

10 (c) FIRE, INSECTS, AND DISEASES.—In accordance
11 with section 4(d)(1) of the Wilderness Act (16 U.S.C.
12 1133(d)(1)), the Secretary may carry out any activity in
13 a covered area that the Secretary determines to be nec-
14 essary for the control of fire, insects, and diseases, subject
15 to such terms and conditions as the Secretary determines
16 to be appropriate.

17 (d) GRAZING.—The grazing of livestock on a covered
18 area, if established before the date of enactment of this
19 Act, shall be permitted to continue subject to such reason-
20 able regulations as are considered to be necessary by the
21 Secretary, in accordance with—

22 (1) section 4(d)(4) of the Wilderness Act (16
23 U.S.C. 1133(d)(4)); and

24 (2) the guidelines set forth in the report of the
25 Committee on Interior and Insular Affairs of the

1 House of Representatives accompanying H.R. 5487
2 of the 96th Congress (H. Rept. 96–617).

3 (e) COORDINATION.—For purposes of administering
4 the Federal land designated as wilderness by paragraph
5 (26) of section 2(a) of the Colorado Wilderness Act of
6 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as
7 added by subsection (a)(2)), the Secretary shall, as deter-
8 mined to be appropriate for the protection of watersheds,
9 coordinate the activities of the Secretary in response to
10 fires and flooding events with interested State and local
11 agencies.

12 **SEC. 7113. WILLIAMS FORK MOUNTAINS POTENTIAL WIL-**
13 **DERNESS.**

14 (a) DESIGNATION.—In furtherance of the purposes of
15 the Wilderness Act (16 U.S.C. 1131 et seq.), certain Fed-
16 eral land in the White River National Forest in the State,
17 comprising approximately 8,036 acres, as generally de-
18 picted as “Proposed Williams Fork Mountains Wilder-
19 ness” on the map entitled “Williams Fork Mountains Pro-
20 posal” and dated June 24, 2019, is designated as a poten-
21 tial wilderness area.

22 (b) MANAGEMENT.—Subject to valid existing rights
23 and except as provided in subsection (d), the potential wil-
24 derness area designated by subsection (a) shall be man-
25 aged in accordance with—

1 (1) the Wilderness Act (16 U.S.C. 1131 et
2 seq.); and

3 (2) this section.

4 (c) LIVESTOCK USE OF VACANT ALLOTMENTS.—

5 (1) IN GENERAL.—Not later than 3 years after
6 the date of enactment of this Act, in accordance
7 with applicable laws (including regulations), the Sec-
8 retary shall publish a determination regarding
9 whether to authorize livestock grazing or other use
10 by livestock on the vacant allotments known as—

11 (A) the “Big Hole Allotment”; and

12 (B) the “Blue Ridge Allotment”.

13 (2) MODIFICATION OF ALLOTMENTS.—In pub-
14 lishing a determination pursuant to paragraph (1),
15 the Secretary may modify or combine the vacant al-
16 lotments referred to in that paragraph.

17 (3) PERMIT OR OTHER AUTHORIZATION.—Not
18 later than 1 year after the date on which a deter-
19 mination of the Secretary to authorize livestock
20 grazing or other use by livestock is published under
21 paragraph (1), if applicable, the Secretary shall
22 grant a permit or other authorization for that live-
23 stock grazing or other use in accordance with appli-
24 cable laws (including regulations).

25 (d) RANGE IMPROVEMENTS.—

1 (1) IN GENERAL.—If the Secretary permits live-
2 stock grazing or other use by livestock on the poten-
3 tial wilderness area under subsection (c), the Sec-
4 retary, or a third party authorized by the Secretary,
5 may use motorized or mechanized transport or
6 equipment for purposes of constructing or rehabili-
7 tating such range improvements as are necessary to
8 obtain appropriate livestock management objectives
9 (including habitat and watershed restoration).

10 (2) TERMINATION OF AUTHORITY.—The au-
11 thority provided by this subsection terminates on the
12 date that is 2 years after the date on which the Sec-
13 retary publishes a positive determination under sub-
14 section (c)(3).

15 (e) DESIGNATION AS WILDERNESS.—

16 (1) DESIGNATION.—The potential wilderness
17 area designated by subsection (a) shall be designated
18 as wilderness, to be known as the “Williams Fork
19 Mountains Wilderness”—

20 (A) effective not earlier than the date that
21 is 180 days after the date of enactment this
22 Act; and

23 (B) on the earliest of—

24 (i) the date on which the Secretary
25 publishes in the Federal Register a notice

1 that the construction or rehabilitation of
2 range improvements under subsection (d)
3 is complete;

4 (ii) the date described in subsection
5 (d)(2); and

6 (iii) the effective date of a determina-
7 tion of the Secretary not to authorize live-
8 stock grazing or other use by livestock
9 under subsection (c)(1).

10 (2) ADMINISTRATION.—Subject to valid existing
11 rights, the Secretary shall manage the Williams
12 Fork Mountains Wilderness in accordance with the
13 Colorado Wilderness Act of 1993 (16 U.S.C. 1132
14 note; Public Law 103–77), except that any reference
15 in that Act to the effective date of that Act shall be
16 considered to be a reference to the date on which the
17 Williams Fork Mountains Wilderness is designated
18 in accordance with paragraph (1).

19 **SEC. 7114. TENMILE RECREATION MANAGEMENT AREA.**

20 (a) DESIGNATION.—Subject to valid existing rights,
21 the approximately 17,120 acres of Federal land in the
22 White River National Forest in the State, as generally de-
23 picted as “Proposed Tenmile Recreation Management
24 Area” on the map entitled “Tenmile Proposal” and dated

1 April 22, 2022, are designated as the “Tenmile Recreation
2 Management Area”.

3 (b) PURPOSES.—The purposes of the Recreation
4 Management Area are to conserve, protect, and enhance
5 for the benefit and enjoyment of present and future gen-
6 erations the recreational, scenic, watershed, habitat, and
7 ecological resources of the Recreation Management Area.

8 (c) MANAGEMENT.—

9 (1) IN GENERAL.—The Secretary shall manage
10 the Recreation Management Area—

11 (A) in a manner that conserves, protects,
12 and enhances—

13 (i) the purposes of the Recreation
14 Management Area described in subsection
15 (b); and

16 (ii) recreation opportunities, including
17 mountain biking, hiking, fishing, horseback
18 riding, snowshoeing, climbing, skiing,
19 camping, and hunting; and

20 (B) in accordance with—

21 (i) the Forest and Rangeland Renew-
22 able Resources Planning Act of 1974 (16
23 U.S.C. 1600 et seq.);

24 (ii) any other applicable laws (includ-
25 ing regulations); and

1 (iii) this section.

2 (2) USES.—

3 (A) IN GENERAL.—The Secretary shall
4 only allow such uses of the Recreation Manage-
5 ment Area as the Secretary determines would
6 further the purposes described in subsection
7 (b).

8 (B) VEHICLES.—

9 (i) IN GENERAL.—Except as provided
10 in clause (iii), the use of motorized vehicles
11 in the Recreation Management Area shall
12 be limited to the roads, vehicle classes, and
13 periods authorized for motorized vehicle
14 use on the date of enactment of this Act.

15 (ii) NEW OR TEMPORARY ROADS.—
16 Except as provided in clause (iii), no new
17 or temporary road shall be constructed in
18 the Recreation Management Area.

19 (iii) EXCEPTIONS.—Nothing in clause
20 (i) or (ii) prevents the Secretary from—

21 (I) rerouting or closing an exist-
22 ing road or trail to protect natural re-
23 sources from degradation, as the Sec-
24 retary determines to be appropriate;

1 (II) authorizing the use of motor-
2 ized vehicles for administrative pur-
3 poses or roadside camping;

4 (III) constructing temporary
5 roads or permitting the use of motor-
6 ized vehicles to carry out pre- or post-
7 fire watershed protection projects;

8 (IV) authorizing the use of mo-
9 torized vehicles to carry out any activ-
10 ity described in subsection (d), (e)(1),
11 or (f); or

12 (V) responding to an emergency.

13 (C) COMMERCIAL TIMBER.—

14 (i) IN GENERAL.—Subject to clause
15 (ii), no project shall be carried out in the
16 Recreation Management Area for the pur-
17 pose of harvesting commercial timber.

18 (ii) LIMITATION.—Nothing in clause
19 (i) prevents the Secretary from harvesting
20 or selling a merchantable product that is a
21 byproduct of an activity authorized under
22 this section.

23 (d) FIRE, INSECTS, AND DISEASES.—The Secretary
24 may carry out any activity, in accordance with applicable
25 laws (including regulations), that the Secretary deter-

1 mines to be necessary to manage wildland fire and treat
2 hazardous fuels, insects, and diseases in the Recreation
3 Management Area, subject to such terms and conditions
4 as the Secretary determines to be appropriate.

5 (e) WATER.—

6 (1) EFFECT ON WATER MANAGEMENT INFRA-
7 STRUCTURE.—Nothing in this section affects the
8 construction, repair, reconstruction, replacement, op-
9 eration, maintenance, or renovation within the
10 Recreation Management Area of—

11 (A) water management infrastructure in
12 existence on the date of enactment of this Act;
13 or

14 (B) any future infrastructure necessary for
15 the development or exercise of water rights de-
16 creed before the date of enactment of this Act.

17 (2) APPLICABLE LAW.—Section 3(e) of the
18 James Peak Wilderness and Protection Area Act
19 (Public Law 107–216; 116 Stat. 1058) shall apply
20 to the Recreation Management Area.

21 (f) PERMITS.—Nothing in this section affects—

22 (1) any permit held by a ski area or other enti-
23 ty; or

1 (2) the implementation of associated activities
2 or facilities authorized by law or permit outside the
3 boundaries of the Recreation Management Area.

4 **SEC. 7115. PORCUPINE GULCH WILDLIFE CONSERVATION**
5 **AREA.**

6 (a) DESIGNATION.—Subject to valid existing rights,
7 the approximately 8,287 acres of Federal land located in
8 the White River National Forest, as generally depicted as
9 “Proposed Porcupine Gulch Wildlife Conservation Area”
10 on the map entitled “Porcupine Gulch Wildlife Conserva-
11 tion Area Proposal” and dated June 24, 2019, are des-
12 ignated as the “Porcupine Gulch Wildlife Conservation
13 Area” (referred to in this section as the “Wildlife Con-
14 servation Area”).

15 (b) PURPOSES.—The purposes of the Wildlife Con-
16 servation Area are—

17 (1) to conserve and protect a wildlife migration
18 corridor over Interstate 70; and

19 (2) to conserve, protect, and enhance for the
20 benefit and enjoyment of present and future genera-
21 tions the wildlife, scenic, roadless, watershed, and
22 ecological resources of the Wildlife Conservation
23 Area.

24 (c) MANAGEMENT.—

1 (1) IN GENERAL.—The Secretary shall manage
2 the Wildlife Conservation Area—

3 (A) in a manner that conserves, protects,
4 and enhances the purposes described in sub-
5 section (b); and

6 (B) in accordance with—

7 (i) the Forest and Rangeland Renew-
8 able Resources Planning Act of 1974 (16
9 U.S.C. 1600 et seq.);

10 (ii) any other applicable laws (includ-
11 ing regulations); and

12 (iii) this section.

13 (2) USES.—

14 (A) IN GENERAL.—The Secretary shall
15 only allow such uses of the Wildlife Conserva-
16 tion Area as the Secretary determines would
17 further the purposes described in subsection
18 (b).

19 (B) RECREATION.—The Secretary may
20 permit such recreational activities in the Wild-
21 life Conservation Area that the Secretary deter-
22 mines are consistent with the purposes de-
23 scribed in subsection (b).

1 (C) MOTORIZED VEHICLES AND MECHA-
2 NIZED TRANSPORT; NEW OR TEMPORARY
3 ROADS.—

4 (i) MOTORIZED VEHICLES AND
5 MECHANIZED TRANSPORT.—Except as pro-
6 vided in clause (iii), the use of motorized
7 vehicles and mechanized transport in the
8 Wildlife Conservation Area shall be prohib-
9 ited.

10 (ii) NEW OR TEMPORARY ROADS.—
11 Except as provided in clause (iii) and sub-
12 section (e), no new or temporary road shall
13 be constructed within the Wildlife Con-
14 servation Area.

15 (iii) EXCEPTIONS.—Nothing in clause
16 (i) or (ii) prevents the Secretary from—

17 (I) authorizing the use of motor-
18 ized vehicles or mechanized transport
19 for administrative purposes;

20 (II) constructing temporary
21 roads or permitting the use of motor-
22 ized vehicles or mechanized transport
23 to carry out pre- or post-fire water-
24 shed protection projects;

1 (III) authorizing the use of mo-
2 torized vehicles or mechanized trans-
3 port to carry out activities described
4 in subsection (d) or (e); or

5 (IV) responding to an emergency.

6 (D) COMMERCIAL TIMBER.—

7 (i) IN GENERAL.—Subject to clause
8 (ii), no project shall be carried out in the
9 Wildlife Conservation Area for the purpose
10 of harvesting commercial timber.

11 (ii) LIMITATION.—Nothing in clause
12 (i) prevents the Secretary from harvesting
13 or selling a merchantable product that is a
14 byproduct of an activity authorized under
15 this section.

16 (d) FIRE, INSECTS, AND DISEASES.—The Secretary
17 may carry out any activity, in accordance with applicable
18 laws (including regulations), that the Secretary deter-
19 mines to be necessary to manage wildland fire and treat
20 hazardous fuels, insects, and diseases in the Wildlife Con-
21 servation Area, subject to such terms and conditions as
22 the Secretary determines to be appropriate.

23 (e) REGIONAL TRANSPORTATION PROJECTS.—Noth-
24 ing in this section or section 7121(f) precludes the Sec-
25 retary from authorizing, in accordance with applicable

1 laws (including regulations) and subject to valid existing
2 rights, the use of the subsurface of the Wildlife Conserva-
3 tion Area to construct, realign, operate, or maintain re-
4 gional transportation projects, including Interstate 70 and
5 the Eisenhower-Johnson Tunnels.

6 (f) WATER.—Section 3(e) of the James Peak Wilder-
7 ness and Protection Area Act (Public Law 107–216; 116
8 Stat. 1058) shall apply to the Wildlife Conservation Area.

9 **SEC. 7116. WILLIAMS FORK MOUNTAINS WILDLIFE CON-**
10 **SERVATION AREA.**

11 (a) DESIGNATION.—Subject to valid existing rights,
12 the approximately 3,528 acres of Federal land in the
13 White River National Forest in the State, as generally de-
14 picted as “Proposed Williams Fork Mountains Wildlife
15 Conservation Area” on the map entitled “Williams Fork
16 Mountains Proposal” and dated June 24, 2019, are des-
17 ignated as the “Williams Fork Mountains Wildlife Con-
18 servation Area” (referred to in this section as the “Wild-
19 life Conservation Area”).

20 (b) PURPOSES.—The purposes of the Wildlife Con-
21 servation Area are to conserve, protect, and enhance for
22 the benefit and enjoyment of present and future genera-
23 tions the wildlife, scenic, roadless, watershed, recreational,
24 and ecological resources of the Wildlife Conservation Area.

25 (c) MANAGEMENT.—

1 (1) IN GENERAL.—The Secretary shall manage
2 the Wildlife Conservation Area—

3 (A) in a manner that conserves, protects,
4 and enhances the purposes described in sub-
5 section (b); and

6 (B) in accordance with—

7 (i) the Forest and Rangeland Renew-
8 able Resources Planning Act of 1974 (16
9 U.S.C. 1600 et seq.);

10 (ii) any other applicable laws (includ-
11 ing regulations); and

12 (iii) this section.

13 (2) USES.—

14 (A) IN GENERAL.—The Secretary shall
15 only allow such uses of the Wildlife Conserva-
16 tion Area as the Secretary determines would
17 further the purposes described in subsection
18 (b).

19 (B) MOTORIZED VEHICLES.—

20 (i) IN GENERAL.—Except as provided
21 in clause (iii), the use of motorized vehicles
22 in the Wildlife Conservation Area shall be
23 limited to designated roads and trails.

24 (ii) NEW OR TEMPORARY ROADS.—
25 Except as provided in clause (iii), no new

1 or temporary road shall be constructed in
2 the Wildlife Conservation Area.

3 (iii) EXCEPTIONS.—Nothing in clause
4 (i) or (ii) prevents the Secretary from—

5 (I) authorizing the use of motor-
6 ized vehicles for administrative pur-
7 poses;

8 (II) authorizing the use of motor-
9 ized vehicles to carry out activities de-
10 scribed in subsection (d); or

11 (III) responding to an emer-
12 gency.

13 (C) BICYCLES.—The use of bicycles in the
14 Wildlife Conservation Area shall be limited to
15 designated roads and trails.

16 (D) COMMERCIAL TIMBER.—

17 (i) IN GENERAL.—Subject to clause
18 (ii), no project shall be carried out in the
19 Wildlife Conservation Area for the purpose
20 of harvesting commercial timber.

21 (ii) LIMITATION.—Nothing in clause
22 (i) prevents the Secretary from harvesting
23 or selling a merchantable product that is a
24 byproduct of an activity authorized under
25 this section.

1 (E) GRAZING.—The laws (including regu-
2 lations) and policies followed by the Secretary
3 in issuing and administering grazing permits or
4 leases on land under the jurisdiction of the Sec-
5 retary shall continue to apply with regard to
6 the land in the Wildlife Conservation Area, con-
7 sistent with the purposes described in sub-
8 section (b).

9 (d) FIRE, INSECTS, AND DISEASES.—The Secretary
10 may carry out any activity, in accordance with applicable
11 laws (including regulations), that the Secretary deter-
12 mines to be necessary to manage wildland fire and treat
13 hazardous fuels, insects, and diseases in the Wildlife Con-
14 servation Area, subject to such terms and conditions as
15 the Secretary determines to be appropriate.

16 (e) WATER.—Section 3(e) of the James Peak Wilder-
17 ness and Protection Area Act (Public Law 107–216; 116
18 Stat. 1058) shall apply to the Wildlife Conservation Area.

19 **SEC. 7117. SPRADDLE CREEK WILDLIFE CONSERVATION**
20 **AREA.**

21 (a) DESIGNATION.—Subject to valid existing rights,
22 the approximately 2,674 acres of Federal land in the
23 White River National Forest in the State, as generally de-
24 picted as “Proposed Spraddle Creek Wildlife Conservation
25 Area” on the map entitled “Eagles Nest Wilderness Addi-

1 tions Proposal” and dated April 26, 2022, are designated
2 as the “Spraddle Creek Wildlife Conservation Area” (re-
3 ferred to in this section as the “Wildlife Conservation
4 Area”).

5 (b) PURPOSES.—The purposes of the Wildlife Con-
6 servation Area are to conserve, protect, and enhance for
7 the benefit and enjoyment of present and future genera-
8 tions the wildlife, scenic, roadless, watershed, recreational,
9 and ecological resources of the Wildlife Conservation Area.

10 (c) MANAGEMENT.—

11 (1) IN GENERAL.—The Secretary shall manage
12 the Wildlife Conservation Area—

13 (A) in a manner that conserves, protects,
14 and enhances the purposes described in sub-
15 section (b); and

16 (B) in accordance with—

17 (i) the Forest and Rangeland Renew-
18 able Resources Planning Act of 1974 (16
19 U.S.C. 1600 et seq.);

20 (ii) any other applicable laws (includ-
21 ing regulations); and

22 (iii) this subtitle.

23 (2) USES.—

24 (A) IN GENERAL.—The Secretary shall
25 only allow such uses of the Wildlife Conserva-

tion Area as the Secretary determines would further the purposes described in subsection (b).

(B) **MOTORIZED VEHICLES AND MECHANIZED TRANSPORT.**—Except as necessary for administrative purposes or to respond to an emergency, the use of motorized vehicles and mechanized transport in the Wildlife Conservation Area shall be prohibited.

(C) **ROADS.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), no road shall be constructed in the Wildlife Conservation Area.

(ii) **EXCEPTIONS.**—Nothing in clause (i) prevents the Secretary from—

(I) constructing a temporary road as the Secretary determines to be necessary as a minimum requirement for carrying out a vegetation management project in the Wildlife Conservation Area; or

(II) responding to an emergency.

(iii) **DECOMMISSIONING OF TEMPORARY ROADS.**—Not later than 3 years after the date on which the applicable

1 vegetation management project is com-
2 pleted, the Secretary shall decommission
3 any temporary road constructed under
4 clause (ii)(I) for the applicable vegetation
5 management project.

6 (D) COMMERCIAL TIMBER.—

7 (i) IN GENERAL.—Subject to clause
8 (ii), no project shall be carried out in the
9 Wildlife Conservation Area for the purpose
10 of harvesting commercial timber.

11 (ii) LIMITATION.—Nothing in clause
12 (i) prevents the Secretary from harvesting
13 or selling a merchantable product that is a
14 byproduct of an activity authorized in the
15 Wildlife Conservation Area under this sec-
16 tion.

17 (d) FIRE, INSECTS, AND DISEASES.—The Secretary
18 may carry out any activity, in accordance with applicable
19 laws (including regulations), that the Secretary deter-
20 mines to be necessary to manage wildland fire and treat
21 hazardous fuels, insects, and diseases in the Wildlife Con-
22 servation Area, subject to such terms and conditions as
23 the Secretary determines to be appropriate.

1 (e) WATER.—Section 3(e) of the James Peak Wilder-
2 ness and Protection Area Act (Public Law 107–216; 116
3 Stat. 1058) shall apply to the Wildlife Conservation Area.

4 **SEC. 7118. CAMP HALE NATIONAL HISTORIC LANDSCAPE.**

5 (a) DESIGNATION.—Subject to valid existing rights,
6 the approximately 28,197 acres of Federal land in the
7 White River National Forest in the State, as generally de-
8 picted as “Proposed Camp Hale National Historic Land-
9 scape” on the map entitled “Camp Hale National Historic
10 Landscape Proposal” and dated April 22, 2022, are des-
11 ignated the “Camp Hale National Historic Landscape”.

12 (b) PURPOSES.—The purposes of the Historic Land-
13 scape are—

14 (1) to provide for—

15 (A) the interpretation of historic events,
16 activities, structures, and artifacts of the His-
17 toric Landscape, including with respect to the
18 role of the Historic Landscape in local, na-
19 tional, and world history;

20 (B) the preservation of the historic re-
21 sources of the Historic Landscape, consistent
22 with the other purposes of the Historic Land-
23 scape;

24 (C) recreational opportunities, with an em-
25 phasis on the activities related to the historic

1 use of the Historic Landscape, including skiing,
2 snowshoeing, snowmobiling, hiking, horseback
3 riding, climbing, other road- and trail-based ac-
4 tivities, and other outdoor activities; and

5 (D) the continued environmental remedi-
6 ation and removal of unexploded ordnance at
7 the Camp Hale Formerly Used Defense Site
8 and the Camp Hale historic cantonment area;
9 and

10 (2) to conserve, protect, restore, and enhance
11 for the benefit and enjoyment of present and future
12 generations the scenic, watershed, and ecological re-
13 sources of the Historic Landscape.

14 (c) MANAGEMENT.—

15 (1) IN GENERAL.—The Secretary shall manage
16 the Historic Landscape in accordance with—

17 (A) the purposes of the Historic Landscape
18 described in subsection (b); and

19 (B) any other applicable laws (including
20 regulations).

21 (2) MANAGEMENT PLAN.—

22 (A) IN GENERAL.—Not later than 5 years
23 after the date of enactment of this Act, the Sec-
24 retary shall prepare a management plan for the
25 Historic Landscape.

1 (B) CONTENTS.—The management plan
2 prepared under subparagraph (A) shall include
3 plans for—

4 (i) improving the interpretation of his-
5 toric events, activities, structures, and arti-
6 facts of the Historic Landscape, including
7 with respect to the role of the Historic
8 Landscape in local, national, and world
9 history;

10 (ii) conducting historic preservation
11 and veteran outreach and engagement ac-
12 tivities;

13 (iii) managing recreational opportuni-
14 ties, including the use and stewardship
15 of—

16 (I) the road and trail systems;

17 and

18 (II) dispersed recreation re-
19 sources;

20 (iv) the conservation, protection, res-
21 toration, or enhancement of the scenic, wa-
22 tershed, and ecological resources of the
23 Historic Landscape, including—

1 (I) conducting the restoration
2 and enhancement project under sub-
3 section (d);

4 (II) forest fuels, wildfire, and
5 mitigation management; and

6 (III) watershed health and pro-
7 tection;

8 (v) environmental remediation and,
9 consistent with subsection (e)(2), the re-
10 moval of unexploded ordnance; and

11 (vi) managing the Historic Landscape
12 in accordance with subsection (g).

13 (3) EXPLOSIVE HAZARDS.—The Secretary shall
14 provide to the Secretary of the Army a notification
15 of any unexploded ordnance (as defined in section
16 101(e) of title 10, United States Code) that is dis-
17 covered in the Historic Landscape.

18 (d) CAMP HALE RESTORATION AND ENHANCEMENT
19 PROJECT.—

20 (1) IN GENERAL.—The Secretary shall conduct
21 a restoration and enhancement project in the His-
22 toric Landscape—

23 (A) to improve aquatic, riparian, and wet-
24 land conditions in and along the Eagle River
25 and tributaries of the Eagle River;

1 (B) to maintain or improve recreation and
2 interpretive opportunities and facilities; and

3 (C) to conserve historic values in the Camp
4 Hale area.

5 (2) COORDINATION.—In carrying out the
6 project described in paragraph (1), the Secretary
7 shall coordinate with, and provide the opportunity to
8 collaborate on the project to—

9 (A) the Corps of Engineers;

10 (B) the Camp Hale-Eagle River Head-
11 waters Collaborative Group;

12 (C) the National Forest Foundation;

13 (D) the Colorado Department of Public
14 Health and Environment;

15 (E) the Colorado State Historic Preserva-
16 tion Office;

17 (F) the Colorado Department of Natural
18 Resources;

19 (G) units of local government; and

20 (H) other interested organizations and
21 members of the public.

22 (e) ENVIRONMENTAL REMEDIATION.—

23 (1) IN GENERAL.—The Secretary of the Army
24 shall continue to carry out the projects and activities
25 of the Department of the Army in existence on the

1 date of enactment of this Act relating to cleanup
2 of—

3 (A) the Camp Hale Formerly Used De-
4 fense Site; or

5 (B) the Camp Hale historic cantonment
6 area.

7 (2) REMOVAL OF UNEXPLODED ORDNANCE.—

8 (A) IN GENERAL.—The Secretary of the
9 Army may remove unexploded ordnance (as de-
10 fined in section 101(e) of title 10, United
11 States Code) from the Historic Landscape, as
12 the Secretary of the Army determines to be ap-
13 propriate in accordance with applicable law (in-
14 cluding regulations).

15 (B) ACTION ON RECEIPT OF NOTICE.—On
16 receipt from the Secretary of a notification of
17 unexploded ordnance under subsection (c)(3),
18 the Secretary of the Army may remove the
19 unexploded ordnance in accordance with—

20 (i) the program for environmental res-
21 toration of formerly used defense sites
22 under section 2701 of title 10, United
23 States Code;

1 (ii) the Comprehensive Environmental
2 Response, Compensation, and Liability Act
3 of 1980 (42 U.S.C. 9601 et seq.); and

4 (iii) any other applicable provision of
5 law (including regulations).

6 (3) EFFECT OF SUBSECTION.—Nothing in this
7 subsection modifies any obligation in existence on
8 the date of enactment of this Act relating to envi-
9 ronmental remediation or removal of any unexploded
10 ordnance located in or around the Camp Hale his-
11 toric cantonment area, the Camp Hale Formerly
12 Used Defense Site, or the Historic Landscape, in-
13 cluding such an obligation under—

14 (A) the program for environmental restora-
15 tion of formerly used defense sites under sec-
16 tion 2701 of title 10, United States Code;

17 (B) the Comprehensive Environmental Re-
18 sponse, Compensation, and Liability Act of
19 1980 (42 U.S.C. 9601 et seq.); or

20 (C) any other applicable provision of law
21 (including regulations).

22 (f) INTERAGENCY AGREEMENT.—As soon as prac-
23 ticable after the date of enactment of this Act, the Sec-
24 retary and the Secretary of the Army shall enter into an
25 agreement—

1 (1) to specify—

2 (A) the activities of the Secretary relating
3 to the management of the Historic Landscape;
4 and

5 (B) the activities of the Secretary of the
6 Army relating to environmental remediation
7 and the removal of unexploded ordnance in ac-
8 cordance with subsection (e) and other applica-
9 ble laws (including regulations); and

10 (2) to require the Secretary to provide to the
11 Secretary of the Army, by not later than 1 year
12 after the date of enactment of this Act and periodi-
13 cally thereafter, as appropriate, a management plan
14 for the Historic Landscape for purposes of the re-
15 moval activities described in subsection (e).

16 (g) EFFECT.—Nothing in this section—

17 (1) affects the jurisdiction of the State over any
18 water law, water right, or adjudication or adminis-
19 tration relating to any water resource;

20 (2) affects any water right in existence on the
21 date of enactment of this Act, or the exercise of such
22 a water right, including—

23 (A) a water right subject to an interstate
24 water compact (including full development of

1 any apportionment made in accordance with
2 such a compact);

3 (B) a water right decreed within, above,
4 below, or through the Historic Landscape;

5 (C) a change, exchange, plan for aug-
6 mentation, or other water decree with respect to
7 a water right, including a conditional water
8 right, in existence on the date of enactment of
9 this Act—

10 (i) that is consistent with the pur-
11 poses described in subsection (b); and

12 (ii) that does not result in diversion of
13 a greater flow rate or volume of water for
14 such a water right in existence on the date
15 of enactment of this Act;

16 (D) a water right held by the United
17 States;

18 (E) the management or operation of any
19 reservoir, including the storage, management,
20 release, or transportation of water; and

21 (F) the construction or operation of such
22 infrastructure as is determined to be necessary
23 by an individual or entity holding water rights
24 to develop and place to beneficial use those

1 rights, subject to applicable Federal, State, and
2 local law (including regulations);

3 (3) constitutes an express or implied reservation
4 by the United States of any reserved or appropria-
5 tive water right;

6 (4) affects—

7 (A) any permit held by a ski area or other
8 entity; or

9 (B) the implementation of associated ac-
10 tivities or facilities authorized by law or permit
11 outside the boundaries of the Historic Land-
12 scape;

13 (5) prevents the Secretary from closing portions
14 of the Historic Landscape for public safety, environ-
15 mental remediation, or other use in accordance with
16 applicable laws; or

17 (6) affects—

18 (A) any special use permit in effect on the
19 date of enactment of this Act; or

20 (B) the renewal of a permit described in
21 subparagraph (A).

22 (h) FUNDING.—There is authorized to be appro-
23 priated \$10,000,000 for activities relating to historic in-
24 terpretation, preservation, and restoration carried out in
25 and around the Historic Landscape.

1 (i) DESIGNATION OF OVERLOOK.—The interpretive
2 site located beside United States Route 24 in the State,
3 at 39.431N 106.323W, is designated as the “Sandy Treat
4 Overlook”.

5 **SEC. 7119. WHITE RIVER NATIONAL FOREST BOUNDARY**
6 **MODIFICATION.**

7 (a) IN GENERAL.—The boundary of the White River
8 National Forest is modified to include the approximately
9 120 acres comprised of the SW¹/₄, the SE¹/₄, and the
10 NE¹/₄ of the SE¹/₄ of sec. 1, T. 2 S., R. 80 W., 6th Prin-
11 cipal Meridian, in Summit County in the State.

12 (b) LAND AND WATER CONSERVATION FUND.—For
13 purposes of section 200306 of title 54, United States
14 Code, the boundaries of the White River National Forest,
15 as modified by subsection (a), shall be considered to be
16 the boundaries of the White River National Forest as in
17 existence on January 1, 1965.

18 **SEC. 7120. ROCKY MOUNTAIN NATIONAL PARK POTENTIAL**
19 **WILDERNESS BOUNDARY ADJUSTMENT.**

20 (a) PURPOSE.—The purpose of this section is to pro-
21 vide for the ongoing maintenance and use of portions of
22 the Trail River Ranch and the associated property located
23 within Rocky Mountain National Park in Grand County
24 in the State.

1 (b) BOUNDARY ADJUSTMENT.—Section 1952(b) of
2 the Omnibus Public Land Management Act of 2009 (Pub-
3 lic Law 111–11; 123 Stat. 1070) is amended by adding
4 at the end the following:

5 “(3) BOUNDARY ADJUSTMENT.—The boundary
6 of the Potential Wilderness is modified to exclude
7 the area comprising approximately 15.5 acres of
8 land identified as ‘Potential Wilderness to Non-wil-
9 derness’ on the map entitled ‘Rocky Mountain Na-
10 tional Park Proposed Wilderness Area Amendment’
11 and dated January 16, 2018.”.

12 **SEC. 7121. ADMINISTRATIVE PROVISIONS.**

13 (a) FISH AND WILDLIFE.—Nothing in this subtitle
14 affects the jurisdiction or responsibility of the State with
15 respect to fish and wildlife in the State.

16 (b) NO BUFFER ZONES.—

17 (1) IN GENERAL.—Nothing in this subtitle or
18 an amendment made by this subtitle establishes a
19 protective perimeter or buffer zone around—

20 (A) a covered area;

21 (B) a wilderness area or potential wilder-
22 ness area designated by section 7113;

23 (C) the Recreation Management Area;

24 (D) a Wildlife Conservation Area; or

25 (E) the Historic Landscape.

1 (2) OUTSIDE ACTIVITIES.—The fact that a non-
2 wilderness activity or use on land outside of an area
3 described in paragraph (1) can be seen or heard
4 from within the applicable area described in para-
5 graph (1) shall not preclude the activity or use out-
6 side the boundary of the applicable area described in
7 paragraph (1).

8 (c) TRIBAL RIGHTS AND USES.—

9 (1) TREATY RIGHTS.—Nothing in this subtitle
10 affects the treaty rights of an Indian Tribe.

11 (2) TRADITIONAL TRIBAL USES.—Subject to
12 any terms and conditions that the Secretary deter-
13 mines to be necessary and in accordance with appli-
14 cable law, the Secretary shall allow for the continued
15 use of the areas described in subsection (b)(1) by
16 members of Indian Tribes—

17 (A) for traditional ceremonies; and

18 (B) as a source of traditional plants and
19 other materials.

20 (d) MAPS AND LEGAL DESCRIPTIONS.—

21 (1) IN GENERAL.—As soon as practicable after
22 the date of enactment of this Act, the Secretary
23 shall prepare maps and legal descriptions of each
24 area described in subsection (b)(1) with—

1 (A) the Committee on Natural Resources
2 of the House of Representatives; and

3 (B) the Committee on Energy and Natural
4 Resources of the Senate.

5 (2) FORCE OF LAW.—Each map and legal de-
6 scription prepared under paragraph (1) shall have
7 the same force and effect as if included in this sub-
8 title, except that the Secretary may—

9 (A) correct any typographical errors in the
10 maps and legal descriptions; and

11 (B) in consultation with the State, make
12 minor adjustments to the boundaries of the
13 Tenmile Recreation Management Area des-
14 ignated by section 7114(a), the Porcupine
15 Gulch Wildlife Conservation Area designated by
16 section 7115(a), and the Williams Fork Moun-
17 tains Wildlife Conservation Area designated by
18 section 7116(a) to account for potential high-
19 way or multimodal transportation system con-
20 struction, safety measures, maintenance, re-
21 alignment, or widening.

22 (3) PUBLIC AVAILABILITY.—Each map and
23 legal description prepared under paragraph (1) shall
24 be on file and available for public inspection in the
25 appropriate offices of the Forest Service.

1 (e) ACQUISITION OF LAND.—

2 (1) IN GENERAL.—The Secretary may acquire
3 any land or interest in land within the boundaries of
4 an area described in subsection (b)(1) by donation,
5 purchase from a willing seller, or exchange.

6 (2) MANAGEMENT.—Any land or interest in
7 land acquired under paragraph (1) shall be incor-
8 porated into, and administered as a part of, the wil-
9 derness area, Recreation Management Area, Wildlife
10 Conservation Area, or Historic Landscape, as appli-
11 cable, in which the land or interest in land is lo-
12 cated.

13 (f) WITHDRAWAL.—Subject to valid existing rights,
14 the areas described in subsection (b)(1) are withdrawn
15 from—

16 (1) entry, appropriation, and disposal under the
17 public land laws;

18 (2) location, entry, and patent under mining
19 laws; and

20 (3) operation of the mineral leasing, mineral
21 materials, and geothermal leasing laws.

22 (g) MILITARY OVERFLIGHTS.—Nothing in this sub-
23 title or an amendment made by this subtitle restricts or
24 precludes—

1 (1) any low-level overflight of military aircraft
2 over any area subject to this subtitle or an amend-
3 ment made by this subtitle, including military over-
4 flights that can be seen, heard, or detected within
5 such an area;

6 (2) flight testing or evaluation over an area de-
7 scribed in paragraph (1); or

8 (3) the use or establishment of—

9 (A) any new unit of special use airspace
10 over an area described in paragraph (1); or

11 (B) any military flight training or trans-
12 portation over such an area.

13 (h) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that military aviation training on Federal public
15 land in the State, including the training conducted at the
16 High-Altitude Army National Guard Aviation Training
17 Site, is critical to the national security of the United
18 States and the readiness of the Armed Forces.

19 **Subtitle B—San Juan Mountains**

20 **SEC. 7131. DEFINITIONS.**

21 In this subtitle:

22 (1) COVERED LAND.—The term “covered land”
23 means—

24 (A) land designated as wilderness under
25 paragraphs (27) through (29) of section 2(a) of

1 the Colorado Wilderness Act of 1993 (16
2 U.S.C. 1132 note; Public Law 103–77) (as
3 added by section 7132); and

4 (B) a Special Management Area.

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of Agriculture.

7 (3) SPECIAL MANAGEMENT AREA.—The term
8 “Special Management Area” means each of—

9 (A) the Sheep Mountain Special Manage-
10 ment Area designated by section 7133(a)(1);
11 and

12 (B) the Liberty Bell East Special Manage-
13 ment Area designated by section 7133(a)(2).

14 **SEC. 7132. ADDITIONS TO NATIONAL WILDERNESS PRESER-**
15 **VATION SYSTEM.**

16 Section 2(a) of the Colorado Wilderness Act of 1993
17 (16 U.S.C. 1132 note; Public Law 103–77) (as amended
18 by section 7112(a)) is further amended by adding at the
19 end the following:

20 “(27) LIZARD HEAD WILDERNESS ADDITION.—
21 Certain Federal land in the Grand Mesa,
22 Uncompahgre, and Gunnison National Forests com-
23 prising approximately 3,141 acres, as generally de-
24 picted on the map entitled ‘Proposed Wilson, Sun-
25 shine, Black Face and San Bernardo Additions to

1 the Lizard Head Wilderness’ and dated September
2 6, 2018, which is incorporated in, and shall be ad-
3 ministered as part of, the Lizard Head Wilderness.

4 “(28) MOUNT SNEFFELS WILDERNESS ADDI-
5 TIONS.—

6 “(A) LIBERTY BELL AND LAST DOLLAR
7 ADDITIONS.—Certain Federal land in the
8 Grand Mesa, Uncompahgre, and Gunnison Na-
9 tional Forests comprising approximately 7,235
10 acres, as generally depicted on the map entitled
11 ‘Proposed Liberty Bell and Last Dollar Addi-
12 tions to the Mt. Sneffels Wilderness, Liberty
13 Bell East Special Management Area’ and dated
14 September 6, 2018, which is incorporated in,
15 and shall be administered as part of, the Mount
16 Sneffels Wilderness.

17 “(B) WHITEHOUSE ADDITIONS.—Certain
18 Federal land in the Grand Mesa, Uncompahgre,
19 and Gunnison National Forests comprising ap-
20 proximately 12,465 acres, as generally depicted
21 on the map entitled ‘Proposed Whitehouse Ad-
22 ditions to the Mt. Sneffels Wilderness’ and
23 dated September 6, 2018, which is incorporated
24 in, and shall be administered as part of, the
25 Mount Sneffels Wilderness.

1 “(29) MCKENNA PEAK WILDERNESS.—Certain
2 Federal land in the State of Colorado comprising ap-
3 proximately 8,884 acres of Bureau of Land Manage-
4 ment land, as generally depicted on the map entitled
5 ‘Proposed McKenna Peak Wilderness Area’ and
6 dated September 18, 2018, to be known as the
7 ‘McKenna Peak Wilderness’.”.

8 **SEC. 7133. SPECIAL MANAGEMENT AREAS.**

9 (a) DESIGNATION.—

10 (1) SHEEP MOUNTAIN SPECIAL MANAGEMENT
11 AREA.—The Federal land in the Grand Mesa,
12 Uncompahgre, and Gunnison and San Juan Na-
13 tional Forests in the State comprising approximately
14 21,663 acres, as generally depicted on the map enti-
15 tled “Proposed Sheep Mountain Special Manage-
16 ment Area” and dated September 19, 2018, is des-
17 ignated as the “Sheep Mountain Special Manage-
18 ment Area”.

19 (2) LIBERTY BELL EAST SPECIAL MANAGE-
20 MENT AREA.—The Federal land in the Grand Mesa,
21 Uncompahgre, and Gunnison National Forests in
22 the State comprising approximately 792 acres, as
23 generally depicted on the map entitled “Proposed
24 Liberty Bell and Last Dollar Additions to the Mt.
25 Sneffels Wilderness, Liberty Bell East Special Man-

1 agement Area” and dated September 6, 2018, is
2 designated as the “Liberty Bell East Special Man-
3 agement Area”.

4 (b) PURPOSE.—The purpose of the Special Manage-
5 ment Areas is to conserve and protect for the benefit and
6 enjoyment of present and future generations the geologi-
7 cal, cultural, archaeological, paleontological, natural, sci-
8 entific, recreational, wilderness, wildlife, riparian, histor-
9 ical, educational, and scenic resources of the Special Man-
10 agement Areas.

11 (c) MANAGEMENT.—

12 (1) IN GENERAL.—The Secretary shall manage
13 the Special Management Areas in a manner that—

14 (A) conserves, protects, and enhances the
15 resources and values of the Special Manage-
16 ment Areas described in subsection (b);

17 (B) subject to paragraph (3), maintains or
18 improves the wilderness character of the Special
19 Management Areas and the suitability of the
20 Special Management Areas for potential inclu-
21 sion in the National Wilderness Preservation
22 System; and

23 (C) is in accordance with—

24 (i) the National Forest Management
25 Act of 1976 (16 U.S.C. 1600 et seq.);

1 (ii) this subtitle; and

2 (iii) any other applicable laws.

3 (2) PROHIBITIONS.—The following shall be pro-
4 hibited in the Special Management Areas:

5 (A) Permanent roads.

6 (B) Except as necessary to meet the min-
7 imum requirements for the administration of
8 the Federal land, to provide access for aban-
9 doned mine cleanup, and to protect public
10 health and safety—

11 (i) the use of motor vehicles, motor-
12 ized equipment, or mechanical transport
13 (other than as provided in paragraph (3));
14 and

15 (ii) the establishment of temporary
16 roads.

17 (3) AUTHORIZED ACTIVITIES.—

18 (A) IN GENERAL.—The Secretary may
19 allow any activities (including helicopter access
20 for recreation and maintenance and the com-
21 petitive running event permitted since 1992)
22 that have been authorized by permit or license
23 as of the date of enactment of this Act to con-
24 tinue within the Special Management Areas,

1 subject to such terms and conditions as the
2 Secretary may require.

3 (B) PERMITTING.—The designation of the
4 Special Management Areas by subsection (a)
5 shall not affect the issuance of permits relating
6 to the activities covered under subparagraph
7 (A) after the date of enactment of this Act.

8 (C) BICYCLES.—The Secretary may permit
9 the use of bicycles in—

10 (i) the portion of the Sheep Mountain
11 Special Management Area identified as
12 “Ophir Valley Area” on the map entitled
13 “Proposed Sheep Mountain Special Man-
14 agement Area” and dated September 19,
15 2018; and

16 (ii) the portion of the Liberty Bell
17 East Special Management Area identified
18 as “Liberty Bell Corridor” on the map en-
19 titled “Proposed Liberty Bell and Last
20 Dollar Additions to the Mt. Sneffels Wil-
21 derness, Liberty Bell East Special Manage-
22 ment Area” and dated September 6, 2018.

23 (d) APPLICABLE LAW.—Water and water rights in
24 the Special Management Areas shall be administered in
25 accordance with section 8 of the Colorado Wilderness Act

1 of 1993 (Public Law 103–77; 107 Stat. 762), except that,
2 for purposes of this subtitle—

3 (1) any reference contained in that section to
4 “the lands designated as wilderness by this Act”,
5 “the Piedra, Roubideau, and Tabeguache areas iden-
6 tified in section 9 of this Act, or the Bowen Gulch
7 Protection Area or the Fossil Ridge Recreation Man-
8 agement Area identified in sections 5 and 6 of this
9 Act”, or “the areas described in sections 2, 5, 6, and
10 9 of this Act” shall be considered to be a reference
11 to “the Special Management Areas”; and

12 (2) any reference contained in that section to
13 “this Act” shall be considered to be a reference to
14 “the Colorado Outdoor Recreation and Economy
15 Act”.

16 **SEC. 7134. RELEASE OF WILDERNESS STUDY AREAS.**

17 (a) DOMINGUEZ CANYON WILDERNESS STUDY
18 AREA.—Subtitle E of title II of Public Law 111–11 is
19 amended—

20 (1) by redesignating section 2408 (16 U.S.C.
21 460zzz–7) as section 2409; and

22 (2) by inserting after section 2407 (16 U.S.C.
23 460zzz–6) the following:

1 **“SEC. 2408. RELEASE.**

2 “(a) IN GENERAL.—Congress finds that, for the pur-
3 poses of section 603(c) of the Federal Land Policy and
4 Management Act of 1976 (43 U.S.C. 1782(c)), the por-
5 tions of the Dominguez Canyon Wilderness Study Area
6 not designated as wilderness by this subtitle have been
7 adequately studied for wilderness designation.

8 “(b) RELEASE.—Any public land referred to in sub-
9 section (a) that is not designated as wilderness by this
10 subtitle—

11 “(1) is no longer subject to section 603(c) of
12 the Federal Land Policy and Management Act of
13 1976 (43 U.S.C. 1782(c)); and

14 “(2) shall be managed in accordance with this
15 subtitle and any other applicable laws.”.

16 (b) MCKENNA PEAK WILDERNESS STUDY AREA.—

17 (1) IN GENERAL.—Congress finds that, for the
18 purposes of section 603(c) of the Federal Land Pol-
19 icy and Management Act of 1976 (43 U.S.C.
20 1782(c)), the portions of the McKenna Peak Wilder-
21 ness Study Area in San Miguel County in the State
22 not designated as wilderness by paragraph (29) of
23 section 2(a) of the Colorado Wilderness Act of 1993
24 (16 U.S.C. 1132 note; Public Law 103–77) (as
25 added by section 7132) have been adequately studied
26 for wilderness designation.

1 (2) RELEASE.—Any public land referred to in
2 paragraph (1) that is not designated as wilderness
3 by paragraph (29) of section 2(a) of the Colorado
4 Wilderness Act of 1993 (16 U.S.C. 1132 note; Pub-
5 lic Law 103–77) (as added by section 7132)—

6 (A) is no longer subject to section 603(c)
7 of the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1782(c)); and

9 (B) shall be managed in accordance with
10 applicable laws.

11 **SEC. 7135. ADMINISTRATIVE PROVISIONS.**

12 (a) FISH AND WILDLIFE.—Nothing in this subtitle
13 affects the jurisdiction or responsibility of the State with
14 respect to fish and wildlife in the State.

15 (b) NO BUFFER ZONES.—

16 (1) IN GENERAL.—Nothing in this subtitle es-
17 tablishes a protective perimeter or buffer zone
18 around covered land.

19 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
20 fact that a nonwilderness activity or use on land out-
21 side of the covered land can be seen or heard from
22 within covered land shall not preclude the activity or
23 use outside the boundary of the covered land.

24 (c) TRIBAL RIGHTS AND USES.—

1 (1) TREATY RIGHTS.—Nothing in this subtitle
2 affects the treaty rights of any Indian Tribe, includ-
3 ing rights under the Agreement of September 13,
4 1873, ratified by the Act of April 29, 1874 (18 Stat.
5 36, chapter 136).

6 (2) TRADITIONAL TRIBAL USES.—Subject to
7 any terms and conditions as the Secretary deter-
8 mines to be necessary and in accordance with appli-
9 cable law, the Secretary shall allow for the continued
10 use of the covered land by members of Indian
11 Tribes—

12 (A) for traditional ceremonies; and

13 (B) as a source of traditional plants and
14 other materials.

15 (d) MAPS AND LEGAL DESCRIPTIONS.—

16 (1) IN GENERAL.—As soon as practicable after
17 the date of enactment of this Act, the Secretary or
18 the Secretary of the Interior, as appropriate, shall
19 file a map and a legal description of each wilderness
20 area designated by paragraphs (27) through (29) of
21 section 2(a) of the Colorado Wilderness Act of 1993
22 (16 U.S.C. 1132 note; Public Law 103–77) (as
23 added by section 7132) and the Special Management
24 Areas with—

1 (A) the Committee on Natural Resources
2 of the House of Representatives; and

3 (B) the Committee on Energy and Natural
4 Resources of the Senate.

5 (2) FORCE OF LAW.—Each map and legal de-
6 scription filed under paragraph (1) shall have the
7 same force and effect as if included in this subtitle,
8 except that the Secretary or the Secretary of the In-
9 terior, as appropriate, may correct any typographical
10 errors in the maps and legal descriptions.

11 (3) PUBLIC AVAILABILITY.—Each map and
12 legal description filed under paragraph (1) shall be
13 on file and available for public inspection in the ap-
14 propriate offices of the Bureau of Land Management
15 and the Forest Service.

16 (e) ACQUISITION OF LAND.—

17 (1) IN GENERAL.—The Secretary or the Sec-
18 retary of the Interior, as appropriate, may acquire
19 any land or interest in land within the boundaries of
20 a Special Management Area or the wilderness des-
21 ignated under paragraphs (27) through (29) of sec-
22 tion 2(a) of the Colorado Wilderness Act of 1993
23 (16 U.S.C. 1132 note; Public Law 103–77) (as
24 added by section 7132) by donation, purchase from
25 a willing seller, or exchange.

1 (2) MANAGEMENT.—Any land or interest in
2 land acquired under paragraph (1) shall be incor-
3 porated into, and administered as a part of, the wil-
4 derness or Special Management Area in which the
5 land or interest in land is located.

6 (f) GRAZING.—The grazing of livestock on covered
7 land, if established before the date of enactment of this
8 Act, shall be permitted to continue subject to such reason-
9 able regulations as are considered to be necessary by the
10 Secretary with jurisdiction over the covered land, in ac-
11 cordance with—

12 (1) section 4(d)(4) of the Wilderness Act (16
13 U.S.C. 1133(d)(4)); and

14 (2) the applicable guidelines set forth in Appen-
15 dix A of the report of the Committee on Interior and
16 Insular Affairs of the House of Representatives ac-
17 companying H.R. 2570 of the 101st Congress (H.
18 Rept. 101–405) or H.R. 5487 of the 96th Congress
19 (H. Rept. 96–617).

20 (g) FIRE, INSECTS, AND DISEASES.—In accordance
21 with section 4(d)(1) of the Wilderness Act (16 U.S.C.
22 1133(d)(1)), the Secretary with jurisdiction over a wilder-
23 ness area designated by paragraphs (27) through (29) of
24 section 2(a) of the Colorado Wilderness Act of 1993 (16
25 U.S.C. 1132 note; Public Law 103–77) (as added by sec-

tion 7132) 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.

(h) WITHDRAWAL.—Subject to valid existing rights, 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.

Subtitle C—Thompson Divide

SEC. 7141. PURPOSES.

The purposes of this subtitle are—

(1) subject to valid existing rights, to withdraw certain Federal land in the Thompson Divide area from mineral and other disposal laws in order to protect the agricultural, ranching, wildlife, air quality, recreation, ecological, and scenic values of the area; and

1 (2) to promote the capture of fugitive methane
2 emissions that would otherwise be emitted into the
3 atmosphere.

4 **SEC. 7142. DEFINITIONS.**

5 In this subtitle:

6 (1) FUGITIVE METHANE EMISSIONS.—The term
7 “fugitive methane emissions” means methane gas
8 from the Federal land or interests in Federal land
9 in Garfield, Gunnison, Delta, or Pitkin County in
10 the State, within the boundaries of the “Fugitive
11 Coal Mine Methane Use Pilot Program Area”, as
12 generally depicted on the pilot program map, that
13 would leak or be vented into the atmosphere from—

14 (A) an active or inactive coal mine subject
15 to a Federal coal lease; or

16 (B) an abandoned underground coal mine
17 or the site of a former coal mine—

18 (i) that is not subject to a Federal
19 coal lease; and

20 (ii) with respect to which the Federal
21 interest in land includes mineral rights to
22 the methane gas.

23 (2) PILOT PROGRAM.—The term “pilot pro-
24 gram” means the Greater Thompson Divide Fugitive

1 Coal Mine Methane Use Pilot Program established
2 by section 7145(a)(1).

3 (3) PILOT PROGRAM MAP.—The term “pilot
4 program map” means the map entitled “Greater
5 Thompson Divide Fugitive Coal Mine Methane Use
6 Pilot Program Area” and dated April 29, 2022.

7 (4) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (5) THOMPSON DIVIDE LEASE.—

10 (A) IN GENERAL.—The term “Thompson
11 Divide lease” means any oil or gas lease in ef-
12 fect on the date of enactment of this Act within
13 the Thompson Divide Withdrawal and Protec-
14 tion Area.

15 (B) EXCLUSIONS.—The term “Thompson
16 Divide lease” does not include any oil or gas
17 lease that—

18 (i) is associated with a Wolf Creek
19 Storage Field development right; or

20 (ii) before the date of enactment of
21 this Act, has expired, been cancelled, or
22 otherwise terminated.

23 (6) THOMPSON DIVIDE MAP.—The term
24 “Thompson Divide map” means the map entitled

1 “Greater Thompson Divide Area Map” and dated
2 November 5, 2021.

3 (7) THOMPSON DIVIDE WITHDRAWAL AND PRO-
4 TECTION AREA.—The term “Thompson Divide With-
5 drawal and Protection Area” means the Federal
6 land and minerals within the area generally depicted
7 as the “Thompson Divide Withdrawal and Protec-
8 tion Area” on the Thompson Divide map.

9 (8) WOLF CREEK STORAGE FIELD DEVELOP-
10 MENT RIGHT.—

11 (A) IN GENERAL.—The term “Wolf Creek
12 Storage Field development right” means a de-
13 velopment right for any of the Federal mineral
14 leases numbered COC 0007496, COC 0007497,
15 COC 0007498, COC 0007499, COC 0007500,
16 COC 0007538, COC 0008128, COC 0015373,
17 COC 0128018, COC 0051645, and COC
18 0051646, as generally depicted on the Thomp-
19 son Divide map as “Wolf Creek Storage Agree-
20 ment”.

21 (B) EXCLUSIONS.—The term “Wolf Creek
22 Storage Field development right” does not in-
23 clude any storage right or related activity with-
24 in the area described in subparagraph (A).

1 **SEC. 7143. THOMPSON DIVIDE WITHDRAWAL AND PROTEC-**
2 **TION AREA.**

3 (a) WITHDRAWAL.—Subject to valid existing rights,
4 the Thompson Divide Withdrawal and Protection Area is
5 withdrawn from—

6 (1) entry, appropriation, and disposal under the
7 public land laws;

8 (2) location, entry, and patent under the mining
9 laws; and

10 (3) operation of the mineral leasing, mineral
11 materials, and geothermal leasing laws.

12 (b) SURVEYS.—The exact acreage and legal descrip-
13 tion of the Thompson Divide Withdrawal and Protection
14 Area shall be determined by surveys approved by the Sec-
15 retary, in consultation with the Secretary of Agriculture.

16 (c) GRAZING.—Nothing in this subtitle affects the ad-
17 ministration of grazing in the Thompson Divide With-
18 drawal and Protection Area.

19 **SEC. 7144. THOMPSON DIVIDE LEASE CREDITS.**

20 (a) IN GENERAL.—In exchange for the relinquish-
21 ment by a leaseholder of all Thompson Divide leases of
22 the leaseholder, the Secretary may issue to the leaseholder
23 credits for any bid, royalty, or rental payment due under
24 any Federal oil or gas lease on Federal land in the State,
25 in accordance with subsection (b).

26 (b) AMOUNT OF CREDITS.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the amount of the credits issued to a leaseholder of
3 a Thompson Divide lease relinquished under sub-
4 section (a) shall—

5 (A) be equal to the sum of—

6 (i) the amount of the bonus bids paid
7 for the applicable Thompson Divide leases;

8 (ii) the amount of any rental paid for
9 the applicable Thompson Divide leases as
10 of the date on which the leaseholder sub-
11 mits to the Secretary a notice of the deci-
12 sion to relinquish the applicable Thompson
13 Divide leases; and

14 (iii) the amount of any reasonable ex-
15 penses incurred by the leaseholder of the
16 applicable Thompson Divide leases in the
17 preparation of any drilling permit, sundry
18 notice, or other related submission in sup-
19 port of the development of the applicable
20 Thompson Divide leases as of January 28,
21 2019, including any expenses relating to
22 the preparation of any analysis under the
23 National Environmental Policy Act of
24 1969 (42 U.S.C. 4321 et seq.); and

25 (B) require the approval of the Secretary.

1 (2) EXCLUSION.—The amount of a credit
2 issued under subsection (a) shall not include any ex-
3 penses paid by the leaseholder of a Thompson Divide
4 lease for—

5 (A) legal fees or related expenses for legal
6 work with respect to a Thompson Divide lease;
7 or

8 (B) any expenses incurred before the
9 issuance of a Thompson Divide lease.

10 (c) CANCELLATION.—Effective on relinquishment
11 under this section, and without any additional action by
12 the Secretary, a Thompson Divide lease—

13 (1) shall be permanently cancelled; and

14 (2) shall not be reissued.

15 (d) CONDITIONS.—

16 (1) APPLICABLE LAW.—Except as otherwise
17 provided in this section, each exchange under this
18 section shall be conducted in accordance with—

19 (A) this subtitle; and

20 (B) other applicable laws (including regu-
21 lations).

22 (2) ACCEPTANCE OF CREDITS.—The Secretary
23 shall accept credits issued under subsection (a) in
24 the same manner as cash for the payments described
25 in that subsection.

1 (3) APPLICABILITY.—The use of a credit issued
2 under subsection (a) shall be subject to the laws (in-
3 cluding regulations) applicable to the payments de-
4 scribed in that subsection, to the extent that the
5 laws are consistent with this section.

6 (4) TREATMENT OF CREDITS.—All amounts in
7 the form of credits issued under subsection (a) ac-
8 cepted by the Secretary shall be considered to be
9 amounts received for the purposes of—

10 (A) section 35 of the Mineral Leasing Act
11 (30 U.S.C. 191); and

12 (B) section 20 of the Geothermal Steam
13 Act of 1970 (30 U.S.C. 1019).

14 (e) WOLF CREEK STORAGE FIELD DEVELOPMENT
15 RIGHTS.—

16 (1) CONVEYANCE TO SECRETARY.—As a condi-
17 tion precedent to the relinquishment of a Thompson
18 Divide lease under this section, any leaseholder with
19 a Wolf Creek Storage Field development right shall
20 permanently relinquish, transfer, and otherwise con-
21 vey to the Secretary, in a form acceptable to the
22 Secretary, all Wolf Creek Storage Field development
23 rights of the leaseholder.

24 (2) CREDITS.—

1 (A) IN GENERAL.—In consideration for the
2 transfer of development rights under paragraph
3 (1), the Secretary may issue to a leaseholder
4 described in that paragraph credits for any rea-
5 sonable expenses incurred by the leaseholder in
6 acquiring the Wolf Creek Storage Field develop-
7 ment right or in the preparation of any drilling
8 permit, sundry notice, or other related submis-
9 sion in support of the development right as of
10 January 28, 2019, including any reasonable ex-
11 penses relating to the preparation of any anal-
12 ysis under the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4321 et seq.).

14 (B) APPROVAL.—Any credits for a transfer
15 of the development rights under paragraph (1),
16 shall be subject to—

17 (i) the exclusion described in sub-
18 section (b)(2);

19 (ii) the conditions described in sub-
20 section (d); and

21 (iii) the approval of the Secretary.

22 (3) LIMITATION OF TRANSFER.—Development
23 rights acquired by the Secretary under paragraph
24 (1)—

1 (A) shall be held for as long as the parent
2 leases in the Wolf Creek Storage Field remain
3 in effect; and

4 (B) shall not be—

5 (i) transferred;

6 (ii) reissued; or

7 (iii) otherwise used for mineral extrac-
8 tion.

9 **SEC. 7145. GREATER THOMPSON DIVIDE FUGITIVE COAL**
10 **MINE METHANE USE PILOT PROGRAM.**

11 (a) FUGITIVE COAL MINE METHANE USE PILOT
12 PROGRAM.—

13 (1) ESTABLISHMENT.—There is established in
14 the Bureau of Land Management a pilot program,
15 to be known as the “Greater Thompson Divide Fu-
16 gitive Coal Mine Methane Use Pilot Program”.

17 (2) PURPOSE.—The purpose of the pilot pro-
18 gram is to promote the capture, beneficial use, miti-
19 gation, and sequestration of fugitive methane emis-
20 sions—

21 (A) to reduce methane emissions;

22 (B) to promote economic development;

23 (C) to improve air quality; and

24 (D) to improve public safety.

25 (3) PLAN.—

1 (A) IN GENERAL.—Not later than 180
2 days after the date of enactment of this Act,
3 the Secretary shall develop a plan—

4 (i) to complete an inventory of fugitive
5 methane emissions in accordance with sub-
6 section (b);

7 (ii) to provide for the leasing of fugi-
8 tive methane emissions in accordance with
9 subsection (c); and

10 (iii) to provide for the capping or de-
11 struction of fugitive methane emissions in
12 accordance with subsection (d).

13 (B) COORDINATION.—In developing the
14 plan under this paragraph, the Secretary shall
15 coordinate with—

16 (i) the State;

17 (ii) Garfield, Gunnison, Delta, and
18 Pitkin Counties in the State;

19 (iii) lessees of Federal coal within the
20 counties referred to in clause (ii);

21 (iv) interested institutions of higher
22 education in the State; and

23 (v) interested members of the public.

24 (b) FUGITIVE METHANE EMISSIONS INVENTORY.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Secretary
3 shall complete an inventory of fugitive methane
4 emissions.

5 (2) CONDUCT.—

6 (A) COLLABORATION.—The Secretary may
7 conduct the inventory under paragraph (1)
8 through, or in collaboration with—

- 9 (i) the Bureau of Land Management;
10 (ii) the United States Geological Sur-
11 vey;
12 (iii) the Environmental Protection
13 Agency;
14 (iv) the United States Forest Service;
15 (v) State departments or agencies;
16 (vi) Garfield, Gunnison, Delta, or
17 Pitkin County in the State;
18 (vii) the Garfield County Federal Min-
19 eral Lease District;
20 (viii) institutions of higher education
21 in the State;
22 (ix) lessees of Federal coal within a
23 county referred to in subparagraph (F);
24 (x) the National Oceanic and Atmos-
25 pheric Administration;

1 (xi) the National Center for Atmos-
2 pheric Research; or

3 (xii) other interested entities, includ-
4 ing members of the public.

5 (B) FEDERAL SPLIT ESTATE.—

6 (i) IN GENERAL.—In conducting the
7 inventory under paragraph (1) for Federal
8 minerals on split estate land, the Secretary
9 shall rely on available data.

10 (ii) LIMITATION.—Nothing in this sec-
11 tion requires or authorizes the Secretary to
12 enter or access private land to conduct the
13 inventory under paragraph (1).

14 (3) CONTENTS.—The inventory conducted
15 under paragraph (1) shall include—

16 (A) the general location and geographic co-
17 ordinates of vents, seeps, or other sources pro-
18 ducing significant fugitive methane emissions;

19 (B) an estimate of the volume and con-
20 centration of fugitive methane emissions from
21 each source of significant fugitive methane
22 emissions, including details of measurements
23 taken and the basis for that emissions estimate;

24 (C) relevant data and other information
25 available from—

1 (i) the Environmental Protection
2 Agency;

3 (ii) the Mine Safety and Health Ad-
4 ministration;

5 (iii) the Colorado Department of Nat-
6 ural Resources;

7 (iv) the Colorado Public Utility Com-
8 mission;

9 (v) the Colorado Department of
10 Health and Environment; and

11 (vi) the Office of Surface Mining Rec-
12 lamation and Enforcement; and

13 (D) such other information as may be use-
14 ful in advancing the purposes of the pilot pro-
15 gram.

16 (4) PUBLIC PARTICIPATION; DISCLOSURE.—

17 (A) PUBLIC PARTICIPATION.—The Sec-
18 retary shall, as appropriate, provide opportuni-
19 ties for public participation in the conduct of
20 the inventory under paragraph (1).

21 (B) AVAILABILITY.—The Secretary shall
22 make the inventory conducted under paragraph
23 (1) publicly available.

1 (C) DISCLOSURE.—Nothing in this sub-
2 section requires the Secretary to publicly re-
3 lease information that—

4 (i) poses a threat to public safety;

5 (ii) is confidential business informa-
6 tion; or

7 (iii) is otherwise protected from public
8 disclosure.

9 (5) IMPACT ON COAL MINES SUBJECT TO
10 LEASE.—

11 (A) IN GENERAL.—For the purposes of
12 conducting the inventory under paragraph (1),
13 for land subject to a Federal coal lease, the
14 Secretary shall use readily available methane
15 emissions data.

16 (B) EFFECT.—Nothing in this section re-
17 quires the holder of a Federal coal lease to re-
18 port additional data or information to the Sec-
19 retary.

20 (6) USE.—The Secretary shall use the inven-
21 tory conducted under paragraph (1) in carrying
22 out—

23 (A) the leasing program under subsection
24 (c); and

1 (B) the capping or destruction of fugitive
2 methane emissions under subsection (d).

3 (c) FUGITIVE METHANE EMISSIONS LEASING PRO-
4 GRAM AND SEQUESTRATION.—

5 (1) IN GENERAL.—Subject to valid existing
6 rights and in accordance with this section, not later
7 than 1 year after the date of completion of the in-
8 ventory required under subsection (b), the Secretary
9 shall carry out a program to encourage the use and
10 destruction of fugitive methane emissions.

11 (2) FUGITIVE METHANE EMISSIONS FROM COAL
12 MINES SUBJECT TO LEASE.—

13 (A) IN GENERAL.—The Secretary shall au-
14 thorize the holder of a valid existing Federal
15 coal lease for a mine that is producing fugitive
16 methane emissions to capture for use or destroy
17 the fugitive methane emissions.

18 (B) CONDITIONS.—The authority under
19 subparagraph (A) shall be subject to—

20 (i) valid existing rights; and
21 (ii) such terms and conditions as the
22 Secretary may require.

23 (C) LIMITATIONS.—The program carried
24 out under paragraph (1) shall only include fugi-

1 tive methane emissions that can be captured for
2 use or destroyed in a manner that does not—

3 (i) endanger the safety of any coal
4 mine worker; or

5 (ii) unreasonably interfere with any
6 ongoing operation at a coal mine.

7 (D) COOPERATION.—

8 (i) IN GENERAL.—The Secretary shall
9 work cooperatively with the holders of valid
10 existing Federal coal leases for mines that
11 produce fugitive methane emissions to en-
12 courage—

13 (I) the capture of fugitive meth-
14 ane emissions for beneficial use, such
15 as generating electrical power, pro-
16 ducing usable heat, transporting the
17 methane to market, or transforming
18 the fugitive methane emissions into a
19 different marketable material; or

20 (II) if the beneficial use of the
21 fugitive methane emissions is not fea-
22 sible, the destruction of the fugitive
23 methane emissions.

24 (ii) GUIDANCE.—In support of cooper-
25 ative efforts with holders of valid existing

1 Federal coal leases to capture for use or
2 destroy fugitive methane emissions, not
3 later than 1 year after the date of enact-
4 ment of this Act, the Secretary shall issue
5 guidance to the public for the implementa-
6 tion of authorities and programs to encour-
7 age the capture for use and destruction of
8 fugitive methane emissions, while mini-
9 mizing impacts on natural resources or
10 other public interest values.

11 (E) ROYALTIES.—The Secretary shall de-
12 termine whether any fugitive methane emissions
13 used or destroyed pursuant to this paragraph
14 are subject to the payment of a royalty under
15 applicable law.

16 (3) FUGITIVE METHANE EMISSIONS FROM LAND
17 NOT SUBJECT TO A FEDERAL COAL LEASE.—

18 (A) IN GENERAL.—Except as otherwise
19 provided in this section, notwithstanding section
20 7143 and subject to valid existing rights and
21 any other applicable law, the Secretary shall,
22 for land not subject to a Federal coal lease—

23 (i) authorize the capture for use or
24 destruction of fugitive methane emissions;
25 and

1 (ii) make available for leasing such fu-
2 gitive methane emissions as the Secretary
3 determines to be in the public interest.

4 (B) SOURCE.—To the extent practicable,
5 the Secretary shall offer for lease, individually
6 or in combination, each significant source of fu-
7 gitive methane emissions on land not subject to
8 a Federal coal lease.

9 (C) BID QUALIFICATIONS.—A bid to lease
10 fugitive methane emissions under this para-
11 graph shall specify whether the prospective les-
12 see intends—

13 (i) to capture the fugitive methane
14 emissions for beneficial use, such as gener-
15 ating electrical power, producing usable
16 heat, transporting the methane to market,
17 or transforming the fugitive methane emis-
18 sions into a different marketable material;

19 (ii) to destroy the fugitive methane
20 emissions; or

21 (iii) to employ a specific combination
22 of—

23 (I) capturing the fugitive meth-
24 ane emissions for beneficial use; and

1 (II) destroying the fugitive meth-
2 ane emissions.

3 (D) PRIORITY.—

4 (i) IN GENERAL.—If there is more
5 than 1 qualified bid for a lease under this
6 paragraph, the Secretary shall select the
7 bid that the Secretary determines is likely
8 to most significantly advance the public in-
9 terest.

10 (ii) CONSIDERATIONS.—In deter-
11 mining the public interest under clause (i),
12 the Secretary shall take into consider-
13 ation—

14 (I) the overall decrease in the fu-
15 gitive methane emissions;

16 (II) the impacts to other natural
17 resource values, including wildlife,
18 water, and air; and

19 (III) other public interest values,
20 including scenic, economic, recreation,
21 and cultural values.

22 (E) LEASE FORM.—

23 (i) IN GENERAL.—The Secretary shall
24 develop and provide to prospective bidders

1 a lease form for leases issued under this
2 paragraph.

3 (ii) DUE DILIGENCE.—The lease form
4 developed under clause (i) shall include
5 terms and conditions requiring the leased
6 fugitive methane emissions to be put to
7 beneficial use or destroyed by not later
8 than 3 years after the date of issuance of
9 the lease.

10 (F) ROYALTY RATE.—The Secretary shall
11 develop a minimum bid, as the Secretary deter-
12 mines to be necessary, and royalty rate for
13 leases under this paragraph.

14 (d) SEQUESTRATION.—If, by not later than 4 years
15 after the date of completion of the inventory under sub-
16 section (b), any significant fugitive methane emissions are
17 not leased under subsection (c)(3), the Secretary shall,
18 subject to the availability of appropriations and in accord-
19 ance with applicable law, take all reasonable measures—

20 (1) to provide incentives for new leases under
21 subsection (c)(3);

22 (2) to cap those fugitive methane emissions at
23 the source in any case in which the cap will result
24 in the long-term sequestration of all or a significant
25 portion of the fugitive methane emissions; or

1 (3) to destroy the fugitive methane emissions, if
2 incentivizing leases under paragraph (1) or seques-
3 tration under paragraph (2) is not feasible, with pri-
4 ority for locations that destroy the greatest quantity
5 of fugitive methane emissions at the lowest cost.

6 (e) REPORT TO CONGRESS.—Not later than 4 years
7 after the date of enactment of this Act the Secretary shall
8 submit to the Committee on Energy and Natural Re-
9 sources of the Senate and the Committee on Natural Re-
10 sources of the House of Representatives a report detail-
11 ing—

12 (1) the economic and environmental impacts of
13 the pilot program, including information on in-
14 creased royalties and estimates of avoided green-
15 house gas emissions; and

16 (2) any recommendations of the Secretary on
17 whether the pilot program could be expanded to in-
18 clude—

19 (A) other significant sources of emissions
20 of fugitive methane located outside the bound-
21 aries of the area depicted as “Fugitive Coal
22 Mine Methane Use Pilot Program Area” on the
23 pilot program map; and

1 (B) the leasing of natural methane seeps
2 under the activities authorized pursuant to sub-
3 section (c)(3).

4 **SEC. 7146. EFFECT.**

5 Except as expressly provided in this subtitle, nothing
6 in this subtitle—

7 (1) expands, diminishes, or impairs any valid
8 existing mineral leases, mineral interest, or other
9 property rights wholly or partially within the
10 Thompson Divide Withdrawal and Protection Area,
11 including access to the leases, interests, rights, or
12 land in accordance with applicable Federal, State,
13 and local laws (including regulations);

14 (2) prevents the capture of methane from any
15 active, inactive, or abandoned coal mine covered by
16 this subtitle, in accordance with applicable laws; or

17 (3) prevents access to, or the development of,
18 any new or existing coal mine or lease in Delta or
19 Gunnison County in the State.

20 **Subtitle D—Curecanti National**
21 **Recreation Area**

22 **SEC. 7151. DEFINITIONS.**

23 In this subtitle:

24 (1) MAP.—The term “map” means the map en-
25 titled “Curecanti National Recreation Area, Pro-

1 posed Boundary”, numbered 616/100,485D, and
2 dated April 25, 2022 .

3 (2) NATIONAL RECREATION AREA.—The term
4 “National Recreation Area” means the Curecanti
5 National Recreation Area established by section
6 7152(a).

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 **SEC. 7152. CURECANTI NATIONAL RECREATION AREA.**

10 (a) ESTABLISHMENT.—Effective beginning on the
11 earlier of the date on which the Secretary approves a re-
12 quest under subsection (c)(2)(B)(i)(I) and the date that
13 is 1 year after the date of enactment of this Act, there
14 shall be established as a unit of the National Park System
15 the Curecanti National Recreation Area, in accordance
16 with this subtitle, consisting of approximately 50,300
17 acres of land in the State, as generally depicted on the
18 map as “Curecanti National Recreation Area Proposed
19 Boundary”.

20 (b) AVAILABILITY OF MAP.—The map shall be on file
21 and available for public inspection in the appropriate of-
22 fices of the National Park Service.

23 (c) ADMINISTRATION.—

1 (1) IN GENERAL.—The Secretary shall admin-
2 ister the National Recreation Area in accordance
3 with—

4 (A) this subtitle; and

5 (B) the laws (including regulations) gen-
6 erally applicable to units of the National Park
7 System, including section 100101(a), chapter
8 1003, and sections 100751(a), 100752,
9 100753, and 102101 of title 54, United States
10 Code.

11 (2) DAM, POWER PLANT, AND RESERVOIR MAN-
12 AGEMENT AND OPERATIONS.—

13 (A) IN GENERAL.—Nothing in this subtitle
14 affects or interferes with the authority of the
15 Secretary—

16 (i) to operate the Uncompahgre Valley
17 Reclamation Project under the reclamation
18 laws;

19 (ii) to operate the Wayne N. Aspinall
20 Unit of the Colorado River Storage Project
21 under the Act of April 11, 1956 (com-
22 monly known as the “Colorado River Stor-
23 age Project Act”) (43 U.S.C. 620 et seq.);
24 or

1 (iii) under the Federal Water Project
2 Recreation Act (16 U.S.C. 460l–12 et
3 seq.).

4 (B) RECLAMATION LAND.—

5 (i) SUBMISSION OF REQUEST TO RE-
6 TAIN ADMINISTRATIVE JURISDICTION.—If,
7 before the date that is 1 year after the
8 date of enactment of this Act, the Commis-
9 sioner of Reclamation submits to the Sec-
10 retary a request for the Commissioner of
11 Reclamation to retain administrative juris-
12 diction over the minimum quantity of land
13 within the land identified on the map as
14 “Lands withdrawn or acquired for Bureau
15 of Reclamation projects” that the Commis-
16 sioner of Reclamation identifies as nec-
17 essary for the effective operation of Bu-
18 reau of Reclamation water facilities, the
19 Secretary may—

20 (I) approve, approve with modi-
21 fications, or disapprove the request;
22 and

23 (II) if the request is approved
24 under subclause (I), make any modi-
25 fications to the map that are nec-

1 essary to reflect that the Commis-
2 sioner of Reclamation retains manage-
3 ment authority over the minimum
4 quantity of land required to fulfill the
5 reclamation mission.

6 (ii) TRANSFER OF LAND.—

7 (I) IN GENERAL.—Administrative
8 jurisdiction over the land identified on
9 the map as “Lands withdrawn or ac-
10 quired for Bureau of Reclamation
11 projects”, as modified pursuant to
12 clause (i)(II), if applicable, shall be
13 transferred from the Commissioner of
14 Reclamation to the Director of the
15 National Park Service by not later
16 than the date that is 1 year after the
17 date of enactment of this Act.

18 (II) ACCESS TO TRANSFERRED
19 LAND.—

20 (aa) IN GENERAL.—Subject
21 to item (bb), the Commissioner
22 of Reclamation shall retain ac-
23 cess to the land transferred to
24 the Director of the National Park
25 Service under subclause (I) for

1 reclamation purposes, including
2 for the operation, maintenance,
3 and expansion or replacement of
4 facilities.

5 (bb) MEMORANDUM OF UN-
6 DERSTANDING.—The terms of
7 the access authorized under item
8 (aa) shall be determined by a
9 memorandum of understanding
10 entered into between the Com-
11 missioner of Reclamation and the
12 Director of the National Park
13 Service not later than 1 year
14 after the date of enactment of
15 this Act.

16 (3) MANAGEMENT AGREEMENTS.—

17 (A) IN GENERAL.—The Secretary may
18 enter into management agreements, or modify
19 management agreements in existence on the
20 date of enactment of this Act, relating to the
21 authority of the Director of the National Park
22 Service, the Commissioner of Reclamation, the
23 Director of the Bureau of Land Management,
24 or the Chief of the Forest Service to manage

1 Federal land within or adjacent to the boundary
2 of the National Recreation Area.

3 (B) STATE LAND.—The Secretary may
4 enter into cooperative management agreements
5 for any land administered by the State that is
6 within or adjacent to the National Recreation
7 Area, in accordance with the cooperative man-
8 agement authority under section 101703 of title
9 54, United States Code.

10 (4) RECREATIONAL ACTIVITIES.—

11 (A) AUTHORIZATION.—Except as provided
12 in subparagraph (B), the Secretary shall allow
13 boating, boating-related activities, hunting, and
14 fishing in the National Recreation Area in ac-
15 cordance with applicable Federal and State
16 laws.

17 (B) CLOSURES; DESIGNATED ZONES.—

18 (i) IN GENERAL.—The Secretary, act-
19 ing through the Superintendent of the Na-
20 tional Recreation Area, may designate
21 zones in which, and establish periods dur-
22 ing which, no boating, hunting, or fishing
23 shall be permitted in the National Recre-
24 ation Area under subparagraph (A) for

1 reasons of public safety, administration, or
2 compliance with applicable laws.

3 (ii) CONSULTATION REQUIRED.—Ex-
4 cept in the case of an emergency, any clo-
5 sure proposed by the Secretary under
6 clause (i) shall not take effect until after
7 the date on which the Superintendent of
8 the National Recreation Area consults
9 with—

10 (I) the appropriate State agency
11 responsible for hunting and fishing
12 activities; and

13 (II) the Board of County Com-
14 missioners in each county in which
15 the zone is proposed to be designated.

16 (5) LANDOWNER ASSISTANCE.—On the written
17 request of an individual that owns private land lo-
18 cated within the area generally depicted as “Con-
19 servation Opportunity Area” on the map entitled
20 “Preferred Alternative” in the document entitled
21 “Report to Congress: Curecanti Special Resource
22 Study” and dated June 2009, the Secretary may
23 work in partnership with the individual to enhance
24 the long-term conservation of natural, cultural, rec-

1 reational, and scenic resources in and around the
2 National Recreation Area—

3 (A) by acquiring all or a portion of the pri-
4 vate land or interests in private land within the
5 Conservation Opportunity Area by purchase, ex-
6 change, or donation, in accordance with section
7 7153;

8 (B) by providing technical assistance to the
9 individual, including cooperative assistance;

10 (C) through available grant programs; and

11 (D) by supporting conservation easement
12 opportunities.

13 (6) INCORPORATION OF ACQUIRED LAND AND
14 INTERESTS.—Any land or interest in land acquired
15 by the United States under paragraph (5) shall—

16 (A) become part of the National Recre-
17 ation Area; and

18 (B) be managed in accordance with this
19 subtitle.

20 (7) WITHDRAWAL.—Subject to valid existing
21 rights, all Federal land within the National Recre-
22 ation Area, including land acquired pursuant to this
23 section, is withdrawn from—

24 (A) entry, appropriation, and disposal
25 under the public land laws;

1 (B) location, entry, and patent under the
2 mining laws; and

3 (C) operation of the mineral leasing, min-
4 eral materials, and geothermal leasing laws.

5 (8) GRAZING.—

6 (A) STATE LAND SUBJECT TO A STATE
7 GRAZING LEASE.—

8 (i) IN GENERAL.—If State land ac-
9 quired under this subtitle is subject to a
10 State grazing lease in effect on the date of
11 acquisition, the Secretary shall allow the
12 grazing to continue for the remainder of
13 the term of the lease, subject to the related
14 terms and conditions of user agreements,
15 including permitted stocking rates, grazing
16 fee levels, access rights, and ownership and
17 use of range improvements.

18 (ii) ACCESS.—A lessee of State land
19 may continue to use established routes
20 within the National Recreation Area to ac-
21 cess State land for purposes of admin-
22 istering the lease if the use was permitted
23 before the date of enactment of this Act,
24 subject to such terms and conditions as the
25 Secretary may require.

1 (B) STATE AND PRIVATE LAND.—The Sec-
2 retary may, in accordance with applicable laws,
3 authorize grazing on land acquired from the
4 State or private landowners under section 7153,
5 if grazing was established before the date of ac-
6 quisition.

7 (C) PRIVATE LAND.—On private land ac-
8 quired under section 7153 for the National
9 Recreation Area on which authorized grazing is
10 occurring before the date of enactment of this
11 Act, the Secretary, in consultation with the les-
12 see, may allow the continuation and renewal of
13 grazing on the land based on the terms of ac-
14 quisition or by agreement between the Secretary
15 and the lessee, subject to applicable law (includ-
16 ing regulations).

17 (D) FEDERAL LAND.—The Secretary
18 shall—

19 (i) allow, consistent with the grazing
20 leases, uses, and practices in effect as of
21 the date of enactment of this Act, the con-
22 tinuation and renewal of grazing on Fed-
23 eral land located within the boundary of
24 the National Recreation Area on which
25 grazing is allowed before the date of enact-

1 ment of this Act, unless the Secretary de-
2 termines that grazing on the Federal land
3 would present unacceptable impacts (as de-
4 fined in section 1.4.7.1 of the National
5 Park Service document entitled “Manage-
6 ment Policies 2006: The Guide to Man-
7 aging the National Park System”) to the
8 natural, cultural, recreational, and scenic
9 resource values and the character of the
10 land within the National Recreation Area;
11 and

12 (ii) retain all authorities to manage
13 grazing in the National Recreation Area.

14 (E) TERMINATION OF LEASES.—Within
15 the National Recreation Area, the Secretary
16 may—

17 (i) accept the voluntary termination of
18 a lease or permit for grazing; or

19 (ii) in the case of a lease or permit va-
20 cated for a period of 3 or more years, ter-
21 minate the lease or permit.

22 (9) WATER RIGHTS.—Nothing in this subtitle—

23 (A) affects any use or allocation in exist-
24 ence on the date of enactment of this Act of
25 any water, water right, or interest in water;

1 (B) affects any vested absolute or decreed
2 conditional water right in existence on the date
3 of enactment of this Act, including any water
4 right held by the United States;

5 (C) affects any interstate water compact in
6 existence on the date of enactment of this Act;

7 (D) shall be considered to be a relinquish-
8 ment or reduction of any water right reserved
9 or appropriated by the United States in the
10 State on or before the date of enactment of this
11 Act; or

12 (E) constitutes an express or implied Fed-
13 eral reservation of any water or water rights
14 with respect to the National Recreation Area.

15 (10) FISHING EASEMENTS.—

16 (A) IN GENERAL.—Nothing in this subtitle
17 diminishes or alters the fish and wildlife pro-
18 gram for the Aspinall Unit developed under sec-
19 tion 8 of the Act of April 11, 1956 (commonly
20 known as the “Colorado River Storage Project
21 Act”) (70 Stat. 110, chapter 203; 43 U.S.C.
22 620g), by the United States Fish and Wildlife
23 Service, the Bureau of Reclamation, and the
24 Colorado Division of Wildlife (including any
25 successor in interest to that division) that pro-

vides 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 develop a plan for fulfilling the obligation of the Secretary described in subparagraph (B) by the date that is 10 years after the date of enactment of this Act.

(D) REPORTS.—Not later than each of 2 years, 5 years, and 8 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the progress

1 made in fulfilling the obligation of the Secretary
2 described in subparagraph (B).

3 (d) TRIBAL RIGHTS AND USES.—

4 (1) TREATY RIGHTS.—Nothing in this subtitle
5 affects the treaty rights of any Indian Tribe.

6 (2) TRADITIONAL TRIBAL USES.—Subject to
7 any terms and conditions as the Secretary deter-
8 mines to be necessary and in accordance with appli-
9 cable law, the Secretary shall allow for the continued
10 use of the National Recreation Area by members of
11 Indian Tribes—

12 (A) for traditional ceremonies; and

13 (B) as a source of traditional plants and
14 other materials.

15 **SEC. 7153. ACQUISITION OF LAND; BOUNDARY MANAGE-**
16 **MENT.**

17 (a) ACQUISITION.—

18 (1) IN GENERAL.—The Secretary may acquire
19 any land or interest in land within the boundary of
20 the National Recreation Area.

21 (2) MANNER OF ACQUISITION.—

22 (A) IN GENERAL.—Subject to subpara-
23 graph (B), land described in paragraph (1) may
24 be acquired under this subsection by—

25 (i) donation;

- 1 (ii) purchase from willing sellers with
2 donated or appropriated funds;
3 (iii) transfer from another Federal
4 agency; or
5 (iv) exchange.

6 (B) STATE LAND.—Land or interests in
7 land owned by the State or a political subdivi-
8 sion of the State may only be acquired by pur-
9 chase, donation, or exchange.

10 (b) TRANSFER OF ADMINISTRATIVE JURISDIC-
11 TION.—

12 (1) FOREST SERVICE LAND.—

13 (A) IN GENERAL.—Administrative jurisdic-
14 tion over the approximately 2,500 acres of land
15 identified on the map as “U.S. Forest Service
16 proposed transfer to the National Park Service”
17 is transferred to the Secretary, to be adminis-
18 tered by the Director of the National Park
19 Service as part of the National Recreation
20 Area.

21 (B) BOUNDARY ADJUSTMENT.—The
22 boundary of the Gunnison National Forest shall
23 be adjusted to exclude the land transferred to
24 the Secretary under subparagraph (A).

1 (2) BUREAU OF LAND MANAGEMENT LAND.—
2 Administrative jurisdiction over the approximately
3 6,100 acres of land identified on the map as “Bu-
4 reau of Land Management proposed transfer to Na-
5 tional Park Service” is transferred from the Director
6 of the Bureau of Land Management to the Director
7 of the National Park Service, to be administered as
8 part of the National Recreation Area.

9 (3) WITHDRAWAL.—Administrative jurisdiction
10 over the land identified on the map as “Proposed for
11 transfer to the Bureau of Land Management, sub-
12 ject to the revocation of Bureau of Reclamation
13 withdrawal” shall be transferred to the Director of
14 the Bureau of Land Management on relinquishment
15 of the land by the Bureau of Reclamation and rev-
16 ocation by the Bureau of Land Management of any
17 withdrawal as may be necessary.

18 (c) POTENTIAL LAND EXCHANGE.—

19 (1) IN GENERAL.—The withdrawal for reclama-
20 tion purposes of the land identified on the map as
21 “Potential exchange lands” shall be relinquished by
22 the Commissioner of Reclamation and revoked by
23 the Director of the Bureau of Land Management
24 and the land shall be transferred to the National
25 Park Service.

1 (2) EXCHANGE; INCLUSION IN NATIONAL
2 RECREATION AREA.—On transfer of the land de-
3 scribed in paragraph (1), the transferred land—

4 (A) may be exchanged by the Secretary for
5 private land described in section 7152(c)(5)—

6 (i) subject to a conservation easement
7 remaining on the transferred land, to pro-
8 tect the scenic resources of the transferred
9 land; and

10 (ii) in accordance with the laws (in-
11 cluding regulations) and policies governing
12 National Park Service land exchanges; and

13 (B) if not exchanged under subparagraph
14 (A), shall be added to, and managed as a part
15 of, the National Recreation Area.

16 (d) ADDITION TO NATIONAL RECREATION AREA.—
17 Any land within the boundary of the National Recreation
18 Area that is acquired by the United States shall be added
19 to, and managed as a part of, the National Recreation
20 Area.

21 **SEC. 7154. GENERAL MANAGEMENT PLAN.**

22 Not later than 3 years after the date on which funds
23 are made available to carry out this subtitle, the Director
24 of the National Park Service, in consultation with the
25 Commissioner of Reclamation, shall prepare a general

1 management plan for the National Recreation Area in ac-
2 cordance with section 100502 of title 54, United States
3 Code.

4 **SEC. 7155. BOUNDARY SURVEY.**

5 The Secretary (acting through the Director of the
6 National Park Service) shall prepare a boundary survey
7 and legal description of the National Recreation Area.

8 **Subtitle E—Grand Canyon**
9 **Protection**

10 **SEC. 7161. WITHDRAWAL OF CERTAIN FEDERAL LAND IN**
11 **THE STATE OF ARIZONA.**

12 (a) DEFINITION OF MAP.—In this section, the term
13 “Map” means the map prepared by the Bureau of Land
14 Management entitled “Grand Canyon Protection Act” and
15 dated January 22, 2021.

16 (b) WITHDRAWAL.—Subject to valid existing rights,
17 the approximately 1,006,545 acres of Federal land in the
18 State of Arizona, generally depicted on the Map as “Fed-
19 eral Mineral Estate to be Withdrawn”, including any land
20 or interest in land that is acquired by the United States
21 after the date of the enactment of this subtitle, are hereby
22 withdrawn from—

23 (1) all forms of entry, appropriation, and dis-
24 posal under the public land laws;

1 (2) location, entry, and patent under the mining
2 laws; and

3 (3) operation of the mineral leasing, mineral
4 materials, and geothermal leasing laws.

5 (c) AVAILABILITY OF MAP.—The Map shall be kept
6 on file and made available for public inspection in the ap-
7 propriate offices of the Forest Service and the Bureau of
8 Land Management.

9 **DIVISION G—DON YOUNG COAST**
10 **GUARD AUTHORIZATION ACT**
11 **OF 2022**

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

13 (a) SHORT TITLE.—This division may be cited as the
14 “Don Young Coast Guard Authorization Act of 2022”.

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

DIVISION G—DON YOUNG COAST GUARD AUTHORIZATION ACT OF
2022

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

Sec. 103. Shoreside infrastructure and facilities.

Sec. 104. Availability of amounts for acquisition of additional cutters.

TITLE II—COAST GUARD

Subtitle A—Military Personnel Matters

Sec. 201. Authorized strength.

Sec. 202. Continuation of officers with certain critical skills on active duty.

Sec. 203. Number and distribution of officers on active duty promotion list.

Sec. 204. Coast Guard behavioral health policy.

Sec. 205. Improving representation of women and of racial and ethnic minori-
ties among Coast Guard active-duty members.

Subtitle B—Operational Matters

- Sec. 206. Pilot project for enhancing Coast Guard cutter readiness through condition-based maintenance.
- Sec. 207. Unmanned systems strategy.
- Sec. 208. Budgeting of Coast Guard relating to certain operations.
- Sec. 209. Report on San Diego maritime domain awareness.
- Sec. 210. Great Lakes winter shipping.
- Sec. 211. Center of expertise for Great Lakes oil spill search and response.
- Sec. 212. Study on laydown of Coast Guard cutters.

Subtitle C—Other Matters

- Sec. 213. Responses of Commandant of the Coast Guard to safety recommendations.
- Sec. 214. Conveyance of Coast Guard vessels for public purposes.
- Sec. 215. Acquisition life-cycle cost estimates.
- Sec. 216. National Coast Guard Museum funding plan.
- Sec. 217. Report on Coast Guard explosive ordnance disposal.
- Sec. 218. Pribilof Island transition completion actions.
- Sec. 219. Notification of communication outages.

TITLE III—MARITIME

Subtitle A—Shipping

- Sec. 301. Nonoperating individual.
- Sec. 302. Oceanographic research vessels.
- Sec. 303. Atlantic Coast port access routes briefing.

Subtitle B—Vessel Safety

- Sec. 304. Fishing vessel safety.
- Sec. 305. Requirements for DUKW-type amphibious passenger vessels.
- Sec. 306. Exoneration and limitation of liability for small passengers vessels.
- Sec. 307. Automatic identification system requirements.

Subtitle C—Shipbuilding Program

- Sec. 308. Qualified vessel.
- Sec. 309. Establishing a capital construction fund.

TITLE IV—FEDERAL MARITIME COMMISSION

- Sec. 401. Terms and vacancies.

TITLE V—MISCELLANEOUS

Subtitle A—Navigation

- Sec. 501. Restriction on changing salvors.
- Sec. 502. Providing requirements for vessels anchored in established anchorage grounds.
- Sec. 503. Aquatic Nuisance Species Task Force.
- Sec. 504. Limitation on recovery for certain injuries incurred in aquaculture activities.

Subtitle B—Other Matters

- Sec. 505. Information on type approval certificates.
- Sec. 506. Passenger vessel security and safety requirements.
- Sec. 507. Cargo waiting time reduction.
- Sec. 508. Limited indemnity provisions in standby oil spill response contracts.
- Sec. 509. Port Coordination Council for Point Spencer.
- Sec. 510. Western Alaska oil spill planning criteria.
- Sec. 511. Nonapplicability.
- Sec. 512. Report on enforcement of coastwise laws.
- Sec. 513. Land conveyance, Sharpe Army Depot, Lathrop, California.
- Sec. 514. Center of Expertise for Marine Environmental Response.
- Sec. 515. Prohibition on entry and operation.
- Sec. 516. St. Lucie River railroad bridge.
- Sec. 517. Assistance related to marine mammals.
- Sec. 518. Manning and crewing requirements for certain vessels, vehicles, and structures.

TITLE VI—SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION AND RESPONSE

- Sec. 601. Definitions.
- Sec. 602. Convicted sex offender as grounds for denial.
- Sec. 603. Sexual harassment or sexual assault as grounds for suspension or revocation.
- Sec. 604. Accommodation; notices.
- Sec. 605. Protection against discrimination.
- Sec. 606. Alcohol prohibition.
- Sec. 607. Surveillance requirements.
- Sec. 608. Master key control.
- Sec. 609. Safety management systems.
- Sec. 610. Requirement to report sexual assault and harassment.
- Sec. 611. Civil actions for personal injury or death of seamen.
- Sec. 612. Administration of sexual assault forensic examination kits.

TITLE VII—TECHNICAL AND CONFORMING PROVISIONS

- Sec. 701. Technical corrections.
- Sec. 702. Transportation worker identification credential technical amendments.
- Sec. 703. Reinstatement.

1 **TITLE I—AUTHORIZATION**

2 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

3 Section 4902 of title 14, United States Code, is
4 amended—

5 (1) in the matter preceding paragraph (1) by
6 striking “years 2020 and 2021” and inserting
7 “years 2022 and 2023”;

8 (2) in paragraph (1)—

1 (A) in subparagraph (A)—

2 (i) by striking “\$8,151,620,850 for
3 fiscal year 2020” and inserting
4 “\$9,282,360,000 for fiscal year 2022”;
5 and

6 (ii) by striking “\$8,396,169,475 for
7 fiscal year 2021” and inserting
8 “\$10,210,596,000 for fiscal year 2023”;

9 (B) in subparagraph (B) by striking
10 “\$17,035,000” and inserting “\$17,723,520”;
11 and

12 (C) in subparagraph (C) by striking
13 “\$17,376,000” and inserting “\$18,077,990”;

14 (3) in paragraph (2)—

15 (A) in subparagraph (A)—

16 (i) by striking “\$2,794,745,000 for
17 fiscal year 2020” and inserting
18 “\$3,312,114,000 for fiscal year 2022”;
19 and

20 (ii) by striking “\$3,312,114,000 for
21 fiscal year 2021” and inserting
22 “\$3,477,600,000 for fiscal year 2023”;
23 and

24 (B) in subparagraph (B)—

1 (i) by striking “\$10,000,000 for fiscal
2 year 2020” and inserting “\$20,400,000 for
3 fiscal year 2022”; and

4 (ii) by striking “\$20,000,000 for fis-
5 cal year 2021” and inserting “\$20,808,000
6 for fiscal year 2023”;

7 (4) in paragraph (3)—

8 (A) by striking “\$13,834,000 for fiscal
9 year 2020” and inserting “\$14,393,220 for fis-
10 cal year 2022”; and

11 (B) by striking “\$14,111,000 for fiscal
12 year 2021” and inserting “\$14,681,084 for fis-
13 cal year 2023”; and

14 (5) in paragraph (4)—

15 (A) by striking “\$205,107,000 for fiscal
16 year 2020” and inserting “\$213,393,180 for
17 fiscal year 2022”; and

18 (B) by striking “\$209,209,000 for fiscal
19 year 2021” and inserting “\$217,661,044 for
20 fiscal year 2023”.

21 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
22 **AND TRAINING.**

23 Section 4904 of title 14, United States Code, is
24 amended—

1 (1) in subsection (a) by striking “fiscal years
2 2020 and 2021” and inserting “fiscal years 2022
3 and 2023”; and

4 (2) in subsection (b) by striking “fiscal years
5 2020 and 2021” and inserting “fiscal years 2022
6 and 2023”.

7 **SEC. 103. SHORESIDE INFRASTRUCTURE AND FACILITIES.**

8 (a) IN GENERAL.—Of the amounts authorized to be
9 appropriated under section 4902(2)(A) of title 14, United
10 States Code, for each of fiscal years 2022 and 2023, up
11 to \$585,000,000 shall be authorized for the Secretary of
12 the department in which the Coast Guard is operating to
13 fund the acquisition, construction, rebuilding, or improve-
14 ment of Coast Guard shoreside infrastructure and facili-
15 ties necessary to support Coast Guard operations and
16 readiness.

17 (b) BALTIMORE COAST GUARD YARD.—Of the
18 amounts set aside under subsection (a), up to
19 \$175,000,000 shall be authorized to improve facilities at
20 the Coast Guard Yard in Baltimore, Maryland, including
21 improvements to piers and wharves, dry dock, capital
22 equipment utilities, or dredging necessary to facilitate ac-
23 cess to such Yard.

24 (c) TRAINING CENTER CAPE MAY.—Of the amounts
25 set aside under subsection (a), up to \$60,000,000 shall

1 be authorized to fund Phase I, in fiscal year 2022, and
2 Phase II, in fiscal year 2023, for the recapitalization of
3 the barracks at the United States Coast Guard Training
4 Center Cape May in Cape May, New Jersey.

5 (d) MITIGATION OF HAZARD RISKS.—In carrying out
6 projects with funds authorized under this section, the
7 Coast Guard shall mitigate, to the greatest extent prac-
8 ticable, natural hazard risks identified in any Shore Infra-
9 structure Vulnerability Assessment for Phase I related to
10 such projects.

11 (e) FORT WADSWORTH, NEW YORK.—Of the
12 amounts set aside under subsection (a), up to \$1,200,000
13 shall be authorized to fund a construction project to—

14 (1) complete repairs to the United States Coast
15 Guard Station, New York, waterfront, including re-
16 pairs to the concrete pier; and

17 (2) replace floating piers Alpha and Bravo, the
18 South Breakwater and Ice Screen, the North Break-
19 water and Ice Screen, and the seawall.

20 **SEC. 104. AVAILABILITY OF AMOUNTS FOR ACQUISITION OF**
21 **ADDITIONAL CUTTERS.**

22 (a) IN GENERAL.—Of the amounts authorized to be
23 appropriated under—

1 (1) section 4902(2)(A)(i) of title 14, United
2 States Code, as amended by section 101 of this title,
3 for fiscal year 2022;

4 (A) \$300,000,000 shall be authorized for
5 the acquisition of a twelfth National Security
6 Cutter; and

7 (B) \$210,000,000 shall be authorized for
8 the acquisition of 3 Fast Response Cutters; and

9 (2) section 4902(2)(A)(ii) of title 14, United
10 States Code, as amended by section 101 of this title,
11 for fiscal year 2023;

12 (A) \$300,000,000 shall be authorized for
13 the acquisition of a twelfth National Security
14 Cutter; and

15 (B) \$210,000,000 shall be authorized for
16 the acquisition of 3 Fast Response Cutters.

17 (b) TREATMENT OF ACQUIRED CUTTER.—Any cutter
18 acquired using amounts authorized under subsection (a)
19 shall be in addition to the National Security Cutters and
20 Fast Response Cutters approved under the existing acqui-
21 sition baseline in the program of record for the National
22 Security Cutter and Fast Response Cutter.

23 (c) GREAT LAKES ICEBREAKER ACQUISITION.—Of
24 the amounts authorized to be appropriated under section
25 4902(2)(A)(ii) of title 14, United States Code—

1 (1) for fiscal year 2022, \$350,000,000 shall be
2 authorized for the acquisition of a Great Lakes ice-
3 breaker at least as capable as Coast Guard Cutter
4 *Mackinaw* (WLBB–30); and

5 (2) for fiscal year 2023, \$20,000,000 shall be
6 authorized for the design and selection of
7 icebreaking cutters for operation in the Great Lakes,
8 the Northeastern United States, and the Arctic, as
9 appropriate, that are at least as capable as the
10 Coast Guard 140-foot icebreaking tugs.

11 (d) DRUG AND MIGRANT INTERDICTION.—Of the
12 Fast Response Cutters authorized for acquisition under
13 subsection (a), at least 1 shall be used for drug and mi-
14 grant interdiction in the Caribbean Basin (including the
15 Gulf of Mexico).

16 **TITLE II—COAST GUARD**
17 **Subtitle A—Military Personnel**
18 **Matters**

19 **SEC. 201. AUTHORIZED STRENGTH.**

20 Section 3702 of title 14, United States Code, is
21 amended by adding at the end the following:

22 “(c) The Secretary may vary the authorized end
23 strength of the Coast Guard Selected Reserves for a fiscal
24 year by a number equal to not more than 3 percent of
25 such end strength upon a determination by the Secretary

1 that varying such authorized end strength is in the na-
2 tional interest.

3 “(d) The Commandant may increase the authorized
4 end strength of the Coast Guard Selected Reserves by a
5 number equal to not more than 2 percent of such author-
6 ized end strength upon a determination by the Com-
7 mandant that such increase would enhance manning and
8 readiness in essential units or in critical specialties or rat-
9 ings.”.

10 **SEC. 202. CONTINUATION OF OFFICERS WITH CERTAIN**
11 **CRITICAL SKILLS ON ACTIVE DUTY.**

12 (a) IN GENERAL.—Chapter 21 of title 14, United
13 States Code, is amended by inserting after section 2165
14 the following:

15 **“§ 2166. Continuation on active duty; Coast Guard of-**
16 **ficers with certain critical skills**

17 “(a) IN GENERAL.—The Commandant may authorize
18 an officer in a grade above grade O–2 to remain on active
19 duty after the date otherwise provided for the retirement
20 of such officer in section 2154 of this title, if the officer
21 possesses a critical skill, or specialty, or is in a career field
22 designated pursuant to subsection (b).

23 “(b) CRITICAL SKILLS, SPECIALTY, OR CAREER
24 FIELD.—The Commandant shall designate any critical

1 skill, specialty, or career field eligible for continuation on
 2 active duty as provided in subsection (a).

3 “(c) DURATION OF CONTINUATION.—An officer con-
 4 tinued on active duty pursuant to this section shall, if not
 5 earlier retired, be retired on the first day of the month
 6 after the month in which the officer completes 40 years
 7 of active service.

8 “(d) POLICY.—The Commandant shall carry out this
 9 section by prescribing policy which shall specify the cri-
 10 teria to be used in designating any critical skill, specialty,
 11 or career field for purposes of subsection (b).”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
 13 ter 21 of title 14, United States Code, is amended by in-
 14 serting after the item relating to section 2165 the fol-
 15 lowing:

“2166. Continuation on active duty; Coast Guard officers with certain critical
 skills.”.

16 **SEC. 203. NUMBER AND DISTRIBUTION OF OFFICERS ON**
 17 **ACTIVE DUTY PROMOTION LIST.**

18 (a) MAXIMUM NUMBER OF OFFICERS.—Section
 19 2103(a) of title 14, United States Code, is amended to
 20 read as follows:

21 “(a) MAXIMUM TOTAL NUMBER.—

22 “(1) IN GENERAL.—The total number of Coast
 23 Guard commissioned officers on the active duty pro-

1 motion list, excluding warrant officers, shall not ex-
2 ceed—

3 “(A) 7,100 in fiscal year 2022;

4 “(B) 7,200 in fiscal year 2023;

5 “(C) 7,300 in fiscal year 2024; and

6 “(D) 7,400 in fiscal year 2025 and each
7 subsequent fiscal year.

8 “(2) TEMPORARY INCREASE.—Notwithstanding
9 paragraph (1), the Commandant may temporarily
10 increase the total number of commissioned officers
11 permitted under such paragraph by up to 2 percent
12 for no more than 60 days following the date of the
13 commissioning of a Coast Guard Academy class.

14 “(3) NOTIFICATION.—Not later than 30 days
15 after exceeding the total number of commissioned of-
16 ficers permitted under paragraph (1), and each 30
17 days thereafter until the total number of commis-
18 sioned officers no longer exceeds the number of such
19 officers permitted under paragraph (1), the Com-
20 mandant shall notify the Committee on Transpor-
21 tation and Infrastructure of the House of Represent-
22 atives and the Committee on Commerce, Science,
23 and Transportation of the Senate of the number of
24 officers on the active duty promotion list on the last
25 day of the preceding 30-day period.”.

1 (b) OFFICERS NOT ON ACTIVE DUTY PROMOTION
2 LIST.—

3 (1) IN GENERAL.—Chapter 51 of title 14,
4 United States Code, is amended by adding at the
5 end the following:

6 **“§ 5113. Officers not on active duty promotion list**

7 “Not later than 60 days after the date on which the
8 President submits to Congress a budget pursuant to sec-
9 tion 1105 of title 31, the Commandant shall submit to
10 the Committee on Transportation and Infrastructure of
11 the House of Representatives and the Committee on Com-
12 merce, Science, and Transportation of the Senate the
13 number of Coast Guard officers serving at other Federal
14 entities on a reimbursable basis but not on the active duty
15 promotion list.”.

16 (2) CLERICAL AMENDMENT.—The analysis for
17 chapter 51 of title 14, United States Code, is
18 amended by adding at the end the following:

“5113. Officers not on active duty promotion list.”.

19 **SEC. 204. COAST GUARD BEHAVIORAL HEALTH POLICY.**

20 (a) INTERIM BEHAVIORAL HEALTH POLICY.—Not
21 later than 60 days after the date of enactment of this Act,
22 the Commandant of the Coast Guard shall establish an
23 interim behavioral health policy for members of the Coast
24 Guard equivalent to the policy described in section 5.28
25 (relating to behavioral health) of Department of Defense

1 Instruction 6130.03, volume 2, “Medical Standards for
2 Military Service: Retention”.

3 (b) TERMINATION.—The interim policy established
4 under subsection (a) shall remain in effect until the date
5 on which the Commandant issues a permanent behavior
6 health policy for members of the Coast Guard which is,
7 to the extent practicable, equivalent to such section 5.28.

8 **SEC. 205. IMPROVING REPRESENTATION OF WOMEN AND**
9 **OF RACIAL AND ETHNIC MINORITIES AMONG**
10 **COAST GUARD ACTIVE-DUTY MEMBERS.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Commandant of the
13 Coast Guard shall—

14 (1) determine which recommendations in the
15 RAND representation report can practicably be im-
16 plemented to promote improved representation in the
17 Coast Guard of—

18 (A) women; and

19 (B) racial and ethnic minorities; and

20 (2) submit to the Committee on Transportation
21 and Infrastructure of the House of Representatives
22 and the Committee on Commerce, Science, and
23 Transportation of the Senate a report on the actions
24 the Commandant has taken, or plans to take, to im-
25 plement such recommendations.

1 (b) CURRICULUM AND TRAINING.—The Com-
2 mandant shall update, to reflect actions described under
3 subsection (a)(2), the curriculum and training materials
4 used at—

5 (1) officer accession points, including the Coast
6 Guard Academy and the Leadership Development
7 Center;

8 (2) enlisted member accession at the United
9 States Coast Guard Training Center Cape May in
10 Cape May, New Jersey; and

11 (3) the officer, enlisted member, and civilian
12 leadership courses managed by the Leadership De-
13 velopment Center.

14 (c) DEFINITION.—In this section, the term “RAND
15 representation report” means the report titled “Improving
16 the Representation of Women and Racial/Ethnic Minori-
17 ties Among U.S. Coast Guard Active-Duty Members”
18 issued by the Homeland Security Operational Analysis
19 Center of the RAND Corporation on August 11, 2021.

20 **Subtitle B—Operational Matters**

21 **SEC. 206. PILOT PROJECT FOR ENHANCING COAST GUARD** 22 **CUTTER READINESS THROUGH CONDITION-** 23 **BASED MAINTENANCE.**

24 (a) IN GENERAL.—Not later than 2 years after the
25 date of enactment of this Act, the Commandant of the

1 Coast Guard shall conduct a pilot project to enhance cut-
2 ter readiness and reduce lost patrol days through the de-
3 ployment of commercially developed condition-based pro-
4 gram standards for cutter maintenance, in accordance
5 with the criteria set forth in subsection (b).

6 (b) CRITERIA FOR CONDITION-BASED MAINTENANCE
7 EVALUATION.—In conducting the pilot project under sub-
8 section (a), the Commandant shall—

9 (1) select at least 1 legacy cutter asset and 1
10 class of cutters under construction with respect to
11 which the application of the pilot project would en-
12 hance readiness;

13 (2) use commercially developed condition-based
14 program standards similar to those applicable to pri-
15 vately owned and operated vessels or vessels owned
16 or operated by other Federal agencies (such as those
17 currently operating under the direction of Military
18 Sealift Command);

19 (3) create and model a full ship digital twin for
20 the cutters selected under paragraph (1);

21 (4) install or modify instrumentation capable of
22 producing full hull, mechanical, and electrical data
23 necessary to analyze cutter operational conditions
24 with active maintenance alerts; and

1 (5) deploy artificial intelligence, prognostic-
2 based integrated maintenance planning modeled
3 after standards described in paragraph (2).

4 (c) REPORT TO CONGRESS.—The Commandant shall
5 submit to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on
7 Transportation and Infrastructure of the House of Rep-
8 resentatives—

9 (1) an interim report not later than 6 months
10 after the date of enactment of this Act on the
11 progress in carrying out the pilot project described
12 in subsection (a); and

13 (2) a final report not later than 2 years after
14 the date of enactment of this Act on the results of
15 the pilot project described in subsection (a) that in-
16 cludes—

17 (A) options to integrate commercially de-
18 veloped condition-based program standards for
19 cutter maintenance to Coast Guard cutters; and

20 (B) plans to deploy commercially developed
21 condition-based program standards for cutter
22 maintenance to Coast Guard cutters.

23 **SEC. 207. UNMANNED SYSTEMS STRATEGY.**

24 (a) SUBMISSION TO CONGRESS.—Not later than 180
25 days after the date of enactment of this Act, the Com-

1 mandant of the Coast Guard shall submit to the Com-
2 mittee on Transportation and Infrastructure of the House
3 of Representatives and the Committee on Commerce,
4 Science, and Transportation of the Senate a detailed de-
5 scription of the strategy of the Coast Guard to implement
6 unmanned systems across mission areas, including—

7 (1) the steps taken to implement actions rec-
8 ommended in the consensus study report of the Na-
9 tional Academies of Sciences, Engineering, and Med-
10 icine published on November 12, 2020, titled
11 “Leveraging Unmanned Systems for Coast Guard
12 Missions: A Strategic Imperative”;

13 (2) the strategic goals and acquisition strategies
14 for proposed uses and procurements of unmanned
15 systems;

16 (3) a strategy to sustain competition and inno-
17 vation for procurement of unmanned systems and
18 services for the Coast Guard, including defining op-
19 portunities for new and existing technologies; and

20 (4) an estimate of the timeline, costs, staff re-
21 sources, technology, or other resources necessary to
22 accomplish the strategy.

23 (b) PILOT PROJECT.—

24 (1) AUTONOMOUS CONTROL AND COMPUTER VI-
25 SION TECHNOLOGY.—The Commandant of the Coast

1 Guard, acting through the Blue Technology Center
2 of Expertise, shall conduct a pilot project to retrofit
3 an existing Coast Guard small boat with—

4 (A) commercially available autonomous
5 control and computer vision technology; and

6 (B) such sensors and methods of commu-
7 nication as are necessary to demonstrate the
8 ability of such control and technology to assist
9 in conducting search and rescue, surveillance,
10 and interdiction missions.

11 (2) COLLECTION OF DATA.—The pilot project
12 under paragraph (1) shall evaluate commercially
13 available products in the field and collect operational
14 data to inform future requirements.

15 (3) BRIEFING.—Not later than 6 months after
16 completing the pilot project required under para-
17 graph (1), the Commandant shall brief the Com-
18 mittee on Transportation and Infrastructure of the
19 House of Representatives and the Committee on
20 commerce, Science, and Transportation of the Sen-
21 ate on the evaluation of the data derived from the
22 project.

1 **SEC. 208. BUDGETING OF COAST GUARD RELATING TO CER-**
2 **TAIN OPERATIONS.**

3 (a) IN GENERAL.—Chapter 51 of title 14, United
4 States Code, is further amended by adding at the end the
5 following:

6 **“§ 5114. Expenses of performing and executing de-**
7 **fense readiness mission activities**

8 “The Commandant of the Coast Guard shall include
9 in the annual budget submission of the President under
10 section 1105(a) of title 31, a dedicated budget line item
11 that adequately represents a calculation of the annual
12 costs and expenditures of performing and executing all de-
13 fense readiness mission activities, including—

14 “(1) all expenses related to the Coast Guard’s
15 coordination, training, and execution of defense
16 readiness mission activities in the Coast Guard’s ca-
17 pacity as an Armed Force (as such term is defined
18 in section 101 of title 10) in support of Department
19 of Defense national security operations and activities
20 or for any other military department or defense
21 agency (as such terms are defined in such section);

22 “(2) costs associated with Coast Guard detach-
23 ments assigned in support of the Coast Guard’s de-
24 fense readiness mission; and

1 “(3) any other expenses, costs, or matters the
2 Commandant determines appropriate or otherwise of
3 interest to Congress.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 51 of title 14, United States Code, is further amended
6 by adding at the end the following:

“5114. Expenses of performing and executing defense readiness mission activi-
ties.”.

7 **SEC. 209. REPORT ON SAN DIEGO MARITIME DOMAIN**
8 **AWARENESS.**

9 Not later than 180 days after the date of enactment
10 of this Act, the Commandant of the Coast Guard shall
11 submit to the Committee on Transportation and Infra-
12 structure of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate a report containing—

15 (1) an overview of the maritime domain aware-
16 ness in the area of responsibility of the Coast Guard
17 sector responsible for San Diego, California, includ-
18 ing—

19 (A) the average volume of known maritime
20 traffic that transited the area during fiscal
21 years 2020 through 2022;

22 (B) current sensor platforms deployed by
23 such sector to monitor illicit activity occurring
24 at sea in such area;

1 (C) the number of illicit activity incidents
2 at sea in such area that the sector responded to
3 during fiscal years 2020 through 2022;

4 (D) an estimate of the volume of traffic
5 engaged in illicit activity at sea in such area
6 and the type and description of any vessels used
7 to carry out illicit activities that such sector re-
8 sponded to during fiscal years 2020 through
9 2022; and

10 (E) the maritime domain awareness re-
11 quirements to effectively meet the mission of
12 such sector;

13 (2) a description of current actions taken by the
14 Coast Guard to partner with Federal, regional,
15 State, and local entities to meet the maritime do-
16 main awareness needs of such area;

17 (3) a description of any gaps in maritime do-
18 main awareness within the area of responsibility of
19 such sector resulting from an inability to meet the
20 enduring maritime domain awareness requirements
21 of the sector or adequately respond to maritime dis-
22 order;

23 (4) an identification of current technology and
24 assets the Coast Guard has to mitigate the gaps
25 identified in paragraph (3);

1 (5) an identification of capabilities needed to
2 mitigate such gaps, including any capabilities the
3 Coast Guard currently possesses that can be de-
4 ployed to the sector;

5 (6) an identification of technology and assets
6 the Coast Guard does not currently possess and are
7 needed to acquire in order to address such gaps; and

8 (7) an identification of any financial obstacles
9 that prevent the Coast Guard from deploying exist-
10 ing commercially available sensor technology to ad-
11 dress such gaps.

12 **SEC. 210. GREAT LAKES WINTER SHIPPING.**

13 (a) GREAT LAKES ICEBREAKING OPERATIONS.—

14 (1) GOVERNMENT ACCOUNTABILITY OFFICE RE-
15 PORT.—

16 (A) IN GENERAL.—Not later than 1 year
17 after the date of enactment of this Act, the
18 Comptroller General of the United States shall
19 submit to the Committee on Commerce,
20 Science, and Transportation of the Senate and
21 the Committee on Transportation and Infra-
22 structure of the House of Representatives a re-
23 port on Coast Guard icebreaking in the Great
24 Lakes.

1 (B) ELEMENTS.—The report required
2 under subparagraph (A) shall—

3 (i) evaluate—

4 (I) the economic impact related
5 to vessel delays or cancellations asso-
6 ciated with ice coverage on the Great
7 Lakes;

8 (II) the impact the standards
9 proposed in paragraph (2) would have
10 on Coast Guard operations in the
11 Great Lakes if such standards were
12 adopted;

13 (III) the fleet mix of medium ice-
14 breakers and icebreaking tugs nec-
15 essary to meet the standards proposed
16 in paragraph (2); and

17 (IV) the resources necessary to
18 support the fleet described in sub-
19 clause (III), including billets for crew
20 and operating costs; and

21 (ii) make recommendations to the
22 Commandant for improvements to the
23 Great Lakes icebreaking program, includ-
24 ing with respect to facilitating shipping

1 and meeting all Coast Guard mission
2 needs.

3 (2) PROPOSED STANDARDS FOR ICEBREAKING
4 OPERATIONS.—The proposed standards, the impact
5 of the adoption of which is evaluated in subclauses
6 (II) and (III) of paragraph (1)(B)(i), are the fol-
7 lowing:

8 (A) Except as provided in subparagraph
9 (B), the ice-covered waterways in the Great
10 Lakes shall be open to navigation not less than
11 90 percent of the hours that vessels engaged in
12 commercial service and ferries attempt to tran-
13 sit such ice-covered waterways.

14 (B) In a year in which the Great Lakes
15 are not open to navigation, as described in sub-
16 paragraph (A), because of ice of a thickness
17 that occurs on average only once every 10
18 years, ice-covered waterways in the Great Lakes
19 shall be open to navigation at least 70 percent
20 of the hours that vessels engaged in commercial
21 service and ferries attempt to transit such ice-
22 covered waterways.

23 (3) REPORT BY COMMANDANT.—Not later than
24 90 days after the date on which the Comptroller
25 General submits the report under paragraph (1), the

1 Commandant shall submit to the Committee on
2 Commerce, Science, and Transportation of the Sen-
3 ate and the Committee on Transportation and Infra-
4 structure of the House of Representatives a report
5 that includes the following:

6 (A) A plan for Coast Guard implementa-
7 tion of any recommendation made by the Comp-
8 troller General under paragraph (1)(B)(ii) with
9 which the Commandant concurs.

10 (B) With respect to any recommendation
11 made under paragraph (1)(B)(ii) with which
12 the Commandant does not concur, an expla-
13 nation of the reasons why the Commandant
14 does not concur.

15 (C) A review of, and a proposed implemen-
16 tation plan for, the results of the fleet mix anal-
17 ysis under paragraph (1)(B)(i)(III).

18 (D) Any proposed modifications to current
19 Coast Guard standards for icebreaking oper-
20 ations in the Great Lakes.

21 (4) PILOT PROGRAM.—During the 5 ice seasons
22 following the date of enactment of this Act, the
23 Coast Guard shall conduct a pilot program to deter-
24 mine the extent to which the current Coast Guard

1 Great Lakes icebreaking cutter fleet can meet the
2 proposed standards described in paragraph (2).

3 (b) DATA ON ICEBREAKING OPERATIONS IN THE
4 GREAT LAKES.—

5 (1) IN GENERAL.—The Commandant shall col-
6 lect, during ice season, archive, and disseminate data
7 on icebreaking operations and transits on ice-covered
8 waterways in the Great Lakes of vessels engaged in
9 commercial service and ferries.

10 (2) ELEMENTS.—Data collected, archived, and
11 disseminated under paragraph (1) shall include the
12 following:

13 (A) Voyages by vessels engaged in com-
14 mercial service and ferries to transit ice-covered
15 waterways in the Great Lakes that are delayed
16 or canceled because of the nonavailability of a
17 suitable icebreaking vessel.

18 (B) Voyages attempted by vessels engaged
19 in commercial service and ferries to transit ice-
20 covered waterways in the Great Lakes that do
21 not reach their intended destination because of
22 the nonavailability of a suitable icebreaking ves-
23 sel.

24 (C) The period of time that each vessel en-
25 gaged in commercial service or ferry was de-

1 layed in getting underway or during a transit of
2 ice-covered waterways in the Great Lakes due
3 to the nonavailability of a suitable icebreaking
4 vessel.

5 (D) The period of time elapsed between
6 each request for icebreaking assistance by a
7 vessel engaged in commercial service or ferry
8 and the arrival of a suitable icebreaking vessel
9 and whether such icebreaking vessel was a
10 Coast Guard or commercial asset.

11 (E) The percentage of hours that Great
12 Lakes ice-covered waterways were open to navi-
13 gation while vessels engaged in commercial
14 service and ferries attempted to transit such
15 waterways for each ice season after the date of
16 enactment of this Act.

17 (F) Relevant communications of each ves-
18 sel engaged in commercial service or ferry with
19 the Coast Guard or commercial icebreaking
20 service providers with respect to subparagraphs
21 (A) through (D).

22 (G) A description of any mitigating cir-
23 cumstance, such as Coast Guard Great Lakes
24 icebreaker diversions to higher priority mis-
25 sions, that may have contributed to the amount

1 of time described in subparagraphs (C) and (D)
2 or the percentage of time described in subpara-
3 graph (E).

4 (3) VOLUNTARY REPORTING.—Any reporting by
5 operators of commercial vessels engaged in commer-
6 cial service or ferries under this section shall be vol-
7 untary.

8 (4) PUBLIC AVAILABILITY.—The Commandant
9 shall make the data collected, archived, and dissemi-
10 nated under this subsection available to the public
11 on a publicly accessible internet website of the Coast
12 Guard.

13 (5) CONSULTATION WITH INDUSTRY.—With re-
14 spect to the Great Lakes icebreaking operations of
15 the Coast Guard and the development of the data
16 collected, archived, and disseminated under this sub-
17 section, the Commandant shall consult operators
18 of—

19 (A) vessels engaged in commercial service;

20 and

21 (B) ferries.

22 (c) REPORT ON COMMON HULL DESIGN.—Section
23 8105 of the William M. (Mac) Thornberry National De-
24 fense Authorization Act for Fiscal Year 2021 (Public Law

1 116–283) is amended by striking subsection (b) and in-
2 serting the following:

3 “(b) REPORT.—Not later than 90 days after the date
4 of enactment of this subsection, the Commandant shall
5 submit to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on
7 Transportation and Infrastructure of the House of Rep-
8 resentatives a report on the operational benefits and limi-
9 tations of a common hull design for icebreaking cutters
10 for operation in the Great Lakes, the Northeastern United
11 States, and the Arctic, as appropriate, that are at least
12 as capable as the Coast Guard 140-foot icebreaking
13 tugs.”.

14 (d) DEFINITIONS.—In this section:

15 (1) COMMERCIAL SERVICE.—The term “com-
16 mercial service” has the meaning given such term in
17 section 2101 of title 46, United States Code.

18 (2) GREAT LAKES.—The term “Great
19 Lakes”—

20 (A) has the meaning given such term in
21 section 118 of the Federal Water Pollution
22 Control Act (33 U.S.C. 1268); and

23 (B) includes harbors adjacent to such
24 waters.

1 (3) ICE-COVERED WATERWAY.—The term “ice-
2 covered waterway” means any portion of the Great
3 Lakes in which vessels engaged in commercial serv-
4 ice or ferries operate that is 70 percent or greater
5 covered by ice, but does not include any waters adja-
6 cent to piers or docks for which commercial
7 icebreaking services are available and adequate for
8 the ice conditions.

9 (4) OPEN TO NAVIGATION.—The term “open to
10 navigation” means navigable to the extent necessary
11 to—

12 (A) meet the reasonable demands of ship-
13 ping;

14 (B) minimize delays to passenger ferries;

15 (C) extricate vessels and persons from dan-
16 ger;

17 (D) prevent damage due to flooding; and

18 (E) conduct other Coast Guard missions,
19 as required.

20 (5) REASONABLE DEMANDS OF SHIPPING.—The
21 term “reasonable demands of shipping” means the
22 safe movement of vessels engaged in commercial
23 service and ferries transiting ice-covered waterways
24 in the Great Lakes to their intended destination, re-
25 gardless of type of cargo.

1 **SEC. 211. CENTER OF EXPERTISE FOR GREAT LAKES OIL**
2 **SPILL SEARCH AND RESPONSE.**

3 Section 807(d) of the Frank LoBiondo Coast Guard
4 Authorization Act of 2018 (14 U.S.C. 313 note) is amend-
5 ed to read as follows:

6 “(d) DEFINITION.—In this section, the term ‘Great
7 Lakes’ means—

8 “(1) Lake Ontario;

9 “(2) Lake Erie;

10 “(3) Lake Huron (including Lake St. Clair);

11 “(4) Lake Michigan;

12 “(5) Lake Superior; and

13 “(6) the connecting channels (including the fol-
14 lowing rivers and tributaries of such rivers: Saint
15 Mary’s River, Saint Clair River, Detroit River, Niag-
16 ara River, Illinois River, Chicago River, Fox River,
17 Grand River, St. Joseph River, St. Louis River, Me-
18 nominee River, Muskegon River, Kalamazoo River,
19 and Saint Lawrence River to the Canadian bor-
20 der).”.

21 **SEC. 212. STUDY ON LAYDOWN OF COAST GUARD CUTTERS.**

22 Not later than 120 days after the date of enactment
23 of this Act, the Secretary of Homeland Security, in con-
24 sultation with the Secretary of Transportation, shall con-
25 duct a study on the laydown of Coast Guard Fast Re-

1 sponse Cutters to assess Coast Guard mission readiness
 2 and to identify areas of need for asset coverage.

3 **Subtitle C—Other Matters**

4 **SEC. 213. RESPONSES OF COMMANDANT OF THE COAST** 5 **GUARD TO SAFETY RECOMMENDATIONS.**

6 (a) IN GENERAL.—Chapter 7 of title 14, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing:

9 **“§ 721. Responses to safety recommendations**

10 “(a) IN GENERAL.—Not later than 90 days after the
 11 submission to the Commandant of the Coast Guard of a
 12 recommendation by the National Transportation Safety
 13 Board relating to transportation safety, the Commandant
 14 shall submit to the Board a written response to each rec-
 15 ommendation, which shall include whether the Com-
 16 mandant—

17 “(1) concurs with the recommendation;

18 “(2) partially concurs with the recommendation;

19 or

20 “(3) does not concur with the recommendation.

21 “(b) EXPLANATION OF CONCURRENCE.—A response
 22 under subsection (a) shall include—

23 “(1) with respect to a recommendation to which
 24 the Commandant concurs, an explanation of the ac-

1 tions the Commandant intends to take to implement
2 such recommendation;

3 “(2) with respect to a recommendation to which
4 the Commandant partially concurs, an explanation
5 of the actions the Commandant intends to take to
6 implement the portion of such recommendation with
7 which the Commandant partially concurs; and

8 “(3) with respect to a recommendation to which
9 the Commandant does not concur, the reasons why
10 the Commandant does not concur with such rec-
11 ommendation.

12 “(c) FAILURE TO RESPOND.—If the Board has not
13 received the written response required under subsection
14 (a) by the end of the time period described in such sub-
15 section, the Board shall notify the Committee on Trans-
16 portation and Infrastructure of the House of Representa-
17 tives and the Committee on Commerce, Science, and
18 Transportation of the Senate that such response has not
19 been received.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 7 of title 14, United States Code, is amended by insert-
22 ing after the item relating to section 720 the following:

 “721. Responses to safety recommendations.”.

23 **SEC. 214. CONVEYANCE OF COAST GUARD VESSELS FOR**
24 **PUBLIC PURPOSES.**

25 (a) REDESIGNATION AND TRANSFER.—

1 (1) IN GENERAL.—Section 914 of the Coast
2 Guard Authorization Act of 2010 (Public Law 111–
3 281) is transferred to chapter 5 of title 14, United
4 States Code, inserted after section 508, redesignated
5 as section 509, and amended so that the enu-
6 merator, section heading, typeface, and typestyle
7 conform to those appearing in other sections in title
8 46, United States Code.

9 (2) CLERICAL AMENDMENTS.—

10 (A) COAST GUARD AUTHORIZATION ACT OF
11 2010.—The table of contents in section 1(b) of
12 the Coast Guard Authorization Act of 2010
13 (Public Law 111–281) is amended by striking
14 the item relating to section 914.

15 (B) TITLE 46.—The analysis for chapter 5
16 of title 14, United States Code, is amended by
17 inserting after the item relating to section 508
18 the following:

“509. Conveyance of Coast Guard vessels for public purposes.”.

19 (b) CONVEYANCE OF COAST GUARD VESSELS FOR
20 PUBLIC PURPOSES.—Section 509 of title 14, United
21 States Code (as transferred and redesignated under sub-
22 section (a)), is amended—

23 (1) by amending subsection (a) to read as fol-
24 lows:

1 “(a) IN GENERAL.—At the request of the Com-
 2 mandant, the Administrator of the General Services Ad-
 3 ministration may transfer ownership of a Coast Guard
 4 vessel or aircraft to an eligible entity for use for edu-
 5 cational, cultural, historical, charitable, recreational, or
 6 other public purposes if such transfer is authorized by
 7 law.”; and

8 (2) in subsection (b)—

9 (A) in paragraph (1)—

10 (i) by inserting “as if such a request
 11 were being processed” after “vessels”; and

12 (ii) by inserting “, as in effect on the
 13 date of enactment of the Don Young Coast
 14 Guard Authorization Act of 2022” after
 15 “Code of Federal Regulations”; and

16 (B) in paragraph (2) by inserting “, as in
 17 effect on the date of enactment of the Don
 18 Young Coast Guard Authorization Act of 2022”
 19 after “such title”.

20 **SEC. 215. ACQUISITION LIFE-CYCLE COST ESTIMATES.**

21 Section 1132(e) of title 14, United States Code, is
 22 amended by striking paragraphs (2) and (3) and inserting
 23 the following:

24 “(2) TYPES OF ESTIMATES.—For each Level 1
 25 or Level 2 acquisition project or program, in addi-

1 tion to life-cycle cost estimates developed under
2 paragraph (1), the Commandant shall require that—

3 “(A) such life-cycle cost estimates be up-
4 dated before—

5 “(i) each milestone decision is con-
6 cluded; and

7 “(ii) the project or program enters a
8 new acquisition phase; and

9 “(B) an independent cost estimate or inde-
10 pendent cost assessment, as appropriate, be de-
11 veloped to validate such life-cycle cost estimates
12 developed under paragraph (1).”.

13 **SEC. 216. NATIONAL COAST GUARD MUSEUM FUNDING**
14 **PLAN.**

15 Section 316(c)(4) of title 14, United States Code, is
16 amended by striking “the Inspector General of the depart-
17 ment in which the Coast Guard is operating” and insert-
18 ing “a third party entity qualified to undertake such a
19 certification process”.

20 **SEC. 217. REPORT ON COAST GUARD EXPLOSIVE ORD-**
21 **NANCE DISPOSAL.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Commandant of the
24 Coast Guard shall submit to the Committee on Transpor-
25 tation and Infrastructure of the House of Representatives

1 and the Committee on Commerce, Science, and Transpor-
2 tation of the Senate a report on the viability of estab-
3 lishing an explosive ordnance disposal program (herein-
4 after referred to as the “Program”) in the Coast Guard.

5 (b) CONTENTS.—The report required under sub-
6 section (a) shall contain, at a minimum, an explanation
7 of the following with respect to such a Program:

8 (1) Where within the organizational structure
9 of the Coast Guard the Program would be located,
10 including a discussion of whether the Program
11 should reside in—

12 (A) Maritime Safety and Security Teams;

13 (B) Maritime Security Response Teams;

14 (C) a combination of the teams described
15 under subparagraphs (A) and (B); or

16 (D) elsewhere within the Coast Guard.

17 (3) The vehicles and dive craft that are Coast
18 Guard airframe and vessel transportable that would
19 be required for the transportation of explosive ord-
20 nance disposal elements.

21 (4) The Coast Guard stations at which—

22 (A) portable explosives storage magazines
23 would be available for explosive ordnance dis-
24 posal elements; and

1 (B) explosive ordnance disposal elements
2 equipment would be pre-positioned.

3 (5) How the Program would support other ele-
4 ments within the Department of Homeland Security,
5 the Department of Justice, and in wartime, the De-
6 partment of Defense to—

7 (A) counter improvised explosive devices;

8 (B) counter unexploded ordnance;

9 (C) combat weapons of destruction;

10 (D) provide service in support of the Presi-
11 dent; and

12 (E) support national security special
13 events.

14 (6) The career progression of Coast Guardsman
15 participating in the Program from—

16 (A) Seaman Recruit to Command Master
17 Chief Petty Officer;

18 (B) Chief Warrant Officer 2 to that of
19 Chief Warrant Officer 4; and

20 (C) Ensign to that of Rear Admiral.

21 (7) Initial and annual budget justification esti-
22 mates on a single program element of the Program
23 for—

- 1 (A) civilian and military pay with details
2 on military pay, including special and incentive
3 pays such as—
- 4 (i) officer responsibility pay;
 - 5 (ii) officer SCUBA diving duty pay;
 - 6 (iii) officer demolition hazardous duty
7 pay;
 - 8 (iv) enlisted SCUBA diving duty pay;
 - 9 (v) enlisted demolition hazardous duty
10 pay;
 - 11 (vi) enlisted special duty assignment
12 pay at level special duty-5;
 - 13 (vii) enlisted assignment incentive
14 pays;
 - 15 (viii) enlistment and reenlistment bo-
16 nuses;
 - 17 (ix) officer and enlisted full civilian
18 clothing allowances;
 - 19 (x) an exception to the policy allowing
20 a third hazardous duty pay for explosive
21 ordnance disposal-qualified officers and en-
22 listed; and
 - 23 (xi) parachutist hazardous duty pay;
- 24 (B) research, development, test, and eval-
25 uation;

- 1 (C) procurement;
- 2 (D) other transaction agreements;
- 3 (E) operations and support; and
- 4 (F) overseas contingency operations.

5 **SEC. 218. PRIBILOF ISLAND TRANSITION COMPLETION AC-**
6 **TIONS.**

7 (a) EXTENSIONS.—Section 524 of the Pribilof Island
8 Transition Completion Act of 2016 (Public Law 114–120)
9 is amended—

10 (1) in subsection (b)(5) by striking “5 years”
11 and inserting “6 years”; and

12 (2) in subsection (c)(3) by striking “60 days”
13 and inserting “120 days”.

14 (b) ACTUAL USE AND OCCUPANCY REPORTS.—Not
15 later than 90 days after enactment of this Act, and quar-
16 terly thereafter, the Secretary of the department in which
17 the Coast Guard is operating shall submit to the Com-
18 mittee on Transportation and Infrastructure of the House
19 of Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate a report de-
21 scribing—

22 (1) the degree to which Coast Guard personnel
23 and equipment are deployed to St. Paul Island,
24 Alaska, in actual occupancy of the facilities, as re-
25 quired under section 524 of the Pribilof Island

1 Transition Completion Act of 2016 (Public Law
2 114–120); and

3 (2) the status of the activities described in sub-
4 sections (c) and (d) until such activities have been
5 completed.

6 (c) AIRCRAFT HANGER.—The Secretary may—

7 (1) enter into a lease for a hangar to house de-
8 ployed Coast Guard aircraft if such hangar was pre-
9 viously under lease by the Coast Guard for purposes
10 of housing such aircraft; and

11 (2) may enter into an agreement with the lessor
12 of such a hangar in which the Secretary may carry
13 out repairs necessary to support the deployment of
14 such aircraft and the cost such repairs may be offset
15 under the terms of the lease.

16 (d) FUEL TANK.—

17 (1) DETERMINATION.—Not later than 30 days
18 after the date of enactment of this Act, the Sec-
19 retary shall determine whether the fuel tank located
20 on St. Paul Island, Alaska, that is owned by the
21 Coast Guard is needed for Coast Guard operations.

22 (2) TRANSFER.—Subject to paragraph (3), if
23 the Secretary determines such tank is not needed for
24 operations, the Secretary shall, not later than 90
25 days after making such determination, transfer such

1 tank to the Alaska Native Village Corporation for
2 St. Paul Island, Alaska.

3 (3) FAIR MARKET VALUE EXCEPTION.—The
4 Secretary may only carry out a transfer under para-
5 graph (2) if the fair market value of such tank is
6 less than the aggregate value of any lease payments
7 for the property on which the tank is located that
8 the Coast Guard would have paid to the Alaska Na-
9 tive Village Corporation for St. Paul Island, Alaska,
10 had such lease been extended at the same rate.

11 (e) SAVINGS CLAUSE.—Nothing in this section shall
12 be construed to limit any rights of the Alaska Native Vil-
13 lage Corporation for St. Paul to receive conveyance of all
14 or part of the lands and improvements related to Tract
15 43 under the same terms and conditions as prescribed in
16 section 524 of the Pribilof Island Transition Completion
17 Act of 2016 (Public Law 114–120).

18 **SEC. 219. NOTIFICATION OF COMMUNICATION OUTAGES.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Commandant of the Coast Guard shall
21 submit to the Committee on Transportation and Infra-
22 structure of the House of Representatives and the Com-
23 mittee on Commerce, Science, and Transportation of the
24 Senate a report that—

1 (1) contains a plan for the Coast Guard to no-
2 tify mariners of radio outages for towers owned and
3 operated by the Coast Guard in District 17;

4 (2) address in such plan how the Coast Guard
5 in District 17 will—

6 (A) disseminate outage updates regarding
7 outages on social media at least every 48 hours;

8 (B) provide updates on a publicly acces-
9 sible website at least every 48 hours;

10 (C) develop methods for notifying mariners
11 where cellular connectivity does not exist;

12 (D) generate receipt confirmation and ac-
13 knowledgment of outages from mariners; and

14 (E) develop and advertise a web-based
15 communications update hub on AM/FM radio
16 for mariners; and

17 (3) identifies technology gaps necessary to im-
18 plement the plan and provide a budgetary assess-
19 ment necessary to implement the plan.

20 **TITLE III—MARITIME**

21 **Subtitle A—Shipping**

22 **SEC. 301. NONOPERATING INDIVIDUAL.**

23 Section 8313(b) of the William M. (Mac) Thornberry
24 National Defense Authorization Act for Fiscal Year 2021
25 (Public Law 116–283) is amended by striking “the date

1 that is 2 years after the date of the enactment of this
2 Act” and inserting “January 1, 2025”.

3 **SEC. 302. OCEANOGRAPHIC RESEARCH VESSELS.**

4 (a) REPORT REQUIRED.—Not later than 180 days
5 after the date of enactment of this Act, the Secretary of
6 Transportation, in consultation with the Secretary of the
7 department in which the Coast Guard is operating, shall
8 submit to the Committee on Transportation and Infra-
9 structure of the House of Representatives and the Com-
10 mittee on Commerce, Science, and Transportation of the
11 Senate a report detailing the total number of vessels
12 known or estimated to operate or to have operated under
13 section 50503 of title 46, United States Code, during each
14 of the past 10 fiscal years.

15 (b) CONTENTS.—The report required by subsection
16 (a) shall include the following elements:

17 (1) The total number of foreign-flagged vessels
18 known or estimated to operate or to have operated
19 as oceanographic research vessels (as such term is
20 defined in section 2101 of title 46, United States
21 Code) during each of the past 10 fiscal years.

22 (2) The total number of United States-flagged
23 vessels known or estimated to operate or to have op-
24 erated as oceanographic research vessels (as such

1 term is defined section 2101 of title 46, United
2 States Code) during each of the past 10 fiscal years.

3 **SEC. 303. ATLANTIC COAST PORT ACCESS ROUTES BRIEF-**
4 **ING.**

5 Not later than 30 days after the date of enactment
6 of this Act, and every 30 days thereafter until the require-
7 ments of section 70003 of title 46, United States Code,
8 are fully executed with respect to the Atlantic Coast Port
9 Access Route, the Secretary of the department in which
10 the Coast Guard is operating shall brief the Committee
11 on Transportation and Infrastructure of the House of
12 Representatives and the Committee on Commerce,
13 Science, and Transportation of the Senate on any progress
14 made to execute such requirements.

15 **Subtitle B—Vessel Safety**

16 **SEC. 304. FISHING VESSEL SAFETY.**

17 (a) IN GENERAL.—Chapter 45 of title 46, United
18 States Code, is amended—

19 (1) in section 4502(f)(2) by striking “certain
20 vessels described in subsection (b) if requested by
21 the owner or operator; and” and inserting “vessels
22 described in subsection (b) if—

23 “(A) requested by an owner or operator; or

24 “(B) the vessel is—

25 “(i) at least 50 feet overall in length;

1 “(ii) built before July 1, 2013; and
2 “(iii) 25 years of age or older; and”;
3 (2) in section 4503(b) by striking “Except as
4 provided in section 4503a, subsection (a)” and in-
5 serting “Subsection (a)”; and
6 (3) by repealing section 4503a.

7 (b) ALTERNATIVE SAFETY COMPLIANCE AGREE-
8 MENTS.—Nothing in this section or the amendments made
9 by this section shall be construed to affect or apply to any
10 alternative compliance and safety agreement entered into
11 by the Coast Guard that is in effect on the date of enact-
12 ment of this Act.

13 (c) CONFORMING AMENDMENTS.—The table of sec-
14 tions in chapter 45 of title 46, United States Code, is
15 amended by striking the item relating to section 4503a.

16 **SEC. 305. REQUIREMENTS FOR DUKW-TYPE AMPHIBIOUS**
17 **PASSENGER VESSELS.**

18 (a) REGULATIONS REQUIRED.—Not later than 1 year
19 after the date of enactment of this Act, the Commandant
20 of the Coast Guard shall issue regulations for DUKW-type
21 amphibious passenger vessels operating in waters subject
22 to the jurisdiction of the United States, as defined in sec-
23 tion 2.38 of title 33, Code of Federal Regulations (as in
24 effect on the date of enactment of this Act).

1 (b) DEADLINE FOR COMPLIANCE.—The regulations
2 issued under subsection (a) shall take effect not later than
3 24 months after the date of enactment of this Act.

4 (c) REQUIREMENTS.—The regulations required
5 under subsection (a) shall include the following:

6 (1) A requirement that operators of DUKW-
7 type amphibious passenger vessels provide reserve
8 buoyancy for such vessels through passive means, in-
9 cluding watertight compartmentalization, built-in flo-
10 tation, or such other means as determined appro-
11 priate by the Commandant, in order to ensure that
12 such vessels remain afloat and upright in the event
13 of flooding, including when carrying a full com-
14 plement of passengers and crew.

15 (2) A requirement that an operator of a
16 DUKW-type amphibious passenger vessel—

17 (A) review and notate the forecast of the
18 National Weather Service of the National Oce-
19 anic and Atmospheric Administration in the
20 logbook of the vessel before getting underway
21 and periodically while underway;

22 (B) proceed to the nearest harbor or safe
23 refuge in any case in which a watch or warning
24 is issued for wind speeds exceeding the wind
25 speed equivalent used to certify the stability of

1 such DUKW-type amphibious passenger vessel;
2 and

3 (C) maintain and monitor a weather mon-
4 itor radio receiver at the operator station of the
5 vessel that is automatically activated by the
6 warning alarm device of the National Weather
7 Service.

8 (3) A requirement that—

9 (A) operators of DUKW-type amphibious
10 passenger vessels inform passengers that seat
11 belts may not be worn during waterborne oper-
12 ations;

13 (B) before the commencement of water-
14 borne operations, a crew member shall visually
15 check that the seatbelt of each passenger is un-
16 buckled; and

17 (C) operators or crew maintain a log re-
18 cording the actions described in subparagraphs
19 (A) and (B).

20 (4) A requirement for annual training for oper-
21 ators and crew of DUKW-type amphibious pas-
22 sengers vessels, including—

23 (A) training for personal flotation and seat
24 belt requirements, verifying the integrity of the
25 vessel at the onset of each waterborne depar-

1 ture, identification of weather hazards, and use
2 of National Weather Service resources prior to
3 operation; and

4 (B) training for crew to respond to emer-
5 gency situations, including flooding, engine
6 compartment fires, man-overboard situations,
7 and in water emergency egress procedures.

8 (d) CONSIDERATION.—In issuing the regulations re-
9 quired under subsection (a), the Commandant shall con-
10 sider whether personal flotation devices should be required
11 for the duration of the waterborne transit of a DUKW-
12 type amphibious passenger vessel.

13 (e) INTERIM REQUIREMENTS.—Beginning on the
14 date on which the regulations under subsection (a) are
15 issued, the Commandant shall require that operators of
16 DUKW-type amphibious passenger vessels that are not in
17 compliance with such regulations shall be subject to the
18 following requirements:

19 (1) Remove the canopies and any window cov-
20 erings of such vessels for waterborne operations, or
21 install in such vessels a canopy that does not restrict
22 horizontal or vertical escape by passengers in the
23 event of flooding or sinking.

24 (2) If a canopy and window coverings are re-
25 moved from any such vessel pursuant to paragraph

1 (1), require that all passengers wear a personal flo-
2 tation device approved by the Coast Guard before
3 the onset of waterborne operations of such vessel.

4 (3) Reengineer such vessels to permanently
5 close all unnecessary access plugs and reduce all
6 through-hull penetrations to the minimum number
7 and size necessary for operation.

8 (4) Install in such vessels independently pow-
9 ered electric bilge pumps that are capable of
10 dewatering such vessels at the volume of the largest
11 remaining penetration in order to supplement an op-
12 erable Higgins pump or a dewatering pump of equiv-
13 alent or greater capacity.

14 (5) Install in such vessels not fewer than 4
15 independently powered bilge alarms.

16 (6) Conduct an in-water inspection of any such
17 vessel after each time a through-hull penetration of
18 such vessel has been removed or uncovered.

19 (7) Verify through an in-water inspection the
20 watertight integrity of any such vessel at the outset
21 of each waterborne departure of such vessel.

22 (8) Install underwater LED lights that activate
23 automatically in an emergency.

24 (9) Otherwise comply with any other provisions
25 of relevant Coast Guard guidance or instructions in

1 the inspection, configuration, and operation of such
2 vessels.

3 **SEC. 306. EXONERATION AND LIMITATION OF LIABILITY**
4 **FOR SMALL PASSENGERS VESSELS.**

5 (a) RESTRUCTURING.—Chapter 305 of title 46,
6 United States Code, is amended—

7 (1) by inserting the following before section
8 30501 the following:

9 **“Subchapter I—General Provisions”;**

10 (2) by inserting the following before section
11 30503:

12 **“Subchapter II—Exoneration and Limitation**
13 **of Liability”;**

14 and

15 (3) by redesignating sections 30503 through
16 30512 as sections 30521 through 30530, respec-
17 tively.

18 (b) DEFINITIONS.—Section 30501 of title 46, United
19 States Code, is amended to read as follows:

20 **“§ 30501. Definitions**

21 **“In this chapter:**

22 **“(1) COVERED SMALL PASSENGER VESSEL.—**

23 **The term ‘covered small passenger vessel’—**

24 **“(A) means a small passenger vessel, as**
25 **defined in section 2101 that is—**

1 “(i) not a wing-in-ground craft; and

2 “(ii) carrying—

3 “(I) not more than 49 passengers

4 on an overnight domestic voyage; and

5 “(II) not more than 150 pas-

6 sengers on any voyage that is not an

7 overnight domestic voyage; and

8 “(B) includes any wooden vessel con-

9 structed prior to March 11, 1996, carrying at

10 least 1 passenger for hire.

11 “(2) OWNER.—The term ‘owner’ includes a

12 charterer that mans, supplies, and navigates a vessel

13 at the charterer’s own expense or by the charterer’s

14 own procurement.”.

15 (c) CLERICAL AMENDMENT.—The item relating to

16 section 30501 in the analysis for chapter 305 of title 46,

17 United States Code, is amended to read as follows:

“30501. Definitions.”.

18 (d) APPLICABILITY.—Section 30502 of title 46,

19 United States Code, is amended by inserting “as to cov-

20 ered small passenger vessels, and” before “as otherwise

21 provided”.

22 (e) PROVISIONS REQUIRING NOTICE OF CLAIM OR

23 LIMITING TIME FOR BRINGING ACTION.—Section 30526

24 of title 46, United States Code, as redesignated by sub-

25 section (a), is amended—

1 (1) in subsection (a), by inserting “and covered
2 small passenger vessels” after “seagoing vessels”;

3 (2) in subsection (b)(1), by striking “6 months”
4 and inserting “2 years”; and

5 (3) in subsection (b)(2), by striking “one year”
6 and inserting “2 years”.

7 (f) TABLES OF SUBCHAPTERS AND TABLES OF SEC-
8 TIONS.—The table of sections for chapter 305 of title 46,
9 United States Code, is amended—

10 (1) by inserting before section 30501 the fol-
11 lowing:

“SUBCHAPTER I—GENERAL PROVISIONS”;

12 (2) by inserting after section 30502 the fol-
13 lowing:

“SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY”;

14 and

15 (3) by redesignating the items relating to sec-
16 tions 30503 through 30512 as items relating to sec-
17 tions 30521 through 30530, respectively.

18 (g) CONFORMING AMENDMENTS.—Title 46, United
19 States Code, is further amended—

20 (1) in section 14305(a)(5), by striking “section
21 30506” and inserting “section 30524”;

22 (2) in section 30523(a), as redesignated by sub-
23 section (a), by striking “section 30506” and insert-
24 ing “section 30524”;

1 (3) in section 30524(b), as redesignated by sub-
 2 section (a), by striking “section 30505” and insert-
 3 ing “section 30523”; and

4 (4) in section 30525, as redesignated by sub-
 5 section (a)—

6 (A) in the matter preceding paragraph (1),
 7 by striking “sections 30505 and 30506” and in-
 8 serting “sections 30523 and 30524”;

9 (B) in paragraph (1) by striking “section
 10 30505” and inserting “section 30523”; and

11 (C) in paragraph (2) by striking “section
 12 30506(b)” and inserting “section 30524(b)”.

13 **SEC. 307. AUTOMATIC IDENTIFICATION SYSTEM REQUIRE-**
 14 **MENTS.**

15 (a) REQUIREMENT FOR FISHING VESSELS TO HAVE
 16 AUTOMATIC IDENTIFICATION SYSTEMS.—Section
 17 70114(a)(1) of title 46, United States Code, is amended—

18 (1) by striking “, while operating on the navi-
 19 gable waters of the United States,”;

20 (2) by redesignating subparagraphs (A) through
 21 (D) as clauses (i) through (iv);

22 (3) by inserting before clauses (i) through (iv),
 23 as redesignated by paragraph (2), the following:

24 “(A) While operating on the navigable waters of
 25 the United States.”; and

1 (4) by adding at the end the following:

2 “(B) A vessel of the United States that is more
3 than 65 feet overall in length, while engaged in fish-
4 ing, fish processing, or fish tendering operations on
5 the navigable waters of the United States or in the
6 United States exclusive economic zone.”.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to the Secretary of Com-
9 merce for fiscal year 2022, \$5,000,000, to remain avail-
10 able until expended, to purchase automatic identification
11 systems for fishing vessels, fish processing vessels, fish
12 tender vessels more than 50 feet in length, as described
13 under this section and the amendments made by this sec-
14 tion.

15 **Subtitle C—Shipbuilding Program**

16 **SEC. 308. QUALIFIED VESSEL.**

17 (a) ELIGIBLE VESSEL.—Section 53501(2) of title 46,
18 United States Code, is amended—

19 (1) in subparagraph (A)(iii) by striking “and”
20 at the end;

21 (2) in subparagraph (B)(v) by striking the pe-
22 riod at the end and inserting a semicolon; and

23 (3) by adding at the end the following:

24 “(C) a ferry, as such term is defined in
25 section 2101; and

1 “(D) a passenger vessel or small passenger
2 vessel, as such terms are defined in section
3 2101, that has a passenger capacity of 50 pas-
4 sengers or greater.”.

5 (b) QUALIFIED VESSEL.—Section 53501(5) of title
6 46, United States Code, is amended—

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

9 (2) in subparagraph (B)(v) by striking the pe-
10 riod at the end and inserting a semicolon; and

11 (3) by adding at the end the following:

12 “(C) a ferry, as such term is defined in
13 section 2101; and

14 “(D) a passenger vessel or small passenger
15 vessel, as such terms are defined in section
16 2101, that has a passenger capacity of 50 pas-
17 sengers or greater.”.

18 **SEC. 309. ESTABLISHING A CAPITAL CONSTRUCTION FUND.**

19 Section 53503(b) of title 46, United States Code, is
20 amended by inserting “(including transportation on a
21 ferry, passenger vessel, or small passenger vessel, as such
22 terms are defined in section 2101, that has a passenger
23 capacity of 50 passengers or greater)” after “short sea
24 transportation”.

1 **TITLE IV—FEDERAL MARITIME**
2 **COMMISSION**

3 **SEC. 401. TERMS AND VACANCIES.**

4 Section 46101(b) of title 46, United States Code, is
5 amended by—

6 (1) in paragraph (2)—

7 (A) by striking “one year” and inserting
8 “2 years”; and

9 (B) by striking “2 terms” and inserting “3
10 terms”; and

11 (2) in paragraph (3)—

12 (A) by striking “of the individual being
13 succeeded” and inserting “to which such indi-
14 vidual is appointed”;

15 (B) by striking “2 terms” and inserting “3
16 terms”; and

17 (C) by striking “the predecessor of that”
18 and inserting “such”.

19 **TITLE V—MISCELLANEOUS**
20 **Subtitle A—Navigation**

21 **SEC. 501. RESTRICTION ON CHANGING SALVORS.**

22 Section 311(c)(3) of the Federal Water Pollution
23 Control Act (33 U.S.C. 1321(c)(3)) is amended by adding
24 at the end the following:

1 “(C) An owner or operator may not change
 2 salvors as part of a deviation under subparagraph
 3 (B) in cases in which the original salvor satisfies the
 4 Coast Guard requirements in accordance with the
 5 National Contingency Plan and the applicable re-
 6 sponse plan required under subsection (j).

7 “(D) In any case in which the Coast Guard au-
 8 thorizes a deviation from the salvor as part of a de-
 9 viation under subparagraph (B) from the applicable
 10 response plan required under subsection (j), the
 11 Commandant shall submit to the Committee on
 12 Transportation and Infrastructure of the House of
 13 Representatives and the Committee on Commerce,
 14 Science, and Transportation of the Senate a report
 15 describing the deviation and the reasons for such de-
 16 viation.”.

17 **SEC. 502. PROVIDING REQUIREMENTS FOR VESSELS AN-**
 18 **CHORED IN ESTABLISHED ANCHORAGE**
 19 **GROUND.**

20 (a) IN GENERAL.—Section 70006 of title 46, United
 21 States Code, is amended to read as follows:

22 **“§ 70006. Anchorage grounds**

23 “(a) ANCHORAGE GROUNDS.—

24 “(1) ESTABLISHMENT.—The Secretary of the
 25 department in which the Coast Guard is operating

1 shall define and establish anchorage grounds in the
2 navigable waters of the United States for vessels op-
3 erating in such waters.

4 “(2) RELEVANT FACTORS FOR ESTABLISH-
5 MENT.—In carrying out paragraph (1), the Sec-
6 retary shall take into account all relevant factors
7 concerning navigational safety, protection of the ma-
8 rine environment, proximity to undersea pipelines
9 and cables, safe and efficient use of Marine Trans-
10 portation System, and national security.

11 “(b) VESSEL REQUIREMENTS.—Vessels, of certain
12 sizes or type determined by the Secretary, shall—

13 “(1) set and maintain an anchor alarm for the
14 duration of an anchorage;

15 “(2) comply with any directions or orders
16 issued by the Captain of the Port; and

17 “(3) comply with any applicable anchorage reg-
18 ulations.

19 “(c) PROHIBITIONS.—A vessel may not—

20 “(1) anchor in any Federal navigation channel
21 unless authorized or directed to by the Captain of
22 the Port;

23 “(2) anchor in near proximity, within distances
24 determined by the Coast Guard, to an undersea

1 pipeline or cable, unless authorized or directed to by
2 the Captain of the Port; and

3 “(3) anchor or remain anchored in an anchor-
4 age ground during any period in which the Captain
5 of the Port orders closure of the anchorage ground
6 due to inclement weather, navigational hazard, a
7 threat to the environment, or other safety or secu-
8 rity concern.

9 “(d) SAFETY EXCEPTION.—Nothing in this section
10 shall be construed to prevent a vessel from taking actions
11 necessary to maintain the safety of the vessel or to prevent
12 the loss of life or property.”.

13 (b) REGULATORY REVIEW.—

14 (1) REVIEW REQUIRED.—Not later than 1 year
15 after the date of enactment of this Act, the Sec-
16 retary of the department in which the Coast Guard
17 is operating shall complete a review of existing an-
18 chorage regulations and identify regulations that
19 may need modification—

20 (A) in the interest of marine safety, secu-
21 rity, and environmental concerns, taking into
22 account undersea pipelines, cables, or other in-
23 frastructure; and

24 (B) to implement the amendments made
25 by this section.

1 (2) BRIEFING.—Upon completion of the review
2 under paragraph (1), but not later than 2 years
3 after the date of enactment of this Act, the Sec-
4 retary shall provide a briefing to the Committee on
5 Commerce, Science, and Transportation of the Sen-
6 ate and the Subcommittee on Coast Guard and Mar-
7 itime Transportation of the Committee on Transpor-
8 tation and Infrastructure of the House of Represent-
9 atives that summarizes the review.

10 (c) CLERICAL AMENDMENT.—The table of sections
11 for chapter 700 of title 46, United States Code, is amend-
12 ed by striking the item relating to section 70006 and in-
13 serting the following:

“70006. Anchorage grounds.”.

14 (d) APPLICABILITY OF REGULATIONS.—The amend-
15 ments made by subsection (a) may not be construed to
16 alter any existing rules, regulations, or final agency ac-
17 tions issued under section 70006 of title 46, United States
18 Code, as in effect on the day before the date of enactment
19 of this Act until all regulations required under subsection
20 (b) take effect.

21 **SEC. 503. AQUATIC NUISANCE SPECIES TASK FORCE.**

22 (a) RECREATIONAL VESSEL DEFINED.—Section
23 1003 of the Nonindigenous Aquatic Nuisance Prevention
24 and Control Act of 1990 (16 U.S.C. 4702) is amended—

1 (1) by redesignating paragraphs (13) through
2 (17) as paragraphs (15) through (19), respectively;
3 and

4 (2) by inserting after paragraph (12) the fol-
5 lowing:

6 “(13) ‘State’ means each of the several States,
7 the District of Columbia, American Samoa, Guam,
8 Puerto Rico, the Northern Mariana Islands, and the
9 Virgin Islands of the United States;

10 “(14) ‘recreational vessel’ has the meaning
11 given that term in section 502 of the Federal Water
12 Pollution Control Act (33 U.S.C. 1362);”.

13 (b) OBSERVERS.—Section 1201 of the Nonindigenous
14 Aquatic Nuisance Prevention and Control Act of 1990 (16
15 U.S.C. 4721) is amended by adding at the end the fol-
16 lowing:

17 “(g) OBSERVERS.—The chairpersons designated
18 under subsection (d) may invite representatives of non-
19 governmental entities to participate as observers of the
20 Task Force.”.

21 (c) AQUATIC NUISANCE SPECIES TASK FORCE.—
22 Section 1201(b) of the Nonindigenous Aquatic Nuisance
23 Prevention and Control Act of 1990 (16 U.S.C. 4721(b))
24 is amended—

1 (1) in paragraph (6), by striking “and” at the
2 end;

3 (2) by redesignating paragraph (7) as para-
4 graph (10); and

5 (3) by inserting after paragraph (6) the fol-
6 lowing:

7 “(7) the Director of the National Park Service;

8 “(8) the Director of the Bureau of Land Man-
9 agement;

10 “(9) the Commissioner of Reclamation; and”.

11 (d) AQUATIC NUISANCE SPECIES PROGRAM.—Sec-
12 tion 1202 of the Nonindigenous Aquatic Nuisance Preven-
13 tion and Control Act of 1990 (16 U.S.C. 4722) is amend-
14 ed—

15 (1) in subsection (e) by adding at the end the
16 following:

17 “(4) TECHNICAL ASSISTANCE AND REC-
18 OMMENDATIONS.—The Task Force may provide
19 technical assistance and recommendations for best
20 practices to an agency or entity engaged in vessel in-
21 spections or decontaminations for the purpose of—

22 “(A) effectively managing and controlling
23 the movement of aquatic nuisance species into,
24 within, or out of water of the United States;
25 and

1 “(B) inspecting recreational vessels in a
2 manner that minimizes disruptions to public ac-
3 cess for boating and recreation in non-contami-
4 nated vessels.

5 “(5) CONSULTATION.—In carrying out para-
6 graph (4), including the development of rec-
7 ommendations, the Task Force may consult with—

8 “(A) State fish and wildlife management
9 agencies;

10 “(B) other State agencies that manage
11 fishery resources of the State or sustain fishery
12 habitat; and

13 “(C) relevant nongovernmental entities.”;
14 and

15 (2) in subsection (k) by adding at the end the
16 following:

17 “(3) Not later than 90 days after the date of
18 enactment of the Don Young Coast Guard Author-
19 ization Act of 2022, the Task Force shall submit a
20 report to Congress recommending legislative, pro-
21 grammatic, or regulatory changes to eliminate re-
22 maining gaps in authorities between members of the
23 Task Force to effectively manage and control the
24 movement of aquatic nuisance species.”.

1 (e) TECHNICAL CORRECTIONS AND CONFORMING
 2 AMENDMENTS.—The Nonindigenous Aquatic Nuisance
 3 Prevention and Control Act of 1990 (16 U.S.C. 4701 et
 4 seq.) is further amended—

5 (1) in section 1002(b)(2), by inserting a comma
 6 after “funded”;

7 (2) in section 1003, in paragraph (7), by strik-
 8 ing “Canandian” and inserting “Canadian”;

9 (3) in section 1203(a)—

10 (A) in paragraph (1)(F), by inserting
 11 “and” after “research,”; and

12 (B) in paragraph (3), by striking “encour-
 13 age” and inserting “encouraged”;

14 (4) in section 1204(b)(4), in the paragraph
 15 heading, by striking “ADMINISTRATIVE” and inserting
 16 “ADMINISTRATIVE”; and

17 (5) in section 1209, by striking “subsection
 18 (a)” and inserting “section 1202(a)”.

19 **SEC. 504. LIMITATION ON RECOVERY FOR CERTAIN INJU-**
 20 **RIES INCURRED IN AQUACULTURE ACTIVI-**
 21 **TIES.**

22 (a) IN GENERAL.—Section 30104 of title 46, United
 23 States Code, is amended—

24 (1) by inserting “(a) IN GENERAL.—” before
 25 the first sentence; and

1 (2) by adding at the end the following:

2 “(b) LIMITATION ON RECOVERY BY AQUACULTURE
3 WORKERS.—

4 “(1) IN GENERAL.—For purposes of subsection
5 (a), the term ‘seaman’ does not include an individual
6 who—

7 “(A) is an aquaculture worker if State
8 workers’ compensation is available to such indi-
9 vidual; and

10 “(B) was, at the time of injury, engaged in
11 aquaculture in a place where such individual
12 had lawful access.

13 “(2) AQUACULTURE WORKER DEFINED.—In
14 this subsection, the term ‘aquaculture worker’ means
15 an individual who—

16 “(A) is employed by a commercial enter-
17 prise that is involved in the controlled cultiva-
18 tion and harvest of aquatic plants and animals,
19 including—

20 “(i) the cleaning, processing, or can-
21 ning of fish and fish products;

22 “(ii) the cultivation and harvesting of
23 shellfish; and

24 “(iii) the controlled growing and har-
25 vesting of other aquatic species;

1 “(B) does not hold a license issued under
2 section 7101(c); and

3 “(C) is not required to hold a merchant
4 mariner credential under part F of subtitle II.”.

5 (b) APPLICABILITY.—The amendments made by this
6 section shall apply to an injury incurred on or after the
7 date of enactment of this Act.

8 **Subtitle B—Other Matters**

9 **SEC. 505. INFORMATION ON TYPE APPROVAL CERTIFI-** 10 **CATES.**

11 (a) IN GENERAL.—Title IX of the Frank LoBiondo
12 Coast Guard Authorization Act of 2018 (Public Law 115–
13 282) is amended by adding at the end the following:

14 **“SEC. 904. INFORMATION ON TYPE APPROVAL CERTIFI-** 15 **CATES.**

16 “The Commandant of the Coast Guard shall, upon
17 request by any State, the District of Columbia, or territory
18 of the United States, provide all data possessed by the
19 Coast Guard pertaining to challenge water quality charac-
20 teristics, challenge water biological organism concentra-
21 tions, post-treatment water quality characteristics, and
22 post-treatment biological organism concentrations data for
23 a ballast water management system with a type approval
24 certificate approved by the Coast Guard pursuant to sub-
25 part 162.060 of title 46, Code of Federal Regulations.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 for the Frank LoBiondo Coast Guard Authorization Act
3 of 2018 (Public Law 115–282) is amended by inserting
4 after the item relating to section 903 the following:

“904. Information on type approval certificates.”.

5 **SEC. 506. PASSENGER VESSEL SECURITY AND SAFETY RE-**
6 **QUIREMENTS.**

7 Section 3507(k)(1) of title 46, United States Code,
8 is amended—

9 (1) in subparagraph (A) by striking “at least
10 250” and inserting “250 or more”; and

11 (2) by striking subparagraph (B) and inserting
12 the following:

13 “(B) has overnight accommodations for
14 250 or more passengers; and”.

15 **SEC. 507. CARGO WAITING TIME REDUCTION.**

16 (a) INTERAGENCY TASK FORCE.—The President
17 shall, acting through the Supply Chain Disruptions Task
18 Force established under Executive Order 14017 (relating
19 to supply chains) of February 24, 2021 (86 Fed. Reg.
20 11849) (hereinafter referred to as the “Task Force”),
21 carry out the duties described in subsection (c).

22 (b) DUTIES.—In carrying out this section, the Task
23 Force shall—

24 (1) evaluate and quantify the economic and en-
25 vironmental impact of cargo backlogs;

1 (2) evaluate and quantify the costs incurred by
2 each Federal agency represented on the Task Force,
3 and by State and local governments, due to such
4 cargo backlogs;

5 (3) evaluate the responses of each such Federal
6 agency to such cargo backlogs; and

7 (4) not later than 90 days after the date of en-
8 actment of this Act—

9 (A) develop a plan to—

10 (i) significantly reduce or eliminate
11 such cargo backlog; and

12 (ii) reduce nationwide cargo proc-
13 essing delays, including the Port of Los
14 Angeles and the Port of Long Beach; and

15 (B) submit to the Committee on Transpor-
16 tation and Infrastructure of the House of Rep-
17 resentatives and the Committee on Commerce,
18 Science, and Transportation of the Senate a re-
19 port containing the plan developed under sub-
20 paragraph (A).

21 (c) REPORT OF THE COMMANDANT.—No later than
22 90 days after the date of enactment of this Act, the Com-
23 mandant of the Coast Guard shall submit to the Com-
24 mittee on Transportation and Infrastructure of the House
25 of Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate a report on
2 cargo backlogs that includes—

3 (1) an explanation of the extent to which ves-
4 sels carrying cargo are complying with the require-
5 ments of chapter 700 of title 46, United States
6 Code;

7 (2) the status of the investigation on the cause
8 of the oil spill that occurred in October 2021 on the
9 waters over the San Pedro Shelf related to an an-
10 chor strike, including the expected date on which the
11 Marine Casualty Investigation Report with respect
12 to such spill will be released; and

13 (3) with respect to such vessels, a summary of
14 actions taken or planned to be taken by the Com-
15 mandant to—

16 (A) provide additional protections against
17 oil spills caused by anchor strikes; and

18 (B) address other safety concerns and en-
19 vironmental impacts.

20 **SEC. 508. LIMITED INDEMNITY PROVISIONS IN STANDBY**
21 **OIL SPILL RESPONSE CONTRACTS.**

22 (a) IN GENERAL.—Subject to subsections (b) and (c),
23 a contract for the containment or removal of a discharge
24 entered into by the President under section 311(c) of the
25 Federal Water Pollution Control Act (33 U.S.C. 1321(c))

1 shall contain a provision to indemnify a contractor for li-
2 abilities and expenses incidental to the containment or re-
3 moval arising out of the performance of the contract that
4 is substantially identical to the terms contained in sub-
5 sections (d) through (h) of section H.4 (except for para-
6 graph (1) of subsection (d)) of the contract offered by the
7 Coast Guard in the solicitation numbered DTCH89-98-
8 A-68F953, dated November 17, 1998.

9 (b) REQUIREMENTS.—

10 (1) SOURCE OF FUNDS.—The provision re-
11 quired under subsection (a) shall include a provision
12 that the obligation to indemnify is limited to funds
13 available in the Oil Spill Liability Trust Fund estab-
14 lished by section 9509(a) of the Internal Revenue
15 Code of 1986 at the time the claim for indemnity is
16 made.

17 (2) UNCOMPENSATED REMOVAL.—A claim for
18 indemnity under a contract described in subsection
19 (a) shall be made as a claim for uncompensated re-
20 moval costs under section 1012(a)(4) of the Oil Pol-
21 lution Act of 1990 (33 U.S.C. 2712(a)(4)).

22 (3) LIMITATION.—The total indemnity for a
23 claim under a contract described in subsection (a)
24 may not be more than \$50,000 per incident.

Section 541 of the Coast Guard Authorization Act
of 2016 (Public Law 114–120) is amended—

(1) in subsection (b) by striking paragraphs (1)
and (2) and inserting the following:

14 “(1) BSNC (to serve as Council Chair).

15 “(2) The Secretary of Homeland Security.

16 “(3) An Oil Spill Response Organization that
17 serves the area in which such Port is located.

18 “(4) The State.”;

19 (2) in subsection (c)(1)—

20 (A) in subparagraph (B) by adding “and”
21 at the end; and

22 (B) by striking subparagraphs (C) and (D)

23 and inserting the following:

24 “(C) land use planning and development at
25 Point Spencer in support of the following activi-

1 ties within the Bearing Sea, the Chukchi Sea,
2 and the Arctic Ocean:

3 “(i) Search and rescue.

4 “(ii) Shipping safety.

5 “(iii) Economic development.

6 “(iv) Oil spill prevention and re-
7 sponse.

8 “(v) National security.

9 “(vi) Major marine casualties.

10 “(vii) Protection of Alaska Native ar-
11 chaeological and cultural resources.

12 “(viii) Port of refuge, arctic research,
13 and maritime law enforcement.”;

14 (3) by amending subsection (c)(3) to read as
15 follows:

16 “(3) Facilitate coordination among members of
17 the Council on the development and use of the land
18 and coastline of Point Spencer, as such development
19 and use relate to activities of the Council at the Port
20 of Point Spencer.”; and

21 (4) in subsection (e)—

22 (A) by striking “Operations and manage-
23 ment costs” and inserting the following:

24 “(1) DETERMINATION OF COSTS.—Operations
25 and management costs”; and

1 (B) by adding at the end the following:

2 “(2) FUNDING.—To facilitate the mooring buoy
3 system in Port Clarence and to assist the Council in
4 the development of other oil spill prevention and re-
5 sponse infrastructure, including reactivating the air-
6 strip at Point Spencer with appropriate technology
7 and safety equipment in support of response oper-
8 ations, there is authorized to be made available
9 \$5,000,000 for each of fiscal years 2023 through
10 2025 from the interest generated from the Oil Spill
11 Liability Trust Fund.”.

12 **SEC. 510. WESTERN ALASKA OIL SPILL PLANNING CRI-**
13 **TERIA.**

14 (a) WESTERN ALASKA OIL SPILL PLANNING CRI-
15 TERIA.—Section 311(j)(5) of the Federal Water Pollution
16 Control Act (33 U.S.C. 1321(j)(5)) is amended by adding
17 at the end the following:

18 “(J)(i) Except as provided in clause (iv)
19 (including with respect to Cook Inlet), in any
20 case in which the Secretary has determined that
21 the national planning criteria established pursu-
22 ant to this subsection are inappropriate for a
23 vessel operating in the area of responsibility of
24 the Western Alaska Captain of the Port Zone,
25 a response plan required under this paragraph

1 with respect to a discharge of oil for the vessel
2 shall comply with the planning criteria estab-
3 lished under clause (ii), which planning criteria
4 shall, with respect to a discharge of oil from the
5 vessel, apply in lieu of any alternative planning
6 criteria approved for vessels operating in such
7 area.

8 “(ii) The President shall establish planning
9 criteria for a worst case discharge of oil, and a
10 substantial threat of such a discharge, within
11 the area of responsibility of Western Alaska
12 Captain of the Port Zone, including planning
13 criteria for the following:

14 “(I) Oil spill response resources that
15 are required to be located within such
16 area.

17 “(II) Response times for mobilization
18 of oil spill response resources and arrival
19 on the scene of a worst case discharge of
20 oil, or substantial threat of such a dis-
21 charge, occurring within such area.

22 “(III) Pre-identified vessels for oil
23 spill response that are capable of operating
24 in the ocean environment and required to
25 be located within such area.

1 “(IV) Real-time continuous vessel
2 tracking, monitoring, and engagement pro-
3 tocols that detect and address vessel oper-
4 ation anomalies.

5 “(V) Vessel routing measures con-
6 sistent with international routing measure
7 deviation protocols.

8 “(VI) Ensuring the availability of at
9 least one oil spill removal organization that
10 is classified by the Coast Guard and
11 that—

12 “(aa) is capable of responding in
13 all operating environments in such
14 area;

15 “(bb) controls oil spill response
16 resources of dedicated and nondedi-
17 cated resources within such area,
18 through ownership, contracts, agree-
19 ments, or other means approved by
20 the President, sufficient to mobilize
21 and sustain a response to a worst case
22 discharge of oil and to contain, re-
23 cover, and temporarily store dis-
24 charged oil; and

1 “(cc) has pre-positioned oil spill
2 response resources in strategic loca-
3 tions throughout such area in a man-
4 ner that ensures the ability to support
5 response personnel, marine oper-
6 ations, air cargo, or other related lo-
7 gistics infrastructure.

8 “(VII) Temporary storage capability
9 using both dedicated and non-dedicated as-
10 sets located within such area.

11 “(VIII) Non-mechanical oil spill re-
12 sponse resources, to be available under
13 contracts, agreements, or other means ap-
14 proved by the President, capable of re-
15 sponding to both a discharge of persistent
16 oil and a discharge of non-persistent oil,
17 whether the discharged oil was carried by
18 a vessel as fuel or cargo.

19 “(IX) With respect to tank barges
20 carrying non-persistent oil in bulk as
21 cargo, oil spill response resources that are
22 required to be carried on board.

23 “(X) Ensuring that oil spill response
24 resources required to comply with this sub-
25 paragraph are separate from and in addi-

tion to resources otherwise required to be included in a response plan for purposes of compliance with salvage and marine firefighting planning requirements under this subsection.

“(XI) Specifying a minimum length of time that approval of a response plan under this subparagraph is valid.

“(XII) Ensuring compliance with requirements for the preparation and submission of vessel response plans established by regulations pursuant to this paragraph.

“(iii) The President may approve a response plan for a vessel under this subparagraph only if the owner or operator of the vessel demonstrates the availability of the oil spill response resources required to be included in the response plan under the planning criteria established under clause (ii).

“(iv) Nothing in this subparagraph affects—

“(I) the requirements under this subsection applicable to vessel response plans for vessels operating within the area of responsibility of the Western Alaska Captain

1 of the Port Zone within Cook Inlet, Alas-
2 ka;

3 “(II) the requirements applicable to
4 tank vessels operating within Prince Wil-
5 liam Sound Captain of the Port Zone that
6 are subject to section 5005 of the Oil Pol-
7 lution Act of 1990 (33 U.S.C. 2735); or

8 “(III) the authority of a Federal On-
9 Scene Coordinator to use any available re-
10 sources when responding to an oil spill.

11 “(v) The Secretary shall review any deter-
12 mination that the national planning criteria are
13 inappropriate for a vessel operating in the area
14 of responsibility of Western Alaska Captain of
15 the Port Zone not less frequently than once
16 every five years.

17 “(vi) For purposes of this subparagraph,
18 the term ‘Western Alaska Captain of the Port
19 Zone’ means the area described in section 3.85–
20 15 of title 33, Code of Federal Regulations, as
21 in effect on the date of enactment of this sub-
22 paragraph.”.

23 (b) ESTABLISHMENT OF ALASKA OIL SPILL PLAN-
24 NING CRITERIA.—

1 (1) DEADLINE.—Not later than 2 years after
2 the date of enactment of this Act, the President
3 shall establish the planning criteria required to be
4 established under subparagraph (J) of section
5 311(j)(5) of the Federal Water Pollution Control
6 Act of (33 U.S.C. 1321(j)(5)), as added by this sec-
7 tion.

8 (2) CONSULTATION.—In establishing such plan-
9 ning criteria, the President shall consult with the
10 State of Alaska, owners and operators of vessels
11 subject to such planning criteria, oil spill removal or-
12 ganizations, Alaska Native organizations, and envi-
13 ronmental nongovernmental organizations located
14 within the State of Alaska.

15 (3) VESSELS IN COOK INLET.—Unless other-
16 wise authorized by the Secretary of the department
17 in which the Coast Guard, a vessel may only operate
18 in Cook Inlet, Alaska, under a vessel response plan
19 that meets the requirements of the national planning
20 criteria established pursuant to section 311(j)(5) of
21 the Federal Water Pollution Control Act (33 U.S.C.
22 1321(j)(5)).

23 (c) CONGRESSIONAL REPORT.—Not later than one
24 year after the date of enactment of this Act, the Secretary
25 of the department in which the Coast Guard is operating

1 shall submit to Congress a report regarding the status of
2 implementing the requirements of subparagraph (J) of
3 section 311(j)(5) of the Federal Water Pollution Control
4 Act (33 U.S.C. 1321(j)(5)), as added by this section.

5 **SEC. 511. NONAPPLICABILITY.**

6 Requirements under sections 3507(d), 3507(e), 3508,
7 and 3509 of title 46, United States Code, shall not apply
8 to the passenger vessel *American Queen* (U.S. Coast
9 Guard Official Number 1030765) or any other passenger
10 vessel—

11 (1) on which construction identifiable with the
12 specific vessel begins prior to the date of enactment
13 of this Act; and

14 (2) to which sections 3507 and 3508 would oth-
15 erwise apply when such vessels are operating inside
16 the boundary line.

17 **SEC. 512. REPORT ON ENFORCEMENT OF COASTWISE LAWS.**

18 The Commandant of the Coast Guard shall submit
19 to Congress a report describing any changes to the en-
20 forcement of chapters 121 and 551 of title 46, United
21 States Code, as a result of the amendments to section
22 4(a)(1) of the Outer Continental Shelf Lands Act (43
23 U.S.C. 1333(a)(1)) made by section 9503 of the William
24 M. (Mac) Thornberry National Defense Authorization Act
25 for Fiscal Year 2021 (Public Law 116–283).

1 **SEC. 513. LAND CONVEYANCE, SHARPE ARMY DEPOT,**
2 **LATHROP, CALIFORNIA.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Administrator of the Maritime Administra-
5 tion shall complete the land conveyance required under
6 section 2833 of the William M. (Mac) Thornberry Na-
7 tional Defense Authorization Act for Fiscal Year 2021
8 (Public Law 116–283).

9 **SEC. 514. CENTER OF EXPERTISE FOR MARINE ENVIRON-**
10 **MENTAL RESPONSE.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Commandant of the
13 Coast Guard, in consultation with the Administrator of
14 the National Oceanic and Atmospheric Administration,
15 shall establish a Center of Expertise for Marine Environ-
16 mental Response (referred to in this section as the “Cen-
17 ter of Expertise”) in accordance with section 313 of title
18 14, United States Code.

19 (b) LOCATION.—The Center of Expertise shall be lo-
20 cated in close proximity to—

21 (1) an area of the country with quick access to
22 State, Federal, and international waters, port and
23 marine environments, coastal and estuary environ-
24 ments, and the intercoastal waterway;

25 (2) multiple Coast Guard sea and air stations;

1 (3) multiple Federal agencies that are engaged
2 in coastal and fisheries management;

3 (4) one or more designated national estuaries;

4 (5) State coastal and wildlife management
5 agencies; and

6 (6) an institution of higher education with ade-
7 quate marine science search laboratory facilities and
8 capabilities and expertise in coastal marine ecology,
9 ecosystems, environmental chemistry, fish and wild-
10 life management, coastal mapping, water resources,
11 and marine technology development.

12 (c) FUNCTIONS.—The Center of Expertise shall—

13 (1) monitor and assess, on an ongoing basis,
14 the state of knowledge regarding training, education,
15 and technology development for marine environ-
16 mental response protocols in State, Federal, and
17 international waters, port and marine environments,
18 coastal and estuary environments, and the inter-
19 coastal waterway;

20 (2) identify any significant gaps in research re-
21 lated to marine environmental response protocols, in-
22 cluding an assessment of major scientific or techno-
23 logical deficiencies in responses to past incidents in
24 these waterways that are interconnected, and seek to
25 fill such gaps;

1 (3) conduct research, development, testing, and
2 evaluation for marine environmental response equip-
3 ment, technologies, and techniques to mitigate and
4 respond to environmental incidents in these water-
5 ways;

6 (4) educate and train Federal, State, and local
7 first responders in—

8 (A) the incident command system struc-
9 ture;

10 (B) marine environmental response tech-
11 niques and strategies; and

12 (C) public affairs; and

13 (5) work with academic and private sector re-
14 sponse training centers to develop and standardize
15 marine environmental response training and tech-
16 niques.

17 (d) MARINE ENVIRONMENTAL RESPONSE DE-
18 FINED.—In this section, the term “marine environmental
19 response” means any response to incidents that—

20 (1) impacts—

21 (A) the marine environment of State, Fed-
22 eral or international waterways;

23 (B) port and marine environments;

24 (C) coastal and estuary environments; or

25 (D) the intercoastal waterway; and

1 (2) promotes—

2 (A) the protection and conservation of the
3 marine environment;

4 (B) the health of fish, animal populations,
5 and endangered species; and

6 (C) the resilience of coastal ecosystems and
7 infrastructure.

8 **SEC. 515. PROHIBITION ON ENTRY AND OPERATION.**

9 (a) PROHIBITION.—

10 (1) IN GENERAL.—Except as otherwise pro-
11 vided in this section, during the period in which Ex-
12 ecutive Order 14065 (87 Fed. Reg. 10293, relating
13 to blocking certain Russian property or trans-
14 actions), or any successor Executive Order is in ef-
15 fect, no vessel described in subsection (b) may enter
16 or operate in the navigable waters of the United
17 States or transfer cargo in any port or place under
18 the jurisdiction of the United States.

19 (2) LIMITATIONS ON APPLICATION.—

20 (A) IN GENERAL.—The prohibition under
21 paragraph (1) shall not apply with respect to
22 vessel described in subsection (b) if the Sec-
23 retary of State determines that—

1 (i) the vessel is owned or operated by
2 a Russian national or operated by the gov-
3 ernment of the Russian Federation; and

4 (ii) it is in the national security inter-
5 est not to apply the prohibition to such
6 vessel.

7 (B) NOTICE.—Not later than 15 days
8 after making a determination under subpara-
9 graph (A), the Secretary of State shall submit
10 to the Committee on Foreign Affairs and the
11 Committee on Transportation and Infrastruc-
12 ture of the House of Representatives and the
13 Committee on Foreign Relations and the Com-
14 mittee on Commerce, Science, and Transpor-
15 tation of the Senate written notice of the deter-
16 mination and the basis upon which the deter-
17 mination was made.

18 (C) PUBLICATION.—The Secretary of
19 State shall publish a notice in the Federal Reg-
20 ister of each determination made under sub-
21 paragraph (A).

22 (b) VESSELS DESCRIBED.—A vessel referred to in
23 subsection (a) is a vessel owned or operated by a Russian
24 national or operated by the government of the Russian
25 Federation.

1 (c) INFORMATION AND PUBLICATION.—The Sec-
2 retary of the department in which the Coast Guard is op-
3 erating, with the concurrence of the Secretary of State,
4 shall—

5 (1) maintain timely information on the registra-
6 tions of all foreign vessels owned or operated by or
7 on behalf of the Government of the Russian Federa-
8 tion, a Russian national, or a entity organized under
9 the laws of the Russian Federation or any jurisdic-
10 tion within the Russian Federation; and

11 (2) periodically publish in the Federal Register
12 a list of the vessels described in paragraph (1).

13 (d) NOTIFICATION OF GOVERNMENTS.—

14 (1) IN GENERAL.—The Secretary of State shall
15 notify each government, the agents or instrumental-
16 ities of which are maintaining a registration of a for-
17 eign vessel that is included on a list published under
18 subsection (c)(2), not later than 30 days after such
19 publication, that all vessels registered under such
20 government's authority are subject to subsection (a).

21 (2) ADDITIONAL NOTIFICATION.—In the case of
22 a government that continues to maintain a registra-
23 tion for a vessel that is included on such list after
24 receiving an initial notification under paragraph (1),
25 the Secretary shall issue an additional notification to

1 such government not later than 120 days after the
2 publication of a list under subsection (c)(2).

3 (e) NOTIFICATION OF VESSELS.—Upon receiving a
4 notice of arrival under section 70001(a)(5) of title 46,
5 United States Code, from a vessel described in subsection
6 (b), the Secretary of the department in which the Coast
7 Guard is operating shall notify the master of such vessel
8 that the vessel may not enter or operate in the navigable
9 waters of the United States or transfer cargo in any port
10 or place under the jurisdiction of the United States, un-
11 less—

12 (1) the Secretary of State has made a deter-
13 mination under subsection (a)(2); or

14 (2) the Secretary of the department in which
15 the Coast Guard is operating allows provisional
16 entry of the vessel, or transfer of cargo from the ves-
17 sel, under subsection (f).

18 (f) PROVISIONAL ENTRY OR CARGO TRANSFER.—
19 Notwithstanding any other provision of this section, the
20 Secretary of the department in which the Coast Guard is
21 operating may allow provisional entry of, or transfer of
22 cargo from, a vessel, if such entry or transfer is necessary
23 for the safety of the vessel or persons aboard.

1 **SEC. 516. ST. LUCIE RIVER RAILROAD BRIDGE.**

2 The Commandant of the Coast Guard shall take such
3 actions as are necessary to implement any recommenda-
4 tions for the St. Lucie River railroad bridge made by the
5 Coast Guard in the document titled “Waterways Analysis
6 and Management System for Intracoastal Waterway Miles
7 925-1005 (WAMS #07301)” published by Coast Guard
8 Sector Miami in 2018.

9 **SEC. 517. ASSISTANCE RELATED TO MARINE MAMMALS.**

10 (a) MARITIME ENVIRONMENTAL AND TECHNICAL
11 ASSISTANCE PROGRAM.—Section 50307(b) of title 46,
12 United States Code, is amended—

13 (1) in paragraph (1)(D) by striking “and” at
14 the end;

15 (2) in paragraph (2) by striking the period and
16 insert “; and”; and

17 (3) by adding at the end the following:

18 “(3) technologies that quantifiably reduce un-
19 derwater noise from marine vessels, including noise
20 produced incidental to the propulsion of marine ves-
21 sels.”.

22 (b) ASSISTANCE TO REDUCE IMPACTS OF VESSEL
23 STRIKES AND NOISE ON MARINE MAMMALS.—

24 (1) IN GENERAL.—Chapter 541 of title 46,
25 United States Code, is amended by adding at the
26 end the following:

1 **“§ 54102. Assistance to reduce impacts of vessel**
2 **strikes and noise on marine mammals**

3 “(a) IN GENERAL.—The Administrator of the Mari-
4 time Administration, in coordination with the Secretary
5 of the department in which the Coast Guard is operating,
6 may make grants to, or enter into contracts or cooperative
7 agreements with, academic, public, private, and non-
8 governmental entities to develop and implement mitigation
9 measures that will lead to a quantifiable reduction in—

10 “(1) impacts to marine mammals from vessels;
11 and

12 “(2) underwater noise from vessels, including
13 noise produced incidental to the propulsion of ves-
14 sels.

15 “(b) ELIGIBLE USE.—Assistance under this section
16 may be used to develop, assess, and carry out activities
17 that reduce threats to marine mammals by—

18 “(1) reducing—

19 “(A) stressors related to vessel traffic; and

20 “(B) vessel strike mortality, and serious
21 injury; or

22 “(2) monitoring—

23 “(A) sound; and

24 “(B) vessel interactions with marine mam-
25 mals.

1 “(c) PRIORITY.—The Administrator shall prioritize
2 assistance under this section for projects that—

3 “(1) is based on the best available science on
4 methods to reduce threats related to vessels traffic;

5 “(2) collect data on the reduction of such
6 threats;

7 “(3) reduce—

8 “(A) disturbances from vessel presence;

9 “(B) mortality risk; or

10 “(C) serious injury from vessel strikes; or

11 “(4) conduct risk assessments, or tracks
12 progress toward threat reduction.

13 “(d) BRIEFING.—The Administrator shall provide to
14 the Committee on Transportation and Infrastructure of
15 the House of Representatives, and the Committee on Com-
16 merce, Science, and Transportation of the Senate, an an-
17 nual briefing that includes the following:

18 “(1) The name and location of each entity re-
19 ceiving a grant under this section.

20 “(2) The amount of each such grant.

21 “(3) A description of the activities carried out
22 with assistance provided under this section.

23 “(4) An estimate of the impact that a project
24 carried out with such assistance has on the reduc-
25 tion of threats to marine mammals.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 2 is authorized to be appropriated to the Administrator to
 3 carry out this section \$10,000,000 for each of fiscal years
 4 2022 through 2026, to remain available until expended.”.

5 (2) CLERICAL AMENDMENT.—The analysis for
 6 chapter 541 of title 46, United States Code, is
 7 amended by adding at the end the following:

“54102. Assistance to reduce impacts of vessel strikes and noise on marine mammals.”.

8 (c) NEAR REAL-TIME MONITORING AND MITIGATION
 9 PROGRAM FOR LARGE WHALES.—

10 (1) IN GENERAL.—Part of A of subtitle V of
 11 title 46, United States Code, is amended by adding
 12 at the end the following:

13 **“CHAPTER 507—MONITORING AND**
 14 **MITIGATION**

“Sec.

“50701. Near real-time monitoring and mitigation program for large whales.

“50702. Pilot project.

15 **“§ 50701. Near real-time monitoring and mitigation**
 16 **program for large whales**

17 “(a) ESTABLISHMENT.—The Administrator of the
 18 Maritime Administration, in consultation with the Com-
 19 mandant of the Coast Guard, shall design and deploy a
 20 near real-time large whale monitoring and mitigation pro-
 21 gram (in this section referred to as the Program) informed
 22 by the technologies, monitoring methods, and mitigation

1 protocols developed pursuant to the pilot program required
2 under section 50702.

3 “(b) PURPOSE.—The purpose of the Program will be
4 to reduce the risk to large whales of vessel collisions and
5 to minimize other impacts.

6 “(c) REQUIREMENTS.—In designing and deploying
7 the Program, the Administrator shall—

8 “(1) prioritize species of large whales for which
9 vessel collision impacts are of particular concern;

10 “(2) prioritize areas where such vessel impacts
11 are of particular concern;

12 “(3) develop technologies capable of detecting
13 and alerting individuals and enforcement agencies of
14 the probable location of large whales on a near real-
15 time basis, to include real time data whenever pos-
16 sible;

17 “(4) inform sector-specific mitigation protocols
18 to effectively reduce takes of large whales; and

19 “(5) integrate technology improvements as such
20 improvements become available.

21 “(d) AUTHORITY.—The Administrator may make
22 grants or enter into and contracts, leases, or cooperative
23 agreements as may be necessary to carry out the purposes
24 of this section on such terms as the Administrator con-

1 siders appropriate, consistent with Federal acquisition
2 regulations.

3 **“§ 50702. Pilot project**

4 “(a) ESTABLISHMENT.—The Administrator of the
5 Maritime Administration shall carry out a pilot monitoring
6 and mitigation project for North Atlantic right whales (in
7 this section referred to as the ‘Pilot Program’) for pur-
8 poses of informing a cost-effective, efficient, and results-
9 oriented near real-time monitoring and mitigation pro-
10 gram for large whales under 50701.

11 “(b) PILOT PROJECT REQUIREMENTS.—In carrying
12 out the pilot program, the Administrator, in coordination
13 with the Commandant of the Coast Guard, using best
14 available scientific information, shall identify and ensure
15 coverage of—

16 “(1) core foraging habitats of North Atlantic
17 right whales, including—

18 “(A) the South of the Islands core foraging
19 habitat;

20 “(B) the Cape Cod Bay Area core foraging
21 habitat;

22 “(C) the Great South Channel core for-
23 aging habitat; and

24 “(D) the Gulf of Maine; and

1 “(2) important feeding, breeding, calving,
2 rearing, or migratory habitats of North Atlantic
3 right whales that co-occur with areas of high risk of
4 mortality, serious injury, or other impacts to such
5 whales, including from vessels or vessel strikes.

6 “(c) PILOT PROJECT COMPONENTS.—

7 “(1) IN GENERAL.—Not later than 3 years
8 after the date of enactment of the Don Young Coast
9 Guard Authorization Act of 2022, the Adminis-
10 trator, in consultation with the Commandant, Tribal
11 governments, and with input from affected stake-
12 holders, shall design and deploy a near real-time
13 monitoring system for North Atlantic right whales
14 that—

15 “(A) comprises the best available detection
16 and survey technologies to detect North Atlan-
17 tic right whales within core foraging habitats;

18 “(B) uses dynamic habitat suitability mod-
19 els to inform the likelihood of North Atlantic
20 right whale occurrence in core foraging habitat
21 at any given time;

22 “(C) coordinates with the Integrated
23 Ocean Observing System and Coast Guard ves-
24 sel traffic service centers, and may coordinate

1 with Regional Ocean Partnerships to leverage
2 monitoring assets;

3 “(D) integrates historical data;

4 “(E) integrates new near real-time moni-
5 toring methods and technologies as they become
6 available;

7 “(F) accurately verifies and rapidly com-
8 municates detection data;

9 “(G) creates standards for allowing ocean
10 users to contribute data to the monitoring sys-
11 tem using comparable near real-time monitoring
12 methods and technologies; and

13 “(H) communicates the risks of injury to
14 large whales to ocean users in a way that is
15 most likely to result in informed decision mak-
16 ing regarding the mitigation of those risks.

17 “(2) NATIONAL SECURITY CONSIDERATIONS.—
18 All monitoring methods, technologies, and protocols
19 under this section shall be consistent with national
20 security considerations and interests.

21 “(3) ACCESS TO DATA.—The Administrator
22 shall provide access to data generated by the moni-
23 toring system deployed under paragraph (1) for pur-
24 poses of scientific research and evaluation, and pub-
25 lic awareness and education, including through the

1 NOAA Right Whale Sighting Advisory System and
2 WhaleMap or other successive public web portals,
3 subject to review for national security consider-
4 ations.

5 “(d) MITIGATION PROTOCOLS.—The Administrator,
6 in consultation with the Commandant, and with input
7 from affected stakeholders, develop and deploy mitigation
8 protocols that make use of the near real-time monitoring
9 system deployed under subsection (c) to direct sector-spe-
10 cific mitigation measures that avoid and significantly re-
11 duce risk of serious injury and mortality to North Atlantic
12 right whales.

13 “(e) REPORTING.—

14 “(1) PRELIMINARY REPORT.—Not later than 2
15 years after the date of the enactment of the Don
16 Young Coast Guard Authorization Act of 2022, the
17 Administrator, in consultation with the Com-
18 mandant, shall submit to the appropriate Congres-
19 sional Committees and make available to the public
20 a preliminary report which shall include—

21 “(A) a description of the monitoring meth-
22 ods and technology in use or planned for de-
23 ployment;

24 “(B) analyses of the efficacy of the meth-
25 ods and technology in use or planned for de-

1 ployment for detecting North Atlantic right
2 whales;

3 “(C) how the monitoring system is directly
4 informing and improving North American right
5 whale management, health, and survival;

6 “(D) a prioritized identification of tech-
7 nology or research gaps;

8 “(E) a plan to communicate the risks of
9 injury to large whales to ocean users in a way
10 that is most likely to result in informed decision
11 making regarding the mitigation of those risks;
12 and

13 “(F) additional information, as appro-
14 priate.

15 “(2) FINAL REPORT.—Not later than 6 years
16 after the date of the enactment of the Don Young
17 Coast Guard Authorization Act of 2022, the Admin-
18 istrator, in consultation with the Commandant, shall
19 submit to the appropriate congressional committees
20 and make available to the public a final report, ad-
21 dressing the components in subparagraph (A) and
22 including—

23 “(A) an assessment of the benefits and ef-
24 ficacy of the near real-time monitoring and
25 mitigation program;

1 “(B) a strategic plan to expand the pilot
2 program to provide near real-time monitoring
3 and mitigation measures;

4 “(i) to additional large whale species
5 of concern for which such measures would
6 reduce risk of serious injury or death; and

7 “(ii) in important feeding, breeding,
8 calving, rearing, or migratory habitats of
9 whales that co-occur with areas of high
10 risk of mortality or serious injury of such
11 whales from vessel strikes or disturbance;

12 “(C) a prioritized plan for acquisition, de-
13 ployment, and maintenance of monitoring tech-
14 nologies;

15 “(D) the locations or species for which the
16 plan would apply; and

17 “(E) a budget and description of funds
18 necessary to carry out the strategic plan.

19 “(f) ADDITIONAL AUTHORITY.—The Administrator
20 may make grants enter into contracts, leases, or coopera-
21 tive agreements as may be necessary to carry out the pur-
22 poses of this section on such terms as the Administrator
23 considers appropriate, consistent with Federal acquisition
24 regulations.

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Administrator to
3 carry out this section \$17,000,000 for each of fiscal years
4 2022 through 2026.

5 “(h) DEFINITIONS.—In this section and section
6 50701:

7 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term ‘appropriate congressional com-
9 mittees’ means the Committee Transportation and
10 Infrastructure of the House of Representatives and
11 the Committee on Commerce, Science, and Trans-
12 portation of the Senate.

13 “(2) CORE FORAGING HABITATS.—The term
14 ‘core foraging habitats’ means areas with biological
15 and physical oceanographic features that aggregate
16 Calanus finmarchicus and where North Atlantic
17 right whales foraging aggregations have been well
18 documented.

19 “(3) NEAR REAL-TIME.—The term ‘near real-
20 time’ means detected activity that is visual, acoustic,
21 or in any other form, of North Atlantic right whales
22 that are transmitted and reported as soon as tech-
23 nically feasible after such detected activity has oc-
24 curred.

1 “(4) LARGE WHALE.—The term ‘large whale’
2 means all Mysticeti species and species within the
3 genera *Physeter* and *Orcinus*.”.

4 (2) CLERICAL AMENDMENT.—The table of
5 chapters for subtitle V of title 46, United States
6 Code is amended by adding after the item related to
7 chapter 505 the following:

“507. Monitoring and Mitigation50701”.

8 **SEC. 518. MANNING AND CREWING REQUIREMENTS FOR**
9 **CERTAIN VESSELS, VEHICLES, AND STRUC-**
10 **TURES.**

11 (a) AUTHORIZATION OF LIMITED EXEMPTIONS
12 FROM MANNING AND CREW REQUIREMENT.—Chapter 81
13 of title 46, United States Code, is amended by adding at
14 the end the following:

15 **“§ 8108. Exemptions from manning and crew require-**
16 **ments**

17 “(a) IN GENERAL.—The Secretary may provide an
18 exemption described in subsection (b) to the owner or op-
19 erator of a covered facility if each individual who is man-
20 ning or crewing the covered facility is—

21 “(1) a citizen of the United States;

22 “(2) an alien lawfully admitted to the United
23 States for permanent residence; or

24 “(3) a citizen of the nation under the laws of
25 which the vessel is documented.

1 “(b) REQUIREMENTS FOR ELIGIBILITY FOR EXEMP-
2 TION.—An exemption under this subsection is an exemp-
3 tion from the regulations established pursuant to section
4 30(a)(3) of the Outer Continental Shelf Lands Act (43
5 U.S.C. 1356(a)(3)).

6 “(c) LIMITATIONS.—An exemption under this sec-
7 tion—

8 “(1) shall provide that the number of individ-
9 uals manning or crewing the covered facility who are
10 described in paragraphs (2) and (3) of subsection
11 (a) may not exceed two and one- half times the
12 number of individuals required to man or crew the
13 covered facility under the laws of the nation under
14 the laws of which the covered facility is documented;
15 and

16 “(2) shall be effective for not more than 12
17 months, but may be renewed by application to and
18 approval by the Secretary.

19 “(d) APPLICATION.—To be eligible for an exemption
20 or a renewal of an exemption under this section, the owner
21 or operator of a covered facility shall apply to the Sec-
22 retary with an application that includes a sworn statement
23 by the applicant of all information required for the
24 issuance of the exemption.

25 “(e) REVOCATION.—

1 “(1) IN GENERAL.—The Secretary—

2 “(A) may revoke an exemption for a cov-
3 ered facility under this section if the Secretary
4 determines that information provided in the ap-
5 plication for the exemption was false or incom-
6 plete, or is no longer true or complete; and

7 “(B) shall immediately revoke such an ex-
8 emption if the Secretary determines that the
9 covered facility, in the effective period of the ex-
10 emption, was manned or crewed in a manner
11 not authorized by the exemption.

12 “(2) NOTICE REQUIRED.—The Secretary shall
13 provides notice of a determination under subpara-
14 graph (A) or (B) of paragraph (1) to the owner or
15 operator of the covered facility.

16 “(f) REVIEW OF COMPLIANCE.—The Secretary shall
17 periodically, but not less than once annually, inspect each
18 covered facility that operates under an exemption under
19 this section to verify the owner or operator of the covered
20 facility’s compliance with the exemption. During an in-
21 spection under this subsection, the Secretary shall require
22 all crew members serving under the exemption to hold a
23 valid transportation security card issued under section
24 70105.

1 “(g) PENALTY.—In addition to revocation under sub-
2 section (e), the Secretary may impose on the owner or op-
3 erator of a covered facility a civil penalty of \$10,000 per
4 day for each day the covered facility—

5 “(1) is manned or crewed in violation of an ex-
6 emption under this subsection; or

7 “(2) operated under an exemption under this
8 subsection that the Secretary determines was not
9 validly obtained.

10 “(h) NOTIFICATION OF SECRETARY OF STATE.—The
11 Secretary shall notify the Secretary of State of each ex-
12 emption issued under this section, including the effective
13 period of the exemption.

14 “(i) DEFINITIONS.—In this section:

15 “(1) COVERED FACILITY.—The term ‘covered
16 facility’ means any vessel, rig, platform, or other ve-
17 hicle or structure, over 50 percent of which is owned
18 by citizens of a foreign nation or with respect to
19 which the citizens of a foreign nation have the right
20 effectively to control, except to the extent and to the
21 degree that the President determines that the gov-
22 ernment of such foreign nation or any of its political
23 subdivisions has implemented, by statute, regulation,
24 policy, or practice, a national manning requirement
25 for equipment engaged in the exploring for, devel-

1 oping, or producing resources, including non-mineral
2 energy resources in its offshore areas.

3 “(2) SECRETARY.—The term ‘Secretary’ means
4 the Secretary of the department in which the Coast
5 Guard is operating.”.

6 (b) ANNUAL REPORT.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this Act, and annually
9 thereafter, the Secretary shall submit to Congress a
10 report containing information on each letter of non-
11 applicability of section 8109 of title 46, United
12 States Code, with respect to a covered facility that
13 was issued by the Secretary during the preceding
14 year.

15 (2) CONTENTS.—The report under paragraph
16 (1) shall include, for each covered facility—

17 (A) the name and International Maritime
18 Organization number;

19 (B) the nation in which the covered facility
20 is documented;

21 (C) the nationality of owner or owners; and

22 (D) for any covered facility that was pre-
23 viously issued a letter of nonapplicability in a
24 prior year, any changes in the information de-
25 scribed in subparagraphs (A) through (C).

1 (c) REGULATIONS.—Not later than 90 days after the
2 date of the enactment of this Act, the Secretary shall pro-
3 mulgate regulations that specify the documentary and
4 other requirements for the issuance of an exemption under
5 the amendment made by this section.

6 (d) EXISTING EXEMPTIONS.—

7 (1) EFFECT OF AMENDMENTS; TERMIN-
8 NATION.—Each exemption under section 30(c)(2) of
9 the Outer Continental Shelf Lands Act (43 U.S.C.
10 1356(c)(2)) issued before the date of the enactment
11 of this Act—

12 (A) shall not be affected by the amend-
13 ments made by this section during the 120-day
14 period beginning on the date of the enactment
15 of this Act; and

16 (B) shall not be effective after such period.

17 (2) NOTIFICATION OF HOLDERS.—Not later
18 than 60 days after the date of the enactment of this
19 Act, the Secretary shall notify all persons that hold
20 such an exemption that it will expire as provided in
21 paragraph (1).

22 (e) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 81 of the title 46, United States Code, is amended
24 by adding at the end the following:

“8108. Exemptions from manning and crew requirements.”.

1 **TITLE VI—SEXUAL ASSAULT AND**
2 **SEXUAL HARASSMENT PRE-**
3 **VENTION AND RESPONSE**

4 **SEC. 601. DEFINITIONS.**

5 (a) IN GENERAL.—Section 2101 of title 46, United
6 States Code, is amended—

7 (1) by redesignating paragraphs (45) through
8 (54) as paragraphs (47) through (56), respectively;
9 and

10 (2) by inserting after paragraph (44) the fol-
11 lowing:

12 “(45) ‘sexual assault’ means any form of abuse
13 or contact as defined in chapter 109A of title 18, or
14 a substantially similar State, local, or Tribal offense.

15 “(46) ‘sexual harassment’ means—

16 “(A) conduct that—

17 “(i) involves unwelcome sexual ad-
18 vances, requests for sexual favors, or delib-
19 erate or repeated offensive comments or
20 gestures of a sexual nature if any—

21 “(I) submission to such conduct
22 is made either explicitly or implicitly a
23 term or condition of employment, pay,
24 career, benefits, or entitlements of the
25 individual;

1 “(II) submission to, or rejection,
2 of such conduct by an individual is
3 used as a basis for decisions affecting
4 that individual’s job, pay, career, ben-
5 efits, or entitlements;

6 “(III) such conduct has the pur-
7 pose or effect of unreasonably inter-
8 fering with an individual’s work per-
9 formance or creates an intimidating,
10 hostile, or offensive work environment;
11 or

12 “(IV) conduct may have been by
13 an individual’s supervisor, a super-
14 visor in another area, a co-worker, or
15 another credentialed mariner; and

16 “(ii) is so severe or pervasive that a
17 reasonable person would perceive, and the
18 victim does perceive, the environment as
19 hostile or offensive;

20 “(B) any use or condonation associated
21 with first-hand or personal knowledge, by any
22 individual in a supervisory or command posi-
23 tion, of any form of sexual behavior to control,
24 influence, or affect the career, pay, benefits, en-
25 titlements, or employment of a subordinate; and

1 “(C) any deliberate or repeated unwelcome
2 verbal comment or gesture of a sexual nature
3 by any fellow employee of the complainant.”.

4 (b) REPORT.—The Commandant of the Coast Guard
5 shall submit to the Committee on Transportation and In-
6 frastructure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate a report describing any changes the Commandant
9 may propose to the definitions added by the amendments
10 in subsection (a).

11 **SEC. 602. CONVICTED SEX OFFENDER AS GROUNDS FOR**
12 **DENIAL.**

13 (a) IN GENERAL.—Chapter 75 of title 46, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 **“§ 7511. Convicted sex offender as grounds for denial**

17 “(a) SEXUAL ABUSE.—A license, certificate of reg-
18 istry, or merchant mariner’s document authorized to be
19 issued under this part shall be denied to an individual who
20 has been convicted of a sexual offense prohibited under
21 chapter 109A of title 18, except for subsection (b) of sec-
22 tion 2244 of title 18, or a substantially similar State, local,
23 or Tribal offense.

24 “(b) ABUSIVE SEXUAL CONTACT.—A license, certifi-
25 cate of registry, or merchant mariner’s document author-

“7511. Convicted sex offender as grounds for denial.”.

(a) IN GENERAL.—Chapter 77 of title 46, United States Code, is amended by inserting after section 7704 the following:

18 “(a) SEXUAL HARASSMENT.—If it is shown at a
19 hearing under this chapter that a holder of a license, cer-
20 tificate of registry, or merchant mariner’s document
21 issued under this part, within 5 years before the beginning
22 of the suspension and revocation proceedings, is the sub-
23 ject of an official finding of sexual harassment, then the
24 license, certificate of registry, or merchant mariner’s docu-
25 ment may be suspended or revoked.

1 “(b) SEXUAL ASSAULT.—If it is shown at a hearing
2 under this chapter that a holder of a license, certificate
3 of registry, or merchant mariner’s document issued under
4 this part, within 10 years before the beginning of the sus-
5 pension and revocation proceedings, is the subject of an
6 official finding of sexual assault, then the license, certifi-
7 cate of registry, or merchant mariner’s document shall be
8 revoked.

9 “(c) OFFICIAL FINDING.—

10 “(1) IN GENERAL.—In this section, the term
11 ‘official finding’ means—

12 “(A) a legal proceeding or agency finding
13 or decision that determines the individual com-
14 mitted sexual harassment or sexual assault in
15 violation of any Federal, State, local, or Tribal
16 law or regulation; or

17 “(B) a determination after an investigation
18 by the Coast Guard that, by a preponderance of
19 the evidence, the individual committed sexual
20 harassment or sexual assault if the investiga-
21 tion affords appropriate due process rights to
22 the subject of the investigation.

23 “(2) INVESTIGATION BY THE COAST GUARD.—

24 An investigation by the Coast Guard under para-
25 graph (1)(B) shall include, at a minimum, evalua-

1 tion of the following materials that, upon request,
2 shall be provided to the Coast Guard:

3 “(A) Any inquiry or determination made
4 by the employer or former employer of the indi-
5 vidual as to whether the individual committed
6 sexual harassment or sexual assault.

7 “(B) Any investigative materials, docu-
8 ments, records, or files in the possession of an
9 employer or former employer of the individual
10 that are related to the claim of sexual harass-
11 ment or sexual assault by the individual.

12 “(3) ADMINISTRATIVE LAW JUDGE REVIEW.—

13 “(A) COAST GUARD INVESTIGATION.—A
14 determination under paragraph (1)(B) shall be
15 reviewed and affirmed by an administrative law
16 judge within the same proceeding as any sus-
17 pension or revocation of a license, certificate of
18 registry, or merchant mariner’s document under
19 subsection (a) or (b).

20 “(B) LEGAL PROCEEDING.—A determina-
21 tion under paragraph (1)(A) that an individual
22 committed sexual harassment or sexual assault
23 is conclusive in suspension and revocation pro-
24 ceedings.”.

1 (b) CLERICAL AMENDMENT.—The chapter analysis
 2 of chapter 77 of title 46, United States Code, is amended
 3 by inserting after the item relating to section 7704 the
 4 following:

“7704a. Sexual harassment or sexual assault as grounds for suspension or revocation.”.

5 **SEC. 604. ACCOMMODATION; NOTICES.**

6 Section 11101 of title 46, United States Code, is
 7 amended—

8 (1) in subsection (a)(3), by striking “and” at
 9 the end;

10 (2) in subsection (a)(4), by striking the period
 11 at the end and inserting “; and”;

12 (3) in subsection (a), by adding at the end the
 13 following:

14 “(5) each crew berthing area shall be equipped
 15 with information regarding—

16 “(A) vessel owner or company policies pro-
 17 hibiting sexual assault and sexual harassment,
 18 retaliation, and drug and alcohol usage; and

19 “(B) procedures and resources to report
 20 crimes, including sexual assault and sexual har-
 21 assment, including information—

22 “(i) on the contact information,
 23 website address, and mobile application to
 24 the Coast Guard Investigative Services for

1 reporting of crimes and the Coast Guard
2 National Command Center;

3 “(ii) on vessel owner or company pro-
4 cedures to report violations of company
5 policy and access resources;

6 “(iii) on resources provided by outside
7 organizations such as sexual assault hot-
8 lines and counseling;

9 “(iv) on the retention period for sur-
10 veillance video recording after an incident
11 of sexual harassment or sexual assault is
12 reported; and

13 “(v) additional items specified in reg-
14 ulations issued by, and at the discretion of,
15 the Secretary of the department in which
16 the Coast Guard is operating.”; and

17 (4) in subsection (d), by adding at the end the
18 following: “In each washing space in a visible loca-
19 tion there shall be information regarding procedures
20 and resources to report crimes upon the vessel, in-
21 cluding sexual assault and sexual harassment, and
22 vessel owner or company policies prohibiting sexual
23 assault and sexual harassment, retaliation, and drug
24 and alcohol usage.”.

1 **SEC. 605. PROTECTION AGAINST DISCRIMINATION.**

2 Section 2114(a)(1) of title 46, United States Code,
3 is amended—

4 (1) by redesignating subparagraphs (B)
5 through (G) as subparagraphs (C) through (H), re-
6 spectively; and

7 (2) by inserting after subparagraph (A) the fol-
8 lowing:

9 “(B) the seaman in good faith has reported or
10 is about to report to the vessel owner, Coast Guard
11 or other appropriate Federal agency or department
12 sexual harassment or sexual assault against the sea-
13 man or knowledge of sexual harassment or sexual
14 assault against another seaman;”.

15 **SEC. 606. ALCOHOL PROHIBITION.**

16 (a) REGULATIONS.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this Act, the Secretary of
19 the department in which the Coast Guard is oper-
20 ating shall, taking into account the safety and secu-
21 rity of every individual on documented vessels, issue
22 such regulations as are necessary relating to alcohol
23 consumption on documented vessels, according to
24 the following requirements:

25 (A) The Secretary shall determine safe lev-
26 els of alcohol consumption by crewmembers

1 aboard documented vessels engaged in commer-
2 cial service.

3 (B) If the Secretary determines there is no
4 alcohol policy that can be implemented to en-
5 sure a safe environment for crew and pas-
6 sengers, the Secretary shall implement a prohi-
7 bition on possession and consumption of alcohol
8 by crewmembers while aboard a vessel, except
9 when possession is associated with the commer-
10 cial sale or gift to non-crew members aboard
11 the vessel.

12 (C) To the extent a policy establishes safe
13 levels of alcohol consumption in accordance with
14 subparagraph (A), such policy shall not super-
15 sede a vessel owner's discretion to further limit
16 or prohibit alcohol on its vessels.

17 (2) IMMUNITY FROM CIVIL LIABILITY.—Any
18 crewmember who reports an incident of sexual as-
19 sault or sexual harassment that is directly related to
20 a violation of the regulations issued under paragraph
21 (1) is immune from civil liability for any related vio-
22 lation of such regulations.

1 **SEC. 607. SURVEILLANCE REQUIREMENTS.**

2 (a) IN GENERAL.—Part B of subtitle II of title 46,
3 United States Code, is amended by adding at the end the
4 following:

5 **“CHAPTER 49—OCEANGOING NON-**
6 **PASSENGER COMMERCIAL VESSELS**

“Sec.

“4901. Surveillance requirements.

7 **“§ 4901. Surveillance requirements**

8 “(a) IN GENERAL.—A vessel engaged in commercial
9 service that does not carry passengers, shall maintain a
10 video surveillance system.

11 “(b) APPLICABILITY.—The requirements in this sec-
12 tion shall apply to—

13 “(1) documented vessels with overnight accom-
14 modations for at least 10 persons on board—

15 “(A) is on a voyage of at least 600 miles
16 and crosses seaward of the Boundary Line; or

17 “(B) is at least 24 meters (79 feet) in
18 overall length and required to have a load line
19 under chapter 51;

20 “(2) documented vessels of at least 500 gross
21 tons as measured under section 14502, or an alter-
22 nate tonnage measured under section 14302 as pre-
23 scribed by the Secretary under section 14104 on an
24 international voyage; and

1 “(3) vessels with overnight accommodations for
2 at least 10 persons on board that are operating for
3 no less than 72 hours on waters superjacent to the
4 Outer Continental Shelf.

5 “(c) PLACEMENT OF VIDEO AND AUDIO SURVEIL-
6 LANCE EQUIPMENT.—

7 “(1) IN GENERAL.—The owner of a vessel to
8 which this section applies shall install video and
9 audio surveillance equipment aboard the vessel not
10 later than 2 years after enactment of the Don
11 Young Coast Guard Authorization Act of 2022, or
12 during the next scheduled drydock, whichever is
13 later.

14 “(2) LOCATIONS.—Video and audio surveillance
15 equipment shall be placed in passageways on to
16 which doors from staterooms open. Such equipment
17 shall be placed in a manner ensuring the visibility of
18 every door in each such passageway.

19 “(d) NOTICE OF VIDEO AND AUDIO SURVEIL-
20 LANCE.—The owner of a vessel to which this section ap-
21 plies shall provide clear and conspicuous signs on board
22 the vessel notifying the crew of the presence of video and
23 audio surveillance equipment.

24 “(e) ACCESS TO VIDEO AND AUDIO RECORDS.—

1 “(1) IN GENERAL.—The owner of a vessel to
2 which this section applies shall provide to any Fed-
3 eral, state, or other law enforcement official per-
4 forming official duties in the course and scope of a
5 criminal or marine safety investigation, upon re-
6 quest, a copy of all records of video and audio sur-
7 veillance that the official believes is relevant to the
8 investigation.

9 “(2) CIVIL ACTIONS.—Except as proscribed by
10 law enforcement authorities or court order, the
11 owner of a vessel to which this section applies shall,
12 upon written request, provide to any individual or
13 the individual’s legal representative a copy of all
14 records of video and audio surveillance—

15 “(A) in which the individual is a subject of
16 the video and audio surveillance;

17 “(B) the request is in conjunction with a
18 legal proceeding or investigation; and

19 “(C) that may provide evidence of any sex-
20 ual harassment or sexual assault incident in a
21 civil action.

22 “(3) LIMITED ACCESS.—The owner of a vessel
23 to which this section applies shall ensure that access
24 to records of video and audio surveillance is limited
25 to the purposes described in this paragraph and not

1 used as part of a labor action against a crew mem-
2 ber or employment dispute unless used in a criminal
3 or civil action.

4 “(f) RETENTION REQUIREMENTS.—The owner of a
5 vessel to which this section applies shall retain all records
6 of audio and video surveillance for not less than 150 days
7 after the footage is obtained. Any video and audio surveil-
8 lance found to be associated with an alleged incident
9 should be preserved for not less than 4 years from the
10 date of the alleged incident. The Federal Bureau of Inves-
11 tigation and the Coast Guard are authorized access to all
12 records of video and audio surveillance relevant to an in-
13 vestigation into criminal conduct.

14 “(g) DEFINITION.—In this section, the term ‘owner’
15 means the owner, charterer, managing operator, master,
16 or other individual in charge of a vessel.

17 “(h) EXEMPTION.—Fishing vessels, fish processing
18 vessels, and fish tender vessels are exempt from this sec-
19 tion.”.

20 (b) CLERICAL AMENDMENT.—The table of chapters
21 for subtitle II of title 46, United States Code, is amended
22 by adding after the item related to chapter 47 the fol-
23 lowing:

“49. Oceangoing Non-Passenger Commercial Vessels 4901”.

1 **SEC. 608. MASTER KEY CONTROL.**

2 (a) IN GENERAL.—Chapter 31 of title 46, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 3106. Master key control system**

6 “(a) IN GENERAL.—The owner of a vessel subject to
7 inspection under section 3301 shall—

8 “(1) ensure that such vessel is equipped with a
9 vessel master key control system, manual or elec-
10 tronic, which provides controlled access to all copies
11 of the vessel’s master key of which access shall only
12 be available to the individuals described in para-
13 graph (2);

14 “(2) establish a list of all crew, identified by po-
15 sition, allowed to access and use the master key and
16 maintain such list upon the vessel, within owner
17 records and included in the vessel safety manage-
18 ment system;

19 “(3) record in a log book information on all ac-
20 cess and use of the vessel’s master key, including—

21 “(A) dates and times of access;

22 “(B) the room or location accessed; and

23 “(C) the name and rank of the crew mem-
24 ber that used the master key; and

25 “(4) make the list under paragraph (2) and the
26 log book under paragraph (3) available upon request

1 to any agent of the Federal Bureau of Investigation,
2 any member of the Coast Guard, and any law en-
3 forcement officer performing official duties in the
4 course and scope of an investigation.

5 “(b) PROHIBITED USE.—Crew not included on the
6 list described in subsection (a)(2) shall not have access
7 to or use the master key unless in an emergency and shall
8 immediately notify the master and owner of the vessel fol-
9 lowing use of such key.

10 “(c) REQUIREMENTS FOR LOG BOOK.—The log book
11 described in subsection (a)(3) and required to be included
12 in a safety management system under section
13 3203(a)(6)—

14 “(1) may be electronic; and

15 “(2) shall be located in a centralized location
16 that is readily accessible to law enforcement per-
17 sonnel.

18 “(d) PENALTY.—Any crew member who uses the
19 master key without having been granted access pursuant
20 to subsection (a)(2) shall be liable to the United States
21 Government for a civil penalty of not more than \$1,000
22 and may be subject to suspension or revocation under sec-
23 tion 7703.

24 “(e) EXEMPTION.—This section shall not apply to
25 vessels subject to section 3507(f).”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 31 of title 46, United States Code, is amended by add-
3 ing at the end the following:

“3106. Master key control system.”.

4 **SEC. 609. SAFETY MANAGEMENT SYSTEMS.**

5 Section 3203 of title 46, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) by redesignating paragraphs (5) and
9 (6) as paragraphs (7) and (8); and

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

12 “(5) with respect to sexual harassment and sex-
13 ual assault, procedures for, and annual training re-
14 quirements for all shipboard personnel on—

15 “(A) prevention;

16 “(B) bystander intervention;

17 “(C) reporting;

18 “(D) response; and

19 “(E) investigation;

20 “(6) the log book required under section
21 3106;”;

22 (2) by redesignating subsections (b) and (c) as
23 subsections (c) and (d), respectively; and

24 (3) by inserting after subsection (a) the fol-
25 lowing:

1 “(b) PROCEDURES AND TRAINING REQUIRE-
2 MENTS.—In prescribing regulations for the procedures
3 and training requirements described in subsection (a)(5),
4 such procedures and requirements shall be consistent with
5 the requirements to report sexual harassment or sexual
6 assault under section 10104.”.

7 **SEC. 610. REQUIREMENT TO REPORT SEXUAL ASSAULT**
8 **AND HARASSMENT.**

9 Section 10104 of title 46, United States Code, is
10 amended by striking subsections (a) and (b) and inserting
11 the following:

12 “(a) MANDATORY REPORTING BY CREW MEMBER.—

13 “(1) IN GENERAL.—A crew member of a docu-
14 mented vessel shall report to the Secretary any com-
15 plaint or incident of sexual harassment or sexual as-
16 sault of which the crewmember has first-hand or
17 personal knowledge.

18 “(2) PENALTY.—A crew member with first-
19 hand or personal knowledge of a sexual assault or
20 sexual harassment incident on a documented vessel
21 who knowingly fails to report in compliance with
22 paragraph (a)(1) is liable to the United States Gov-
23 ernment for a civil penalty of not more than \$5,000.

24 “(3) AMNESTY.—A crew member who fails to
25 make the required reporting under paragraph (1)

1 shall not be subject to the penalty described in para-
2 graph (2) if—

3 “(A) the crew member is the victim of such
4 sexual assault or sexual harassment incident;

5 “(B) the complaint is shared in confidence
6 with the crew member directly from the victim;
7 or

8 “(C) the crew member is a victim advocate
9 as defined in section 40002(a) of the Violent
10 Crime Control and Law Enforcement Act of
11 1994 (34 U.S.C. 12291(a)).

12 “(b) MANDATORY REPORTING BY VESSEL OWNER.—

13 “(1) IN GENERAL.—A vessel owner or man-
14 aging operator of a documented vessel or the em-
15 ployer of a seafarer on that vessel shall report to the
16 Secretary any complaint or incident of harassment,
17 sexual harassment, or sexual assault in violation of
18 employer policy or law, of which such vessel owner
19 or managing operator of a vessel engaged in com-
20 mercial service, or the employer of the seafarer is
21 made aware. Such reporting shall include results of
22 any investigation into the incident, if applicable, and
23 any action taken against the offending crewmember.

24 “(2) PENALTY.—A vessel owner or managing
25 operator of a vessel engaged in commercial service,

1 or the employer of a seafarer on that vessel who
2 knowingly fails to report in compliance with para-
3 graph (1) is liable to the United States Government
4 for a civil penalty of not more than \$25,000.

5 “(c) REPORTING PROCEDURES.—

6 “(1) CREW MEMBER REPORTING.—A report re-
7 quired under subsection (a)—

8 “(A) with respect to a crew member, shall
9 be made as soon as practicable, but no later
10 than 10 days after the crew member develops
11 first-hand or personal knowledge of the sexual
12 assault or sexual harassment incident to the
13 Coast Guard National Command Center by the
14 fastest telecommunication channel available;
15 and

16 “(B) with respect to a master, shall be
17 made immediately after the master develops
18 first-hand or personal knowledge of a sexual as-
19 sault incident to the Coast Guard National
20 Command Center by the fastest telecommuni-
21 cation channel available.

22 “(2) VESSEL OWNER REPORTING.—A report re-
23 quired under subsection (b) shall be made imme-
24 diately after the vessel owner, managing operator, or
25 employer of the seafarer gains knowledge of a sexual

1 assault or sexual harassment incident by the fastest
2 telecommunication channel available, and such re-
3 port shall be made to the Coast Guard National
4 Command Center and to—

5 “(A) the nearest Coast Guard Captain of
6 the Port; or

7 “(B) the appropriate officer or agency of
8 the government of the country in whose waters
9 the incident occurs.

10 “(3) CONTENTS.—A report required under sub-
11 sections (a) and (b) shall include, to the best of the
12 reporter’s knowledge—

13 “(A) the name, official position or role in
14 relation to the vessel, and contact information
15 of the individual making the report;

16 “(B) the name and official number of the
17 documented vessel;

18 “(C) the time and date of the incident;

19 “(D) the geographic position or location of
20 the vessel when the incident occurred; and

21 “(E) a brief description of the alleged sex-
22 ual harassment or sexual assault being re-
23 ported.

24 “(4) INFORMATION COLLECTION.—After receipt
25 of the report made under this subsection, the Coast

1 Guard will collect information related to the identity
2 of each alleged victim, alleged perpetrator, and wit-
3 ness through means designed to protect, to the ex-
4 tent practicable, the personal identifiable informa-
5 tion of such individuals.

6 “(d) REGULATIONS.—The requirements of this sec-
7 tion are effective as of the date of enactment of the Don-
8 Young Coast Guard Authorization Act of 2022. The Sec-
9 retary may issue additional regulations to implement the
10 requirements of this section.”.

11 **SEC. 611. CIVIL ACTIONS FOR PERSONAL INJURY OR**
12 **DEATH OF SEAMEN.**

13 (a) PERSONAL INJURY TO OR DEATH OF SEAMEN.—
14 Section 30104(a) of title 46, United States Code, as so
15 designated by section 505(a)(1), is amended by inserting
16 “, including an injury resulting from sexual assault or sex-
17 ual harassment,” after “in the course of employment”.

18 (b) TIME LIMIT ON BRINGING MARITIME ACTION.—
19 Section 30106 of title 46, United States Code, is amend-
20 ed—

21 (1) in the section heading by striking “**for**
22 **personal injury or death**”;

23 (2) by striking “Except as otherwise” and in-
24 serting the following:

25 “(a) IN GENERAL.—Except as otherwise”; and

1 (3) by adding at the end the following:

2 “(b) **EXTENSION FOR SEXUAL OFFENSE.**—A civil ac-
3 tion under subsection (a) arising out of a maritime tort
4 for a claim of sexual harassment or sexual assault shall
5 be brought not more than 5 years after the cause of action
6 for a claim of sexual harassment or sexual assault arose.”.

7 (c) **CLERICAL AMENDMENT.**—The analysis for chap-
8 ter 301 of title 46, United States Code, is amended by
9 striking the item related to section 30106 and inserting
10 the following:

“30106. Time limit on bringing maritime action.”.

11 **SEC. 612. ADMINISTRATION OF SEXUAL ASSAULT FORENSIC**
12 **EXAMINATION KITS.**

13 (a) **IN GENERAL.**—Chapter 5 of title 14, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 **“§ 564. Administration of sexual assault forensic ex-**
17 **amination kits**

18 “(a) **REQUIREMENT.**—A Coast Guard vessel that em-
19 barks on a covered voyage shall be—

20 “(1) equipped with no less than 2 sexual as-
21 sault and forensic examination kits; and

22 “(2) staffed with at least 1 medical professional
23 qualified and trained to administer such kits.

24 “(b) **COVERED VOYAGE DEFINED.**—In this section,
25 the term ‘covered voyage’ means a prescheduled voyage

1 of a Coast Guard vessel that, at any point during such
2 voyage—

3 “(1) would require the vessel to travel 5 con-
4 secutive days or longer at 20 knots per hour to
5 reach a land-based or afloat medical facility; and

6 “(2) aeromedical evacuation will be unavailable
7 during the travel period referenced in paragraph
8 (1).”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 for chapter 5 of title 14, United States Code, is amended
11 by adding at the end the following:

“564. Administration of sexual assault forensic examination kits.”.

12 **TITLE VII—TECHNICAL AND** 13 **CONFORMING PROVISIONS**

14 **SEC. 701. TECHNICAL CORRECTIONS.**

15 (a) Section 319(b) of title 14, United States Code,
16 is amended by striking “section 331 of the FAA Mod-
17 ernization and Reform Act of 2012 (49 U.S.C. 40101
18 note)” and inserting “section 44801 of title 49”.

19 (b) Section 1156(c) of title 14, United States Code,
20 is amended by striking “section 331 of the FAA Mod-
21 ernization and Reform Act of 2012 (49 U.S.C. 40101
22 note)” and inserting “section 44801 of title 49”.

1 **SEC. 702. TRANSPORTATION WORKER IDENTIFICATION**
2 **CREDENTIAL TECHNICAL AMENDMENTS.**

3 (a) IN GENERAL.—Section 70105 of title 46, United
4 States Code, is amended—

5 (1) in the section heading by striking “**secu-**
6 **urity cards**” and inserting “**worker identifica-**
7 **tion credentials**”;

8 (2) by striking “transportation security card”
9 each place it appears and inserting “transportation
10 worker identification credential”;

11 (3) by striking “transportation security cards”
12 each place it appears and inserting “transportation
13 worker identification credentials”;

14 (4) by striking “card” each place it appears
15 and inserting “credential”

16 (5) in the heading for subsection (b) by striking
17 “CARDS” and inserting “CREDENTIALS”;

18 (6) in subsection (g), by striking “Assistant
19 Secretary of Homeland Security for” and inserting
20 “Administrator of”;

21 (7) by striking subsection (i) and redesignating
22 subsections (j) and (k) as subsections (i) and (j), re-
23 spectively;

24 (8) by striking subsection (l) and redesignating
25 subsections (m) through (q) as subsections (k)
26 through (o), respectively;

1 (9) in subsection (j), as so redesignated—

2 (A) in the subsection heading by striking
3 “SECURITY CARD” and inserting “WORKER
4 IDENTIFICATION CREDENTIAL”; and

5 (B) in the heading for paragraph (2) by
6 striking “SECURITY CARDS” and inserting
7 “WORKER IDENTIFICATION CREDENTIAL”;

8 (10) in subsection (k)(1), as so redesignated, by
9 striking “subsection (k)(3)” and inserting “sub-
10 section (j)(3)”; and

11 (11) in subsection (o), as so redesignated—

12 (A) in the subsection heading by striking
13 “SECURITY CARD” and inserting “WORKER
14 IDENTIFICATION CREDENTIAL”;

15 (B) in paragraph (1)—

16 (i) by striking “subsection (k)(3)” and
17 inserting “subsection (j)(3)”; and

18 (ii) by striking “This plan shall” and
19 inserting “Such receipt and activation
20 shall”; and

21 (C) in paragraph (2) by striking “on-site
22 activation capability” and inserting “on-site re-
23 ceipt and activation of transportation worker
24 identification credentials”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 701 of title 46, United States Code, is amended by
3 striking the item related to section 70105 and inserting
4 the following:

“70105. Transportation worker identification credentials.”.

5 **SEC. 703. REINSTATEMENT.**

6 (a) REINSTATEMENT.—The text of section 12(a) of
7 the Act of June 21, 1940 (33 U.S.C. 522(a)), popularly
8 known as the Truman-Hobbs Act, is—

9 (1) reinstated as it appeared on the day before
10 the date of enactment of section 8507(b) of the Wil-
11 liam M. (Mac) Thornberry National Defense Author-
12 ization Act for Fiscal Year 2021 (Public Law 116–
13 283); and

14 (2) redesignated as the sole text of section 12
15 of the Act of June 21, 1940 (33 U.S.C. 522).

16 (b) EFFECTIVE DATE.—The provision reinstated by
17 subsection (a) shall be treated as if such section 8507(b)
18 had never taken effect.

19 (c) CONFORMING AMENDMENT.—The provision rein-
20 stated under subsection (a) is amended by striking “, ex-
21 cept to the extent provided in this section”.

1 **DIVISION H—FINANCIAL**
 2 **TRANSPARENCY**

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Financial Transparency Act of 2022”.

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

DIVISION H—FINANCIAL TRANSPARENCY

Sec. 1. Short title; table of contents.

Sec. 2. Deeming.

TITLE I—DEPARTMENT OF THE TREASURY

Sec. 101. Data standards.

Sec. 102. Open data publication by the Department of the Treasury.

Sec. 103. Rulemaking.

Sec. 104. No new disclosure requirements.

Sec. 105. Report.

TITLE II—SECURITIES AND EXCHANGE COMMISSION

Sec. 201. Data standards requirements for the Securities and Exchange Commission.

Sec. 202. Open data publication by the Securities and Exchange Commission.

Sec. 203. Data transparency at the Municipal Securities Rulemaking Board.

Sec. 204. Data transparency at national securities associations.

Sec. 205. Shorter-term burden reduction and disclosure simplification at the Securities and Exchange Commission; sunset.

Sec. 206. No new disclosure requirements.

TITLE III—FEDERAL DEPOSIT INSURANCE CORPORATION

Sec. 301. Data standards requirements for the Federal Deposit Insurance Corporation.

Sec. 302. Open data publication by the Federal Deposit Insurance Corporation.

Sec. 303. Rulemaking.

Sec. 304. No new disclosure requirements.

TITLE IV—OFFICE OF THE COMPTROLLER OF THE CURRENCY

Sec. 401. Data standards and open data publication requirements for the Office of the Comptroller of the Currency.

Sec. 402. Rulemaking.

Sec. 403. No new disclosure requirements.

TITLE V—BUREAU OF CONSUMER FINANCIAL PROTECTION

- Sec. 501. Data standards and open data publication requirements for the Bureau of Consumer Financial Protection.
- Sec. 502. Rulemaking.
- Sec. 503. No new disclosure requirements.

TITLE VI—FEDERAL RESERVE SYSTEM

- Sec. 601. Data standards requirements for the Board of Governors of the Federal Reserve System.
- Sec. 602. Open data publication by the Board of Governors of the Federal Reserve System.
- Sec. 603. Rulemaking.
- Sec. 604. No new disclosure requirements.

TITLE VII—NATIONAL CREDIT UNION ADMINISTRATION

- Sec. 701. Data standards.
- Sec. 702. Open data publication by the National Credit Union Administration.
- Sec. 703. Rulemaking.
- Sec. 704. No new disclosure requirements.

TITLE VIII—FEDERAL HOUSING FINANCE AGENCY

- Sec. 801. Data standards requirements for the Federal Housing Finance Agency.
- Sec. 802. Open data publication by the Federal Housing Finance Agency.
- Sec. 803. Rulemaking.
- Sec. 804. No new disclosure requirements.

TITLE IX—MISCELLANEOUS

- Sec. 901. Rules of construction.
- Sec. 902. Classified and protected information.
- Sec. 903. Discretionary surplus fund.

1 **SEC. 2. DEEMING.**

2 Any reference in this division to “this Act” shall be
3 deemed a reference to “this division”.

4 **TITLE I—DEPARTMENT OF THE** 5 **TREASURY**

6 **SEC. 101. DATA STANDARDS.**

7 (a) IN GENERAL.—Subtitle A of title I of the Finan-
8 cial Stability Act of 2010 (12 U.S.C. 5311 et seq.) is
9 amended by adding at the end the following:

1 **“SEC. 124. DATA STANDARDS.**

2 “(a) IN GENERAL.—The Secretary of the Treasury
3 shall, by rule, promulgate data standards, meaning a
4 standard that specifies rules by which data is described
5 and recorded, for the information reported to member
6 agencies by financial entities under the jurisdiction of the
7 member agency and the data collected from member agen-
8 cies on behalf of the Council.

9 “(b) STANDARDIZATION.—Member agencies, in con-
10 sultation with the Secretary of the Treasury, shall imple-
11 ment regulations promulgated by the Secretary of the
12 Treasury under subsection (a) to standardize data re-
13 ported to member agencies or collected on behalf of the
14 Council, as described under subsection (a).

15 “(c) DATA STANDARDS.—

16 “(1) COMMON IDENTIFIERS.—The data stand-
17 ards promulgated under subsection (a) shall include
18 common identifiers for information reported to mem-
19 ber agencies or collected on behalf of the Council.
20 The common identifiers shall include a common non-
21 proprietary legal entity identifier that is available
22 under an open license (as defined under section
23 3502 of title 44, United States Code) for all entities
24 required to report to member agencies.

1 “(2) DATA STANDARD.—The data standards
2 promulgated under subsection (a) shall, to the extent
3 practicable—

4 “(A) render data fully searchable and ma-
5 chine-readable (as defined under section 3502
6 of title 44, United States Code);

7 “(B) enable high quality data through
8 schemas, with accompanying metadata (as de-
9 fined under section 3502 of title 44, United
10 States Code) documented in machine-readable
11 taxonomy or ontology models, which clearly de-
12 fine the data’s semantic meaning as defined by
13 the underlying regulatory information collection
14 requirements;

15 “(C) assure that a data element or data
16 asset that exists to satisfy an underlying regu-
17 latory information collection requirement be
18 consistently identified as such in associated ma-
19 chine-readable metadata;

20 “(D) be nonproprietary or made available
21 under an open license;

22 “(E) incorporate standards developed and
23 maintained by voluntary consensus standards
24 bodies; and

1 “(F) use, be consistent with, and imple-
2 ment applicable accounting and reporting prin-
3 ciples.

4 “(3) CONSULTATION.—In promulgating data
5 standards under subsection (a), the Secretary of the
6 Treasury shall consult with the member agencies
7 and with other Federal departments and agencies
8 and multi-agency initiatives responsible for Federal
9 data standards.

10 “(4) INTEROPERABILITY OF DATA.—In promul-
11 gating data standards under subsection (a), the Sec-
12 retary of the Treasury shall seek to promote inter-
13 operability of financial regulatory data across mem-
14 bers of the Council.

15 “(d) MEMBER AGENCIES DEFINED.—In this section,
16 the term ‘member agencies’ does not include the Com-
17 modity Futures Trading Commission.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 under section 1(b) of the Dodd-Frank Wall Street Reform
20 and Consumer Protection Act is amended by inserting
21 after the item relating to section 123 the following:

 “Sec. 124. Data standards.”.

1 **SEC. 102. OPEN DATA PUBLICATION BY THE DEPARTMENT**
2 **OF THE TREASURY.**

3 Section 124 of the Financial Stability Act of 2010,
4 as added by section 101, is amended by adding at the end
5 the following:

6 “(e) OPEN DATA PUBLICATION.—All public informa-
7 tion published by the Secretary of the Treasury under this
8 subtitle shall be made available as an open Government
9 data asset (as defined under section 3502 of title 44,
10 United States Code), freely available for download in bulk,
11 and rendered in a human-readable format and accessible
12 via application programming interface where appro-
13 priate.”.

14 **SEC. 103. RULEMAKING.**

15 Not later than the end of the 2-year period beginning
16 on the date of the enactment of this Act, the Secretary
17 of the Treasury shall issue the regulations required under
18 the amendments made by this title. The Secretary may
19 delegate the functions required under the amendments
20 made by this title to an appropriate office within the De-
21 partment of the Treasury.

22 **SEC. 104. NO NEW DISCLOSURE REQUIREMENTS.**

23 Nothing in this title or the amendments made by this
24 title shall be construed to require the Secretary of the
25 Treasury to collect or make publicly available additional
26 information under the statutes amended by this title, be-

1 yond information that was collected or made publicly avail-
2 able under such statutes before the date of the enactment
3 of this Act.

4 **SEC. 105. REPORT.**

5 Not later than 1 year after the end of the 2-year pe-
6 riod described in section 103, the Comptroller General of
7 the United States shall submit to Congress a report on
8 the feasibility, costs, and potential benefits of building
9 upon the taxonomy established by this Act to arrive at
10 a Federal Government-wide regulatory compliance stand-
11 ardization mechanism similar to Standard Business Re-
12 porting.

13 **TITLE II—SECURITIES AND**
14 **EXCHANGE COMMISSION**

15 **SEC. 201. DATA STANDARDS REQUIREMENTS FOR THE SE-**
16 **CURITIES AND EXCHANGE COMMISSION.**

17 (a) DATA STANDARDS FOR INVESTMENT ADVISERS'
18 REPORTS UNDER THE INVESTMENT ADVISERS ACT OF
19 1940.—Section 204 of the Investment Advisers Act of
20 1940 (15 U.S.C. 80b–4) is amended—

- 21 (1) by redesignating the second subsection (d)
22 (relating to Records of Persons With Custody of
23 Use) as subsection (e); and
24 (2) by adding at the end the following:

1 “(f) DATA STANDARDS FOR REPORTS FILED UNDER
2 THIS SECTION.—

3 “(1) REQUIREMENT.—The Commission shall,
4 by rule, adopt data standards for all reports filed by
5 investment advisers with the Commission under this
6 section.

7 “(2) CHARACTERISTICS.—The data standards
8 required by paragraph (1) shall, to the extent prac-
9 ticable—

10 “(A) render data fully searchable and ma-
11 chine-readable (as defined under section 3502
12 of title 44, United States Code);

13 “(B) enable high quality data through
14 schemas, with accompanying metadata (as de-
15 fined under section 3502 of title 44, United
16 States Code) documented in machine-readable
17 taxonomy or ontology models, which clearly de-
18 fine the data’s semantic meaning as defined by
19 the underlying regulatory information collection
20 requirements;

21 “(C) assure that a data element or data
22 asset that exists to satisfy an underlying regu-
23 latory information collection requirement be
24 consistently identified as such in associated ma-
25 chine-readable metadata;

1 “(D) be nonproprietary or made available
2 under an open license (as defined under section
3 3502 of title 44, United States Code);

4 “(E) incorporate standards developed and
5 maintained by voluntary consensus standards
6 bodies; and

7 “(F) use, be consistent with, and imple-
8 ment applicable accounting and reporting prin-
9 ciples.

10 “(3) INCORPORATION OF STANDARDS.—In
11 adopting data standards by rule under this sub-
12 section, the Commission shall incorporate all applica-
13 ble data standards promulgated by the Secretary of
14 the Treasury.”.

15 (b) DATA STANDARDS FOR REGISTRATION STATE-
16 MENTS AND REPORTS UNDER THE INVESTMENT COM-
17 PANY ACT OF 1940.—The Investment Company Act of
18 1940 (15 U.S.C. 80a–1 et seq.) is amended—

19 (1) in section 8, by adding at the end the fol-
20 lowing:

21 “(g) DATA STANDARDS FOR REGISTRATION STATE-
22 MENTS.—

23 “(1) REQUIREMENT.—The Commission shall,
24 by rule, adopt data standards for all registration
25 statements required to be filed with the Commission

1 under this section, except that the Commission may
2 exempt exhibits, signatures, and certifications from
3 such data standards.

4 “(2) CHARACTERISTICS.—The data standards
5 required by paragraph (1) shall, to the extent prac-
6 ticable—

7 “(A) render data fully searchable and ma-
8 chine-readable (as defined under section 3502
9 of title 44, United States Code);

10 “(B) enable high quality data through
11 schemas, with accompanying metadata (as de-
12 fined under section 3502 of title 44, United
13 States Code) documented in machine-readable
14 taxonomy or ontology models, which clearly de-
15 fine the data’s semantic meaning as defined by
16 the underlying regulatory information collection
17 requirements;

18 “(C) assure that a data element or data
19 asset that exists to satisfy an underlying regu-
20 latory information collection requirement be
21 consistently identified as such in associated ma-
22 chine-readable metadata;

23 “(D) be nonproprietary or made available
24 under an open license (as defined under section
25 3502 of title 44, United States Code);

1 “(E) incorporate standards developed and
2 maintained by voluntary consensus standards
3 bodies; and

4 “(F) use, be consistent with, and imple-
5 ment applicable accounting and reporting prin-
6 ciples.

7 “(3) INCORPORATION OF STANDARDS.—In
8 adopting data standards by rule under this sub-
9 section, the Commission shall incorporate all applica-
10 ble data standards promulgated by the Secretary of
11 the Treasury.”; and

12 (2) in section 30, by adding at the end the fol-
13 lowing:

14 “(k) DATA STANDARDS FOR REPORTS.—

15 “(1) REQUIREMENT.—The Commission shall,
16 by rule, adopt data standards for all reports re-
17 quired to be filed with the Commission under this
18 section, except that the Commission may exempt ex-
19 hibits, signatures, and certifications from such data
20 standards.

21 “(2) CHARACTERISTICS.—The data standards
22 required by paragraph (1) shall, to the extent prac-
23 ticable—

1 “(A) render data fully searchable and ma-
2 chine-readable (as defined under section 3502
3 of title 44, United States Code);

4 “(B) enable high quality data through
5 schemas, with accompanying metadata (as de-
6 fined under section 3502 of title 44, United
7 States Code) documented in machine-readable
8 taxonomy or ontology models, which clearly de-
9 fine the data’s semantic meaning as defined by
10 the underlying regulatory information collection
11 requirements;

12 “(C) assure that a data element or data
13 asset that exists to satisfy an underlying regu-
14 latory information collection requirement be
15 consistently identified as such in associated ma-
16 chine-readable metadata;

17 “(D) be nonproprietary or made available
18 under an open license (as defined under section
19 3502 of title 44, United States Code);

20 “(E) incorporate standards developed and
21 maintained by voluntary consensus standards
22 bodies; and

23 “(F) use, be consistent with, and imple-
24 ment applicable accounting and reporting prin-
25 ciples.

1 “(3) INCORPORATION OF STANDARDS.—In
2 adopting data standards by rule under this sub-
3 section, the Commission shall incorporate all applica-
4 ble data standards promulgated by the Secretary of
5 the Treasury.”.

6 (c) DATA STANDARDS FOR INFORMATION REQUIRED
7 TO BE SUBMITTED OR PUBLISHED BY NATIONALLY REC-
8 OGNIZED STATISTICAL RATING ORGANIZATIONS.—Section
9 15E of the Securities Exchange Act of 1934 (15 U.S.C.
10 78o–7) is amended by adding at the end the following:

11 “(w) DATA STANDARDS FOR INFORMATION RE-
12 QUIRED TO BE SUBMITTED OR PUBLISHED UNDER THIS
13 SECTION.—

14 “(1) REQUIREMENT.—The Commission shall,
15 by rule, adopt data standards for all information re-
16 quired to be submitted or published by a nationally
17 recognized statistical rating organization under this
18 section.

19 “(2) CHARACTERISTICS.—The data standards
20 required by paragraph (1) shall, to the extent prac-
21 ticable—

22 “(A) render data fully searchable and ma-
23 chine-readable (as defined under section 3502
24 of title 44, United States Code);

1 “(B) enable high quality data through
2 schemas, with accompanying metadata (as de-
3 fined under section 3502 of title 44, United
4 States Code) documented in machine-readable
5 taxonomy or ontology models, which clearly de-
6 fine the data’s semantic meaning as defined by
7 the underlying regulatory information collection
8 requirements;

9 “(C) assure that a data element or data
10 asset that exists to satisfy an underlying regu-
11 latory information collection requirement be
12 consistently identified as such in associated ma-
13 chine-readable metadata;

14 “(D) be nonproprietary or made available
15 under an open license (as defined under section
16 3502 of title 44, United States Code);

17 “(E) incorporate standards developed and
18 maintained by voluntary consensus standards
19 bodies; and

20 “(F) use, be consistent with, and imple-
21 ment applicable accounting and reporting prin-
22 ciples.

23 “(3) INCORPORATION OF STANDARDS.—In
24 adopting data standards by rule under this sub-
25 section, the Commission shall incorporate all applica-

1 ble data standards promulgated by the Secretary of
2 the Treasury.”.

3 (d) DATA STANDARDS FOR ASSET-BACKED SECURI-
4 TIES DISCLOSURES.—Section 7(c) of the Securities Act of
5 1933 (15 U.S.C. 77g(c)) is amended by adding at the end
6 the following:

7 “(3) DATA STANDARDS FOR ASSET-BACKED SE-
8 CURITIES DISCLOSURES.—

9 “(A) REQUIREMENT.—The Commission
10 shall, by rule, adopt data standards for all dis-
11 closures required under this subsection.

12 “(B) CHARACTERISTICS.—The data stand-
13 ards required by subparagraph (A) shall, to the
14 extent practicable—

15 “(i) render data fully searchable and
16 machine-readable (as defined under section
17 3502 of title 44, United States Code);

18 “(ii) enable high quality data through
19 schemas, with accompanying metadata (as
20 defined under section 3502 of title 44,
21 United States Code) documented in ma-
22 chine-readable taxonomy or ontology mod-
23 els, which clearly define the data’s seman-
24 tic meaning as defined by the underlying

1 regulatory information collection require-
2 ments;

3 “(iii) assure that a data element or
4 data asset that exists to satisfy an under-
5 lying regulatory information collection re-
6 quirement be consistently identified as
7 such in associated machine-readable
8 metadata;

9 “(iv) be nonproprietary or made avail-
10 able under an open license (as defined
11 under section 3502 of title 44, United
12 States Code);

13 “(v) incorporate standards developed
14 and maintained by voluntary consensus
15 standards bodies; and

16 “(vi) use, be consistent with, and im-
17 plement applicable accounting and report-
18 ing principles.

19 “(C) INCORPORATION OF STANDARDS.—In
20 adopting data standards by rule under this
21 paragraph, the Commission shall incorporate all
22 applicable data standards promulgated by the
23 Secretary of the Treasury.”.

24 (e) DATA STANDARDS FOR CORPORATE DISCLO-
25 SURES UNDER THE SECURITIES ACT OF 1933.—Section

1 7 of the Securities Act of 1933 (15 U.S.C. 77g) is amend-
2 ed by adding at the end the following:

3 “(e) DATA STANDARDS.—

4 “(1) REQUIREMENT.—The Commission shall,
5 by rule, adopt data standards for all registration
6 statements and for all prospectuses included in reg-
7 istration statements required to be filed with the
8 Commission under this title, except that the Com-
9 mission may exempt exhibits, signatures, and certifi-
10 cations from such data standards.

11 “(2) CHARACTERISTICS.—The data standards
12 required by paragraph (1) shall, to the extent prac-
13 ticable—

14 “(A) render data fully searchable and ma-
15 chine-readable (as defined under section 3502
16 of title 44, United States Code);

17 “(B) enable high quality data through
18 schemas, with accompanying metadata (as de-
19 fined under section 3502 of title 44, United
20 States Code) documented in machine-readable
21 taxonomy or ontology models, which clearly de-
22 fine the data’s semantic meaning as defined by
23 the underlying regulatory information collection
24 requirements;

1 “(C) assure that a data element or data
2 asset that exists to satisfy an underlying regu-
3 latory information collection requirement be
4 consistently identified as such in associated ma-
5 chine-readable metadata;

6 “(D) be nonproprietary or made available
7 under an open license (as defined under section
8 3502 of title 44, United States Code);

9 “(E) incorporate standards developed and
10 maintained by voluntary consensus standards
11 bodies; and

12 “(F) use, be consistent with, and imple-
13 ment applicable accounting and reporting prin-
14 ciples.

15 “(3) INCORPORATION OF STANDARDS.—In
16 adopting data standards by rule under this sub-
17 section, the Commission shall incorporate all applica-
18 ble data standards promulgated by the Secretary of
19 the Treasury.”.

20 (f) DATA STANDARDS FOR PERIODIC AND CURRENT
21 CORPORATE DISCLOSURES UNDER THE SECURITIES EX-
22 CHANGE ACT OF 1934.—Section 13 of the Securities Ex-
23 change Act of 1934 (15 U.S.C. 78m) is amended by add-
24 ing at the end the following:

25 “(s) DATA STANDARDS.—

1 “(1) REQUIREMENT.—The Commission shall,
2 by rule, adopt data standards for all information
3 contained in periodic and current reports required to
4 be filed or furnished under this section or under sec-
5 tion 15(d), except that the Commission may exempt
6 exhibits, signatures, and certifications from such
7 data standards.

8 “(2) CHARACTERISTICS.—The data standards
9 required by paragraph (1) shall, to the extent prac-
10 ticable—

11 “(A) render data fully searchable and ma-
12 chine-readable (as defined under section 3502
13 of title 44, United States Code);

14 “(B) enable high quality data through
15 schemas, with accompanying metadata (as de-
16 fined under section 3502 of title 44, United
17 States Code) documented in machine-readable
18 taxonomy or ontology models, which clearly de-
19 fine the data’s semantic meaning as defined by
20 the underlying regulatory information collection
21 requirements;

22 “(C) assure that a data element or data
23 asset that exists to satisfy an underlying regu-
24 latory information collection requirement be

1 consistently identified as such in associated ma-
2 chine-readable metadata;

3 “(D) be nonproprietary or made available
4 under an open license (as defined under section
5 3502 of title 44, United States Code);

6 “(E) incorporate standards developed and
7 maintained by voluntary consensus standards
8 bodies; and

9 “(F) use, be consistent with, and imple-
10 ment applicable accounting and reporting prin-
11 ciples.

12 “(3) INCORPORATION OF STANDARDS.—In
13 adopting data standards by rule under this sub-
14 section, the Commission shall incorporate all applica-
15 ble data standards promulgated by the Secretary of
16 the Treasury.”.

17 (g) DATA STANDARDS FOR CORPORATE PROXY AND
18 CONSENT SOLICITATION MATERIALS UNDER THE SECU-
19 RITIES EXCHANGE ACT OF 1934.—Section 14 of the Se-
20 curities Exchange Act of 1934 (15 U.S.C. 78n) is amend-
21 ed by adding at the end the following:

22 “(k) DATA STANDARDS FOR PROXY AND CONSENT
23 SOLICITATION MATERIALS.—

24 “(1) REQUIREMENT.—The Commission shall,
25 by rule, adopt data standards for all information

1 contained in any proxy or consent solicitation mate-
2 rial prepared by an issuer for an annual meeting of
3 the shareholders of the issuer, except that the Com-
4 mission may exempt exhibits, signatures, and certifi-
5 cations from such data standards.

6 “(2) CHARACTERISTICS.—The data standards
7 required by paragraph (1) shall, to the extent prac-
8 ticable—

9 “(A) render data fully searchable and ma-
10 chine-readable (as defined under section 3502
11 of title 44, United States Code);

12 “(B) enable high quality data through
13 schemas, with accompanying metadata (as de-
14 fined under section 3502 of title 44, United
15 States Code) documented in machine-readable
16 taxonomy or ontology models, which clearly de-
17 fine the data’s semantic meaning as defined by
18 the underlying regulatory information collection
19 requirements;

20 “(C) assure that a data element or data
21 asset that exists to satisfy an underlying regu-
22 latory information collection requirement be
23 consistently identified as such in associated ma-
24 chine-readable metadata;

1 “(D) be nonproprietary or made available
2 under an open license (as defined under section
3 3502 of title 44, United States Code);

4 “(E) incorporate standards developed and
5 maintained by voluntary consensus standards
6 bodies; and

7 “(F) use, be consistent with, and imple-
8 ment applicable accounting and reporting prin-
9 ciples.

10 “(3) INCORPORATION OF STANDARDS.—In
11 adopting data standards by rule under this sub-
12 section, the Commission shall incorporate all applica-
13 ble data standards promulgated by the Secretary of
14 the Treasury.”.

15 (h) DATA STANDARDS FOR SECURITY-BASED SWAP
16 REPORTING.—Section 15F of the Securities Exchange Act
17 of 1934 (15 U.S.C. 78o–10) is amended by adding at the
18 end the following:

19 “(m) DATA STANDARDS FOR SECURITY-BASED SWAP
20 REPORTING.—

21 “(1) REQUIREMENT.—The Commission shall,
22 by rule, adopt data standards for all reports related
23 to security-based swaps that are required under this
24 Act.

1 “(2) CHARACTERISTICS.—The data standards
2 required by paragraph (1) shall, to the extent prac-
3 ticable—

4 “(A) render data fully searchable and ma-
5 chine-readable (as defined under section 3502
6 of title 44, United States Code);

7 “(B) enable high quality data through
8 schemas, with accompanying metadata (as de-
9 fined under section 3502 of title 44, United
10 States Code) documented in machine-readable
11 taxonomy or ontology models, which clearly de-
12 fine the data’s semantic meaning as defined by
13 the underlying regulatory information collection
14 requirements;

15 “(C) assure that a data element or data
16 asset that exists to satisfy an underlying regu-
17 latory information collection requirement be
18 consistently identified as such in associated ma-
19 chine-readable metadata;

20 “(D) be nonproprietary or made available
21 under an open license (as defined under section
22 3502 of title 44, United States Code);

23 “(E) incorporate standards developed and
24 maintained by voluntary consensus standards
25 bodies; and

1 “(F) use, be consistent with, and imple-
2 ment applicable accounting and reporting prin-
3 ciples.

4 “(3) INCORPORATION OF STANDARDS.—In
5 adopting data standards by rule under this sub-
6 section, the Commission shall incorporate all applica-
7 ble data standards promulgated by the Secretary of
8 the Treasury.”.

9 (i) RULEMAKING.—

10 (1) IN GENERAL.—Not later than the end of
11 the 2-year period beginning on the date the final
12 rule is promulgated pursuant to section 124(a) of
13 the Financial Stability Act of 2010, the Securities
14 and Exchange Commission shall issue the regula-
15 tions required under the amendments made by this
16 section.

17 (2) SCALING OF REGULATORY REQUIRE-
18 MENTS.—In issuing the regulations required under
19 the amendments made by this section, the Securities
20 and Exchange Commission may scale data reporting
21 requirements in order to reduce any unjustified bur-
22 den on emerging growth companies, lending institu-
23 tions, accelerated filers, smaller reporting companies,
24 and other smaller issuers, as determined by the

1 study required under section 205(c), while still pro-
2 viding searchable information to investors.

3 (3) MINIMIZING DISRUPTION.—In issuing the
4 regulations required under the amendments made by
5 this section, the Securities and Exchange Commis-
6 sion shall seek to minimize disruptive changes to the
7 persons affected by such regulations.

8 **SEC. 202. OPEN DATA PUBLICATION BY THE SECURITIES**
9 **AND EXCHANGE COMMISSION.**

10 Section 4 of the Securities Exchange Act of 1934 (15
11 U.S.C. 78d) is amended by adding at the end the fol-
12 lowing:

13 “(k) OPEN DATA PUBLICATION.—All public informa-
14 tion published by the Commission under the securities
15 laws and the Dodd-Frank Wall Street Reform and Con-
16 sumer Protection Act shall be made available as an open
17 Government data asset (as defined under section 3502 of
18 title 44, United States Code), freely available for download
19 in bulk and rendered in a human-readable format and ac-
20 cessible via application programming interface where ap-
21 propriate.”.

1 **SEC. 203. DATA TRANSPARENCY AT THE MUNICIPAL SECU-**
2 **RITIES RULEMAKING BOARD.**

3 (a) IN GENERAL.—Section 15B(b) of the Securities
4 Exchange Act of 1934 (15 U.S.C. 78o–4(b)) is amended
5 by adding at the end the following:

6 “(8) DATA STANDARDS.—

7 “(A) REQUIREMENT.—If the Board establishes
8 information systems under paragraph (3), the Board
9 shall adopt data standards for information sub-
10 mitted via such systems.

11 “(B) CHARACTERISTICS.—The data standards
12 required by subparagraph (A) shall, to the extent
13 practicable—

14 “(i) render data fully searchable and ma-
15 chine-readable (as defined under section 3502
16 of title 44, United States Code);

17 “(ii) enable high quality data through
18 schemas, with accompanying metadata (as de-
19 fined under section 3502 of title 44, United
20 States Code) documented in machine-readable
21 taxonomy or ontology models, which clearly de-
22 fine the data’s semantic meaning as defined by
23 the underlying regulatory information collection
24 requirements;

25 “(iii) assure that a data element or data
26 asset that exists to satisfy an underlying regu-

1 latory information collection requirement be
2 consistently identified as such in associated ma-
3 chine-readable metadata;

4 “(iv) be nonproprietary or made available
5 under an open license (as defined under section
6 3502 of title 44, United States Code);

7 “(v) incorporate standards developed and
8 maintained by voluntary consensus standards
9 bodies; and

10 “(vi) use, be consistent with, and imple-
11 ment applicable accounting and reporting prin-
12 ciples.

13 “(C) INCORPORATION OF STANDARDS.—In
14 adopting data standards under this paragraph, the
15 Board shall incorporate all applicable data standards
16 promulgated by the Secretary of the Treasury.”.

17 (b) RULEMAKING.—

18 (1) IN GENERAL.—Not later than the end of
19 the 2-year period beginning on the date the final
20 rule is promulgated pursuant to section 124(a) of
21 the Financial Stability Act of 2010, the Municipal
22 Securities Rulemaking Board shall issue the regula-
23 tions required under the amendments made by this
24 section.

1 (2) SCALING OF REGULATORY REQUIRE-
2 MENTS.—In issuing the regulations required under
3 the amendments made by this section, the Municipal
4 Securities Rulemaking Board may scale data report-
5 ing requirements in order to reduce any unjustified
6 burden on smaller regulated entities.

7 (3) MINIMIZING DISRUPTION.—In issuing the
8 regulations required under the amendments made by
9 this section, the Municipal Securities Rulemaking
10 Board shall seek to minimize disruptive changes to
11 the persons affected by such regulations.

12 **SEC. 204. DATA TRANSPARENCY AT NATIONAL SECURITIES**
13 **ASSOCIATIONS.**

14 (a) IN GENERAL.—Section 15A of the Securities Ex-
15 change Act of 1934 (15 U.S.C. 78o–3) is amended by add-
16 ing at the end the following:

17 “(n) DATA STANDARDS.—

18 “(1) REQUIREMENT.—A national securities as-
19 sociation registered pursuant to subsection (a) shall
20 adopt data standards for all information that is reg-
21 ularly filed with or submitted to the association.

22 “(2) CHARACTERISTICS.—The data standards
23 required by paragraph (1) shall, to the extent prac-
24 ticable—

1 “(A) render data fully searchable and ma-
2 chine-readable (as defined under section 3502
3 of title 44, United States Code);

4 “(B) enable high quality data through
5 schemas, with accompanying metadata (as de-
6 fined under section 3502 of title 44, United
7 States Code) documented in machine-readable
8 taxonomy or ontology models, which clearly de-
9 fine the data’s semantic meaning as defined by
10 the underlying regulatory information collection
11 requirements;

12 “(C) assure that a data element or data
13 asset that exists to satisfy an underlying regu-
14 latory information collection requirement be
15 consistently identified as such in associated ma-
16 chine-readable metadata;

17 “(D) be nonproprietary or made available
18 under an open license (as defined under section
19 3502 of title 44, United States Code);

20 “(E) incorporate standards developed and
21 maintained by voluntary consensus standards
22 bodies; and

23 “(F) use, be consistent with, and imple-
24 ment applicable accounting and reporting prin-
25 ciples.

1 “(3) INCORPORATION OF STANDARDS.—In
2 adopting data standards under this subsection, the
3 association shall incorporate all applicable data
4 standards promulgated by the Secretary of the
5 Treasury.”.

6 (b) RULEMAKING.—

7 (1) IN GENERAL.—Not later than the end of
8 the 2-year period beginning on the date the final
9 rule is promulgated pursuant to section 124(a) of
10 the Financial Stability Act of 2010, a national secu-
11 rities association shall adopt the standards required
12 under the amendments made by this section.

13 (2) SCALING OF REGULATORY REQUIRE-
14 MENTS.—In adopting the standards required under
15 the amendments made by this section, a national se-
16 curities association may scale data reporting require-
17 ments in order to reduce any unjustified burden on
18 smaller regulated entities.

19 (3) MINIMIZING DISRUPTION.—In adopting the
20 standards required under the amendments made by
21 this section, a national securities association shall
22 seek to minimize disruptive changes to the persons
23 affected by such standards.

1 **SEC. 205. SHORTER-TERM BURDEN REDUCTION AND DIS-**
2 **CLOSURE SIMPLIFICATION AT THE SECURI-**
3 **TIES AND EXCHANGE COMMISSION; SUNSET.**

4 (a) BETTER ENFORCEMENT OF THE QUALITY OF
5 CORPORATE FINANCIAL DATA SUBMITTED TO THE SECU-
6 RITIES AND EXCHANGE COMMISSION.—

7 (1) DATA QUALITY IMPROVEMENT PROGRAM.—

8 Within six months after the date of the enactment
9 of this Act, the Commission shall establish a pro-
10 gram to improve the quality of corporate financial
11 data filed or furnished by issuers under the Securi-
12 ties Act of 1933, the Securities Exchange Act of
13 1934, and the Investment Company Act of 1940.
14 The program shall include the following:

15 (A) The designation of an official in the
16 Office of the Chairman responsible for the im-
17 provement of the quality of data filed with or
18 furnished to the Commission by issuers.

19 (B) The issuance by the Division of Cor-
20 poration Finance of comment letters requiring
21 correction of errors in data filings and submis-
22 sions, where necessary.

23 (2) GOALS.—In establishing the program under
24 this section, the Commission shall seek to—

1 (A) improve the quality of data filed with
2 or furnished to the Commission to a commer-
3 cially acceptable level; and

4 (B) make data filed with or furnished to
5 the Commission useful to investors.

6 (b) REPORT ON THE USE OF MACHINE-READABLE
7 DATA FOR CORPORATE DISCLOSURES.—

8 (1) IN GENERAL.—Not later than six months
9 after the date of the enactment of this Act, and
10 every six months thereafter, the Commission shall
11 issue a report to the Committee on Financial Serv-
12 ices of the House of Representatives and the Com-
13 mittee on Banking, Housing, and Urban Affairs of
14 the Senate on the public and internal use of ma-
15 chine-readable data for corporate disclosures.

16 (2) CONTENT.—Each report required under
17 paragraph (1) shall include—

18 (A) an identification of which corporate
19 disclosures required under section 7 of the Se-
20 curities Act of 1933, section 13 of the Securi-
21 ties Exchange Act of 1934, or section 14 of the
22 Securities Exchange Act of 1934 are expressed
23 as machine-readable data and which are not;

24 (B) an analysis of the costs and benefits of
25 the use of machine-readable data in corporate

1 disclosure to investors, markets, the Commis-
2 sion, and issuers;

3 (C) a summary of enforcement actions that
4 result from the use or analysis of machine-read-
5 able data collected under section 7 of the Secu-
6 rities Act of 1933, section 13 of the Securities
7 Exchange Act of 1934, or section 14 of the Se-
8 curities Exchange Act of 1934; and

9 (D) an analysis of how the Commission is
10 itself using the machine-readable data collected
11 by the Commission.

12 (c) SUNSET.—On and after the end of the 7-year pe-
13 riod beginning on the date of the enactment of this Act,
14 this section shall have no force or effect.

15 **SEC. 206. NO NEW DISCLOSURE REQUIREMENTS.**

16 Nothing in this title or the amendments made by this
17 title shall be construed to require the Securities and Ex-
18 change Commission, the Municipal Securities Rulemaking
19 Board, or a national securities association to collect or
20 make publicly available additional information under the
21 statutes amended by this title, beyond information that
22 was collected or made publicly available under such stat-
23 utes before the date of the enactment of this Act.

TITLE III—FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 301. DATA STANDARDS REQUIREMENTS FOR THE FEDERAL DEPOSIT INSURANCE CORPORATION.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following:

“SEC. 52. DATA STANDARDS.

“(a) REQUIREMENT.—The Corporation shall, by rule, adopt data standards for all information that the Corporation receives from any depository institution or financial company under this Act or under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

“(b) CHARACTERISTICS.—The data standards required by subsection (a) shall, to the extent practicable—

“(1) render data fully searchable and machine-readable (as defined under section 3502 of title 44, United States Code);

“(2) enable high quality data through schemas, with accompanying metadata (as defined under section 3502 of title 44, United States Code) documented in machine-readable taxonomy or ontology models, which clearly define the data’s semantic meaning as defined by the underlying regulatory information collection requirements;

1 “(3) assure that a data element or data asset
2 that exists to satisfy an underlying regulatory infor-
3 mation collection requirement be consistently identi-
4 fied as such in associated machine-readable
5 metadata;

6 “(4) be nonproprietary or made available under
7 an open license (as defined under section 3502 of
8 title 44, United States Code);

9 “(5) incorporate standards developed and main-
10 tained by voluntary consensus standards bodies; and

11 “(6) use, be consistent with, and implement ap-
12 plicable accounting and reporting principles.

13 “(c) INCORPORATION OF STANDARDS.—In adopting
14 data standards by rule under this section, the Corporation
15 shall incorporate all applicable data standards promul-
16 gated by the Secretary of the Treasury.

17 “(d) FINANCIAL COMPANY DEFINED.—For purposes
18 of this section, the term ‘financial company’ has the mean-
19 ing given that term under section 201(a) of the Dodd-
20 Frank Wall Street Reform and Consumer Protection Act
21 (12 U.S.C. 5381(a)).”.

1 **SEC. 302. OPEN DATA PUBLICATION BY THE FEDERAL DE-**
2 **POSIT INSURANCE CORPORATION.**

3 The Federal Deposit Insurance Act (12 U.S.C. 1811
4 et seq.), as amended by section 301, is further amended
5 by adding at the end the following:

6 **“SEC. 53. OPEN DATA PUBLICATION.**

7 “All public information published by the Corporation
8 under this Act or under the Dodd-Frank Wall Street Re-
9 form and Consumer Protection Act shall be made available
10 as an open Government data asset (as defined under sec-
11 tion 3502 of title 44, United States Code), freely available
12 for download in bulk and rendered in a human-readable
13 format and accessible via application programming inter-
14 face where appropriate.”.

15 **SEC. 303. RULEMAKING.**

16 (a) IN GENERAL.—Not later than the end of the 2-
17 year period beginning on the date the final rule is promul-
18 gated pursuant to section 124(a) of the Financial Stability
19 Act of 2010, the Federal Deposit Insurance Corporation
20 shall issue the regulations required under the amendments
21 made by this title.

22 (b) SCALING OF REGULATORY REQUIREMENTS.—In
23 issuing the regulations required under the amendments
24 made by this title, the Federal Deposit Insurance Corpora-
25 tion may scale data reporting requirements in order to re-
26 duce any unjustified burden on smaller regulated entities.

1 (c) MINIMIZING DISRUPTION.—In issuing the regula-
2 tions required under the amendments made by this title,
3 the Federal Deposit Insurance Corporation shall seek to
4 minimize disruptive changes to the persons affected by
5 such regulations.

6 **SEC. 304. NO NEW DISCLOSURE REQUIREMENTS.**

7 Nothing in this title or the amendments made by this
8 title shall be construed to require the Federal Deposit In-
9 surance Corporation to collect or make publicly available
10 additional information under the statutes amended by this
11 title, beyond information that was collected or made pub-
12 licly available under such statutes before the date of the
13 enactment of this Act.

14 **TITLE IV—OFFICE OF THE**
15 **COMPTROLLER OF THE CUR-**
16 **RENCY**

17 **SEC. 401. DATA STANDARDS AND OPEN DATA PUBLICATION**
18 **REQUIREMENTS FOR THE OFFICE OF THE**
19 **COMPTROLLER OF THE CURRENCY.**

20 The Revised Statutes of the United States is amend-
21 ed by inserting after section 332 (12 U.S.C. 14) the fol-
22 lowing:

23 **“SEC. 333. DATA STANDARDS; OPEN DATA PUBLICATION.**

24 **“(a) DATA STANDARDS.—**

1 “(1) REQUIREMENT.—The Comptroller of the
2 Currency shall, by rule, adopt data standards for all
3 information that is regularly filed with or submitted
4 to the Comptroller of the Currency by any entity
5 with respect to which the Office of the Comptroller
6 of the Currency is the appropriate Federal banking
7 agency (as defined under section 3 of the Federal
8 Deposit Insurance Act).

9 “(2) CHARACTERISTICS.—The data standards
10 required by paragraph (1) shall, to the extent prac-
11 ticable—

12 “(A) render data fully searchable and ma-
13 chine-readable (as defined under section 3502
14 of title 44, United States Code);

15 “(B) enable high quality data through
16 schemas, with accompanying metadata (as de-
17 fined under section 3502 of title 44, United
18 States Code) documented in machine-readable
19 taxonomy or ontology models, which clearly de-
20 fine the data’s semantic meaning as defined by
21 the underlying regulatory information collection
22 requirements;

23 “(C) assure that a data element or data
24 asset that exists to satisfy an underlying regu-
25 latory information collection requirement be

1 consistently identified as such in associated ma-
2 chine-readable metadata;

3 “(D) be nonproprietary or made available
4 under an open license (as defined under section
5 3502 of title 44, United States Code);

6 “(E) incorporate standards developed and
7 maintained by voluntary consensus standards
8 bodies; and

9 “(F) use, be consistent with, and imple-
10 ment applicable accounting and reporting prin-
11 ciples.

12 “(3) INCORPORATION OF STANDARDS.—In
13 adopting data standards by rule under this sub-
14 section, the Comptroller of the Currency shall incor-
15 porate all applicable data standards promulgated by
16 the Secretary of the Treasury.

17 “(b) OPEN DATA PUBLICATION.—All public informa-
18 tion published by the Comptroller of the Currency under
19 title LXII or the Dodd-Frank Wall Street Reform and
20 Consumer Protection Act shall be made available as an
21 open Government data asset (as defined under section
22 3502 of title 44, United States Code), freely available for
23 download in bulk and rendered in a human-readable for-
24 mat and accessible via application programming interface
25 where appropriate.”.

1 **SEC. 402. RULEMAKING.**

2 (a) IN GENERAL.—Not later than the end of the 2-
3 year period beginning on the date the final rule is promul-
4 gated pursuant to section 124(a) of the Financial Stability
5 Act of 2010, the Comptroller of the Currency shall issue
6 the regulations required under the amendments made by
7 this title.

8 (b) SCALING OF REGULATORY REQUIREMENTS.—In
9 issuing the regulations required under the amendments
10 made by this title, the Comptroller of the Currency may
11 scale data reporting requirements in order to reduce any
12 unjustified burden on smaller regulated entities.

13 (c) MINIMIZING DISRUPTION.—In issuing the regula-
14 tions required under the amendments made by this title,
15 the Comptroller of the Currency shall seek to minimize
16 disruptive changes to the persons affected by such regula-
17 tions.

18 **SEC. 403. NO NEW DISCLOSURE REQUIREMENTS.**

19 Nothing in this title or the amendments made by this
20 title shall be construed to require the Comptroller of the
21 Currency to collect or make publicly available additional
22 information under the statutes amended by this title, be-
23 yond information that was collected or made publicly avail-
24 able under such statutes before the date of the enactment
25 of this Act.

1 **TITLE V—BUREAU OF CON-**
2 **SUMER FINANCIAL PROTEC-**
3 **TION**

4 **SEC. 501. DATA STANDARDS AND OPEN DATA PUBLICATION**
5 **REQUIREMENTS FOR THE BUREAU OF CON-**
6 **SUMER FINANCIAL PROTECTION.**

7 (a) IN GENERAL.—The Consumer Financial Protec-
8 tion Act of 2010 (12 U.S.C. 5481 et seq.) is amended by
9 inserting after section 1018 the following:

10 **“SEC. 1019. DATA STANDARDS.**

11 “(a) REQUIREMENT.—The Bureau shall, by rule,
12 adopt data standards for all information that is regularly
13 filed with or submitted to the Bureau.

14 “(b) CHARACTERISTICS.—The data standards re-
15 quired by subsection (a) shall, to the extent practicable—

16 “(1) render data fully searchable and machine-
17 readable (as defined under section 3502 of title 44,
18 United States Code);

19 “(2) enable high quality data through schemas,
20 with accompanying metadata (as defined under sec-
21 tion 3502 of title 44, United States Code) docu-
22 mented in machine-readable taxonomy or ontology
23 models, which clearly define the data’s semantic
24 meaning as defined by the underlying regulatory in-
25 formation collection requirements;

1 “(3) assure that a data element or data asset
2 that exists to satisfy an underlying regulatory infor-
3 mation collection requirement be consistently identi-
4 fied as such in associated machine-readable
5 metadata;

6 “(4) be nonproprietary or made available under
7 an open license (as defined under section 3502 of
8 title 44, United States Code);

9 “(5) incorporate standards developed and main-
10 tained by voluntary consensus standards bodies; and

11 “(6) use, be consistent with, and implement ap-
12 plicable accounting and reporting principles.

13 “(c) INCORPORATION OF STANDARDS.—In adopting
14 data standards by rule under this section, the Bureau
15 shall incorporate all applicable data standards promul-
16 gated by the Secretary of the Treasury.

17 **“SEC. 1020. OPEN DATA PUBLICATION.**

18 “All public information published by the Bureau shall
19 be made available as an open Government data asset (as
20 defined under section 3502 of title 44, United States
21 Code), freely available for download in bulk and rendered
22 in a human-readable format and accessible via application
23 programming interface where appropriate.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 under section 1(b) of the Dodd-Frank Wall Street Reform

1 and Consumer Protection Act is amended by inserting
2 after the item relating to section 1018 the following:

“Sec. 1019. Data standards.

“Sec. 1020. Open data publication.”.

3 **SEC. 502. RULEMAKING.**

4 (a) IN GENERAL.—Not later than the end of the 2-
5 year period beginning on the date the final rule is promul-
6 gated pursuant to section 124(a) of the Financial Stability
7 Act of 2010, the Bureau of Consumer Financial Protec-
8 tion shall issue the regulations required under the amend-
9 ments made by this title.

10 (b) SCALING OF REGULATORY REQUIREMENTS.—In
11 issuing the regulations required under the amendments
12 made by this title, the Bureau of Consumer Financial Pro-
13 tection may scale data reporting requirements in order to
14 reduce any unjustified burden on smaller regulated enti-
15 ties.

16 (c) MINIMIZING DISRUPTION.—In issuing the regula-
17 tions required under the amendments made by this title,
18 the Bureau of Consumer Financial Protection shall seek
19 to minimize disruptive changes to the persons affected by
20 such regulations.

21 **SEC. 503. NO NEW DISCLOSURE REQUIREMENTS.**

22 Nothing in this title or the amendments made by this
23 title shall be construed to require the Bureau of Consumer
24 Financial Protection to collect or make publicly available

1 additional information under the statutes amended by this
2 title, beyond information that was collected or made pub-
3 licly available under such statutes before the date of the
4 enactment of this Act.

5 **TITLE VI—FEDERAL RESERVE**
6 **SYSTEM**

7 **SEC. 601. DATA STANDARDS REQUIREMENTS FOR THE**
8 **BOARD OF GOVERNORS OF THE FEDERAL RE-**
9 **SERVE SYSTEM.**

10 (a) DATA STANDARDS FOR INFORMATION FILED OR
11 SUBMITTED BY NONBANK FINANCIAL COMPANIES.—Sec-
12 tion 161(a) of the Financial Stability Act of 2010 (12
13 U.S.C. 5361(a)) is amended by adding at the end the fol-
14 lowing:

15 “(4) DATA STANDARDS FOR REPORTS UNDER
16 THIS SUBSECTION.—

17 “(A) IN GENERAL.—The Board of Gov-
18 ernors shall adopt data standards for all finan-
19 cial data that is regularly filed with or sub-
20 mitted to the Board of Governors by any
21 nonbank financial company supervised by the
22 Board of Governors pursuant to this subsection.

23 “(B) CHARACTERISTICS.—The data stand-
24 ards required by this section shall, to the extent
25 practicable—

1 “(i) render data fully searchable and
2 machine-readable (as defined under section
3 3502 of title 44, United States Code);

4 “(ii) enable high quality data through
5 schemas, with accompanying metadata (as
6 defined under section 3502 of title 44,
7 United States Code) documented in ma-
8 chine-readable taxonomy or ontology mod-
9 els, which clearly define the data’s seman-
10 tic meaning as defined by the underlying
11 regulatory information collection require-
12 ments;

13 “(iii) assure that a data element or
14 data asset that exists to satisfy an under-
15 lying regulatory information collection re-
16 quirement be consistently identified as
17 such in associated machine-readable
18 metadata;

19 “(iv) be nonproprietary or made avail-
20 able under an open license (as defined
21 under section 3502 of title 44, United
22 States Code);

23 “(v) incorporate standards developed
24 and maintained by voluntary consensus
25 standards bodies; and

1 “(vi) use, be consistent with, and im-
2 plement applicable accounting and report-
3 ing principles.

4 “(C) INCORPORATION OF STANDARDS.—In
5 adopting data standards by rule under this
6 paragraph, the Board of Governors shall incor-
7 porate all applicable data standards promul-
8 gated by the Secretary of the Treasury.”.

9 (b) DATA STANDARDS FOR INFORMATION FILED OR
10 SUBMITTED BY SAVINGS AND LOAN HOLDING COMPA-
11 NIES.—Section 10 of the Home Owners’ Loan Act (12
12 U.S.C. 1467a) is amended by adding at the end the fol-
13 lowing:

14 “(u) DATA STANDARDS.—

15 “(1) REQUIREMENT.—The Board shall adopt
16 data standards for all information that is regularly
17 filed with or submitted to the Board by any savings
18 and loan holding company, or subsidiary of a savings
19 and loan holding company, other than a depository
20 institution, under this section.

21 “(2) CHARACTERISTICS.—The data standards
22 required by this subsection shall, to the extent prac-
23 ticable—

1 “(A) render data fully searchable and ma-
2 chine-readable (as defined under section 3502
3 of title 44, United States Code);

4 “(B) enable high quality data through
5 schemas, with accompanying metadata (as de-
6 fined under section 3502 of title 44, United
7 States Code) documented in machine-readable
8 taxonomy or ontology models, which clearly de-
9 fine the data’s semantic meaning as defined by
10 the underlying regulatory information collection
11 requirements;

12 “(C) assure that a data element or data
13 asset that exists to satisfy an underlying regu-
14 latory information collection requirement be
15 consistently identified as such in associated ma-
16 chine-readable metadata;

17 “(D) be nonproprietary or made available
18 under an open license (as defined under section
19 3502 of title 44, United States Code);

20 “(E) incorporate standards developed and
21 maintained by voluntary consensus standards
22 bodies; and

23 “(F) use, be consistent with, and imple-
24 ment applicable accounting and reporting prin-
25 ciples.

1 “(3) INCORPORATION OF STANDARDS.—In
2 adopting data standards by rule under this section,
3 the Board of Governors shall incorporate all applica-
4 ble data standards promulgated by the Secretary of
5 the Treasury.”.

6 (c) DATA STANDARDS FOR INFORMATION FILED OR
7 SUBMITTED BY BANK HOLDING COMPANIES.—Section 5
8 of the Bank Holding Company Act of 1956 (12 U.S.C.
9 1844) is amended by adding at the end the following:

10 “(h) DATA STANDARDS.—

11 “(1) REQUIREMENT.—The Board shall adopt
12 data standards for all information that is regularly
13 filed with or submitted to the Board by any bank
14 holding company in a report under subsection (c).

15 “(2) CHARACTERISTICS.—The data standards
16 required by this subsection shall, to the extent prac-
17 ticable—

18 “(A) render data fully searchable and ma-
19 chine-readable (as defined under section 3502
20 of title 44, United States Code);

21 “(B) enable high quality data through
22 schemas, with accompanying metadata (as de-
23 fined under section 3502 of title 44, United
24 States Code) documented in machine-readable
25 taxonomy or ontology models, which clearly de-

1 fine the data’s semantic meaning as defined by
2 the underlying regulatory information collection
3 requirements;

4 “(C) assure that a data element or data
5 asset that exists to satisfy an underlying regu-
6 latory information collection requirement be
7 consistently identified as such in associated ma-
8 chine-readable metadata;

9 “(D) be nonproprietary or made available
10 under an open license (as defined under section
11 3502 of title 44, United States Code);

12 “(E) incorporate standards developed and
13 maintained by voluntary consensus standards
14 bodies; and

15 “(F) use, be consistent with, and imple-
16 ment applicable accounting and reporting prin-
17 ciples.

18 “(3) INCORPORATION OF STANDARDS.—In
19 adopting data standards under this subsection, the
20 Board shall incorporate all applicable data standards
21 promulgated by the Secretary of the Treasury.”.

22 (d) DATA STANDARDS FOR INFORMATION SUB-
23 MITTED BY FINANCIAL MARKET UTILITIES OR INSTITU-
24 TIONS UNDER THE PAYMENT, CLEARING, AND SETTLE-
25 MENT SUPERVISION ACT OF 2010.—Section 809 of the

1 Payment, Clearing, and Settlement Supervision Act of
2 2010 (12 U.S.C. 5468) is amended by adding at the end
3 the following:

4 “(h) DATA STANDARDS.—

5 “(1) REQUIREMENT.—The Board of Governors
6 shall adopt data standards for all information that
7 is regularly filed with or submitted to the Board by
8 any financial market utility or financial institution
9 under subsection (a) or (b).

10 “(2) CHARACTERISTICS.—The data standards
11 required by this subsection shall, to the extent prac-
12 ticable—

13 “(A) render data fully searchable and ma-
14 chine-readable (as defined under section 3502
15 of title 44, United States Code);

16 “(B) enable high quality data through
17 schemas, with accompanying metadata (as de-
18 fined under section 3502 of title 44, United
19 States Code) documented in machine-readable
20 taxonomy or ontology models, which clearly de-
21 fine the data’s semantic meaning as defined by
22 the underlying regulatory information collection
23 requirements;

24 “(C) assure that a data element or data
25 asset that exists to satisfy an underlying regu-

1 latory information collection requirement be
2 consistently identified as such in associated ma-
3 chine-readable metadata;

4 “(D) be nonproprietary or made available
5 under an open license (as defined under section
6 3502 of title 44, United States Code);

7 “(E) incorporate standards developed and
8 maintained by voluntary consensus standards
9 bodies; and

10 “(F) use, be consistent with, and imple-
11 ment applicable accounting and reporting prin-
12 ciples.

13 “(3) INCORPORATION OF STANDARDS.—In
14 adopting data standards under this subsection, the
15 Board of Governors shall incorporate all applicable
16 data standards promulgated by the Secretary of the
17 Treasury.”.

18 **SEC. 602. OPEN DATA PUBLICATION BY THE BOARD OF**
19 **GOVERNORS OF THE FEDERAL RESERVE SYS-**
20 **TEM.**

21 The Federal Reserve Act (12 U.S.C. 226 et seq.) is
22 amended by adding at the end the following:

1 **“SEC. 32. OPEN DATA PUBLICATION BY THE BOARD OF**
2 **GOVERNORS.**

3 “All public information published by the Board of
4 Governors under this Act, the Bank Holding Company Act
5 of 1956, the Financial Stability Act of 2010, the Home
6 Owners’ Loan Act, the Payment, Clearing, and Settlement
7 Supervision Act of 2010, or the Enhancing Financial In-
8 stitution Safety and Soundness Act of 2010 shall be made
9 available as an open Government data asset (as defined
10 under section 3502 of title 44, United States Code), freely
11 available for download in bulk and rendered in a human-
12 readable format and accessible via application program-
13 ming interface where appropriate.”.

14 **SEC. 603. RULEMAKING.**

15 (a) IN GENERAL.—Not later than the end of the 2-
16 year period beginning on the date the final rule is promul-
17 gated pursuant to section 124(a) of the Financial Stability
18 Act of 2010, the Board of Governors of the Federal Re-
19 serve System shall issue the regulations required under
20 the amendments made by this title.

21 (b) SCALING OF REGULATORY REQUIREMENTS.—In
22 issuing the regulations required under the amendments
23 made by this title, the Board of Governors of the Federal
24 Reserve System may scale data reporting requirements in
25 order to reduce any unjustified burden on smaller regu-
26 lated entities.

1 (c) MINIMIZING DISRUPTION.—In issuing the regula-
2 tions required under the amendments made by this title,
3 the Board of Governors of the Federal Reserve System
4 shall seek to minimize disruptive changes to the persons
5 affected by such regulations.

6 **SEC. 604. NO NEW DISCLOSURE REQUIREMENTS.**

7 Nothing in this title or the amendments made by this
8 title shall be construed to require the Board of Governors
9 of the Federal Reserve System to collect or make publicly
10 available additional information under the statutes amend-
11 ed by this title, beyond information that was collected or
12 made publicly available under such statutes before the
13 date of the enactment of this Act.

14 **TITLE VII—NATIONAL CREDIT**
15 **UNION ADMINISTRATION**

16 **SEC. 701. DATA STANDARDS.**

17 Title I of the Federal Credit Union Act (12 U.S.C.
18 1752 et seq.) is amended by adding at the end the fol-
19 lowing:

20 **“SEC. 132. DATA STANDARDS.**

21 “(a) REQUIREMENT.—The Board shall, by rule,
22 adopt data standards for all information and reports regu-
23 larly filed with or submitted to the Administration under
24 this Act.

1 “(b) CHARACTERISTICS.—The data standards re-
2 quired by subsection (a) shall, to the extent practicable—

3 “(1) render data fully searchable and machine-
4 readable (as defined under section 3502 of title 44,
5 United States Code);

6 “(2) enable high quality data through schemas,
7 with accompanying metadata (as defined under sec-
8 tion 3502 of title 44, United States Code) docu-
9 mented in machine-readable taxonomy or ontology
10 models, which clearly define the data’s semantic
11 meaning as defined by the underlying regulatory in-
12 formation collection requirements;

13 “(3) assure that a data element or data asset
14 that exists to satisfy an underlying regulatory infor-
15 mation collection requirement be consistently identi-
16 fied as such in associated machine-readable
17 metadata;

18 “(4) be nonproprietary or made available under
19 an open license (as defined under section 3502 of
20 title 44, United States Code);

21 “(5) incorporate standards developed and main-
22 tained by voluntary consensus standards bodies; and

23 “(6) use, be consistent with, and implement ap-
24 plicable accounting and reporting principles.

1 “(c) INCORPORATION OF STANDARDS.—In adopting
2 data standards by rule under this section, the Board shall
3 incorporate all applicable data standards promulgated by
4 the Secretary of the Treasury.”.

5 **SEC. 702. OPEN DATA PUBLICATION BY THE NATIONAL**
6 **CREDIT UNION ADMINISTRATION.**

7 Title I of the Federal Credit Union Act (12 U.S.C.
8 1752 et seq.), as amended by section 801, is further
9 amended by adding at the end the following:

10 **“SEC. 133. OPEN DATA PUBLICATION.**

11 “All public information published by the Administra-
12 tion under this title shall be made available as an open
13 Government data asset (as defined under section 3502 of
14 title 44, United States Code), freely available for download
15 in bulk and rendered in a human-readable format and ac-
16 cessible via application programming interface where ap-
17 propriate.”.

18 **SEC. 703. RULEMAKING.**

19 (a) IN GENERAL.—Not later than the end of the 2-
20 year period beginning on the date the final rule is promul-
21 gated pursuant to section 124(a) of the Financial Stability
22 Act of 2010, the National Credit Union Administration
23 Board shall issue the regulations required under the
24 amendments made by this title.

1 (b) SCALING OF REGULATORY REQUIREMENTS.—In
2 issuing the regulations required under the amendments
3 made by this title, the National Credit Union Administra-
4 tion Board may scale data reporting requirements in order
5 to reduce any unjustified burden on smaller regulated en-
6 tities.

7 (c) MINIMIZING DISRUPTION.—In issuing the regula-
8 tions required under the amendments made by this title,
9 the National Credit Union Administration Board shall
10 seek to minimize disruptive changes to the persons af-
11 fected by such regulations.

12 **SEC. 704. NO NEW DISCLOSURE REQUIREMENTS.**

13 Nothing in this title or the amendments made by this
14 title shall be construed to require the National Credit
15 Union Administration Board to collect or make publicly
16 available additional information under the statutes amend-
17 ed by this title, beyond information that was collected or
18 made publicly available under such statutes before the
19 date of the enactment of this Act.

20 **TITLE VIII—FEDERAL HOUSING**
21 **FINANCE AGENCY**

22 **SEC. 801. DATA STANDARDS REQUIREMENTS FOR THE FED-**
23 **ERAL HOUSING FINANCE AGENCY.**

24 Part 1 of subtitle A of the Federal Housing Enter-
25 prises Financial Safety and Soundness Act of 1992 (12

1 U.S.C. 4501 et seq.) is amended by adding at the end
2 the following:

3 **“SEC. 1319H. DATA STANDARDS.**

4 “(a) REQUIREMENT.—The Agency shall, by rule,
5 adopt data standards for all information that is regularly
6 filed with or submitted to the Agency under this Act.

7 “(b) CHARACTERISTICS.—The data standards re-
8 quired by subsection (a) shall, to the extent practicable—

9 “(1) render data fully searchable and machine-
10 readable (as defined under section 3502 of title 44,
11 United States Code);

12 “(2) enable high quality data through schemas,
13 with accompanying metadata (as defined under sec-
14 tion 3502 of title 44, United States Code) docu-
15 mented in machine-readable taxonomy or ontology
16 models, which clearly define the data’s semantic
17 meaning as defined by the underlying regulatory in-
18 formation collection requirements;

19 “(3) assure that a data element or data asset
20 that exists to satisfy an underlying regulatory infor-
21 mation collection requirement be consistently identi-
22 fied as such in associated machine-readable
23 metadata;

1 “(4) be nonproprietary or made available under
2 an open license (as defined under section 3502 of
3 title 44, United States Code);

4 “(5) incorporate standards developed and main-
5 tained by voluntary consensus standards bodies; and

6 “(6) use, be consistent with, and implement ap-
7 plicable accounting and reporting principles.

8 “(c) INCORPORATION OF STANDARDS.—In adopting
9 data standards by rule under this section, the Agency shall
10 incorporate all applicable data standards promulgated by
11 the Secretary of the Treasury.”.

12 **SEC. 802. OPEN DATA PUBLICATION BY THE FEDERAL**
13 **HOUSING FINANCE AGENCY.**

14 Part 1 of subtitle A of the Federal Housing Enter-
15 prises Financial Safety and Soundness Act of 1992 (12
16 U.S.C. 4501 et seq.), as amended by section 901, is fur-
17 ther amended by adding at the end the following:

18 **“SEC. 1319I. OPEN DATA PUBLICATION.**

19 “All public information published by the Agency
20 under this Act shall be made available as an open Govern-
21 ment data asset (as defined under section 3502 of title
22 44, United States Code), freely available for download in
23 bulk and rendered in a human-readable format and acces-
24 sible via application programming interface where appro-
25 priate.”.

1 **SEC. 803. RULEMAKING.**

2 (a) IN GENERAL.—Not later than the end of the 2-
 3 year period beginning on the date the final rule is promul-
 4 gated pursuant to section 124(a) of the Financial Stability
 5 Act of 2010, the Federal Housing Finance Agency shall
 6 issue the regulations required under the amendments
 7 made by this title.

8 (b) MINIMIZING DISRUPTION.—In issuing the regula-
 9 tions required under the amendments made by this title,
 10 the Federal Housing Finance Agency shall seek to mini-
 11 mize disruptive changes to the persons affected by such
 12 regulations.

13 **SEC. 804. NO NEW DISCLOSURE REQUIREMENTS.**

14 Nothing in this title or the amendments made by this
 15 title shall be construed to require the Federal Housing Fi-
 16 nance Agency to collect or make publicly available addi-
 17 tional information under the statutes amended by this
 18 title, beyond information that was collected or made pub-
 19 licly available under such statutes before the date of the
 20 enactment of this Act.

21 **TITLE IX—MISCELLANEOUS**

22 **SEC. 901. RULES OF CONSTRUCTION.**

23 (a) NO EFFECT ON INTELLECTUAL PROPERTY.—
 24 Nothing in this Act or the amendments made by this Act
 25 may be construed to alter the existing legal protections

1 of copyrighted material or other intellectual property
2 rights of any non-Federal person.

3 (b) NO EFFECT ON MONETARY POLICY.—Nothing in
4 this Act or the amendments made by this Act may be con-
5 strued to apply to activities conducted, or data standards
6 used, exclusively in connection with a monetary policy pro-
7 posed or implemented by the Board of Governors of the
8 Federal Reserve System or the Federal Open Market
9 Committee.

10 (c) PRESERVATION OF AGENCY AUTHORITY TO TAI-
11 LOR REGULATIONS.—Nothing in this Act or the amend-
12 ments made by this Act may be construed to—

13 (1) require Federal agencies to incorporate
14 identical data standards to those promulgated by the
15 Secretary of the Treasury; or

16 (2) prohibit Federal agencies from tailoring
17 such standards when issuing rules under this Act
18 and the amendments made by this Act to adopt data
19 standards.

20 **SEC. 902. CLASSIFIED AND PROTECTED INFORMATION.**

21 (a) IN GENERAL.—Nothing in this Act or the amend-
22 ments made by this Act shall require the disclosure to the
23 public of—

24 (1) information that would be exempt from dis-
25 closure under section 552 of title 5, United States

1 Code (commonly known as the “Freedom of Infor-
2 mation Act”); or

3 (2) information protected under section 552a of
4 title 5, United States Code (commonly known as the
5 “Privacy Act of 1974”), or section 6103 of the In-
6 ternal Revenue Code of 1986.

7 (b) EXISTING AGENCY REGULATIONS.—Nothing in
8 this Act or the amendments made by this Act shall be
9 construed to require the Secretary of the Treasury, the
10 Securities and Exchange Commission, the Federal Deposit
11 Insurance Corporation, the Comptroller of the Currency,
12 the Bureau of Consumer Financial Protection, the Board
13 of Governors of the Federal Reserve System, the National
14 Credit Union Administration Board, or the Federal Hous-
15 ing Finance Agency to amend existing regulations and
16 procedures regarding the sharing and disclosure of non-
17 public information, including confidential supervisory in-
18 formation.

19 **SEC. 903. DISCRETIONARY SURPLUS FUND.**

20 (a) IN GENERAL.—The dollar amount specified
21 under section 7(a)(3)(A) of the Federal Reserve Act (12
22 U.S.C. 289(a)(3)(A)) is reduced by \$137,000,000.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on September 30, 2022.

DIVISION I—PUBLIC LANDS

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Protecting America’s Wilderness Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—COLORADO WILDERNESS

Sec. 101. Short title; definition.

Sec. 102. Additions to National Wilderness Preservation System in the State of Colorado.

Sec. 103. Administrative provisions.

Sec. 104. Water.

Sec. 105. Sense of Congress.

Sec. 106. 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.

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

Sec. 201. Short title.

Sec. 202. Definitions.

Subtitle A—Restoration and Economic Development

Sec. 211. South Fork Trinity-Mad River Restoration Area.

Sec. 212. Redwood National and State Parks restoration.

Sec. 213. California Public Lands Remediation Partnership.

Sec. 214. Trinity Lake visitor center.

Sec. 215. Del Norte County visitor center.

Sec. 216. Management plans.

Sec. 217. Study; partnerships related to overnight accommodations.

Subtitle B—Recreation

Sec. 221. Horse Mountain Special Management Area.

Sec. 222. Bigfoot National Recreation Trail.

Sec. 223. Elk Camp Ridge Recreation Trail.

Sec. 224. Trinity Lake Trail.

Sec. 225. Trails study.

Sec. 226. Construction of mountain bicycling routes.

Sec. 227. Partnerships.

Subtitle C—Conservation

Sec. 231. Designation of wilderness.

- Sec. 232. Administration of wilderness.
- Sec. 233. Designation of potential wilderness.
- Sec. 234. Designation of wild and scenic rivers.
- Sec. 235. Sanhedrin Special Conservation Management Area.

Subtitle D—Miscellaneous

- Sec. 241. Maps and legal descriptions.
- Sec. 242. Updates to land and resource management plans.
- Sec. 243. Pacific Gas and Electric Company Utility facilities and rights-of-way.

TITLE III—CENTRAL COAST HERITAGE PROTECTION

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. Designation of wilderness.
- Sec. 304. Designation of the Machesna Mountain Potential Wilderness.
- Sec. 305. Administration of wilderness.
- Sec. 306. Designation of Wild and Scenic Rivers.
- Sec. 307. Designation of the Fox Mountain Potential Wilderness.
- Sec. 308. Designation of scenic areas.
- Sec. 309. Condor National Scenic Trail.
- Sec. 310. Forest service study.
- Sec. 311. Nonmotorized recreation opportunities.
- Sec. 312. Use by members of Tribes.

TITLE IV—SAN GABRIEL MOUNTAINS FOOTHILLS AND RIVERS PROTECTION

- Sec. 401. Short title.
- Sec. 402. Definition of State.

Subtitle A—San Gabriel National Recreation Area

- Sec. 411. Purposes.
- Sec. 412. Definitions.
- Sec. 413. San Gabriel National Recreation Area.
- Sec. 414. Management.
- Sec. 415. Acquisition of non-Federal land within Recreation Area.
- Sec. 416. Water rights; water resource facilities; public roads; utility facilities.
- Sec. 417. San Gabriel National Recreation Area Public Advisory Council.
- Sec. 418. San Gabriel National Recreation Area Partnership.
- Sec. 419. Visitor services and facilities.

Subtitle B—San Gabriel Mountains

- Sec. 421. Definitions.
- Sec. 422. National monument boundary modification.
- Sec. 423. Designation of Wilderness Areas and Additions.
- Sec. 424. Administration of Wilderness Areas and Additions.
- Sec. 425. Designation of Wild and Scenic Rivers.
- Sec. 426. Water rights.

TITLE V—RIM OF THE VALLEY CORRIDOR PRESERVATION

- Sec. 501. Short title.
- Sec. 502. Boundary adjustment; land acquisition; administration.

TITLE VI—WILD OLYMPICS WILDERNESS AND WILD AND SCENIC
RIVERS

- Sec. 601. Short title.
 Sec. 602. Designation of olympic national forest wilderness areas.
 Sec. 603. Wild and scenic river designations.
 Sec. 604. Existing rights and withdrawal.
 Sec. 605. Treaty rights.

TITLE VII—CERRO DE LA OLLA WILDERNESS ESTABLISHMENT

- Sec. 701. Designation of Cerro de la Olla Wilderness.

TITLE VIII—STUDY ON FLOOD RISK MITIGATION

- Sec. 801. Study on Flood Risk Mitigation.

TITLE IX—MISCELLANEOUS

- Sec. 901. Promoting health and wellness for veterans and servicemembers.
 Sec. 902. Fire, insects, and diseases.
 Sec. 903. Military activities.

1 **TITLE I—COLORADO**
 2 **WILDERNESS**

3 **SEC. 101. SHORT TITLE; DEFINITION.**

4 (a) SHORT TITLE.—This title may be cited as the
 5 “Colorado Wilderness Act of 2020”.

6 (b) SECRETARY DEFINED.—As used in this title, the
 7 term “Secretary” means the Secretary of the Interior or
 8 the Secretary of Agriculture, as appropriate.

9 **SEC. 102. ADDITIONS TO NATIONAL WILDERNESS PRESER-**
 10 **VATION SYSTEM IN THE STATE OF COLO-**
 11 **RADO.**

12 (a) ADDITIONS.—Section 2(a) of the Colorado Wil-
 13 derness Act of 1993 (Public Law 103–77; 107 Stat. 756;
 14 16 U.S.C. 1132 note) is amended by adding at the end
 15 the following paragraphs:

1 “(23) Certain lands managed by the Colorado
2 River Valley Field Office of the Bureau of Land
3 Management, which comprise approximately 316
4 acres, as generally depicted on a map titled ‘Maroon
5 Bells Addition Proposed Wilderness’, dated July 20,
6 2018, which is hereby incorporated in and shall be
7 deemed to be a part of the Maroon Bells-Snowmass
8 Wilderness Area designated by Public Law 88–577.

9 “(24) Certain lands managed by the Gunnison
10 Field Office of the Bureau of Land Management,
11 which comprise approximately 38,217 acres, as gen-
12 erally depicted on a map titled ‘Redcloud & Handies
13 Peak Proposed Wilderness’, dated October 9, 2019,
14 which shall be known as the Redcloud Peak Wilder-
15 ness.

16 “(25) Certain lands managed by the Gunnison
17 Field Office of the Bureau of Land Management or
18 located in the Grand Mesa, Uncompahgre, and Gun-
19 nison National Forests, which comprise approxi-
20 mately 26,734 acres, as generally depicted on a map
21 titled ‘Redcloud & Handies Peak Proposed Wilder-
22 ness’, dated October 9, 2019, which shall be known
23 as the Handies Peak Wilderness.

24 “(26) Certain lands managed by the Royal
25 Gorge Field Office of the Bureau of Land Manage-

1 ment, which comprise approximately 16,481 acres,
2 as generally depicted on a map titled ‘Table Mountain & McIntyre Hills Proposed Wilderness’, dated
3 November 7, 2019, which shall be known as the
4 McIntyre Hills Wilderness.
5

6 “(27) Certain lands managed by the Colorado
7 River Valley Field Office of the Bureau of Land
8 Management, which comprise approximately 10,282
9 acres, as generally depicted on a map titled ‘Grand
10 Hogback Proposed Wilderness’, dated October 16,
11 2019, which shall be known as the Grand Hogback
12 Wilderness.

13 “(28) Certain lands managed by the Grand
14 Junction Field Office of the Bureau of Land Management, which comprise approximately 25,624
15 acres, as generally depicted on a map titled
16 ‘Demaree Canyon Proposed Wilderness’, dated October
17 9, 2019, which shall be known as the Demaree
18 Canyon Wilderness.
19

20 “(29) Certain lands managed by the Grand
21 Junction Field Office of the Bureau of Land Management, which comprise approximately 28,279
22 acres, as generally depicted on a map titled ‘Little
23 Books Cliff Proposed Wilderness’, dated October 9,
24

1 2019, which shall be known as the Little Bookcliffs
2 Wilderness.

3 “(30) Certain lands managed by the Colorado
4 River Valley Field Office of the Bureau of Land
5 Management, which comprise approximately 14,886
6 acres, as generally depicted on a map titled ‘Bull
7 Gulch & Castle Peak Proposed Wilderness’, dated
8 January 29, 2020, which shall be known as the Bull
9 Gulch Wilderness.

10 “(31) Certain lands managed by the Colorado
11 River Valley Field Office of the Bureau of Land
12 Management, which comprise approximately 12,016
13 acres, as generally depicted on a map titled ‘Bull
14 Gulch & Castle Peak Proposed Wilderness Areas’,
15 dated January 29, 2020, which shall be known as
16 the Castle Peak Wilderness.”.

17 (b) FURTHER ADDITIONS.—The following lands in
18 the State of Colorado administered by the Bureau of Land
19 Management or the United States Forest Service are here-
20 by designated as wilderness and, therefore, as components
21 of the National Wilderness Preservation System:

22 (1) Certain lands managed by the Colorado
23 River Valley Field Office of the Bureau of Land
24 Management or located in the White River National
25 Forest, which comprise approximately 19,240 acres,

1 as generally depicted on a map titled “Assignment
2 Ridge Proposed Wilderness”, dated November 12,
3 2019, which shall be known as the Assignment
4 Ridge Wilderness.

5 (2) Certain lands managed by the Royal Gorge
6 Field Office of the Bureau of Land Management or
7 located in the Pike and San Isabel National Forests,
8 which comprise approximately 23,116 acres, as gen-
9 erally depicted on a map titled “Badger Creek Pro-
10 posed Wilderness”, dated November 7, 2019, which
11 shall be known as the Badger Creek Wilderness.

12 (3) Certain lands managed by the Royal Gorge
13 Field Office of the Bureau of Land Management or
14 located in the Pike and San Isabel National Forests,
15 which comprise approximately 35,251 acres, as gen-
16 erally depicted on a map titled “Beaver Creek Pro-
17 posed Wilderness”, dated November 7, 2019, which
18 shall be known as the Beaver Creek Wilderness.

19 (4) Certain lands managed by the Royal Gorge
20 Field Office of the Bureau of Land Management or
21 the Bureau of Reclamation or located in the Pike
22 and San Isabel National Forests, which comprise ap-
23 proximately 32,884 acres, as generally depicted on a
24 map titled “Grape Creek Proposed Wilderness”,

1 dated November 7, 2019, which shall be known as
2 the Grape Creek Wilderness.

3 (5) Certain lands managed by the Grand Junc-
4 tion Field Office of the Bureau of Land Manage-
5 ment, which comprise approximately 13,351 acres,
6 as generally depicted on a map titled “North &
7 South Bangs Canyon Proposed Wilderness”, dated
8 October 9, 2019, which shall be known as the North
9 Bangs Canyon Wilderness.

10 (6) Certain lands managed by the Grand Junc-
11 tion Field Office of the Bureau of Land Manage-
12 ment, which comprise approximately 5,144 acres, as
13 generally depicted on a map titled “North & South
14 Bangs Canyon Proposed Wilderness”, dated October
15 9, 2019, which shall be known as the South Bangs
16 Canyon Wilderness.

17 (7) Certain lands managed by the Grand Junc-
18 tion Field Office of the Bureau of Land Manage-
19 ment, which comprise approximately 26,624 acres,
20 as generally depicted on a map titled “Unaweep &
21 Palisade Proposed Wilderness”, dated October 9,
22 2019, which shall be known as The Palisade Wilder-
23 ness.

24 (8) Certain lands managed by the Grand Junc-
25 tion Field Office of the Bureau of Land Manage-

1 ment or located in the Grand Mesa, Uncompaghre,
2 and Gunnison National Forests, which comprise ap-
3 proximately 19,776 acres, as generally depicted on a
4 map titled “UnawEEP & Palisade Proposed Wilder-
5 ness”, dated October 9, 2019, which shall be known
6 as the UnawEEP Wilderness.

7 (9) Certain lands managed by the Grand Junc-
8 tion Field Office of the Bureau of Land Manage-
9 ment and Uncompaghre Field Office of the Bureau
10 of Land Management and in the Manti-LaSal Na-
11 tional Forest, which comprise approximately 37,637
12 acres, as generally depicted on a map titled
13 “Sewemup Mesa Proposed Wilderness”, dated No-
14 vember 7, 2019, which shall be known as the
15 Sewemup Mesa Wilderness.

16 (10) Certain lands managed by the Kremmling
17 Field Office of the Bureau of Land Management,
18 which comprise approximately 31 acres, as generally
19 depicted on a map titled “Platte River Addition Pro-
20 posed Wilderness”, dated July 20, 2018, and which
21 are hereby incorporated in and shall be deemed to
22 be part of the Platte River Wilderness designated by
23 Public Law 98–550.

24 (11) Certain lands managed by the
25 Uncompahgre Field Office of the Bureau of Land

1 Management, which comprise approximately 17,587
2 acres, as generally depicted on a map titled
3 “Roubideau Proposed Wilderness”, dated October 9,
4 2019, which shall be known as the Roubideau Wil-
5 derness.

6 (12) Certain lands managed by the
7 Uncompahgre Field Office of the Bureau of Land
8 Management or located in the Grand Mesa,
9 Uncompahgre, and Gunnison National Forests,
10 which comprise approximately 12,102 acres, as gen-
11 erally depicted on a map titled “Norwood Canyon
12 Proposed Wilderness”, dated November 7, 2019,
13 which shall be known as the Norwood Canyon Wil-
14 derness.

15 (13) Certain lands managed by the Tres Rios
16 Field Office of the Bureau of Land Management,
17 which comprise approximately 24,475 acres, as gen-
18 erally depicted on a map titled “Papoose & Cross
19 Canyon Proposed Wilderness”, and dated January
20 29, 2020, which shall be known as the Cross Canyon
21 Wilderness.

22 (14) Certain lands managed by the Tres Rios
23 Field Office of the Bureau of Land Management,
24 which comprise approximately 21,220 acres, as gen-
25 erally depicted on a map titled “McKenna Peak Pro-

1 posed Wilderness”, dated October 16, 2019, which
2 shall be known as the McKenna Peak Wilderness.

3 (15) Certain lands managed by the Tres Rios
4 Field Office of the Bureau of Land Management,
5 which comprise approximately 14,270 acres, as gen-
6 erally depicted on a map titled “Weber-Menefee
7 Mountain Proposed Wilderness”, dated October 9,
8 2019, which shall be known as the Weber-Menefee
9 Mountain Wilderness.

10 (16) Certain lands managed by the
11 Uncompahgre and Tres Rios Field Offices of the
12 Bureau of Land Management or the Bureau of Rec-
13 lamation, which comprise approximately 33,351
14 acres, as generally depicted on a map titled “Dolores
15 River Canyon Proposed Wilderness”, dated Novem-
16 ber 7, 2019, which shall be known as the Dolores
17 River Canyon Wilderness.

18 (17) Certain lands managed by the Royal Gorge
19 Field Office of the Bureau of Land Management or
20 located in the Pike and San Isabel National Forests,
21 which comprise approximately 17,922 acres, as gen-
22 erally depicted on a map titled “Browns Canyon
23 Proposed Wilderness”, dated October 9, 2019, which
24 shall be known as the Browns Canyon Wilderness.

1 (18) Certain lands managed by the San Luis
2 Field Office of the Bureau of Land Management,
3 which comprise approximately 10,527 acres, as gen-
4 erally depicted on a map titled “San Luis Hills Pro-
5 posed Wilderness”, dated October 9, 2019 which
6 shall be known as the San Luis Hills Wilderness.

7 (19) Certain lands managed by the Royal Gorge
8 Field Office of the Bureau of Land Management,
9 which comprise approximately 23,559 acres, as gen-
10 erally depicted on a map titled “Table Mountain &
11 McIntyre Hills Proposed Wilderness”, dated Novem-
12 ber 7, 2019, which shall be known as the Table
13 Mountain Wilderness.

14 (20) Certain lands managed by the Tres Rios
15 Field Office of the Bureau of Land Management or
16 located in the San Juan National Forest, which
17 comprise approximately 10,844 acres, as generally
18 depicted on a map titled “North & South Ponderosa
19 Gorge Proposed Wilderness”, and dated January 31,
20 2020, which shall be known as the North Ponderosa
21 Gorge Wilderness.

22 (21) Certain lands managed by the Tres Rios
23 Field Office of the Bureau of Land Management or
24 located in the San Juan National Forest, which
25 comprise approximately 12,393 acres, as generally

1 depicted on a map titled “North & South Ponderosa
2 Gorge Proposed Wilderness”, and dated January 31,
3 2020 which shall be known as the South Ponderosa
4 Gorge Wilderness.

5 (22) Certain lands managed by the Little Snake
6 Field Office of the Bureau of Land Management
7 which comprise approximately 33,168 acres, as gen-
8 erally depicted on a map titled “Diamond Breaks
9 Proposed Wilderness”, and dated January 31, 2020
10 which shall be known as the Diamond Breaks Wil-
11 derness.

12 (23) Certain lands managed by the Tres Rios
13 Field Office of the Bureau of Land Management
14 which comprises approximately 4,782 acres, as gen-
15 erally depicted on the map titled “Papoose & Cross
16 Canyon Proposed Wilderness’ ”, and dated January
17 29, 2020 which shall be known as the Papoose Can-
18 yon Wilderness.

19 (c) WEST ELK ADDITION.—Certain lands in the
20 State of Colorado administered by the Gunnison Field Of-
21 fice of the Bureau of Land Management, the United
22 States National Park Service, and the Bureau of Reclama-
23 tion, which comprise approximately 6,695 acres, as gen-
24 erally depicted on a map titled “West Elk Addition Pro-
25 posed Wilderness”, dated October 9, 2019, are hereby des-

1 ignated as wilderness and, therefore, as components of the
2 National Wilderness Preservation System and are hereby
3 incorporated in and shall be deemed to be a part of the
4 West Elk Wilderness designated by Public Law 88–577.
5 The boundary adjacent to Blue Mesa Reservoir shall be
6 50 feet landward from the water’s edge, and shall change
7 according to the water level.

8 (d) BLUE MESA RESERVOIR.—If the Bureau of Rec-
9 lamation determines that lands within the West Elk Wil-
10 derness Addition are necessary for future expansion of the
11 Blue Mesa Reservoir, the Secretary shall by publication
12 of a revised boundary description in the Federal Register
13 revise the boundary of the West Elk Wilderness Addition.

14 (e) MAPS AND DESCRIPTIONS.—As soon as prac-
15 ticable after the date of enactment of the Act, the Sec-
16 retary shall file a map and a boundary description of each
17 area designated as wilderness by this section with the
18 Committee on Natural Resources of the House of Rep-
19 resentatives and the Committee on Energy and Natural
20 Resources of the Senate. Each map and boundary descrip-
21 tion shall have the same force and effect as if included
22 in this title, except that the Secretary may correct clerical
23 and typographical errors in the map or boundary descrip-
24 tion. The maps and boundary descriptions shall be on file
25 and available for public inspection in the Office of the Di-

1 rector of the Bureau of Land Management, Department
2 of the Interior, and in the Office of the Chief of the Forest
3 Service, Department of Agriculture, as appropriate.

4 (f) STATE AND PRIVATE LANDS.—Lands within the
5 exterior boundaries of any wilderness area designated
6 under this section that are owned by a private entity or
7 by the State of Colorado, including lands administered by
8 the Colorado State Land Board, shall be included within
9 such wilderness area if such lands are acquired by the
10 United States. Such lands may be acquired by the United
11 States only as provided in the Wilderness Act (16 U.S.C.
12 1131 et seq.).

13 **SEC. 103. ADMINISTRATIVE PROVISIONS.**

14 (a) IN GENERAL.—Subject to valid existing rights,
15 lands designated as wilderness by this title shall be man-
16 aged by the Secretary in accordance with the Wilderness
17 Act (16 U.S.C. 1131 et seq.) and this title, except that,
18 with respect to any wilderness areas designated by this
19 title, any reference in the Wilderness Act to the effective
20 date of the Wilderness Act shall be deemed to be a ref-
21 erence to the date of enactment of this Act.

22 (b) GRAZING.—Grazing of livestock in wilderness
23 areas designated by this title shall be administered in ac-
24 cordance with the provisions of section 4(d)(4) of the Wil-
25 derness Act (16 U.S.C. 1133(d)(4)), as further inter-

1 preted by section 108 of Public Law 96–560, and the
2 guidelines set forth in appendix A of House Report 101–
3 405 of the 101st Congress.

4 (c) STATE JURISDICTION.—As provided in section
5 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
6 nothing in this title shall be construed as affecting the
7 jurisdiction or responsibilities of the State of Colorado
8 with respect to wildlife and fish in Colorado.

9 (d) BUFFER ZONES.—

10 (1) IN GENERAL.—Nothing in this title creates
11 a protective perimeter or buffer zone around any
12 area designated as wilderness by this title.

13 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
14 fact that an activity or use on land outside the areas
15 designated as wilderness by this title can be seen or
16 heard within the wilderness shall not preclude the
17 activity or use outside the boundary of the wilder-
18 ness.

19 (e) MILITARY HELICOPTER OVERFLIGHTS AND OP-
20 ERATIONS.—

21 (1) IN GENERAL.—Nothing in this title restricts
22 or precludes—

23 (A) low-level overflights of military heli-
24 copters over the areas designated as wilderness
25 by this title, including military overflights that

1 can be seen or heard within any wilderness
2 area;

3 (B) military flight testing and evaluation;

4 (C) the designation or creation of new
5 units of special use airspace, or the establish-
6 ment of military flight training routes over any
7 wilderness area; or

8 (D) helicopter operations at designated
9 landing zones within the potential wilderness
10 areas established by subsection (i)(1).

11 (2) AERIAL NAVIGATION TRAINING EXER-
12 CISES.—The Colorado Army National Guard,
13 through the High-Altitude Army National Guard
14 Aviation Training Site, may conduct aerial naviga-
15 tion training maneuver exercises over, and associ-
16 ated operations within, the potential wilderness
17 areas designated by this title—

18 (A) in a manner and degree consistent
19 with the memorandum of understanding dated
20 August 4, 1987, entered into among the Colo-
21 rado Army National Guard, the Bureau of
22 Land Management, and the Forest Service; or

23 (B) in a manner consistent with any subse-
24 quent memorandum of understanding entered
25 into among the Colorado Army National Guard,

1 the Bureau of Land Management, and the For-
2 est Service.

3 (f) RUNNING EVENTS.—The Secretary may continue
4 to authorize competitive running events currently per-
5 mitted in the Redcloud Peak Wilderness Area and
6 Handies Peak Wilderness Area in a manner compatible
7 with the preservation of such areas as wilderness.

8 (g) LAND TRADES.—If the Secretary trades privately
9 owned land within the perimeter of the Redcloud Peak
10 Wilderness Area or the Handies Peak Wilderness Area in
11 exchange for Federal land, then such Federal land shall
12 be located in Hinsdale County, Colorado.

13 (h) RECREATIONAL CLIMBING.—Nothing in this title
14 prohibits recreational rock climbing activities in the wil-
15 derness areas, such as the placement, use, and mainte-
16 nance of fixed anchors, including any fixed anchor estab-
17 lished before the date of the enactment of this Act—

18 (1) in accordance with the Wilderness Act (16
19 U.S.C. 1131 et seq.); and

20 (2) subject to any terms and conditions deter-
21 mined to be necessary by the Secretary.

22 (i) POTENTIAL WILDERNESS DESIGNATIONS.—

23 (1) IN GENERAL.—The following lands are des-
24 ignated as potential wilderness areas:

1 (A) Certain lands managed by the Colo-
2 rado River Valley Field Office of the Bureau of
3 Land Management, which comprise approxi-
4 mately 7,376 acres, as generally depicted on a
5 map titled “Pisgah East & West Proposed Wil-
6 derness” and dated October 16, 2019, which,
7 upon designation as wilderness under para-
8 graph (2), shall be known as the Pisgah East
9 Wilderness.

10 (B) Certain lands managed by the Colo-
11 rado River Valley Field Office of the Bureau of
12 Land Management, which comprise approxi-
13 mately 6,828 acres, as generally depicted on a
14 map titled “Pisgah East & West Proposed Wil-
15 derness” and dated October 16, 2019, which,
16 upon designation as wilderness under para-
17 graph (2), shall be known as the Pisgah West
18 Wilderness.

19 (C) Certain lands managed by the Colo-
20 rado River Valley Field Office of the Bureau of
21 Land Management or located in the White
22 River National Forest, which comprise approxi-
23 mately 16,101 acres, as generally depicted on a
24 map titled “Flat Tops Proposed Wilderness Ad-
25 dition”, dated October 9, 2019, and which,

1 upon designation as wilderness under para-
2 graph (2), shall be incorporated in and shall be
3 deemed to be a part of the Flat Tops Wilder-
4 ness designated by Public Law 94–146.

5 (2) DESIGNATION AS WILDERNESS.—Lands
6 designated as a potential wilderness area by sub-
7 paragraphs (A) through (C) of paragraph (1) shall
8 be designated as wilderness on the date on which the
9 Secretary publishes in the Federal Register a notice
10 that all nonconforming uses of those lands author-
11 ized by subsection (e) in the potential wilderness
12 area that would be in violation of the Wilderness Act
13 (16 U.S.C. 1131 et seq.) have ceased. Such publica-
14 tion in the Federal Register and designation as wil-
15 derness shall occur for the potential wilderness area
16 as the nonconforming uses cease in that potential
17 wilderness area and designation as wilderness is not
18 dependent on cessation of nonconforming uses in the
19 other potential wilderness area.

20 (3) MANAGEMENT.—Except for activities pro-
21 vided for under subsection (e), lands designated as
22 a potential wilderness area by paragraph (1) shall be
23 managed by the Secretary in accordance with the
24 Wilderness Act as wilderness pending the designa-

1 tion of such lands as wilderness under this sub-
2 section.

3 **SEC. 104. WATER.**

4 (a) EFFECT ON WATER RIGHTS.—Nothing in this
5 title—

6 (1) affects the use or allocation, in existence on
7 the date of enactment of this Act, of any water,
8 water right, or interest in water;

9 (2) affects any vested absolute or decreed condi-
10 tional water right in existence on the date of enact-
11 ment of this Act, including any water right held by
12 the United States;

13 (3) affects any interstate water compact in ex-
14 istence on the date of enactment of this Act;

15 (4) authorizes or imposes any new reserved
16 Federal water rights; and

17 (5) shall be considered to be a relinquishment
18 or reduction of any water rights reserved or appro-
19 priated by the United States in the State of Colo-
20 rado on or before the date of the enactment of this
21 Act.

22 (b) MIDSTREAM AREAS.—

23 (1) PURPOSE.—The purpose of this subsection
24 is to protect for the benefit and enjoyment of
25 present and future generations—

1 (A) the unique and nationally important
2 values of areas designated as wilderness by sec-
3 tion 102(b) (including the geological, cultural,
4 archaeological, paleontological, natural, sci-
5 entific, recreational, environmental, biological,
6 wilderness, wildlife, riparian, historical, edu-
7 cational, and scenic resources of the public
8 land); and

9 (B) the water resources of area streams,
10 based on seasonally available flows, that are
11 necessary to support aquatic, riparian, and ter-
12 restrial species and communities.

13 (2) WILDERNESS WATER RIGHTS.—

14 (A) IN GENERAL.—The Secretary shall en-
15 sure that any water rights within the wilderness
16 designated by section 102(b) required to fulfill
17 the purposes of such wilderness are secured in
18 accordance with subparagraphs (B) through
19 (G).

20 (B) STATE LAW.—

21 (i) PROCEDURAL REQUIREMENTS.—

22 Any water rights for which the Secretary
23 pursues adjudication shall be appropriated,
24 adjudicated, changed, and administered in

1 accordance with the procedural require-
2 ments and priority system of State law.

3 (ii) ESTABLISHMENT OF WATER
4 RIGHTS.—

5 (I) IN GENERAL.—Except as pro-
6 vided in subclause (II), the purposes
7 and other substantive characteristics
8 of the water rights pursued under this
9 paragraph shall be established in ac-
10 cordance with State law.

11 (II) EXCEPTION.—Notwith-
12 standing subclause (I) and in accord-
13 ance with this title, the Secretary may
14 appropriate and seek adjudication of
15 water rights to maintain surface water
16 levels and stream flows on and across
17 the wilderness designated by section
18 102(b) to fulfill the purposes of such
19 wilderness.

20 (C) DEADLINE.—The Secretary shall
21 promptly, but not earlier than January 1, 2021,
22 appropriate the water rights required to fulfill
23 the purposes of the wilderness designated by
24 section 102(b).

1 (D) REQUIRED DETERMINATION.—The
2 Secretary shall not pursue adjudication for any
3 instream flow water rights unless the Secretary
4 makes a determination pursuant to subpara-
5 graph (E)(ii) or (F).

6 (E) COOPERATIVE ENFORCEMENT.—

7 (i) IN GENERAL.—The Secretary shall
8 not pursue adjudication of any Federal
9 instream flow water rights established
10 under this paragraph if—

11 (I) the Secretary determines,
12 upon adjudication of the water rights
13 by the Colorado Water Conservation
14 Board, that the Board holds water
15 rights sufficient in priority, amount,
16 and timing to fulfill the purposes of
17 this subsection; and

18 (II) the Secretary has entered
19 into a perpetual agreement with the
20 Colorado Water Conservation Board
21 to ensure full exercise, protection, and
22 enforcement of the State water rights
23 within the wilderness to reliably fulfill
24 the purposes of this subsection.

1 (ii) ADJUDICATION.—If the Secretary
2 determines that the provisions of clause (i)
3 have not been met, the Secretary shall ad-
4 judicate and exercise any Federal water
5 rights required to fulfill the purposes of
6 the wilderness in accordance with this
7 paragraph.

8 (F) INSUFFICIENT WATER RIGHTS.—If the
9 Colorado Water Conservation Board modifies
10 the instream flow water rights obtained under
11 subparagraph (E) to such a degree that the
12 Secretary determines that water rights held by
13 the State are insufficient to fulfill the purposes
14 of this title, the Secretary shall adjudicate and
15 exercise Federal water rights required to fulfill
16 the purposes of this title in accordance with
17 subparagraph (B).

18 (G) FAILURE TO COMPLY.—The Secretary
19 shall promptly act to exercise and enforce the
20 water rights described in subparagraph (E) if
21 the Secretary determines that—

22 (i) the State is not exercising its
23 water rights consistent with subparagraph
24 (E)(i)(I); or

1 (ii) the agreement described in sub-
2 paragraph (E)(i)(II) is not fulfilled or com-
3 plied with sufficiently to fulfill the pur-
4 poses of this title.

5 (3) WATER RESOURCE FACILITY.—Notwith-
6 standing any other provision of law, beginning on
7 the date of enactment of this title, neither the Presi-
8 dent nor any other officer, employee, or agent of the
9 United States shall fund, assist, authorize, or issue
10 a license or permit for development of any new irri-
11 gation and pumping facility, reservoir, water con-
12 servation work, aqueduct, canal, ditch, pipeline, well,
13 hydropower project, transmission, other ancillary fa-
14 cility, or other water, diversion, storage, or carriage
15 structure in the wilderness designated by section
16 102(b).

17 (c) ACCESS AND OPERATION.—

18 (1) DEFINITION.—As used in this subsection,
19 the term “water resource facility” means irrigation
20 and pumping facilities, reservoirs, water conserva-
21 tion works, aqueducts, canals, ditches, pipelines,
22 wells, hydropower projects, transmission and other
23 ancillary facilities, and other water diversion, stor-
24 age, and carriage structures.

1 (2) ACCESS TO WATER RESOURCE FACILI-
2 TIES.—Subject to the provisions of this subsection,
3 the Secretary shall allow reasonable access to water
4 resource facilities in existence on the date of enact-
5 ment of this Act within the areas described in sec-
6 tions 102(b) and 102(c), including motorized access
7 where necessary and customarily employed on routes
8 existing as of the date of enactment of this Act.

9 (3) ACCESS ROUTES.—Existing access routes
10 within such areas customarily employed as of the
11 date of enactment of this Act may be used, main-
12 tained, repaired, and replaced to the extent nec-
13 essary to maintain their present function, design,
14 and serviceable operation, so long as such activities
15 have no increased adverse impacts on the resources
16 and values of the areas described in sections 102(b)
17 and 102(c) than existed as of the date of enactment
18 of this Act.

19 (4) USE OF WATER RESOURCE FACILITIES.—
20 Subject to the provisions of this subsection and sub-
21 section (a)(4), the Secretary shall allow water re-
22 source facilities existing on the date of enactment of
23 this Act within areas described in sections 102(b)
24 and 102(c) to be used, operated, maintained, re-
25 paired, and replaced to the extent necessary for the

1 continued exercise, in accordance with Colorado
2 State law, of vested water rights adjudicated for use
3 in connection with such facilities by a court of com-
4 petent jurisdiction prior to the date of enactment of
5 this Act. The impact of an existing facility on the
6 water resources and values of the area shall not be
7 increased as a result of changes in the adjudicated
8 type of use of such facility as of the date of enact-
9 ment of this Act.

10 (5) REPAIR AND MAINTENANCE.—Water re-
11 source facilities, and access routes serving such fa-
12 cilities, existing within the areas described in sec-
13 tions 102(b) and 102(c) on the date of enactment of
14 this Act shall be maintained and repaired when and
15 to the extent necessary to prevent increased adverse
16 impacts on the resources and values of the areas de-
17 scribed in sections 102(b) and 102(c).

18 **SEC. 105. SENSE OF CONGRESS.**

19 It is the sense of Congress that military aviation
20 training on Federal public lands in Colorado, including the
21 training conducted at the High-Altitude Army National
22 Guard Aviation Training Site, is critical to the national
23 security of the United States and the readiness of the
24 Armed Forces.

1 **SEC. 106. DEPARTMENT OF DEFENSE STUDY ON IMPACTS**
2 **THAT THE EXPANSION OF WILDERNESS DES-**
3 **IGNATIONS IN THE WESTERN UNITED STATES**
4 **WOULD HAVE ON THE READINESS OF THE**
5 **ARMED FORCES OF THE UNITED STATES**
6 **WITH RESPECT TO AVIATION TRAINING.**

7 (a) STUDY REQUIRED.—The Secretary of Defense
8 shall conduct a study on the impacts that the expansion
9 of wilderness designations in the Western United States
10 would have on the readiness of the Armed Forces of the
11 United States with respect to aviation training.

12 (b) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the Secretary shall submit
14 to the Committees on Armed Services of the Senate and
15 House of Representatives a report on the study required
16 under subsection (a).

17 **TITLE II—NORTHWEST CALI-**
18 **FORNIA WILDERNESS, RECRE-**
19 **ATION, AND WORKING FOR-**
20 **ESTS**

21 **SEC. 201. SHORT TITLE.**

22 This title may be cited as the “Northwest California
23 Wilderness, Recreation, and Working Forests Act”.

24 **SEC. 202. DEFINITIONS.**

25 In this title:

1 (1) SECRETARY.—The term “Secretary”
2 means—

3 (A) with respect to land under the jurisdic-
4 tion of the Secretary of Agriculture, the Sec-
5 retary of Agriculture; and

6 (B) with respect to land under the jurisdic-
7 tion of the Secretary of the Interior, the Sec-
8 retary of the Interior.

9 (2) STATE.—The term “State” means the State
10 of California.

11 **Subtitle A—Restoration and**
12 **Economic Development**

13 **SEC. 211. SOUTH FORK TRINITY-MAD RIVER RESTORATION**
14 **AREA.**

15 (a) DEFINITIONS.—In this section:

16 (1) COLLABORATIVELY DEVELOPED.—The term
17 “collaboratively developed” means projects that are
18 developed and implemented through a collaborative
19 process that—

20 (A) includes—

21 (i) appropriate Federal, State, and
22 local agencies; and

23 (ii) multiple interested persons rep-
24 resenting diverse interests; and

25 (B) is transparent and nonexclusive.

1 (2) PLANTATION.—The term “plantation”
2 means a forested area that has been artificially es-
3 tablished by planting or seeding.

4 (3) RESTORATION.—The term “restoration”
5 means the process of assisting the recovery of an
6 ecosystem that has been degraded, damaged, or de-
7 stroyed by establishing the composition, structure,
8 pattern, and ecological processes necessary to facili-
9 tate terrestrial and aquatic ecosystem sustainability,
10 resilience, and health under current and future con-
11 ditions.

12 (4) RESTORATION AREA.—The term “restora-
13 tion area” means the South Fork Trinity-Mad River
14 Restoration Area, established by subsection (b).

15 (5) SHADED FUEL BREAK.—The term “shaded
16 fuel break” means a vegetation treatment that effec-
17 tively addresses all project-generated slash and that
18 retains: adequate canopy cover to suppress plant re-
19 growth in the forest understory following treatment;
20 the longest lived trees that provide the most shade
21 over the longest period of time; the healthiest and
22 most vigorous trees with the greatest potential for
23 crown-growth in plantations and in natural stands
24 adjacent to plantations; and all mature hardwoods,
25 when practicable.

1 (6) STEWARDSHIP CONTRACT.—The term
2 “stewardship contract” means an agreement or con-
3 tract entered into under section 604 of the Healthy
4 Forests Restoration Act of 2003 (16 U.S.C. 6591c).

5 (7) WILDLAND-URBAN INTERFACE.—The term
6 “wildland-urban interface” has the meaning given
7 the term by section 101 of the Healthy Forests Res-
8 toration Act of 2003 (16 U.S.C. 6511).

9 (b) ESTABLISHMENT.—Subject to valid existing
10 rights, there is established the South Fork Trinity-Mad
11 River Restoration Area, comprising approximately
12 729,089 acres of Federal land administered by the Forest
13 Service and approximately 1,280 acres of Federal land ad-
14 ministered by the Bureau of Land Management, as gen-
15 erally depicted on the map entitled “South Fork Trinity-
16 Mad River Restoration Area—Proposed” and dated July
17 3, 2018, to be known as the South Fork Trinity-Mad
18 River Restoration Area.

19 (c) PURPOSES.—The purposes of the restoration area
20 are to—

21 (1) establish, restore, and maintain fire-resilient
22 forest structures containing late successional forest
23 structure characterized by large trees and multisto-
24 ried canopies, as ecologically appropriate;

25 (2) protect late successional reserves;

1 (3) enhance the restoration of Federal lands
2 within the restoration area;

3 (4) reduce the threat posed by wildfires to com-
4 munities within the restoration area;

5 (5) protect and restore aquatic habitat and
6 anadromous fisheries;

7 (6) protect the quality of water within the res-
8 toration area; and

9 (7) allow visitors to enjoy the scenic, rec-
10 reational, natural, cultural, and wildlife values of the
11 restoration area.

12 (d) MANAGEMENT.—

13 (1) IN GENERAL.—The Secretary shall manage
14 the restoration area—

15 (A) in a manner consistent with the pur-
16 poses described in subsection (c);

17 (B) in a manner that—

18 (i) in the case of the Forest Service,
19 prioritizes restoration of the restoration
20 area over other nonemergency vegetation
21 management projects on the portions of
22 the Six Rivers and Shasta-Trinity National
23 Forests in Humboldt and Trinity Counties;
24 and

1 (ii) in the case of the United States
2 Fish and Wildlife Service, establishes with
3 the Forest Service an agreement for co-
4 operation to ensure timely completion of
5 consultation required by section 7 of the
6 Endangered Species Act (15 U.S.C. 1536)
7 on restoration projects within the restora-
8 tion area and agreement to maintain and
9 exchange information on planning sched-
10 ules and priorities on a regular basis;

11 (C) in accordance with—

12 (i) the laws (including regulations)
13 and rules applicable to the National Forest
14 System for land managed by the Forest
15 Service;

16 (ii) the Federal Land Policy and Man-
17 agement Act of 1976 (43 U.S.C. 1701 et
18 seq.) for land managed by the Bureau of
19 Land Management;

20 (iii) this title; and

21 (iv) any other applicable law (includ-
22 ing regulations); and

23 (D) in a manner consistent with congres-
24 sional intent that consultation for restoration

1 projects within the restoration area is com-
2 pleted in a timely and efficient manner.

3 (2) CONFLICT OF LAWS.—

4 (A) IN GENERAL.—The establishment of
5 the restoration area shall not change the man-
6 agement status of any land or water that is
7 designated wilderness or as a wild and scenic
8 river, including lands and waters designated by
9 this title.

10 (B) RESOLUTION OF CONFLICT.—If there
11 is a conflict between the laws applicable to the
12 areas described in subparagraph (A) and this
13 section, the more restrictive provision shall con-
14 trol.

15 (3) USES.—

16 (A) IN GENERAL.—The Secretary shall
17 only allow uses of the restoration area that the
18 Secretary determines would further the pur-
19 poses described in subsection (c).

20 (B) PRIORITY.—The Secretary shall
21 prioritize restoration activities within the res-
22 toration area.

23 (C) LIMITATION.—Nothing in this section
24 shall limit the Secretary's ability to plan, ap-

1 prove, or prioritize activities outside of the res-
2 toration area.

3 (4) WILDLAND FIRE.—

4 (A) IN GENERAL.—Nothing in this section
5 prohibits the Secretary, in cooperation with
6 other Federal, State, and local agencies, as ap-
7 propriate, from conducting wildland fire oper-
8 ations in the restoration area, consistent with
9 the purposes of this section.

10 (B) PRIORITY.—The Secretary may use
11 prescribed burning and managed wildland fire
12 to the fullest extent practicable to achieve the
13 purposes of this section.

14 (5) ROAD DECOMMISSIONING.—

15 (A) IN GENERAL.—To the extent prac-
16 ticable, the Secretary shall decommission
17 unneeded National Forest System roads identi-
18 fied for decommissioning and unauthorized
19 roads identified for decommissioning within the
20 restoration area—

21 (i) subject to appropriations;

22 (ii) consistent with the analysis re-
23 quired by subparts A and B of part 212 of
24 title 36, Code of Federal Regulations; and

25 (iii) in accordance with existing law.

1 (B) ADDITIONAL REQUIREMENT.—In mak-
2 ing determinations regarding road decommis-
3 sioning under subparagraph (A), the Secretary
4 shall consult with—

5 (i) appropriate State, Tribal, and local
6 governmental entities; and

7 (ii) members of the public.

8 (C) DEFINITION.—As used in subpara-
9 graph (A), the term “decommission” means—

10 (i) to reestablish vegetation on a road;

11 and

12 (ii) to restore any natural drainage,
13 watershed function, or other ecological
14 processes that are disrupted or adversely
15 impacted by the road by removing or
16 hydrologically disconnecting the road
17 prism.

18 (6) VEGETATION MANAGEMENT.—

19 (A) IN GENERAL.—Subject to subpara-
20 graphs (B), (C), and (D), the Secretary may
21 conduct vegetation management projects in the
22 restoration area only where necessary to—

23 (i) maintain or restore the character-
24 istics of ecosystem composition and struc-
25 ture;

1 (ii) reduce wildfire risk to commu-
2 nities by promoting forests that are fire re-
3 silient;

4 (iii) improve the habitat of threatened,
5 endangered, or sensitive species;

6 (iv) protect or improve water quality;
7 or

8 (v) enhance the restoration of lands
9 within the restoration area.

10 (B) ADDITIONAL REQUIREMENTS.—

11 (i) SHADED FUEL BREAKS.—In car-
12 rying out subparagraph (A), the Secretary
13 shall prioritize, as practicable, the estab-
14 lishment of a network of shaded fuel
15 breaks within—

16 (I) the portions of the wildland-
17 urban interface that are within 150
18 feet from private property contiguous
19 to Federal land;

20 (II) 150 feet from any road that
21 is open to motorized vehicles as of the
22 date of enactment of this Act—

23 (aa) except that, where to-
24 pography or other conditions re-
25 quire, the Secretary may estab-

1 lish shaded fuel breaks up to 275
2 feet from a road so long as the
3 combined total width of the
4 shaded fuel breaks for both sides
5 of the road does not exceed 300
6 feet; and

7 (bb) provided that the Sec-
8 retary shall include vegetation
9 treatments within a minimum of
10 25 feet of the road where prac-
11 ticable, feasible, and appropriate
12 as part of any shaded fuel break;
13 or

14 (III) 150 feet of any plantation.

15 (ii) PLANTATIONS; RIPARIAN RE-
16 SERVES.—The Secretary may undertake
17 vegetation management projects—

18 (I) in areas within the restora-
19 tion area in which fish and wildlife
20 habitat is significantly compromised
21 as a result of past management prac-
22 tices (including plantations); and

23 (II) within designated riparian
24 reserves only where necessary to

1 maintain the integrity of fuel breaks
2 and to enhance fire resilience.

3 (C) COMPLIANCE.—The Secretary shall
4 carry out vegetation management projects with-
5 in the restoration area—

6 (i) in accordance with—

7 (I) this section; and

8 (II) existing law (including regu-
9 lations);

10 (ii) after providing an opportunity for
11 public comment; and

12 (iii) subject to appropriations.

13 (D) BEST AVAILABLE SCIENCE.—The Sec-
14 retary shall use the best available science in
15 planning and implementing vegetation manage-
16 ment projects within the restoration area.

17 (7) GRAZING.—

18 (A) EXISTING GRAZING.—The grazing of
19 livestock in the restoration area, where estab-
20 lished before the date of enactment of this Act,
21 shall be permitted to continue—

22 (i) subject to—

23 (I) such reasonable regulations,
24 policies, and practices as the Sec-
25 retary considers necessary; and

1 (II) applicable law (including reg-
2 ulations); and

3 (ii) in a manner consistent with the
4 purposes described in subsection (c).

5 (B) TARGETED NEW GRAZING.—The Sec-
6 retary may issue annual targeted grazing per-
7 mits for the grazing of livestock in the restora-
8 tion area, where not established before the date
9 of the enactment of this Act, to control noxious
10 weeds, aid in the control of wildfire within the
11 wildland-urban interface, or to provide other ec-
12 ological benefits subject to—

13 (i) such reasonable regulations, poli-
14 cies, and practices as the Secretary con-
15 siderers necessary; and

16 (ii) a manner consistent with the pur-
17 poses described in subsection (c).

18 (C) BEST AVAILABLE SCIENCE.—The Sec-
19 retary shall use the best available science when
20 determining whether to issue targeted grazing
21 permits within the restoration area.

22 (e) WITHDRAWAL.—Subject to valid existing rights,
23 the restoration area is withdrawn from—

24 (1) all forms of entry, appropriation, and dis-
25 posal under the public land laws;

1 (2) location, entry, and patent under the mining
2 laws; and

3 (3) disposition under all laws relating to min-
4 eral and geothermal leasing or mineral materials.

5 (f) USE OF STEWARDSHIP CONTRACTS.—To the
6 maximum extent practicable, the Secretary shall—

7 (1) use stewardship contracts to implement this
8 section; and

9 (2) use revenue derived from such stewardship
10 contracts for restoration and other activities within
11 the restoration area which shall include staff and ad-
12 ministrative costs to support timely consultation ac-
13 tivities for restoration projects.

14 (g) COLLABORATION.—In developing and imple-
15 menting restoration projects in the restoration area, the
16 Secretary shall consult with collaborative groups with an
17 interest in the restoration area.

18 (h) ENVIRONMENTAL REVIEW.—A collaboratively de-
19 veloped restoration project within the restoration area may
20 be carried out in accordance with the provisions for haz-
21 ardous fuel reduction projects set forth in sections 214,
22 215, and 216 of the Healthy Forests Restoration Act of
23 2003 (16 U.S.C. 6514–6516), as applicable.

24 (i) MULTIPARTY MONITORING.—The Secretary of
25 Agriculture shall—

1 (1) in collaboration with the Secretary of the
2 Interior and interested persons, use a multiparty
3 monitoring, evaluation, and accountability process to
4 assess the positive or negative ecological, social, and
5 economic effects of restoration projects within the
6 restoration area; and

7 (2) incorporate the monitoring results into the
8 management of the restoration area.

9 (j) FUNDING.—The Secretary shall use all existing
10 authorities to secure as much funding as necessary to ful-
11 fill the purposes of the restoration area.

12 (k) FOREST RESIDUES UTILIZATION.—

13 (1) IN GENERAL.—In accordance with applica-
14 ble law, including regulations, and this section, the
15 Secretary may utilize forest residues from restora-
16 tion projects, including shaded fuel breaks, in the
17 restoration area for research and development of
18 biobased products that result in net carbon seques-
19 tration.

20 (2) PARTNERSHIPS.—In carrying out para-
21 graph (1), the Secretary may enter into partnerships
22 with universities, nongovernmental organizations, in-
23 dustry, Tribes, and Federal, State, and local govern-
24 mental agencies.

1 **SEC. 212. REDWOOD NATIONAL AND STATE PARKS RES-**
2 **TORATION.**

3 (a) PARTNERSHIP AGREEMENTS.—The Secretary of
4 the Interior is authorized to undertake initiatives to re-
5 store degraded redwood forest ecosystems in Redwood Na-
6 tional and State Parks in partnership with the State of
7 California, local agencies, and nongovernmental organiza-
8 tions.

9 (b) COMPLIANCE.—In carrying out any initiative au-
10 thorized by subsection (a), the Secretary of the Interior
11 shall comply with all applicable law.

12 **SEC. 213. CALIFORNIA PUBLIC LANDS REMEDIATION PART-**
13 **NERSHIP.**

14 (a) DEFINITIONS.—In this section:

15 (1) PARTNERSHIP.—The term “partnership”
16 means the California Public Lands Remediation
17 Partnership, established by subsection (b).

18 (2) PRIORITY LANDS.—The term “priority
19 lands” means Federal land within the State that is
20 determined by the partnership to be a high priority
21 for remediation.

22 (3) REMEDIATION.—The term “remediation”
23 means to facilitate the recovery of lands and waters
24 that have been degraded, damaged, or destroyed by
25 illegal marijuana cultivation or another illegal activ-
26 ity. Remediation includes but is not limited to re-

1 moval of trash, debris, and other material, and es-
2 tablishing the composition, structure, pattern, and
3 ecological processes necessary to facilitate terrestrial
4 and aquatic ecosystem sustainability, resilience, and
5 health under current and future conditions.

6 (b) ESTABLISHMENT.—There is hereby established a
7 California Public Lands Remediation Partnership.

8 (c) PURPOSES.—The purposes of the partnership are
9 to—

10 (1) coordinate the activities of Federal, State,
11 Tribal, and local authorities, and the private sector,
12 in the remediation of priority lands in the State af-
13 fected by illegal marijuana cultivation or other illegal
14 activities; and

15 (2) use the resources and expertise of each
16 agency, authority, or entity in implementing remedi-
17 ation activities on priority lands in the State.

18 (d) MEMBERSHIP.—The members of the partnership
19 shall include the following:

20 (1) The Secretary of Agriculture, or a designee
21 of the Secretary of Agriculture to represent the For-
22 est Service.

23 (2) The Secretary of the Interior, or a designee
24 of the Secretary of the Interior, to represent the

1 United States Fish and Wildlife Service, Bureau of
2 Land Management, and National Park Service.

3 (3) The Director of the Office of National Drug
4 Control Policy, or a designee of the Director.

5 (4) The Secretary of the State Natural Re-
6 sources Agency, or a designee of the Secretary, to
7 represent the California Department of Fish and
8 Wildlife.

9 (5) A designee of the California State Water
10 Resources Control Board.

11 (6) A designee of the California State Sheriffs'
12 Association.

13 (7) One member to represent federally recog-
14 nized Indian Tribes, to be appointed by the Sec-
15 retary of Agriculture.

16 (8) One member to represent nongovernmental
17 organizations with an interest in Federal land reme-
18 diation, to be appointed by the Secretary of Agri-
19 culture.

20 (9) One member to represent local govern-
21 mental interests, to be appointed by the Secretary of
22 Agriculture.

23 (10) A law enforcement official from each of
24 the following:

25 (A) The Department of the Interior.

1 (B) The Department of Agriculture.

2 (11) A scientist to provide expertise and advise
3 on methods needed for remediation efforts, to be ap-
4 pointed by the Secretary of Agriculture.

5 (12) A designee of the National Guard Counter
6 Drug Program.

7 (e) DUTIES.—To further the purposes of this section,
8 the partnership shall—

9 (1) identify priority lands for remediation in the
10 State;

11 (2) secure resources from Federal and non-Fed-
12 eral sources to apply to remediation of priority lands
13 in the State;

14 (3) support efforts by Federal, State, Tribal,
15 and local agencies, and nongovernmental organiza-
16 tions in carrying out remediation of priority lands in
17 the State;

18 (4) support research and education on the im-
19 pacts of, and solutions to, illegal marijuana cultiva-
20 tion and other illegal activities on priority lands in
21 the State;

22 (5) involve other Federal, State, Tribal, and
23 local agencies, nongovernmental organizations, and
24 the public in remediation efforts, to the extent prac-
25 ticable; and

1 (6) take any other administrative or advisory
2 actions as necessary to address remediation of pri-
3 ority lands in the State.

4 (f) AUTHORITIES.—To implement this section, the
5 partnership may, subject to the prior approval of the Sec-
6 retary of Agriculture—

7 (1) make grants to the State, political subdivi-
8 sions of the State, nonprofit organizations, and
9 other persons;

10 (2) enter into cooperative agreements with, or
11 provide grants or technical assistance to, the State,
12 political subdivisions of the State, nonprofit organi-
13 zations, Federal agencies, and other interested par-
14 ties;

15 (3) hire and compensate staff;

16 (4) obtain funds or services from any source,
17 including Federal and non-Federal funds, and funds
18 and services provided under any other Federal law
19 or program;

20 (5) contract for goods or services; and

21 (6) support activities of partners and any other
22 activities that further the purposes of this section.

23 (g) PROCEDURES.—The partnership shall establish
24 such rules and procedures as it deems necessary or desir-
25 able.

1 (h) LOCAL HIRING.—The partnership shall, to the
2 maximum extent practicable and in accordance with exist-
3 ing law, give preference to local entities and persons when
4 carrying out this section.

5 (i) SERVICE WITHOUT COMPENSATION.—Members of
6 the partnership shall serve without pay.

7 (j) DUTIES AND AUTHORITIES OF THE SECRETARY
8 OF AGRICULTURE.—

9 (1) IN GENERAL.—The Secretary of Agriculture
10 shall convene the partnership on a regular basis to
11 carry out this section.

12 (2) TECHNICAL AND FINANCIAL ASSISTANCE.—
13 The Secretary of Agriculture and Secretary of the
14 Interior may provide technical and financial assist-
15 ance, on a reimbursable or nonreimbursable basis, as
16 determined by the appropriate Secretary, to the
17 partnership or any members of the partnership to
18 carry out this title.

19 (3) COOPERATIVE AGREEMENTS.—The Sec-
20 retary of Agriculture and Secretary of the Interior
21 may enter into cooperative agreements with the
22 partnership, any members of the partnership, or
23 other public or private entities to provide technical,
24 financial, or other assistance to carry out this title.

1 **SEC. 214. TRINITY LAKE VISITOR CENTER.**

2 (a) IN GENERAL.—The Secretary of Agriculture, act-
3 ing through the Chief of the Forest Service, may establish,
4 in cooperation with any other public or private entities
5 that the Secretary may determine to be appropriate, a vis-
6 itor center in Weaverville, California—

7 (1) to serve visitors; and

8 (2) to assist in fulfilling the purposes of the
9 Whiskeytown-Shasta-Trinity National Recreation
10 Area.

11 (b) REQUIREMENTS.—The Secretary shall ensure
12 that the visitor center authorized under subsection (a) is
13 designed to interpret the scenic, biological, natural, histor-
14 ical, scientific, paleontological, recreational, ecological, wil-
15 derness, and cultural resources of the Whiskeytown-Shas-
16 ta-Trinity National Recreation Area and other nearby
17 Federal lands.

18 (c) COOPERATIVE AGREEMENTS.—The Secretary of
19 Agriculture may, in a manner consistent with this title,
20 enter into cooperative agreements with the State and any
21 other appropriate institutions and organizations to carry
22 out the purposes of this section.

23 **SEC. 215. DEL NORTE COUNTY VISITOR CENTER.**

24 (a) IN GENERAL.—The Secretary of Agriculture and
25 Secretary of the Interior, acting jointly or separately, may
26 establish, in cooperation with any other public or private

1 entities that the Secretaries determine to be appropriate,
2 a visitor center in Del Norte County, California—

3 (1) to serve visitors; and

4 (2) to assist in fulfilling the purposes of Red-
5 wood National and State Parks, the Smith River
6 National Recreation Area, and other nearby Federal
7 lands.

8 (b) REQUIREMENTS.—The Secretaries shall ensure
9 that the visitor center authorized under subsection (a) is
10 designed to interpret the scenic, biological, natural, histor-
11 ical, scientific, paleontological, recreational, ecological, wil-
12 derness, and cultural resources of Redwood National and
13 State Parks, the Smith River National Recreation Area,
14 and other nearby Federal lands.

15 **SEC. 216. MANAGEMENT PLANS.**

16 (a) IN GENERAL.—In revising the land and resource
17 management plan for the Shasta-Trinity, Six Rivers,
18 Klamath, and Mendocino National Forests, the Secretary
19 shall—

20 (1) consider the purposes of the South Fork
21 Trinity-Mad River Restoration Area established by
22 section 211; and

23 (2) include or update the fire management plan
24 for the wilderness areas and wilderness additions es-
25 tablished by this title.

1 (b) REQUIREMENT.—In carrying out the revisions re-
2 quired by subsection (a), the Secretary shall—

3 (1) develop spatial fire management plans in
4 accordance with—

5 (A) the Guidance for Implementation of
6 Federal Wildland Fire Management Policy
7 dated February 13, 2009, including any amend-
8 ments to that guidance; and

9 (B) other appropriate policies;

10 (2) ensure that a fire management plan—

11 (A) considers how prescribed or managed
12 fire can be used to achieve ecological manage-
13 ment objectives of wilderness and other natural
14 or primitive areas; and

15 (B) in the case of a wilderness area ex-
16 panded by section 231, provides consistent di-
17 rection regarding fire management to the entire
18 wilderness area, including the addition;

19 (3) consult with—

20 (A) appropriate State, Tribal, and local
21 governmental entities; and

22 (B) members of the public; and

23 (4) comply with applicable laws (including regu-
24 lations).

1 **SEC. 217. STUDY; PARTNERSHIPS RELATED TO OVERNIGHT**
2 **ACCOMMODATIONS.**

3 (a) STUDY.—The Secretary of the Interior, in con-
4 sultation with interested Federal, State, Tribal, and local
5 entities, and private and nonprofit organizations, shall
6 conduct a study to evaluate the feasibility and suitability
7 of establishing overnight accommodations near Redwood
8 National and State Parks on—

9 (1) Federal land at the northern boundary or
10 on land within 20 miles of the northern boundary;
11 and

12 (2) Federal land at the southern boundary or
13 on land within 20 miles of the southern boundary.

14 (b) PARTNERSHIPS.—

15 (1) AGREEMENTS AUTHORIZED.—If the study
16 conducted under subsection (a) determines that es-
17 tablishing the described accommodations is suitable
18 and feasible, the Secretary may enter into agree-
19 ments with qualified private and nonprofit organiza-
20 tions for the development, operation, and mainte-
21 nance of overnight accommodations.

22 (2) CONTENTS.—Any agreements entered into
23 under paragraph (1) shall clearly define the role and
24 responsibility of the Secretary and the private or
25 nonprofit organization.

1 (3) COMPLIANCE.—The Secretary shall enter
2 agreements under paragraph (1) in accordance with
3 existing law.

4 (4) EFFECT.—Nothing in this subsection—

5 (A) reduces or diminishes the authority of
6 the Secretary to manage land and resources
7 under the jurisdiction of the Secretary; or

8 (B) amends or modifies the application of
9 any existing law (including regulations) applica-
10 ble to land under the jurisdiction of the Sec-
11 retary.

12 **Subtitle B—Recreation**

13 **SEC. 221. HORSE MOUNTAIN SPECIAL MANAGEMENT AREA.**

14 (a) ESTABLISHMENT.—Subject to valid existing
15 rights, there is established the Horse Mountain Special
16 Management Area (referred to in this section as the “spe-
17 cial management area”) comprising approximately 7,399
18 acres of Federal land administered by the Forest Service
19 in Humboldt County, California, as generally depicted on
20 the map entitled “Horse Mountain Special Management
21 Area—Proposed” and dated April 13, 2017.

22 (b) PURPOSES.—The purpose of the special manage-
23 ment area is to enhance the recreational and scenic values
24 of the special management area while conserving the

1 plants, wildlife, and other natural resource values of the
2 area.

3 (c) MANAGEMENT PLAN.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the date of enactment of this Act and in accordance
6 with paragraph (2), the Secretary shall develop a
7 comprehensive plan for the long-term management
8 of the special management area.

9 (2) CONSULTATION.—In developing the man-
10 agement plan required under paragraph (1), the
11 Secretary shall consult with—

12 (A) appropriate State, Tribal, and local
13 governmental entities; and

14 (B) members of the public.

15 (3) ADDITIONAL REQUIREMENT.—The manage-
16 ment plan required under paragraph (1) shall ensure
17 that recreational use within the special management
18 area does not cause significant adverse impacts on
19 the plants and wildlife of the special management
20 area.

21 (d) MANAGEMENT.—

22 (1) IN GENERAL.—The Secretary shall manage
23 the special management area—

24 (A) in furtherance of the purposes de-
25 scribed in subsection (b); and

1 (B) in accordance with—

2 (i) the laws (including regulations)
3 generally applicable to the National Forest
4 System;

5 (ii) this section; and

6 (iii) any other applicable law (includ-
7 ing regulations).

8 (2) RECREATION.—The Secretary shall con-
9 tinue to authorize, maintain, and enhance the rec-
10 reational use of the special management area, in-
11 cluding hunting, fishing, camping, hiking, hang glid-
12 ing, sightseeing, nature study, horseback riding,
13 rafting, mountain biking, and motorized recreation
14 on authorized routes, and other recreational activi-
15 ties, so long as such recreational use is consistent
16 with the purposes of the special management area,
17 this section, other applicable law (including regula-
18 tions), and applicable management plans.

19 (3) MOTORIZED VEHICLES.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), the use of motorized vehicles
22 in the special management area shall be per-
23 mitted only on roads and trails designated for
24 the use of motorized vehicles.

1 (B) USE OF SNOWMOBILES.—The winter
2 use of snowmobiles shall be allowed in the spe-
3 cial management area—

4 (i) during periods of adequate snow
5 coverage during the winter season; and

6 (ii) subject to any terms and condi-
7 tions determined to be necessary by the
8 Secretary.

9 (4) NEW TRAILS.—

10 (A) IN GENERAL.—The Secretary may
11 construct new trails for motorized or non-
12 motorized recreation within the special manage-
13 ment area in accordance with—

14 (i) the laws (including regulations)
15 generally applicable to the National Forest
16 System;

17 (ii) this section; and

18 (iii) any other applicable law (includ-
19 ing regulations).

20 (B) PRIORITY.—In establishing new trails
21 within the special management area, the Sec-
22 retary shall—

23 (i) prioritize the establishment of
24 loops that provide high-quality, diverse rec-
25 reational experiences; and

1 (ii) consult with members of the pub-
2 lie.

3 (e) WITHDRAWAL.—Subject to valid existing rights,
4 the special management area is withdrawn from—

5 (1) all forms of appropriation or disposal under
6 the public land laws;

7 (2) location, entry, and patent under the mining
8 laws; and

9 (3) disposition under laws relating to mineral
10 and geothermal leasing.

11 **SEC. 222. BIGFOOT NATIONAL RECREATION TRAIL.**

12 (a) FEASIBILITY STUDY.—

13 (1) IN GENERAL.—Not later than 3 years after
14 the date of the enactment of this Act, the Secretary
15 of Agriculture, in cooperation with the Secretary of
16 the Interior, shall submit to the Committee on Nat-
17 ural Resources of the House of Representatives and
18 Committee on Energy and Natural Resources of the
19 Senate a study that describes the feasibility of estab-
20 lishing a nonmotorized Bigfoot National Recreation
21 Trail that follows the route described in paragraph
22 (2).

23 (2) ROUTE.—The trail described in paragraph
24 (1) shall extend from the Ides Cove Trailhead in the
25 Mendocino National Forest to Crescent City, Cali-

1 fornia, by roughly following the route as generally
2 depicted on the map entitled “Bigfoot National
3 Recreation Trail—Proposed” and dated July 25,
4 2018.

5 (3) ADDITIONAL REQUIREMENT.—In com-
6 pleting the study required by subsection (a), the Sec-
7 retary of Agriculture shall consult with—

8 (A) appropriate Federal, State, Tribal, re-
9 gional, and local agencies;

10 (B) private landowners;

11 (C) nongovernmental organizations; and

12 (D) members of the public.

13 (b) DESIGNATION.—

14 (1) IN GENERAL.—Upon a determination that
15 the Bigfoot National Recreation Trail is feasible and
16 meets the requirements for a National Recreation
17 Trail in section 1243 of title 16, United States
18 Code, the Secretary of Agriculture shall designate
19 the Bigfoot National Recreation Trail in accordance
20 with—

21 (A) the National Trails System Act (Public
22 Law 90–543);

23 (B) this title; and

24 (C) other applicable law (including regula-
25 tions).

1 (2) ADMINISTRATION.—Upon designation by
2 the Secretary of Agriculture, the Bigfoot National
3 Recreation Trail (referred to in this section as the
4 “trail”) shall be administered by the Secretary of
5 Agriculture, in consultation with—

6 (A) other Federal, State, Tribal, regional,
7 and local agencies;

8 (B) private landowners; and

9 (C) other interested organizations.

10 (3) PRIVATE PROPERTY RIGHTS.—

11 (A) IN GENERAL.—No portions of the trail
12 may be located on non-Federal land without the
13 written consent of the landowner.

14 (B) PROHIBITION.—The Secretary of Agri-
15 culture shall not acquire for the trail any land
16 or interest in land outside the exterior boundary
17 of any federally managed area without the con-
18 sent of the owner of the land or interest in the
19 land.

20 (C) EFFECT.—Nothing in this section—

21 (i) requires any private property
22 owner to allow public access (including
23 Federal, State, or local government access)
24 to private property; or

1 (ii) modifies any provision of Federal,
2 State, or local law with respect to public
3 access to or use of private land.

4 (c) COOPERATIVE AGREEMENTS.—In carrying out
5 this section, the Secretary of Agriculture may enter into
6 cooperative agreements with State, Tribal, and local gov-
7 ernment entities and private entities to complete needed
8 trail construction, reconstruction, realignment, mainte-
9 nance, or education projects related to the Bigfoot Na-
10 tional Recreation Trail.

11 (d) MAP.—

12 (1) MAP REQUIRED.—Upon designation of the
13 Bigfoot National Recreation Trail, the Secretary of
14 Agriculture shall prepare a map of the trail.

15 (2) PUBLIC AVAILABILITY.—The map referred
16 to in paragraph (1) shall be on file and available for
17 public inspection in the appropriate offices of the
18 Forest Service.

19 **SEC. 223. ELK CAMP RIDGE RECREATION TRAIL.**

20 (a) DESIGNATION.—

21 (1) IN GENERAL.—In accordance with para-
22 graph (2), the Secretary of Agriculture after an op-
23 portunity for public comment, shall designate a trail
24 (which may include a system of trails)—

1 (A) for use by off-highway vehicles or
2 mountain bicycles, or both; and

3 (B) to be known as the Elk Camp Ridge
4 Recreation Trail.

5 (2) REQUIREMENTS.—In designating the Elk
6 Camp Ridge Recreation Trail (referred to in this
7 section as the “trail”), the Secretary shall only in-
8 clude trails that are—

9 (A) as of the date of enactment of this
10 Act, authorized for use by off-highway vehicles
11 or mountain bikes, or both; and

12 (B) located on land that is managed by the
13 Forest Service in Del Norte County.

14 (3) MAP.—A map that depicts the trail shall be
15 on file and available for public inspection in the ap-
16 propriate offices of the Forest Service.

17 (b) MANAGEMENT.—

18 (1) IN GENERAL.—The Secretary shall manage
19 the trail—

20 (A) in accordance with applicable laws (in-
21 cluding regulations);

22 (B) to ensure the safety of citizens who
23 use the trail; and

1 (C) in a manner by which to minimize any
2 damage to sensitive habitat or cultural re-
3 sources.

4 (2) MONITORING; EVALUATION.—To minimize
5 the impacts of the use of the trail on environmental
6 and cultural resources, the Secretary shall annually
7 assess the effects of the use of off-highway vehicles
8 and mountain bicycles on—

9 (A) the trail;

10 (B) land located in proximity to the trail;

11 and

12 (C) plants, wildlife, and wildlife habitat.

13 (3) CLOSURE.—The Secretary, in consultation
14 with the State and Del Norte County, and subject
15 to paragraph (4), may temporarily close or perma-
16 nently reroute a portion of the trail if the Secretary
17 determines that—

18 (A) the trail is having an adverse impact
19 on—

20 (i) wildlife habitats;

21 (ii) natural resources;

22 (iii) cultural resources; or

23 (iv) traditional uses;

24 (B) the trail threatens public safety; or

25 (C) closure of the trail is necessary—

1 (i) to repair damage to the trail; or

2 (ii) to repair resource damage.

3 (4) REROUTING.—Any portion of the trail that
4 is temporarily closed by the Secretary under para-
5 graph (3) may be permanently rerouted along any
6 road or trail—

7 (A) that is—

8 (i) in existence as of the date of the
9 closure of the portion of the trail;

10 (ii) located on public land; and

11 (iii) open to motorized or mechanized
12 use; and

13 (B) if the Secretary determines that re-
14 routing the portion of the trail would not sig-
15 nificantly increase or decrease the length of the
16 trail.

17 (5) NOTICE OF AVAILABLE ROUTES.—The Sec-
18 retary shall ensure that visitors to the trail have ac-
19 cess to adequate notice relating to the availability of
20 trail routes through—

21 (A) the placement of appropriate signage
22 along the trail; and

23 (B) the distribution of maps, safety edu-
24 cation materials, and other information that the

1 Secretary concerned determines to be appro-
2 priate.

3 (c) EFFECT.—Nothing in this section affects the
4 ownership, management, or other rights relating to any
5 non-Federal land (including any interest in any non-Fed-
6 eral land).

7 **SEC. 224. TRINITY LAKE TRAIL.**

8 (a) TRAIL CONSTRUCTION.—

9 (1) FEASIBILITY STUDY.—Not later than 18
10 months after the date of enactment of this Act, the
11 Secretary shall study the feasibility and public inter-
12 est of constructing a recreational trail for non-
13 motorized uses around Trinity Lake.

14 (2) CONSTRUCTION.—

15 (A) CONSTRUCTION AUTHORIZED.—Sub-
16 ject to appropriations, and in accordance with
17 paragraph (3), if the Secretary determines
18 under paragraph (1) that the construction of
19 the trail described in such paragraph is feasible
20 and in the public interest, the Secretary may
21 provide for the construction of the trail.

22 (B) USE OF VOLUNTEER SERVICES AND
23 CONTRIBUTIONS.—The trail may be constructed
24 under this section through the acceptance of
25 volunteer services and contributions from non-

1 Federal sources to reduce or eliminate the need
2 for Federal expenditures to construct the trail.

3 (3) COMPLIANCE.—In carrying out this section,
4 the Secretary shall comply with—

5 (A) the laws (including regulations) gen-
6 erally applicable to the National Forest System;
7 and

8 (B) this title.

9 (b) EFFECT.—Nothing in this section affects the
10 ownership, management, or other rights relating to any
11 non-Federal land (including any interest in any non-Fed-
12 eral land).

13 **SEC. 225. TRAILS STUDY.**

14 (a) IN GENERAL.—Not later than 2 years after the
15 date of enactment of this Act, the Secretary of Agri-
16 culture, in accordance with subsection (b) and in consulta-
17 tion with interested parties, shall conduct a study to im-
18 prove motorized and nonmotorized recreation trail oppor-
19 tunities (including mountain bicycling) on land not des-
20 ignated as wilderness within the portions of the Six Rivers,
21 Shasta-Trinity, and Mendocino National Forests located
22 in Del Norte, Humboldt, Trinity, and Mendocino Coun-
23 ties.

24 (b) CONSULTATION.—In carrying out the study re-
25 quired by subsection (a), the Secretary of Agriculture shall

1 consult with the Secretary of the Interior regarding oppor-
2 tunities to improve, through increased coordination, recre-
3 ation trail opportunities on land under the jurisdiction of
4 the Secretary of the Interior that shares a boundary with
5 the national forest land described in subsection (a).

6 **SEC. 226. CONSTRUCTION OF MOUNTAIN BICYCLING**
7 **ROUTES.**

8 (a) TRAIL CONSTRUCTION.—

9 (1) FEASIBILITY STUDY.—Not later than 18
10 months after the date of enactment of this Act, the
11 Secretary of Agriculture shall study the feasibility
12 and public interest of constructing recreational trails
13 for mountain bicycling and other nonmotorized uses
14 on the routes as generally depicted in the report en-
15 titled “Trail Study for Smith River National Recre-
16 ation Area Six Rivers National Forest” and dated
17 2016.

18 (2) CONSTRUCTION.—

19 (A) CONSTRUCTION AUTHORIZED.—Sub-
20 ject to appropriations, and in accordance with
21 paragraph (3), if the Secretary determines
22 under paragraph (1) that the construction of
23 one or more routes described in such paragraph
24 is feasible and in the public interest, the Sec-

1 retary may provide for the construction of the
2 routes.

3 (B) MODIFICATIONS.—The Secretary may
4 modify the routes as necessary in the opinion of
5 the Secretary.

6 (C) USE OF VOLUNTEER SERVICES AND
7 CONTRIBUTIONS.—Routes may be constructed
8 under this section through the acceptance of
9 volunteer services and contributions from non-
10 Federal sources to reduce or eliminate the need
11 for Federal expenditures to construct the route.

12 (3) COMPLIANCE.—In carrying out this section,
13 the Secretary shall comply with—

14 (A) the laws (including regulations) gen-
15 erally applicable to the National Forest System;
16 and

17 (B) this title.

18 (b) EFFECT.—Nothing in this section affects the
19 ownership, management, or other rights relating to any
20 non-Federal land (including any interest in any non-Fed-
21 eral land).

22 **SEC. 227. PARTNERSHIPS.**

23 (a) AGREEMENTS AUTHORIZED.—The Secretary is
24 authorized to enter into agreements with qualified private
25 and nonprofit organizations to undertake the following ac-

1 tivities on Federal lands in Mendocino, Humboldt, Trinity,
2 and Del Norte Counties—

3 (1) trail and campground maintenance;

4 (2) public education, visitor contacts, and out-
5 reach; and

6 (3) visitor center staffing.

7 (b) CONTENTS.—Any agreements entered into under
8 subsection (a) shall clearly define the role and responsi-
9 bility of the Secretary and the private or nonprofit organi-
10 zation.

11 (c) COMPLIANCE.—The Secretary shall enter into
12 agreements under subsection (a) in accordance with exist-
13 ing law.

14 (d) EFFECT.—Nothing in this section—

15 (1) reduces or diminishes the authority of the
16 Secretary to manage land and resources under the
17 jurisdiction of the Secretary; or

18 (2) amends or modifies the application of any
19 existing law (including regulations) applicable to
20 land under the jurisdiction of the Secretary.

21 **Subtitle C—Conservation**

22 **SEC. 231. DESIGNATION OF WILDERNESS.**

23 (a) IN GENERAL.—In accordance with the Wilderness
24 Act (16 U.S.C. 1131 et seq.), the following areas in the

1 State are designated as wilderness areas and as compo-
2 nents of the National Wilderness Preservation System:

3 (1) BLACK BUTTE RIVER WILDERNESS.—Cer-
4 tain Federal land managed by the Forest Service in
5 the State, comprising approximately 11,117 acres,
6 as generally depicted on the map entitled “Black
7 Butte River Wilderness—Proposed” and dated April
8 13, 2017, which shall be known as the Black Butte
9 River Wilderness.

10 (2) CHANCELULLA WILDERNESS ADDI-
11 TIONS.—Certain Federal land managed by the For-
12 est Service in the State, comprising approximately
13 6,212 acres, as generally depicted on the map enti-
14 tled “Chancelulla Wilderness Additions—Proposed”
15 and dated July 16, 2018, which is incorporated in,
16 and considered to be a part of, the Chancelulla Wil-
17 derness, as designated by section 101(a)(4) of the
18 California Wilderness Act of 1984 (16 U.S.C. 1132
19 note; 98 Stat. 1619).

20 (3) CHINQUAPIN WILDERNESS.—Certain Fed-
21 eral land managed by the Forest Service in the
22 State, comprising approximately 27,258 acres, as
23 generally depicted on the map entitled “Chinquapin
24 Wilderness—Proposed” and dated January 15,

2020, which shall be known as the Chinquapin Wilderness.

(4) ELKHORN RIDGE WILDERNESS ADDITION.—
Certain Federal land managed by the Bureau of Land Management in the State, comprising approximately 37 acres, as generally depicted on the map entitled “Proposed Elkhorn Ridge Wilderness Additions” and dated October 24, 2019, which is incorporated in, and considered to be a part of, the Elkhorn 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 Management in the State, comprising approximately 6,204 acres, as generally depicted on the map entitled “English Ridge Wilderness—Proposed” and dated March 29, 2019, which shall be known as the English Ridge Wilderness.

(6) HEADWATERS FOREST WILDERNESS.—Certain Federal land managed by the Bureau of Land Management in the State, comprising approximately 4,360 acres, as generally depicted on the map entitled “Headwaters Forest Wilderness—Proposed”

1 and dated October 15, 2019, which shall be known
2 as the Headwaters Forest Wilderness.

3 (7) MAD RIVER BUTTES WILDERNESS.—Certain
4 Federal land managed by the Forest Service in the
5 State, comprising approximately 6,002 acres, as gen-
6 erally depicted on the map entitled “Mad River
7 Buttes Wilderness—Proposed” and dated July 25,
8 2018, which shall be known as the Mad River
9 Buttes Wilderness.

10 (8) MOUNT LASSIC WILDERNESS ADDITION.—
11 Certain Federal land managed by the Forest Service
12 in the State, comprising approximately 1,292 acres,
13 as generally depicted on the map entitled “Mount
14 Lassic Wilderness Additions—Proposed” and dated
15 February 23, 2017, which is incorporated in, and
16 considered to be a part of, the Mount Lassic Wilder-
17 ness, as designated by section 3(6) of Public Law
18 109–362 (16 U.S.C. 1132 note; 120 Stat. 2065).

19 (9) NORTH FORK EEL WILDERNESS ADDI-
20 TION.—Certain Federal land managed by the Forest
21 Service and the Bureau of Land Management in the
22 State, comprising approximately 16,274 acres, as
23 generally depicted on the map entitled “North Fork
24 Wilderness Additions” and dated January 15, 2020,
25 which is incorporated in, and considered to be a part

1 of, the North Fork Eel Wilderness, as designated by
2 section 101(a)(19) of the California Wilderness Act
3 of 1984 (16 U.S.C. 1132 note; 98 Stat. 1621).

4 (10) PATTISON WILDERNESS.—Certain Federal
5 land managed by the Forest Service in the State,
6 comprising approximately 28,595 acres, as generally
7 depicted on the map entitled “Pattison Wilderness—
8 Proposed” and dated July 16, 2018, which shall be
9 known as the Pattison Wilderness.

10 (11) SANHEDRIN WILDERNESS ADDITION.—
11 Certain Federal land managed by the Forest Service
12 in the State, comprising approximately 112 acres, as
13 generally depicted on the map entitled “Sanhedrin
14 Wilderness Addition—Proposed” and dated March
15 29, 2019, which is incorporated in, and considered
16 to be a part of, the Sanhedrin Wilderness, as des-
17 ignated by section 3(2) of Public Law 109–362 (16
18 U.S.C. 1132 note; 120 Stat. 2065).

19 (12) SISKIYOU WILDERNESS ADDITION.—Cer-
20 tain Federal land managed by the Forest Service in
21 the State, comprising approximately 27,747 acres,
22 as generally depicted on the map entitled “Siskiyou
23 Wilderness Additions and Potential Wildernesses—
24 Proposed” and dated July 24, 2018, which is incor-
25 porated in, and considered to be a part of, the

1 Siskiyou Wilderness, as designated by section
2 101(a)(30) of the California Wilderness Act of 1984
3 (16 U.S.C. 1132 note; 98 Stat. 1623) (as amended
4 by section 3(5) of Public Law 109–362 (16 U.S.C.
5 1132 note; 120 Stat. 2065)).

6 (13) SOUTH FORK EEL RIVER WILDERNESS AD-
7 DITION.—Certain Federal land managed by the Bu-
8 reau of Land Management in the State, comprising
9 approximately 603 acres, as generally depicted on
10 the map entitled “South Fork Eel River Wilderness
11 Additions—Proposed” and dated October 24, 2019,
12 which is incorporated in, and considered to be a part
13 of, the South Fork Eel River Wilderness, as des-
14 ignated by section 3(10) of Public Law 109–362 (16
15 U.S.C. 1132 note; 120 Stat. 2066).

16 (14) SOUTH FORK TRINITY RIVER WILDER-
17 NESS.—Certain Federal land managed by the Forest
18 Service in the State, comprising approximately
19 26,446 acres, as generally depicted on the map enti-
20 tled “South Fork Trinity River Wilderness and Po-
21 tential Wildernesses—Proposed” and dated March
22 11, 2019, which shall be known as the South Fork
23 Trinity River Wilderness.

24 (15) TRINITY ALPS WILDERNESS ADDITION.—
25 Certain Federal land managed by the Forest Service

1 in the State, comprising approximately 60,826 acres,
2 as generally depicted on the maps entitled “Trinity
3 Alps Proposed Wilderness Additions EAST” and
4 “Trinity Alps Proposed Wilderness Additions
5 WEST” and dated January 15, 2020, which is in-
6 corporated in, and considered to be a part of, the
7 Trinity Alps Wilderness, as designated by section
8 101(a)(34) of the California Wilderness Act of 1984
9 (16 U.S.C. 1132 note; 98 Stat. 1623) (as amended
10 by section 3(7) of Public Law 109–362 (16 U.S.C.
11 1132 note; 120 Stat. 2065)).

12 (16) UNDERWOOD WILDERNESS.—Certain Fed-
13 eral land managed by the Forest Service in the
14 State, comprising approximately 15,069 acres, as
15 generally depicted on the map entitled “Underwood
16 Wilderness—Proposed” and dated January 15,
17 2020, which shall be known as the Underwood Wil-
18 derness.

19 (17) YOLLA BOLLY-MIDDLE EEL WILDERNESS
20 ADDITIONS.—Certain Federal land managed by the
21 Forest Service and the Bureau of Land Management
22 in the State, comprising approximately 10,729 acres,
23 as generally depicted on the map entitled “Yolla
24 Bolly Middle Eel Wilderness Additions and Potential
25 Wildernesses—Proposed” and dated June 7, 2018,

1 which is incorporated in, and considered to be a part
2 of, the Yolla Bolly-Middle Eel Wilderness, as des-
3 ignated by section 3 of the Wilderness Act (16
4 U.S.C. 1132) (as amended by section 3(4) of Public
5 Law 109–362 (16 U.S.C. 1132 note; 120 Stat.
6 2065)).

7 (18) YUKI WILDERNESS ADDITION.—Certain
8 Federal land managed by the Forest Service and the
9 Bureau of Land Management in the State, com-
10 prising approximately 11,076 acres, as generally de-
11 picted on the map entitled “Yuki Wilderness Addi-
12 tions—Proposed” and dated January 15, 2020,
13 which is incorporated in, and considered to be a part
14 of, the Yuki Wilderness, as designated by section
15 3(3) of Public Law 109–362 (16 U.S.C. 1132 note;
16 120 Stat. 2065).

17 (b) REDESIGNATION OF NORTH FORK WILDERNESS
18 AS NORTH FORK EEL RIVER WILDERNESS.—Section
19 101(a)(19) of Public Law 98–425 (16 U.S.C. 1132 note;
20 98 Stat. 1621) is amended by striking “North Fork Wil-
21 derness” and inserting “North Fork Eel River Wilder-
22 ness”. Any reference in a law, map, regulation, document,
23 paper, or other record of the United States to the North
24 Fork Wilderness shall be deemed to be a reference to the
25 North Fork Eel River Wilderness.

1 (c) ELKHORN RIDGE WILDERNESS ADJUSTMENTS.—

2 The boundary of the Elkhorn Ridge Wilderness estab-
3 lished by section 6(d) of Public Law 109–362 (16 U.S.C.
4 1132 note) is adjusted by deleting approximately 30 acres
5 of Federal land as generally depicted on the map entitled
6 “Proposed Elkhorn Ridge Wilderness Additions” and
7 dated October 24, 2019.

8 **SEC. 232. ADMINISTRATION OF WILDERNESS.**

9 (a) IN GENERAL.—Subject to valid existing rights,
10 the wilderness areas and wilderness additions established
11 by section 231 shall be administered by the Secretary in
12 accordance with this subtitle and the Wilderness Act (16
13 U.S.C. 1131 et seq.), except that—

14 (1) any reference in the Wilderness Act to the
15 effective date of that Act shall be considered to be
16 a reference to the date of enactment of this Act; and

17 (2) any reference in that Act to the Secretary
18 of Agriculture shall be considered to be a reference
19 to the Secretary.

20 (b) FIRE MANAGEMENT AND RELATED ACTIVI-
21 TIES.—

22 (1) IN GENERAL.—The Secretary may take
23 such measures in a wilderness area or wilderness ad-
24 dition designated by section 231 as are necessary for
25 the control of fire, insects, and diseases in accord-

1 ance with section 4(d)(1) of the Wilderness Act (16
2 U.S.C. 1133(d)(1)) and House Report 98–40 of the
3 98th Congress.

4 (2) FUNDING PRIORITIES.—Nothing in this
5 subtitle limits funding for fire and fuels manage-
6 ment in the wilderness areas or wilderness additions
7 designated by this title.

8 (3) ADMINISTRATION.—Consistent with para-
9 graph (1) and other applicable Federal law, to en-
10 sure a timely and efficient response to fire emer-
11 gencies in the wilderness additions designated by
12 this subtitle, the Secretary of Agriculture shall—

13 (A) not later than 1 year after the date of
14 enactment of this Act, establish agency ap-
15 proval procedures (including appropriate delega-
16 tions of authority to the Forest Supervisor, Dis-
17 trict Manager, or other agency officials) for re-
18 sponding to fire emergencies; and

19 (B) enter into agreements with appropriate
20 State or local firefighting agencies.

21 (c) GRAZING.—The grazing of livestock in the wilder-
22 ness areas and wilderness additions designated by this
23 title, if established before the date of enactment of this
24 Act, shall be administered in accordance with—

1 (1) section 4(d)(4) of the Wilderness Act (16
2 U.S.C. 1133(d)(4)); and

3 (2)(A) for lands under the jurisdiction of the
4 Secretary of Agriculture, the guidelines set forth in
5 the report of the Committee on Interior and Insular
6 Affairs of the House of Representatives accom-
7 panying H.R. 5487 of the 96th Congress (H. Rept.
8 96–617); or

9 (B) for lands under the jurisdiction of the Sec-
10 retary of the Interior, the guidelines set forth in Ap-
11 pendix A of the report of the Committee on Interior
12 and Insular Affairs of the House of Representatives
13 accompanying H.R. 2570 of the 101st Congress (H.
14 Rept. 101–405).

15 (d) FISH AND WILDLIFE.—

16 (1) IN GENERAL.—In accordance with section
17 4(d)(7) of the Wilderness Act (16 U.S.C.
18 1133(d)(7)), nothing in this title affects the jurisdic-
19 tion or responsibilities of the State with respect to
20 fish and wildlife on public land in the State.

21 (2) MANAGEMENT ACTIVITIES.—In furtherance
22 of the purposes and principles of the Wilderness Act
23 (16 U.S.C. 1131 et seq.), the Secretary may conduct
24 any management activities that are necessary to
25 maintain or restore fish, wildlife, and plant popu-

1 lations and habitats in the wilderness areas or wil-
2 derness additions designated by section 231, if the
3 management activities are—

4 (A) consistent with relevant wilderness
5 management plans; and

6 (B) conducted in accordance with—

7 (i) the Wilderness Act (16 U.S.C.
8 1131 et seq.); and

9 (ii) appropriate policies, such as the
10 policies established in Appendix B of
11 House Report 101–405.

12 (e) BUFFER ZONES.—

13 (1) IN GENERAL.—Congress does not intend for
14 designation of wilderness or wilderness additions by
15 this title to lead to the creation of protective perim-
16 eters or buffer zones around each wilderness area or
17 wilderness addition.

18 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—

19 The fact that nonwilderness activities or uses can be
20 seen or heard from within a wilderness area shall
21 not, of itself, preclude the activities or uses up to the
22 boundary of the wilderness area.

23 (f) MILITARY ACTIVITIES.—Nothing in this subtitle
24 precludes—

1 (1) low-level overflights of military aircraft over
2 the wilderness areas or wilderness additions des-
3 ignated by section 231;

4 (2) the designation of new units of special air-
5 space over the wilderness areas or wilderness addi-
6 tions designated by section 231; or

7 (3) the use or establishment of military flight
8 training routes over the wilderness areas or wilder-
9 ness additions designated by section 231.

10 (g) HORSES.—Nothing in this subtitle precludes
11 horseback riding in, or the entry of recreational or com-
12 mercial saddle or pack stock into, an area designated as
13 a wilderness area or wilderness addition by section 231—

14 (1) in accordance with section 4(d)(5) of the
15 Wilderness Act (16 U.S.C. 1133(d)(5)); and

16 (2) subject to any terms and conditions deter-
17 mined to be necessary by the Secretary.

18 (h) WITHDRAWAL.—Subject to valid existing rights,
19 the wilderness areas and wilderness additions designated
20 by section 231 are withdrawn from—

21 (1) all forms of entry, appropriation, and dis-
22 posal under the public land laws;

23 (2) location, entry, and patent under the mining
24 laws; and

1 (3) operation of the mineral materials and geo-
2 thermal leasing laws.

3 (i) USE BY MEMBERS OF INDIAN TRIBES.—

4 (1) ACCESS.—In recognition of the past use of
5 wilderness areas and wilderness additions designated
6 by this title by members of Indian Tribes for tradi-
7 tional cultural and religious purposes, the Secretary
8 shall ensure that Indian Tribes have access to the
9 wilderness areas and wilderness additions designated
10 by section 231 for traditional cultural and religious
11 purposes.

12 (2) TEMPORARY CLOSURES.—

13 (A) IN GENERAL.—In carrying out this
14 section, the Secretary, on request of an Indian
15 Tribe, may temporarily close to the general
16 public one or more specific portions of a wilder-
17 ness area or wilderness addition to protect the
18 privacy of the members of the Indian Tribe in
19 the conduct of the traditional cultural and reli-
20 gious activities in the wilderness area or wilder-
21 ness addition.

22 (B) REQUIREMENT.—Any closure under
23 subparagraph (A) shall be made in such a man-
24 ner as to affect the smallest practicable area for

1 the minimum period of time necessary for the
2 activity to be carried out.

3 (3) APPLICABLE LAW.—Access to the wilder-
4 ness areas and wilderness additions under this sub-
5 section shall be in accordance with—

6 (A) Public Law 95–341 (commonly known
7 as the American Indian Religious Freedom Act)
8 (42 U.S.C. 1996 et seq.); and

9 (B) the Wilderness Act (16 U.S.C. 1131 et
10 seq.).

11 (j) INCORPORATION OF ACQUIRED LAND AND INTER-
12 ESTS.—Any land within the boundary of a wilderness area
13 or wilderness addition designated by section 231 that is
14 acquired by the United States shall—

15 (1) become part of the wilderness area in which
16 the land is located;

17 (2) be withdrawn in accordance with subsection
18 (h); and

19 (3) be managed in accordance with this section,
20 the Wilderness Act (16 U.S.C. 1131 et seq.), and
21 any other applicable law.

22 (k) CLIMATOLOGICAL DATA COLLECTION.—In ac-
23 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
24 and subject to such terms and conditions as the Secretary
25 may prescribe, the Secretary may authorize the installa-

1 tion and maintenance of hydrologic, meteorologic, or cli-
2 matological collection devices in the wilderness areas and
3 wilderness additions designated by section 231 if the Sec-
4 retary determines that the facilities and access to the fa-
5 cilities are essential to flood warning, flood control, or
6 water reservoir operation activities.

7 (l) AUTHORIZED EVENTS.—The Secretary may con-
8 tinue to authorize the competitive equestrian event per-
9 mitted since 2012 in the Chinquapin Wilderness estab-
10 lished by section 231 in a manner compatible with the
11 preservation of the area as wilderness.

12 (m) RECREATIONAL CLIMBING.—Nothing in this title
13 prohibits recreational rock climbing activities in the wil-
14 derness areas, such as the placement, use, and mainte-
15 nance of fixed anchors, including any fixed anchor estab-
16 lished before the date of the enactment of this Act—

17 (1) in accordance with the Wilderness Act (16
18 U.S.C. 1131 et seq.); and

19 (2) subject to any terms and conditions deter-
20 mined to be necessary by the Secretary.

21 **SEC. 233. DESIGNATION OF POTENTIAL WILDERNESS.**

22 (a) DESIGNATION.—In furtherance of the purposes of
23 the Wilderness Act (16 U.S.C. 1131 et seq.), the following
24 areas in the State are designated as potential wilderness
25 areas:

1 (1) Certain Federal land managed by the For-
2 est Service, comprising approximately 3,797 acres,
3 as generally depicted on the map entitled “Chin-
4 quapin Proposed Potential Wilderness” and dated
5 January 15, 2020.

6 (2) Certain Federal land administered by the
7 National Park Service, compromising approximately
8 31,000 acres, as generally depicted on the map enti-
9 tled “Redwood National Park—Potential Wilder-
10 ness” and dated October 9, 2019.

11 (3) Certain Federal land managed by the For-
12 est Service, comprising approximately 8,961 acres,
13 as generally depicted on the map entitled “Siskiyou
14 Wilderness Additions and Potential Wildernesses—
15 Proposed” and dated July 24, 2018.

16 (4) Certain Federal land managed by the For-
17 est Service, comprising approximately 405 acres, as
18 generally depicted on the map entitled “South Fork
19 Trinity River Wilderness and Potential Wilder-
20 nesses—Proposed” and dated March 11, 2019.

21 (5) Certain Federal land managed by the For-
22 est Service, comprising approximately 1,256 acres,
23 as generally depicted on the map entitled “Trinity
24 Alps Proposed Potential Wilderness” and dated Jan-
25 uary 15, 2020.

1 (6) Certain Federal land managed by the For-
2 est Service, comprising approximately 4,282 acres,
3 as generally depicted on the map entitled “Yolla
4 Bolly Middle Eel Wilderness Additions and Potential
5 Wildernesses—Proposed” and dated June 7, 2018.

6 (7) Certain Federal land managed by the For-
7 est Service, comprising approximately 2,909 acres,
8 as generally depicted on the map entitled “Yuki Pro-
9 posed Potential Wilderness” and dated January 15,
10 2020.

11 (b) MANAGEMENT.—Except as provided in subsection
12 (c) and subject to valid existing rights, the Secretary shall
13 manage the potential wilderness areas designated by sub-
14 section (a) (referred to in this section as “potential wilder-
15 ness areas”) as wilderness until the potential wilderness
16 areas are designated as wilderness under subsection (d).

17 (c) ECOLOGICAL RESTORATION.—

18 (1) IN GENERAL.—For purposes of ecological
19 restoration (including the elimination of nonnative
20 species, removal of illegal, unused, or decommis-
21 sioned roads, repair of skid tracks, and any other
22 activities necessary to restore the natural ecosystems
23 in a potential wilderness area and consistent with
24 paragraph (2)), the Secretary may use motorized
25 equipment and mechanized transport in a potential

1 wilderness area until the potential wilderness area is
2 designated as wilderness under subsection (d).

3 (2) LIMITATION.—To the maximum extent
4 practicable, the Secretary shall use the minimum
5 tool or administrative practice necessary to accom-
6 plish ecological restoration with the least amount of
7 adverse impact on wilderness character and re-
8 sources.

9 (d) EVENTUAL WILDERNESS DESIGNATION.—The
10 potential wilderness areas shall be designated as wilder-
11 ness and as a component of the National Wilderness Pres-
12 ervation System on the earlier of—

13 (1) the date on which the Secretary publishes in
14 the Federal Register notice that the conditions in a
15 potential wilderness area that are incompatible with
16 the Wilderness Act (16 U.S.C. 1131 et seq.) have
17 been removed; or

18 (2) the date that is 10 years after the date of
19 enactment of this Act for potential wilderness areas
20 located on lands managed by the Forest Service.

21 (e) ADMINISTRATION AS WILDERNESS.—

22 (1) IN GENERAL.—On its designation as wilder-
23 ness under subsection (d), a potential wilderness
24 area shall be administered in accordance with sec-

1 tion 232 and the Wilderness Act (16 U.S.C. 1131 et
2 seq.).

3 (2) DESIGNATION.—On its designation as wil-
4 derness under subsection (d)—

5 (A) the land described in subsection (a)(1)
6 shall be incorporated in, and considered to be a
7 part of, the Chinquapin Wilderness established
8 by section 231(a)(3);

9 (B) the land described in subsection (a)(3)
10 shall be incorporated in, and considered to be a
11 part of, the Siskiyou Wilderness as designated
12 by section 231(a)(30) of the California Wilder-
13 ness Act of 1984 (16 U.S.C. 1132 note; 98
14 Stat. 1623) (as amended by section 3(5) of
15 Public Law 109–362 (16 U.S.C. 1132 note;
16 120 Stat. 2065) and expanded by section
17 231(a)(12));

18 (C) the land described in subsection (a)(4)
19 shall be incorporated in, and considered to be a
20 part of, the South Fork Trinity River Wilder-
21 ness established by section 231(a)(14);

22 (D) the land described in subsection (a)(5)
23 shall be incorporated in, and considered to be a
24 part of, the Trinity Alps Wilderness as des-
25 ignated by section 101(a)(34) of the California

1 Wilderness Act of 1984 (16 U.S.C. 1132 note;
2 98 Stat. 1623) (as amended by section 3(7) of
3 Public Law 109–362 (16 U.S.C. 1132 note;
4 120 Stat. 2065) and expanded by section
5 231(a)(15));

6 (E) the land described in subsection (a)(6)
7 shall be incorporated in, and considered to be a
8 part of, the Yolla Bolly-Middle Eel Wilderness
9 as designated by section 3 of the Wilderness
10 Act (16 U.S.C. 1132) (as amended by section
11 3(4) of Public Law 109–362 (16 U.S.C. 1132
12 note; 120 Stat. 2065) and expanded by section
13 231(a)(17)); and

14 (F) the land described in subsection (a)(7)
15 shall be incorporated in, and considered to be a
16 part of, the Yuki Wilderness as designated by
17 section 3(3) of Public Law 109–362 (16 U.S.C.
18 1132 note; 120 Stat. 2065) and expanded by
19 section 231(a)(18).

20 (f) REPORT.—Within 3 years after the date of enact-
21 ment of this Act, and every 3 years thereafter until the
22 date upon which the potential wilderness is designated wil-
23 derness under subsection (d), the Secretary shall submit
24 a report to the Committee on Natural Resources of the
25 House of Representatives and the Committee on Energy

1 and Natural Resources of the Senate on the status of eco-
2 logical restoration within the potential wilderness area and
3 the progress toward the potential wilderness area's even-
4 tual wilderness designation under subsection (d).

5 **SEC. 234. DESIGNATION OF WILD AND SCENIC RIVERS.**

6 Section 3(a) of the National Wild and Scenic Rivers
7 Act (16 U.S.C. 1274(a)) is amended by adding at the end
8 the following:

9 “(231) SOUTH FORK TRINITY RIVER.—The fol-
10 lowing segments from the source tributaries in the
11 Yolla Bolly-Middle Eel Wilderness, to be adminis-
12 tered by the Secretary of Agriculture:

13 “(A) The 18.3-mile segment from its mul-
14 tiple source springs in the Cedar Basin of the
15 Yolla Bolly-Middle Eel Wilderness in section
16 15, T. 27 N., R. 10 W. to .25 miles upstream
17 of the Wild Mad Road, as a wild river.

18 “(B) The .65-mile segment from .25 miles
19 upstream of Wild Mad Road to the confluence
20 with the unnamed tributary approximately .4
21 miles downstream of the Wild Mad Road in sec-
22 tion 29, T. 28 N., R. 11 W., as a scenic river.

23 “(C) The 9.8-mile segment from .75 miles
24 downstream of Wild Mad Road to Silver Creek,
25 as a wild river.

1 “(D) The 5.4-mile segment from Silver
2 Creek confluence to Farley Creek, as a scenic
3 river.

4 “(E) The 3.6-mile segment from Farley
5 Creek to Cave Creek, as a recreational river.

6 “(F) The 5.6-mile segment from Cave
7 Creek to the confluence of the unnamed creek
8 upstream of Hidden Valley Ranch in section 5,
9 T. 15, R. 7 E., as a wild river.

10 “(G) The 2.5-mile segment from unnamed
11 creek confluence upstream of Hidden Valley
12 Ranch to the confluence with the unnamed
13 creek flowing west from Bear Wallow Mountain
14 in section 29, T. 1 N., R. 7 E., as a scenic
15 river.

16 “(H) The 3.8-mile segment from the
17 unnamed creek confluence in section 29, T. 1
18 N., R. 7 E. to Plummer Creek, as a wild river.

19 “(I) The 1.8-mile segment from Plummer
20 Creek to the confluence with the unnamed trib-
21 utary north of McClellan Place in section 6, T.
22 1 N., R. 7 E., as a scenic river.

23 “(J) The 5.4-mile segment from the
24 unnamed tributary confluence in section 6, T. 1
25 N., R. 7 E. to Hitchcock Creek, as a wild river.

1 “(K) The 7-mile segment from Eltapom
2 Creek to the Grouse Creek, as a scenic river.

3 “(L) The 5-mile segment from Grouse
4 Creek to Coon Creek, as a wild river.

5 “(232) EAST FORK SOUTH FORK TRINITY
6 RIVER.—The following segments to be administered
7 by the Secretary of Agriculture:

8 “(A) The 8.4-mile segment from its source
9 in the Pettijohn Basin in the Yolla Bolly-Middle
10 Eel Wilderness in section 10, T. 3 S., R. 10 W.
11 to .25 miles upstream of the Wild Mad Road,
12 as a wild river.

13 “(B) The 3.4-mile segment from .25 miles
14 upstream of the Wild Mad Road to the South
15 Fork Trinity River, as a recreational river.

16 “(233) RATTLESNAKE CREEK.—The 5.9-mile
17 segment from the confluence with the unnamed trib-
18 utary in the southeast corner of section 5, T. 1 S.,
19 R. 12 W. to the South Fork Trinity River, to be ad-
20 ministered by the Secretary of Agriculture as a rec-
21 reational river.

22 “(234) BUTTER CREEK.—The 7-mile segment
23 from .25 miles downstream of the Road 3N08 cross-
24 ing to the South Fork Trinity River, to be adminis-

1 tered by the Secretary of Agriculture as a scenic
2 river.

3 “(235) HAYFORK CREEK.—The following seg-
4 ments to be administered by the Secretary of Agri-
5 culture:

6 “(A) The 3.2-mile segment from Little
7 Creek to Bear Creek, as a recreational river.

8 “(B) The 13.2-mile segment from Bear
9 Creek to the northern boundary of section 19,
10 T. 3 N., R. 7 E., as a scenic river.

11 “(236) OLSEN CREEK.—The 2.8-mile segment
12 from the confluence of its source tributaries in sec-
13 tion 5, T. 3 N., R. 7 E. to the northern boundary
14 of section 24, T. 3 N., R. 6 E., to be administered
15 by the Secretary of the Interior as a scenic river.

16 “(237) RUSCH CREEK.—The 3.2-mile segment
17 from .25 miles downstream of the 32N11 Road
18 crossing to Hayfork Creek, to be administered by
19 the Secretary of Agriculture as a recreational river.

20 “(238) ELTAPOM CREEK.—The 3.4-mile seg-
21 ment from Buckhorn Creek to the South Fork Trin-
22 ity River, to be administered by the Secretary of Ag-
23 riculture as a wild river.

1 “(239) GROUSE CREEK.—The following seg-
2 ments to be administered by the Secretary of Agri-
3 culture:

4 “(A) The 3.9-mile segment from Carson
5 Creek to Cow Creek, as a scenic river.

6 “(B) The 7.4-mile segment from Cow
7 Creek to the South Fork Trinity River, as a
8 recreational river.

9 “(240) MADDEN CREEK.—The following seg-
10 ments to be administered by the Secretary of Agri-
11 culture:

12 “(A) The 6.8-mile segment from the con-
13 fluence of Madden Creek and its unnamed trib-
14 utary in section 18, T. 5 N., R. 5 E. to
15 Fourmile Creek, as a wild river.

16 “(B) The 1.6-mile segment from Fourmile
17 Creek to the South Fork Trinity River, as a
18 recreational river.

19 “(241) CANYON CREEK.—The following seg-
20 ments to be administered by the Secretary of Agri-
21 culture and the Secretary of the Interior:

22 “(A) The 6.6-mile segment from the outlet
23 of lower Canyon Creek Lake to Bear Creek up-
24 stream of Ripstein, as a wild river.

1 “(B) The 11.2-mile segment from Bear
2 Creek upstream of Ripstein to the southern
3 boundary of section 25, T. 34 N., R. 11 W., as
4 a recreational river.

5 “(242) NORTH FORK TRINITY RIVER.—The fol-
6 lowing segments to be administered by the Secretary
7 of Agriculture:

8 “(A) The 12-mile segment from the con-
9 fluence of source tributaries in section 24, T. 8
10 N., R. 12 W. to the Trinity Alps Wilderness
11 boundary upstream of Hobo Gulch, as a wild
12 river.

13 “(B) The .5-mile segment from where the
14 river leaves the Trinity Alps Wilderness to
15 where it fully reenters the Trinity Alps Wilder-
16 ness downstream of Hobo Gulch, as a scenic
17 river.

18 “(C) The 13.9-mile segment from where
19 the river fully reenters the Trinity Alps Wilder-
20 ness downstream of Hobo Gulch to the Trinity
21 Alps Wilderness boundary upstream of the
22 County Road 421 crossing, as a wild river.

23 “(D) The 1.3-mile segment from the Trin-
24 ity Alps Wilderness boundary upstream of the

1 County Road 421 crossing to the Trinity River,
2 as a recreational river.

3 “(243) EAST FORK NORTH FORK TRINITY
4 RIVER.—The following segments to be administered
5 by the Secretary of Agriculture:

6 “(A) The 9.5-mile segment from the river’s
7 source north of Mt. Hilton in section 19, T. 36
8 N., R. 10 W. to the end of Road 35N20 ap-
9 proximately .5 miles downstream of the con-
10 fluence with the East Branch East Fork North
11 Fork Trinity River, as a wild river.

12 “(B) The 3.25-mile segment from the end
13 of Road 35N20 to .25 miles upstream of
14 Coleridge, as a scenic river.

15 “(C) The 4.6-mile segment from .25 miles
16 upstream of Coleridge to the confluence of Fox
17 Gulch, as a recreational river.

18 “(244) NEW RIVER.—The following segments
19 to be administered by the Secretary of Agriculture:

20 “(A) The 12.7-mile segment of Virgin
21 Creek from its source spring in section 22, T.
22 9 N., R. 7 E. to Slide Creek, as a wild river.

23 “(B) The 2.3-mile segment of the New
24 River where it begins at the confluence of Vir-

1 gin and Slide Creeks to Barron Creek, as a wild
2 river.

3 “(245) MIDDLE EEL RIVER.—The following
4 segment, to be administered by the Secretary of Ag-
5 riculture:

6 “(A) The 37.7-mile segment from its
7 source in Frying Pan Meadow to Rose Creek,
8 as a wild river.

9 “(B) The 1.5-mile segment from Rose
10 Creek to the Black Butte River, as a rec-
11 reational river.

12 “(C) The 10.5-mile segment of Balm of
13 Gilead Creek from its source in Hopkins Hollow
14 to the Middle Eel River, as a wild river.

15 “(D) The 13-mile segment of the North
16 Fork Middle Fork Eel River from the source on
17 Dead Puppy Ridge in section 11, T. 26 N., R.
18 11 W. to the confluence of the Middle Eel
19 River, as a wild river.

20 “(246) NORTH FORK EEL RIVER, CA.—The
21 14.3-mile segment from the confluence with Gilman
22 Creek to the Six Rivers National Forest boundary,
23 to be administered by the Secretary of Agriculture
24 as a wild river.

1 “(247) RED MOUNTAIN CREEK, CA.—The fol-
2 lowing segments to be administered by the Secretary
3 of Agriculture:

4 “(A) The 5.25-mile segment from its
5 source west of Mike’s Rock in section 23, T. 26
6 N., R. 12 E. to the confluence with Littlefield
7 Creek, as a wild river.

8 “(B) The 1.6-mile segment from the con-
9 fluence with Littlefield Creek to the confluence
10 with the unnamed tributary in section 32, T. 26
11 N., R. 8 E., as a scenic river.

12 “(C) The 1.25-mile segment from the con-
13 fluence with the unnamed tributary in section
14 32, T. 4 S., R. 8 E. to the confluence with the
15 North Fork Eel River, as a wild river.

16 “(248) REDWOOD CREEK.—The following seg-
17 ments to be administered by the Secretary of the In-
18 terior:

19 “(A) The 6.2-mile segment from the con-
20 fluence with Lacks Creek to the confluence with
21 Coyote Creek as a scenic river on publication by
22 the Secretary of a notice in the Federal Reg-
23 ister that sufficient inholdings within the
24 boundaries of the segments have been acquired

1 in fee title to establish a manageable addition
2 to the system.

3 “(B) The 19.1-mile segment from the con-
4 fluence with Coyote Creek in section 2, T. 8 N.,
5 R. 2 E. to the Redwood National Park bound-
6 ary upstream of Orick in section 34, T. 11 N.,
7 R. 1 E. as a scenic river.

8 “(C) The 2.3-mile segment of Emerald
9 Creek (also known as Harry Weir Creek) from
10 its source in section 29, T. 10 N., R. 2 E. to
11 the confluence with Redwood Creek as a scenic
12 river.

13 “(249) LACKS CREEK.—The following segments
14 to be administered by the Secretary of the Interior:

15 “(A) The 5.1-mile segment from the con-
16 fluence with two unnamed tributaries in section
17 14, T. 7 N., R. 3 E. to Kings Crossing in sec-
18 tion 27, T. 8 N., R. 3 E. as a wild river.

19 “(B) The 2.7-mile segment from Kings
20 Crossing to the confluence with Redwood Creek
21 as a scenic river upon publication by the Sec-
22 retary of a notice in the Federal Register that
23 sufficient inholdings within the segment have
24 been acquired in fee title or as scenic easements

1 to establish a manageable addition to the sys-
2 tem.

3 “(250) LOST MAN CREEK.—The following seg-
4 ments to be administered by the Secretary of the In-
5 terior:

6 “(A) The 6.4-mile segment of Lost Man
7 Creek from its source in section 5, T. 10 N., R.
8 2 E. to .25 miles upstream of the Prairie Creek
9 confluence, as a recreational river.

10 “(B) The 2.3-mile segment of Larry
11 Damm Creek from its source in section 8, T. 11
12 N., R. 2 E. to the confluence with Lost Man
13 Creek, as a recreational river.

14 “(251) LITTLE LOST MAN CREEK.—The 3.6-
15 mile segment of Little Lost Man Creek from its
16 source in section 6, T. 10 N., R. 2 E. to .25 miles
17 upstream of the Lost Man Creek road crossing, to
18 be administered by the Secretary of the Interior as
19 a wild river.

20 “(252) SOUTH FORK ELK RIVER.—The fol-
21 lowing segments to be administered by the Secretary
22 of the Interior through a cooperative management
23 agreement with the State of California:

24 “(A) The 3.6-mile segment of the Little
25 South Fork Elk River from the source in sec-

1 tion 21, T. 3 N., R. 1 E. to the confluence with
2 the South Fork Elk River, as a wild river.

3 “(B) The 2.2-mile segment of the
4 unnamed tributary of the Little South Fork Elk
5 River from its source in section 15, T. 3 N., R.
6 1 E. to the confluence with the Little South
7 Fork Elk River, as a wild river.

8 “(C) The 3.6-mile segment of the South
9 Fork Elk River from the confluence of the Lit-
10 tle South Fork Elk River to the confluence with
11 Tom Gulch, as a recreational river.

12 “(253) SALMON CREEK.—The 4.6-mile segment
13 from its source in section 27, T. 3 N., R. 1 E. to
14 the Headwaters Forest Reserve boundary in section
15 18, T. 3 N., R. 1 E. to be administered by the Sec-
16 retary of the Interior as a wild river through a coop-
17 erative management agreement with the State of
18 California.

19 “(254) SOUTH FORK EEL RIVER.—The fol-
20 lowing segments to be administered by the Secretary
21 of the Interior:

22 “(A) The 6.2-mile segment from the con-
23 fluence with Jack of Hearts Creek to the south-
24 ern boundary of the South Fork Eel Wilderness
25 in section 8, T. 22 N., R. 16 W., as a rec-

1 reational river to be administered by the Sec-
2 retary through a cooperative management
3 agreement with the State of California.

4 “(B) The 6.1-mile segment from the south-
5 ern boundary of the South Fork Eel Wilderness
6 to the northern boundary of the South Fork
7 Eel Wilderness in section 29, T. 23 N., R. 16
8 W., as a wild river.

9 “(255) ELDER CREEK.—The following seg-
10 ments to be administered by the Secretary of the In-
11 terior through a cooperative management agreement
12 with the State of California:

13 “(A) The 3.6-mile segment from its source
14 north of Signal Peak in section 6, T. 21 N., R.
15 15 W. to the confluence with the unnamed trib-
16 utary near the center of section 28, T. 22 N.,
17 R. 16 W., as a wild river.

18 “(B) The 1.3-mile segment from the con-
19 fluence with the unnamed tributary near the
20 center of section 28, T. 22 N., R. 15 W. to the
21 confluence with the South Fork Eel River, as a
22 recreational river.

23 “(C) The 2.1-mile segment of Paralyze
24 Canyon from its source south of Signal Peak in

1 section 7, T. 21 N., R. 15 W. to the confluence
2 with Elder Creek, as a wild river.

3 “(256) CEDAR CREEK.—The following seg-
4 ments to be administered as a wild river by the Sec-
5 retary of the Interior:

6 “(A) The 7.7-mile segment from its source
7 in section 22, T. 24 N., R. 16 W. to the south-
8 ern boundary of the Red Mountain unit of the
9 South Fork Eel Wilderness.

10 “(B) The 1.9-mile segment of North Fork
11 Cedar Creek from its source in section 28, T.
12 24 N., R. 16 E. to the confluence with Cedar
13 Creek.

14 “(257) EAST BRANCH SOUTH FORK EEL
15 RIVER.—The following segments to be administered
16 by the Secretary of the Interior as a scenic river on
17 publication by the Secretary of a notice in the Fed-
18 eral Register that sufficient inholdings within the
19 boundaries of the segments have been acquired in
20 fee title or as scenic easements to establish a man-
21 ageable addition to the system:

22 “(A) The 2.3-mile segment of Cruso Cabin
23 Creek from the confluence of two unnamed trib-
24 utaries in section 18, T. 24 N., R. 15 W. to the
25 confluence with Elkhorn Creek.

1 “(B) The 1.8-mile segment of Elkhorn
2 Creek from the confluence of two unnamed trib-
3 utaries in section 22, T. 24 N., R. 16 W. to the
4 confluence with Cruso Cabin Creek.

5 “(C) The 14.2-mile segment of the East
6 Branch South Fork Eel River from the con-
7 fluence of Cruso Cabin and Elkhorn Creeks to
8 the confluence with Rays Creek.

9 “(D) The 1.7-mile segment of the
10 unnamed tributary from its source on the north
11 flank of Red Mountain’s north ridge in section
12 2, T. 24 N., R. 17 W. to the confluence with
13 the East Branch South Fork Eel River.

14 “(E) The 1.3-mile segment of the
15 unnamed tributary from its source on the north
16 flank of Red Mountain’s north ridge in section
17 1, T. 24 N., R. 17 W. to the confluence with
18 the East Branch South Fork Eel River.

19 “(F) The 1.8-mile segment of Tom Long
20 Creek from the confluence with the unnamed
21 tributary in section 12, T. 5 S., R. 4 E. to the
22 confluence with the East Branch South Fork
23 Eel River.

24 “(258) MATTOLE RIVER ESTUARY.—The 1.5-
25 mile segment from the confluence of Stansberry

1 Creek to the Pacific Ocean, to be administered as a
2 recreational river by the Secretary of the Interior.

3 “(259) HONEYDEW CREEK.—The following seg-
4 ments to be administered as a wild river by the Sec-
5 retary of the Interior:

6 “(A) The 5.1-mile segment of Honeydew
7 Creek from its source in the southwest corner
8 of section 25, T. 3 S., R. 1 W. to the eastern
9 boundary of the King Range National Con-
10 servation Area in section 18, T. 3 S., R. 1 E.

11 “(B) The 2.8-mile segment of West Fork
12 Honeydew Creek from its source west of North
13 Slide Peak to the confluence with Honeydew
14 Creek.

15 “(C) The 2.7-mile segment of Upper East
16 Fork Honeydew Creek from its source in sec-
17 tion 23, T. 3 S., R. 1 W. to the confluence with
18 Honeydew Creek.

19 “(260) BEAR CREEK.—The following segments
20 to be administered by the Secretary of the Interior:

21 “(A) The 1.9-mile segment of North Fork
22 Bear Creek from the confluence with the
23 unnamed tributary immediately downstream of
24 the Horse Mountain Road crossing to the con-
25 fluence with the South Fork, as a scenic river.

1 “(B) The 6.1-mile segment of South Fork
2 Bear Creek from the confluence in section 2, T.
3 5 S., R. 1 W. with the unnamed tributary flow-
4 ing from the southwest flank of Queen Peak to
5 the confluence with the North Fork, as a scenic
6 river.

7 “(C) The 3-mile segment of Bear Creek
8 from the confluence of the North and South
9 Forks to the southern boundary of section 11,
10 T. 4 S., R. 1 E., as a wild river.

11 “(261) GITCHELL CREEK.—The 3-mile segment
12 of Gitchell Creek from its source near Saddle Moun-
13 tain to the Pacific Ocean to be administered by the
14 Secretary of the Interior as a wild river.

15 “(262) BIG FLAT CREEK.—The following seg-
16 ments to be administered by the Secretary of the In-
17 terior as a wild river:

18 “(A) The 4-mile segment of Big Flat
19 Creek from its source near King Peak in sec-
20 tion 36, T. 3 S., R. 1 W. to the Pacific Ocean.

21 “(B) The .8-mile segment of the unnamed
22 tributary from its source in section 35, T. 3 S.,
23 R. 1 W. to the confluence with Big Flat Creek.

24 “(C) The 2.7-mile segment of North Fork
25 Big Flat Creek from the source in section 34,

1 T. 3 S., R. 1 W. to the confluence with Big
2 Flat Creek.

3 “(263) BIG CREEK.—The following segments to
4 be administered by the Secretary of the Interior as
5 wild rivers:

6 “(A) The 2.7-mile segment of Big Creek
7 from its source in section 26, T. 3 S., R. 1 W.
8 to the Pacific Ocean.

9 “(B) The 1.9-mile unnamed southern trib-
10 utary from its source in section 25, T. 3 S., R.
11 1 W. to the confluence with Big Creek.

12 “(264) ELK CREEK.—The 11.4-mile segment
13 from its confluence with Lookout Creek to its con-
14 fluence with Deep Hole Creek, to be jointly adminis-
15 tered by the Secretaries of Agriculture and the Inte-
16 rior, as a wild river.

17 “(265) EDEN CREEK.—The 2.7-mile segment
18 from the private property boundary in the northwest
19 quarter of section 27, T. 21 N., R. 12 W. to the
20 eastern boundary of section 23, T. 21 N., R. 12 W.,
21 to be administered by the Secretary of the Interior
22 as a wild river.

23 “(266) DEEP HOLE CREEK.—The 4.3-mile seg-
24 ment from the private property boundary in the
25 southwest quarter of section 13, T. 20 N., R. 12 W.

1 to the confluence with Elk Creek, to be administered
2 by the Secretary of the Interior as a wild river.

3 “(267) INDIAN CREEK.—The 3.3-mile segment
4 from 300 feet downstream of the jeep trail in section
5 13, T. 20 N., R. 13 W. to the confluence with the
6 Eel River, to be administered by the Secretary of the
7 Interior as a wild river.

8 “(268) FISH CREEK.—The 4.2-mile segment
9 from the source at Buckhorn Spring to the con-
10 fluence with the Eel River, to be administered by the
11 Secretary of the Interior as a wild river.”.

12 **SEC. 235. SANHEDRIN SPECIAL CONSERVATION MANAGE-**
13 **MENT AREA.**

14 (a) ESTABLISHMENT.—Subject to valid existing
15 rights, there is established the Sanhedrin Special Con-
16 servation Management Area (referred to in this section as
17 the “conservation management area”), comprising ap-
18 proximately 14,177 acres of Federal land administered by
19 the Forest Service in Mendocino County, California, as
20 generally depicted on the map entitled “Sanhedrin Special
21 Conservation Management Area—Proposed” and dated
22 April 12, 2017.

23 (b) PURPOSES.—The purposes of the conservation
24 management area are to—

1 (1) conserve, protect, and enhance for the ben-
2 efit and enjoyment of present and future generations
3 the ecological, scenic, wildlife, recreational, roadless,
4 cultural, historical, natural, educational, and sci-
5 entific resources of the conservation management
6 area;

7 (2) protect and restore late-successional forest
8 structure, oak woodlands and grasslands, aquatic
9 habitat, and anadromous fisheries within the con-
10 servation management area;

11 (3) protect and restore the wilderness character
12 of the conservation management area; and

13 (4) allow visitors to enjoy the scenic, natural,
14 cultural, and wildlife values of the conservation man-
15 agement area.

16 (c) MANAGEMENT.—

17 (1) IN GENERAL.—The Secretary shall manage
18 the conservation management area—

19 (A) in a manner consistent with the pur-
20 poses described in subsection (b); and

21 (B) in accordance with—

22 (i) the laws (including regulations)
23 generally applicable to the National Forest
24 System;

25 (ii) this section; and

1 (iii) any other applicable law (includ-
2 ing regulations).

3 (2) USES.—The Secretary shall only allow uses
4 of the conservation management area that the Sec-
5 retary determines would further the purposes de-
6 scribed in subsection (b).

7 (d) MOTORIZED VEHICLES.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (3), the use of motorized vehicles in the con-
10 servation management area shall be permitted only
11 on existing roads, trails, and areas designated for
12 use by such vehicles as of the date of enactment of
13 this Act.

14 (2) NEW OR TEMPORARY ROADS.—Except as
15 provided in paragraph (3), no new or temporary
16 roads shall be constructed within the conservation
17 management area.

18 (3) EXCEPTION.—Nothing in paragraph (1) or
19 (2) prevents the Secretary from—

20 (A) rerouting or closing an existing road or
21 trail to protect natural resources from degrada-
22 tion, or to protect public safety, as determined
23 to be appropriate by the Secretary;

24 (B) designating routes of travel on lands
25 acquired by the Secretary and incorporated into

1 the conservation management area if the des-
2 ignations are—

3 (i) consistent with the purposes de-
4 scribed in subsection (b); and

5 (ii) completed, to the maximum extent
6 practicable, within 3 years of the date of
7 acquisition;

8 (C) constructing a temporary road on
9 which motorized vehicles are permitted as part
10 of a vegetation management project carried out
11 in accordance with subsection (e);

12 (D) authorizing the use of motorized vehi-
13 cles for administrative purposes; or

14 (E) responding to an emergency.

15 (4) DECOMMISSIONING OF TEMPORARY
16 ROADS.—

17 (A) REQUIREMENT.—The Secretary shall
18 decommission any temporary road constructed
19 under paragraph (3)(C) not later than 3 years
20 after the date on which the applicable vegeta-
21 tion management project is completed.

22 (B) DEFINITION.—As used in subpara-
23 graph (A), the term “decommission” means—

24 (i) to reestablish vegetation on a road;
25 and

1 (ii) to restore any natural drainage,
2 watershed function, or other ecological
3 processes that are disrupted or adversely
4 impacted by the road by removing or
5 hydrologically disconnecting the road
6 prism.

7 (e) TIMBER HARVEST.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), no harvesting of timber shall be allowed
10 within the conservation management area.

11 (2) EXCEPTIONS.—The Secretary may author-
12 ize harvesting of timber in the conservation manage-
13 ment area—

14 (A) if the Secretary determines that the
15 harvesting is necessary to further the purposes
16 of the conservation management area;

17 (B) in a manner consistent with the pur-
18 poses described in subsection (b); and

19 (C) subject to—

20 (i) such reasonable regulations, poli-
21 cies, and practices as the Secretary deter-
22 mines appropriate; and

23 (ii) all applicable laws (including regu-
24 lations).

1 (f) GRAZING.—The grazing of livestock in the con-
2 servation management area, where established before the
3 date of enactment of this Act, shall be permitted to con-
4 tinue—

5 (1) subject to—

6 (A) such reasonable regulations, policies,
7 and practices as the Secretary considers nec-
8 essary; and

9 (B) applicable law (including regulations);
10 and

11 (2) in a manner consistent with the purposes
12 described in subsection (b).

13 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-
14 MENT.—Consistent with this section, the Secretary may
15 take any measures within the conservation management
16 area that the Secretary determines to be necessary to con-
17 trol fire, insects, and diseases, including the coordination
18 of those activities with a State or local agency.

19 (h) ACQUISITION AND INCORPORATION OF LAND AND
20 INTERESTS IN LAND.—

21 (1) ACQUISITION AUTHORITY.—In accordance
22 with applicable laws (including regulations), the Sec-
23 retary may acquire any land or interest in land with-
24 in or adjacent to the boundaries of the conservation

1 management area by purchase from willing sellers,
2 donation, or exchange.

3 (2) INCORPORATION.—Any land or interest in
4 land acquired by the Secretary under paragraph (1)
5 shall be—

6 (A) incorporated into, and administered as
7 part of, the conservation management area; and

8 (B) withdrawn in accordance with sub-
9 section (i).

10 (i) WITHDRAWAL.—Subject to valid existing rights,
11 all Federal land located in the conservation management
12 area is withdrawn from—

13 (1) all forms of entry, appropriation, and dis-
14 posal under the public land laws;

15 (2) location, entry, and patenting under the
16 mining laws; and

17 (3) operation of the mineral leasing, mineral
18 materials, and geothermal leasing laws.

19 **Subtitle D—Miscellaneous**

20 **SEC. 241. MAPS AND LEGAL DESCRIPTIONS.**

21 (a) IN GENERAL.—As soon as practicable after the
22 date of enactment of this Act, the Secretary shall prepare
23 maps and legal descriptions of the—

24 (1) wilderness areas and wilderness additions
25 designated by section 231;

1 (2) potential wilderness areas designated by
2 section 233;

3 (3) South Fork Trinity-Mad River Restoration
4 Area;

5 (4) Horse Mountain Special Management Area;
6 and

7 (5) Sanhedrin Special Conservation Manage-
8 ment Area.

9 (b) SUBMISSION OF MAPS AND LEGAL DESCRIP-
10 TIONS.—The Secretary shall file the maps and legal de-
11 scriptions prepared under subsection (a) with—

12 (1) the Committee on Natural Resources of the
13 House of Representatives; and

14 (2) the Committee on Energy and Natural Re-
15 sources of the Senate.

16 (c) FORCE OF LAW.—The maps and legal descrip-
17 tions prepared under subsection (a) shall have the same
18 force and effect as if included in this title, except that
19 the Secretary may correct any clerical and typographical
20 errors in the maps and legal descriptions.

21 (d) PUBLIC AVAILABILITY.—The maps and legal de-
22 scriptions prepared under subsection (a) shall be on file
23 and available for public inspection in the appropriate of-
24 fices of the Forest Service, Bureau of Land Management,
25 and National Park Service.

1 **SEC. 242. UPDATES TO LAND AND RESOURCE MANAGE-**
2 **MENT PLANS.**

3 As soon as practicable, in accordance with applicable
4 laws (including regulations), the Secretary shall incor-
5 porate the designations and studies required by this title
6 into updated management plans for units covered by this
7 title.

8 **SEC. 243. PACIFIC GAS AND ELECTRIC COMPANY UTILITY**
9 **FACILITIES AND RIGHTS-OF-WAY.**

10 (a) EFFECT OF ACT.—Nothing in this title—

11 (1) affects any validly issued right-of-way for
12 the customary operation, maintenance, upgrade, re-
13 pair, relocation within an existing right-of-way, re-
14 placement, or other authorized activity (including
15 the use of any mechanized vehicle, helicopter, and
16 other aerial device) in a right-of-way acquired by or
17 issued, granted, or permitted to Pacific Gas and
18 Electric Company (including any predecessor or suc-
19 cessor in interest or assign) that is located on land
20 included in the South Fork Trinity—Mad River Res-
21 toration Area, Bigfoot National Recreation Trail,
22 Sanhedrin Special Conservation Management Area,
23 and Horse Mountain Special Management Area; or
24 (2) prohibits the upgrading or replacement of
25 any—

1 (A) utility facilities of the Pacific Gas and
2 Electric Company, including those utility facili-
3 ties known on the date of enactment of this Act
4 within the—

5 (i) South Fork Trinity—Mad River
6 Restoration Area known as—

7 (I) Gas Transmission Line 177A
8 or rights-of-way;

9 (II) Gas Transmission Line
10 DFM 1312-02 or rights-of-way;

11 (III) Electric Transmission Line
12 Bridgeville—Cottonwood 115 kV or
13 rights-of-way;

14 (IV) Electric Transmission Line
15 Humboldt—Trinity 60 kV or rights-
16 of-way;

17 (V) Electric Transmission Line
18 Humboldt—Trinity 115 kV or rights-
19 of-way;

20 (VI) Electric Transmission Line
21 Maple Creek—Hoopa 60 kV or rights-
22 of-way;

23 (VII) Electric Distribution
24 Line—Willow Creek 1101 12 kV or
25 rights-of-way;

1 (VIII) Electric Distribution
2 Line—Willow Creek 1103 12 kV or
3 rights-of-way;

4 (IX) Electric Distribution Line—
5 Low Gap 1101 12 kV or rights-of-
6 way;

7 (X) Electric Distribution Line—
8 Fort Seward 1121 12 kV or rights-of-
9 way;

10 (XI) Forest Glen Border District
11 Regulator Station or rights-of-way;

12 (XII) Durret District Gas Regu-
13 lator Station or rights-of-way;

14 (XIII) Gas Distribution Line
15 4269C or rights-of-way;

16 (XIV) Gas Distribution Line
17 43991 or rights-of-way;

18 (XV) Gas Distribution Line
19 4993D or rights-of-way;

20 (XVI) Sportsmans Club District
21 Gas Regulator Station or rights-of-
22 way;

23 (XVII) Highway 36 and Zenia
24 District Gas Regulator Station or
25 rights-of-way;

1 (XVIII) Dinsmore Lodge 2nd
2 Stage Gas Regulator Station or
3 rights-of-way;

4 (XIX) Electric Distribution
5 Line—Wildwood 1101 12kV or rights-
6 of-way;

7 (XX) Low Gap Substation;

8 (XXI) Hyampom Switching Sta-
9 tion; or

10 (XXII) Wildwood Substation;

11 (ii) Bigfoot National Recreation Trail
12 known as—

13 (I) Gas Transmission Line 177A
14 or rights-of-way;

15 (II) Electric Transmission Line
16 Humboldt—Trinity 115 kV or rights-
17 of-way;

18 (III) Electric Transmission Line
19 Bridgeville—Cottonwood 115 kV or
20 rights-of-way; or

21 (IV) Electric Transmission Line
22 Humboldt—Trinity 60 kV or rights-
23 of-way;

24 (iii) Sanhedrin Special Conservation
25 Management Area known as, Electric Dis-

1 tribution Line—Willits 1103 12 kV or
2 rights-of-way; or

3 (iv) Horse Mountain Special Manage-
4 ment Area known as, Electric Distribution
5 Line Willow Creek 1101 12 kV or rights-
6 of-way; or

7 (B) utility facilities of the Pacific Gas and
8 Electric Company in rights-of-way issued,
9 granted, or permitted by the Secretary adjacent
10 to a utility facility referred to in paragraph (1).

11 (b) PLANS FOR ACCESS.—Not later than 1 year after
12 the date of enactment of this subtitle or the issuance of
13 a new utility facility right-of-way within the South Fork
14 Trinity—Mad River Restoration Area, Bigfoot National
15 Recreation Trail, Sanhedrin Special Conservation Man-
16 agement Area, and Horse Mountain Special Management
17 Area, whichever is later, the Secretary, in consultation
18 with the Pacific Gas and Electric Company, shall publish
19 plans for regular and emergency access by the Pacific Gas
20 and Electric Company to the rights-of-way of the Pacific
21 Gas and Electric Company.

1 **TITLE III—CENTRAL COAST**
2 **HERITAGE PROTECTION**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Central Coast Herit-
5 age Protection Act”.

6 **SEC. 302. DEFINITIONS.**

7 In this title:

8 (1) SCENIC AREAS.—The term “scenic area”
9 means a scenic area designated by section 308(a).

10 (2) SECRETARY.—The term “Secretary”
11 means—

12 (A) with respect to land managed by the
13 Bureau of Land Management, the Secretary of
14 the Interior; and

15 (B) with respect to land managed by the
16 Forest Service, the Secretary of Agriculture.

17 (3) STATE.—The term “State” means the State
18 of California.

19 (4) WILDERNESS AREA.—The term “wilderness
20 area” means a wilderness area or wilderness addi-
21 tion designated by section 303(a).

22 **SEC. 303. DESIGNATION OF WILDERNESS.**

23 (a) IN GENERAL.—In accordance with the Wilderness
24 Act (16 U.S.C. 1131 et seq.), the following areas in the

1 State are designated as wilderness areas and as compo-
2 nents of the National Wilderness Preservation System:

3 (1) Certain land in the Bakersfield Field Office
4 of the Bureau of Land Management comprising ap-
5 proximately 35,116 acres, as generally depicted on
6 the map entitled “Proposed Caliente Mountain Wil-
7 derness” and dated November 13, 2019, which shall
8 be known as the “Caliente Mountain Wilderness”.

9 (2) Certain land in the Bakersfield Field Office
10 of the Bureau of Land Management comprising ap-
11 proximately 13,332 acres, as generally depicted on
12 the map entitled “Proposed Soda Lake Wilderness”
13 and dated June 25, 2019, which shall be known as
14 the “Soda Lake Wilderness”.

15 (3) Certain land in the Bakersfield Field Office
16 of the Bureau of Land Management comprising ap-
17 proximately 12,585 acres, as generally depicted on
18 the map entitled “Proposed Temblor Range Wilder-
19 ness” and dated June 25, 2019, which shall be
20 known as the “Temblor Range Wilderness”.

21 (4) Certain land in the Los Padres National
22 Forest comprising approximately 23,670 acres, as
23 generally depicted on the map entitled “Chumash
24 Wilderness Area Additions—Proposed” and dated
25 March 29, 2019, which shall be incorporated into

1 and managed as part of the Chumash Wilderness as
2 designated by the Los Padres Condor Range and
3 River Protection Act (Public Law 102–301; 106
4 Stat. 242).

5 (5) Certain land in the Los Padres National
6 Forest comprising approximately 54,036 acres, as
7 generally depicted on the maps entitled “Dick Smith
8 Wilderness Area Additions—Proposed Map 1 of 2
9 (Bear Canyon and Cuyama Peak Units)” and “Dick
10 Smith Wilderness Area Additions—Proposed Map 2
11 of 2 (Buckhorn and Mono Units)” and dated No-
12 vember 14, 2019, which shall be incorporated into
13 and managed as part of the Dick Smith Wilderness
14 as designated by the California Wilderness Act of
15 1984 (Public Law 98–425; 16 U.S.C. 1132 note).

16 (6) Certain land in the Los Padres National
17 Forest and the Bakersfield Field Office of the Bu-
18 reau of Land Management comprising approximately
19 7,289 acres, as generally depicted on the map enti-
20 tled “Garcia Wilderness Area Additions—Proposed”
21 and dated March 29, 2019, which shall be incor-
22 porated into and managed as part of the Garcia Wil-
23 derness as designated by the Los Padres Condor
24 Range and River Protection Act (Public Law 102–
25 301; 106 Stat. 242).

1 (7) Certain land in the Los Padres National
2 Forest and the Bakersfield Field Office of the Bu-
3 reau of Land Management comprising approximately
4 8,774 acres, as generally depicted on the map enti-
5 tled “Machesna Mountain Wilderness—Proposed
6 Additions” and dated October 30, 2019, which shall
7 be incorporated into and managed as part of the
8 Machesna Mountain Wilderness as designated by the
9 California Wilderness Act of 1984 (Public Law 98–
10 425; 16 U.S.C. 1132 note).

11 (8) Certain land in the Los Padres National
12 Forest comprising approximately 30,184 acres, as
13 generally depicted on the map entitled “Matilija Wil-
14 derness Area Additions—Proposed” and dated
15 March 29, 2019, which shall be incorporated into
16 and managed as part of the Matilija Wilderness as
17 designated by the Los Padres Condor Range and
18 River Protection Act (Public Law 102–301; 106
19 Stat. 242).

20 (9) Certain land in the Los Padres National
21 Forest comprising approximately 23,969 acres, as
22 generally depicted on the map entitled “San Rafael
23 Wilderness Area Additions—Proposed” and dated
24 March 29, 2019, which shall be incorporated into
25 and managed as part of the San Rafael Wilderness

1 as designated by Public Law 90–271 (82 Stat. 51),
2 the California Wilderness Act of 1984 (Public Law
3 98–425; 16 U.S.C. 1132 note), and the Los Padres
4 Condor Range and River Protection Act (Public Law
5 102–301; 106 Stat. 242).

6 (10) Certain land in the Los Padres National
7 Forest comprising approximately 2,921 acres, as
8 generally depicted on the map entitled “Santa Lucia
9 Wilderness Area Additions—Proposed” and dated
10 March 29, 2019, which shall be incorporated into
11 and managed as part of the Santa Lucia Wilderness
12 as designated by the Endangered American Wilder-
13 ness Act of 1978 (Public Law 95–237; 16 U.S.C.
14 1132 note).

15 (11) Certain land in the Los Padres National
16 Forest comprising approximately 14,313 acres, as
17 generally depicted on the map entitled “Sespe Wil-
18 derness Area Additions—Proposed” and dated
19 March 29, 2019, which shall be incorporated into
20 and managed as part of the Sespe Wilderness as
21 designated by the Los Padres Condor Range and
22 River Protection Act (Public Law 102–301; 106
23 Stat. 242).

24 (12) Certain land in the Los Padres National
25 Forest comprising approximately 17,870 acres, as

1 generally depicted on the map entitled “Diablo
2 Caliente Wilderness Area—Proposed” and dated
3 March 29, 2019, which shall be known as the “Dia-
4 blo Caliente Wilderness”.

5 (b) MAPS AND LEGAL DESCRIPTIONS.—

6 (1) IN GENERAL.—As soon as practicable after
7 the date of enactment of this Act, the Secretary
8 shall file maps and legal descriptions of the wilder-
9 ness areas with—

10 (A) the Committee on Energy and Natural
11 Resources of the Senate; and

12 (B) the Committee on Natural Resources
13 of the House of Representatives.

14 (2) FORCE OF LAW.—The maps and legal de-
15 scriptions filed under paragraph (1) shall have the
16 same force and effect as if included in this title, ex-
17 cept that the Secretary may correct any clerical and
18 typographical errors in the maps and legal descrip-
19 tions.

20 (3) PUBLIC AVAILABILITY.—The maps and
21 legal descriptions filed under paragraph (1) shall be
22 on file and available for public inspection in the ap-
23 propriate offices of the Forest Service and Bureau
24 of Land Management.

1 **SEC. 304. DESIGNATION OF THE MACHESNA MOUNTAIN PO-**
2 **TENTIAL WILDERNESS.**

3 (a) DESIGNATION.—In furtherance of the purposes of
4 the Wilderness Act (16 U.S.C. 1131 et seq.), certain land
5 in the Los Padres National Forest comprising approxi-
6 mately 2,359 acres, as generally depicted on the map enti-
7 tled “Machesna Mountain Potential Wilderness” and
8 dated March 29, 2019, is designated as the Machesna
9 Mountain Potential Wilderness Area.

10 (b) MAP AND LEGAL DESCRIPTION.—

11 (1) IN GENERAL.—As soon as practicable after
12 the date of enactment of this Act, the Secretary
13 shall file a map and legal description of the
14 Machesna Mountain Potential Wilderness Area (re-
15 ferred to in this section as the “potential wilderness
16 area”) with—

17 (A) the Committee on Energy and Natural
18 Resources of the Senate; and

19 (B) the Committee on Natural Resources
20 of the House of Representatives.

21 (2) FORCE OF LAW.—The map and legal de-
22 scription filed under paragraph (1) shall have the
23 same force and effect as if included in this title, ex-
24 cept that the Secretary may correct any clerical and
25 typographical errors in the map and legal descrip-
26 tion.

1 (3) PUBLIC AVAILABILITY.—The map and legal
2 description filed under paragraph (1) shall be on file
3 and available for public inspection in the appropriate
4 offices of the Forest Service.

5 (c) MANAGEMENT.—Except as provided in subsection
6 (d) and subject to valid existing rights, the Secretary shall
7 manage the potential wilderness area in accordance with
8 the Wilderness Act (16 U.S.C. 1131 et seq.).

9 (d) TRAIL USE, CONSTRUCTION, RECONSTRUCTION,
10 AND REALIGNMENT.—

11 (1) IN GENERAL.—In accordance with para-
12 graph (2), the Secretary may reconstruct, realign, or
13 reroute the Pine Mountain Trail.

14 (2) REQUIREMENT.—In carrying out the recon-
15 struction, realignment, or rerouting under paragraph
16 (1), the Secretary shall—

17 (A) comply with all existing laws (including
18 regulations); and

19 (B) to the maximum extent practicable,
20 use the minimum tool or administrative practice
21 necessary to accomplish the reconstruction, re-
22 alignment, or rerouting with the least amount
23 of adverse impact on wilderness character and
24 resources.

1 (3) MOTORIZED VEHICLES AND MACHINERY.—

2 In accordance with paragraph (2), the Secretary
3 may use motorized vehicles and machinery to carry
4 out the trail reconstruction, realignment, or rerout-
5 ing authorized by this subsection.

6 (4) MOTORIZED AND MECHANIZED VEHI-

7 CLES.—The Secretary may permit the use of motor-
8 ized and mechanized vehicles on the existing Pine
9 Mountain Trail in accordance with existing law (in-
10 cluding regulations) and this subsection until such
11 date as the potential wilderness area is designated
12 as wilderness in accordance with subsection (h).

13 (e) WITHDRAWAL.—Subject to valid existing rights,
14 the Federal land in the potential wilderness area is with-
15 drawn from all forms of—

16 (1) entry, appropriation, or disposal under the
17 public land laws;

18 (2) location, entry, and patent under the mining
19 laws; and

20 (3) disposition under all laws pertaining to min-
21 eral and geothermal leasing or mineral materials.

22 (f) COOPERATIVE AGREEMENTS.—In carrying out
23 this section, the Secretary may enter into cooperative
24 agreements with State, Tribal, and local governmental en-
25 tities and private entities to complete the trail construc-

1 tion, realignment, or rerouting authorized by subsection
2 (d).

3 (g) BOUNDARIES.—The Secretary shall modify the
4 boundary of the potential wilderness area to exclude any
5 area within 150 feet of the centerline of the new location
6 of any trail that has been reconstructed, realigned, or re-
7 routed under subsection (d).

8 (h) WILDERNESS DESIGNATION.—

9 (1) IN GENERAL.—The potential wilderness
10 area, as modified under subsection (g), shall be des-
11 ignated as wilderness and as a component of the Na-
12 tional Wilderness Preservation System on the earlier
13 of—

14 (A) the date on which the Secretary pub-
15 lishes in the Federal Register notice that the
16 trail reconstruction, realignment, or rerouting
17 authorized by subsection (d) has been com-
18 pleted; or

19 (B) the date that is 20 years after the date
20 of enactment of this Act.

21 (2) ADMINISTRATION OF WILDERNESS.—On
22 designation as wilderness under this section, the po-
23 tential wilderness area shall be—

24 (A) incorporated into the Machesna Moun-
25 tain Wilderness Area, as designated by the Cali-

1 fornia Wilderness Act of 1984 (Public Law 98–
2 425; 16 U.S.C. 1132 note) and expanded by
3 section 303; and

4 (B) administered in accordance with sec-
5 tion 305 and the Wilderness Act (16 U.S.C.
6 1131 et seq.).

7 **SEC. 305. ADMINISTRATION OF WILDERNESS.**

8 (a) IN GENERAL.—Subject to valid existing rights,
9 the wilderness areas shall be administered by the Sec-
10 retary in accordance with this title and the Wilderness Act
11 (16 U.S.C. 1131 et seq.), except that—

12 (1) any reference in the Wilderness Act (16
13 U.S.C. 1131 et seq.) to the effective date of that Act
14 shall be considered to be a reference to the date of
15 enactment of this Act; and

16 (2) any reference in the Wilderness Act (16
17 U.S.C. 1131 et seq.) to the Secretary of Agriculture
18 shall be considered to be a reference to the Secretary
19 that has jurisdiction over the wilderness area.

20 (b) FIRE MANAGEMENT AND RELATED ACTIVI-
21 TIES.—

22 (1) IN GENERAL.—The Secretary may take any
23 measures in a wilderness area as are necessary for
24 the control of fire, insects, and diseases in accord-
25 ance with section 4(d)(1) of the Wilderness Act (16

1 U.S.C. 1133(d)(1)) and House Report 98–40 of the
2 98th Congress.

3 (2) FUNDING PRIORITIES.—Nothing in this title
4 limits funding for fire and fuels management in the
5 wilderness areas.

6 (3) REVISION AND DEVELOPMENT OF LOCAL
7 FIRE MANAGEMENT PLANS.—As soon as practicable
8 after the date of enactment of this Act, the Sec-
9 retary shall amend the local information in the Fire
10 Management Reference System or individual oper-
11 ational plans that apply to the land designated as a
12 wilderness area.

13 (4) ADMINISTRATION.—Consistent with para-
14 graph (1) and other applicable Federal law, to en-
15 sure a timely and efficient response to fire emer-
16 gencies in the wilderness areas, the Secretary shall
17 enter into agreements with appropriate State or
18 local firefighting agencies.

19 (c) GRAZING.—The grazing of livestock in the wilder-
20 ness areas, if established before the date of enactment of
21 this Act, shall be permitted to continue, subject to any
22 reasonable regulations as the Secretary considers nec-
23 essary in accordance with—

24 (1) section 4(d)(4) of the Wilderness Act (16
25 U.S.C. 1133(d)(4));

1 (2) the guidelines set forth in Appendix A of
2 House Report 101–405, accompanying H.R. 2570 of
3 the 101st Congress for land under the jurisdiction of
4 the Secretary of the Interior;

5 (3) the guidelines set forth in House Report
6 96–617, accompanying H.R. 5487 of the 96th Con-
7 gress for land under the jurisdiction of the Secretary
8 of Agriculture; and

9 (4) all other laws governing livestock grazing on
10 Federal public land.

11 (d) FISH AND WILDLIFE.—

12 (1) IN GENERAL.—In accordance with section
13 4(d)(7) of the Wilderness Act (16 U.S.C.
14 1133(d)(7)), nothing in this title affects the jurisdic-
15 tion or responsibilities of the State with respect to
16 fish and wildlife on public land in the State.

17 (2) MANAGEMENT ACTIVITIES.—In furtherance
18 of the purposes and principles of the Wilderness Act
19 (16 U.S.C. 1131 et seq.), the Secretary may conduct
20 any management activities that are necessary to
21 maintain or restore fish and wildlife populations and
22 habitats in the wilderness areas, if the management
23 activities are—

24 (A) consistent with relevant wilderness
25 management plans;

1 (B) conducted in accordance with appro-
2 priate policies, such as the policies established
3 in Appendix B of House Report 101–405; and

4 (C) in accordance with memoranda of un-
5 derstanding between the Federal agencies and
6 the State Department of Fish and Wildlife.

7 (e) BUFFER ZONES.—

8 (1) IN GENERAL.—Congress does not intend for
9 the designation of wilderness areas by this title to
10 lead to the creation of protective perimeters or buff-
11 er zones around each wilderness area.

12 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—

13 The fact that nonwilderness activities or uses can be
14 seen or heard from within a wilderness area shall
15 not, of itself, preclude the activities or uses up to the
16 boundary of the wilderness area.

17 (f) MILITARY ACTIVITIES.—Nothing in this title pre-
18 cludes—

19 (1) low-level overflights of military aircraft over
20 the wilderness areas;

21 (2) the designation of new units of special air-
22 space over the wilderness areas; or

23 (3) the use or establishment of military flight
24 training routes over wilderness areas.

1 (g) HORSES.—Nothing in this title precludes horse-
2 back riding in, or the entry of recreational saddle or pack
3 stock into, a wilderness area—

4 (1) in accordance with section 4(d)(5) of the
5 Wilderness Act (16 U.S.C. 1133(d)(5)); and

6 (2) subject to any terms and conditions deter-
7 mined to be necessary by the Secretary.

8 (h) WITHDRAWAL.—Subject to valid existing rights,
9 the wilderness areas are withdrawn from—

10 (1) all forms of entry, appropriation, and dis-
11 posal under the public land laws;

12 (2) location, entry, and patent under the mining
13 laws; and

14 (3) disposition under all laws pertaining to min-
15 eral and geothermal leasing or mineral materials.

16 (i) INCORPORATION OF ACQUIRED LAND AND INTER-
17 ESTS.—Any land within the boundary of a wilderness area
18 that is acquired by the United States shall—

19 (1) become part of the wilderness area in which
20 the land is located; and

21 (2) be managed in accordance with—

22 (A) this section;

23 (B) the Wilderness Act (16 U.S.C. 1131 et
24 seq.); and

25 (C) any other applicable law.

1 (j) CLIMATOLOGICAL DATA COLLECTION.—In ac-
2 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
3 and subject to terms and conditions as the Secretary may
4 prescribe, the Secretary may authorize the installation and
5 maintenance of hydrologic, meteorologic, or climatological
6 collection devices in the wilderness areas if the Secretary
7 determines that the facilities and access to the facilities
8 are essential to flood warning, flood control, or water res-
9 ervoir operation activities.

10 **SEC. 306. DESIGNATION OF WILD AND SCENIC RIVERS.**

11 (a) INDIAN CREEK, MONO CREEK, AND MATILIJIA
12 CREEK, CALIFORNIA.—Section 3(a) of the National Wild
13 and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended
14 by adding at the end the following:

15 “(231) INDIAN CREEK, CALIFORNIA.—The fol-
16 lowing segments of Indian Creek in the State of
17 California, to be administered by the Secretary of
18 Agriculture:

19 “(A) The 9.5-mile segment of Indian Creek
20 from its source in sec. 19, T. 7 N., R. 26 W.,
21 to the Dick Smith Wilderness boundary, as a
22 wild river.

23 “(B) The 1-mile segment of Indian Creek
24 from the Dick Smith Wilderness boundary to

1 0.25 miles downstream of Road 6N24, as a sce-
2 nic river.

3 “(C) The 3.9-mile segment of Indian Creek
4 from 0.25 miles downstream of Road 6N24 to
5 the southern boundary of sec. 32, T. 6 N., R.
6 26 W., as a wild river.

7 “(232) MONO CREEK, CALIFORNIA.—The fol-
8 lowing segments of Mono Creek in the State of Cali-
9 fornia, to be administered by the Secretary of Agri-
10 culture:

11 “(A) The 4.2-mile segment of Mono Creek
12 from its source in sec. 1, T. 7 N., R. 26 W.,
13 to 0.25 miles upstream of Don Victor Fire
14 Road in sec. 28, T. 7 N., R. 25 W., as a wild
15 river.

16 “(B) The 2.1-mile segment of Mono Creek
17 from 0.25 miles upstream of the Don Victor
18 Fire Road in sec. 28, T. 7 N., R. 25 W., to
19 0.25 miles downstream of Don Victor Fire
20 Road in sec. 34, T. 7 N., R. 25 W., as a rec-
21 reational river.

22 “(C) The 14.7-mile segment of Mono
23 Creek from 0.25 miles downstream of Don Vic-
24 tor Fire Road in sec. 34, T. 7 N., R. 25 W.,

1 to the Ogilvy Ranch private property boundary
2 in sec. 22, T. 6 N., R. 26 W., as a wild river.

3 “(D) The 3.5-mile segment of Mono Creek
4 from the Ogilvy Ranch private property bound-
5 ary to the southern boundary of sec. 33, T. 6
6 N., R. 26 W., as a recreational river.

7 “(233) MATILIJA CREEK, CALIFORNIA.—The
8 following segments of Matilija Creek in the State of
9 California, to be administered by the Secretary of
10 Agriculture:

11 “(A) The 7.2-mile segment of the Matilija
12 Creek from its source in sec. 25, T. 6 N., R.
13 25 W., to the private property boundary in sec.
14 9, T. 5 N., R. 24 W., as a wild river.

15 “(B) The 7.25-mile segment of the Upper
16 North Fork Matilija Creek from its source in
17 sec. 36, T. 6 N., R. 24 W., to the Matilija Wil-
18 derness boundary, as a wild river.”.

19 (b) SESPE CREEK, CALIFORNIA.—Section 3(a) of the
20 National Wild and Scenic Rivers Act (16 U.S.C. 1274(a))
21 is amended by striking paragraph (142) and inserting the
22 following:

23 “(142) SESPE CREEK, CALIFORNIA.—The fol-
24 lowing segments of Sespe Creek in the State of Cali-

1 fornia, to be administered by the Secretary of Agri-
2 culture:

3 “(A) The 2.7-mile segment of Sespe Creek
4 from the private property boundary in sec. 10,
5 T. 6 N., R. 24 W., to the Hartman Ranch pri-
6 vate property boundary in sec. 14, T. 6 N., R.
7 24 W., as a wild river.

8 “(B) The 15-mile segment of Sespe Creek
9 from the Hartman Ranch private property
10 boundary in sec. 14, T. 6 N., R. 24 W., to the
11 western boundary of sec. 6, T. 5 N., R. 22 W.,
12 as a recreational river.

13 “(C) The 6.1-mile segment of Sespe Creek
14 from the western boundary of sec. 6, T. 5 N.,
15 R. 22 W., to the confluence with Trout Creek,
16 as a scenic river.

17 “(D) The 28.6-mile segment of Sespe
18 Creek from the confluence with Trout Creek to
19 the southern boundary of sec. 35, T. 5 N., R.
20 20 W., as a wild river.”.

21 (c) SISQUOC RIVER, CALIFORNIA.—Section 3(a) of
22 the National Wild and Scenic Rivers Act (16 U.S.C.
23 1274(a)) is amended by striking paragraph (143) and in-
24 serting the following:

1 “(143) SISQUOC RIVER, CALIFORNIA.—The fol-
2 lowing segments of the Sisquoc River and its tribu-
3 taries in the State of California, to be administered
4 by the Secretary of Agriculture:

5 “(A) The 33-mile segment of the main
6 stem of the Sisquoc River extending from its
7 origin downstream to the Los Padres Forest
8 boundary, as a wild river.

9 “(B) The 4.2-mile segment of the South
10 Fork Sisquoc River from its source northeast of
11 San Rafael Mountain in sec. 2, T. 7 N., R. 28
12 W., to its confluence with the Sisquoc River, as
13 a wild river.

14 “(C) The 10.4-mile segment of Manzana
15 Creek from its source west of San Rafael Peak
16 in sec. 4, T. 7 N., R. 28 W., to the San Rafael
17 Wilderness boundary upstream of Nira Camp-
18 ground, as a wild river.

19 “(D) The 0.6-mile segment of Manzana
20 Creek from the San Rafael Wilderness bound-
21 ary upstream of the Nira Campground to the
22 San Rafael Wilderness boundary downstream of
23 the confluence of Davy Brown Creek, as a rec-
24 reational river.

1 “(E) The 5.8-mile segment of Manzana
2 Creek from the San Rafael Wilderness bound-
3 ary downstream of the confluence of Davy
4 Brown Creek to the private property boundary
5 in sec. 1, T. 8 N., R. 30 W., as a wild river.

6 “(F) The 3.8-mile segment of Manzana
7 Creek from the private property boundary in
8 sec. 1, T. 8 N., R. 30 W., to the confluence of
9 the Sisquoc River, as a recreational river.

10 “(G) The 3.4-mile segment of Davy Brown
11 Creek from its source west of Ranger Peak in
12 sec. 32, T. 8 N., R. 29 W., to 300 feet up-
13 stream of its confluence with Munch Canyon, as
14 a wild river.

15 “(H) The 1.4-mile segment of Davy Brown
16 Creek from 300 feet upstream of its confluence
17 with Munch Canyon to its confluence with
18 Manzana Creek, as a recreational river.

19 “(I) The 2-mile segment of Munch Canyon
20 from its source north of Ranger Peak in sec.
21 33, T. 8 N., R. 29 W., to 300 feet upstream
22 of its confluence with Sunset Valley Creek, as
23 a wild river.

24 “(J) The 0.5-mile segment of Munch Can-
25 yon from 300 feet upstream of its confluence

1 with Sunset Valley Creek to its confluence with
2 Davy Brown Creek, as a recreational river.

3 “(K) The 2.6-mile segment of Fish Creek
4 from 500 feet downstream of Sunset Valley
5 Road to its confluence with Manzana Creek, as
6 a wild river.

7 “(L) The 1.5-mile segment of East Fork
8 Fish Creek from its source in sec. 26, T. 8 N.,
9 R. 29 W., to its confluence with Fish Creek, as
10 a wild river.”.

11 (d) PIRU CREEK, CALIFORNIA.—Section 3(a) of the
12 National Wild and Scenic Rivers Act (16 U.S.C. 1274(a))
13 is amended by striking paragraph (199) and inserting the
14 following:

15 “(199) PIRU CREEK, CALIFORNIA.—The fol-
16 lowing segments of Piru Creek in the State of Cali-
17 fornia, to be administered by the Secretary of Agri-
18 culture:

19 “(A) The 9.1-mile segment of Piru Creek
20 from its source in sec. 3, T. 6 N., R. 22 W.,
21 to the private property boundary in sec. 4, T.
22 6 N., R. 21 W., as a wild river.

23 “(B) The 17.2-mile segment of Piru Creek
24 from the private property boundary in sec. 4, T.

1 6 N., R. 21 W., to 0.25 miles downstream of
2 the Gold Hill Road, as a scenic river.

3 “(C) The 4.1-mile segment of Piru Creek
4 from 0.25 miles downstream of Gold Hill Road
5 to the confluence with Trail Canyon, as a wild
6 river.

7 “(D) The 7.25-mile segment of Piru Creek
8 from the confluence with Trail Canyon to the
9 confluence with Buck Creek, as a scenic river.

10 “(E) The 3-mile segment of Piru Creek
11 from 0.5 miles downstream of Pyramid Dam at
12 the first bridge crossing to the boundary of the
13 Sespe Wilderness, as a recreational river.

14 “(F) The 13-mile segment of Piru Creek
15 from the boundary of the Sespe Wilderness to
16 the boundary of the Sespe Wilderness, as a wild
17 river.

18 “(G) The 2.2-mile segment of Piru Creek
19 from the boundary of the Sespe Wilderness to
20 the upper limit of Piru Reservoir, as a rec-
21 reational river.”.

22 (e) EFFECT.—The designation of additional miles of
23 Piru Creek under subsection (d) shall not affect valid
24 water rights in existence on the date of enactment of this
25 Act.

1 (f) **MOTORIZED USE OF TRAILS.**—Nothing in this
2 section (including the amendments made by this section)
3 affects the motorized use of trails designated by the Forest
4 Service for motorized use that are located adjacent to and
5 crossing upper Piru Creek, if the use is consistent with
6 the protection and enhancement of river values under the
7 National Wild and Scenic Rivers Act (16 U.S.C. 1271 et
8 seq.).

9 **SEC. 307. DESIGNATION OF THE FOX MOUNTAIN POTEN-**
10 **TIAL WILDERNESS.**

11 (a) **DESIGNATION.**—In furtherance of the purposes of
12 the Wilderness Act (16 U.S.C. 1131 et seq.), certain land
13 in the Los Padres National Forest comprising approxi-
14 mately 41,082 acres, as generally depicted on the map en-
15 titled “Fox Mountain Potential Wilderness Area” and
16 dated November 14, 2019, is designated as the Fox Moun-
17 tain Potential Wilderness Area.

18 (b) **MAP AND LEGAL DESCRIPTION.**—

19 (1) **IN GENERAL.**—As soon as practicable after
20 the date of enactment of this Act, the Secretary of
21 Agriculture shall file a map and a legal description
22 of the Fox Mountain Potential Wilderness Area (re-
23 ferred to in this section as the “potential wilderness
24 area”) with—

1 (A) the Committee on Energy and Natural
2 Resources of the Senate; and

3 (B) the Committee on Natural Resources
4 of the House of Representatives.

5 (2) FORCE OF LAW.—The map and legal de-
6 scription filed under paragraph (1) shall have the
7 same force and effect as if included in this title, ex-
8 cept that the Secretary of Agriculture may correct
9 any clerical and typographical errors in the map and
10 legal description.

11 (3) PUBLIC AVAILABILITY.—The map and legal
12 description filed under paragraph (1) shall be on file
13 and available for public inspection in the appropriate
14 offices of the Forest Service.

15 (c) MANAGEMENT.—Except as provided in subsection
16 (d) and subject to valid existing rights, the Secretary shall
17 manage the potential wilderness area in accordance with
18 the Wilderness Act (16 U.S.C. 1131 et seq.).

19 (d) TRAIL USE CONSTRUCTION, RECONSTRUCTION,
20 AND REALIGNMENT.—

21 (1) IN GENERAL.—In accordance with para-
22 graph (2), the Secretary of Agriculture may—

23 (A) construct a new trail for use by hikers,
24 equestrians, and mechanized vehicles that con-

1 nects the Aliso Park Campground to the Bull
2 Ridge Trail; and

3 (B) reconstruct or realign—

4 (i) the Bull Ridge Trail; and

5 (ii) the Rocky Ridge Trail.

6 (2) REQUIREMENT.—In carrying out the con-
7 struction, reconstruction, or alignment under para-
8 graph (1), the Secretary shall—

9 (A) comply with all existing laws (including
10 regulations); and

11 (B) to the maximum extent practicable,
12 use the minimum tool or administrative practice
13 necessary to accomplish the construction, recon-
14 struction, or alignment with the least amount of
15 adverse impact on wilderness character and re-
16 sources.

17 (3) MOTORIZED VEHICLES AND MACHINERY.—
18 In accordance with paragraph (2), the Secretary
19 may use motorized vehicles and machinery to carry
20 out the trail construction, reconstruction, or realign-
21 ment authorized by this subsection.

22 (4) MECHANIZED VEHICLES.—The Secretary
23 may permit the use of mechanized vehicles on the
24 existing Bull Ridge Trail and Rocky Ridge Trail in
25 accordance with existing law (including regulations)

1 and this subsection until such date as the potential
2 wilderness area is designated as wilderness in ac-
3 cordance with subsection (h).

4 (e) WITHDRAWAL.—Subject to valid existing rights,
5 the Federal land in the potential wilderness area is with-
6 drawn from all forms of—

7 (1) entry, appropriation, or disposal under the
8 public land laws;

9 (2) location, entry, and patent under the mining
10 laws; and

11 (3) disposition under all laws pertaining to min-
12 eral and geothermal leasing or mineral materials.

13 (f) COOPERATIVE AGREEMENTS.—In carrying out
14 this section, the Secretary may enter into cooperative
15 agreements with State, Tribal, and local governmental en-
16 tities and private entities to complete the trail construc-
17 tion, reconstruction, and realignment authorized by sub-
18 section (d).

19 (g) BOUNDARIES.—The Secretary shall modify the
20 boundary of the potential wilderness area to exclude any
21 area within 50 feet of the centerline of the new location
22 of any trail that has been constructed, reconstructed, or
23 realigned under subsection (d).

24 (h) WILDERNESS DESIGNATION.—

1 (1) IN GENERAL.—The potential wilderness
2 area, as modified under subsection (g), shall be des-
3 ignated as wilderness and as a component of the Na-
4 tional Wilderness Preservation System on the earlier
5 of—

6 (A) the date on which the Secretary pub-
7 lishes in the Federal Register notice that the
8 trail construction, reconstruction, or alignment
9 authorized by subsection (d) has been com-
10 pleted; or

11 (B) the date that is 20 years after the date
12 of enactment of this Act.

13 (2) ADMINISTRATION OF WILDERNESS.—On
14 designation as wilderness under this section, the po-
15 tential wilderness area shall be—

16 (A) incorporated into the San Rafael Wil-
17 derness, as designated by Public Law 90–271
18 (82 Stat. 51), the California Wilderness Act of
19 1984 (Public Law 98–425; 16 U.S.C. 1132
20 note), and the Los Padres Condor Range and
21 River Protection Act (Public Law 102–301; 106
22 Stat. 242), and section 303; and

23 (B) administered in accordance with sec-
24 tion 305 and the Wilderness Act (16 U.S.C.
25 1131 et seq.).

1 **SEC. 308. DESIGNATION OF SCENIC AREAS.**

2 (a) IN GENERAL.—Subject to valid existing rights,
3 there are established the following scenic areas:

4 (1) CONDOR RIDGE SCENIC AREA.—Certain
5 land in the Los Padres National Forest comprising
6 approximately 18,666 acres, as generally depicted on
7 the map entitled “Condor Ridge Scenic Area—Pro-
8 posed” and dated March 29, 2019, which shall be
9 known as the “Condor Ridge Scenic Area”.

10 (2) BLACK MOUNTAIN SCENIC AREA.—Certain
11 land in the Los Padres National Forest and the Ba-
12 kersfield Field Office of the Bureau of Land Man-
13 agement comprising approximately 16,216 acres, as
14 generally depicted on the map entitled “Black Moun-
15 tain Scenic Area—Proposed” and dated March 29,
16 2019, which shall be known as the “Black Mountain
17 Scenic Area”.

18 (b) MAPS AND LEGAL DESCRIPTIONS.—

19 (1) IN GENERAL.—As soon as practicable after
20 the date of enactment of this Act, the Secretary of
21 Agriculture shall file a map and legal description of
22 the Condor Ridge Scenic Area and Black Mountain
23 Scenic Area with—

24 (A) the Committee on Energy and Natural
25 Resources of the Senate; and

1 (B) the Committee on Natural Resources
2 of the House of Representatives.

3 (2) FORCE OF LAW.—The maps and legal de-
4 scriptions filed under paragraph (1) shall have the
5 same force and effect as if included in this title, ex-
6 cept that the Secretary of Agriculture may correct
7 any clerical and typographical errors in the maps
8 and legal descriptions.

9 (3) PUBLIC AVAILABILITY.—The maps and
10 legal descriptions filed under paragraph (1) shall be
11 on file and available for public inspection in the ap-
12 propriate offices of the Forest Service and Bureau
13 of Land Management.

14 (c) PURPOSE.—The purpose of the scenic areas is to
15 conserve, protect, and enhance for the benefit and enjoy-
16 ment of present and future generations the ecological, sce-
17 nic, wildlife, recreational, cultural, historical, natural, edu-
18 cational, and scientific resources of the scenic areas.

19 (d) MANAGEMENT.—

20 (1) IN GENERAL.—The Secretary shall admin-
21 ister the scenic areas—

22 (A) in a manner that conserves, protects,
23 and enhances the resources of the scenic areas,
24 and in particular the scenic character attributes
25 of the scenic areas; and

1 (B) in accordance with—

2 (i) this section;

3 (ii) the Federal Land Policy and Man-
4 agement Act (43 U.S.C. 1701 et seq.) for
5 land under the jurisdiction of the Secretary
6 of the Interior;

7 (iii) any laws (including regulations)
8 relating to the National Forest System, for
9 land under the jurisdiction of the Secretary
10 of Agriculture; and

11 (iv) any other applicable law (includ-
12 ing regulations).

13 (2) USES.—The Secretary shall only allow those
14 uses of the scenic areas that the Secretary deter-
15 mines would further the purposes described in sub-
16 section (c).

17 (e) WITHDRAWAL.—Subject to valid existing rights,
18 the Federal land in the scenic areas is withdrawn from
19 all forms of—

20 (1) entry, appropriation, or disposal under the
21 public land laws;

22 (2) location, entry, and patent under the mining
23 laws; and

24 (3) disposition under all laws pertaining to min-
25 eral and geothermal leasing or mineral materials.

1 (f) PROHIBITED USES.—The following shall be pro-
2 hibited on the Federal land within the scenic areas:

3 (1) Permanent roads.

4 (2) Permanent structures.

5 (3) Timber harvesting except when necessary
6 for the purposes described in subsection (g).

7 (4) Transmission lines.

8 (5) Except as necessary to meet the minimum
9 requirements for the administration of the scenic
10 areas and to protect public health and safety—

11 (A) the use of motorized vehicles; or

12 (B) the establishment of temporary roads.

13 (6) Commercial enterprises, except as necessary
14 for realizing the purposes of the scenic areas.

15 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-
16 MENT.—Consistent with this section, the Secretary may
17 take any measures in the scenic areas that the Secretary
18 determines to be necessary to control fire, insects, and dis-
19 eases, including, as the Secretary determines to be appro-
20 priate, the coordination of those activities with the State
21 or a local agency.

22 (h) ADJACENT MANAGEMENT.—The fact that an oth-
23 erwise authorized activity or use can be seen or heard
24 within a scenic area shall not preclude the activity or use
25 outside the boundary of the scenic area.

1 **SEC. 309. CONDOR NATIONAL SCENIC TRAIL.**

2 (a) IN GENERAL.—The contiguous trail established
3 pursuant to this section shall be known as the “Condor
4 National Scenic Trail” named after the California condor,
5 a critically endangered bird species that lives along the
6 extent of the trail corridor.

7 (b) PURPOSE.—The purposes of the Condor National
8 Scenic Trail are to—

9 (1) provide a continual extended hiking corridor
10 that connects the southern and northern portions of
11 the Los Padres National Forest, spanning the entire
12 length of the forest along the coastal mountains of
13 southern and central California; and

14 (2) provide for the public enjoyment of the na-
15 tionally significant scenic, historic, natural, and cul-
16 tural qualities of the Los Padres National Forest.

17 (c) AMENDMENT.—Section 5(a) of the National
18 Trails System Act (16 U.S.C. 1244(a)) is amended by
19 adding at the end the following:

20 “(31) CONDOR NATIONAL SCENIC TRAIL.—

21 “(A) IN GENERAL.—The Condor National
22 Scenic Trail, a trail extending approximately
23 400 miles from Lake Piru in the southern por-
24 tion of the Los Padres National Forest to the
25 Botchers Gap Campground in northern portion
26 of the Los Padres National Forest.

1 “(B) ADMINISTRATION.—The trail shall be
2 administered by the Secretary of Agriculture, in
3 consultation with—

4 “(i) other Federal, State, Tribal, re-
5 gional, and local agencies;

6 “(ii) private landowners; and

7 “(iii) other interested organizations.

8 “(C) RECREATIONAL USES.—Notwith-
9 standing section 7(c), the use of motorized vehi-
10 cles on roads or trails included in the Condor
11 National Scenic Trail on which motorized vehi-
12 cles are permitted as of the date of enactment
13 of this paragraph may be permitted.

14 “(D) PRIVATE PROPERTY RIGHTS.—

15 “(i) PROHIBITION.—The Secretary
16 shall not acquire for the trail any land or
17 interest in land outside the exterior bound-
18 ary of any federally managed area without
19 the consent of the owner of land or interest
20 in land.

21 “(ii) EFFECT.—Nothing in this para-
22 graph—

23 “(I) requires any private prop-
24 erty owner to allow public access (in-
25 cluding Federal, State, or local gov-

1 ernment access) to private property;
2 or
3 “(II) modifies any provision of
4 Federal, State, or local law with re-
5 spect to public access to or use of pri-
6 vate land.

7 “(E) REALIGNMENT.—The Secretary of
8 Agriculture may realign segments of the Condor
9 National Scenic Trail as necessary to fulfill the
10 purposes of the trail.

11 “(F) MAP.—A map generally depicting the
12 trail described in subparagraph (A) shall be on
13 file and available for public inspection in the
14 appropriate offices of the Forest Service.”.

15 (d) STUDY.—

16 (1) STUDY REQUIRED.—Not later than 3 years
17 after the date of enactment of this Act, in accord-
18 ance with this section, the Secretary of Agriculture
19 shall conduct a study that—

20 (A) addresses the feasibility of, and alter-
21 natives for, connecting the northern and south-
22 ern portions of the Los Padres National Forest
23 by establishing a trail across the applicable por-
24 tions of the northern and southern Santa Lucia

1 Mountains of the southern California Coastal
2 Range; and

3 (B) considers realignment of the trail or
4 construction of new trail segments to avoid ex-
5 isting trail segments that currently allow motor-
6 ized vehicles.

7 (2) CONTENTS.—In carrying out the study re-
8 quired by paragraph (1), the Secretary of Agri-
9 culture shall—

10 (A) conform to the requirements for na-
11 tional scenic trail studies described in section
12 5(b) of the National Trails System Act (16
13 U.S.C. 1244(b));

14 (B) provide for a continual hiking route
15 through and connecting the southern and
16 northern sections of the Los Padres National
17 Forest;

18 (C) promote recreational, scenic, wilder-
19 ness and cultural values;

20 (D) enhance connectivity with the overall
21 National Forest trail system;

22 (E) consider new connectors and realign-
23 ment of existing trails;

1 (F) emphasize safe and continuous public
2 access, dispersal from high-use areas, and suit-
3 able water sources; and

4 (G) to the extent practicable, provide all-
5 year use.

6 (3) ADDITIONAL REQUIREMENT.—In com-
7 pleting the study required by paragraph (1), the
8 Secretary of Agriculture shall consult with—

9 (A) appropriate Federal, State, Tribal, re-
10 gional, and local agencies;

11 (B) private landowners;

12 (C) nongovernmental organizations; and

13 (D) members of the public.

14 (4) SUBMISSION.—The Secretary of Agriculture
15 shall submit the study required by paragraph (1)
16 to—

17 (A) the Committee on Natural Resources
18 of the House of Representatives; and

19 (B) the Committee on Energy and Natural
20 Resources of the Senate.

21 (5) ADDITIONS AND ALTERATIONS TO THE
22 CONDOR NATIONAL SCENIC TRAIL.—

23 (A) IN GENERAL.—Upon completion of the
24 study required by paragraph (1), if the Sec-
25 retary of Agriculture determines that additional

1 or alternative trail segments are feasible for in-
2 clusion in the Condor National Scenic Trail, the
3 Secretary of Agriculture shall include those seg-
4 ments in the Condor National Scenic Trail.

5 (B) EFFECTIVE DATE.—Additions or alter-
6 nations to the Condor National Scenic Trail
7 shall be effective on the date the Secretary of
8 Agriculture publishes in the Federal Register
9 notice that the additional or alternative seg-
10 ments are included in the Condor National Sce-
11 nic Trail.

12 (e) COOPERATIVE AGREEMENTS.—In carrying out
13 this section (including the amendments made by this sec-
14 tion), the Secretary of Agriculture may enter into coopera-
15 tive agreements with State, Tribal, and local government
16 entities and private entities to complete needed trail con-
17 struction, reconstruction, and realignment projects au-
18 thorized by this section (including the amendments made
19 by this section).

20 **SEC. 310. FOREST SERVICE STUDY.**

21 Not later than 6 years after the date of enactment
22 of this Act, the Secretary of Agriculture (acting through
23 the Chief of the Forest Service) shall study the feasibility
24 of opening a new trail, for vehicles measuring 50 inches
25 or less, connecting Forest Service Highway 95 to the exist-

1 ing off-highway vehicle trail system in the Ballinger Can-
2 yon off-highway vehicle area.

3 **SEC. 311. NONMOTORIZED RECREATION OPPORTUNITIES.**

4 Not later than 6 years after the date of enactment
5 of this Act, the Secretary of Agriculture, in consultation
6 with interested parties, shall conduct a study to improve
7 nonmotorized recreation trail opportunities (including
8 mountain bicycling) on land not designated as wilderness
9 within the Santa Barbara, Ojai, and Mt. Pinos ranger dis-
10 tricts.

11 **SEC. 312. USE BY MEMBERS OF TRIBES.**

12 (a) ACCESS.—The Secretary shall ensure that Tribes
13 have access, in accordance with the Wilderness Act (16
14 U.S.C. 1131 et seq.), to the wilderness areas, scenic areas,
15 and potential wilderness areas designated by this title for
16 traditional cultural and religious purposes.

17 (b) TEMPORARY CLOSURES.—

18 (1) IN GENERAL.—In carrying out this section,
19 the Secretary, on request of a Tribe, may tempo-
20 rarily close to the general public one or more specific
21 portions of a wilderness area, scenic area, or poten-
22 tial wilderness area designated by this title to pro-
23 tect the privacy of the members of the Tribe in the
24 conduct of traditional cultural and religious activi-
25 ties.

1 (2) REQUIREMENT.—Any closure under para-
2 graph (1) shall be—

3 (A) made in such a manner as to affect
4 the smallest practicable area for the minimum
5 period of time necessary for the activity to be
6 carried out; and

7 (B) be consistent with the purpose and in-
8 tent of Public Law 95–341 (commonly known
9 as the American Indian Religious Freedom Act)
10 (42 U.S.C. 1996) and the Wilderness Act (16
11 U.S.C. 1131 et seq.).

12 **TITLE IV—SAN GABRIEL MOUN-**
13 **TAINS FOOTHILLS AND RIV-**
14 **ERS PROTECTION**

15 **SEC. 401. SHORT TITLE.**

16 This title may be cited as the “San Gabriel Moun-
17 tains Foothills and Rivers Protection Act”.

18 **SEC. 402. DEFINITION OF STATE.**

19 In this title, the term “State” means the State of
20 California.

21 **Subtitle A—San Gabriel National**
22 **Recreation Area**

23 **SEC. 411. PURPOSES.**

24 The purposes of this subtitle are—

1 (1) to conserve, protect, and enhance for the
2 benefit and enjoyment of present and future genera-
3 tions the ecological, scenic, wildlife, recreational, cul-
4 tural, historical, natural, educational, and scientific
5 resources of the Recreation Area;

6 (2) to provide environmentally responsible, well-
7 managed recreational opportunities within the
8 Recreation Area;

9 (3) to improve access to and from the Recre-
10 ation Area;

11 (4) to provide expanded educational and inter-
12 pretive services to increase public understanding of,
13 and appreciation for, the natural and cultural re-
14 sources of the Recreation Area;

15 (5) to facilitate the cooperative management of
16 the land and resources within the Recreation Area,
17 in collaboration with the State and political subdivi-
18 sions of the State, historical, business, cultural,
19 civic, recreational, tourism and other nongovern-
20 mental organizations, and the public; and

21 (6) to allow the continued use of the Recreation
22 Area by all individuals, entities, and local govern-
23 ment agencies in activities relating to integrated
24 water management, flood protection, water conserva-
25 tion, water quality, water rights, water supply,

1 groundwater recharge and monitoring, wastewater
2 treatment, public roads and bridges, and utilities
3 within or adjacent to the Recreation Area.

4 **SEC. 412. DEFINITIONS.**

5 In this subtitle:

6 (1) **ADJUDICATION.**—The term “adjudication”
7 means any final judgment, order, ruling, or decree
8 entered in any judicial proceeding adjudicating or af-
9 fecting water rights, surface water management, or
10 groundwater management.

11 (2) **ADVISORY COUNCIL.**—The term “Advisory
12 Council” means the San Gabriel National Recreation
13 Area Public Advisory Council established under sec-
14 tion 417(a).

15 (3) **FEDERAL LANDS.**—The term “Federal
16 lands” means—

17 (A) public lands under the jurisdiction of
18 the Secretary of the Interior; and

19 (B) lands under the jurisdiction of the Sec-
20 retary of Defense, acting through the Chief of
21 Engineers.

22 (4) **MANAGEMENT PLAN.**—The term “manage-
23 ment plan” means the management plan for the
24 Recreation Area required under section 414(d).

1 (5) PARTNERSHIP.—The term “Partnership”
2 means the San Gabriel National Recreation Area
3 Partnership established by section 418(a).

4 (6) PUBLIC WATER SYSTEM.—The term “public
5 water system” has the meaning given the term in 42
6 U.S.C. 300(f)(4) or in section 116275 of the Cali-
7 fornia Health and Safety Code.

8 (7) RECREATION AREA.—The term “Recreation
9 Area” means the San Gabriel National Recreation
10 Area established by section 413(a).

11 (8) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (9) UTILITY FACILITY.—The term “utility facil-
14 ity” means—

15 (A) any electric substations, communica-
16 tion facilities, towers, poles, and lines, ground
17 wires, communication circuits, and other struc-
18 tures, and related infrastructure; and

19 (B) any such facilities associated with a
20 public water system.

21 (10) WATER RESOURCE FACILITY.—The term
22 “water resource facility” means irrigation and
23 pumping facilities, dams and reservoirs, flood control
24 facilities, water conservation works, including debris
25 protection facilities, sediment placement sites, rain

1 gauges and stream gauges, water quality facilities,
2 recycled water facilities, water pumping, conveyance
3 and distribution systems, water storage tanks and
4 reservoirs, and water treatment facilities, aqueducts,
5 canals, ditches, pipelines, wells, hydropower projects,
6 and transmission and other ancillary facilities,
7 groundwater recharge facilities, water conservation,
8 water filtration plants, and other water diversion,
9 conservation, groundwater recharge, storage, and
10 carriage structures.

11 **SEC. 413. SAN GABRIEL NATIONAL RECREATION AREA.**

12 (a) ESTABLISHMENT; BOUNDARIES.—Subject to
13 valid existing rights, there is established as a unit of the
14 National Park System in the State the San Gabriel Na-
15 tional Recreation Area depicted as the “Proposed San Ga-
16 briel National Recreation Area” on the map entitled “San
17 Gabriel National Recreation Area Proposed Boundary,”
18 numbered 503/152,737, and dated July 2019.

19 (b) MAP AND LEGAL DESCRIPTION.—

20 (1) IN GENERAL.—As soon as practicable after
21 the date of the enactment of this Act, the Secretary
22 shall file a map and a legal description of the Recre-
23 ation Area with—

24 (A) the Committee on Energy and Natural
25 Resources of the Senate; and

1 (B) the Committee on Natural Resources
2 of the House of Representatives.

3 (2) FORCE OF LAW.—The map and legal de-
4 scription filed under paragraph (1) shall have the
5 same force and effect as if included in this title, ex-
6 cept that the Secretary may correct any clerical or
7 typographical error in the map or legal description.

8 (3) PUBLIC AVAILABILITY.—The map and legal
9 description filed under paragraph (1) shall be on file
10 and available for public inspection in the appropriate
11 offices of the National Park Service.

12 (c) ADMINISTRATION AND JURISDICTION.—

13 (1) PUBLIC LANDS.—The public lands included
14 in the Recreation Area shall be administered by the
15 Secretary, acting through the Director of the Na-
16 tional Park Service.

17 (2) DEPARTMENT OF DEFENSE LAND.—Al-
18 though certain Federal lands under the jurisdiction
19 of the Secretary of Defense are included in the
20 recreation area, nothing in this subtitle transfers ad-
21 ministration jurisdiction of such Federal lands from
22 the Secretary of Defense or otherwise affects Fed-
23 eral lands under the jurisdiction of the Secretary of
24 Defense.

1 (3) STATE AND LOCAL JURISDICTION.—Noth-
2 ing in this subtitle alters, modifies, or diminishes
3 any right, responsibility, power, authority, jurisdic-
4 tion, or entitlement of the State, a political subdivi-
5 sion of the State, including, but not limited to courts
6 of competent jurisdiction, regulatory commissions,
7 boards, and departments, or any State or local agen-
8 cy under any applicable Federal, State, or local law
9 (including regulations).

10 **SEC. 414. MANAGEMENT.**

11 (a) NATIONAL PARK SYSTEM.—Subject to valid ex-
12 isting rights, the Secretary shall manage the public lands
13 included in the Recreation Area in a manner that protects
14 and enhances the natural resources and values of the pub-
15 lic lands, in accordance with—

16 (1) this subtitle;

17 (2) section 100101(a), chapter 1003, and sec-
18 tions 100751(a), 100752, 100753 and 102101 of
19 title 54, United States Code (formerly known as the
20 “National Park Service Organic Act”);

21 (3) the laws generally applicable to units of the
22 National Park System; and

23 (4) other applicable law, regulations, adjudica-
24 tions, and orders.

1 (b) COOPERATION WITH SECRETARY OF DE-
2 FENSE.—The Secretary shall cooperate with the Secretary
3 of Defense to develop opportunities for the management
4 of the Federal land under the jurisdiction of the Secretary
5 of Defense included in the Recreation Area in accordance
6 with the purposes described in section 411, to the max-
7 imum extent practicable.

8 (c) TREATMENT OF NON-FEDERAL LAND.—

9 (1) IN GENERAL.—Nothing in this subtitle—

10 (A) authorizes the Secretary to take any
11 action that would affect the use of any land not
12 owned by the United States within the Recre-
13 ation Area;

14 (B) affects the use of, or access to, any
15 non-Federal land within the Recreation Area;

16 (C) modifies any provision of Federal,
17 State, or local law with respect to public access
18 to, or use of, non-Federal land;

19 (D) requires any owner of non-Federal
20 land to allow public access (including Federal,
21 State, or local government access) to private
22 property or any other non-Federal land;

23 (E) alters any duly adopted land use regu-
24 lation, approved land use plan, or any other

1 regulatory authority of any State or local agen-
2 cy or unit of Tribal government;

3 (F) creates any liability, or affects any li-
4 ability under any other law, of any private
5 property owner or other owner of non-Federal
6 land with respect to any person injured on the
7 private property or other non-Federal land;

8 (G) conveys to the Partnership any land
9 use or other regulatory authority;

10 (H) shall be construed to cause any Fed-
11 eral, State, or local regulation or permit re-
12 quirement intended to apply to units of the Na-
13 tional Park System to affect the Federal lands
14 under the jurisdiction of the Secretary of De-
15 fense or non-Federal lands within the bound-
16 aries of the recreation area; or

17 (I) requires any local government to par-
18 ticipate in any program administered by the
19 Secretary.

20 (2) COOPERATION.—The Secretary is encour-
21 aged to work with owners of non-Federal land who
22 have agreed to cooperate with the Secretary to ad-
23 vance the purposes of this subtitle.

24 (3) BUFFER ZONES.—

1 (A) IN GENERAL.—Nothing in this subtitle
2 establishes any protective perimeter or buffer
3 zone around the Recreation Area.

4 (B) ACTIVITIES OR USES UP TO BOUND-
5 ARIES.—The fact that an activity or use of land
6 can be seen or heard from within the Recre-
7 ation Area shall not preclude the activity or
8 land use up to the boundary of the Recreation
9 Area.

10 (4) FACILITIES.—Nothing in this subtitle af-
11 fects the operation, maintenance, modification, con-
12 struction, destruction, removal, relocation, improve-
13 ment or expansion of any water resource facility or
14 public water system, or any solid waste, sanitary
15 sewer, water or waste-water treatment, groundwater
16 recharge or conservation, hydroelectric, conveyance
17 distribution system, recycled water facility, or utility
18 facility located within or adjacent to the Recreation
19 Area.

20 (5) EXEMPTION.—Section 100903 of title 54,
21 United States Code, shall not apply to the Puente
22 Hills landfill, materials recovery facility, or inter-
23 modal facility.

24 (d) MANAGEMENT PLAN.—

1 (1) DEADLINE.—Not later than 3 years after
2 the date of the enactment of this Act, the Secretary
3 and the Advisory Council shall establish a com-
4 prehensive management plan for the Recreation
5 Area that supports the purposes described in section
6 411.

7 (2) USE OF EXISTING PLANS.—In developing
8 the management plan, to the extent consistent with
9 this section, the Secretary may incorporate any pro-
10 vision of a land use or other plan applicable to the
11 public lands included in the Recreation Area.

12 (3) INCORPORATION OF VISITOR SERVICES
13 PLAN.—To the maximum extent practicable, the
14 Secretary shall incorporate into the management
15 plan the visitor services plan under section
16 419(a)(2).

17 (4) PARTNERSHIP.—In developing the manage-
18 ment plan, the Secretary shall consider recommenda-
19 tions of the Partnership. To the maximum extent
20 practicable, the Secretary shall incorporate rec-
21 ommendations of the Partnership into the manage-
22 ment plan if the Secretary determines that the rec-
23 ommendations are feasible and consistent with the
24 purposes in section 411, this subtitle, and applicable
25 laws (including regulations).

1 (e) FISH AND WILDLIFE.—Nothing in this subtitle
2 affects the jurisdiction of the State with respect to fish
3 or wildlife located on public lands in the State.

4 **SEC. 415. ACQUISITION OF NON-FEDERAL LAND WITHIN**
5 **RECREATION AREA.**

6 (a) LIMITED ACQUISITION AUTHORITY.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 the Secretary may acquire non-Federal land within
9 the boundaries of the Recreation Area only through
10 exchange, donation, or purchase from a willing sell-
11 er.

12 (2) ADDITIONAL REQUIREMENT.—As a further
13 condition on the acquisition of land, the Secretary
14 shall make a determination that the land contains
15 important biological, cultural, historic, or rec-
16 reational values.

17 (b) PROHIBITION ON USE OF EMINENT DOMAIN.—
18 Nothing in this subtitle authorizes the use of eminent do-
19 main to acquire land or an interest in land.

20 (c) TREATMENT OF ACQUIRED LAND.—Any land or
21 interest in land acquired by the United States within the
22 boundaries of the Recreation Area shall be—

23 (1) included in the Recreation Area; and

24 (2) administered by the Secretary in accordance
25 with—

1 (A) this subtitle; and

2 (B) other applicable laws (including regu-
3 lations).

4 **SEC. 416. WATER RIGHTS; WATER RESOURCE FACILITIES;**
5 **PUBLIC ROADS; UTILITY FACILITIES.**

6 (a) NO EFFECT ON WATER RIGHTS.—Nothing in
7 this subtitle or section 422—

8 (1) shall affect the use or allocation, as in exist-
9 ence on the date of the enactment of this Act, of any
10 water, water right, or interest in water (including
11 potable, recycled, reclaimed, waste, imported, ex-
12 ported, banked, or stored water, surface water,
13 groundwater, and public trust interest);

14 (2) shall affect any public or private contract in
15 existence on the date of the enactment of this Act
16 for the sale, lease, loan, or transfer of any water (in-
17 cluding potable, recycled, reclaimed, waste, imported,
18 exported, banked, or stored water, surface water,
19 and groundwater);

20 (3) shall be considered to be a relinquishment
21 or reduction of any water rights reserved or appro-
22 priated by the United States in the State on or be-
23 fore the date of the enactment of this Act;

24 (4) authorizes or imposes any new reserved
25 Federal water right or expands water usage pursu-

1 ant to any existing Federal reserved, riparian or ap-
2 propriative right;

3 (5) shall be considered a relinquishment or re-
4 duction of any water rights (including potable, recy-
5 cled, reclaimed, waste, imported, exported, banked,
6 or stored water, surface water, and groundwater)
7 held, reserved, or appropriated by any public entity
8 or other persons or entities, on or before the date of
9 the enactment of this Act;

10 (6) shall be construed to, or shall interfere or
11 conflict with the exercise of the powers or duties of
12 any watermaster, public agency, public water sys-
13 tem, court of competent jurisdiction, or other body
14 or entity responsible for groundwater or surface
15 water management or groundwater replenishment as
16 designated or established pursuant to any adjudica-
17 tion or Federal or State law, including the manage-
18 ment of the San Gabriel River watershed and basin,
19 to provide water supply or other environmental bene-
20 fits;

21 (7) shall be construed to impede or adversely
22 impact any previously adopted Los Angeles County
23 Drainage Area project, as described in the report of
24 the Chief of Engineers dated June 30, 1992, includ-

1 ing any supplement or addendum to that report, or
2 any maintenance agreement to operate that project;

3 (8) shall interfere or conflict with any action by
4 a watermaster, water agency, public water system,
5 court of competent jurisdiction, or public agency
6 pursuant to any Federal or State law, water right,
7 or adjudication, including any action relating to
8 water conservation, water quality, surface water di-
9 version or impoundment, groundwater recharge,
10 water treatment, conservation or storage of water,
11 pollution, waste discharge, the pumping of ground-
12 water; the spreading, injection, pumping, storage, or
13 the use of water from local sources, storm water
14 flows, and runoff, or from imported or recycled
15 water, that is undertaken in connection with the
16 management or regulation of the San Gabriel River;

17 (9) shall interfere with, obstruct, hinder, or
18 delay the exercise of, or access to, any water right
19 by the owner of a public water system or any other
20 individual or entity, including the construction, oper-
21 ation, maintenance, replacement, removal, repair, lo-
22 cation, or relocation of any well; pipeline; or water
23 pumping, treatment, diversion, impoundment, or
24 storage facility; or other facility or property nec-

1 essary or useful to access any water right or operate
2 an public water system;

3 (10) shall require the initiation or reinitiation
4 of consultation with the United States Fish and
5 Wildlife Service under, or the application of any pro-
6 vision of, the Endangered Species Act of 1973 (16
7 U.S.C. 1531 et seq.) relating to any action affecting
8 any water, water right, or water management or
9 water resource facility in the San Gabriel River wa-
10 tershed and basin; or

11 (11) authorizes any agency or employee of the
12 United States, or any other person, to take any ac-
13 tion inconsistent with any of paragraphs (1) through
14 (10).

15 (b) WATER RESOURCE FACILITIES.—

16 (1) NO EFFECT ON EXISTING WATER RE-
17 SOURCE FACILITIES.—Nothing in this subtitle or
18 section 422 shall affect—

19 (A) the use, operation, maintenance, re-
20 pair, construction, destruction, removal, recon-
21 figuration, expansion, improvement or replace-
22 ment of a water resource facility or public
23 water system within or adjacent to the Recre-
24 ation Area or San Gabriel Mountains National
25 Monument; or

1 (B) access to a water resource facility
2 within or adjacent to the Recreation Area or
3 San Gabriel Mountains National Monument.

4 (2) NO EFFECT ON NEW WATER RESOURCE FA-
5 CILITIES.—Nothing in this subtitle or section 422
6 shall preclude the establishment of a new water re-
7 source facility (including instream sites, routes, and
8 areas) within the Recreation Area or San Gabriel
9 Mountains National Monument if the water resource
10 facility or public water system is necessary to pre-
11 serve or enhance the health, safety, reliability, qual-
12 ity or accessibility of water supply, or utility services
13 to residents of Los Angeles County.

14 (3) FLOOD CONTROL.—Nothing in this subtitle
15 or section 422 shall be construed to—

16 (A) impose any new restriction or require-
17 ment on flood protection, water conservation,
18 water supply, groundwater recharge, water
19 transfers, or water quality operations and main-
20 tenance; or

21 (B) increase the liability of an agency or
22 public water system carrying out flood protec-
23 tion, water conservation, water supply, ground-
24 water recharge, water transfers, or water qual-
25 ity operations.

1 (4) DIVERSION OR USE OF WATER.—Nothing in
2 this subtitle or section 422 shall authorize or require
3 the use of water or water rights in, or the diversion
4 of water to, the Recreation Area or San Gabriel
5 Mountains National Monument.

6 (c) UTILITY FACILITIES AND RIGHTS OF WAY.—
7 Nothing in this subtitle or section 422 shall—

8 (1) affect the use, operation, maintenance, re-
9 pair, construction, destruction, reconfiguration, ex-
10 pansion, inspection, renewal, reconstruction, alter-
11 ation, addition, relocation, improvement, removal, or
12 replacement of a utility facility or appurtenant right-
13 of-way within or adjacent to the Recreation Area or
14 San Gabriel Mountains National Monument;

15 (2) affect access to a utility facility or right-of-
16 way within or adjacent to the Recreation Area or
17 San Gabriel Mountains National Monument; or

18 (3) preclude the establishment of a new utility
19 facility or right-of-way (including instream sites,
20 routes, and areas) within the Recreation Area or
21 San Gabriel Mountains National Monument if such
22 a facility or right-of-way is necessary for public
23 health and safety, electricity supply, or other utility
24 services.

25 (d) ROADS; PUBLIC TRANSIT.—

1 (1) DEFINITIONS.—In this subsection:

2 (A) PUBLIC ROAD.—The term “public
3 road” means any paved road or bridge (includ-
4 ing any appurtenant structure and right-of-
5 way) that is—

6 (i) operated or maintained by a non-
7 Federal entity; and

8 (ii)(I) open to vehicular use by the
9 public; or

10 (II) used by a public agency or utility
11 for the operation, maintenance, improve-
12 ment, repair, removal, relocation, construc-
13 tion, destruction or rehabilitation of infra-
14 structure, a utility facility, or a right-of-
15 way.

16 (B) PUBLIC TRANSIT.—The term “public
17 transit” means any transit service (including
18 operations and rights-of-way) that is—

19 (i) operated or maintained by a non-
20 Federal entity; and

21 (ii)(I) open to the public; or

22 (II) used by a public agency or con-
23 tractor for the operation, maintenance, re-
24 pair, construction, or rehabilitation of in-

1 frastructure, a utility facility, or a right-of-
2 way.

3 (2) NO EFFECT ON PUBLIC ROADS OR PUBLIC
4 TRANSIT.—Nothing in this subtitle or section 422—

5 (A) authorizes the Secretary to take any
6 action that would affect the operation, mainte-
7 nance, repair, or rehabilitation of public roads
8 or public transit (including activities necessary
9 to comply with Federal or State safety or public
10 transit standards); or

11 (B) creates any new liability, or increases
12 any existing liability, of an owner or operator of
13 a public road.

14 **SEC. 417. SAN GABRIEL NATIONAL RECREATION AREA PUB-**
15 **LIC ADVISORY COUNCIL.**

16 (a) ESTABLISHMENT.—Not later than 180 days after
17 the date of the enactment of this Act, the Secretary shall
18 establish an advisory council, to be known as the “San
19 Gabriel National Recreation Area Public Advisory Coun-
20 cil”.

21 (b) DUTIES.—The Advisory Council shall advise the
22 Secretary regarding the development and implementation
23 of the management plan and the visitor services plan.

24 (c) APPLICABLE LAW.—The Advisory Council shall
25 be subject to—

1 (1) the Federal Advisory Committee Act (5
2 U.S.C. App.); and

3 (2) all other applicable laws (including regula-
4 tions).

5 (d) MEMBERSHIP.—The Advisory Council shall con-
6 sist of 22 members, to be appointed by the Secretary after
7 taking into consideration recommendations of the Partner-
8 ship, of whom—

9 (1) 2 shall represent local, regional, or national
10 environmental organizations;

11 (2) 2 shall represent the interests of outdoor
12 recreation, including off-highway vehicle recreation,
13 within the Recreation Area;

14 (3) 2 shall represent the interests of commu-
15 nity-based organizations, the missions of which in-
16 clude expanding access to the outdoors;

17 (4) 2 shall represent business interests;

18 (5) 1 shall represent Indian Tribes within or
19 adjacent to the Recreation Area;

20 (6) 1 shall represent the interests of home-
21 owners' associations within the Recreation Area;

22 (7) 3 shall represent the interests of holders of
23 adjudicated water rights, public water systems,
24 water agencies, wastewater and sewer agencies, recy-

1 cled water facilities, and water management and re-
2 plenishment entities;

3 (8) 1 shall represent energy and mineral devel-
4 opment interests;

5 (9) 1 shall represent owners of Federal grazing
6 permits or other land use permits within the Recre-
7 ation Area;

8 (10) 1 shall represent archaeological and histor-
9 ical interests;

10 (11) 1 shall represent the interests of environ-
11 mental educators;

12 (12) 1 shall represent cultural history interests;

13 (13) 1 shall represent environmental justice in-
14 terests;

15 (14) 1 shall represent electrical utility interests;
16 and

17 (15) 2 shall represent the affected public at
18 large.

19 (e) TERMS.—

20 (1) STAGGERED TERMS.—A member of the Ad-
21 visory Council shall be appointed for a term of 3
22 years, except that, of the members first appointed,
23 7 of the members shall be appointed for a term of
24 1 year and 7 of the members shall be appointed for
25 a term of 2 years.

1 (2) REAPPOINTMENT.—A member may be re-
2 appointed to serve on the Advisory Council on the
3 expiration of the term of service of the member.

4 (3) VACANCY.—A vacancy on the Advisory
5 Council shall be filled in the same manner in which
6 the original appointment was made.

7 (f) QUORUM.—A quorum shall be ten members of the
8 advisory council. The operations of the advisory council
9 shall not be impaired by the fact that a member has not
10 yet been appointed as long as a quorum has been attained.

11 (g) CHAIRPERSON; PROCEDURES.—The Advisory
12 Council shall elect a chairperson and establish such rules
13 and procedures as the advisory council considers necessary
14 or desirable.

15 (h) SERVICE WITHOUT COMPENSATION.—Members
16 of the Advisory Council shall serve without pay.

17 (i) TERMINATION.—The Advisory Council shall cease
18 to exist—

19 (1) on the date that is 5 years after the date
20 on which the management plan is adopted by the
21 Secretary; or

22 (2) on such later date as the Secretary con-
23 siders to be appropriate.

1 **SEC. 418. SAN GABRIEL NATIONAL RECREATION AREA**
2 **PARTNERSHIP.**

3 (a) ESTABLISHMENT.—There is established a Part-
4 nership, to be known as the “San Gabriel National Recre-
5 ation Area Partnership”.

6 (b) PURPOSES.—The purposes of the Partnership are
7 to—

8 (1) coordinate the activities of Federal, State,
9 Tribal, and local authorities and the private sector
10 in advancing the purposes of this subtitle; and

11 (2) use the resources and expertise of each
12 agency in improving management and recreational
13 opportunities within the Recreation Area.

14 (c) MEMBERSHIP.—The Partnership shall include the
15 following:

16 (1) The Secretary (or a designee) to represent
17 the National Park Service.

18 (2) The Secretary of Defense (or a designee) to
19 represent the Corps of Engineers.

20 (3) The Secretary of Agriculture (or a designee)
21 to represent the Forest Service.

22 (4) The Secretary of the Natural Resources
23 Agency of the State (or a designee) to represent—

24 (A) the California Department of Parks
25 and Recreation; and

1 (B) the Rivers and Mountains Conser-
2 vancy.

3 (5) One designee of the Los Angeles County
4 Board of Supervisors.

5 (6) One designee of the Puente Hills Habitat
6 Preservation Authority.

7 (7) Four designees of the San Gabriel Council
8 of Governments, of whom one shall be selected from
9 a local land conservancy.

10 (8) One designee of the San Gabriel Valley Eco-
11 nomic Partnership.

12 (9) One designee of the Los Angeles County
13 Flood Control District.

14 (10) One designee of the San Gabriel Valley
15 Water Association.

16 (11) One designee of the Central Basin Water
17 Association.

18 (12) One designee of the Main San Gabriel
19 Basin Watermaster.

20 (13) One designee of a public utility company,
21 to be appointed by the Secretary.

22 (14) One designee of the Watershed Conserva-
23 tion Authority.

1 (15) One designee of the Advisory Council for
2 the period during which the Advisory Council re-
3 mains in effect.

4 (16) One designee of San Gabriel Mountains
5 National Monument Community Collaborative.

6 (d) DUTIES.—To advance the purposes described in
7 section 411, the Partnership shall—

8 (1) make recommendations to the Secretary re-
9 garding the development and implementation of the
10 management plan;

11 (2) review and comment on the visitor services
12 plan under section 419(a)(2), and facilitate the im-
13 plementation of that plan;

14 (3) assist units of local government, regional
15 planning organizations, and nonprofit organizations
16 in advancing the purposes of the Recreation Area
17 by—

18 (A) carrying out programs and projects
19 that recognize, protect, and enhance important
20 resource values within the Recreation Area;

21 (B) establishing and maintaining interpre-
22 tive exhibits and programs within the Recre-
23 ation Area;

1 (C) developing recreational and educational
2 opportunities in the Recreation Area in accord-
3 ance with the purposes of this subtitle;

4 (D) increasing public awareness of, and
5 appreciation for, natural, historic, scenic, and
6 cultural resources of the Recreation Area;

7 (E) ensuring that signs identifying points
8 of public access and sites of interest are posted
9 throughout the Recreation Area;

10 (F) promoting a wide range of partner-
11 ships among governments, organizations, and
12 individuals to advance the purposes of the
13 Recreation Area; and

14 (G) ensuring that management of the
15 Recreation Area takes into consideration—

16 (i) local ordinances and land-use
17 plans; and

18 (ii) adjacent residents and property
19 owners;

20 (4) make recommendations to the Secretary re-
21 garding the appointment of members to the Advisory
22 Council; and

23 (5) carry out any other actions necessary to
24 achieve the purposes of this subtitle.

1 (e) AUTHORITIES.—Subject to approval by the Sec-
2 retary, for the purposes of preparing and implementing
3 the management plan, the Partnership may use Federal
4 funds made available under this section—

5 (1) to make grants to the State, political sub-
6 divisions of the State, nonprofit organizations, and
7 other persons;

8 (2) to enter into cooperative agreements with,
9 or provide grants or technical assistance to, the
10 State, political subdivisions of the State, nonprofit
11 organizations, Federal agencies, and other interested
12 parties;

13 (3) to hire and compensate staff;

14 (4) to obtain funds or services from any source,
15 including funds and services provided under any
16 other Federal law or program;

17 (5) to contract for goods or services; and

18 (6) to support activities of partners and any
19 other activities that—

20 (A) advance the purposes of the Recreation
21 Area; and

22 (B) are in accordance with the manage-
23 ment plan.

24 (f) TERMS OF OFFICE; REAPPOINTMENT; VACAN-
25 CIES.—

1 (1) TERMS.—A member of the Partnership
2 shall be appointed for a term of 3 years.

3 (2) REAPPOINTMENT.—A member may be re-
4 appointed to serve on the Partnership on the expira-
5 tion of the term of service of the member.

6 (3) VACANCY.—A vacancy on the Partnership
7 shall be filled in the same manner in which the origi-
8 nal appointment was made.

9 (g) QUORUM.—A quorum shall be 11 members of the
10 Partnership. The operations of the Partnership shall not
11 be impaired by the fact that a member has not yet been
12 appointed as long as a quorum has been attained.

13 (h) CHAIRPERSON; PROCEDURES.—The Partnership
14 shall elect a chairperson and establish such rules and pro-
15 cedures as it deems necessary or desirable.

16 (i) SERVICE WITHOUT COMPENSATION.—A member
17 of the Partnership shall serve without compensation.

18 (j) DUTIES AND AUTHORITIES OF SECRETARY.—

19 (1) IN GENERAL.—The Secretary shall convene
20 the Partnership on a regular basis to carry out this
21 subtitle.

22 (2) TECHNICAL AND FINANCIAL ASSISTANCE.—
23 The Secretary may provide to the Partnership or
24 any member of the Partnership, on a reimbursable
25 or nonreimbursable basis, such technical and finan-

1 cial assistance as the Secretary determines to be ap-
2 propriate to carry out this subtitle.

3 (3) COOPERATIVE AGREEMENTS.—The Sec-
4 retary may enter into a cooperative agreement with
5 the Partnership, a member of the Partnership, or
6 any other public or private entity to provide tech-
7 nical, financial, or other assistance to carry out this
8 subtitle.

9 (4) CONSTRUCTION OF FACILITIES ON NON-
10 FEDERAL LAND.—

11 (A) IN GENERAL.—In order to facilitate
12 the administration of the Recreation Area, the
13 Secretary is authorized, subject to valid existing
14 rights, to construct administrative or visitor use
15 facilities on land owned by a non-profit organi-
16 zation, local agency, or other public entity in
17 accordance with this title and applicable law
18 (including regulations).

19 (B) ADDITIONAL REQUIREMENTS.—A fa-
20 cility under this paragraph may only be devel-
21 oped—

22 (i) with the consent of the owner of
23 the non-Federal land; and

1 (ii) in accordance with applicable Fed-
2 eral, State, and local laws (including regu-
3 lations) and plans.

4 (5) PRIORITY.—The Secretary shall give pri-
5 ority to actions that—

6 (A) conserve the significant natural, his-
7 toric, cultural, and scenic resources of the
8 Recreation Area; and

9 (B) provide educational, interpretive, and
10 recreational opportunities consistent with the
11 purposes of the Recreation Area.

12 (k) COMMITTEES.—The Partnership shall establish—

13 (1) a Water Technical Advisory Committee to
14 advise the Secretary regarding water-related issues
15 relating to the Recreation Area; and

16 (2) a Public Safety Advisory Committee to ad-
17 vise the Secretary regarding public safety issues re-
18 lating to the Recreation Area.

19 **SEC. 419. VISITOR SERVICES AND FACILITIES.**

20 (a) VISITOR SERVICES.—

21 (1) PURPOSE.—The purpose of this subsection
22 is to facilitate the development of an integrated vis-
23 itor services plan to improve visitor experiences in
24 the Recreation Area through expanded recreational

opportunities and increased interpretation, education, 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 integrated visitor services plan for the Recreation Area in accordance with this paragraph.

(B) CONTENTS.—The visitor services plan shall—

(i) assess current and anticipated future visitation to the Recreation Area, including recreation destinations;

(ii) consider the demand for various types of recreation (including hiking, picnicking, 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 current enforcement and efforts;

1 (iv) assess the current level of inter-
2 pretive and educational services and facili-
3 ties;

4 (v) include recommendations to—

5 (I) expand opportunities for high-
6 demand recreational activities, in ac-
7 cordance with the purposes described
8 in section 411;

9 (II) better manage Recreation
10 Area resources and improve the expe-
11 rience of Recreation Area visitors
12 through expanded interpretive and
13 educational services and facilities, and
14 improved enforcement; and

15 (III) better manage Recreation
16 Area resources to reduce negative im-
17 pacts on the environment, ecology,
18 and integrated water management ac-
19 tivities in the Recreation Area;

20 (vi) in coordination and consultation
21 with affected owners of non-Federal land,
22 assess options to incorporate recreational
23 opportunities on non-Federal land into the
24 Recreation Area—

1 (I) in manner consistent with the
2 purposes and uses of the non-Federal
3 land; and

4 (II) with the consent of the non-
5 Federal landowner;

6 (vii) assess opportunities to provide
7 recreational opportunities that connect
8 with adjacent National Forest System
9 land; and

10 (viii) be developed and carried out in
11 accordance with applicable Federal, State,
12 and local laws and ordinances.

13 (C) CONSULTATION.—In developing the
14 visitor services plan, the Secretary shall—

15 (i) consult with—

16 (I) the Partnership;

17 (II) the Advisory Council;

18 (III) appropriate State and local
19 agencies; and

20 (IV) interested nongovernmental
21 organizations; and

22 (ii) involve members of the public.

23 (b) VISITOR USE FACILITIES.—

24 (1) IN GENERAL.—The Secretary may con-
25 struct visitor use facilities in the Recreation Area.

1 (2) REQUIREMENTS.—Each facility under para-
2 graph (1) shall be developed in accordance with ap-
3 plicable Federal, State, and local—

4 (A) laws (including regulations); and

5 (B) plans.

6 (c) DONATIONS.—

7 (1) IN GENERAL.—The Secretary may accept
8 and use donated funds (subject to appropriations),
9 property, in-kind contributions, and services to carry
10 out this subtitle.

11 (2) PROHIBITION.—The Secretary may not use
12 the authority provided by paragraph (1) to accept
13 non-Federal land that has been acquired after the
14 date of the enactment of this Act through the use
15 of eminent domain.

16 (d) COOPERATIVE AGREEMENTS.—In carrying out
17 this subtitle, the Secretary may make grants to, or enter
18 into cooperative agreements with, units of State, Tribal,
19 and local governments and private entities to conduct re-
20 search, develop scientific analyses, and carry out any other
21 initiative relating to the management of, and visitation to,
22 the Recreation Area.

23 **Subtitle B—San Gabriel Mountains**

24 **SEC. 421. DEFINITIONS.**

25 In this subtitle:

1 (1) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (2) WILDERNESS AREA OR ADDITION.—The
4 term “wilderness area or addition” means any wil-
5 derness area or wilderness addition designated by
6 section 423(a).

7 **SEC. 422. NATIONAL MONUMENT BOUNDARY MODIFICA-**
8 **TION.**

9 (a) IN GENERAL.—The San Gabriel Mountains Na-
10 tional Monument established by Presidential Proclamation
11 9194 (54 U.S.C. 320301 note) (referred to in this section
12 as the “Monument”) is modified to include the approxi-
13 mately 109,167 acres of additional National Forest Sys-
14 tem land depicted as the “Proposed San Gabriel Moun-
15 tains National Monument Expansion” on the map entitled
16 “Proposed San Gabriel Mountains National Monument
17 Expansion” and dated June 26, 2019.

18 (b) ADMINISTRATION.—The Secretary shall admin-
19 ister the San Gabriel Mountains National Monument, in-
20 cluding the lands added by subsection (a), in accordance
21 with—

22 (1) Presidential Proclamation 9194, as issued
23 on October 10, 2014 (54 U.S.C. 320301 note);

24 (2) the laws generally applicable to the Monu-
25 ment; and

1 (3) this title.

2 (c) MANAGEMENT PLAN.—Within 3 years after the
3 date of enactment of this Act, the Secretary shall consult
4 with State and local governments and the interested public
5 to update the existing San Gabriel Mountains National
6 Monument Plan to provide management direction and pro-
7 tection for the lands added to the Monument by subsection
8 (a).

9 **SEC. 423. DESIGNATION OF WILDERNESS AREAS AND ADDI-**
10 **TIONS.**

11 (a) DESIGNATION.—In accordance with the Wilder-
12 ness Act (16 U.S.C. 1131 et seq.), the following parcels
13 of National Forest System land in the State are des-
14 ignated as wilderness and as components of the National
15 Wilderness Preservation System:

16 (1) CONDOR PEAK WILDERNESS.—Certain Fed-
17 eral land in the Angeles National Forest, comprising
18 approximately 8,207 acres, as generally depicted on
19 the map entitled “Condor Peak Wilderness—Pro-
20 posed” and dated June 6, 2019, which shall be
21 known as the “Condor Peak Wilderness”.

22 (2) SAN GABRIEL WILDERNESS ADDITIONS.—
23 Certain Federal land in the Angeles National Forest,
24 comprising approximately 2,032 acres, as generally
25 depicted on the map entitled “San Gabriel Wilder-

ness Additions” and dated June 6, 2019, which is incorporated in, and considered to be a part of, the San Gabriel Wilderness designated by Public Law 90–318 (16 U.S.C. 1132 note; 82 Stat. 131).

(3) SHEEP MOUNTAIN WILDERNESS ADDITIONS.—Certain Federal land in the Angeles National Forest, comprising approximately 13,726 acres, as generally depicted on the map entitled “Sheep Mountain Wilderness Additions” and dated June 6, 2019, which is incorporated in, and considered to be a part of, the Sheep Mountain Wilderness designated by section 101(a)(29) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 1623; Public Law 98–425).

(4) YERBA BUENA WILDERNESS.—Certain Federal land in the Angeles National Forest, comprising approximately 6,694 acres, as generally depicted on the map entitled “Yerba Buena Wilderness—Proposed” and dated June 6, 2019, which shall be known as the “Yerba Buena Wilderness”.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and a legal description of the wilderness areas and additions with—

1 (A) the Committee on Energy and Natural
2 Resources of the Senate; and

3 (B) the Committee on Natural Resources
4 of the House of Representatives.

5 (2) FORCE OF LAW.—The map and legal de-
6 scription filed under paragraph (1) shall have the
7 same force and effect as if included in this subtitle,
8 except that the Secretary may correct any clerical or
9 typographical error in the map or legal description.

10 (3) PUBLIC AVAILABILITY.—The map and legal
11 description filed under paragraph (1) shall be on file
12 and available for public inspection in the appropriate
13 offices of the Forest Service.

14 **SEC. 424. ADMINISTRATION OF WILDERNESS AREAS AND**
15 **ADDITIONS.**

16 (a) IN GENERAL.—Subject to valid existing rights,
17 the wilderness areas and additions shall be administered
18 by the Secretary in accordance with this section and the
19 Wilderness Act (16 U.S.C. 1131 et seq.), except that any
20 reference in that Act to the effective date of that Act shall
21 be considered to be a reference to the date of the enact-
22 ment of this Act.

23 (b) FIRE MANAGEMENT AND RELATED ACTIVI-
24 TIES.—

1 (1) IN GENERAL.—The Secretary may take
2 such measures in a wilderness area or addition des-
3 ignated in section 423 as are necessary for the con-
4 trol of fire, insects, or diseases in accordance with—

5 (A) section 4(d)(1) of the Wilderness Act
6 (16 U.S.C. 1133(d)(1)); and

7 (B) House Report 98–40 of the 98th Con-
8 gress.

9 (2) FUNDING PRIORITIES.—Nothing in this
10 subtitle limits funding for fire or fuels management
11 in a wilderness area or addition.

12 (3) REVISION AND DEVELOPMENT OF LOCAL
13 FIRE MANAGEMENT PLANS.—As soon as practicable
14 after the date of the enactment of this Act, the Sec-
15 retary shall amend, as applicable, any local fire man-
16 agement plan that applies to a wilderness area or
17 addition designated in section 423.

18 (4) ADMINISTRATION.—In accordance with
19 paragraph (1) and any other applicable Federal law,
20 to ensure a timely and efficient response to a fire
21 emergency in a wilderness area or addition, the Sec-
22 retary shall—

23 (A) not later than 1 year after the date of
24 the enactment of this Act, establish agency ap-
25 proval procedures (including appropriate delega-

1 tions of authority to the Forest Supervisor, Dis-
2 trict Manager, or other agency officials) for re-
3 sponding to fire emergencies; and

4 (B) enter into agreements with appropriate
5 State or local firefighting agencies.

6 (c) GRAZING.—The grazing of livestock in a wilder-
7 ness area or addition, if established before the date of the
8 enactment of this Act, shall be administered in accordance
9 with—

10 (1) section 4(d)(4) of the Wilderness Act (16
11 U.S.C. 1133(d)(4)); and

12 (2) the guidelines contained in Appendix A of
13 the report of the Committee on Interior and Insular
14 Affairs of the House of Representatives accom-
15 panying H.R. 2570 of the 101st Congress (H. Rept.
16 101–405).

17 (d) FISH AND WILDLIFE.—

18 (1) IN GENERAL.—In accordance with section
19 4(d)(7) of the Wilderness Act (16 U.S.C.
20 1133(d)(7)), nothing in this subtitle affects the ju-
21 risdiction or responsibility of the State with respect
22 to fish or wildlife on public land in the State.

23 (2) MANAGEMENT ACTIVITIES.—

24 (A) IN GENERAL.—In furtherance of the
25 purposes and principles of the Wilderness Act

1 (16 U.S.C. 1131 et seq.), the Secretary may
2 conduct any management activity that are nec-
3 essary to maintain or restore fish or wildlife
4 populations or habitats in the wilderness areas
5 and wilderness additions designated in section
6 423, if the management activities are—

7 (i) consistent with relevant wilderness
8 management plans; and

9 (ii) conducted in accordance with ap-
10 propriate policies, such as the policies es-
11 tablished in Appendix B of the report of
12 the Committee on Interior and Insular Af-
13 fairs of the House of Representatives ac-
14 companying H.R. 2570 of the 101st Con-
15 gress (H. Rept. 101–405).

16 (B) INCLUSIONS.—A management activity
17 under subparagraph (A) may include the occa-
18 sional and temporary use of motorized vehicles,
19 if the use, as determined by the Secretary,
20 would promote healthy, viable, and more natu-
21 rally distributed wildlife populations that would
22 enhance wilderness values while causing the
23 minimum impact necessary to accomplish those
24 tasks.

1 (C) EXISTING ACTIVITIES.—In accordance
2 with section 4(d)(1) of the Wilderness Act (16
3 U.S.C. 1133(d)(1)) and appropriate policies
4 (such as the policies established in Appendix B
5 of House Report 101–405), the State may use
6 aircraft (including helicopters) in a wilderness
7 area or addition to survey, capture, transplant,
8 monitor, or provide water for a wildlife popu-
9 lation, including bighorn sheep.

10 (e) BUFFER ZONES.—

11 (1) IN GENERAL.—Congress does not intend for
12 the designation of wilderness areas or wilderness ad-
13 ditions by section 423 to lead to the creation of pro-
14 tective perimeters or buffer zones around each wil-
15 derness area or wilderness addition.

16 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—

17 The fact that a nonwilderness activities or uses can
18 be seen or heard from within a wilderness area or
19 wilderness addition designated by section 423 shall
20 not, of itself, preclude the activities or uses up to the
21 boundary of the wilderness area or addition.

22 (f) MILITARY ACTIVITIES.—Nothing in this title pre-
23 cludes—

1 (1) low-level overflights of military aircraft over
2 the wilderness areas or wilderness additions des-
3 ignated by section 423;

4 (2) the designation of new units of special air-
5 space over the wilderness areas or wilderness addi-
6 tions designated by section 423; or

7 (3) the use or establishment of military flight
8 training routes over wilderness areas or wilderness
9 additions designated by section 423.

10 (g) HORSES.—Nothing in this subtitle precludes
11 horseback riding in, or the entry of recreational or com-
12 mercial saddle or pack stock into, an area designated as
13 a wilderness area or wilderness addition by section 423—

14 (1) in accordance with section 4(d)(5) of the
15 Wilderness Act (16 U.S.C. 1133(d)(5)); and

16 (2) subject to such terms and conditions as the
17 Secretary determines to be necessary.

18 (h) LAW ENFORCEMENT.—Nothing in this subtitle
19 precludes any law enforcement or drug interdiction effort
20 within the wilderness areas or wilderness additions des-
21 ignated by section 423 in accordance with the Wilderness
22 Act (16 U.S.C. 1131 et seq.).

23 (i) WITHDRAWAL.—Subject to valid existing rights,
24 the wilderness areas and additions designated by section
25 423 are withdrawn from—

1 (1) all forms of entry, appropriation, and dis-
2 posal under the public land laws;

3 (2) location, entry, and patent under the mining
4 laws; and

5 (3) operation of the mineral materials and geo-
6 thermal leasing laws.

7 (j) INCORPORATION OF ACQUIRED LAND AND INTER-
8 ESTS.—Any land within the boundary of a wilderness area
9 or addition that is acquired by the United States shall—

10 (1) become part of the wilderness area or addi-
11 tion in which the land is located; and

12 (2) be managed in accordance with this section,
13 the Wilderness Act (16 U.S.C. 1131 et seq.), and
14 any other applicable laws (including regulations).

15 (k) CLIMATOLOGICAL DATA COLLECTION.—In ac-
16 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
17 and subject to such terms and conditions as the Secretary
18 may prescribe, the Secretary may authorize the installa-
19 tion and maintenance of hydrologic, meteorologic, or cli-
20 matological collection devices in a wilderness area or addi-
21 tion if the Secretary determines that the facilities and ac-
22 cess to the facilities is essential to a flood warning, flood
23 control, or water reservoir operation activity.

24 (l) AUTHORIZED EVENTS.—The Secretary of Agri-
25 culture may authorize the Angeles Crest 100 competitive

1 running event to continue in substantially the same man-
2 ner and degree in which this event was operated and per-
3 mitted in 2015 within additions to the Sheep Mountain
4 Wilderness in section 423 of this title and the Pleasant
5 View Ridge Wilderness Area designated by section 1802
6 of the Omnibus Public Land Management Act of 2009,
7 provided that the event is authorized and conducted in a
8 manner compatible with the preservation of the areas as
9 wilderness.

10 **SEC. 425. DESIGNATION OF WILD AND SCENIC RIVERS.**

11 (a) DESIGNATION.—Section 3(a) of the National
12 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amend-
13 ed by adding at the end the following:

14 “(____) EAST FORK SAN GABRIEL RIVER, CALI-
15 FORNIA.—The following segments of the East Fork
16 San Gabriel River, to be administered by the Sec-
17 retary of Agriculture in the following classes:

18 “(A) The 10-mile segment from the con-
19 fluence of the Prairie Fork and Vincent Gulch
20 to 100 yards upstream of the Heaton Flats
21 trailhead and day use area, as a wild river.

22 “(B) The 2.7-mile segment from 100 yards
23 upstream of the Heaton Flats trailhead and day
24 use area to 100 yards upstream of the con-

1 fluence with Williams Canyon, as a recreational
2 river.

3 “(____) NORTH FORK SAN GABRIEL RIVER,
4 CALIFORNIA.—The 4.3-mile segment of the North
5 Fork San Gabriel River from the confluence with
6 Cloudburst Canyon to 0.25 miles upstream of the
7 confluence with the West Fork San Gabriel River, to
8 be administered by the Secretary of Agriculture as
9 a recreational river.

10 “(____) WEST FORK SAN GABRIEL RIVER, CALI-
11 FORNIA.—The following segments of the West Fork
12 San Gabriel River, to be administered by the Sec-
13 retary of Agriculture in the following classes:

14 “(A) The 6.7-mile segment from 0.25
15 miles downstream of its source near Red Box
16 Gap in sec. 14, T. 2 N., R. 12 W., to the con-
17 fluence with the unnamed tributary 0.25 miles
18 downstream of the power lines in sec. 22, T. 2
19 N., R. 11 W., as a recreational river.

20 “(B) The 1.6-mile segment of the West
21 Fork from 0.25 miles downstream of the
22 powerlines in sec. 22, T. 2 N., R. 11 W., to the
23 confluence with Bobcat Canyon, as a wild river.

24 “(____) LITTLE ROCK CREEK, CALIFORNIA.—
25 The following segments of Little Rock Creek and

1 tributaries, to be administered by the Secretary of
2 Agriculture in the following classes:

3 “(A) The 10.3-mile segment from its
4 source on Mt. Williamson in sec. 6, T. 3 N., R.
5 9 W., to 100 yards upstream of the confluence
6 with the South Fork Little Rock Creek, as a
7 wild river.

8 “(B) The 6.6-mile segment from 100 yards
9 upstream of the confluence with the South Fork
10 Little Rock Creek to the confluence with
11 Santiago Canyon, as a recreational river.

12 “(C) The 1-mile segment of Cooper Can-
13 yon Creek from 0.25 miles downstream of
14 Highway 2 to 100 yards downstream of Cooper
15 Canyon Campground, as a scenic river.

16 “(D) The 1.3-mile segment of Cooper Can-
17 yon Creek from 100 yards downstream of Coo-
18 per Canyon Campground to the confluence with
19 Little Rock Creek, as a wild river.

20 “(E) The 1-mile segment of Buckhorn
21 Creek from 100 yards downstream of the
22 Buckhorn Campground to its confluence with
23 Cooper Canyon Creek, as a wild river.”.

24 (b) WATER RESOURCE FACILITIES; AND WATER
25 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 facilities, 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, aqueducts, canals, ditches, pipelines, wells, hydro-power 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.

(B) NO EFFECT ON EXISTING WATER RESOURCE 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 down-

1 stream of a wild and scenic river segment
2 designated by this section, provided that
3 the physical structures of such facilities or
4 reservoirs shall not be located within the
5 river areas designated in this section; or

6 (ii) access to a water resource facility
7 downstream of a wild and scenic river seg-
8 ment designated by this section.

9 (C) NO EFFECT ON NEW WATER RE-
10 SOURCE FACILITIES.—Nothing in this section
11 shall preclude the establishment of a new water
12 resource facilities (including instream sites,
13 routes, and areas) downstream of a wild and
14 scenic river segment.

15 (2) LIMITATION.—Any new reservation of water
16 or new use of water pursuant to existing water
17 rights held by the United States to advance the pur-
18 poses of the National Wild and Scenic Rivers Act
19 (16 U.S.C. 1271 et seq.) shall be for nonconsump-
20 tive instream use only within the segments des-
21 ignated by this section.

22 (3) EXISTING LAW.—Nothing in this section af-
23 fects the implementation of the Endangered Species
24 Act of 1973 (16 U.S.C. 1531 et seq.).

1 **SEC. 426. WATER RIGHTS.**

2 (a) STATUTORY CONSTRUCTION.—Nothing in this
3 title, and no action to implement this title—

4 (1) shall constitute an express or implied res-
5 ervation of any water or water right, or authorizing
6 an expansion of water use pursuant to existing water
7 rights held by the United States, with respect to the
8 San Gabriel Mountains National Monument, the
9 land designated as a wilderness area or wilderness
10 addition by section 423 or land adjacent to the wild
11 and scenic river segments designated by the amend-
12 ment made by section 425;

13 (2) shall affect, alter, modify, or condition any
14 water rights in the State in existence on the date of
15 the enactment of this Act, including any water
16 rights held by the United States;

17 (3) shall be construed as establishing a prece-
18 dent with regard to any future wilderness or wild
19 and scenic river designations;

20 (4) shall affect, alter, or modify the interpreta-
21 tion of, or any designation, decision, adjudication or
22 action made pursuant to, any other Act; or

23 (5) shall be construed as limiting, altering,
24 modifying, or amending any of the interstate com-
25 pacts or equitable apportionment decrees that appor-

1 tions water among or between the State and any
2 other State.

3 (b) STATE WATER LAW.—The Secretary shall com-
4 ply with applicable procedural and substantive require-
5 ments of the law of the State in order to obtain and hold
6 any water rights not in existence on the date of the enact-
7 ment of this Act with respect to the San Gabriel Moun-
8 tains National Monument, wilderness areas and wilderness
9 additions designated by section 423, and the wild and sce-
10 nic rivers designated by amendment made by section 425.

11 **TITLE V—RIM OF THE VALLEY**
12 **CORRIDOR PRESERVATION**

13 **SEC. 501. SHORT TITLE.**

14 This title may be cited as the “Rim of the Valley Cor-
15 ridor Preservation Act”.

16 **SEC. 502. BOUNDARY ADJUSTMENT; LAND ACQUISITION;**
17 **ADMINISTRATION.**

18 (a) BOUNDARY ADJUSTMENT.—Section 507(c)(1) of
19 the National Parks and Recreation Act of 1978 (16
20 U.S.C. 460kk(c)(1)) is amended in the first sentence by
21 striking “, which shall” and inserting “ and generally de-
22 picted as ‘Rim of the Valley Unit Proposed Addition’ on
23 the map entitled ‘Rim of the Valley Unit—Santa Monica
24 Mountains National Recreation Area’, numbered 638/
25 147,723, and dated September 2018. Both maps shall”.

1 (b) RIM OF THE VALLEY UNIT.—Section 507 of the
2 National Parks and Recreation Act of 1978 (16 U.S.C.
3 460kk) is amended by adding at the end the following:

4 “(u) RIM OF THE VALLEY UNIT.—(1) Not later than
5 3 years after the date of the enactment of this subsection,
6 the Secretary shall update the general management plan
7 for the recreation area to reflect the boundaries designated
8 on the map referred to in subsection (c)(1) as the ‘Rim
9 of the Valley Unit’ (hereafter in the subsection referred
10 to as the ‘Rim of the Valley Unit’). Subject to valid exist-
11 ing rights, the Secretary shall administer the Rim of the
12 Valley Unit, and any land or interest in land acquired by
13 the United States and located within the boundaries of
14 the Rim of the Valley Unit, as part of the recreation area
15 in accordance with the provisions of this section and appli-
16 cable laws and regulations.

17 “(2) The Secretary may acquire non-Federal land
18 within the boundaries of the Rim of the Valley Unit only
19 through exchange, donation, or purchase from a willing
20 seller. Nothing in this subsection authorizes the use of
21 eminent domain to acquire land or interests in land.

22 “(3) Nothing in this subsection or the application of
23 the management plan for the Rim of the Valley Unit shall
24 be construed to—

1 “(A) modify any provision of Federal, State, or
2 local law with respect to public access to or use of
3 non-Federal land;

4 “(B) create any liability, or affect any liability
5 under any other law, of any private property owner
6 or other owner of non-Federal land with respect to
7 any person injured on private property or other non-
8 Federal land;

9 “(C) affect the ownership, management, or
10 other rights relating to any non-Federal land (in-
11 cluding any interest in any non-Federal land);

12 “(D) require any local government to partici-
13 pate in any program administered by the Secretary;

14 “(E) alter, modify, or diminish any right, re-
15 sponsibility, power, authority, jurisdiction, or entitle-
16 ment of the State, any political subdivision of the
17 State, or any State or local agency under existing
18 Federal, State, and local law (including regulations);

19 “(F) require the creation of protective perim-
20 eters or buffer zones, and the fact that certain ac-
21 tivities or land can be seen or heard from within the
22 Rim of the Valley Unit shall not, of itself, preclude
23 the activities or land uses up to the boundary of the
24 Rim of the Valley Unit;

1 “(G) require or promote use of, or encourage
2 trespass on, lands, facilities, and rights-of-way
3 owned by non-Federal entities, including water re-
4 source facilities and public utilities, without the writ-
5 ten consent of the owner;

6 “(H) affect the operation, maintenance, modi-
7 fication, construction, or expansion of any water re-
8 source facility or utility facility located within or ad-
9 jacent to the Rim of the Valley Unit;

10 “(I) terminate the fee title to lands or cus-
11 tomary operation, maintenance, repair, and replace-
12 ment activities on or under such lands granted to
13 public agencies that are authorized pursuant to Fed-
14 eral or State statute;

15 “(J) interfere with, obstruct, hinder, or delay
16 the exercise of any right to, or access to any water
17 resource facility or other facility or property nec-
18 essary or useful to access any water right to operate
19 any public water or utility system;

20 “(K) require initiation or reinitiation of con-
21 sultation with the United States Fish and Wildlife
22 Service under, or the application of provisions of, the
23 Endangered Species Act of 1973 (16 U.S.C. 1531 et
24 seq.), the National Environmental Policy Act of
25 1969 (42 U.S.C. 4321 et seq.), or division A of sub-

1 title III of title 54, United States Code, concerning
2 any action or activity affecting water, water rights
3 or water management or water resource facilities
4 within the Rim of the Valley Unit; or

5 “(L) limit the Secretary’s ability to update ap-
6 plicable fire management plans, which may consider
7 fuels management strategies including managed nat-
8 ural fire, prescribed fires, non-fire mechanical haz-
9 ardous fuel reduction activities, or post-fire remedi-
10 ation of damage to natural and cultural resources.

11 “(4) The activities of a utility facility or water re-
12 source facility shall take into consideration ways to rea-
13 sonably avoid or reduce the impact on the resources of
14 the Rim of the Valley Unit.

15 “(5) For the purpose of paragraph (4)—

16 “(A) the term ‘utility facility’ means electric
17 substations, communication facilities, towers, poles,
18 and lines, ground wires, communications circuits,
19 and other structures, and related infrastructure; and

20 “(B) the term ‘water resource facility’ means
21 irrigation and pumping facilities; dams and res-
22 ervoirs; flood control facilities; water conservation
23 works, including debris protection facilities, sediment
24 placement sites, rain gauges, and stream gauges;
25 water quality, recycled water, and pumping facilities;

1 conveyance distribution systems; water treatment fa-
2 cilities; aqueducts; canals; ditches; pipelines; wells;
3 hydropower projects; transmission facilities; and
4 other ancillary facilities, groundwater recharge facili-
5 ties, water conservation, water filtration plants, and
6 other water diversion, conservation, groundwater re-
7 charge, storage, and carriage structures.”.

8 **TITLE VI—WILD OLYMPICS WIL-**
9 **DERNESS AND WILD AND SCE-**
10 **NIC RIVERS**

11 **SEC. 601. SHORT TITLE.**

12 This title may be cited as the “Wild Olympics Wilder-
13 ness and Wild and Scenic Rivers Act”.

14 **SEC. 602. DESIGNATION OF OLYMPIC NATIONAL FOREST**
15 **WILDERNESS AREAS.**

16 (a) IN GENERAL.—In furtherance of the Wilderness
17 Act (16 U.S.C. 1131 et seq.), the following Federal land
18 in the Olympic National Forest in the State of Wash-
19 ington comprising approximately 126,554 acres, as gen-
20 erally depicted on the map entitled “Proposed Wild Olym-
21 pics Wilderness and Wild and Scenic Rivers Act” and
22 dated April 8, 2019 (referred to in this section as the
23 “map”), is designated as wilderness and as components
24 of the National Wilderness Preservation System:

1 (1) LOST CREEK WILDERNESS.—Certain Fed-
2 eral land managed by the Forest Service, comprising
3 approximately 7,159 acres, as generally depicted on
4 the map, which shall be known as the “Lost Creek
5 Wilderness”.

6 (2) RUGGED RIDGE WILDERNESS.—Certain
7 Federal land managed by the Forest Service, com-
8 prising approximately 5,956 acres, as generally de-
9 picted on the map, which shall be known as the
10 “Rugged Ridge Wilderness”.

11 (3) ALCKEE CREEK WILDERNESS.—Certain
12 Federal land managed by the Forest Service, com-
13 prising approximately 1,787 acres, as generally de-
14 picted on the map, which shall be known as the
15 “Alckee Creek Wilderness”.

16 (4) GATES OF THE ELWHA WILDERNESS.—Cer-
17 tain Federal land managed by the Forest Service,
18 comprising approximately 5,669 acres, as generally
19 depicted on the map, which shall be known as the
20 “Gates of the Elwha Wilderness”.

21 (5) BUCKHORN WILDERNESS ADDITIONS.—Cer-
22 tain Federal land managed by the Forest Service,
23 comprising approximately 21,965 acres, as generally
24 depicted on the map, is incorporated in, and shall be
25 managed as part of, the “Buckhorn Wilderness”, as

1 designated by section 3 of the Washington State
2 Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-
3 lic Law 98–339).

4 (6) GREEN MOUNTAIN WILDERNESS.—Certain
5 Federal land managed by the Forest Service, com-
6 prising approximately 4,790 acres, as generally de-
7 picted on the map, which shall be known as the
8 “Green Mountain Wilderness”.

9 (7) THE BROTHERS WILDERNESS ADDITIONS.—
10 Certain land managed by the Forest Service, com-
11 prising approximately 8,625 acres, as generally de-
12 picted on the map, is incorporated in, and shall be
13 managed as part of, the “The Brothers Wilderness”,
14 as designated by section 3 of the Washington State
15 Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-
16 lic Law 98–339).

17 (8) MOUNT SKOKOMISH WILDERNESS ADDI-
18 TIONS.—Certain land managed by the Forest Serv-
19 ice, comprising approximately 8,933 acres, as gen-
20 erally depicted on the map, is incorporated in, and
21 shall be managed as part of, the “Mount Skokomish
22 Wilderness”, as designated by section 3 of the
23 Washington State Wilderness Act of 1984 (16
24 U.S.C. 1132 note; Public Law 98–339).

1 (9) WONDER MOUNTAIN WILDERNESS ADDI-
2 TIONS.—Certain land managed by the Forest Serv-
3 ice, comprising approximately 26,517 acres, as gen-
4 erally depicted on the map, is incorporated in, and
5 shall be managed as part of, the “Wonder Mountain
6 Wilderness”, as designated by section 3 of the
7 Washington State Wilderness Act of 1984 (16
8 U.S.C. 1132 note; Public Law 98–339).

9 (10) MOONLIGHT DOME WILDERNESS.—Certain
10 Federal land managed by the Forest Service, com-
11 prising approximately 9,117 acres, as generally de-
12 picted on the map, which shall be known as the
13 “Moonlight Dome Wilderness”.

14 (11) SOUTH QUINULT RIDGE WILDERNESS.—
15 Certain Federal land managed by the Forest Serv-
16 ice, comprising approximately 10,887 acres, as gen-
17 erally depicted on the map, which shall be known as
18 the “South Quinault Ridge Wilderness”.

19 (12) COLONEL BOB WILDERNESS ADDITIONS.—
20 Certain Federal land managed by the Forest Serv-
21 ice, comprising approximately 353 acres, as gen-
22 erally depicted on the map, is incorporated in, and
23 shall be managed as part of, the “Colonel Bob Wil-
24 derness”, as designated by section 3 of the Wash-

ington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–339).

(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 Sec-

1 retary shall file a map and a legal description
2 of the land designated as wilderness by sub-
3 section (a) with—

4 (i) the Committee on Natural Re-
5 sources of the House of Representatives;
6 and

7 (ii) the Committee on Energy and
8 Natural Resources of the Senate.

9 (B) EFFECT.—Each map and legal de-
10 scription filed under subparagraph (A) shall
11 have the same force and effect as if included in
12 this title, except that the Secretary may correct
13 minor errors in the map and legal description.

14 (C) PUBLIC AVAILABILITY.—Each map
15 and legal description filed under subparagraph
16 (A) shall be filed and made available for public
17 inspection in the appropriate office of the For-
18 est Service.

19 (c) POTENTIAL WILDERNESS.—

20 (1) IN GENERAL.—In furtherance of the pur-
21 poses of the Wilderness Act (16 U.S.C. 1131 et
22 seq.), certain Federal land managed by the Forest
23 Service, comprising approximately 5,346 acres as
24 identified as “Potential Wilderness” on the map, is
25 designated as potential wilderness.

1 (2) DESIGNATION AS WILDERNESS.—On the
2 date on which the Secretary publishes in the Federal
3 Register notice that any nonconforming uses in the
4 potential wilderness designated by paragraph (1)
5 have terminated, the potential wilderness shall be—

6 (A) designated as wilderness and as a com-
7 ponent of the National Wilderness Preservation
8 System; and

9 (B) incorporated into the adjacent wilder-
10 ness area.

11 (d) ADJACENT MANAGEMENT.—

12 (1) NO PROTECTIVE PERIMETERS OR BUFFER
13 ZONES.—The designations in this section shall not
14 create a protective perimeter or buffer zone around
15 any wilderness area.

16 (2) NONCONFORMING USES PERMITTED OUT-
17 SIDE OF BOUNDARIES OF WILDERNESS AREAS.—Any
18 activity or use outside of the boundary of any wilder-
19 ness area designated under this section shall be per-
20 mitted even if the activity or use would be seen or
21 heard within the boundary of the wilderness area.

22 (e) FIRE, INSECTS, AND DISEASES.—The Secretary
23 may take such measures as are necessary to control fire,
24 insects, and diseases, in the wilderness areas designated
25 by this section, in accordance with section 4(d)(1) of the

1 Wilderness Act (16 U.S.C. 1133(d)(1)) and subject to
2 such terms and conditions as the Secretary determines to
3 be appropriate.

4 **SEC. 603. WILD AND SCENIC RIVER DESIGNATIONS.**

5 (a) IN GENERAL.—Section 3(a) of the National Wild
6 and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended
7 by adding at the end the following:

8 “(231) ELWHA RIVER, WASHINGTON.—The ap-
9 proximately 29.0-mile segment of the Elwha River
10 and tributaries from the source to Cat Creek, to be
11 administered by the Secretary of the Interior as a
12 wild river.

13 “(232) DUNGENESS RIVER, WASHINGTON.—
14 The segment of the Dungeness River from the head-
15 waters to the State of Washington Department of
16 Natural Resources land in T. 29 N., R. 4 W., sec.
17 12, to be administered by the Secretary of Agri-
18 culture, except that portions of the river within the
19 boundaries of Olympic National Park shall be ad-
20 ministered by the Secretary of the Interior, including
21 the following segments of the mainstem and major
22 tributary the Gray Wolf River, in the following class-
23 es:

1 “(A) The approximately 5.8-mile segment
2 of the Dungeness River from the headwaters to
3 the 2870 Bridge, as a wild river.

4 “(B) The approximately 2.1-mile segment
5 of the Dungeness River from the 2870 Bridge
6 to Silver Creek, as a scenic river.

7 “(C) The approximately 2.7-mile segment
8 of the Dungeness River from Silver Creek to
9 Sleepy Hollow Creek, as a wild river.

10 “(D) The approximately 6.3-mile segment
11 of the Dungeness River from Sleepy Hollow
12 Creek to the Olympic National Forest bound-
13 ary, as a scenic river.

14 “(E) The approximately 1.9-mile segment
15 of the Dungeness River from the National For-
16 est boundary to the State of Washington De-
17 partment of Natural Resources land in T. 29
18 N., R. 4 W., sec. 12, to be administered as a
19 recreational river through a cooperative man-
20 agement agreement between the State of Wash-
21 ington and the Secretary of Agriculture as pro-
22 vided in section 10(e) of the Wild and Scenic
23 Rivers Act (16 U.S.C. 1281(e)).

1 “(F) The approximately 16.1-mile segment
2 of the Gray Wolf River from the headwaters to
3 the 2870 Bridge, as a wild river.

4 “(G) The approximately 1.1-mile segment
5 of the Gray Wolf River from the 2870 Bridge
6 to the confluence with the Dungeness River, as
7 a scenic river.

8 “(233) BIG QUILCENE RIVER, WASHINGTON.—
9 The segment of the Big Quilcene River from the
10 headwaters to the City of Port Townsend water in-
11 take facility, to be administered by the Secretary of
12 Agriculture, in the following classes:

13 “(A) The approximately 4.4-mile segment
14 from the headwaters to the Buckhorn Wilder-
15 ness boundary, as a wild river.

16 “(B) The approximately 5.3-mile segment
17 from the Buckhorn Wilderness boundary to the
18 City of Port Townsend water intake facility, as
19 a scenic river.

20 “(C) Section 7(a), with respect to the li-
21 censing of dams, water conduits, reservoirs,
22 powerhouses, transmission lines, or other
23 project works, shall apply to the approximately
24 5-mile segment from the City of Port Townsend

1 water intake facility to the Olympic National
2 Forest boundary.

3 “(234) DOSEWALLIPS RIVER, WASHINGTON.—

4 The segment of the Dosewallips River from the
5 headwaters to the private land in T. 26 N., R. 3 W.,
6 sec. 15, to be administered by the Secretary of Agri-
7 culture, except that portions of the river within the
8 boundaries of Olympic National Park shall be ad-
9 ministered by the Secretary of the Interior, in the
10 following classes:

11 “(A) The approximately 12.9-mile segment
12 from the headwaters to Station Creek, as a wild
13 river.

14 “(B) The approximately 6.8-mile segment
15 from Station Creek to the private land in T. 26
16 N., R. 3 W., sec. 15, as a scenic river.

17 “(235) DUCKABUSH RIVER, WASHINGTON.—

18 The segment of the Duckabush River from the head-
19 waters to the private land in T. 25 N., R. 3 W., sec.
20 1, to be administered by the Secretary of Agri-
21 culture, except that portions of the river within the
22 boundaries of Olympic National Park shall be ad-
23 ministered by the Secretary of the Interior, in the
24 following classes:

1 “(A) The approximately 19.0-mile segment
2 from the headwaters to the Brothers Wilderness
3 boundary, as a wild river.

4 “(B) The approximately 1.9-mile segment
5 from the Brothers Wilderness boundary to the
6 private land in T. 25 N., R. 3 W., sec. 1, as
7 a scenic river.

8 “(236) HAMMA HAMMA RIVER, WASHINGTON.—
9 The segment of the Hamma Hamma River from the
10 headwaters to the eastern edge of the NW1/4 sec.
11 21, T. 24 N., R. 3 W., to be administered by the
12 Secretary of Agriculture, in the following classes:

13 “(A) The approximately 3.1-mile segment
14 from the headwaters to the Mt. Skokomish Wil-
15 derness boundary, as a wild river.

16 “(B) The approximately 5.8-mile segment
17 from the Mt. Skokomish Wilderness boundary
18 to Lena Creek, as a scenic river.

19 “(C) The approximately 6.8-mile segment
20 from Lena Creek to the eastern edge of the
21 NW1/4 sec. 21, T. 24 N., R. 3 W., to be ad-
22 ministered as a recreational river through a co-
23 operative management agreement between the
24 State of Washington and the Secretary of Agri-

1 culture as provided in section 10(e) of the Wild
2 and Scenic Rivers Act (16 U.S.C. 1281(e)).

3 “(237) SOUTH FORK SKOKOMISH RIVER, WASH-
4 INGTON.—The segment of the South Fork
5 Skokomish River from the headwaters to the Olym-
6 pic National Forest boundary to be administered by
7 the Secretary of Agriculture, in the following classes:

8 “(A) The approximately 6.7-mile segment
9 from the headwaters to Church Creek, as a wild
10 river.

11 “(B) The approximately 8.3-mile segment
12 from Church Creek to LeBar Creek, as a scenic
13 river.

14 “(C) The approximately 4.0-mile segment
15 from LeBar Creek to upper end of gorge in the
16 NW1/4 sec. 22, T. 22 N., R. 5 W., as a rec-
17 reational river.

18 “(D) The approximately 6.0-mile segment
19 from the upper end of the gorge to the Olympic
20 National Forest boundary, as a scenic river.

21 “(238) MIDDLE FORK SATSOP RIVER, WASH-
22 INGTON.—The approximately 7.9-mile segment of
23 the Middle Fork Satsop River from the headwaters
24 to the Olympic National Forest boundary, to be ad-

1 ministered by the Secretary of Agriculture, as a sce-
2 nic river.

3 “(239) WEST FORK SATSOP RIVER, WASH-
4 INGTON.—The approximately 8.2-mile segment of
5 the West Fork Satsop River from the headwaters to
6 the Olympic National Forest boundary, to be admin-
7 istered by the Secretary of Agriculture, as a scenic
8 river.

9 “(240) WYNOOCHEE RIVER, WASHINGTON.—
10 The segment of the Wynoochee River from the head-
11 waters to the head of Wynoochee Reservoir to be ad-
12 ministered by the Secretary of Agriculture, except
13 that portions of the river within the boundaries of
14 Olympic National Park shall be administered by the
15 Secretary of the Interior, in the following classes:

16 “(A) The approximately 2.5-mile segment
17 from the headwaters to the boundary of the
18 Wonder Mountain Wilderness, as a wild river.

19 “(B) The approximately 7.4-mile segment
20 from the boundary of the Wonder Mountain
21 Wilderness to the head of Wynoochee Reservoir,
22 as a recreational river.

23 “(241) EAST FORK HUMPTULIPS RIVER, WASH-
24 INGTON.—The segment of the East Fork
25 Humptulips River from the headwaters to the Olym-

1 pic National Forest boundary to be administered by
2 the Secretary of Agriculture, in the following classes:

3 “(A) The approximately 7.4-mile segment
4 from the headwaters to the Moonlight Dome
5 Wilderness boundary, as a wild river.

6 “(B) The approximately 10.3-mile segment
7 from the Moonlight Dome Wilderness boundary
8 to the Olympic National Forest boundary, as a
9 scenic river.

10 “(242) WEST FORK HUMPTULIPS RIVER, WASH-
11 INGTON.—The approximately 21.4-mile segment of
12 the West Fork Humptulips River from the head-
13 waters to the Olympic National Forest Boundary, to
14 be administered by the Secretary of Agriculture, as
15 a scenic river.

16 “(243) QUINAULT RIVER, WASHINGTON.—The
17 segment of the Quinault River from the headwaters
18 to private land in T. 24 N., R. 8 W., sec. 33, to be
19 administered by the Secretary of the Interior, in the
20 following classes:

21 “(A) The approximately 16.5-mile segment
22 from the headwaters to Graves Creek, as a wild
23 river.

1 “(B) The approximately 6.7-mile segment
2 from Graves Creek to Cannings Creek, as a sce-
3 nic river.

4 “(C) The approximately 1.0-mile segment
5 from Cannings Creek to private land in T. 24
6 N., R. 8 W., sec. 33, as a recreational river.

7 “(244) QUEETS RIVER, WASHINGTON.—The
8 segment of the Queets River from the headwaters to
9 the Olympic National Park boundary to be adminis-
10 tered by the Secretary of the Interior, except that
11 portions of the river outside the boundaries of Olym-
12 pic National Park shall be administered by the Sec-
13 retary of Agriculture, including the following seg-
14 ments of the mainstem and certain tributaries in the
15 following classes:

16 “(A) The approximately 28.6-mile segment
17 of the Queets River from the headwaters to the
18 confluence with Sams River, as a wild river.

19 “(B) The approximately 16.0-mile segment
20 of the Queets River from the confluence with
21 Sams River to the Olympic National Park
22 boundary, as a scenic river.

23 “(C) The approximately 15.7-mile segment
24 of the Sams River from the headwaters to the

1 confluence with the Queets River, as a scenic
2 river.

3 “(D) The approximately 17.7-mile segment
4 of Matheny Creek from the headwaters to the
5 confluence with the Queets River, to be admin-
6 istered as a scenic river through a cooperative
7 management agreement between the State of
8 Washington and the Secretary of Agriculture as
9 provided in section 10(e) of the Wild and Scenic
10 Rivers Act (16 U.S.C. 1281(e)).

11 “(245) HOH RIVER, WASHINGTON.—The seg-
12 ment of the Hoh River and the major tributary
13 South Fork Hoh from the headwaters to Olympic
14 National Park boundary, to be administered by the
15 Secretary of the Interior, in the following classes:

16 “(A) The approximately 20.7-mile segment
17 of the Hoh River from the headwaters to Jack-
18 son Creek, as a wild river.

19 “(B) The approximately 6.0-mile segment
20 of the Hoh River from Jackson Creek to the
21 Olympic National Park boundary, as a scenic
22 river.

23 “(C) The approximately 13.8-mile segment
24 of the South Fork Hoh River from the head-

1 waters to the Olympic National Park boundary,
2 as a wild river.

3 “(D) The approximately 4.6-mile segment
4 of the South Fork Hoh River from the Olympic
5 National Park boundary to the Washington
6 State Department of Natural Resources bound-
7 ary in T. 27 N., R. 10 W., sec. 29, to be ad-
8 ministered as a recreational river through a co-
9 operative management agreement between the
10 State of Washington and the Secretary of Agri-
11 culture as provided in section 10(e) of the Wild
12 and Scenic Rivers Act (16 U.S.C. 1281(e)).

13 “(246) BOGACHIEL RIVER, WASHINGTON.—The
14 approximately 25.6-mile segment of the Bogachiel
15 River from the source to the Olympic National Park
16 boundary, to be administered by the Secretary of the
17 Interior, as a wild river.

18 “(247) SOUTH FORK CALAWAH RIVER, WASH-
19 INGTON.—The segment of the South Fork Calawah
20 River and the major tributary Sitkum River from
21 the headwaters to Hyas Creek to be administered by
22 the Secretary of Agriculture, except those portions
23 of the river within the boundaries of Olympic Na-
24 tional Park shall be administered by the Secretary

1 of the Interior, including the following segments in
2 the following classes:

3 “(A) The approximately 15.7-mile segment
4 of the South Fork Calawah River from the
5 headwaters to the Sitkum River, as a wild river.

6 “(B) The approximately 0.9-mile segment
7 of the South Fork Calawah River from the
8 Sitkum River to Hvas Creek, as a scenic river.

9 “(C) The approximately 1.6-mile segment
10 of the Sitkum River from the headwaters to the
11 Rugged Ridge Wilderness boundary, as a wild
12 river.

13 “(D) The approximately 11.9-mile segment
14 of the Sitkum River from the Rugged Ridge
15 Wilderness boundary to the confluence with the
16 South Fork Calawah, as a scenic river.

17 “(248) SOL DUC RIVER, WASHINGTON.—The
18 segment of the Sol Duc River from the headwaters
19 to the Olympic National Park boundary to be ad-
20 ministered by the Secretary of the Interior, including
21 the following segments of the mainstem and certain
22 tributaries in the following classes:

23 “(A) The approximately 7.0-mile segment
24 of the Sol Duc River from the headwaters to

1 the end of Sol Duc Hot Springs Road, as a wild
2 river.

3 “(B) The approximately 10.8-mile segment
4 of the Sol Duc River from the end of Sol Duc
5 Hot Springs Road to the Olympic National
6 Park boundary, as a scenic river.

7 “(C) The approximately 14.2-mile segment
8 of the North Fork Sol Duc River from the
9 headwaters to the Olympic Hot Springs Road
10 bridge, as a wild river.

11 “(D) The approximately 0.2-mile segment
12 of the North Fork Sol Duc River from the
13 Olympic Hot Springs Road bridge to the con-
14 fluence with the Sol Duc River, as a scenic
15 river.

16 “(E) The approximately 8.0-mile segment
17 of the South Fork Sol Duc River from the
18 headwaters to the confluence with the Sol Duc
19 River, as a scenic river.

20 “(249) LYRE RIVER, WASHINGTON.—The ap-
21 proximately 0.2-mile segment of the Lyre River from
22 Lake Crescent to the Olympic National Park bound-
23 ary, to be administered by the Secretary of the Inte-
24 rior as a scenic river.”.

1 (b) RESTORATION ACTIVITIES.—Consistent with the
2 Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) (in-
3 cluding any regulations issued under that Act), the Sec-
4 retary of Agriculture or the Secretary of the Interior, as
5 applicable, may authorize an activity or project for a com-
6 ponent of the Wild and Scenic Rivers System designated
7 under the amendments made by subsection (a), the pri-
8 mary purpose of which is—

9 (1) river restoration;

10 (2) the recovery of a species listed as endan-
11 gered or threatened under the Endangered Species
12 Act of 1973 (16 U.S.C. 1531 et seq.); or

13 (3) restoring ecological and hydrological func-
14 tion.

15 (c) UPDATES TO LAND AND RESOURCE MANAGE-
16 MENT PLANS.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), not later than 3 years after the date of
19 the enactment of this Act, the Secretary of Agri-
20 culture shall, with respect to the designations made
21 under subsection (a) on lands under the jurisdiction
22 of the Secretary, incorporate such designations into
23 updated management plans for units of the National
24 Forest System in accordance with applicable laws
25 (including regulations).

1 (2) EXCEPTION.—The date specified in para-
2 graph (1) shall be 5 years after the date of the en-
3 actment of this Act if the Secretary of Agriculture—

4 (A) is unable to meet the requirement
5 under such paragraph by the date specified in
6 such paragraph; and

7 (B) not later than 3 years after the date
8 of the enactment of this Act, includes in the
9 Department of Agriculture annual budget sub-
10 mission to Congress a request for additional
11 sums as may be necessary to meet the require-
12 ment of such paragraph.

13 (3) COMPREHENSIVE MANAGEMENT PLAN RE-
14 QUIREMENTS.—Updated management plans under
15 paragraph (1) or (2) satisfy the requirements under
16 section 3(d) of the Wild and Scenic Rivers Act (16
17 U.S.C. 1274(d)).

18 **SEC. 604. EXISTING RIGHTS AND WITHDRAWAL.**

19 (a) EFFECT ON EXISTING RIGHTS.—

20 (1) PRIVATE PARTIES.—In accordance with sec-
21 tion 12(b) of the Wild and Scenic Rivers Act (16
22 U.S.C. 1283(b)), nothing in this division or an
23 amendment made by this division affects or abro-
24 gates any existing rights, privileges, or contracts
25 held by a private party.

1 (2) STATE LAND.—Nothing in this division or
2 an amendment made by this division modifies or di-
3 rects the management, acquisition, or disposition of
4 land managed by the Washington Department of
5 Natural Resources.

6 (b) WITHDRAWAL.—Subject to valid existing rights,
7 the Federal land within the boundaries of the river seg-
8 ments designated by this title and the amendment made
9 by section 603(a) is withdrawn from all forms of—

10 (1) entry, appropriation, or disposal under the
11 public land laws;

12 (2) location, entry, and patent under the mining
13 laws; and

14 (3) disposition under all laws relating to min-
15 eral and geothermal leasing or mineral materials.

16 **SEC. 605. TREATY RIGHTS.**

17 Nothing in this title alters, modifies, diminishes, or
18 extinguishes the reserved treaty rights of any Indian tribe
19 with hunting, fishing, gathering, and cultural or religious
20 rights in the Olympic National Forest as protected by a
21 treaty.

1 **TITLE VII—CERRO DE LA OLLA**
2 **WILDERNESS ESTABLISHMENT**

3 **SEC. 701. DESIGNATION OF CERRO DE LA OLLA WILDER-**
4 **NESS.**

5 (a) IN GENERAL.—

6 (1) IN GENERAL.—Section 1202 of the John D.
7 Dingell, Jr. Conservation, Management, and Recre-
8 ation Act (16 U.S.C. 1132 note; Public Law 116–
9 9; 133 Stat. 651) is amended—

10 (A) in the section heading, by striking
11 “**CERRO DEL YUTA AND RÍO SAN ANTO-**
12 **NIO**” and inserting “**RÍO GRANDE DEL**
13 **NORTE NATIONAL MONUMENT**”;

14 (B) in subsection (a), by striking para-
15 graph (1) and inserting the following:

16 “(1) MAP.—The term ‘map’ means—

17 “(A) for purposes of subparagraphs (A)
18 and (B) of subsection (b)(1), the map entitled
19 ‘Río Grande del Norte National Monument Pro-
20 posed Wilderness Areas’ and dated July 28,
21 2015; and

22 “(B) for purposes of subsection (b)(1)(C),
23 the map entitled ‘Proposed Cerro de la Olla
24 Wilderness and Río Grande del Norte National

1 Monument Boundary’ and dated June 30th,
2 2022.”; and

3 (C) in subsection (b)—

4 (i) in paragraph (1), by adding at the
5 end the following:

6 “(C) CERRO DE LA OLLA WILDERNESS.—
7 Certain Federal land administered by the Bu-
8 reau of Land Management in Taos County,
9 New Mexico, comprising approximately 12,898
10 acres as generally depicted on the map, which
11 shall be known as the ‘Cerro de la Olla Wilder-
12 ness’.”;

13 (ii) in paragraph (4), in the matter
14 preceding subparagraph (A), by striking
15 “this Act” and inserting “this Act (includ-
16 ing a reserve common grazing allotment)”;

17 (iii) in paragraph (7)—

18 (I) by striking “map and” each
19 place it appears and inserting “maps
20 and”; and

21 (II) in subparagraph (B), by
22 striking “the legal description and
23 map” and inserting “the maps or
24 legal descriptions”; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(12) WILDLIFE WATER DEVELOPMENT
4 PROJECTS IN CERRO DE LA OLLA WILDERNESS.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B) and in accordance with section 4(c)
7 of the Wilderness Act (16 U.S.C. 1133(c)), the
8 Secretary may authorize the maintenance of
9 any structure or facility in existence on the date
10 of enactment of this paragraph for wildlife
11 water development projects (including guzzlers)
12 in the Cerro de la Olla Wilderness if, as deter-
13 mined by the Secretary—

14 “(i) the structure or facility would en-
15 hance wilderness values by promoting
16 healthy, viable, and more naturally distrib-
17 uted wildlife populations; and

18 “(ii) the visual impacts of the struc-
19 ture or facility on the Cerro de la Olla Wil-
20 derness can reasonably be minimized.

21 “(B) COOPERATIVE AGREEMENT.—Not
22 later than 1 year after the date of enactment of
23 this paragraph, the Secretary shall enter into a
24 cooperative agreement with the State of New
25 Mexico that specifies, subject to section 4(c) of

1 the Wilderness Act (16 U.S.C. 1133(c)), the
 2 terms and conditions under which wildlife man-
 3 agement activities in the Cerro de la Olla Wil-
 4 derness may be carried out.”.

5 (2) CLERICAL AMENDMENT.—The table of con-
 6 tents for the John D. Dingell, Jr. Conservation,
 7 Management, and Recreation Act (Public Law 116–
 8 9; 133 Stat. 581) is amended by striking the item
 9 relating to section 1202 and inserting the following:

“Sec. 1202. Río Grande del Norte National Monument Wilderness Areas.”.

10 (b) RÍO GRANDE DEL NORTE NATIONAL MONUMENT
 11 BOUNDARY MODIFICATION.—The boundary of the Río
 12 Grande del Norte National Monument in the State of New
 13 Mexico is modified, as depicted on the map entitled “Pro-
 14 posed Cerro de la Olla Wilderness and Río Grande del
 15 Norte National Monument Boundary” and dated June
 16 30th, 2022.

17 **TITLE VIII—STUDY ON FLOOD** 18 **RISK MITIGATION**

19 **SEC. 801. STUDY ON FLOOD RISK MITIGATION.**

20 The Comptroller General shall conduct a study to de-
 21 termine the contributions of wilderness designations under
 22 this division to protections to flood risk mitigation in resi-
 23 dential areas.

4 The Secretary of Interior and the Secretary of Agri-
5 culture are encouraged to ensure servicemember and vet-
6 eran access to public lands designed by this division for
7 the purposes of outdoor recreation and to participate in
8 outdoor-related volunteer and wellness programs.

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).

16 Nothing in this division precludes—

- (1) low-level overflights of military aircraft over wilderness areas;
- (2) the designation of new units of special airspace over wilderness areas; or
- (3) the establishment of military flight training routes over wilderness areas.

Passed the House of Representatives July 14, 2022.

Attest: CHERYL L. JOHNSON,
Clerk.

Calendar No. 467

117TH CONGRESS
2D Session

H. R. 7900

AN ACT

To authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AUGUST 3, 2022

Read twice and placed on the calendar